

By: Representative Green

To: Transportation

HOUSE BILL NO. 1079

1 AN ACT TO AMEND SECTION 77-9-249, MISSISSIPPI CODE OF 1972,
2 TO CLARIFY THE SAFETY REQUIREMENTS FOR MOTORISTS TO FOLLOW WHEN
3 APPROACHING A RAILROAD GRADE CROSSING; AND FOR RELATED PURPOSES.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

5 **SECTION 1.** Section 77-9-249, Mississippi Code of 1972, is
6 amended as follows:

7 77-9-249. (1) Whenever any person driving a vehicle
8 approaches a railroad grade crossing under any of the
9 circumstances stated in this subsection, the driver of such
10 vehicle shall stop within fifty (50) feet but not less than
11 fifteen (15) feet from the nearest rail of such railroad, and
12 shall not proceed until he can do so safely. The foregoing
13 requirements shall apply when one or more of the following
14 circumstances exists:

15 (a) A clearly visible electric or mechanical signal
16 device gives warning of the immediate approach of a railroad
17 train; or

18 (b) A crossing gate is lowered or when a human flagman
19 gives or continues to give a signal of the approach or passage of
20 a railroad train; or

21 (c) A railroad train approaching within approximately
22 nine hundred (900) feet of the highway crossing emits a signal in
23 accordance with Section 77-9-225, and such railroad train, by
24 reason of its speed or nearness to such crossing, is an immediate
25 hazard; or

26 (d) An approaching railroad train is plainly visible
27 and is in hazardous proximity to such crossing.



28 (2) No person shall drive any vehicle through, around or
29 under any crossing gate or barrier at a railroad crossing while
30 such gate or barrier is closed or is being opened or closed.

31 (3) In the trial of all actions to recover personal injury
32 or property damages, sustained by any driver of such vehicles for
33 collision of said vehicle and train in which action it may appear
34 that the said driver may have violated any of the provisions
35 hereof, the question of whether or not the said violation was the
36 sole or approximate cause of the accident and injury shall be for
37 the jury to determine. The violation of this section shall not of
38 itself defeat recovery, and the question of negligence or the
39 violation aforesaid shall be left to the jury; and the comparative
40 negligence statutes and prima facie statute of this state shall
41 apply in these cases as in other cases of negligence.

42 (4) At any railroad grade crossing provided with visible
43 railroad crossbuck signs without automatic electric or mechanical
44 signal devices, crossing gates or a human flagman giving a signal
45 of the approach or passage of a train, the driver of a vehicle
46 shall, in obedience to such railroad crossbuck sign, yield the
47 right-of-way and slow to a speed reasonable for the existing
48 conditions, and shall stop if required for safety at a clearly
49 marked stop line, or if no stop line, within fifty (50) feet, but
50 not less than fifteen (15) feet, from the nearest rail of the
51 railroad, and shall not proceed until he can do so safely.

52 (5) Every person, company or corporation violating the
53 provisions of this section shall be guilty of a misdemeanor and,
54 upon conviction, shall be fined not less than Two Hundred Fifty
55 Dollars (\$250.00) nor more than Five Hundred Dollars (\$500.00), or
56 imprisoned not more than thirty (30) days, or both such fine and
57 imprisonment, in the discretion of the court.

58 **SECTION 2.** This act shall take effect and be in force from
59 and after July 1, 2003.

