

ASSEMBLY BILL NO. 229—ASSEMBLYMEN ATKINSON, MCCLEARY,
ALLEN, BUCKLEY, CLABORN, DENIS, GIUNCHIGLIANI,
GOICOECHEA, HETTRICK, HORNE, KIRKPATRICK,
KOIVISTO, MANENDO, MCCLAIN, MORTENSON, MUNFORD,
OCEGUERA, OHRENSCHALL, PARKS, PERKINS AND SIBLEY

MARCH 21, 2005

Referred to Committee on Transportation

SUMMARY—Reduces distance from nearest track at certain
railroad crossings within which driver of vehicle
must stop. (BDR 43-1005)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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EXPLANATION – Matter in **bolded italics** is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to traffic laws; reducing the distance from the
nearest track at certain railroad crossings within which the
driver of a vehicle must stop; providing a penalty; and
providing other matters properly relating thereto.

Legislative Counsel's Digest:

- 1 Existing law requires a vehicle driver to stop at least 15 feet from a railroad
- 2 crossing when a train is approaching. (NRS 484.349-484.355)
- 3 This bill reduces that distance to at least 10 feet.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

- 1 **Section 1.** NRS 484.349 is hereby amended to read as follows:
- 2 484.349 1. Whenever any person driving a vehicle
- 3 approaches a railroad grade crossing and a clearly visible official
- 4 traffic-control or railroad device gives warning of the immediate
- 5 approach of a train, the driver of such vehicle shall stop within 50
- 6 feet but not less than ~~15~~ **10** feet from the nearest track of such
- 7 railroad and shall not proceed until he can do so safely. The
- 8 foregoing requirements ~~shall~~ apply when:



1 (a) A clearly visible electric or mechanical signal device gives
2 warning of the immediate approach of a railroad train.

3 (b) A crossing gate is lowered or when a flagman gives or
4 continues to give a signal of the approach or passage of a railroad
5 train.

6 (c) A railroad train approaching within approximately 1,500 feet
7 of the highway crossing emits a signal audible from such distance
8 and such railroad train, by reason of its speed or nearness to such
9 crossing, is an immediate hazard.

10 (d) An approaching railroad train is plainly visible and is in
11 hazardous proximity to such crossing.

12 2. A person shall not drive any vehicle through, around or
13 under any crossing gate or barrier at a railroad crossing while such
14 gate or barrier is closed or is being opened or closed.

15 **Sec. 2.** NRS 484.351 is hereby amended to read as follows:

16 484.351 The Department of Transportation, and local
17 authorities with the approval of the Department of Transportation,
18 may designate dangerous highway grade crossings of railroads and
19 erect official traffic-control devices at such crossings directing a
20 stop. When such stop signs are erected the driver of any vehicle
21 shall stop within 50 feet but not less than ~~15~~ 10 feet from the
22 nearest track of such a grade crossing and afterward may proceed
23 only upon exercising due care.

24 **Sec. 3.** NRS 484.353 is hereby amended to read as follows:

25 484.353 1. Except as otherwise provided in this section, the
26 driver of any motor vehicle carrying passengers for hire, or of any
27 school bus carrying any school child, or of any vehicle carrying any
28 explosive or flammable liquid as a cargo or part of a cargo, before
29 crossing at grade any track or tracks of a railroad, shall stop that
30 vehicle within 50 feet but not less than ~~15~~ 10 feet from the nearest
31 rail of the railroad and while so stopped shall listen and look in both
32 directions along the track for any approaching train, and for signals
33 indicating the approach of a train, and shall not proceed until he can
34 do so safely.

35 2. After stopping as required in this section and upon
36 proceeding when it is safe to do so, the driver of any such vehicle
37 shall cross only in a gear of the vehicle that there will be no
38 necessity for changing gears while traversing the crossing and the
39 driver shall not shift gears while crossing the track or tracks.

40 3. When stopping is required at a railroad crossing the driver
41 shall keep as far to the right of the highway as possible and shall not
42 form two lanes of traffic unless the highway is marked for four or
43 more lanes of traffic.

44 4. No such stop need be made at a railroad crossing:



1 (a) Where a police officer or official traffic-control device
2 controls the movement of traffic.

3 (b) Which is marked with a device indicating that the crossing is
4 abandoned.

5 (c) Which is a streetcar crossing or is used exclusively for
6 industrial switching purposes within an area designated as a
7 business district.

8 (d) Which is marked with a sign identifying it as an exempt
9 crossing. Signs identifying a crossing as exempt may be erected
10 only:

11 (1) If the tracks are an industrial or spur line;

12 (2) By or with the consent of the appropriate state or local
13 authority which has jurisdiction over the road; and

14 (3) After the State or the local authority has held a public
15 hearing to determine whether the crossing should be designated an
16 exempt crossing.

17 **Sec. 4.** NRS 484.355 is hereby amended to read as follows:

18 484.355 1. It is unlawful for any person to operate or move
19 any crawler-type tractor, power shovel, derrick, roller, or any
20 vehicle, equipment or structure having a normal operating speed of
21 10 or less miles per hour or a vertical body or load clearance of less
22 than one-half inch per foot of the distance between any two adjacent
23 axles or in any event of less than 9 inches, measured above the level
24 surface of a highway, upon or across any tracks at a railroad grade
25 crossing without first complying with this section.

26 2. Before making any such crossing the person operating or
27 moving any such vehicle or equipment shall first stop the same not
28 less than ~~15~~ 10 feet nor more than 50 feet from the nearest rail of
29 such railroad and while so stopped shall listen and look in both
30 directions along such track for any approaching train and for signals
31 indicating the approach of a train, and shall not proceed until the
32 crossing can be made safely.

33 3. No such crossing shall be made when warning is given by
34 automatic signal or crossing gates or a flagman or otherwise of the
35 immediate approach of a railroad train or car. If a flagman is
36 provided by the railroad, movement over the crossing shall be under
37 his direction.



