

**SENATE BILL NO. 2301**

Introduced by

Senator Andrist

1 A BILL for an Act to amend and reenact section 39-10-43 of the North Dakota Century Code,  
2 relating to the type of sign that may be placed at an out-of-service railroad grade crossing.

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

4 **SECTION 1. AMENDMENT.** Section 39-10-43 of the North Dakota Century Code is  
5 amended and reenacted as follows:

6 **39-10-43. Certain vehicles must stop at all railroad grade crossings.**

7 1. The driver of a bus carrying passengers, or of any schoolbus, or of any vehicle  
8 carrying any chlorine, empty or loaded cargo tank vehicles used to transport  
9 dangerous articles or any liquid having a flashpoint below two hundred degrees  
10 Fahrenheit [93.33 degrees Celsius], cargo tank vehicles transporting a commodity  
11 having a temperature above its flashpoint at the time of loading, certain cargo tank  
12 vehicles transporting commodities under special permits issued by the hazardous  
13 materials regulations board, and every motor vehicle which must have the following  
14 placards: "explosives", "poison", "flammable oxidizers", "compressed gas",  
15 "corrosives", "flammable gas", "radioactive", or "dangerous", before crossing at  
16 grade any track or tracks of a railroad, shall stop such vehicle within fifty feet [15.24  
17 meters] but not less than fifteen feet [4.57 meters] from the nearest rail of such  
18 railroad and while so stopped shall listen and look in both directions along such  
19 track for any approaching train, and for signals indicating the approach of a train  
20 and may not proceed until the driver can do so safely. After stopping as required  
21 herein and upon proceeding when it is safe to do so, the driver of any said vehicle  
22 shall cross only in such gear of the vehicle that there will be no necessity for  
23 manually changing gears while traversing such crossing and the driver may not  
24 manually shift gears while crossing the track or tracks.

- 1           2.   No stop need be made at any such crossing at which traffic is controlled by a
- 2                police officer. For the purposes of this section, a United States marshal must be
- 3                considered a police officer.
- 4           3.   No stop need be made at a crossing that the director has designated as an
- 5                out-of-service crossing and which is clearly marked by signs bearing the words
- 6                "Tracks out of service" or "Exempt" in conspicuous places on each side of the
- 7                crossing.
- 8           4.   The designation must be limited to use at crossings where track has been
- 9                abandoned or its use discontinued.
- 10          5.   The director shall notify the road authority and any railway company of a crossing
- 11                under the jurisdiction of that railway company which the director has designated as
- 12                an out-of-service crossing under this section and the road authority shall erect
- 13                signs bearing the words "Tracks out of service" or "Exempt" in conspicuous places
- 14                on each side of the crossing. ~~The railway company shall remove the crossbucks.~~
- 15          6.   All signs must conform to the manual on uniform traffic control devices as provided
- 16                under section 39-13-06.