

LEGISLATIVE BILL 81

Approved by the Governor March 12, 2019

Introduced by Friesen, 34.

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend sections 60-6,170, 60-6,172, 60-6,173, and 60-6,174, Reissue Revised Statutes of Nebraska, and sections 60-601 and 60-605, Revised Statutes Cumulative Supplement, 2018; to define a term; to change provisions relating to special stops at railroad grade crossings; to harmonize provisions; and to repeal the original sections.

Be it enacted by the people of the State of Nebraska,

Section 1. Section 60-601, Revised Statutes Cumulative Supplement, 2018, is amended to read:

60-601 Sections 60-601 to 60-6,383 and section 3 of this act shall be known and may be cited as the Nebraska Rules of the Road.

Sec. 2. Section 60-605, Revised Statutes Cumulative Supplement, 2018, is amended to read:

60-605 For purposes of the Nebraska Rules of the Road, the definitions found in sections 60-606 to 60-676 and section 3 of this act shall be used.

Sec. 3. On-track equipment means any railroad locomotive or any other car, rolling stock, equipment, or other device operated upon stationary rails either alone or coupled to other railroad locomotives, cars, rolling stock, equipment, or devices.

Sec. 4. Section 60-6,170, Reissue Revised Statutes of Nebraska, is amended to read:

60-6,170 (1) Whenever any person driving a vehicle approaches a railroad grade crossing under any of the circumstances set forth in this section, the driver of such vehicle shall stop within fifty feet but not less than fifteen feet from the nearest rail of such railroad and shall not proceed until he or she can do so safely. The requirements of this subsection shall apply when:

(a) A clearly visible electric or mechanical signal device gives warning of the immediate approach of a railroad train or on-track equipment;

(b) A crossing gate is lowered or a flagperson gives or continues to give a signal of the approach or passage of a railroad train or on-track equipment;

(c) A railroad train or on-track equipment approaching within approximately one-quarter mile of the highway crossing emits a signal audible from such distance and such railroad train or on-track equipment, by reason of its speed or nearness to such crossing, is an immediate hazard; ~~or~~

(d) An approaching railroad train or on-track equipment is plainly visible and is in hazardous proximity to such crossing; ~~or~~

(e) A stop sign is erected at such crossing; or

(f) A passive warning device is located at or in advance of such crossing and an approaching railroad train or on-track equipment is audible as described in subdivision (c) of this subsection or plainly visible and in hazardous proximity to such crossing. For purposes of this subdivision, passive warning device means the type of traffic control device, including a sign, marking, or other device, located at or in advance of a railroad grade crossing to indicate the presence of such crossing but which does not change aspect upon the approach or presence of a railroad train or on-track equipment.

(2) No person shall drive any vehicle through, around, or under any crossing gate or barrier at a railroad crossing while such gate or barrier is closed or is being opened or closed.

Sec. 5. Section 60-6,172, Reissue Revised Statutes of Nebraska, is amended to read:

60-6,172 (1) The driver of any bus carrying passengers for hire or of any school bus, before crossing at grade any track of a railroad, shall stop such vehicle within fifty feet but not less than fifteen feet from the nearest rail of such railroad and while so stopped shall listen and look in both directions along such track for any approaching railroad train or on-track equipment and for signals indicating the approach of a railroad train or on-track equipment, except as otherwise provided in the Nebraska Rules of the Road. The driver shall not proceed until he or she can do so safely. After stopping as required by this section and upon proceeding when it is safe to do so, the driver of any such vehicle shall cross only in such gear of the vehicle that there will be no necessity for changing gears while traversing such track and the driver shall not shift gears while crossing such track.

(2) No stop shall be made at any such crossing when a peace officer or a flagperson directs traffic to proceed or at an abandoned or exempted grade crossing which is clearly marked as such by or with the consent of competent authority when such markings can be read from the driver's position.

Sec. 6. Section 60-6,173, Reissue Revised Statutes of Nebraska, is amended to read:

60-6,173 (1) The driver of any vehicle which is required to be placarded pursuant to section 75-364, before crossing at a grade any track of a railroad on streets and highways, shall stop such vehicle not more than fifty feet nor less than fifteen feet from the nearest rail or railroad and while stopped

shall listen and look in both directions along the track for an approaching railroad train or on-track equipment. The driver shall not proceed until precaution has been taken to ascertain that the course is clear.

(2) The requirements of subsection (1) of this section shall not apply:

(a) When a peace officer or a flagperson directs traffic to proceed;

(b) At an abandoned or exempted grade crossing which is clearly marked as such by or with the consent of competent authority when such markings can be read from the driver's position; or

(c) At railroad tracks used exclusively for industrial switching purposes within a business district.

(3) Nothing in this section shall be deemed to exempt the driver of any vehicle from compliance with the other requirements contained in the Nebraska Rules of the Road.

Sec. 7. Section 60-6,174, Reissue Revised Statutes of Nebraska, is amended to read:

60-6,174 (1) No person shall operate or move any crawler-type tractor, any steam shovel, any derrick, any roller, or any equipment or structure having a normal operating speed of ten miles per hour or less or a vertical body or load clearance of less than one-half inch per foot of the distance between any two adjacent axles or in any event of less than nine inches, measured above the level surface of a roadway, upon or across any track at a railroad grade crossing without first complying with this section.

(2) Before making any such crossing, the person operating or moving any such vehicle or equipment shall first stop the same not less than fifteen feet nor more than fifty feet from the nearest rail of such railroad and while so stopped shall listen and look in both directions along such track for any approaching railroad train or on-track equipment and for signals indicating the approach of a railroad train or on-track equipment. The person shall not proceed until the crossing can be made safely.

(3) No such crossing shall be made while warning is given by an automatic signal, by crossing gates, by a flagperson, or otherwise of the immediate approach of a railroad train or on-track equipment ~~or car~~. If a flagperson is provided by the railroad, movement over the crossing shall be under his or her direction.

Sec. 8. Original sections 60-6,170, 60-6,172, 60-6,173, and 60-6,174, Reissue Revised Statutes of Nebraska, and sections 60-601 and 60-605, Revised Statutes Cumulative Supplement, 2018, are repealed.