

CHAPTER 101**(HB 168)**

AN ACT relating to railroad crossings.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

➔Section 1. KRS 189.550 is amended to read as follows:

Operators of all buses and motor vehicles used for transporting children shall stop their vehicles before crossing any railroad when tracks are at the same level of the roadway. The stop shall be made not less than fifteen (15) feet nor more than fifty (50) feet from the nearest track over which the highway crosses, except where the crossing is protected by gates or a flagman employed by the railroad. After making the stop, the operator shall open the service door and carefully look in each direction and listen for approaching trains *or other on-track equipment*~~[maintenance vehicles]~~ before proceeding. If visibility is impaired at the required distance for stopping under this section, the operator may allow the vehicle to slowly roll forward for the purpose of gaining the visibility necessary to safely cross the railroad tracks.

➔Section 2. KRS 189.560 is amended to read as follows:

- (1) The operator of a vehicle shall stop and remain standing at a railroad grade crossing when any of the following conditions exist:
 - (a) A visible electric or mechanical signal device warns of the immediate approach of a railroad train *or other on-track equipment*;
 - (b) A crossing gate is lowered warning of the immediate approach or passage of a railroad train *or other on-track equipment*;
 - (c) An approaching train *or other on-track equipment* is visible and in hazardous proximity; or
 - (d) A human flagman signals the approach or passage of a train *or other on-track equipment*.
- (2) In addition to subsection (1) of this section, a person who holds or is required to hold a CDL as defined in KRS 281A.010 and is driving a commercial motor vehicle shall:
 - (a) Slow down and check that the railroad tracks are clear of an approaching train;
 - (b) Stop and remain standing at a railroad grade crossing if the railroad tracks are not clear;
 - (c) Maintain sufficient space to drive completely through the railroad grade crossing without stopping; and
 - (d) Negotiate a railroad grade crossing only with sufficient undercarriage clearance.
- (3) Whenever the tracks of any railroad or interurban railway over which trains or cars are regularly operated cross a state maintained highway at grade, the cabinet may designate that crossing as "unsafe," and no operator of any vehicle shall cross the crossing without first bringing his vehicle to a full stop no closer than a marked stop line or fifteen (15) feet, nor more than thirty (30) feet, from the nearest rail of the tracks.
- (4) At crossings designated "unsafe," the cabinet shall place and maintain on each side of the tracks on the right side of the highway, at the marked stopping position, or, if the stopping position is not marked, on the pavement not more than twenty-five (25) feet in advance of the track, an octagonal shape sign of a type and size currently approved for use by the cabinet bearing the word "Stop" in white letters not less than ten (10) inches in height.
- (5) The cabinet shall install the signs described in subsection (3) of this section, within sixty (60) days after the crossing is designated unsafe.
- (6) Subsections (3) to (5) of this section shall not apply to grade crossings at which have been constructed and maintained gates, electric warning signals, or other automatic audible signals, or which are protected by watchmen.
- (7) The failure to observe subsections (3) to (6) of this section shall not change the liability of any railroad or interurban railway in the trial of any civil case against the railroad or interurban railway for death or injuries, to person or property.

(8) If subsection (7) of this section is declared unconstitutional, then subsections (3) to (8) of this section shall be ineffective.

➔Section 3. KRS 189.565 is amended to read as follows:

The operator of any motor vehicle used in the transportation of inflammable liquids or explosives shall stop such motor vehicle before crossing at grade the main track of any railroad or interurban electric railway, except where the crossing is a guarded crossing protected by gates or a flag controlled crossing or operated by an employee of the railroad or interurban company. The stop shall be made no closer than a marked stop line or fifteen (15) feet, nor more than thirty (30) feet, from the nearest track to be crossed. After making the stop, the operator shall look carefully in each direction ~~for approaching cars or trains,~~ and shall not start his vehicle until he has ascertained that no cars, ~~or~~ trains, *or other on-track equipment* are approaching in either direction.

Signed by Governor April 2, 2018.