

CHAPTER 362
FORMERLY
SENATE BILL NO. 233

AN ACT TO AMEND TITLE 21 OF THE DELAWARE CODE RELATING TO SPECIAL STOPS REQUIRED AT RAILROAD CROSSINGS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend § 4161, Title 21 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 4161. Obedience to signal indicating approach of ~~train, drawbridge~~ train or other on-track equipment, drawbridge, or automatic signal system controlling the flow of traffic.

(a) Whenever any person driving a vehicle approaches a railroad grade crossing, drawbridge or automatic signal system controlling the flow of traffic under any of the circumstances stated in this section, the driver of such vehicle shall stop within 50 feet but not less than 15 feet from the nearest rail of such railroad, and ~~shall~~ may not proceed until the driver can do so safely. The foregoing requirements ~~shall apply when~~ apply to all of the following:

(1) A clearly visible electric or mechanical signal device gives warning of the immediate approach of a railroad ~~train;~~ train or other on-track equipment.

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

(3) A railroad train or other on-track equipment approaching within approximately 1,500 feet of the highway crossing emits a signal audible from such distance and such railroad ~~train;~~ train or other on-track equipment, by reason of its speed or nearness to such crossing, is an immediate ~~hazard;~~ hazard.

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

Section 2. Amend § 4163, Title 21 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 4163. Certain vehicles must stop at all railroad grade crossings.

(a) Except as provided by subsection (b) of this section, the driver of any motor vehicle carrying passengers for hire or of any vehicle carrying explosive substances or flammable liquids as a cargo or part of a cargo, before crossing at any grade or any track of a railroad, shall stop such vehicle within 50 feet but not less than 15 feet from the nearest rail of such railroad and while ~~so stopped~~ stopped, shall listen and look in both directions along such track for any approaching ~~train;~~ train or other on-track equipment and for signals indicating the approach of a ~~train,~~ train or other on-track equipment, and ~~shall~~ may not proceed until the driver can do so safely. After stopping as required by this subsection, and upon proceeding when it is safe to do so, the driver of any vehicle referenced in this subsection 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~~ may not shift gears while crossing the track.

(b) Subsection (a) of this section ~~shall~~ does not apply at any of the following:

- (1) A railroad grade crossing at which traffic is controlled by a police officer or human flagger.
- (2) A railroad grade crossing at which traffic is regulated by a traffic-control signal.
- (3) A railroad grade crossing protected by crossing gates or an alternately flashing light signal intended to give warning of the approach of a railroad ~~train~~, train or other on-track equipment.
- (4) A railroad grade crossing at which an official traffic-control device gives notice that the stopping requirement imposed by this section does not apply.

(c) Except as provided by subsection (d) of this section, the driver of any school bus, before crossing at any grade or any track of a railroad, shall stop such vehicle within 50 feet but not less than 15 feet from the nearest rail of such railroad and while ~~so stopped~~ stopped, shall listen and look in both directions along such track for any approaching ~~train~~, train or other on-track equipment and for signals indicating the approach of a ~~train~~, train or other on-track equipment, and ~~shall~~ may not proceed until the driver can do so safely. After stopping as required by this subsection, and upon proceeding when it is safe to do so, the driver of any school bus ~~shall~~ may 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~~ may not shift gears while crossing the track.

Section 3. Amend § 4163A, Title 21 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

In addition to the existing railroad crossing violations in § 4163 of this title, the following railroad crossing infractions ~~shall~~ apply to commercial motor vehicle ~~operators~~ operators:

- (1) Every commercial motor vehicle operator other than those listed in § 4163 of this title shall, upon approaching a railroad-highway grade ~~crossing~~, crossing, do all of the following:
 - a. Slow down and check that the tracks are clear of an approaching ~~train~~, train or other on-track equipment.
 - b. Stop before reaching the crossing if the tracks are not clear.
- (2) The driver of a commercial motor vehicle shall obey a traffic control device and comply with a lawful order or direction of a police officer or other enforcement official who is guiding, directing, controlling, or regulating traffic at a railroad-highway grade crossing.
- (3) The driver of a commercial motor vehicle ~~shall~~ may not cross a railroad-highway grade crossing unless the vehicle has sufficient undercarriage clearance.
- (4) The driver of a commercial motor vehicle ~~shall~~ may not cross a railroad-highway grade crossing unless the vehicle has sufficient space and can be driven completely through the crossing without stopping.

Approved July 25, 2018