

HOUSE BILL NO. 133

INTRODUCED BY GALVIN, HARPER, BACHINI, NOBLE

IN THE HOUSE

JANUARY 9, 1991 INTRODUCED AND REFERRED TO COMMITTEE
ON HIGHWAYS & TRANSPORTATION.

JANUARY 10, 1991 FIRST READING.

FEBRUARY 7, 1991 COMMITTEE RECOMMEND BILL
DO PASS AS AMENDED. REPORT ADOPTED.

FEBRUARY 8, 1991 PRINTING REPORT.

FEBRUARY 9, 1991 SECOND READING, DO PASS.

FEBRUARY 11, 1991 ENGROSSING REPORT.

FEBRUARY 12, 1991 THIRD READING, PASSED.
AYES, 91; NOES, 4.

TRANSMITTED TO SENATE.

IN THE SENATE

FEBRUARY 13, 1991 INTRODUCED AND REFERRED TO COMMITTEE
ON HIGHWAYS & TRANSPORTATION.

FIRST READING.

MARCH 28, 1991 COMMITTEE RECOMMEND BILL BE
CONCURRED IN. REPORT ADOPTED.

APRIL 4, 1991 SECOND READING, CONCURRED IN.

APRIL 5, 1991 THIRD READING, CONCURRED IN.
AYES, 48; NOES, 2.

RETURNED TO HOUSE.

IN THE HOUSE

APRIL 5, 1991 RECEIVED FROM SENATE.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

1 *HOUSE* BILL NO. *133*
 2 INTRODUCED BY *Patrick A. Halvin*
 3 *Beckin Noble*

4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE
 5 REQUIREMENTS THAT CERTAIN VEHICLES STOP AT RAILROAD GRADE
 6 CROSSINGS BY CLARIFYING THAT A RAILROAD GRADE CROSSING
 7 SIGNAL IS NOT A TRAFFIC-CONTROL SIGNAL; DELETING THE
 8 PROVISION FOR STREET-RAILWAY GRADE CROSSINGS IN BUSINESS OR
 9 RESIDENCE DISTRICTS; AND AMENDING SECTION 61-8-349, MCA."

10
 11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

12 **Section 1.** Section 61-8-349, MCA, is amended to read:

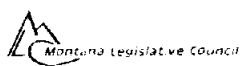
13 "61-8-349. Certain vehicles to stop at all railroad
 14 grade crossings. (1) ~~All persons~~ A person driving a motor
 15 ~~vehicles~~ vehicle upon ~~the a~~ public highways highway of this
 16 state outside of corporate limits of incorporated cities or
 17 towns where the view is obscure or when a moving train is
 18 within sight or hearing shall bring ~~said the~~ vehicle to a
 19 full stop not less than 10 or more than 100 feet from where
 20 ~~said the intersection of the~~ highway intersects and the
 21 railroad tracks ~~within this state~~, before crossing the ~~same~~
 22 railroad tracks, at all crossings where a flagman or a
 23 mechanical device is not maintained to warn the traveling
 24 public of approaching trains or cars.

25 (2) (a) ~~The~~ Except as provided in subsection (2)(b),

1 the driver of any a motor vehicle carrying passengers for
 2 hire, ~~or of any a~~ school bus, ~~or of any a~~ vehicle carrying
 3 explosive substances or flammable liquids as a cargo or part
 4 of a cargo, before crossing at grade any track or tracks of
 5 a railroad, shall stop such the vehicle within 50 feet but
 6 not less than 15 feet from the nearest rail of such the
 7 railroad and while ~~so~~ stopped shall open the door (in the
 8 case of a school bus) and shall listen and look in both
 9 directions along such the track for any an approaching
 10 train, and for signals indicating the approach of a train,
 11 ~~except as hereinafter provided,~~ and shall may not proceed
 12 until he can do so safely. After stopping as required herein
 13 in this section and upon proceeding when it is safe to do
 14 so, the driver of ~~any said a~~ vehicle shall cross only in
 15 such a gear of the vehicle that ~~there will be no necessity~~
 16 for requires no changing gears while traversing such
 17 crossings the crossing. ~~and--the~~ The driver shall may not
 18 shift gears while crossing the track or tracks.

19 (b) No A stop ~~need be made~~ is not required at ~~any--such~~
 20 a crossing where a police officer, er highway patrol
 21 officer, or traffic-control signal directs traffic to
 22 proceed.

23 ~~(c) This subsection (2) shall not apply at~~
 24 ~~street-railway-grade crossings within a business or~~
 25 ~~residence district.~~



LC 0549/01

1 (3) As used in this section, "traffic-control signal"
2 does not include a railroad grade crossing signal."

-End-

APPROVED BY COMMITTEE
ON HIGHWAYS & TRANSPORTATION

HOUSE BILL NO. 133

INTRODUCED BY GALVIN, HARPER, BACHINI, NOBLE

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE REQUIREMENTS THAT CERTAIN VEHICLES STOP AT RAILROAD GRADE CROSSINGS BY CLARIFYING THAT A RAILROAD GRADE CROSSING SIGNAL IS NOT A TRAFFIC-CONTROL SIGNAL; DELETING THE PROVISION FOR STREET-RAILWAY GRADE CROSSINGS IN BUSINESS OR RESIDENCE DISTRICTS; AND AMENDING SECTION 61-8-349, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 61-8-349, MCA, is amended to read:

"61-8-349. Certain vehicles to stop at all railroad grade crossings. (1) ~~All persons~~ A person driving a motor ~~vehicles~~ vehicle upon the a public highways highway of this state outside of corporate limits of incorporated cities or towns where the view is obscure or when a moving train is within sight or hearing shall bring ~~said~~ the vehicle to a full stop not less than 10 or more than 100 feet from ~~where~~ said the intersection of the highway intersects and the railroad tracks ~~within this state~~, before crossing the ~~same~~ railroad tracks, at all crossings where a flagman or a mechanical device is not maintained to warn the traveling public of approaching trains or cars.

(2) (a) The ~~Except as provided in subsection (2)(b),~~

~~the~~ driver of ~~any a~~ motor vehicle carrying SEVEN OR MORE passengers for hire, ~~or of any a~~ school bus WITH OR WITHOUT PASSENGERS, or ~~of any a~~ vehicle carrying explosive substances or flammable liquids as a cargo or part of a cargo, before crossing at grade any track or tracks of a railroad, shall stop such the vehicle within 50 feet but not less than 15 feet from the nearest rail of such the railroad and while ~~so~~ stopped shall open the door (in the case of a school bus) and shall listen and look in both directions along such the track for ~~any an~~ approaching train, and for signals indicating the approach of a train, ~~except as hereinafter provided~~, and shall may not proceed until he can do so safely. After stopping as required herein in this section and upon proceeding when it is safe to do so, the driver of ~~any said a~~ vehicle shall cross only in such a gear of the vehicle that ~~there will be no necessity for~~ requires no changing gears while traversing ~~such crossings~~ the crossing. ~~and the~~ The driver shall may not shift gears while crossing the track or tracks.

(b) ~~No~~ A stop ~~need be made~~ is not required at ~~any such~~ a crossing where a police officer, ~~or~~ highway patrol officer, ~~or~~ traffic-control signal directs traffic to proceed.

~~(c) This subsection (2) shall not apply at street-railway-grade-crossings within a business or~~

SECOND READING



1 ~~residence-district.~~

2 (3) As used in this section, "traffic-control signal"

3 does not include a railroad grade crossing signal."

-End-

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11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:12 **Section 1.** Section 61-8-349, MCA, is amended to read:

13 "61-8-349. Certain vehicles to stop at all railroad
14 grade crossings. (1) ~~All persons~~ A person driving a motor
15 vehicles vehicle upon the a public highways highway of this
16 state outside of corporate limits of incorporated cities or
17 towns where the view is obscure or when a moving train is
18 within sight or hearing shall bring said the vehicle to a
19 full stop not less than 10 or more than 100 feet from where
20 said the intersection of the highway intersects and the
21 railroad tracks within this state, before crossing the same
22 railroad tracks, at all crossings where a flagman or a
23 mechanical device is not maintained to warn the traveling
24 public of approaching trains or cars.

25 (2) (a) The Except as provided in subsection (2)(b),

1 the driver of any a motor vehicle carrying SEVEN OR MORE
2 passengers for hire, or-of-any a school bus WITH OR WITHOUT
3 PASSENGERS, or of---any a vehicle carrying explosive
4 substances or flammable liquids as a cargo or part of a
5 cargo, before crossing at grade any track or tracks of a
6 railroad, shall stop such the vehicle within 50 feet but not
7 less than 15 feet from the nearest rail of such the railroad
8 and while so stopped shall open the door (in the case of a
9 school bus) and shall listen and look in both directions
10 along such the track for any an approaching train, and for
11 signals indicating the approach of a train,--except-as
12 hereinafter-provided, and shall may not proceed until he can
13 do so safely. After stopping as required herein in this
14 section and upon proceeding when it is safe to do so, the
15 driver of any-said a vehicle shall cross only in such a gear
16 of the vehicle that there will-be-no-necessity-for requires
17 no changing gears while traversing such--crossings the
18 crossing. and-the The driver shall may not shift gears while
19 crossing the track or tracks.

20 (b) No A stop need-be-made is not required at any-such
21 a crossing where a police officer, or highway patrol
22 officer, or traffic-control signal directs traffic to
23 proceed.

24 (c) This---subsection---(2)---shall---not---apply---at
25 street-railway--grade--crossings--within---a---business---or

THIRD READING

HB 0133/02

- 1 ~~residence-district.~~
- 2 (3) As used in this section, "traffic-control signal"
- 3 does not include a railroad grade crossing signal."

-End-

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REFERENCE BILL

HB 0133/02

- 1 ~~residence-district-~~
2 (3) As used in this section, "traffic-control signal"
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-End-