

Senate Bill 409

By: Senators Harper of the 7th, Albers of the 56th, Mullis of the 53rd, Jones of the 25th, Gooch of the 51st and others

AS PASSED SENATE

**A BILL TO BE ENTITLED
AN ACT**

1 To amend Article 7 of Chapter 6 of Title 40 of the Official Code of Georgia Annotated,
2 relating to negotiating railroad crossings and entering highways from private driveways, so
3 as to require that persons driving vehicles shall exercise due care and caution for other
4 on-track equipment, as for trains, at railroad grade crossings; to provide for a definition; to
5 provide for related matters; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Article 7 of Chapter 6 of Title 40 of the Official Code of Georgia Annotated, relating to
9 negotiating railroad crossings and entering highways from private driveways, is amended by
10 revising Code Section 40-6-140, relating to obedience to signal indicating approach of train
11 and reasonable and prudent standard for crossing railroad grade, as follows:

12 "40-6-140.

13 (a) As used in this Code section, the term 'other on-track equipment' means any car, rolling
14 stock, or other device that, alone or coupled to another device, is operated on stationary
15 rails.

16 (b) Whenever any person driving a vehicle approaches a railroad grade crossing, such
17 driver shall stop within 50 feet but not less than 15 feet from the nearest rail of such
18 railroad and shall not proceed until he or she can do so safely, when:

19 (1) A clearly visible electric or mechanical signal device gives warning of the immediate
20 approach of a train;

21 (2) A crossing gate is lowered or a human flagman gives or continues to give a signal of
22 the approach of the passage of a train or other on-track equipment; or

23 (3) An approaching train or other on-track equipment is plainly visible and is in
24 hazardous proximity to such crossing.

25 ~~(b)~~(c) No person shall drive any vehicle through, around, or under any crossing gate or
26 barrier at a railroad crossing while such gate or barrier is closed or is being opened or
27 closed.

28 ~~(e)~~(d) If no electric or mechanical signal device is giving warning of the immediate
29 approach of a train or other on-track equipment, no crossing gate or barrier is closed, there
30 is no stop sign at the crossing, and there is no human flagman giving warning, all drivers
31 shall slow to a reasonable and prudent speed and verify that there is no approaching train
32 or other on-track equipment prior to proceeding. For the purposes of this subsection, 'a
33 reasonable and prudent speed' means a speed slow enough to enable the driver to safely
34 stop the vehicle prior to reaching the nearest rail of such crossing.

35 ~~(d)~~(e) No person shall drive a vehicle over a railroad grade crossing when a train or other
36 on-track equipment is approaching.

37 ~~(e)~~(f) No person shall drive a vehicle over a railroad grade crossing if there is insufficient
38 space to drive completely through the crossing without stopping.

39 ~~(f)~~(g) No person shall drive a vehicle over a railroad grade crossing if there is insufficient
40 undercarriage clearance for the vehicle to negotiate the crossing."

41 **SECTION 2.**

42 All laws and parts of laws in conflict with this Act are repealed.