

HOUSE BILL NO. 1372

Introduced by

Representatives D. Johnson, Gulleeson, Severson

Senators Fischer, Heitkamp, G. Lee

1 A BILL for an Act to create and enact a new section to chapter 60-02 of the North Dakota
2 Century Code, relating to local emergency personnel notification regarding roadways blocked
3 by unit trains; and to amend and reenact section 49-11-19 of the North Dakota Century Code,
4 relating to blocking of roadways by unit trains.

5 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

6 **SECTION 1. AMENDMENT.** Section 49-11-19 of the North Dakota Century Code is
7 amended and reenacted as follows:

8 **49-11-19. Blocking or obstructing crossing with train - Penalty.**

9 1. No person shall operate any train in such a manner as to prevent vehicular use of
10 any roadway for a period of time in excess of ten consecutive minutes except:

11 ~~4.~~ a. When necessary to comply with safety signals affecting the safety of the
12 movement of trains;

13 ~~2.~~ b. When necessary to avoid striking any object or person on the track;

14 ~~3.~~ c. When the train is disabled, by accident or otherwise;

15 ~~4.~~ d. When the train is in motion except when engaged in switching operations;

16 ~~5.~~ e. When there is no vehicular traffic waiting to use the crossing; or

17 f. When necessary to load or unload product at a grain warehouse; or

18 ~~6.~~ g. When necessary to comply with a government statute or regulation.

19 2. Any person who violates this section is guilty of an infraction. The provisions of
20 this section do not apply to cities which have on the date of such obstruction
21 ordinances covering the same subject matter.

22 **SECTION 2.** A new section to chapter 60-02 of the North Dakota Century Code is
23 created and enacted as follows:

1 **Unit trains - Loading - Notification of emergency services.** Whenever the manager
2 of a grain warehouse is notified that a unit train will be at the warehouse for product loading or
3 unloading and if during that period the train will prevent vehicular use of any roadway, the
4 manager shall inform local emergency personnel of that fact by means of a telephone call to the
5 local 911 or state radio dispatcher. The manager shall provide local emergency personnel with
6 as much information as possible regarding the nature and duration of the blockage.