

AN ACT

relating to the operation of vehicles and certain equipment at railroad grade crossings when on-track equipment is approaching.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 545.001, Transportation Code, is amended to read as follows:

Sec. 545.001. DEFINITIONS. In this chapter:

(1) "On-track equipment" means any car, rolling stock, equipment, or other device that, alone or coupled to another device, is operated on a railroad track.

(2) "Pass" or "passing" used in reference to a vehicle means to overtake and proceed past another vehicle moving in the same direction as the passing vehicle or to attempt that maneuver.

(3) [~~(2)~~] "School bus" includes a multifunction school activity bus.

SECTION 2. The heading to Section 545.251, Transportation Code, is amended to read as follows:

Sec. 545.251. OBEDIENCE TO SIGNAL INDICATING APPROACH OF TRAIN OR OTHER ON-TRACK EQUIPMENT.

SECTION 3. Sections 545.251(a), (c), and (e), Transportation Code, are amended to read as follows:

(a) An operator approaching a railroad grade crossing shall stop not closer than 15 feet or farther than 50 feet from the nearest rail if:

1           (1) a clearly visible railroad signal warns of the  
2 approach of a railroad train or other on-track equipment;

3           (2) a crossing gate is lowered, or a flagger warns of  
4 the approach or passage of a train or other on-track equipment;

5           (3) a railroad engine or other on-track equipment  
6 approaching within approximately 1,500 feet of the highway crossing  
7 emits a signal audible from that distance and the engine or other  
8 equipment is an immediate hazard because of its speed or proximity  
9 to the crossing;

10          (4) an approaching railroad train or other on-track  
11 equipment is plainly visible to the operator and is in hazardous  
12 proximity to the crossing; or

13          (5) the operator is required to stop by:

14               (A) other law;

15               (B) a rule adopted under a statute;

16               (C) an official traffic-control device; or

17               (D) a traffic-control signal.

18          (c) An operator of a vehicle who approaches a railroad grade  
19 crossing equipped with railroad crossbuck signs without automatic,  
20 electric, or mechanical signal devices, crossing gates, or a  
21 flagger warning of the approach or passage of a train or other  
22 on-track equipment shall yield the right-of-way to a train or other  
23 on-track equipment in hazardous proximity to the crossing, and  
24 proceed at a speed that is reasonable for the existing conditions.  
25 If required for safety, the operator shall stop at a clearly marked  
26 stop line before the grade crossing or, if no stop line exists, not  
27 closer than 15 feet or farther than 50 feet from the nearest rail.

1 (e) In a prosecution under this section, proof that at the  
2 time of the offense a train or other on-track equipment was in  
3 hazardous proximity to the crossing and that the train or other  
4 equipment was plainly visible to the operator is prima facie  
5 evidence that it was not safe for the operator to proceed.

6 SECTION 4. Section 545.253(a), Transportation Code, is  
7 amended to read as follows:

8 (a) Except as provided by Subsection (c), the operator of a  
9 motor bus carrying passengers for hire, before crossing a railroad  
10 grade crossing:

11 (1) shall stop the vehicle not closer than 15 feet or  
12 farther than 50 feet from the nearest rail of the railroad;

13 (2) while stopped, shall listen and look in both  
14 directions along the track for an approaching train or other  
15 on-track equipment and signals indicating the approach of a train  
16 or other on-track equipment; and

17 (3) may not proceed until it is safe to do so.

18 SECTION 5. Section 545.2535(a), Transportation Code, is  
19 amended to read as follows:

20 (a) Except as provided by Subsection (c), the operator of a  
21 school bus, before crossing a track at a railroad grade crossing:

22 (1) shall stop the vehicle not closer than 15 feet or  
23 farther than 50 feet from the track;

24 (2) while stopped, shall listen and look in both  
25 directions along the track for an approaching train or other  
26 on-track equipment and signals indicating the approach of a train  
27 or other on-track equipment; and

1 (3) may not proceed until it is safe to do so.

2 SECTION 6. Sections 545.254(a), (b), and (c),  
3 Transportation Code, are amended to read as follows:

4 (a) Before crossing a railroad grade crossing, an operator  
5 of a vehicle that has an explosive substance or flammable liquid as  
6 the vehicle's principal cargo and that is moving at a speed of more  
7 than 20 miles per hour:

8 (1) shall reduce the speed of the vehicle to 20 miles  
9 per hour or less before coming within 200 feet of the nearest rail  
10 of the railroad;

11 (2) shall listen and look in both directions along the  
12 track for an approaching train or other on-track equipment and for  
13 signals indicating the approach of a train or other on-track  
14 equipment; and

15 (3) may not proceed until the operator determines that  
16 the course is clear.

17 (b) The operator of a vehicle that has an explosive  
18 substance or flammable liquid as the vehicle's principal cargo,  
19 before crossing a railroad grade crossing on a highway in a  
20 municipality:

21 (1) shall stop the vehicle not closer than 15 feet or  
22 farther than 50 feet from the nearest rail of the railroad;

23 (2) while stopped, shall listen and look in both  
24 directions along the track for an approaching train or other  
25 on-track equipment and for signals indicating the approach of a  
26 train or other on-track equipment; and

27 (3) may not proceed until the operator determines that

1 the course is clear.

2 (c) Subsections (a) and (b) do not apply:

3 (1) if a police officer, crossing flagger, or  
4 traffic-control signal directs traffic to proceed;

5 (2) where a railroad flashing signal is installed and  
6 does not indicate an approaching train or other on-track equipment;

7 (3) to an abandoned or exempted grade crossing that is  
8 clearly marked by or with the consent of the state, if the markings  
9 can be read from the operator's location;

10 (4) at a streetcar crossing in a business or  
11 residential district of a municipality; or

12 (5) to a railroad track used exclusively for  
13 industrial switching purposes in a business district.

14 SECTION 7. Sections 545.255(c) and (d), Transportation  
15 Code, are amended to read as follows:

16 (c) To move a vehicle or equipment on or across a track at a  
17 railroad grade crossing, the operator:

18 (1) shall stop the vehicle or equipment not closer  
19 than 15 feet or farther than 50 feet from the nearest rail of the  
20 railroad;

21 (2) while stopped, shall listen and look in both  
22 directions along the track for an approaching train or other  
23 on-track equipment and for signals indicating the approach of a  
24 train or other on-track equipment; and

25 (3) may not proceed until it is safe to cross the  
26 track.

27 (d) An operator of a vehicle or equipment may not cross a

1 railroad grade crossing when warning of the immediate approach of a  
2 railroad car, ~~[or]~~ train, or other on-track equipment is given by  
3 automatic signal, crossing gates, a flagger, or otherwise. If a  
4 flagger is provided by the railroad, the operator shall move the  
5 vehicle or equipment over the crossing at the flagger's direction.

6 SECTION 8. This Act takes effect September 1, 2021.

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President of the Senate

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Speaker of the House

I certify that H.B. No. 1759 was passed by the House on April 23, 2021, by the following vote: Yeas 145, Nays 1, 2 present, not voting.

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Chief Clerk of the House

I certify that H.B. No. 1759 was passed by the Senate on May 11, 2021, by the following vote: Yeas 30, Nays 0.

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Secretary of the Senate

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

Date

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Governor