

MAINE STATE LEGISLATURE

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127th MAINE LEGISLATURE

FIRST REGULAR SESSION-2015

Legislative Document

No. 529

S.P. 198

In Senate, February 26, 2015

An Act To Amend the Law Concerning Motor Vehicles at Railroad Crossings

Reference to the Committee on Transportation suggested and ordered printed.

A handwritten signature in cursive script that reads "Heather J.R. Priest".

HEATHER J.R. PRIEST
Secretary of the Senate

Presented by Senator DIAMOND of Cumberland.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 29-A MRSA §2076, sub-§2**, as enacted by PL 1993, c. 683, Pt. A, §2 and
3 affected by Pt. B, §5, is amended to read:

4 **2. Warning devices.** ~~When a crossing is protected by gates that are lowered or~~
5 ~~being lowered, or a flagger or automatic signal is indicating that a train is approaching, an~~
6 ~~operator shall bring a vehicle to a full stop at a distance of not less than 10 feet from the~~
7 ~~nearest rail of the crossing.~~ An operator of a motor vehicle approaching a railroad
8 crossing shall do so in a manner so that the operator will be able to stop if necessary. The
9 operator shall stop the vehicle not less than 15 feet and not more than 50 feet from the
10 nearest rail of the railroad track and may not proceed until the operator may do so safely
11 if:

12 A. A clearly visible electric or mechanical signal device warns of the approach of a
13 train;

14 B. A crossing gate is lowered or a flagger gives or continues to give a signal or
15 warning of the approach or passage of a train;

16 C. A train is visible and is in hazardous proximity to the crossing; or

17 D. A sign, device or law requires the vehicle to stop.

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

22 **SUMMARY**

23 Current law requires that when a railroad crossing is protected by gates that are
24 lowered or being lowered or a flagger or automatic signal is indicating that a train is
25 approaching, an operator of a motor vehicle must bring that vehicle to a full stop at a
26 distance of not less than 10 feet from the nearest rail of the crossing.

27 This bill provides that an operator of a motor vehicle must approach a railroad
28 crossing in a manner so that the operator will be able to stop if necessary. The operator
29 must stop the vehicle not less than 15 feet and not more than 50 feet from the nearest rail
30 of the railroad track and may not proceed until the operator may do so safely if a clearly
31 visible electric or mechanical signal device warns of the approach of a train; a crossing
32 gate is lowered or a flagger gives or continues to give a signal or warning of the approach
33 or passage of a train; a train is visible and is in hazardous proximity to the crossing; or a
34 sign, device or law requires the vehicle to stop.