

ENROLLED ACT NO. 58, HOUSE OF REPRESENTATIVES

SIXTY-SECOND LEGISLATURE OF THE STATE OF WYOMING  
2013 GENERAL SESSION

AN ACT relating to public safety; amending railroad crossing safety requirements to include on-track equipment; and providing for an effective date.

*Be It Enacted by the Legislature of the State of Wyoming:*

**Section 1.** W.S. 31-5-102(a)(xxxvi), 31-5-510(a)(i) through (iv), 31-5-511(a)(iii) and (b)(iii), 31-7-305(h)(i), 31-18-602(c) and (d) and 31-18-605(a)(iii) and (b)(iii) are amended to read:

**31-5-102. Definitions.**

(a) Except as otherwise provided, as used in this act:

(xxxvi) "Railroad sign or signal" means any sign, signal or device erected by authority of a public body or official or by a railroad and intended to give notice of the presence of railroad tracks or the approach of a railroad train or other on-track equipment;

**31-5-510. Railroad crossings generally.**

(a) Whenever any person driving a vehicle approaches a railroad grade crossing under any of the circumstances stated in this section, the driver of the vehicle shall stop within fifty (50) feet but not less than fifteen (15) feet from the nearest rail of the railroad, and shall not proceed until he can do so safely. The foregoing requirements apply when:

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

ORIGINAL HOUSE  
BILL NO. 0095

ENROLLED ACT NO. 58, HOUSE OF REPRESENTATIVES

SIXTY-SECOND LEGISLATURE OF THE STATE OF WYOMING  
2013 GENERAL SESSION

(ii) A crossing gate is lowered or a flagman gives or continues to give a signal of the approach or passage of a railroad train or other on-track equipment;

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

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

**31-5-511. Stopping requirements for certain vehicles at railroad crossings.**

(a) The driver of any motor vehicle carrying passengers for hire, or of any school bus whether empty or carrying school children, or of any vehicle carrying a cargo or part of a cargo required to be placarded under United States department of transportation regulations, before crossing at grade any track or tracks of a railroad, shall:

(iii) While stopped, listen and look in both directions along the track for any approaching train or other on-track equipment and for signals indicating the approach of a train or other on-track equipment and not proceed until he can do so safely;

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ENROLLED ACT NO. 58, HOUSE OF REPRESENTATIVES

SIXTY-SECOND LEGISLATURE OF THE STATE OF WYOMING  
2013 GENERAL SESSION

(b) Except for school buses which will stop at all railroad crossings, this section shall not apply at:

(iii) Any railroad grade crossing protected by crossing gates or an alternately flashing light signal intended to give warning of the approach of a railroad train or other on-track equipment;

**31-7-305. Disqualification and cancellation; right to a hearing.**

(h) For offenses specified in this subsection relating to a railroad-highway crossing, a person who holds, or is required to have, a commercial driver's license is disqualified from driving a commercial motor vehicle for a period of sixty (60) days if convicted of a first offense under this subsection, for a period of one hundred twenty (120) days if convicted of a second offense under this subsection in a separate incident within a three (3) year period, or for a period of one (1) year for a third or subsequent conviction under this subsection within a three (3) year period for driving a commercial motor vehicle in violation of state or local law or regulation pertaining to one (1) of the following offenses at a railroad-highway crossing:

(i) For drivers who are not required to stop at all railroad-highway crossings, failing to slow down and check that the tracks are clear of an approaching train or other on-track equipment;

**31-18-602. Moving heavy equipment at railroad grade crossings.**

(c) Before making the crossing the person operating or moving the vehicle or equipment shall first stop the

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ENROLLED ACT NO. 58, HOUSE OF REPRESENTATIVES

SIXTY-SECOND LEGISLATURE OF THE STATE OF WYOMING  
2013 GENERAL SESSION

vehicle or equipment not less than fifteen (15) feet nor more than fifty (50) feet from the nearest rail of the railroad and while so stopped shall listen and look in both directions along the track for any approaching train or other on-track equipment and for signals indicating the approach of a train or other on-track equipment. The vehicle shall not proceed until the crossing can be made safely.

(d) No crossing shall be made when warning is given by automatic signal, crossing gates or a flagman or otherwise of the immediate approach of a railroad train, other on-track equipment or car. If a flagman is provided by the railroad, movement over the crossing shall be under his direction.

**31-18-605. Stopping requirements for certain vehicles at railroad crossings.**

(a) The driver of any motor vehicle carrying passengers for hire or of any vehicle carrying a cargo or part of a cargo required to be placarded under United States department of transportation regulations, before crossing at grade any track or tracks of a railroad, shall:

(iii) While stopped, listen and look in both directions along the track for any approaching train or other on-track equipment and for signals indicating the approach of a train or other on-track equipment and not proceed until he can do so safely;

(b) This section shall not apply at:

(iii) Any railroad grade crossing protected by crossing gates or an alternately flashing light signal

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2013 GENERAL SESSION

intended to give warning of the approach of a railroad  
train or other on-track equipment;

**Section 2.** This act is effective July 1, 2013.

(END)

\_\_\_\_\_  
Speaker of the House

\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
Governor

TIME APPROVED: \_\_\_\_\_

DATE APPROVED: \_\_\_\_\_

I hereby certify that this act originated in the House.

\_\_\_\_\_  
Chief Clerk