TRANSPORTATION SAFETY REVISIONS

2012 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Karen Mayne

House Sponsor: David Litvack

LONG TITLE

General Description:

This bill modifies the Traffic Code and the Utah Criminal Code to address safety related to railroads.

Highlighted Provisions:

This bill:

- provides definitions;
- restricts when a vehicle may turn around related to railroad tracks or railroad grade crossings;
- limits pedestrians related to railroad crossings or bridges;
- restricts vehicles driving through, around, or under a crossing gate or barrier;
- clarifies transportation systems for purposes of the criminal mischief provision; and
- makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

41-6a-802, as renumbered and amended by Laws of Utah 2005, Chapter 2

41-6a-1005, as renumbered and amended by Laws of Utah 2005, Chapter 2

41-6a-1203, as renumbered and amended by Laws of Utah 2005, Chapter 2

76-6-106, as last amended by Laws of Utah 2010, Chapter 193

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **41-6a-802** is amended to read:

41-6a-802. Turning around -- Where prohibited -- Visibility.

(1) As used in this section, "railroad grade crossing" means the area between the passive or active warning signs where a railroad track and roadway intersect.

(2) The operator of a vehicle may not make a U-turn or turn the vehicle to proceed in the opposite direction:

[~~(1)~~] (a) unless the movement can be made safely and without interfering with other traffic; [~~or~~]

[~~(2)~~] (b) on any curve, or upon the approach to, or near the crest of a grade, if the vehicle is not visible at a distance of 500 feet by the operator of any other vehicle approaching from either direction[~~.~~]; and

(c) on a railroad track or railroad grade crossing.

Section 2. Section **41-6a-1005** is amended to read:

41-6a-1005. Limitation on pedestrians related to railroad grade crossings or bridges.

(1) As used in this section, "active railroad grade crossing" means a railroad grade crossing when:

(a) the gate or barrier is closed or is being opened or closed;

(b) warning lights are flashing;

(c) audible warning devices are being sounded; or

(d) other traffic control devices signal the approach of a railroad train.

(2) A pedestrian may not pass through, around, over, or under[~~,~~] or remain on a crossing gate or barrier at [~~a~~] an active railroad grade crossing or bridge [~~while the gate or barrier is closed or is being opened or closed~~].

(3) A pedestrian may not enter or remain within the area between a railroad track and a railroad sign or signal if the railroad grade crossing is active.

58 (4) A pedestrian may not occupy or remain on a railroad grade crossing when the
59 railroad sign or signal is not active except to cross the railroad crossing on a designated
60 walkway.
61 (5) A pedestrian may not remain in an area between railroad signs or signals, railroad
62 gates, or rail crossing arms if the railroad grade crossing is active.
63 Section 3. Section **41-6a-1203** is amended to read:
64 **41-6a-1203. Railroad grade crossing -- Duty to stop -- Malfunctions and school**
65 **buses -- Driving through, around, or under gate or barrier prohibited.**
66 (1) As used in this section, "active railroad grade crossing" has the same meaning as
67 defined in Section 41-6a-1005.
68 [~~(1)~~] (2) Whenever a person operating a vehicle approaches a railroad grade crossing,
69 the operator of the vehicle shall stop within 50 feet but not less than 15 feet from the nearest
70 rail of the railroad track and may not proceed if:
71 (a) a clearly visible electric or mechanical signal device gives warning of the
72 immediate approach of a train;
73 (b) a crossing gate is lowered, or when a human flagman gives or continues to give a
74 signal of the approach or passage of a train;
75 (c) a railroad train approaching within approximately 1,500 feet of the highway
76 crossing emits a signal audible and the train by reason of its speed or nearness to the crossing is
77 an immediate hazard;
78 (d) an approaching train is plainly visible and is in hazardous proximity to the crossing;
79 or
80 (e) there is any other condition that makes it unsafe to proceed through the crossing.
81 [~~(2)~~] (3) (a) An operator of a vehicle who suspects a false activation or malfunction of a
82 railroad grade crossing signal device where there is no gate or barrier may drive a vehicle[~~,~~
83 ~~including a school bus,~~] through the railroad grade crossing after stopping if:
84 (i) the operator of a vehicle has a clear line of sight of at least one mile of the railroad
85 tracks in all directions;

86 (ii) there is no evidence of an approaching train;
87 (iii) the vehicle can cross over the tracks safely; and
88 (iv) the operator of a [~~vehicle does not violate Subsection (3)~~] school bus is compliant
89 with written district policy.
90 (b) As soon as is reasonably possible, the operator of a school bus shall notify the
91 driver's dispatcher and the dispatcher shall notify the owner of the railroad track where the
92 grade crossing signal device is located of the false activation or malfunction.
93 [~~(3)~~] (4) (a) A person may not drive a vehicle through, around, or under a crossing gate
94 or barrier at a railroad grade crossing [~~while the gate or barrier is closed or is being opened or~~
95 ~~closed~~] if the railroad grade crossing is active.
96 (b) A person may not cause a non-rail vehicle, whether or not occupied, to pass
97 through, around, over, or under or remain on a gate or barrier at a railroad grade crossing if the
98 railroad grade crossing is active.
99 (c) A person may not cause a non-rail vehicle, whether or not occupied, to pass around,
100 through, over, or under or remain in a rail or fixed guideway right-of-way in a manner that
101 would cause a railroad train or other rail vehicle to make contact with the non-rail vehicle.
102 Section 4. Section **76-6-106** is amended to read:
103 **76-6-106. Criminal mischief.**
104 (1) As used in this section, "critical infrastructure" includes:
105 (a) information and communication systems;
106 (b) financial and banking systems;
107 (c) any railroads, airlines, airports, airways, highways, bridges, waterways, fixed
108 guideways, or other transportation systems intended for the transportation of persons or
109 property;
110 (d) any public utility service, including the power, energy, and water supply systems;
111 (e) sewage and water treatment systems;
112 (f) health care facilities as listed in Section 26-21-2, and emergency fire, medical, and
113 law enforcement response systems;

114 (g) public health facilities and systems;
115 (h) food distribution systems; and
116 (i) other government operations and services.
117 (2) A person commits criminal mischief if the person:
118 (a) under circumstances not amounting to arson, damages or destroys property with the
119 intention of defrauding an insurer;
120 (b) intentionally and unlawfully tampers with the property of another and as a result:
121 (i) recklessly endangers:
122 (A) human life; or
123 (B) human health or safety; or
124 (ii) recklessly causes or threatens a substantial interruption or impairment of any
125 critical infrastructure;
126 (c) intentionally damages, defaces, or destroys the property of another; or
127 (d) recklessly or willfully shoots or propels a missile or other object at or against a
128 motor vehicle, bus, airplane, boat, locomotive, train, railway car, or caboose, whether moving
129 or standing.
130 (3) (a) (i) A violation of Subsection (2)(a) is a third degree felony.
131 (ii) A violation of Subsection (2)(b)(i)(A) is a class A misdemeanor.
132 (iii) A violation of Subsection (2)(b)(i)(B) is a class B misdemeanor.
133 (iv) A violation of Subsection (2)(b)(ii) is a second degree felony.
134 (b) Any other violation of this section is a:
135 (i) second degree felony if the actor's conduct causes or is intended to cause pecuniary
136 loss equal to or in excess of $5,000 in value;
137 (ii) third degree felony if the actor's conduct causes or is intended to cause pecuniary
138 loss equal to or in excess of $1,500 but is less than $5,000 in value;
139 (iii) class A misdemeanor if the actor's conduct causes or is intended to cause
140 pecuniary loss equal to or in excess of $500 but is less than $1,500 in value; and
141 (iv) class B misdemeanor if the actor's conduct causes or is intended to cause pecuniary

142 loss less than $500 in value.

143 (4) In determining the value of damages under this section, or for computer crimes
144 under Section 76-6-703, the value of any item, computer, computer network, computer
145 property, computer services, software, or data includes the measurable value of the loss of use
146 of the items and the measurable cost to replace or restore the items.

147 (5) In addition to any other penalty authorized by law, a court shall order any person
148 convicted of any violation of this section to reimburse any federal, state, or local unit of
149 government, or any private business, organization, individual, or entity for all expenses
150 incurred in responding to a violation of Subsection (2)(b)(ii), unless the court states on the
151 record the reasons why the reimbursement would be inappropriate.