

Amendment No. 318

Assembly Amendment to Assembly Bill No. 384

(BDR 58-978)

Proposed by: Assembly Committee on Transportation**Amends:** Summary: Yes Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes

ASSEMBLY ACTION			Initial and Date	SENATE ACTION			Initial and Date
Adopted	☐	Lost	☐ _____	Adopted	☐	Lost	☐ _____
Concurred In	☐	Not	☐ _____	Concurred In	☐	Not	☐ _____
Receded	☐	Not	☐ _____	Receded	☐	Not	☐ _____

EXPLANATION: Matter in (1) ***blue bold italics*** is new language in the original bill; (2) ***green bold italic underlining*** is new language proposed in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) ~~orange double underlining~~ is deleted language in the original bill that is proposed to be retained in this amendment; and (6) ***green bold underlining*** is newly added transitory language.

DLJ/TMC



Date: 4/18/2011

A.B. No. 384—Repeals provisions governing certain duties of engineers who drive locomotives. (BDR 58-978)



ASSEMBLY BILL NO. 384--ASSEMBLYMEN
HICKEY; GOICOECHEA AND GRADY

MARCH 21, 2011

Referred to Committee on Transportation

SUMMARY—~~[Repeals]~~ **Revises** provisions governing certain duties of engineers who drive locomotives. (BDR 58-978)

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 railroads; ~~[repealing]~~ **exempting an engineer who is driving a locomotive in a quiet zone established pursuant to federal regulations from** provisions requiring the ringing of ~~the~~ bell or ~~the~~ sounding of ~~the~~ whistle of ~~the~~ locomotive ; ~~under certain circumstances;~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

The Federal Railroad Administration of the United States Department of Transportation prescribes standards for sounding locomotive horns when locomotives approach and pass through public highway-rail grade crossings. The Federal Railroad Administration also provides standards for the creation and maintenance of quiet zones within which locomotive horns need not be sounded. (49 C.F.R. Part 222)

Under existing Nevada law, an engineer who drives a locomotive is guilty of a misdemeanor if he or she fails to ring the bell or sound the whistle of the locomotive at least 80 rods from any place where the railway crosses a traveled road or street. (NRS 705.430) This bill ~~[repeals]~~ **exempts from** this state law requirement ~~[, which means that an engineer who drives a locomotive would be required to follow the federal law relating to circumstances for sounding the horn of a locomotive.]~~ **an engineer who drives a locomotive through a quiet zone established pursuant to federal regulations.**

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

Section 1. ~~[NRS 705.430 is hereby repealed.]~~ **(Deleted by amendment.)**

Sec. 2. **NRS 705.430 is hereby amended to read as follows:**

705.430 ~~[Every]~~

1. Except as otherwise provided in subsection 2, every engineer driving a locomotive on any railway who ~~[shall fail]~~ **fails** to ring the bell or sound the whistle **or horn** upon ~~[such]~~ **the** locomotive ~~[,]~~ or **to** cause the ~~[same]~~ **bell, whistle or horn** to be rung or sounded ~~[,]~~ at least 80 rods from any place where ~~[such]~~ **the** railway crosses a traveled road or street ~~[, where such road or street]~~ **that** is customarily

1 used by the public for the purpose of travel, ~~[(except in cities where other~~
2 ~~regulations are required),]~~ or who fails to continue the ringing of ~~[such]~~ the bell or
3 the sounding of ~~[such]~~ the whistle or horn until ~~[such]~~ the locomotive ~~[shall have]~~
4 has crossed ~~[such]~~ the road or street, ~~[shall be]~~ is guilty of a misdemeanor.

5 2. The provisions of subsection 1 do not apply in any quiet zone established
6 pursuant to regulations of the Federal Railroad Administration of the United
7 States Department of Transportation.

8 3. As used in this section, "quiet zone" has the meaning ascribed to it in 49
9 C.F.R. § 222.9.

†

~~TEXT OF REPEALED SECTION~~

~~705.430 — Penalty for unlawful failure to ring bell or sound whistle at crossing. Every engineer driving a locomotive on any railway who shall fail to ring the bell or sound the whistle upon such locomotive, or cause the same to be rung or sounded, at least 80 rods from any place where such railway crosses a traveled road or street, where such road or street is customarily used by the public for the purpose of travel (except in cities where other regulations are required), or to continue the ringing of such bell or sounding of such whistle until such locomotive shall have crossed such road or street, shall be guilty of a misdemeanor.]~~