

57 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 [(+) (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
 82a vehicle **↔** [~~including a school bus,~~] **←** through the
 83 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 ~~Ĥ~~→ school bus is compliant with written district policy. [~~vehicle~~
88a ~~does not violate Subsection [(3)](4):~~] ←Ĥ

89 (b) As soon as is reasonably possible, the operator of a school bus shall notify the
90 driver's dispatcher and the dispatcher shall notify the owner of the railroad track where the
91 grade crossing signal device is located of the false activation or malfunction.

92 [~~(3)~~] (4) (a) A person may not drive a vehicle through, around, or under a crossing gate
93 or barrier at a railroad grade crossing [~~while the gate or barrier is closed or is being opened or~~
94 ~~closed~~] if the railroad grade crossing is active.

95 (b) A person may not cause a non-rail vehicle, whether or not occupied, to pass
96 through, around, over, or under or remain on a gate or barrier at a railroad grade crossing if the
97 railroad grade crossing is active.

98 (c) A person may not cause a non-rail vehicle, whether or not occupied, to pass around,
99 through, over, or under or remain in a rail or fixed guideway right-of-way in a manner that
100 would cause a railroad train or other rail vehicle to make contact with the non-rail vehicle.

101 Section 4. Section **76-6-106** is amended to read:

102 **76-6-106. Criminal mischief.**

103 (1) As used in this section, "critical infrastructure" includes:

104 (a) information and communication systems;

105 (b) financial and banking systems;

106 (c) any railroads, airlines, airports, airways, highways, bridges, waterways, fixed
107 guideways, or other transportation systems intended for the transportation of persons or
108 property;

109 (d) any public utility service, including the power, energy, and water supply systems;

110 (e) sewage and water treatment systems;

111 (f) health care facilities as listed in Section 26-21-2, and emergency fire, medical, and
112 law enforcement response systems;

113 (g) public health facilities and systems;

114 (h) food distribution systems; and

115 (i) other government operations and services.

116 (2) A person commits criminal mischief if the person:

117 (a) under circumstances not amounting to arson, damages or destroys property with the
118 intention of defrauding an insurer;