

§2076. Railroad or grade crossings

1. Reduction of speed at crossing. An operator of a motor vehicle passing a sign provided for in Title 23, sections 1251 and 1252 shall, at a distance of 100 feet from the nearest rail of the crossing reduce the vehicle speed to a reasonable and proper rate, observe in each direction and proceed cautiously over the crossing.

[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

2. Warning devices. An operator of a motor vehicle approaching a railroad crossing shall do so in a manner so that the operator will be able to stop if necessary. The operator shall stop the vehicle not less than 15 feet and not more than 50 feet from the nearest rail of the railroad track and may not proceed if:

A. A clearly visible electric or mechanical signal device warns of the approach of a train; [PL 2015, c. 89, §1 (NEW).]

B. A crossing gate is lowered or a flagger gives or continues to give a signal or warning of the approach or passage of a train; [PL 2015, c. 89, §1 (NEW).]

C. A train is visible and is in hazardous proximity to the crossing; or [PL 2015, c. 89, §1 (NEW).]

D. A sign, device or law requires the vehicle to stop. [PL 2015, c. 89, §1 (NEW).]

A vehicle may proceed across the track when the gates have been raised, the flagger indicates that no train is approaching or, if there is an electric or mechanical signal device, the operator has ascertained that no train is approaching. An operator proceeding by an electric or mechanical signal device shall use extra caution.

[PL 2015, c. 89, §1 (AMD).]

3. Required stops. A person operating any of the following vehicles shall stop the vehicle at a grade crossing between 50 feet and 15 feet from the nearest rail, listen, look in each direction along the tracks for an approaching train and ascertain that no train is approaching:

A. A bus transporting passengers; [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

B. A motor vehicle transporting any quantity of chlorine; [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

C. A motor vehicle that, in accordance with 49 Code of Federal Regulations, Part 172, Subpart F, is required to be marked or placarded; [PL 1995, c. 247, §5 (AMD).]

D. A cargo tank vehicle, whether loaded or empty, used to transport:

(1) A hazardous material as defined in 49 Code of Federal Regulations, Parts 170 to 189; or

(2) A commodity under special permit in accordance with the provisions of the Code of Federal Regulations; or [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

E. A cargo tank vehicle transporting a commodity that at the time of loading has a temperature above its flash point as determined by 49 Code of Federal Regulations, Part 173.115. [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

[PL 2003, c. 452, Pt. Q, §49 (AMD); PL 2003, c. 452, Pt. X, §2 (AFF).]

3-A. Yield at grade crossing. The operator of any of the vehicles listed in subsection 3 shall yield at a grade crossing to an approaching train.

[PL 2003, c. 452, Pt. Q, §50 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

4. Exceptions. An operator is not required to stop under this section:

A. At a streetcar crossing or railroad tracks used exclusively for industrial switching purposes, within a business district; [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

B. When a law enforcement officer or crossing flagger directs traffic to proceed; [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

C. At an abandoned crossing that is marked with a sign indicating that the rail line is abandoned; or [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

D. At an industrial or spur line railroad grade crossing marked with a sign reading "exempt." An "exempt" sign must be erected by or with the consent of the Department of Transportation. [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]
[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

5. Penalty. The following penalties apply to violations of this section.

A. An operator failing to comply with the requirements of subsection 1 or 2 commits a traffic infraction. [PL 2003, c. 452, Pt. Q, §51 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

B. An operator who fails to comply with subsection 3 commits a Class E crime, which is a strict liability crime as defined in Title 17-A, section 34, subsection 4-A. [PL 2003, c. 452, Pt. Q, §51 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

C. An operator commits a Class D crime if that operator is required to stop under subsection 3 and fails to stop for or yield the right-of-way to a train, engine or conveyance on the track. This crime is a strict liability crime as defined in Title 17-A, section 34, subsection 4-A. [PL 2003, c. 452, Pt. Q, §51 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]
[PL 2003, c. 452, Pt. Q, §51 (RPR); PL 2003, c. 452, Pt. X, §2 (AFF).]

6. Abandoned or exempt crossings. The department may exempt a crossing after providing written notice within 30 days to the railroad and municipality in which the crossing is located or, after hearing, if requested within 30 days either by the railroad, municipality or 10 or more residents of the State. For each exempt crossing, the department may order and impose safety provisions as it determines expedient or necessary. For any exempt crossing that does not have automatic warning devices, the engineer shall stop the train prior to entering the crossing, and a member of the train crew shall stop all motor vehicle traffic prior to flagging the train through the crossing. For an exempt crossing with automatic warning devices, the engineer shall stop the train prior to entering the crossing and determine that all motor vehicle traffic has come to a stop prior to proceeding. Any exempt crossing must be posted with appropriate signs, which must be erected and maintained by the department. [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

SECTION HISTORY

PL 1993, c. 683, §A2 (NEW). PL 1993, c. 683, §B5 (AFF). PL 1995, c. 247, §5 (AMD). PL 1999, c. 771, §C14 (AMD). PL 1999, c. 771, §§D1,2 (AFF). PL 2003, c. 452, §§Q49-51 (AMD). PL 2003, c. 452, §X2 (AFF). PL 2015, c. 89, §1 (AMD).

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