

HOUSE BILL No. 1037

DIGEST OF INTRODUCED BILL

Citations Affected: IC 8-6-7.6.

Synopsis: Railroad crossings. Requires the Indiana department of transportation to adopt rules concerning minimum distance requirements at railroad crossings. Provides that statutory minimum distance requirements expire on the date on which the rules are finally adopted.

Effective: July 1, 2013.

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January 7, 2013, read first time and referred to Committee on Roads and Transportation.

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First Regular Session 118th General Assembly (2013)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2012 Regular Session of the General Assembly.

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HOUSE BILL No. 1037



A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 8-6-7.6-1 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 1. (a) Except as
3 provided in subsection (b) or in a rule adopted by the Indiana
4 department of transportation, each railroad in the State of Indiana shall
5 maintain each public crossing under its control in such a manner that
6 the operator of any licensed motor vehicle has an unobstructed view for
7 fifteen hundred (1,500) feet in both directions along the railroad
8 right-of-way subject only to terrain elevations or depressions, track
9 curvature, or permanent improvements. However, the Indiana
10 department of transportation may adopt rules under IC 4-22-2 to adjust
11 the distance of the unobstructed view requirement under this
12 subsection based on variances in train speeds, number of tracks, angles
13 of highway and rail crossing intersections, elevations, and other factors
14 consistent with accepted engineering practices.

15 (b) A public crossing equipped with a train activated crossing gate
16 is exempt from the requirements of subsection (a), if the railroad
17 maintains an unobstructed view for at least two hundred fifty (250) feet



1 in both directions along the railroad right-of-way.

2 (c) This section expires on the date on which rules described in
3 section 1.1 of this chapter are finally adopted.

4 SECTION 2. IC 8-6-7.6-1.1 IS ADDED TO THE INDIANA CODE
5 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
6 1, 2013]: Sec. 1.1. The Indiana department of transportation shall
7 adopt rules under IC 4-22-2 to do the following:

8 (1) Establish minimum distances to which a railroad must
9 maintain, for the benefit of operators of licensed motor
10 vehicles, an unobstructed view from the railroad right-of-way
11 at a public railroad crossing that is under the control of the
12 railroad. In establishing minimum distances under this
13 subdivision, the Indiana department of transportation shall
14 take into account safety measures in place at a public
15 crossing, including train activated warning devices and
16 federal railroad track classifications.

17 (2) Provide exceptions to minimum distances required under
18 subdivision (1) based on variances in terrain, elevations, track
19 curvature, and permanent improvements at or near a public
20 crossing.

21 (3) Develop a method to determine and verify a minimum
22 distance required under subdivision (1). The method must:

- 23 (A) be consistent with accepted engineering practices; and
24 (B) produce results capable of replication.

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