

HOUSE FLOOR AMENDMENT EXPLANATION



Bill Number: **HB2259**

Hernandez C Floor Amendment

The C. Hernandez amendment dated 2/6/2025 at 4:18 PM:

1. Adds "maintenance" in the term "on-track equipment."

Amendment explanation prepared by Israel Kiyogera

Phone Number 6-5846

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2/6/2025

HERNANDEZ C FLOOR AMENDMENT
HOUSE OF REPRESENTATIVES AMENDMENTS TO H.B. 2259
(Reference to printed bill)

Amendment instruction key:

[GREEN UNDERLINING IN BRACKETS] indicates text added to statute or previously enacted session law.

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1 The bill as proposed to be amended is reprinted as follows:

2 Section 1. Section 28-851, Arizona Revised Statutes, is amended to
3 read:

4 28-851. Railroad crossing; safety

5 A. Except as provided in subsection B of this section, when a
6 person driving a vehicle approaches a railroad grade crossing, the driver
7 of the vehicle shall stop within fifty feet but not less than fifteen feet
8 from the nearest rail of the railroad and may not proceed if any of the
9 following applies:

10 1. A clearly visible electric or mechanical signal device gives
11 warning of the immediate approach of a railroad train OR OTHER ON-TRACK
12 [MAINTENANCE] EQUIPMENT.

13 2. A crossing gate is lowered or a human flagman gives or continues
14 to give a signal of the approach or passage of a railroad train OR OTHER
15 ON-TRACK [MAINTENANCE] EQUIPMENT.

16 3. A railroad train OR OTHER ON-TRACK [MAINTENANCE] EQUIPMENT
17 approaching within approximately one thousand five hundred feet of the
18 highway crossing emits a signal audible from such a distance and the
19 railroad train OR OTHER ON-TRACK [MAINTENANCE] EQUIPMENT is an immediate
20 hazard by reason of its speed or proximity to the crossing.

21 4. An approaching railroad train OR OTHER ON-TRACK [MAINTENANCE]
22 EQUIPMENT is plainly visible and is in hazardous proximity to the
23 crossing.

24 5. Any other condition exists that makes it unsafe to proceed
25 through the crossing.

26 B. An operator of a vehicle who suspects a false activation or
27 malfunction of a railroad grade crossing signal device where there is no
28 gate or barrier may proceed through the railroad grade crossing after
29 stopping if all of the following apply:

30 1. The operator of the vehicle has a clear line of sight of at
31 least one mile of the railroad tracks in all directions.

1 2. There is no evidence of an approaching RAILROAD train OR OTHER
2 ON-TRACK [MAINTENANCE] EQUIPMENT.

3 3. The vehicle may cross over the tracks safely.

4 4. If the vehicle is a school bus, the operator complies with
5 written district policy.

6 C. An operator of a vehicle may not make a u-turn or turn the
7 vehicle to proceed in the opposite direction on a railroad track or
8 railroad grade crossing.

9 D. A person shall not proceed through, around, over or under a
10 crossing gate or barrier at a railroad crossing while the gate or barrier
11 is closed or is being opened or closed.

12 E. A pedestrian shall not do any of the following:

13 1. Enter or remain within the area between a railroad track and a
14 railroad sign or signal if the railroad grade crossing is active.

15 2. Occupy or remain on a railroad grade crossing when the railroad
16 sign or signal is not active except to cross the railroad crossing on a
17 designated walkway.

18 3. Remain in an area between railroad signs or signals, railroad
19 gates or rail crossing arms if the railroad grade crossing is active.

20 Sec. 2. Section 28-853, Arizona Revised Statutes, is amended to
21 read:

22 28-853. Railroad grade crossing; stop required of certain
23 vehicles; exceptions; other requirements

24 A. Except as otherwise provided in this article, before crossing at
25 grade any track or tracks of a railroad, the driver of a motor vehicle
26 carrying passengers for hire, of any school bus carrying any school child
27 or of any vehicle carrying or returning after ~~delivery of~~ DELIVERING
28 explosive substances or flammable liquids as a cargo or part of a cargo
29 shall stop the vehicle within fifty feet but not less than fifteen feet
30 from the nearest rail of the railroad, ~~while stopped~~ listen and look in
31 both directions along the track for an approaching train OR OTHER ON-TRACK
32 [MAINTENANCE] EQUIPMENT and for signals indicating ~~the approach of a~~ AN
33 APPROACHING RAILROAD train OR OTHER ON-TRACK [MAINTENANCE] EQUIPMENT and
34 not proceed until the driver can do so safely. After stopping as required
35 by this ~~section~~ SUBSECTION and on proceeding when it is safe to do so, the
36 driver of the vehicle shall cross only in a gear of the vehicle for which
37 there is no need to change gears while traversing the crossing and shall
38 not shift gears while crossing the track or tracks. This subsection does
39 not apply at:

40 1. A crossing where a police officer or a traffic control signal
41 directs traffic to proceed.

42 2. A street railway grade crossing within a business or residence
43 district.

44 B. A driver of a commercial motor vehicle shall not enter a
45 railroad or rail transit crossing unless there is sufficient space on the
46 other side of the railroad or rail transit crossing to accommodate the
47 vehicle being driven.

1 C. A driver of a commercial motor vehicle shall not enter a
2 railroad or rail transit crossing unless there is sufficient undercarriage
3 clearance to cross the intersection without obstructing the through
4 passage of a railway vehicle, including a RAILROAD train or a city transit
5 vehicle.

6 Sec. 3. Section 28-854, Arizona Revised Statutes, is amended to
7 read:

8 28-854. Railroad grade crossing; moving heavy equipment;
9 exception; definition

10 A. A person shall not operate or move any heavy equipment on or
11 across a track at a railroad grade crossing unless:

12 1. Notice of the intended crossing is given to a station agent of
13 the railroad.

14 2. Before making the crossing, the person operating or moving the
15 vehicle or HEAVY equipment:

16 (a) Stops the vehicle or equipment at least fifteen feet but not
17 more than fifty feet from the nearest rail of the railroad.

18 (b) While ~~so~~ stopped, listens and looks in both directions along
19 the track for an approaching RAILROAD train OR OTHER ON-TRACK
20 [MAINTENANCE] EQUIPMENT and for signals indicating ~~the approach of a AN~~
21 APPROACHING RAILROAD train OR OTHER ON-TRACK [MAINTENANCE] EQUIPMENT.

22 3. Does not proceed until the crossing can be made safely.

23 B. A person shall not make a crossing pursuant to SUBSECTION A OF
24 this section when a warning is given by automatic signal, crossing gates
25 or a flagman or otherwise of the immediate approach of a railroad train or
26 car OR OTHER ON-TRACK [MAINTENANCE] EQUIPMENT. If a flagman is provided
27 by the railroad, movement over the crossing shall be under the flagman's
28 direction.

29 C. This section does not apply to the normal movement of farm
30 equipment in the regular course of a farm operation.

31 D. For the purposes of this section, "heavy equipment" means any
32 crawler type tractor, steam shovel, derrick, roller or other equipment or
33 structure having a normal operating speed of ten miles per hour or less or
34 a vertical body or load clearance of less than one-half inch per foot of
35 the distance between any two adjacent axles or in any event of less than
36 nine inches measured above the level surface of a roadway.

37 Enroll and engross to conform

38 Amend title to conform

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