

**FIRST ENGROSSMENT  
with Conference Committee Amendments****ENGROSSED HOUSE BILL NO. 1372**

Introduced by

Representatives D. Johnson, Gulleason, Severson

Senators Fischer, Heitkamp, G. Lee

1 A BILL for an Act to amend and reenact section 49-11-19 of the North Dakota Century Code,  
2 relating to obstructing a crossing by a train; and to provide a penalty.

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

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

6 **49-11-19. Blocking or obstructing crossing with train - Penalty. ~~No~~**

7 1. A person ~~shall~~ may not operate any train in such a manner as to prevent vehicular  
8 use of any roadway for a period of time in excess of ten consecutive minutes  
9 except:

10 4- a. When necessary to comply with safety signals affecting the safety of the  
11 movement of trains;

12 2- b. When necessary to avoid striking any object or person on the track;

13 3- c. When the train is disabled, by accident or otherwise;

14 4- d. When the train is in motion except when engaged in switching operations or  
15 loading or unloading operations;

16 5- e. When ~~there is no~~ vehicular traffic is not waiting to use the crossing; ~~or~~

17 6- f. When necessary to comply with a government statute or regulation; or

18 g. When allowed by written agreement between the governmental entity that  
19 controls the roadway and the interested commercial entities. The agreement  
20 must indicate which party is responsible for the timely notification of local  
21 emergency service providers regarding the crossing that will be blocked and  
22 the period of time the crossing will be blocked. ~~Any~~

23 2. A person ~~who~~ that violates this section is guilty of ~~an infraction~~ a class B  
24 misdemeanor. ~~The provisions of this~~ This section ~~do~~ does not apply to cities

Fifty-eighth  
Legislative Assembly

- 1                   ~~which have on the date of such obstruction ordinances~~ a city that has an ordinance
- 2                   covering the same subject matter.