H.B. No. 1759

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

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

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

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

(5)  the operator is required to stop by:

(A)  other law;

(B)  a rule adopted under a statute;

(C)  an official traffic-control device; or

(D)  a traffic-control signal.

(c)  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 shall yield the right-of-way to a train or other on-track equipment in hazardous proximity to the crossing, and proceed at a speed that is reasonable for the existing conditions. If required for safety, the operator shall stop at a clearly marked stop line before the grade crossing or, if no stop line exists, not closer than 15 feet or farther than 50 feet from the nearest rail.

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

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

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

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

(2)  while stopped, shall 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; and

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

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

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

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

(2)  while stopped, shall 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; and

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

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

(a)  Before crossing a railroad grade crossing, an 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:

(1)  shall 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;

(2)  shall 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; and

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

(b)  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:

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

(2)  while stopped, shall 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; and

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

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

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

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

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

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

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

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

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

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

(2)  while stopped, shall 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; and

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

(d)  An operator of a vehicle or equipment may not cross a railroad grade crossing when warning of the immediate approach of a railroad car, [~~or~~] train, or other on-track equipment is given by automatic signal, crossing gates, a flagger, or otherwise. If a flagger is provided by the railroad, the operator shall move the vehicle or equipment over the crossing at the flagger's direction.

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

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    President of the Senate 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