

Second Regular Session 118th General Assembly (2014)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2013 Regular Session and 2013 First Regular Technical Session of the General Assembly.

HOUSE ENROLLED ACT No. 1057

AN ACT to amend the Indiana Code concerning transportation.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 8-6-7.6-1.1, AS ADDED BY P.L.2-2013, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1.1. **(a)** The Indiana department of transportation shall adopt rules under IC 4-22-2 to do the following:

(1) Establish ~~minimum distances to~~ **distances at** which a railroad must maintain, for the benefit of operators of licensed motor vehicles, an unobstructed view ~~from~~ **within** the railroad right-of-way at a public railroad crossing that is under the control of the railroad. In establishing ~~minimum~~ distances under this subdivision, the Indiana department of transportation shall take into account safety measures in place at a public crossing, including train activated warning devices and federal railroad track classifications.

(2) Provide exceptions to ~~minimum~~ distances required under subdivision (1) based on variances in terrain, elevations, track curvature, and permanent improvements at or near a public crossing.

(3) Develop a method to determine and verify a ~~minimum distance~~ **distances** required under subdivision (1). The method must:

(A) be consistent with accepted engineering practices; and

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(B) produce results capable of replication.

(b) A rule adopted under subsection (a) replaces any common law duties imposed on a railroad with respect to distances established or methods of verification developed under the rule.



Speaker of the House of Representatives

President of the Senate

President Pro Tempore

Governor of the State of Indiana

Date: _____ Time: _____

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