

1 SB202  
2 182200-1  
3 By Senators Reed, Shelnutt, Marsh, Ross and Waggoner  
4 RFD: Transportation and Energy  
5 First Read: 16-FEB-17

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8 SYNOPSIS: Under existing law, obedience to signals and  
9 stopping of motor vehicles is required at railroad  
10 grade crossings and persons moving heavy equipment  
11 are required to stop at railroad grade crossings. A  
12 violation of these laws is a misdemeanor.

13 This bill would provide that the laws would  
14 apply when other on-track equipment is approaching  
15 the railroad grade crossing as well as when a  
16 railroad train is approaching. The same criminal  
17 penalties would apply.

18 Amendment 621 of the Constitution of Alabama  
19 of 1901, now appearing as Section 111.05 of the  
20 Official Recompilation of the Constitution of  
21 Alabama of 1901, as amended, prohibits a general  
22 law whose purpose or effect would be to require a  
23 new or increased expenditure of local funds from  
24 becoming effective with regard to a local  
25 governmental entity without enactment by a 2/3 vote  
26 unless: it comes within one of a number of  
27 specified exceptions; it is approved by the

1 affected entity; or the Legislature appropriates  
2 funds, or provides a local source of revenue, to  
3 the entity for the purpose.

4 The purpose or effect of this bill would be  
5 to require a new or increased expenditure of local  
6 funds within the meaning of the amendment. However,  
7 the bill does not require approval of a local  
8 governmental entity or enactment by a 2/3 vote to  
9 become effective because it comes within one of the  
10 specified exceptions contained in the amendment.

11  
12 A BILL  
13 TO BE ENTITLED  
14 AN ACT

15  
16 Relating to railroad grade crossing; to amend  
17 Sections 32-5A-150, 32-5A-151, and 32-5A-152 of the Code of  
18 Alabama 1975; to provide that obedience to signals and  
19 requirements for vehicles and persons moving heavy equipment  
20 to stop would apply at railroad grade crossings when other  
21 on-track equipment is approaching a railroad grade crossing as  
22 well as when a railroad train is approaching; and in  
23 connection therewith would have as its purpose or effect the  
24 requirement of a new or increased expenditure of local funds  
25 within the meaning of Amendment 621 of the Constitution of  
26 Alabama of 1901, now appearing as Section 111.05 of the

1 Official Recompilation of the Constitution of Alabama of 1901,  
2 as amended.

3 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

4 Section 1. Sections 32-5A-150, 32-5A-151, and  
5 32-5A-152 of the Code of Alabama 1975, are amended to read as  
6 follows:

7 "§32-5A-150.

8 "(a) Whenever any person driving a vehicle  
9 approaches a railroad grade crossing under any of the  
10 circumstances stated in this section, the driver of ~~such the~~  
11 vehicle shall stop within 50 feet but not less than 15 feet  
12 from the nearest rail of ~~such the~~ railroad, and shall not  
13 proceed until he or she can do so safely. The foregoing  
14 requirements shall apply when:

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

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

21 "(3) A railroad train or other on-track equipment  
22 approaching within approximately 1,500 feet of the highway  
23 crossing emits a signal audible from ~~such the~~ distance and  
24 ~~such the~~ railroad train, or other on-track equipment, by  
25 reason of its speed or nearness to ~~such the~~ crossing, is an  
26 immediate hazard; .

1           "(4) An approaching railroad train or other on-track  
2 equipment is plainly visible and is in hazardous proximity to  
3 ~~such~~ the crossing.

4           "(b) No person shall drive any vehicle through,  
5 around, or under any crossing gate or barrier at a railroad  
6 crossing while ~~such~~ the gate or barrier is closed or is being  
7 opened or closed.

8           "§32-5A-151.

9           "(a) Except as provided in subsection (b), the  
10 driver of any vehicle described in regulations issued pursuant  
11 to subsection (c), before crossing at grade any track or  
12 tracks of a railroad, shall stop ~~such~~ the vehicle within 50  
13 feet but not less than 15 feet from the nearest rail of ~~such~~  
14 the railroad and while so stopped shall listen and look in  
15 both directions along ~~such~~ the track for any approaching train  
16 or other on-track equipment, and for signals indicating the  
17 approach of a train or other on-track equipment and shall not  
18 proceed until he or she can do so safely. After stopping as  
19 required herein and upon proceeding when it is safe to do so  
20 the driver of any ~~said~~ vehicle shall cross only in ~~such~~ the  
21 gear of the vehicle that there will be no necessity for  
22 manually changing gears while traversing ~~such~~ the crossing and  
23 the driver shall not manually shift gears while crossing the  
24 track or tracks. Nothing contained in this section is intended  
25 to abrogate or modify the present Alabama doctrine of "stop,  
26 look, and listen" obtaining in the courts of Alabama.

27           "(b) This section shall not apply at the following:

1           "(1) Any railroad grade crossing at which traffic is  
2 controlled by a police officer or human flagman7.

3           "(2) Any railroad grade crossing at which traffic is  
4 regulated by a traffic-control signal7.

5           "(3) Any railroad grade crossing protected by  
6 crossing gates or any alternately flashing light signal  
7 intended to give warning of the approach of a railroad train7  
8 or other on-track equipment.

9           "(4) Any railroad grade crossing at which an  
10 official traffic control device gives notice that the stopping  
11 requirement imposed by this section does not apply.

12           "(c) The Director of Transportation shall adopt ~~such~~  
13 ~~regulations~~ rules as may be necessary describing the vehicles  
14 which must comply with the stopping requirements of this  
15 section. In formulating ~~such regulations~~ the rules, the  
16 Director of Transportation shall give consideration to the  
17 number of passengers carried by the vehicle and the hazardous  
18 nature of any substance carried by the vehicle in determining  
19 whether ~~such~~ the vehicle shall be required to stop. ~~Such~~  
20 ~~regulations~~ The rules shall correlate with and so far as  
21 possible conform to the most recent regulation of the United  
22 States Department of Transportation.

23           "§32-5A-152.

24           "(a) No person shall operate or move any  
25 crawler-type tractor, steam shovel, derrick, roller, or any  
26 equipment or structure having a normal operating speed of 10  
27 or less miles per hour or a vertical body or load clearance of

1 less than one-half inch per foot of the distance between any  
2 two adjacent axles or in any event of less than nine inches,  
3 measured above the level surface of a roadway, upon or across  
4 any tracks at a railroad grade crossing without first  
5 complying with this section.

6 "(b) Before making ~~any such~~ the crossing the person  
7 operating or moving ~~any such~~ the vehicle or equipment shall  
8 first stop the same not less than 15 feet nor more than 50  
9 feet from the nearest rail of ~~such~~ the railroad and while so  
10 stopped shall listen and look in both directions along ~~such~~  
11 the track for any approaching train or other on-track  
12 equipment and for signals indicating the approach of a train  
13 or other on-track equipment, and shall not proceed until the  
14 crossing can be made safely.

15 "(c) No ~~such~~ crossing shall be made when warning is  
16 given by automatic signal or crossing gates or a flagman or  
17 otherwise of the immediate approach of a railroad train or car  
18 or other on-track equipment. If a flagman is provided by the  
19 railroad, movement over the crossing shall be under his or her  
20 direction."

21 Section 2. Although this bill would have as its  
22 purpose or effect the requirement of a new or increased  
23 expenditure of local funds, the bill is excluded from further  
24 requirements and application under Amendment 621, now  
25 appearing as Section 111.05 of the Official Recompilation of  
26 the Constitution of Alabama of 1901, as amended, because the

1 bill defines a new crime or amends the definition of an  
2 existing crime.

3 Section 3. This act shall become effective on the  
4 first day of the third month following its passage and  
5 approval by the Governor, or its otherwise becoming law.