

2017 Regular Session

HOUSE BILL NO. 324

BY REPRESENTATIVE PIERRE

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

RAILROADS: Adds on track equipment as a railway vehicle considered for certain railroad crossing requirements

1 AN ACT

2 To amend and reenact R.S. 32:171(Section heading), (A)(1), (2), (3), and (4), (C), (D), (E),  
3 (F)(3), and (H) and 172(D), relative to railroad crossings; to provide for on-track  
4 equipment; to provide for the designation of on-track equipment as a railway vehicle  
5 drivers must approach cautiously; to provide for the responsibility of railroad  
6 companies; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 32:171(Section heading), (A)(1), (2), (3), and (4), (C), (D), (E),  
9 (F)(3), and (H) and 172(D) are hereby amended and reenacted to read as follows:

10 §171. ~~Obedience to signal indicating approach to train~~ Motor vehicles approaching  
11 railroad crossings; reporting violations; penalties

12 A. Whenever any person driving a motor vehicle approaches a railroad grade  
13 crossing under any of the circumstances stated in this Section, the driver of such  
14 vehicle shall stop within fifty feet but not less than fifteen feet from the nearest rail  
15 of such railroad, and shall not proceed until he can do so safely. The foregoing  
16 requirements shall apply when:

17 (1) A clearly visible electric or mechanical signal device gives warning of  
18 the immediate approach of a railroad train or other on-track equipment.



1 F. Any person who violates any provision of this Section shall be fined as  
2 follows:

3 \* \* \*

4 (3) Any person who violates any provision of this Section by racing a train  
5 or other on-track equipment to a railroad crossing and thereby causes immediate  
6 danger to any railroad crew member, the general public, or damage to any property  
7 in the immediate vicinity of the crossing shall be fined not more than one thousand  
8 dollars. In addition, the person in violation shall be required to attend a one-day safe  
9 driver's course designed by Operation Lifesaver within one hundred eighty days after  
10 the adjudication of the citation. It shall be the responsibility of the violator to notify  
11 the appropriate court of jurisdiction of the successful completion of the Operation  
12 Lifesaver Program.

13 \* \* \*

14 H. The operator, engineer, or conductor of any train or other on-track  
15 equipment is authorized to notify the appropriate law enforcement authority of any  
16 railroad grade crossing violation within thirty-six hours of the violation. The  
17 operator, engineer, or conductor shall report such violations by affidavit which shall  
18 contain the color, license number, and any other identifiable information from the  
19 vehicle involved in the violation. In addition to the affidavit, the law enforcement  
20 officer may rely upon other evidence of a grade crossing violation including  
21 photographic or video evidence. A law enforcement officer may issue a citation to  
22 the owner or driver of the vehicle, or in the case of a leased vehicle, the lessee or  
23 driver of the leased vehicle, on the basis of the information contained in the affidavit  
24 or photographic or video evidence. The owner or lessee shall not be cited if the  
25 vehicle had been stolen.

26 §172. All vehicles must stop at certain railroad grade crossings

27 \* \* \*

- 1                   D. Nothing in this Section shall relieve the railroad of its responsibility to  
 2                   maintain safe crossings and operate its trains and other on-track equipment in a safe  
 3                   manner.

### DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 324 Reengrossed

2017 Regular Session

Pierre

**Abstract:** Adds on-track equipment as a railway vehicle considered for certain railroad crossing requirements.

Present law provides for "obedience to signal indicating approach to train".

Proposed law clarifies that obedience to signal indicating approach to train refers to motor vehicles approaching railroad crossings.

Present law requires all motor vehicle operators to take certain precautions when approaching a railroad train.

Proposed law retains present law and adds on-track equipment as a railway vehicle that a motor vehicle driver must be cautious of when approaching railroad tracks.

Present law requires the railroad to operate its trains in a safe manner.

Proposed law clarifies that the railroad is responsible for operating its trains and other on-track equipment in a safe manner.

(Amends R.S. 32:171(Section heading), (A)(1), (2), (3), and (4), (C), (D), (E), (F)(3), and (H) and 172(D))

#### Summary of Amendments Adopted by House

##### The House Floor Amendments to the engrossed bill:

1.       Make technical changes.