

1                   **TRAX CROSSING BARS OPERATIONS AMENDMENTS**

2                                   2015 GENERAL SESSION

3                                   STATE OF UTAH

4                           **Chief Sponsor: Scott K. Jenkins**

5                                   House Sponsor: Lee B. Perry

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7 **LONG TITLE**

8 **General Description:**

9                   This bill modifies the Traffic Code by amending provisions related to railroad  
10 crossings.

11 **Highlighted Provisions:**

12                   This bill:

- 13                   ▶ amends provisions related to stopping a vehicle at a railroad grade crossing.

14 **Money Appropriated in this Bill:**

15                   None

16 **Other Special Clauses:**

17                   None

18 **Utah Code Sections Affected:**

19 AMENDS:

20                   **41-6a-305**, as last amended by Laws of Utah 2014, Chapter 39

21                   **41-6a-1203**, as last amended by Laws of Utah 2012, Chapter 135

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

24                   Section 1. Section **41-6a-305** is amended to read:

25                   **41-6a-305. Traffic-control signal -- At intersections -- At place other than**  
26 **intersection -- Color of light signal -- Inoperative traffic-control signals -- Affirmative**  
27 **defense.**

28                   (1) (a) Green, red, and yellow are the only colors that may be used in a traffic-control  
29 signal, except for a:

30 (i) pedestrian traffic-control signal that may use white and orange; and

31 (ii) rail vehicle that may use white.

32 (b) Traffic-control signals apply to the operator of a vehicle and to a pedestrian as  
33 provided in this section.

34 (2) (a) (i) Except as provided in Subsection (2)(a)(ii), the operator of a vehicle facing a  
35 circular green signal may:

36 (A) proceed straight through the intersection;

37 (B) turn right; or

38 (C) turn left.

39 (ii) The operator of a vehicle facing a circular green signal, including an operator  
40 turning right or left:

41 (A) shall yield the right-of-way to other vehicles and to pedestrians lawfully within the  
42 intersection or an adjacent crosswalk at the time the signal is exhibited; and

43 (B) may not turn right or left if a sign at the intersection prohibits the turn.

44 (b) The operator of a vehicle facing a green arrow signal shown alone or in  
45 combination with another indication:

46 (i) may cautiously enter the intersection only to make the movement indicated by the  
47 arrow or other indication shown at the same time; and

48 (ii) shall yield the right-of-way to pedestrians lawfully within an adjacent crosswalk  
49 and to other traffic lawfully using the intersection.

50 (c) Unless otherwise directed by a pedestrian traffic-control signal under Section  
51 41-6a-306, a pedestrian facing any green signal other than a green turn arrow may proceed  
52 across the roadway within any marked or unmarked crosswalk.

53 (3) (a) The operator of a vehicle facing a steady circular yellow or yellow arrow signal  
54 is warned that the allowable movement related to a green signal is being terminated.

55 (b) Unless otherwise directed by a pedestrian traffic-control signal under Section  
56 41-6a-306, a pedestrian facing a steady circular yellow or yellow arrow signal is advised that  
57 there is insufficient time to cross the roadway before a red indication is shown, and a pedestrian

58 may not start to cross the roadway.

59 (4) (a) Except as provided in Subsection (4)(c), the operator of a vehicle facing a  
60 steady circular red or red arrow signal:

61 (i) may not enter the intersection unless entering the intersection to make a movement  
62 is permitted by another indication; and

63 (ii) shall stop at a clearly marked stop line, but if none, before entering the marked or  
64 unmarked crosswalk on the near side of the intersection and shall remain stopped until an  
65 indication to proceed is shown.

66 (b) Unless otherwise directed by a pedestrian traffic-control signal under Section  
67 41-6a-306, a pedestrian facing a steady red signal alone may not enter the roadway.

68 (c) (i) (A) The operator of a vehicle facing a steady circular red signal may cautiously  
69 enter the intersection to turn right, or may turn left from a one-way street into a one-way street,  
70 after stopping as required by Subsection (4)(a).

71 (B) If permitted by a traffic control device on the state highway system, the operator of  
72 a vehicle facing a steady red arrow signal may cautiously enter the intersection to turn left from  
73 a one-way street into a one-way street after stopping as required by Subsection (4)(a).

74 (ii) The operator of a vehicle under Subsection (4)(c)(i) shall yield the right-of-way to:

75 (A) another vehicle moving through the intersection in accordance with an official  
76 traffic-control signal; and

77 (B) a pedestrian lawfully within an adjacent crosswalk.

78 (5) (a) This section applies to a highway or rail line where a traffic-control signal is  
79 erected and maintained.

80 (b) Any stop required shall be made at a sign or marking on the highway pavement  
81 indicating where the stop shall be made, but, in the absence of any sign or marking, the stop  
82 shall be made at the signal.

83 (6) The operator of a vehicle approaching an intersection that has an inoperative  
84 traffic-control signal shall:

85 (a) stop before entering the intersection; and

86 (b) yield the right-of-way to any vehicle as required under Section 41-6a-901.

87 (7) (a) For an operator of a motorcycle, moped, or bicycle who is 16 years of age or  
88 older, it is an affirmative defense to a violation of Subsection (4)(a) if the operator of a  
89 motorcycle, moped, or bicycle facing a steady circular red signal or red arrow:

90 (i) brings the motorcycle, moped, or bicycle to a complete stop at the intersection or  
91 stop line;

92 (ii) determines that:

93 (A) the traffic-control signal has not detected the operator's presence by waiting a  
94 reasonable period of time of not less than 90 seconds at the intersection or stop line before  
95 entering the intersection;

96 (B) no other vehicle that is entitled to have the right-of-way under applicable law is  
97 sitting at, traveling through, or approaching the intersection; and

98 (C) no pedestrians are attempting to cross at or near the intersection in the direction of  
99 travel of the operator; and

100 (iii) cautiously enters the intersection and proceeds across the roadway.

101 (b) The affirmative defense under this section does not apply at an active railroad grade  
102 crossing as defined in Section 41-6a-1005, except as described in Section 41-6a-1203.

103 Section 2. Section 41-6a-1203 is amended to read:

104 **41-6a-1203. Railroad grade crossing -- Duty to stop -- Malfunctions and school**  
105 **buses -- Driving through, around, or under gate or barrier prohibited.**

106 (1) As used in this section, "active railroad grade crossing" [~~has the same meaning as~~]  
107 means the same as that term is defined in Section 41-6a-1005.

108 (2) (a) Whenever a person operating a vehicle approaches a railroad grade crossing, the  
109 operator of the vehicle shall stop within 50 feet but not less than 15 feet from the nearest rail of  
110 the railroad track and may not proceed if:

111 [~~(a)~~] (i) a clearly visible electric or mechanical signal device gives warning of the  
112 immediate approach of a train;

113 [~~(b)~~] (ii) a crossing gate is lowered, or when a human flagman gives or continues to

114 give a signal of the approach or passage of a train;

115 ~~[(e)]~~ (iii) a railroad train approaching within approximately 1,500 feet of the highway  
116 crossing emits a signal audible and the train by reason of its speed or nearness to the crossing is  
117 an immediate hazard;

118 ~~[(d)]~~ (iv) an approaching train is plainly visible and is in hazardous proximity to the  
119 crossing; or

120 ~~[(e)]~~ (v) there is any other condition that makes it unsafe to proceed through the  
121 crossing.

122 (b) It is an affirmative defense to a violation of Subsection (2)(a) if the operator of a  
123 vehicle, facing a clearly visible electric or mechanical signal device described in Subsection  
124 (2)(a)(i):

125 (i) comes to a complete stop, as described in Subsection (2)(a);

126 (ii) determines that:

127 (A) the crossing gate described in Subsection (2)(a)(ii) has not been lowered or has  
128 been raised;

129 (B) no other vehicle that is entitled to have the right-of-way under applicable law is  
130 sitting at, traveling through, or approaching the intersection;

131 (C) no train is approaching or passing; and

132 (D) no pedestrians are attempting to cross at or near the intersection in the direction of  
133 travel of the operator; and

134 (iii) cautiously enters the intersection and proceeds across the roadway.

135 (c) A railroad operator or railroad company shall not be liable for damage, injury, or  
136 death arising from a vehicle operator's entry into the intersection as described in Subsection  
137 (2)(b).

138 (3) (a) An operator of a vehicle who suspects a false activation or malfunction of a  
139 railroad grade crossing signal device where there is no gate or barrier may drive a vehicle  
140 through the railroad grade crossing after stopping if:

141 (i) the operator of a vehicle has a clear line of sight of at least one mile of the railroad

142 tracks in all directions;

143 (ii) there is no evidence of an approaching train;

144 (iii) the vehicle can cross over the tracks safely; and

145 (iv) the operator of a school bus is compliant with written district policy.

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

149 (4) (a) A person may not drive a vehicle through, around, or under a crossing gate or  
150 barrier at a railroad grade crossing if the railroad grade crossing is active.

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

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