

State of Arizona
House of Representatives
Fifty-first Legislature
First Regular Session
2013

House Engrossed
FILED
KEN BENNETT
SECRETARY OF STATE

CHAPTER 210

HOUSE BILL 2373

AN ACT

AMENDING SECTION 28-851, ARIZONA REVISED STATUTES; RELATING TO RAILROAD
CROSSINGS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 28-851, Arizona Revised Statutes, is amended to
3 read:

4 28-851. Railroad crossing; safety

5 A. EXCEPT AS PROVIDED IN SUBSECTION B OF THIS SECTION, when a person
6 driving a vehicle approaches a railroad grade crossing, the driver of the
7 vehicle shall stop within fifty feet but not less than fifteen feet from the
8 nearest rail of the railroad and ~~shall~~ MAY not proceed ~~until the driver can~~
9 ~~do so safely under~~ IF any of the following circumstances APPLIES:

10 1. A clearly visible electric or mechanical signal device gives
11 warning of the immediate approach of a railroad train.

12 2. A crossing gate is lowered or a human flagman gives or continues to
13 give a signal of the approach or passage of a railroad train.

14 3. A railroad train approaching within approximately one thousand five
15 hundred feet of the highway crossing emits a signal audible from such A
16 distance and the railroad train is an immediate hazard by reason of its speed
17 or proximity to the crossing.

18 4. An approaching railroad train is plainly visible and is in
19 hazardous proximity to the crossing.

20 5. ANY OTHER CONDITION EXISTS THAT MAKES IT UNSAFE TO PROCEED THROUGH
21 THE CROSSING.

22 B. AN OPERATOR OF A VEHICLE WHO SUSPECTS A FALSE ACTIVATION OR
23 MALFUNCTION OF A RAILROAD GRADE CROSSING SIGNAL DEVICE WHERE THERE IS NO GATE
24 OR BARRIER MAY PROCEED THROUGH THE RAILROAD GRADE CROSSING AFTER STOPPING IF
25 ALL OF THE FOLLOWING APPLY:

26 1. THE OPERATOR OF THE VEHICLE HAS A CLEAR LINE OF SIGHT OF AT LEAST
27 ONE MILE OF THE RAILROAD TRACKS IN ALL DIRECTIONS.

28 2. THERE IS NO EVIDENCE OF AN APPROACHING TRAIN.

29 3. THE VEHICLE MAY CROSS OVER THE TRACKS SAFELY.

30 4. IF THE VEHICLE IS A SCHOOL BUS, THE OPERATOR COMPLIES WITH WRITTEN
31 DISTRICT POLICY.

32 C. AN OPERATOR OF A VEHICLE MAY NOT MAKE A U-TURN OR TURN THE VEHICLE
33 TO PROCEED IN THE OPPOSITE DIRECTION ON A RAILROAD TRACK OR RAILROAD GRADE
34 CROSSING.

35 ~~B.~~ D. A person shall not ~~drive a vehicle~~ PROCEED through, around,
36 OVER or under a crossing gate or barrier at a railroad crossing while the
37 gate or barrier is closed or is being opened or closed.

38 E. A PEDESTRIAN SHALL NOT DO ANY OF THE FOLLOWING:

39 1. ENTER OR REMAIN WITHIN THE AREA BETWEEN A RAILROAD TRACK AND A
40 RAILROAD SIGN OR SIGNAL IF THE RAILROAD GRADE CROSSING IS ACTIVE.

41 2. OCCUPY OR REMAIN ON A RAILROAD GRADE CROSSING WHEN THE RAILROAD
42 SIGN OR SIGNAL IS NOT ACTIVE EXCEPT TO CROSS THE RAILROAD CROSSING ON A
43 DESIGNATED WALKWAY.

44 3. REMAIN IN AN AREA BETWEEN RAILROAD SIGNS OR SIGNALS, RAILROAD GATES
45 OR RAIL CROSSING ARMS IF THE RAILROAD GRADE CROSSING IS ACTIVE.

Passed the House February 28, 2013

Passed the Senate May 8, 2013

by the following vote: 57 Ayes,

by the following vote: 28 Ayes,

0 Nays, 3 Not Voting

0 Nays, 2 Not Voting



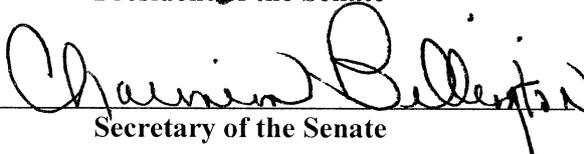
Speaker of the House



President of the Senate



Chief Clerk of the House



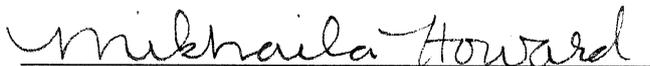
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill received by the Governor this

13 day of June, 2013

at 4:45 o'clock P M.

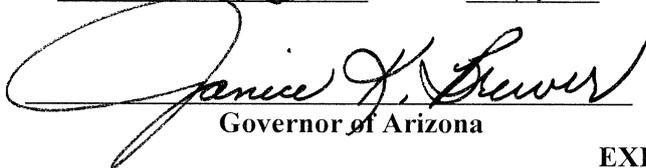


Secretary to the Governor

Approved this 19th day of

June

at 11:33 o'clock A-M.



Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill received by the Secretary of State

this 19th day of June, 2013

at 2:05 o'clock P M.



Secretary of State

H.B. 2373