

CHAPTER 257
HB 1160 - FINAL VERSION

10Mar2022... 0493h
03/31/2022 1207s

2022 SESSION

22-2446
11/08

HOUSE BILL ***1160***

AN ACT relative to obedience to signals at railroad crossings.

SPONSORS: Rep. O'Brien, Hills. 36

COMMITTEE: Transportation

ANALYSIS

This bill modifies the circumstances under which certain vehicles must stop at railroad grade crossings.

Explanation: Matter added to current law appears in ***bold italics***.
 Matter removed from current law appears ~~[in brackets and struck through.]~~
 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Two

AN ACT relative to obedience to signals at railroad crossings.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 257:1 Rules of the Road; Obedience to Signal Indicating Approach of Train. Amend RSA 265:48 to
2 read as follows:

3 265:48 Obedience to Signal Indicating Approach of Train *or Other Maintenance of Way On-Track*
4 *Equipment*.

5 I. Whenever any person driving a vehicle approaches a railroad grade crossing under any of the
6 circumstances stated in this section, the driver of such vehicle shall stop within 50 feet but not less than
7 15 feet from the nearest rail of such railroad, and shall not proceed until he *or she* can do so safely. The
8 foregoing requirements shall apply when:

9 (a) A clearly visible electric or mechanical signal device gives warning of the immediate
10 approach of a railroad train *or other maintenance of way on-track equipment*,

11 (b) A crossing gate is lowered or a flagman gives or continues to give a signal of the
12 approach or passage of a railroad train *or other maintenance of way on-track equipment*,

13 (c) A railroad train *or other maintenance of way on-track equipment* approaching within
14 approximately 1500 feet of the way crossing emits a signal audible from such distance and such railroad
15 train *or other maintenance of way on-track equipment*, by reason of its speed or nearness to such
16 crossing, is an immediate hazard;

17 (d) An approaching railroad train *or other maintenance of way on-track equipment* is plainly
18 visible and is in hazardous proximity to such crossing.

19 II. ~~[No person shall]~~ *He or she shall not* drive any vehicle through, around, or under any crossing
20 or barrier at a railroad crossing while such gate or barrier is closed or is being opened or closed.

21 257:2 Rules of the Road; Certain Vehicles Must Stop at All Railroad Grade Crossings. Amend RSA
22 265:50, I to read as follows:

23 I. The driver of any vehicle carrying passengers for hire, or of any school bus carrying any school
24 child, or of any vehicle carrying explosive substances, before crossing at grade any track or tracks of a
25 railroad, shall stop such vehicle within 50 feet but not less than 15 feet from the nearest rail of such
26 railroad and while so stopped shall listen and look in both directions along such track for any approaching
27 train *or other maintenance of way on-track equipment*, and for signals indicating the approach of a train *or*
28 *other maintenance of way on-track equipment*, except as hereinafter provided, and shall not proceed until
29 he *or she* can do so safely. After stopping as required herein and upon proceeding when it is safe to do
30 so the driver of any said vehicle shall cross only in such gear of the vehicle that there will be no necessity
31 for changing gears while traversing such crossing and the driver shall not shift gears while crossing the
32 track or tracks.

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1 257:3 Rules of the Road; Moving Heavy Equipment at Railroad Grade Crossing. Amend RSA
2 265:51, III-IV to read as follows:

3 III. Before making any such crossing the person driving or moving any such vehicle or equipment
4 shall first stop the same not less than 15 feet nor more than 50 feet from the nearest rail of such railroad
5 and while so stopped shall listen and look in both directions along such track for any approaching train *or*
6 *other maintenance of way on-track equipment* and for signals indicating the approach of a train *or other*
7 *maintenance of way on-track equipment*, and shall not proceed until the crossing can be made safely.

8 IV. No such crossing shall be made when warning is given by automatic signal or crossing gates
9 or a flagman or otherwise of the immediate approach of a railroad train or car *or other maintenance of way*
10 *on-track equipment*. If a flagman is provided by the railroad, movement over the crossing shall be under
11 his *or her* direction.

257:4 Effective Date. This act shall take effect 60 days after its passage.

Approved: June 24, 2022
Effective Date: August 23, 2022