

CHAPTER 16

MOTOR VEHICLES AND TRAFFIC REGULATION

HOUSE BILL 06-1035

BY REPRESENTATIVE(S) Ragsdale, Green, Larson, Berens, Borodkin, Hall, McFadyen, Merrifield, and Sullivan;
also SENATOR(S) May R., and Williams.

AN ACT**CONCERNING MOTOR VEHICLES REQUIRED TO STOP BEFORE CROSSING AT GRADE RAILROAD TRACKS.**

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

SECTION 1. 42-4-707 (1), (2), and (4) (a), Colorado Revised Statutes, are amended to read:

42-4-707. Certain vehicles must stop at railroad grade crossings. (1) Except as otherwise provided in this section, the driver of ~~any~~ A school bus, as defined in paragraph (b) of subsection (5) of this section, carrying any schoolchild, ~~or~~ THE DRIVER of ~~any~~ A vehicle carrying hazardous materials ~~which~~ THAT is required to be placarded in accordance with regulations issued pursuant to section 42-20-108, OR THE DRIVER OF A COMMERCIAL VEHICLE, AS DEFINED IN SECTION 42-4-235, THAT IS TRANSPORTING PASSENGERS, before crossing at grade any tracks of a railroad, shall stop such vehicle within fifty feet but not less than fifteen feet from the nearest rail of such railroad and while so stopped shall listen and look in both directions along such track for any approaching train and for signals indicating the approach of a train and shall not proceed until the driver can do so safely. After stopping as required in this section and upon proceeding when it is safe to do so, the driver of any said vehicle shall cross only in such gear of the vehicle that there will be no necessity for changing gears while traversing such crossing, and the driver shall not manually shift gears while crossing the tracks.

(2) This section shall not apply at street railway grade crossings within a business ~~or residence~~ district.

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

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

~~(a) Any railroad grade crossing protected by crossing gates or an alternately flashing light intended to give warning of the approach of a railroad train as provided in section 42-4-706;~~

SECTION 2. 42-1-102 (17.5), Colorado Revised Statutes, is amended to read:

42-1-102. Definitions - repeal. As used in articles 1 to 4 of this title, unless the context otherwise requires:

(17.5) "Commercial vehicle" means a vehicle used to transport cargo or passengers for profit, hire, or otherwise to further the purposes of a business or commercial enterprise. This subsection (17.5) shall not apply for purposes of ~~section~~ SECTIONS 42-4-235 AND 42-4-707 (1).

SECTION 3. Effective date - applicability. This act shall take effect July 1, 2006, and shall apply to acts committed on or after said date.

SECTION 4. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: March 17, 2006