

Sixty-second
Legislative Assembly
of North Dakota

HOUSE BILL NO. 1406

Introduced by

Representative Weisz

Senators G. Lee, Schneider

1 A BILL for an Act to amend and reenact section 49-11-21 of the North Dakota Century Code,
2 relating to warning devices at rail crossings.

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

4 **SECTION 1. AMENDMENT.** Section 49-11-21 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **49-11-21. Warning device sounded at crossing by locomotive - Exceptions.**

- 7 1. A warning device must be placed on each locomotive engine and the device on the
8 lead locomotive must be sounded when approaching a public railroad crossing, and
9 must continue to be sounded until the locomotive enters the public railroad crossing.
- 10 2. The warning device may not be sounded at a private railroad crossing. However, a
11 party may petition the commission to request that a horn be sounded at a private
12 railroad crossing. ~~A party filing a petition under this subsection must provide written~~
13 ~~notice of the petition to each adjacent landowner and each lessee of record. The~~
14 ~~notice must include information on how the recipient of the notice can contact the~~
15 ~~commission and that any person has a right to attend and testify at any hearing the~~
16 ~~commission may hold on the petition. The party filing the petition shall file a copy of~~
17 ~~the notice and proof that the notice was served on each adjacent landowner and each~~
18 ~~lessee of record. The party filing a petition under this subsection shall publish notice of~~
19 ~~the petition in the official county newspaper in the county of record.~~ The commission
20 shall review the ~~request~~ petition and issue an order approving or denying the
21 ~~request~~ petition based on the safety concerns of the public. A party may not be subject
22 to any liability as a result of not making a request.
- 23 3. The governing body of a city may adopt a quiet zone ordinance, as allowed by federal
24 law and implemented under the federal railroad administration's supplemental safety

- 1 measures for at-grade crossings, prohibiting a locomotive engine from sounding a
2 warning device at crossings within the quiet zone under regular crossing conditions.
- 3 4. Notwithstanding any other provision of this section, a locomotive engineer may sound
4 a locomotive horn at any crossing to provide a warning to animals, vehicle operators,
5 pedestrians, trespassers, or crews on other trains in an emergency situation if in the
6 locomotive engineer's judgment the action is appropriate to prevent imminent injury,
7 death, or property damage.