

**SENATE
STATE OF MINNESOTA
NINETY-FIRST SESSION**

S.F. No. 1407

(SENATE AUTHORS: JOHNSON and Frenz)

DATE
02/18/2019

D-PG
430

Introduction and first reading
Referred to Transportation Finance and Policy

OFFICIAL STATUS

1.1 A bill for an act
1.2 relating to transportation; amending certain requirements governing railroad
1.3 crossings to include on-track equipment; amending Minnesota Statutes 2018,
1.4 sections 169.26, subdivisions 1, 4; 169.28; 169.29.
1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. Minnesota Statutes 2018, section 169.26, subdivision 1, is amended to read:

1.7 Subdivision 1. **Requirements.** (a) Except as provided in section 169.28, subdivision 1,
1.8 when any person driving a vehicle approaches a railroad grade crossing under any of the
1.9 circumstances stated in this paragraph, the driver shall stop the vehicle not less than ten feet
1.10 from the nearest railroad track and shall not proceed until safe to do so and until the roadway
1.11 is clear of traffic so that the vehicle can proceed without stopping until the rear of the vehicle
1.12 is at least ten feet past the farthest railroad track. These requirements apply when:

1.13 (1) a clearly visible electric or mechanical signal device warns of the immediate approach
1.14 of a railroad train or other on-track equipment; or

1.15 (2) an approaching railroad train or other on-track equipment is plainly visible and is in
1.16 hazardous proximity.

1.17 (b) The fact that a moving railroad train or other on-track equipment approaching a
1.18 railroad grade crossing is visible from the crossing is prima facie evidence that it is not safe
1.19 to proceed.

1.20 (c) The driver of a vehicle shall stop and remain stopped and not traverse the grade
1.21 crossing when (1) a human flagger signals the approach or passage of a railroad train or
1.22 other on-track equipment or ~~when~~ (2) a crossing gate is lowered warning of the immediate

2.1 approach or passage of a railroad train or other on-track equipment. No person may drive
2.2 a vehicle past a flagger at a railroad crossing until the flagger signals that the way is clear
2.3 to proceed or drive a vehicle past a lowered crossing gate.

2.4 Sec. 2. Minnesota Statutes 2018, section 169.26, subdivision 4, is amended to read:

2.5 Subd. 4. **Pedestrians; penalty.** (a) A pedestrian shall not pass through, around, over,
2.6 or under any crossing gate or barrier at a railroad grade crossing while the gate or barrier
2.7 is closed or is being opened or closed.

2.8 (b) A pedestrian shall not enter, remain upon, or traverse over a railroad track, grade
2.9 crossing, or pedestrian walkway crossing a railroad track when an audible bell or clearly
2.10 visible electric or mechanical signal device is operational and warning of the presence,
2.11 approach, passage, or departure of a railroad train or other on-track equipment.

2.12 (c) A person who violates this subdivision is subject to a fine of up to \$100.

2.13 Sec. 3. Minnesota Statutes 2018, section 169.28, is amended to read:

2.14 **169.28 CERTAIN VEHICLES TO STOP AT RAILROAD CROSSING.**

2.15 Subdivision 1. **Requirements.** (a) The driver of any motor vehicle carrying passengers
2.16 for hire, or of any school bus whether carrying passengers or not, or of any Head Start bus
2.17 whether carrying passengers or not, or of any vehicle that is required to stop at railroad
2.18 grade crossings under Code of Federal Regulations, title 49, section 392.10, before crossing
2.19 at grade any track or tracks of a railroad, shall stop the vehicle not less than 15 feet nor more
2.20 than 50 feet from the nearest rail of the railroad and while so stopped shall listen and look
2.21 in both directions along the track for any approaching railroad train or other on-track
2.22 equipment, and for signals indicating the approach of a railroad train or other on-track
2.23 equipment, except as ~~hereinafter~~ otherwise provided, ~~and shall~~ in this section. The driver
2.24 must not proceed until safe to do so and until the roadway is clear of traffic so that the
2.25 vehicle can proceed without stopping until the rear of the vehicle is at least ten feet past the
2.26 farthest railroad track. The driver must not shift gears while crossing the railroad tracks.

2.27 (b) A school bus or Head Start bus shall not be flagged across railroad grade crossings
2.28 except at those railroad grade crossings that the local school administrative officer may
2.29 designate.

2.30 (c) A type III vehicle, as defined in section 169.011, is exempt from the requirement of
2.31 school buses to stop at railroad grade crossings.

3.1 (d) The requirements of this subdivision do not apply to the crossing of light rail vehicle
3.2 track or tracks that are located in a public street when:

3.3 (1) the crossing occurs within the intersection of two or more public streets;

3.4 (2) the intersection is controlled by a traffic-control signal; and

3.5 (3) the intersection is marked with signs indicating to drivers that the requirements of
3.6 this subdivision do not apply. Notwithstanding any other provision of law, the owner or
3.7 operator of the track or tracks is authorized to place, maintain, and display the signs upon
3.8 and in the view of the public street or streets.

3.9 Subd. 2. **Exempt crossing.** (a) The commissioner may designate a crossing as an exempt
3.10 crossing:

3.11 (1) if the crossing is on a rail line on which service has been abandoned;

3.12 (2) if the crossing is on a rail line that carries fewer than five railroad trains each year,
3.13 traveling at speeds of ten miles per hour or less; or

3.14 (3) as agreed to by the operating railroad and the Department of Transportation, following
3.15 a diagnostic review of the crossing.

3.16 (b) The commissioner shall direct the railroad to erect at the crossing signs bearing the
3.17 word "Exempt" that conform to section 169.06. The installation or presence of an exempt
3.18 sign does not relieve a driver of the duty to use due care.

3.19 (c) A railroad train or other on-track equipment must not proceed across an exempt
3.20 crossing unless a police officer is present to direct traffic or a railroad employee is on the
3.21 ground to warn traffic until the railroad train enters the crossing.

3.22 ~~(e)~~ (d) A vehicle that must stop at grade crossings under subdivision 1 is not required
3.23 to stop at a marked exempt crossing unless directed otherwise by a police officer or a railroad
3.24 employee.

3.25 Sec. 4. Minnesota Statutes 2018, section 169.29, is amended to read:

3.26 **169.29 CROSSING RAILROAD TRACKS WITH CERTAIN EQUIPMENT.**

3.27 (a) No person shall operate or move any caterpillar tractor, steam shovel, derrick, roller,
3.28 or any equipment or structure having a normal operating speed of six or less miles per hour
3.29 or a vertical body or load clearance of less than nine inches above the level surface of a
3.30 roadway upon or across any tracks at a railroad grade crossing without first complying with
3.31 this section.

4.1 (b) Before making any crossing, the person operating or moving any vehicle or equipment
4.2 set forth in this section shall first stop the same not less than ten, nor more than 50, feet
4.3 from the nearest rail of the railway, and while so stopped shall listen and look in both
4.4 directions along the track for any approaching railroad train or other on-track equipment
4.5 and for signals indicating the approach of a railroad train or other on-track equipment, and
4.6 shall not proceed until the crossing can be made safely.

4.7 (c) No crossing shall be made when warning is given by automatic signal or crossing
4.8 gates or a flagger or otherwise of the immediate approach of a railroad train or other on-track
4.9 equipment or car.

4.10 (d) ~~No A stop need be made~~ is not required at a crossing on a rail line on which service
4.11 has been abandoned and where a sign erected in conformance with section 169.06 and
4.12 bearing the word "Exempt" has been installed, unless directed otherwise by a flagger. The
4.13 installation or presence of an exempt sign shall not relieve any driver of the duty to use due
4.14 care.