

Amendment No. 30

Senate Amendment to Senate Bill No. 43 (BDR 43-378)

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

ASSEMBLY ACTION				Initial and Date	SENATE ACTION				Initial and Date
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____	Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) variations of green bold underlining is language proposed to be added 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 proposed to be retained in this amendment.

DLJ/MSM



Date: 3/31/2015

S.B. No. 43—Revises provisions governing certain safety requirements for driving across railroad tracks. (BDR 43-378)



SENATE BILL NO. 43—COMMITTEE ON TRANSPORTATION

(ON BEHALF OF THE DEPARTMENT OF MOTOR VEHICLES)

PREFILED DECEMBER 20, 2014

Referred to Committee on Transportation

SUMMARY—Revises provisions governing certain safety requirements for driving across railroad tracks. (BDR 43-378)

FISCAL NOTE: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility.

Effect on the State: Yes.

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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 motor vehicles; revising provisions requiring the driver of certain motor vehicles to stop at all railroad grade crossings; making it unlawful for the driver of ~~a commercial motor~~ *any* vehicle to fail to completely cross railroad tracks because of insufficient undercarriage clearance or because of insufficient space to drive completely through the crossing without stopping; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the driver of certain vehicles crossing at grade any track or tracks of a railroad must stop within 50 feet but not less than 15 feet from the nearest rail of the railroad, must listen and look in both directions along the track for any approaching train, and may only proceed when the driver can do so safely. (NRS 484B.560) This bill imposes the same requirements on ~~drivers of certain commercial vehicles~~ *a bus carrying passengers and any vehicle carrying certain hazardous materials*. This bill also provides that it is unlawful for the driver of ~~certain commercial vehicles~~ *any vehicle* to stop the vehicle before completely crossing such railroad tracks due to insufficient space for the vehicle on the opposite side of the tracks or insufficient undercarriage clearance of the vehicle. The penalty for a violation of this prohibition *by certain commercial vehicles* is provided in regulations promulgated by the Department of Motor Vehicles, which is authorized to adopt such regulations as part of the implementation of the Commercial Motor Vehicle Safety Act of 1986, as amended. (NRS 483.900, 483.908; 49 U.S.C. §§ 31301 et seq.) *A violation of this prohibition by any other vehicle is a misdemeanor under existing law. (NRS 484A.900)*

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

Section 1. NRS 484B.560 is hereby amended to read as follows:

484B.560 1. Except as otherwise provided in ~~this section,~~ subsection 4, the driver of ~~any motor vehicle~~ a bus carrying passengers, ~~for hire,~~ or of any school bus carrying any school child, or of any vehicle carrying ~~any explosive or flammable liquid as a cargo or part of a cargo, or of any commercial motor vehicle,~~ hazardous materials as that term is defined in 49 C.F.R. § 383.5, before crossing at grade any track or tracks of a railroad, shall stop that vehicle within 50 feet but not less than 15 feet from the nearest rail of the railroad and while so stopped shall listen and look in both directions along the track for any approaching train, and for signals indicating the approach of a train, and shall not proceed until the driver can do so safely.

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

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

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

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

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

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

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

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

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

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

5. It is unlawful for the driver of ~~a commercial motor~~ any vehicle, when crossing at grade any track or tracks of a railroad, to fail to completely cross the track or tracks without stopping due to insufficient:

(a) Space for the ~~commercial motor~~ vehicle on the opposite side of the railroad crossing ~~for~~ or

(b) Undercarriage clearance of the ~~commercial~~ vehicle.

6. As used in this section ~~for~~

(a) ~~“Commercial motor vehicle” has the meaning ascribed to it in 49 C.F.R. § 383.5.~~

(b) ~~“Completely”~~ “completely cross” means to travel across a railroad track or tracks in such a manner that the trailing end of the ~~commercial motor~~ vehicle is 15 feet or more past the nearest rail of the railroad track or tracks.