

House File 2353 - Introduced

HOUSE FILE 2353

BY T. TAYLOR

(COMPANION TO LSB 5825SS BY
HORN)

A BILL FOR

1 An Act relating to requirements for drivers of vehicles at
2 railroad grade crossings upon the approach or presence of
3 railroad track equipment, and making a penalty applicable.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 321.341, Code 2011, is amended to read
2 as follows:

3 **321.341 Obedience to signal of indicating approach of**
4 **railroad train or railroad track equipment.**

5 1. When a person driving a vehicle approaches a railroad
6 grade crossing and warning is given by automatic signal,
7 crossing gates, a flag person, or otherwise of the immediate
8 approach of a railroad train or railroad track equipment, the
9 driver of the vehicle shall stop within fifty feet but not less
10 than fifteen feet from the nearest rail and shall not proceed
11 until the driver can do so safely.

12 2. The driver of a vehicle shall stop and remain standing
13 and not traverse such a grade crossing when a crossing gate
14 is lowered or when a human flagman gives or continues to give
15 a signal of the approach or passage of a railroad train or
16 railroad track equipment.

17 Sec. 2. Section 321.342, subsection 1, Code 2011, is amended
18 to read as follows:

19 1. The driver of any vehicle approaching a railroad grade
20 crossing across which traffic is regulated by a stop sign, a
21 railroad sign directing traffic to stop, or an official traffic
22 control signal displaying a flashing red or steady circular red
23 colored light shall stop prior to crossing driving across the
24 railroad grade crossing at the first opportunity at either the
25 clearly marked stop line or at a point near the crossing where
26 the driver has a clear view of the approaching railroad ~~traffic~~
27 train or railroad track equipment.

28 Sec. 3. Section 321.343, subsection 1, Code 2011, is amended
29 to read as follows:

30 1. The driver of a motor vehicle carrying passengers for
31 hire, a school bus, or a vehicle carrying hazardous material
32 and required to stop before crossing driving across a railroad
33 track by motor carrier safety rules adopted under section
34 321.449, before crossing driving across at grade any track of
35 a railroad, shall stop the vehicle within fifty feet but not

1 less than fifteen feet from the nearest rail. While stopped,
2 the driver shall listen and look in both directions for an
3 approaching railroad train or railroad track equipment, and for
4 signals indicating the approach of a railroad train or railroad
5 track equipment, and shall not proceed until the driver can do
6 so safely.

7 Sec. 4. Section 321.343, subsection 2, paragraph a, Code
8 2011, is amended to read as follows:

9 a. If the driver is not always required to stop at a
10 railroad crossing, slow down when approaching the crossing and
11 check that the railroad tracks are clear of an approaching
12 railroad train or railroad track equipment before proceeding.

13 Sec. 5. Section 321.344, subsections 2, 3, and 4, Code 2011,
14 are amended to read as follows:

15 2. Notice of ~~any such~~ the intended crossing shall be given
16 to a superintendent of ~~such the~~ the railroad, and a reasonable
17 time shall be given to ~~such the~~ the railroad to provide proper
18 protection at ~~such the~~ the crossing.

19 3. Before making ~~any such~~ the crossing, the person operating
20 or moving ~~any such~~ the vehicle or equipment shall first stop
21 the ~~same~~ vehicle or equipment not less than ten feet nor more
22 than fifty feet from the nearest rail of ~~such railway the~~
23 railroad and, while ~~so~~ stopped, shall listen and look in both
24 directions along ~~such the~~ the track for any approaching railroad
25 train or railroad track equipment and for signals indicating
26 the approach of a railroad train or railroad track equipment,
27 and shall not proceed until the crossing can be made safely.

28 4. No such crossing shall be made when warning is given by
29 automatic signal or crossing gates or a flagman or otherwise
30 of the immediate approach of a railroad train or ~~ear~~ railroad
31 track equipment.

32 EXPLANATION

33 This bill amends Code provisions relating to requirements
34 for drivers of vehicles at railroad grade crossings. The bill
35 provides that in any situation where a driver is required

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1 to stop or proceed with caution when given warning of an
2 approaching railroad train or is required to stop or be alert
3 for an approaching railroad train, the requirement also applies
4 in the case of approaching railroad track equipment.

5 Pursuant to current law, a person convicted of a railroad
6 crossing violation commits a simple misdemeanor punishable by a
7 scheduled fine of \$200.