

**Senator Karen Mayne** proposes the following substitute bill:

**RAILROAD CROSSING MODIFICATIONS**

2022 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Karen Mayne**

House Sponsor: James A. Dunnigan

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**LONG TITLE**

**General Description:**

This bill amends traffic code provisions related to railroad grade crossings.

**Highlighted Provisions:**

This bill:

- ▶ defines terms;
- ▶ at a railroad grade crossing, requires a vehicle operator or an operator of certain equipment to stop for on-track equipment in the same manner as for a train; and
- ▶ makes technical and conforming changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**41-6a-102**, as last amended by Laws of Utah 2020, Chapters 84 and 354

**41-6a-1203**, as last amended by Laws of Utah 2015, Chapter 412

**41-6a-1205**, as last amended by Laws of Utah 2015, Chapter 412

**41-6a-1206**, as last amended by Laws of Utah 2015, Chapter 412



26 **63I-1-241**, as last amended by Laws of Utah 2020, Chapters 84 and 154



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

29 Section 1. Section **41-6a-102** is amended to read:

30 **41-6a-102. Definitions.**

31 As used in this chapter:

32 (1) "Alley" means a street or highway intended to provide access to the rear or side of  
33 lots or buildings in urban districts and not intended for through vehicular traffic.

34 (2) "All-terrain type I vehicle" means the same as that term is defined in Section  
35 **41-22-2**.

36 (3) "Authorized emergency vehicle" includes:

37 (a) fire department vehicles;

38 (b) police vehicles;

39 (c) ambulances; and

40 (d) other publicly or privately owned vehicles as designated by the commissioner of the  
41 Department of Public Safety.

42 (4) "Autocycle" means the same as that term is defined in Section **53-3-102**.

43 (5) (a) "Bicycle" means a wheeled vehicle:

44 (i) propelled by human power by feet or hands acting upon pedals or cranks;

45 (ii) with a seat or saddle designed for the use of the operator;

46 (iii) designed to be operated on the ground; and

47 (iv) whose wheels are not less than 14 inches in diameter.

48 (b) "Bicycle" includes an electric assisted bicycle.

49 (c) "Bicycle" does not include scooters and similar devices.

50 (6) (a) "Bus" means a motor vehicle:

51 (i) designed for carrying more than 15 passengers and used for the transportation of  
52 persons; or

53 (ii) designed and used for the transportation of persons for compensation.

54 (b) "Bus" does not include a taxicab.

55 (7) (a) "Circular intersection" means an intersection that has an island, generally

56 circular in design, located in the center of the intersection where traffic passes to the right of

57 the island.

58 (b) "Circular intersection" includes:

59 (i) roundabouts;

60 (ii) rotaries; and

61 (iii) traffic circles.

62 (8) "Class 1 electric assisted bicycle" means an electric assisted bicycle described in  
63 Subsection (17)(d)(i).

64 (9) "Class 2 electric assisted bicycle" means an electric assisted bicycle described in  
65 Subsection (17)(d)(ii).

66 (10) "Class 3 electric assisted bicycle" means an electric assisted bicycle described in  
67 Subsection (17)(d)(iii).

68 (11) "Commissioner" means the commissioner of the Department of Public Safety.

69 (12) "Controlled-access highway" means a highway, street, or roadway:

70 (a) designed primarily for through traffic; and

71 (b) to or from which owners or occupants of abutting lands and other persons have no  
72 legal right of access, except at points as determined by the highway authority having  
73 jurisdiction over the highway, street, or roadway.

74 (13) "Crosswalk" means:

75 (a) that part of a roadway at an intersection included within the connections of the  
76 lateral lines of the sidewalks on opposite sides of the highway measured from:

77 (i) (A) the curbs; or

78 (B) in the absence of curbs, from the edges of the traversable roadway; and

79 (ii) in the absence of a sidewalk on one side of the roadway, that part of a roadway  
80 included within the extension of the lateral lines of the existing sidewalk at right angles to the  
81 centerline; or

82 (b) any portion of a roadway at an intersection or elsewhere distinctly indicated for  
83 pedestrian crossing by lines or other markings on the surface.

84 (14) "Department" means the Department of Public Safety.

85 (15) "Direct supervision" means oversight at a distance within which:

86 (a) visual contact is maintained; and

87 (b) advice and assistance can be given and received.

- 88 (16) "Divided highway" means a highway divided into two or more roadways by:
- 89 (a) an unpaved intervening space;
- 90 (b) a physical barrier; or
- 91 (c) a clearly indicated dividing section constructed to impede vehicular traffic.
- 92 (17) "Electric assisted bicycle" means a bicycle with an electric motor that:
- 93 (a) has a power output of not more than 750 watts;
- 94 (b) has fully operable pedals on permanently affixed cranks;
- 95 (c) is fully operable as a bicycle without the use of the electric motor; and
- 96 (d) is one of the following:
- 97 (i) an electric assisted bicycle equipped with a motor or electronics that:
- 98 (A) provides assistance only when the rider is pedaling; and
- 99 (B) ceases to provide assistance when the bicycle reaches the speed of 20 miles per
- 100 hour;
- 101 (ii) an electric assisted bicycle equipped with a motor or electronics that:
- 102 (A) may be used exclusively to propel the bicycle; and
- 103 (B) is not capable of providing assistance when the bicycle reaches the speed of 20
- 104 miles per hour; or
- 105 (iii) an electric assisted bicycle equipped with a motor or electronics that:
- 106 (A) provides assistance only when the rider is pedaling;
- 107 (B) ceases to provide assistance when the bicycle reaches the speed of 28 miles per
- 108 hour; and
- 109 (C) is equipped with a speedometer.
- 110 (18) (a) "Electric personal assistive mobility device" means a self-balancing device
- 111 with:
- 112 (i) two nontandem wheels in contact with the ground;
- 113 (ii) a system capable of steering and stopping the unit under typical operating
- 114 conditions;
- 115 (iii) an electric propulsion system with average power of one horsepower or 750 watts;
- 116 (iv) a maximum speed capacity on a paved, level surface of 12.5 miles per hour; and
- 117 (v) a deck design for a person to stand while operating the device.
- 118 (b) "Electric personal assistive mobility device" does not include a wheelchair.

119 (19) "Explosives" means a chemical compound or mechanical mixture commonly used  
120 or intended for the purpose of producing an explosion and that contains any oxidizing and  
121 combustive units or other ingredients in proportions, quantities, or packing so that an ignition  
122 by fire, friction, concussion, percussion, or detonator of any part of the compound or mixture  
123 may cause a sudden generation of highly heated gases, and the resultant gaseous pressures are  
124 capable of producing destructive effects on contiguous objects or of causing death or serious  
125 bodily injury.

126 (20) "Farm tractor" means a motor vehicle designed and used primarily as a farm  
127 implement, for drawing plows, mowing machines, and other implements of husbandry.

128 (21) "Flammable liquid" means a liquid that has a flashpoint of 100 degrees F. or less,  
129 as determined by a tagliabue or equivalent closed-cup test device.

130 (22) "Freeway" means a controlled-access highway that is part of the interstate system  
131 as defined in Section [72-1-102](#).

132 (23) (a) "Golf cart" means a device that:

- 133 (i) is designed for transportation by players on a golf course;
- 134 (ii) has not less than three wheels in contact with the ground;
- 135 (iii) has an unladen weight of less than 1,800 pounds;
- 136 (iv) is designed to operate at low speeds; and
- 137 (v) is designed to carry not more than six persons including the driver.

138 (b) "Golf cart" does not include:

- 139 (i) a low-speed vehicle or an off-highway vehicle;
- 140 (ii) a motorized wheelchair;
- 141 (iii) an electric personal assistive mobility device;
- 142 (iv) an electric assisted bicycle;
- 143 (v) a motor assisted scooter;
- 144 (vi) a personal delivery device, as defined in Section [41-6a-1119](#); or
- 145 (vii) a mobile carrier, as defined in Section [41-6a-1120](#).

146 (24) "Gore area" means the area delineated by two solid white lines that is between a  
147 continuing lane of a through roadway and a lane used to enter or exit the continuing lane  
148 including similar areas between merging or splitting highways.

149 (25) "Gross weight" means the weight of a vehicle without a load plus the weight of

150 any load on the vehicle.

151 (26) "Hi-rail vehicle" means a roadway maintenance vehicle that is:

152 (a) manufactured to meet Federal Motor Vehicle Safety Standards; and

153 (b) equipped with retractable flanged wheels that allow the vehicle to travel on a  
154 highway or railroad tracks.

155 [~~26~~] (27) "Highway" means the entire width between property lines of every way or  
156 place of any nature when any part of it is open to the use of the public as a matter of right for  
157 vehicular travel.

158 [~~27~~] (28) "Highway authority" means the same as that term is defined in Section  
159 72-1-102.

160 [~~28~~] (29) (a) "Intersection" means the area embraced within the prolongation or  
161 connection of the lateral curblines, or, if none, then the lateral boundary lines of the roadways  
162 of two or more highways that join one another.

163 (b) Where a highway includes two roadways 30 feet or more apart:

164 (i) every crossing of each roadway of the divided highway by an intersecting highway  
165 is a separate intersection; and

166 (ii) if the intersecting highway also includes two roadways 30 feet or more apart, then  
167 every crossing of two roadways of the highways is a separate intersection.

168 (c) "Intersection" does not include the junction of an alley with a street or highway.

169 [~~29~~] (30) "Island" means an area between traffic lanes or at an intersection for control  
170 of vehicle movements or for pedestrian refuge designated by:

171 (a) pavement markings, which may include an area designated by two solid yellow  
172 lines surrounding the perimeter of the area;

173 (b) channelizing devices;

174 (c) curbs;

175 (d) pavement edges; or

176 (e) other devices.

177 [~~30~~] (31) "Lane filtering" means, when operating a motorcycle other than an  
178 autocycle, the act of overtaking and passing another vehicle that is stopped in the same  
179 direction of travel in the same lane.

180 [~~31~~] (32) "Law enforcement agency" means the same as that term is as defined in

181 Section [53-1-102](#).

182 ~~[(32)]~~ (33) "Limited access highway" means a highway:

183 (a) that is designated specifically for through traffic; and

184 (b) over, from, or to which neither owners nor occupants of abutting lands nor other  
185 persons have any right or easement, or have only a limited right or easement of access, light,  
186 air, or view.

187 ~~[(33)]~~ (34) "Local highway authority" means the legislative, executive, or governing  
188 body of a county, municipal, or other local board or body having authority to enact laws  
189 relating to traffic under the constitution and laws of the state.

190 ~~[(34)]~~ (35) (a) "Low-speed vehicle" means a four wheeled electric motor vehicle that:

191 (i) is designed to be operated at speeds of not more than 25 miles per hour; and

192 (ii) has a capacity of not more than six passengers, including a conventional driver or  
193 fallback-ready user if on board the vehicle, as those terms are defined in Section [41-26-102.1](#).

194 (b) "Low-speed vehicle" does not include a golfcart or an off-highway vehicle.

195 ~~[(35)]~~ (36) "Metal tire" means a tire, the surface of which in contact with the highway  
196 is wholly or partly of metal or other hard nonresilient material.

197 ~~[(36)]~~ (37) (a) "Mini-motorcycle" means a motorcycle or motor-driven cycle that has a  
198 seat or saddle that is less than 24 inches from the ground as measured on a level surface with  
199 properly inflated tires.

200 (b) "Mini-motorcycle" does not include a moped or a motor assisted scooter.

201 (c) "Mini-motorcycle" does not include a motorcycle that is:

202 (i) designed for off-highway use; and

203 (ii) registered as an off-highway vehicle under Section [41-22-3](#).

204 ~~[(37)]~~ (38) "Mobile home" means:

205 (a) a trailer or semitrailer that is:

206 (i) designed, constructed, and equipped as a dwelling place, living abode, or sleeping  
207 place either permanently or temporarily; and

208 (ii) equipped for use as a conveyance on streets and highways; or

209 (b) a trailer or a semitrailer whose chassis and exterior shell is designed and

210 constructed for use as a mobile home, as defined in Subsection ~~[(37)]~~ (38)(a), but that is

211 instead used permanently or temporarily for:

- 212 (i) the advertising, sale, display, or promotion of merchandise or services; or
- 213 (ii) any other commercial purpose except the transportation of property for hire or the
- 214 transportation of property for distribution by a private carrier.

215 [~~38~~] (39) (a) "Moped" means a motor-driven cycle having:

- 216 (i) pedals to permit propulsion by human power; and
- 217 (ii) a motor that:
  - 218 (A) produces not more than two brake horsepower; and
  - 219 (B) is not capable of propelling the cycle at a speed in excess of 30 miles per hour on
  - 220 level ground.

221 (b) If an internal combustion engine is used, the displacement may not exceed 50 cubic

222 centimeters and the moped shall have a power drive system that functions directly or

223 automatically without clutching or shifting by the operator after the drive system is engaged.

224 (c) "Moped" does not include:

- 225 (i) an electric assisted bicycle; or
- 226 (ii) a motor assisted scooter.

227 [~~39~~] (40) (a) "Motor assisted scooter" means a self-propelled device with:

- 228 (i) at least two wheels in contact with the ground;
- 229 (ii) a braking system capable of stopping the unit under typical operating conditions;
- 230 (iii) an electric motor not exceeding 2,000 watts;
- 231 (iv) either:
  - 232 (A) handlebars and a deck design for a person to stand while operating the device; or
  - 233 (B) handlebars and a seat designed for a person to sit, straddle, or stand while operating
  - 234 the device;
- 235 (v) a design for the ability to be propelled by human power alone; and
- 236 (vi) a maximum speed of 20 miles per hour on a paved level surface.

237 (b) "Motor assisted scooter" does not include:

- 238 (i) an electric assisted bicycle; or
- 239 (ii) a motor-driven cycle.

240 [~~40~~] (41) (a) "Motor vehicle" means a vehicle that is self-propelled and a vehicle that

241 is propelled by electric power obtained from overhead trolley wires, but not operated upon

242 rails.

- 243 (b) "Motor vehicle" does not include:
- 244 (i) vehicles moved solely by human power;
- 245 (ii) motorized wheelchairs;
- 246 (iii) an electric personal assistive mobility device;
- 247 (iv) an electric assisted bicycle;
- 248 (v) a motor assisted scooter;
- 249 (vi) a personal delivery device, as defined in Section 41-6a-1119; or
- 250 (vii) a mobile carrier, as defined in Section 41-6a-1120.
- 251 ~~[(41)]~~ (42) "Motorcycle" means:
- 252 (a) a motor vehicle, other than a tractor, having a seat or saddle for the use of the rider
- 253 and designed to travel with not more than three wheels in contact with the ground; or
- 254 (b) an auticycle.
- 255 ~~[(42)]~~ (43) (a) "Motor-driven cycle" means a motorcycle, moped, and a motorized
- 256 bicycle having:
- 257 (i) an engine with less than 150 cubic centimeters displacement; or
- 258 (ii) a motor that produces not more than five horsepower.
- 259 (b) "Motor-driven cycle" does not include:
- 260 (i) an electric personal assistive mobility device;
- 261 (ii) a motor assisted scooter; or
- 262 (iii) an electric assisted bicycle.
- 263 ~~[(43)]~~ (44) "Off-highway implement of husbandry" means the same as that term is
- 264 defined under Section 41-22-2.
- 265 ~~[(44)]~~ (45) "Off-highway vehicle" means the same as that term is defined under Section
- 266 41-22-2.
- 267 (46) "Other on-track equipment" means a railroad car, hi-rail vehicle, rolling stock, or
- 268 other device operated, alone or coupled with another device, on stationary rails.
- 269 ~~[(45)]~~ (47) "Operate" means the same as that term is defined in Section 41-1a-102.
- 270 ~~[(46)]~~ (48) "Operator" means:
- 271 (a) a human driver, as defined in Section 41-26-102.1, that operates a vehicle; or
- 272 (b) an automated driving system, as defined in Section 41-26-102.1, that operates a
- 273 vehicle.

274            [~~(47)~~] (49) (a) "Park" or "parking" means the standing of a vehicle, whether the vehicle  
275 is occupied or not.

276            (b) "Park" or "parking" does not include:

277            (i) the standing of a vehicle temporarily for the purpose of and while actually engaged  
278 in loading or unloading property or passengers; or

279            (ii) a motor vehicle with an engaged automated driving system that has achieved a  
280 minimal risk condition, as those terms are defined in Section [41-26-102.1](#).

281            [~~(48)~~] (50) "Peace officer" means a peace officer authorized under Title 53, Chapter 13,  
282 Peace Officer Classifications, to direct or regulate traffic or to make arrests for violations of  
283 traffic laws.

284            [~~(49)~~] (51) "Pedestrian" means a person traveling:

285            (a) on foot; or

286            (b) in a wheelchair.

287            [~~(50)~~] (52) "Pedestrian traffic-control signal" means a traffic-control signal used to  
288 regulate pedestrians.

289            [~~(51)~~] (53) "Person" means a natural person, firm, copartnership, association,  
290 corporation, business trust, estate, trust, partnership, limited liability company, association,  
291 joint venture, governmental agency, public corporation, or any other legal or commercial entity.

292            [~~(52)~~] (54) "Pole trailer" means a vehicle without motive power:

293            (a) designed to be drawn by another vehicle and attached to the towing vehicle by  
294 means of a reach, or pole, or by being boomed or otherwise secured to the towing vehicle; and

295            (b) that is ordinarily used for transporting long or irregular shaped loads including  
296 poles, pipes, or structural members generally capable of sustaining themselves as beams  
297 between the supporting connections.

298            [~~(53)~~] (55) "Private road or driveway" means every way or place in private ownership  
299 and used for vehicular travel by the owner and those having express or implied permission  
300 from the owner, but not by other persons.

301            [~~(54)~~] (56) "Railroad" means a carrier of persons or property upon cars operated on  
302 stationary rails.

303            [~~(55)~~] (57) "Railroad sign or signal" means a sign, signal, or device erected by  
304 authority of a public body or official or by a railroad and intended to give notice of the presence

305 of railroad tracks or the approach of a railroad train.

306 [~~(56)~~] (58) "Railroad train" means a locomotive propelled by any form of energy,  
307 coupled with or operated without cars, and operated upon rails.

308 [~~(57)~~] (59) "Right-of-way" means the right of one vehicle or pedestrian to proceed in a  
309 lawful manner in preference to another vehicle or pedestrian approaching under circumstances  
310 of direction, speed, and proximity that give rise to danger of collision unless one grants  
311 precedence to the other.

312 [~~(58)~~] (60) (a) "Roadway" means that portion of highway improved, designed, or  
313 ordinarily used for vehicular travel.

314 (b) "Roadway" does not include the sidewalk, berm, or shoulder, even though any of  
315 them are used by persons riding bicycles or other human-powered vehicles.

316 (c) "Roadway" refers to any roadway separately but not to all roadways collectively, if  
317 a highway includes two or more separate roadways.

318 [~~(59)~~] (61) "Safety zone" means the area or space officially set apart within a roadway  
319 for the exclusive use of pedestrians and that is protected, marked, or indicated by adequate  
320 signs as to be plainly visible at all times while set apart as a safety zone.

321 [~~(60)~~] (62) (a) "School bus" means a motor vehicle that:

322 (i) complies with the color and identification requirements of the most recent edition of  
323 "Minimum Standards for School Buses"; and

324 (ii) is used to transport school children to or from school or school activities.

325 (b) "School bus" does not include a vehicle operated by a common carrier in  
326 transportation of school children to or from school or school activities.

327 [~~(61)~~] (63) (a) "Semitrailer" means a vehicle with or without motive power:

328 (i) designed for carrying persons or property and for being drawn by a motor vehicle;  
329 and

330 (ii) constructed so that some part of its weight and that of its load rests on or is carried  
331 by another vehicle.

332 (b) "Semitrailer" does not include a pole trailer.

333 [~~(62)~~] (64) "Shoulder area" means:

334 (a) that area of the hard-surfaced highway separated from the roadway by a pavement  
335 edge line as established in the current approved "Manual on Uniform Traffic Control Devices";

336 or

337 (b) that portion of the road contiguous to the roadway for accommodation of stopped  
338 vehicles, for emergency use, and for lateral support.

339 [~~(63)~~] (65) "Sidewalk" means that portion of a street between the curb lines, or the  
340 lateral lines of a roadway, and the adjacent property lines intended for the use of pedestrians.

341 [~~(64)~~] (66) "Solid rubber tire" means a tire of rubber or other resilient material that  
342 does not depend on compressed air for the support of the load.

343 [~~(65)~~] (67) "Stand" or "standing" means the temporary halting of a vehicle, whether  
344 occupied or not, for the purpose of and while actually engaged in receiving or discharging  
345 passengers.

346 [~~(66)~~] (68) "Stop" when required means complete cessation from movement.

347 [~~(67)~~] (69) "Stop" or "stopping" when prohibited means any halting even momentarily  
348 of a vehicle, whether occupied or not, except when:

349 (a) necessary to avoid conflict with other traffic; or

350 (b) in compliance with the directions of a peace officer or traffic-control device.

351 [~~(68)~~] (70) "Street-legal all-terrain vehicle" or "street-legal ATV" means an all-terrain  
352 type I vehicle, all-terrain type II vehicle, or all-terrain type III vehicle, that is modified to meet  
353 the requirements of Section 41-6a-1509 to operate on highways in the state in accordance with  
354 Section 41-6a-1509.

355 [~~(69)~~] (71) "Traffic" means pedestrians, ridden or herded animals, vehicles, and other  
356 conveyances either singly or together while using any highway for the purpose of travel.

357 [~~(70)~~] (72) "Traffic signal preemption device" means an instrument or mechanism  
358 designed, intended, or used to interfere with the operation or cycle of a traffic-control signal.

359 [~~(71)~~] (73) "Traffic-control device" means a sign, signal, marking, or device not  
360 inconsistent with this chapter placed or erected by a highway authority for the purpose of  
361 regulating, warning, or guiding traffic.

362 [~~(72)~~] (74) "Traffic-control signal" means a device, whether manually, electrically, or  
363 mechanically operated, by which traffic is alternately directed to stop and permitted to proceed.

364 [~~(73)~~] (75) (a) "Trailer" means a vehicle with or without motive power designed for  
365 carrying persons or property and for being drawn by a motor vehicle and constructed so that no  
366 part of its weight rests upon the towing vehicle.

367 (b) "Trailer" does not include a pole trailer.

368 [(74)] (76) "Truck" means a motor vehicle designed, used, or maintained primarily for  
369 the transportation of property.

370 [(75)] (77) "Truck tractor" means a motor vehicle:

371 (a) designed and used primarily for drawing other vehicles; and

372 (b) constructed to carry a part of the weight of the vehicle and load drawn by the truck  
373 tractor.

374 [(76)] (78) "Two-way left turn lane" means a lane:

375 (a) provided for vehicle operators making left turns in either direction;

376 (b) that is not used for passing, overtaking, or through travel; and

377 (c) that has been indicated by a lane traffic-control device that may include lane  
378 markings.

379 [(77)] (79) "Urban district" means the territory contiguous to and including any street,  
380 in which structures devoted to business, industry, or dwelling houses are situated at intervals of  
381 less than 100 feet, for a distance of a quarter of a mile or more.

382 [(78)] (80) "Vehicle" means a device in, on, or by which a person or property is or may  
383 be transported or drawn on a highway, except a mobile carrier, as defined in Section  
384 41-6a-1120, or a device used exclusively on stationary rails or tracks.

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

386 **41-6a-1203. Railroad grade crossing -- Duty to stop -- Malfunctions and school**  
387 **buses -- Driving through, around, or under gate or barrier prohibited.**

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

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

393 (a) a clearly visible electric or mechanical signal device gives warning of the  
394 immediate approach of a railroad train or other on-track equipment;

395 (b) a crossing gate is lowered, or when a human flagman gives or continues to give a  
396 signal of the approach or passage of a railroad train or other on-track equipment;

397 (c) a railroad train or other on-track equipment approaching within approximately

398 1,500 feet of the highway crossing:

399 (i) emits [~~a signal audible~~] an audible signal; and

400 (ii) the railroad train [~~by reason of its speed or nearness to the crossing is an immediate~~  
401 ~~hazard~~] or other on-track equipment is an immediate hazard because of the railroad train's or  
402 other on-track equipment's speed or proximity to the crossing;

403 (d) an approaching railroad train or other on-track equipment is plainly visible and is in  
404 hazardous proximity to the crossing; or

405 (e) there is any other condition that makes it unsafe to proceed through the crossing.

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

409 (i) the operator of a vehicle has a clear line of sight of at least one mile of the railroad  
410 tracks in all directions;

411 (ii) there is no evidence of an approaching railroad train or other on-track equipment;

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

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

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

417 (4) (a) A person may not drive a vehicle through, around, or under a crossing gate or  
418 barrier at [~~a railroad grade crossing if the railroad grade crossing is active~~] an active railroad  
419 grade crossing.

420 (b) A person may not cause a non-rail vehicle, whether or not occupied, to pass  
421 through, around, over, or under or remain on a gate or barrier at [~~a railroad grade crossing if the~~  
422 ~~railroad grade crossing is active~~] an active railroad grade crossing.

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

426 (5) A violation of this section is an infraction.

427 Section 3. Section **41-6a-1205** is amended to read:

428 **41-6a-1205. Railroad grade crossings -- Certain vehicles must stop -- Exceptions**

## 429 -- Rules.

430 (1) An operator of a commercial motor vehicle, as defined under Section 53-3-102,  
431 shall upon approaching a railroad grade crossing:

432 (a) ~~[unless Subsection (2) applies]~~ except as provided in Subsection (2), slow down  
433 and check that the tracks are clear of an approaching railroad train or other on-track equipment;

434 (b) stop within 50 feet, but not closer than 15 feet, from the nearest rail of the railroad  
435 track before reaching the crossing if the tracks are not clear;

436 (c) obey all traffic control devices or the directions of a peace officer, or other crossing  
437 official at the crossing; and

438 (d) before proceeding over a railroad grade crossing:

439 (i) ensure that the vehicle has sufficient space to drive completely through a railroad  
440 grade crossing without stopping; and

441 (ii) ensure that the vehicle has sufficient undercarriage clearance to safely and  
442 completely pass through the crossing.

443 (2) ~~[(a)]~~ Except as provided in Subsection (3), the operator of a vehicle described in 49  
444 CFR 392.10;

445 (a) shall stop within 50 feet, but not closer than 15 feet, from the nearest rail of the  
446 railroad track before crossing, at grade, any track of a railroad[.];

447 ~~[(b) While stopped, the operator shall look in both directions along the track for any~~  
448 ~~sign of an approaching train and look and listen for signals indicating the approach of any~~  
449 ~~train.]~~

450 (b) while stopped, shall:

451 (i) look in both directions along the railroad track for:

452 (A) a sign of an approaching railroad train or other on-track equipment; or

453 (B) a signal indicating the approach of a railroad train or other on-track equipment; and

454 (ii) listen for a signal indicating the approach of a railroad train or other on-track  
455 equipment;

456 ~~(c) [The operator]~~ may proceed across the railroad track only when ~~[the movement may~~  
457 ~~be made with reasonable safety.]~~ reasonably safe to cross; and

458 ~~[(d) After stopping as required and upon safely proceeding, the operator shall only~~  
459 ~~cross the railroad track in a gear that ensures no necessity for manually changing gears while~~

460 ~~traversing the crossing. (e) The operator]~~

461 (d) after stopping and safely proceeding, may not manually shift gears while crossing  
462 the railroad track.

463 (3) This section does not apply at a:

464 (a) railroad grade crossing where traffic is controlled by a peace officer or other  
465 crossing official;

466 (b) railroad grade crossing where traffic is regulated by a traffic-control signal;

467 (c) railroad grade crossing where a traffic-control device gives notice that the stopping  
468 requirements of this section are not applicable; or

469 (d) other railroad grade crossings excluded under 49 CFR 392.10.

470 (4) A violation of this section is an infraction.

471 Section 4. Section **41-6a-1206** is amended to read:

472 **41-6a-1206. Railroad crossing duties respecting crawler type tractor, power**  
473 **shovel, derrick, or other equipment or structure.**

474 (1) A person may not operate or move the following on or across any tracks at a  
475 railroad grade crossing without first complying with this section:

476 (a) a crawler type tractor;

477 (b) a power shovel;

478 (c) a derrick;

479 (d) a roller; or

480 (e) any equipment or structure having:

481 (i) normal operating speed of 10 or less miles per hour; or

482 (ii) a vertical body or load clearance of less than:

483 (A) 1/2 inch per foot of the distance between any two adjacent axles; or

484 (B) in any event, nine inches measured above the level surface of a roadway.

485 ~~[(2) Notice of an intended crossing under this section shall be given to the railroad and~~  
486 ~~a reasonable time shall be given to the railroad to provide proper protection at the crossing.]~~

487 (2) A person intending to operate or move a vehicle or equipment described in  
488 Subsection (1) on or across railroad tracks at a railroad grade crossing shall give to the railroad:

489 (a) notice of the person's intended crossing; and

490 (b) reasonable time to provide proper protection at the railroad grade crossing.

491 (3) ~~[(a)]~~ Before making a crossing under this section ~~[the]~~, a person operating or  
492 moving ~~[the]~~ a vehicle or equipment described in Subsection (1):

493 (a) shall first stop within 50 feet but not closer than 15 feet from the nearest rail of the  
494 railway~~[-]~~;

495 ~~[(b) While stopped, the operator of the vehicle shall listen and look in both directions~~  
496 ~~along the track for any approaching train and for signals indicating the approach of a railroad~~  
497 ~~train.]~~

498 (b) while stopped, shall:

499 (i) look in both directions along the railroad track for:

500 (A) a sign of an approaching railroad train or other on-track equipment; or

501 (B) a signal indicating the approach of a railroad train or other on-track equipment; and

502 (ii) listen for a signal indicating the approach of a railroad train or other on-track  
503 equipment; and

504 (c) ~~[The operator]~~ may proceed across the track only when the crossing can be made  
505 safely.

506 (4) ~~[The operator of a vehicle]~~ A person operating or moving a vehicle or equipment  
507 described in Subsection (1) shall obey all traffic control devices or the directions of a peace  
508 officer or other crossing official at the crossing.

509 (5) A violation of this section is an infraction.

510 Section 5. Section **63I-1-241** is amended to read:

511 **63I-1-241. Repeal dates, Title 41.**

512 (1) Subsection **41-1a-1201(9)**, related to the Spinal Cord and Brain Injury  
513 Rehabilitation Fund, is repealed January 1, 2025.

514 (2) Section **41-3-106**, which creates an advisory board related to motor vehicle  
515 business regulation, is repealed July 1, 2024.

516 (3) The following subsections addressing lane filtering are repealed on July 1, 2022:

517 (a) Subsection **41-6a-102**~~[(30)]~~**(31)** that defines "lane filtering";

518 (b) Subsection **41-6a-704(5)**; and

519 (c) Subsection **41-6a-710(1)(c)**.

520 (4) Subsection **41-6a-1406(6)(b)(iii)**, related to the Spinal Cord and Brain Injury  
521 Rehabilitation Fund, is repealed January 1, 2025.

522           (5) Subsections 41-22-2(1) and 41-22-10(1)(a), which create the Off-highway Vehicle  
523 Advisory Council, are repealed July 1, 2027.

524           (6) Subsection 41-22-8(3), related to the Spinal Cord and Brain Injury Rehabilitation  
525 Fund, is repealed January 1, 2025.