

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.

(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 or other on track equipment.

4 (3) A railroad train or other on track equipment approaching within
5 approximately nine hundred feet of the highway crossing emits a signal in
6 accordance with R.S. 32:168, and such railroad train or other on track equipment, by
7 reason of its speed or nearness to such crossing, is an immediate hazard.

8 (4) An approaching railroad train or other on track equipment is plainly
9 visible and is in hazardous proximity to such crossing.

10 * * *

C. No person shall drive any vehicle through, around, or under any crossing gate or barrier at a railroad crossing while such gate or barrier is closed or is being opened or closed when an approaching railroad train or other on track equipment is plainly visible and is in hazardous proximity to such crossing.

15 D. No person shall drive any vehicle across any railroad crossing while the
16 signal devices are flashing when an approaching railroad train or other on track
17 equipment is plainly visible and is in hazardous proximity to such crossing.

E. At any railroad grade crossing provided with railroad cross buck signs, without automatic, electric, or mechanical signal devices, crossing gates, or a human flagman giving a signal of the approach or passage of a train or other on track equipment, the driver of a vehicle shall in obedience to the railroad cross buck sign, yield the right of way and slow down to a speed reasonable for the existing conditions and shall stop, if required for safety, at a clearly marked stopped line or, if no line, within fifty feet but not less than fifteen feet from the nearest rail of the railroad and shall not proceed until he or she can do so safely. If a driver is involved in a collision at a railroad crossing or interferes with the movement of a train or other on track equipment after driving past the railroad cross buck sign, the collision or interference is prima facie evidence of the driver's failure to yield the right of way.

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.

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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)]

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

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))