

**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.