

CHAPTER 122  
FORMERLY  
SENATE BILL NO. 61

AN ACT TO AMEND TITLE 21 OF THE DELAWARE CODE RELATING TO RULES OF THE ROAD.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE (Two-thirds of all members elected to each house thereof concurring therein):

Section 1. 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) ~~The Except as provided by subsection (b) of this section, the~~ driver of any motor vehicle carrying passengers for hire, ~~or of any school bus~~ 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 ~~or tracks~~ 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 shall listen and look in both directions along such track for any approaching train, and for signals indicating the approach of a train, ~~except as hereinafter provided,~~ and shall not proceed until the driver can do so safely. After stopping as required ~~herein by this subsection,~~ and upon proceeding when it is safe to do so ~~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~~ crossing, and the driver shall not shift gears while crossing the track ~~or tracks~~.

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

- (1) ~~Any A~~ A railroad grade crossing at which traffic is controlled by a police officer or human ~~flagman;~~ flagger.
- (2) ~~Any A~~ A railroad grade crossing at which traffic is regulated by a traffic-control ~~signal;~~ signal.
- (3) ~~Any A~~ 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.
- (4) ~~Any A~~ 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 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 by this subsection, and upon proceeding when it is safe to do so, the driver of any school bus 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 shift gears while crossing the track.~~

(d) Subsection (c) of this section shall 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 an official traffic-control device gives notice that the stopping requirement imposed by this section does not apply.

Approved July 27, 2015