

Introduced by

Transportation Committee

(At the request of the Department of Transportation)

1 A BILL for an Act to amend and reenact section 39-10-43 of the North Dakota Century Code,  
2 relating to railroad crossings.

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

- 1           2. A stop is not required at a crossing if traffic is controlled by a police officer. For the  
2           purposes of this section, a United States marshal is considered a police officer.
- 3           3. A stop is not required at a crossing that the director has designated as an  
4           out-of-service or exempt crossing and which is clearly marked by signs bearing the  
5           words "Tracks out of service" or "Exempt" in conspicuous places on each side of the  
6           crossing.
- 7           4. ~~The designation must be limited to use at a crossing where track has been abandoned~~  
8           ~~or its use discontinued.~~
- 9           5. The director shall notify the road authority and any railway company of a crossing  
10          under the jurisdiction of that railway company which the director has designated as an  
11          out-of-service crossing under this section and the road authority shall erect signs  
12          bearing the words "Tracks out of service" or "Exempt" in conspicuous places on each  
13          side of the crossing.
- 14         6-5. All signs must conform to the manual on uniform traffic-control devices as provided  
15          under section 39-13-06.