

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 commission shall review the ~~request~~ petition and issue an order
19 approving or denying the ~~request~~ petition based on the safety concerns of the public. A
20 party may not be subject to any liability as a result of not making a request.
- 21 3. The governing body of a city may adopt a quiet zone ordinance, as allowed by federal
22 law and implemented under the federal railroad administration's supplemental safety
23 measures for at-grade crossings, prohibiting a locomotive engine from sounding a
24 warning device at crossings within the quiet zone under regular crossing conditions.

- 1 4. Notwithstanding any other provision of this section, a locomotive engineer may sound
- 2 a locomotive horn at any crossing to provide a warning to animals, vehicle operators,
- 3 pedestrians, trespassers, or crews on other trains in an emergency situation if in the
- 4 locomotive engineer's judgment the action is appropriate to prevent imminent injury,
- 5 death, or property damage.