

## **BILL ANALYSIS**

Senate Research Center  
87R502 MP-F

H.B. 1759  
By: Krause (Hancock)  
Transportation  
5/3/2021  
Engrossed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

H.B. 1759 amends the Transportation Code to include on-track equipment, defined by the bill as any car, rolling stock, equipment, or other device that, alone or coupled to another device, is operated on a railroad track, among the equipment and devices triggering the following special stops and speed restrictions:

- the requirement for an operator approaching a railroad grade crossing to stop under certain conditions within 50 feet from the nearest rail but not closer than 15 feet;
- the requirement for an operator of a vehicle approaching a railroad grade crossing equipped with railroad crossbuck signs without certain signals to yield the right-of-way; and
- the requirement for the following operators, before crossing a track at a railroad grade crossing, to stop or reduce speed, as applicable, and listen and look in both directions along the track for an approaching train and signals indicating the approach of a train:
  - the operator of a motor bus carrying passengers for hire; the operator of a school bus; the operator of certain vehicles carrying an explosive substance or flammable liquid as the vehicle's principal cargo; and an operator moving certain vehicles or heavy equipment on or across a track at a railroad grade crossing.

The bill prohibits an operator of certain vehicles or heavy equipment from crossing a railroad grade crossing when warning of the immediate approach of on-track equipment is given.

H.B. 1759 amends current law relating to the operation of vehicles and certain equipment at railroad grade crossings when on-track equipment is approaching.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 545.001, Transportation Code, to define "on-track equipment," for purposes of Chapter 545 (Operation and Movement of Vehicles) and make nonsubstantive changes.

SECTION 2. Amends the heading to Section 545.251, Transportation Code, to read as follows:

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

SECTION 3. Amends Sections 545.251(a), (c), and (e), Transportation Code, as follows:

(a) Requires an operator of a vehicle approaching a railroad grade crossing to stop not closer than 15 feet or farther than 50 feet from the nearest rail under certain conditions,

including if a clearly visible railroad signal warns of the approach of on-track equipment; a crossing gate is lowered, or a flagger warns of the approach of on-track equipment; on-track equipment approaching within approximately 1,500 feet of the highway crossing emits a signal audible from that distance and the on-track equipment is an immediate hazard because of its speed or proximity to the crossing; or approaching on-track equipment is plainly visible to the operator and is in hazardous proximity to the crossing.

(c) Requires an operator of a vehicle who approaches a railroad grade crossing equipped with railroad crossbuck signs without automatic, electric, or mechanical signal devices, crossing gates, or a flagger warning of the approach or passage of a train or other on-track equipment, rather than the approach or passage of a train, to yield the right-of-way to a train or other on-track equipment, rather than to a train, in hazardous proximity to the crossing, and proceed at a speed that is reasonable for the existing conditions.

(e) Makes conforming changes to this subsection.

SECTION 4. Amends Section 545.253(a), Transportation Code, as follows:

(a) Provides that the operator of a motor bus carrying passengers for hire, except as provided by Subsection (c) (relating to a vehicle not being required to stop if a police officer or a traffic-control signal directs traffic to proceed), before crossing a railroad grade crossing, is required to stop the vehicle not closer than 15 feet or farther than 50 feet away from the nearest rail of the railroad and, while stopped, is required to listen and look in both directions along the track for an approaching train or other on-track equipment and signals indicating the approach of a train or other on-track equipment, rather than for an approaching train and signals indicating the approach of a train, and is prohibited from proceeding until it is safe to do so.

SECTION 5. Amends Section 545.2535(a), Transportation Code, as follows:

(a) Provides that the operator of a school bus, except as provided by Subsection (c) (relating to an operator not being required to stop under certain conditions), before crossing a railroad grade crossing, is required to stop the vehicle not closer than 15 feet or farther than 50 feet away from the track and, while stopped, is required to listen and look in both directions along the track for an approaching train or other on-track equipment and signals indicating the approach of a train or other on-track equipment, rather than for an approaching train and signals indicating the approach of a train, and is prohibited from proceeding until it is safe to do so.

SECTION 6. Amends Sections 545.254(a), (b), and (c), Transportation Code, as follows:

(a) Provides that the operator of a vehicle that has an explosive substance or flammable liquid as the vehicle's principal cargo and that is moving at a speed of more than 20 miles per hour, before crossing a railroad grade crossing, is required to reduce the speed of the vehicle to 20 miles per hour or less before coming within 200 feet of the nearest rail of the railroad, is required to listen and look in both directions along the track for an approaching train or other on-track equipment and for signals indicating the approach of a train or other on-track equipment, rather than for an approaching train and for signals indicating the approach of a train, and is prohibited from proceeding until the operator determines that the course is clear.

(b) Provides that the operator of a vehicle that has an explosive substance or flammable liquid as the vehicle's principal cargo, before crossing a railroad grade crossing on a highway in a municipality, is required to stop the vehicle not closer than 15 feet or farther than 50 feet from the nearest rail of the railroad, and, while stopped, is required to listen and look in both directions along the track for an approaching train or other on-track equipment and for signals indicating the approach of a train or other on-track equipment, rather than for an approaching train and for signals indicating the approach of a train, and is prohibited from proceeding until the operator determines that the course is clear.

(c) Provides that Subsections (a) and (b) do not apply under certain conditions, including where a railroad flashing signal is installed and does not indicate an approaching train or other on-track equipment, rather than does not indicate an approaching train.

SECTION 7. Amends Sections 545.255(c) and (d), Transportation Code, as follows:

(c) Provides that an operator, to move a vehicle or equipment on or across a track at a railroad grade crossing, is required to stop the vehicle or equipment not closer than 15 feet or farther than 50 feet from the nearest rail of the railroad and, while stopped, is required to listen and look in both directions along the track for an approaching train or other on-track equipment and for signals indicating the approach of a train or other on-track equipment, rather than for an approaching train and for signals indicating the approach of a train, and is prohibited from proceeding until it is safe to cross the track.

(d) Prohibits an operator of a vehicle or equipment from crossing a railroad grade crossing when warning of the immediate approach of a railroad car, train, or other on-track equipment, rather than of the immediate approach of a railroad car or train, is given by automatic signal, crossing gates, a flagger, or otherwise.

SECTION 8. Effective date: September 1, 2021.