

State of Arkansas  
93rd General Assembly  
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# A Bill

HOUSE BILL 1842

By: Representatives Christiansen, Watson, D. Whitaker, Barker, M. Berry, S. Berry, Breaux, Bryant, Ennett, Fielding, Hudson, McClure, Milligan, Ray, Richmond, Rye, Slape, Tollett, Tosh

By: Senator B. Johnson

## For An Act To Be Entitled

AN ACT TO AMEND THE LAW CONCERNING THE OPERATION OF A MOTOR VEHICLE AT A RAILROAD CROSSING; AND FOR OTHER PURPOSES.

### Subtitle

TO AMEND THE LAW CONCERNING THE OPERATION OF A MOTOR VEHICLE AT A RAILROAD CROSSING.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code § 27-51-702(a), concerning a driver's obedience to signals at a railroad crossing, is amended to read as follows:

(a)(1) Whenever ~~any~~ a person driving a vehicle approaches a railroad grade crossing under any of the circumstances stated in this section, ~~then~~ the driver of the vehicle shall stop within fifty feet (50') but not less than fifteen feet (15') from the nearest rail of ~~such~~ the railroad and shall not proceed until he or she can do so safely.

(2) ~~These~~ The requirements under subdivision (a)(1) of this section shall apply when a:

~~(1)(A)~~ A ~~clearly~~ Clearly visible electric or mechanical signal device gives warning of the immediate approach of a railroad train or other on-track equipment;

~~(2)(B)~~ A ~~crossing~~ Crossing gate is lowered or a human flagger gives or continues to give a signal of the approach or passage of a railroad



train or other on-track equipment;

~~(3)(C)~~ A railroad Railroad train or other on-track equipment approaching within approximately one thousand five hundred feet (1,500') of the highway crossing emits a signal audible from such distance and the railroad train or other on-track equipment, by reason of ~~its~~ the speed or nearness to the crossing of the railroad train or other on-track equipment, is an immediate hazard; and

(4) An approaching railroad train or other on-track equipment is plainly visible and is in hazardous proximity to the crossing.

SECTION 2. Arkansas Code § 27-51-703(a), concerning certain vehicles required to stop at all railroad crossings, is amended to read as follows:

(a)(1) The driver of ~~any~~ a motor vehicle carrying passengers for hire, ~~any~~ a school bus carrying ~~any~~ a school child, or ~~any~~ a vehicle carrying explosive substances or flammable liquids as a cargo or part of a cargo before crossing at grade any tracks of a railroad shall:

(A) ~~stop~~ Stop the vehicle within fifty feet (50') but not less than fifteen feet (15') from the nearest rail of the railroad; and,

(B) ~~while so~~ While stopped as required by subdivision (a)(1)(A) of this section, ~~shall~~ listen and look in both directions along the track for ~~any~~ an approaching train or other on-track equipment and for signals indicating ~~that~~ the approach of a train or other on-track equipment, except as provided, and shall not proceed until he or she can do so safely.

(2) After stopping as required in this section and upon proceeding when it is safe to do so, the driver of ~~any such~~ the vehicle shall cross only in the gear of the vehicle in which there will be no necessity for changing gears while traversing the crossing and the driver shall not shift gears while crossing the tracks.

SECTION 3 . Arkansas Code § 27-51-704(a), concerning the operation of trucks carrying explosives or flammable liquids at a railroad crossing, is amended to read as follows:

(a) The operator of ~~any~~ a truck carrying any explosive substances or flammable liquids or gases as a cargo or part of a cargo shall:

(1) ~~before~~ Before crossing any railroad tracks, stop the vehicle within fifty feet (50') but not less than fifteen feet (15') from the nearest

railroad; ~~and~~

(2) ~~while~~ While stopped as required by subdivision (a)(1) of this section shall open the door of the truck on the driver's side or roll down the window at least twelve inches (12") in order to remove any obstruction of the sound of a train whistle; ~~and~~

(3) ~~He or she shall also listen~~ Listen and look in both directions along the track for any approaching train or other on-track equipment or signals indicating the approach of a train or other on-track equipment and shall proceed to cross the tracks only after he or she has determined that it is safe to do so.

SECTION 4. Arkansas Code § 27-51-705(c) and (d), concerning the movement of heavy equipment at railroad crossings, are amended to read as follows:

(c) Before making any crossing, the person operating or moving ~~any such~~ a vehicle or equipment described in subsection (a) of this section shall:

(1) ~~first~~ First stop ~~it~~ not less than fifteen feet (15') nor more than fifty feet (50') from the nearest rail of the railroad; ~~and~~

(2) While stopped that person shall listen and look in both directions along the tracks for any approaching train or other on-track equipment and for signals indicating the approach of a train or other on-track equipment and shall not proceed until the crossing can be made safely.

(d)(1) No crossing shall be made when warning is given by automatic signal or crossing gates or a flagger or otherwise of the immediate approach of a railroad train or car or other on-track equipment.

(2) If a flagger is provided by the railroad, movement over the crossing shall be under his or her direction.

**APPROVED: 4/19/21**