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# HOUSE BILL No. 1310

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 8-6-4-1.

**Synopsis:** Bell requirements on a locomotive. Removes the requirements that: (1) a railroad company must equip every locomotive engine with a bell maintained in good working order; and (2) the railroad engineer must ring the bell attached to a locomotive engine, in addition to sounding the whistle, while approaching the crossing of a turnpike, public highway, or street and until the engine has passed the crossing. Removes language authorizing a city, town, or county to adopt an ordinance to regulate the ringing of a bell attached to the locomotive engine when a train is in the city, town, or county.

**Effective:** July 1, 2013.

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January 14, 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. 1310



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

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

1 SECTION 1. IC 8-6-4-1, AS AMENDED BY P.L.182-2009(ss),  
2 SECTION 507, IS AMENDED TO READ AS FOLLOWS  
3 [EFFECTIVE JULY 1, 2013]: Sec. 1. (a) A railroad company operating  
4 in this state shall equip every locomotive engine with a whistle, ~~and a~~  
5 ~~bell~~, maintained in good working order, such as ~~are~~ **is** used by other  
6 railroad companies. Except when approaching a crossing to which an  
7 ordinance adopted under subsection (d) applies, the engineer or other  
8 person in charge of or operating an engine upon the line of a railroad  
9 shall, when the engine approaches the crossing of a turnpike, public  
10 highway, or street in this state,  
11 (1) sound the whistle on the engine distinctly not less than four  
12 (4) times, which sounding shall be prolonged or repeated until the  
13 crossing is reached. ~~and~~  
14 (2) ~~ring the bell attached to the engine continuously from the time~~  
15 ~~of sounding the whistle until the engine has fully passed the~~  
16 ~~crossing.~~  
17 (b) A railroad company shall erect a sign that is:



1 (1) not more than one-fourth (1/4) mile in advance of a crossing  
2 or multiple consecutive crossings; and

3 (2) visible from an approaching train;

4 to notify the engineer or other person in charge of or operating an  
5 engine to sound the engine's whistle in accordance with federal law.  
6 The railroad company shall maintain the sign in good repair or replace  
7 the sign. However, this subsection does not apply to a crossing to  
8 which an ordinance adopted under subsection (d) applies. The  
9 locomotive engineer or other person in charge of the train shall notify,  
10 in writing, the appropriate maintenance of way supervisor of the  
11 railroad of any missing or damaged whistle post, and the railroad shall,  
12 within thirty (30) days after the maintenance of way supervisor is  
13 notified under this subsection, repair or replace the missing or damaged  
14 whistle post.

15 (c) It is unlawful for an engineer or other person in charge of a  
16 locomotive to move the locomotive, or allow it to be moved, over or  
17 across a turnpike, public highway, or street crossing if the whistle ~~and~~  
18 ~~bell are~~ **is** not in good working order. It is unlawful for a railroad  
19 company to order or permit a locomotive to be moved over or across a  
20 turnpike, public highway, or street crossing if the whistle ~~and bell are~~  
21 **is** not in good working order. When a whistle ~~or bell~~ is not in good  
22 working order, the locomotive must stop before each crossing and  
23 proceed only after manual protection is provided at the crossing by a  
24 member of the crew, unless manual protection is known to be provided.

25 (d) A city, town, or county may adopt an ordinance to regulate the  
26 sounding of a whistle ~~or the ringing of a bell~~ under subsection (a) in the  
27 city, the town, or the county. However, an ordinance may not prohibit  
28 the sounding of a whistle ~~or the ringing of a bell~~ at a crossing that does  
29 not have an automatic train activated warning signal as set forth in  
30 IC 8-6-7.7-2. An ordinance adopted after June 30, 2003, that prohibits  
31 the sounding of a whistle ~~or the ringing of a bell~~ at a crossing must  
32 require that signs be posted at the crossing to warn the public that  
33 trains do not sound whistles ~~or ring bells~~ at that crossing. Before an  
34 ordinance adopted under this subsection goes into effect, the city, town,  
35 or county must receive the written permission of the department to  
36 regulate the sounding ~~or the ringing of a whistle~~. The department shall  
37 grant permission only if the department determines, based upon a study  
38 conducted by the department, that the ordinance, as applied to the rail  
39 corridor identified in the ordinance, increases the overall safety of the  
40 corridor for the public. Notwithstanding anything to the contrary in this  
41 subsection, the department shall grant permission to a city or a town to  
42 regulate the sounding of a whistle ~~or the ringing of a bell~~ if the city or

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1 town had an ordinance regulating the sounding of a whistle ~~or the~~  
 2 ~~ringing of a bell~~ that was approved and in effect on January 1, 1991, if  
 3 the city or town amended or repealed the ordinance, and if the city or  
 4 town adopts a subsequent ordinance on the same subject. In making its  
 5 determination during the course of the study, the department shall  
 6 consider:

- 7 (1) school bus routes;
- 8 (2) emergency service routes;
- 9 (3) hazardous materials routes;
- 10 (4) pedestrian traffic;
- 11 (5) trespassers;
- 12 (6) recreational facilities;
- 13 (7) trails; and
- 14 (8) measures to increase safety in the corridor, including:
  - 15 (A) four (4) quadrant gates;
  - 16 (B) median barriers;
  - 17 (C) crossing closures;
  - 18 (D) law enforcement programs; and
  - 19 (E) public education.

20 The study by the department required under this subsection must be  
 21 completed not later than one hundred twenty (120) days after the  
 22 department receives notice of the passage of the ordinance from the  
 23 city, town, or county.

24 (e) Notwithstanding a contrary provision in an ordinance adopted  
 25 under subsection (d), an engineer or other person who is operating an  
 26 engine shall sound the engine's whistle if, in the determination of the  
 27 engineer or other person who is operating the engine, an apparent  
 28 emergency exists.

29 (f) A railroad company and the employees of the railroad company  
 30 are immune from criminal or civil liability for injury or property  
 31 damage that results from an accident that occurs at a crossing to which  
 32 an ordinance described in subsection (d) applies if the injury or  
 33 property damage was proximately caused solely by the railroad  
 34 company and the employees failing to sound a whistle.

35 (g) The Indiana department of transportation shall review crossing  
 36 safety at each crossing to which an ordinance adopted under subsection  
 37 (d) applies not less than one (1) time in a five (5) year period.

38 (h) The Indiana department of transportation may not revoke the  
 39 permission granted under subsection (d) for an ordinance.

40 (i) The Indiana department of transportation may create pilot  
 41 railroad crossing safety projects to improve railroad crossing safety.

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