

**First Regular Session
Seventy-third General Assembly
STATE OF COLORADO**

REVISED

*This Version Includes All Amendments Adopted
on Second Reading in the Second House*

LLS NO. 21-0756.01 Jery Payne x2157

HOUSE BILL 21-1245

HOUSE SPONSORSHIP

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A BILL FOR AN ACT

101 **CONCERNING THE INCLUSION OF ON-TRACK EQUIPMENT IN CERTAIN**
102 **SAFETY PROVISIONS THAT REGULATE RAILROAD CROSSINGS.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

Several provisions in current law require a driver or operator of certain types of motor vehicles or equipment to, in certain circumstances, stop at a railroad crossing at a safe place, look for trains at the crossing, proceed safely through the crossing, not block the train's crossing, and obey signals. The bill amends these safety provisions to apply to, in addition to trains, equipment that operates on railroad tracks.

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
*Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.*

SENATE
2nd Reading Unamended
May 20, 2021

HOUSE
3rd Reading Unamended
April 12, 2021

HOUSE
2nd Reading Unamended
April 9, 2021

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, 42-4-706, **amend** (1)
3 introductory portion and (1)(b) as follows:

4 **42-4-706. Obedience to railroad signal.** (1) Any driver of a
5 motor vehicle approaching a railroad crossing sign shall slow down to a
6 speed that is reasonable and safe for the existing conditions. If required
7 to stop for a traffic control device, flagperson, or safety before crossing
8 the railroad grade crossing, the driver shall stop at the marked stop line,
9 if any. If no ~~such~~ MARKED stop line exists, the driver shall:

10 (b) ~~In the event~~ IF the driver would not have a reasonable view of
11 approaching trains OR ON-TRACK EQUIPMENT when stopped ~~pursuant to~~
12 ~~paragraph (a) of this subsection (1);~~ IN ACCORDANCE WITH SUBSECTION
13 (1)(a) OF THIS SECTION:

14 (I) Stop before proceeding across the railroad grade crossing at the
15 point nearest ~~such~~ THE crossing where the driver has a reasonable view
16 of approaching trains OR ON-TRACK EQUIPMENT; and

17 (II) Not proceed until the railroad grade can be crossed safely.

18 **SECTION 2.** In Colorado Revised Statutes, 42-4-707, **amend** (1),
19 (4) introductory portion, and (4)(d) as follows:

20 **42-4-707. Certain vehicles must stop at railroad grade**
21 **crossings.** (1) (a) Except as otherwise provided in this section, the driver
22 of a school bus, as defined in ~~paragraph (b) of subsection (5) of this~~
23 ~~section~~ SUBSECTION (5)(b) OF THIS SECTION, carrying any schoolchild, the
24 driver of a vehicle carrying hazardous materials that is required to be
25 placarded in accordance with ~~regulations issued pursuant to~~ RULES ISSUED
26 UNDER section 42-20-108, or the driver of a commercial vehicle, as

1 defined in section 42-4-235, that is transporting passengers, before
2 crossing at grade any tracks of a railroad:

3 (I) Shall stop ~~such~~ THE vehicle within fifty feet but not less than
4 fifteen feet from the nearest rail of ~~such~~ THE railroad; ~~and~~

5 (II) While ~~so~~ stopped, shall listen and look in both directions
6 along ~~such~~ THE track for any approaching train ~~and~~ OR ON-TRACK
7 EQUIPMENT OR for signals indicating the approach of a train OR ON-TRACK
8 EQUIPMENT; and

9 (III) Shall not proceed until the driver can do so safely.

10 (b) After stopping as required in this section and upon proceeding
11 when it is safe to do so, the driver of ~~any said~~ A vehicle DESCRIBED IN
12 SUBSECTION (1)(a) OF THIS SECTION:

13 (I) Shall cross only ~~in such gear of the vehicle that~~ IF there will be
14 IS no necessity for changing gears while traversing ~~such~~ THE crossing; and

15 (II) ~~the driver~~ Shall not manually shift gears while crossing the
16 tracks.

17 (4) Subsection (1) of this section ~~shall~~ DOES not apply at:

18 (d) ~~Any~~ A railroad crossing where state or local road authorities
19 within their respective jurisdictions have determined that trains OR
20 ON-TRACK EQUIPMENT are not operating during certain periods or seasons
21 of the year and have erected an official sign carrying the legend "exempt",
22 which ~~shall give~~ SIGN CONSTITUTES LEGALLY SUFFICIENT notice ~~when so~~
23 ~~posted~~ that ~~such~~ THE crossing is exempt from the stopping requirement
24 ~~provided for~~ in this section.

25 **SECTION 3.** In Colorado Revised Statutes, 42-4-708, **amend** (3),
26 (4), and (5) as follows:

27 **42-4-708. Moving heavy equipment at railroad grade crossing.**

1 (3) Before making ~~any such~~ A crossing DESCRIBED IN SUBSECTION (1) OF
2 THIS SECTION, the person operating or moving ~~any such~~ THE vehicle or
3 equipment:

4 (a) Shall first stop the ~~same~~ VEHICLE OR EQUIPMENT not less than
5 fifteen feet nor more than fifty feet from the nearest rail of ~~such~~ THE
6 railroad; ~~and~~

7 (b) While ~~so~~ stopped, shall listen and look in both directions along
8 ~~such~~ THE track for any approaching train, ~~and~~ FOR ON-TRACK EQUIPMENT,
9 OR for signals indicating the approach of a train OR ON-TRACK
10 EQUIPMENT; and

11 (c) Shall not proceed until the crossing can be made safely.

12 (4) ~~No such crossing~~ BEFORE MAKING A CROSSING DESCRIBED IN
13 SUBSECTION (1) OF THIS SECTION, THE PERSON MOVING OR OPERATING THE
14 VEHICLE OR EQUIPMENT shall ~~be made when~~ ENSURE THAT NO warning is
15 BEING given, WHETHER by automatic signal or crossing gates or a
16 flagperson or otherwise, of the immediate approach of a railroad train or
17 ~~car~~ ON-TRACK EQUIPMENT.

18 (5) Subsection (3) of this section ~~shall~~ DOES not apply at any
19 railroad crossing where state or local road authorities within their
20 respective jurisdictions have determined that trains ~~are~~ OR ON-TRACK
21 EQUIPMENT ARE not operating during certain periods or seasons of the
22 year and have erected an official sign carrying the legend "exempt",
23 which ~~shall give~~ SIGN CONSTITUTES LEGALLY SUFFICIENT notice ~~when so~~
24 ~~posted~~ that ~~such~~ THE crossing is exempt from the stopping requirement
25 ~~provided~~ in this section.

26 **SECTION 4.** In Colorado Revised Statutes, **amend** 42-4-709 as
27 follows:

1 **42-4-709. Stop when traffic obstructed.** ~~No~~ A driver shall NOT
2 enter an intersection or a marked crosswalk or drive onto any railroad
3 grade crossing unless there is sufficient space on the other side of the
4 intersection, crosswalk, or railroad grade crossing to accommodate the
5 vehicle the driver is operating without obstructing the passage of other
6 vehicles, pedestrians, ~~or~~ railroad trains, OR RAILROAD ON-TRACK
7 EQUIPMENT, notwithstanding the indication of ~~any~~ A traffic control signal
8 to proceed. Any person who violates any provision of this section
9 commits a class A traffic infraction.

10 **SECTION 5. Act subject to petition - effective date -**
11 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following
12 the expiration of the ninety-day period after final adjournment of the
13 general assembly; except that, if a referendum petition is filed pursuant
14 to section 1 (3) of article V of the state constitution against this act or an
15 item, section, or part of this act within such period, then the act, item,
16 section, or part will not take effect unless approved by the people at the
17 general election to be held in November 2022 and, in such case, will take
18 effect on the date of the official declaration of the vote thereon by the
19 governor.

20 (2) This act applies to offenses committed on or after the
21 applicable effective date of this act.