

2017 Regular Session

HOUSE BILL NO. 324

BY REPRESENTATIVE PIERRE

AN ACT

To amend and reenact R.S. 32:171(Section heading), (A)(1), (2), (3), and (4), (C), (D), (E), (F)(3), and (H) and 172(D), relative to railroad crossings; to provide for on-track equipment; to provide for the designation of on-track equipment as a railway vehicle drivers must approach cautiously; to provide for the responsibility of railroad companies; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 32:171(Section heading), (A)(1), (2), (3), and (4), (C), (D), (E), (F)(3), and (H) and 172(D) are hereby amended and reenacted to read as follows:

§171. ~~Obedience to signal indicating approach to train~~ Motor vehicles approaching railroad crossings; reporting violations; penalties

A. Whenever any person driving a motor vehicle approaches a railroad grade crossing under any of the circumstances stated 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 can do so safely. The foregoing requirements shall apply when:

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

1 (2) A crossing gate is lowered or when a human flagman gives or continues
2 to give a signal of the approach or passage of a railroad train or other on-track
3 equipment.

4 (3) A railroad train or other on-track equipment approaching within
5 approximately nine hundred feet of the highway crossing emits a signal in
6 accordance with R.S. 32:168, and such railroad train or other on-track equipment, by
7 reason of its speed or nearness to such crossing, is an immediate hazard.

8 (4) An approaching railroad train or other on-track equipment is plainly
9 visible and is in hazardous proximity to such crossing.

10 * * *

11 C. No person shall drive any vehicle through, around, or under any crossing
12 gate or barrier at a railroad crossing while such gate or barrier is closed or is being
13 opened or closed when an approaching railroad train or other on-track equipment is
14 plainly visible and is in hazardous proximity to such crossing.

15 D. No person shall drive any vehicle across any railroad crossing while the
16 signal devices are flashing when an approaching railroad train or other on-track
17 equipment is plainly visible and is in hazardous proximity to such crossing.

18 E. At any railroad grade crossing provided with railroad cross buck signs,
19 without automatic, electric, or mechanical signal devices, crossing gates, or a human
20 flagman giving a signal of the approach or passage of a train or other on-track
21 equipment, the driver of a vehicle shall in obedience to the railroad cross buck sign,
22 yield the right of way and slow down to a speed reasonable for the existing
23 conditions and shall stop, if required for safety, at a clearly marked stopped line or,
24 if no line, within fifty feet but not less than fifteen feet from the nearest rail of the
25 railroad and shall not proceed until he or she can do so safely. If a driver is involved
26 in a collision at a railroad crossing or interferes with the movement of a train or other
27 on-track equipment after driving past the railroad cross buck sign, the collision or
28 interference is prima facie evidence of the driver's failure to yield the right of way.

1 F. Any person who violates any provision of this Section shall be fined as
2 follows:

3 * * *

4 (3) Any person who violates any provision of this Section by racing a train
5 or other on-track equipment to a railroad crossing and thereby causes immediate
6 danger to any railroad crew member, the general public, or damage to any property
7 in the immediate vicinity of the crossing shall be fined not more than one thousand
8 dollars. In addition, the person in violation shall be required to attend a one-day safe
9 driver's course designed by Operation Lifesaver within one hundred eighty days after
10 the adjudication of the citation. It shall be the responsibility of the violator to notify
11 the appropriate court of jurisdiction of the successful completion of the Operation
12 Lifesaver Program.

13 * * *

14 H. The operator, engineer, or conductor of any train or other on-track
15 equipment is authorized to notify the appropriate law enforcement authority of any
16 railroad grade crossing violation within thirty-six hours of the violation. The
17 operator, engineer, or conductor shall report such violations by affidavit which shall
18 contain the color, license number, and any other identifiable information from the
19 vehicle involved in the violation. In addition to the affidavit, the law enforcement
20 officer may rely upon other evidence of a grade crossing violation including
21 photographic or video evidence. A law enforcement officer may issue a citation to
22 the owner or driver of the vehicle, or in the case of a leased vehicle, the lessee or
23 driver of the leased vehicle, on the basis of the information contained in the affidavit
24 or photographic or video evidence. The owner or lessee shall not be cited if the
25 vehicle had been stolen.

26 §172. All vehicles must stop at certain railroad grade crossings

27 * * *

1 D. Nothing in this Section shall relieve the railroad of its responsibility to
2 maintain safe crossings and operate its trains and other on-track equipment in a safe
 manner.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____