

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

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HOUSE BILL 175
Committee Substitute Favorable 3/7/91

Short Title: Operation Lifesaver 1991.

(Public)

Sponsors:

Referred to:

February 27, 1991

A BILL TO BE ENTITLED
AN ACT TO CONSOLIDATE, CLARIFY, AND IMPROVE THE STATUTES
RELATING TO RAILROAD/MOTOR VEHICLE SAFETY.

The General Assembly of North Carolina enacts:

Section 1. Part 10 of Article 3 of Chapter 20 of the General Statutes is amended by adding five sections to read:

"§ 20-142.1. Obedience to railroad signal.

(a) Whenever any person driving a vehicle approaches a railroad grade crossing under any of the circumstances stated in this section, the driver of the vehicle shall stop within 50 feet, but not less than 15 feet from the nearest rail of the railroad and shall not proceed until he can do so safely. These requirements apply when:

- (1) A clearly visible electrical or mechanical signal device gives warning of the immediate approach of a railroad train;
- (2) A crossing gate is lowered or when a human flagman gives or continues to give a signal of the approach or passage of a railroad train;
- (3) A railroad train approaching within approximately 1500 feet of the highway crossing emits a signal audible from that distance, and the railroad train is an immediate hazard because of its speed or nearness to the crossing; or
- (4) An approaching railroad train is plainly visible and is in hazardous proximity to the crossing.

1 (b) No person shall drive any vehicle through, around, or under any crossing
2 gate or barrier at a railroad crossing while the gate or barrier is closed or is being
3 opened or closed, nor shall any pedestrian pass through, around, over, or under any
4 crossing gate or barrier at a railroad crossing while the gate or barrier is closed or is
5 being opened or closed.

6 (c) When stopping as required at a railroad crossing, the driver shall keep as far
7 to the right of the highway as possible and shall not form two lanes of traffic unless the
8 roadway is marked for four or more lanes of traffic.

9 (d) Any person who violates any provisions of this section shall be guilty of a
10 misdemeanor and punished in accordance with G.S. 20-176. Violation of this section
11 shall not constitute negligence per se.

12 **"§ 20-142.2. Vehicles stop at certain grade crossing.**

13 The Department of Transportation may designate particularly dangerous highway
14 crossings of railroads and erect stop signs at those crossings. When a stop sign is
15 erected at a highway crossing of a railroad, the driver of any vehicle shall stop within 50
16 feet but not less than 15 feet from the nearest rail of such grade crossing and shall
17 proceed only upon exercising due care. Any person who violates this section shall be
18 guilty of a misdemeanor and punished in accordance with G.S. 20-176. Violation of
19 this section shall not constitute negligence per se.

20 **"§ 20-142.3. Certain vehicles must stop at railroad grade crossing.**

21 (a) The driver of every school bus, every motor vehicle carrying passengers for
22 compensation and every property-hauling motor vehicle licensed in excess of 10,000
23 pounds which is carrying explosives or any dangerous article as a cargo or part of a
24 cargo, before crossing at grade any track or tracks of a railroad, shall stop such vehicle
25 within 50 feet but not less than 15 feet from the nearest rail of such railroad and while
26 so stopped shall listen and look in both directions along such track for any approaching
27 train and for any signals indicating the approach of a train, except as hereinafter
28 provided, and shall not proceed until he can do so safely. Upon proceeding, the driver of
29 such vehicle shall cross only in such gear of the vehicle that there shall be no necessity
30 for changing gears and the driver shall not change gears while crossing the track or
31 tracks.

32 (b) Except for school buses, the provisions of this section shall not require
33 the driver of a vehicle to stop:

- 34 (1) At railroad tracks used exclusively for industrial switching
35 purposes within a business district.
- 36 (2) At a railroad grade crossing which a police officer or crossing
37 flagman directs traffic to proceed.
- 38 (3) At a railroad grade crossing protected by a gate or flashing
39 signal designed to stop traffic upon the approach of a train,
40 when such gate or flashing signal does not indicate the
41 approach of a train.
- 42 (4) At an abandoned railroad grade crossing which is marked with
43 a sign indicating that the rail line is abandoned.

1 (5) At an industrial or spur line railroad grade crossing marked with
2 a sign reading 'Exempt' which sign has been erected by or with
3 the consent of the appropriate State or local authority.

4 (c) 'Dangerous article' shall mean any flammable liquids, flammable solids,
5 oxidizing materials, corrosive liquids, compressed gases, poisonous substances or
6 radioactive materials as hereinafter defined:

7 (1) 'Flammable liquids' shall mean any liquid having a flash point
8 below 100 degrees F. as determined by Tag Closed Tester
9 method.

10 (2) 'Flammable solids' shall mean any solid substance which is
11 liable, under conditions incident to transportation, to cause fires
12 through friction, through absorption of moisture, through
13 spontaneous chemical changes, or as a result of retained heat
14 from its manufacturing or processing.

15 (3) 'Oxidizing materials' shall mean any substance such as chlorate,
16 permanganate, peroxide, or a nitrate, that yields oxygen readily
17 to stimulate the combustion of organic matter.

18 (4) 'Corrosive liquids' shall mean those acids, alkaline caustic
19 liquids and other corrosive liquids which, when in contact with
20 living tissue, will cause severe damage of such tissue by
21 chemical action, or in case of leakage, will materially damage
22 or destroy other freight by chemical action, or are liable to
23 cause fire when in contact with organic matter or with certain
24 chemicals.

25 (5) 'Compressed gas' shall mean any material or mixture having in
26 the container either an absolute pressure exceeding 40 pounds
27 per square inch at 70 degrees F., or an absolute pressure
28 exceeding 104 pounds per square inch at 130 degrees F., or
29 both, or any liquid flammable material having a Reid vapor
30 pressure exceeding 40 pounds per square inch absolute at 100
31 degrees F.

32 (6) 'Poisonous substances' shall mean liquids and gases of such
33 nature that a very small amount of the gas or vapor of the liquid
34 mixed with air is dangerous to life, or such liquid or solid
35 substance as, upon contact with fire or when exposed to air,
36 gives off dangerous or intensely irritating fumes or substances,
37 which are chiefly dangerous by external contact with the body
38 or by being taken internally.

39 (7) 'Radioactive materials' shall mean any material or combination
40 of materials that spontaneously emits ionizing radiation.

41 (d) It shall be unlawful to transport by motor vehicle upon the highways of this
42 State any dangerous article without conspicuously marking or placarding such motor
43 vehicle on each side and on the rear thereof with the word 'DANGEROUS' or the
44 common or generic name of the article transported or its principal hazard. Additionally,

1 the rear of every such vehicle shall be conspicuously marked with the words 'THIS
2 VEHICLE STOPS AT RAILROAD CROSSINGS' or 'WE STOP AT RR
3 CROSSINGS.' A person violating the provisions of this subsection shall be guilty of a
4 misdemeanor and punished in accordance with G.S. 20-176. Violation of this section
5 shall not constitute negligence per se.

6 (e) The provisions of this section shall not apply to vehicles subject to Federal
7 Motor Carrier Safety rules and regulations adopted by the Division of Motor Vehicles.

8 **"§ 20-142.4. Moving heavy equipment at railroad grade crossing.**

9 (a) No person shall operate or move any crawler-type tractor, steam shovel,
10 derrick, or roller or any equipment or structure having a normal operating speed of 10 or
11 less miles per hour or a vertical body or load clearance of less than nine inches above
12 the level surface of a roadway upon or across any tracks at a railroad crossing without
13 first complying with this section.

14 (b) Notice of any intended crossing described in subsection (a) of this section
15 shall be given to a superintendent of the railroad and a reasonable time be given to the
16 railroad to provide protection at the crossing.

17 (c) Before making any crossing described in subsection (a) of this section, the
18 person operating or moving the vehicle or equipment shall:

19 (1) Stop the vehicle or equipment not less than 15 feet nor more
20 than 50 feet from the nearest rail of the railroad;

21 (2) While stopped, shall listen and look both directions along the
22 track for any approaching train and for signals indicating the
23 approach of a train; and

24 (3) Shall not proceed until the crossing can be made safely.

25 (d) No crossing described in subsection (a) of this section shall be made when
26 warning is given by automatic signal or crossing gates or a flagman or otherwise of the
27 immediate approach of a railroad train or car.

28 (e) Subsection (c) of this section shall not apply at any railroad crossing where
29 State or local authorities have determined that trains are not operating during certain
30 periods or seasons of the year and have erected an official sign carrying the legend
31 'Exempt' which shall give notice when so posted that such crossing is exempt from the
32 stopping requirement provided in this section.

33 (f) Any person who violates any provision of this section shall be guilty of a
34 misdemeanor and punished in accordance with G.S. 20-176. Violation of this section
35 shall not constitute negligence per se.

36 **"§ 20-142.5. Stop when traffic obstructed.**

37 No driver shall enter an intersection or a marked crosswalk or drive onto any
38 railroad grade crossing unless there is sufficient space on the other side of the
39 intersection, crosswalk, or railroad grade crossing to accommodate the vehicle he is
40 operating without obstructing the passage of other vehicles, pedestrians, or railroad
41 trains, notwithstanding the indication of any traffic control signal to proceed. Any
42 person who violates any provision of this section shall be guilty of a misdemeanor and
43 punished in accordance with G.S. 20-176. Violation of this section shall not constitute
44 negligence per se."

1 Sec. 2. G.S. 20-142, 20-143, and 20-143.1 are repealed. Prosecutions for
2 offenses occurring before the effective date of this act are not abated or affected by this
3 act, and the statutes that would be applicable but for this act remain applicable to those
4 prosecutions.

5 Sec. 3. This act becomes effective October 1, 1991.