

By: Representatives Steverson, Sykes

To: Transportation

HOUSE BILL NO. 1161

1 AN ACT TO AMEND SECTIONS 63-3-1007 AND 63-3-1013, MISSISSIPPI
2 CODE OF 1972, TO INCLUDE OTHER ON-TRACK EQUIPMENT IN ADDITION TO
3 TRAINS IN LAWS REGARDING MOTOR VEHICLES AND RAILROAD GRADE
4 CROSSING SAFETY; AND FOR RELATED PURPOSES.

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

6 **SECTION 1.** Section 63-3-1007, Mississippi Code of 1972, is
7 amended as follows:

8 63-3-1007. (1) Whenever any person driving a vehicle
9 approaches a railroad grade crossing and a clearly visible
10 electric or mechanical signal device gives warning of the
11 immediate approach of a train or other on-track equipment
12 including, but not limited to, all hi-rail vehicles and on-track
13 maintenance equipment, the driver of such vehicle shall stop
14 within fifty (50) feet but not less than fifteen (15) feet from
15 the nearest track of such railroad and shall not proceed until he
16 can do so safely.

17 (2) The driver of a vehicle shall stop and remain standing
18 and not traverse such a grade crossing when a crossing gate is
19 lowered or when a human flagman gives or continues to give a



20 signal of the approach or passage of a train or other on-track
21 equipment including, but not limited to, all hi-rail vehicles and
22 on-track maintenance equipment. The violation of this section
23 shall not of itself defeat recovery and the question of negligence
24 or the violation aforesaid, shall be left to the jury and the
25 comparative negligence statute and prima facie statute of this
26 state shall apply in these cases as in other cases of negligence.

27 **SECTION 2.** Section 63-3-1013, Mississippi Code of 1972, is
28 amended as follows:

29 63-3-1013. No person shall operate or move any caterpillar
30 tractor, steam shovel, derrick, roller, or any equipment or
31 structure having a normal operating speed of six (6) or less miles
32 per hour or a vertical body or load clearance of less than nine
33 (9) inches above the level surface of a roadway upon or across any
34 tracks at a railroad grade crossing without notice of any such
35 intended crossing first being given to a superintendent of such
36 railroad and a reasonable time being given to such railroad to
37 provide proper protection at such crossing.

38 Before making any such crossing the person operating or
39 moving any such vehicle or equipment shall first stop the same not
40 less than fifteen (15) feet nor more than fifty (50) feet from the
41 nearest rail of such railway and while so stopped shall listen and
42 look in both directions along such track for any approaching train
43 or other on-track equipment including, but not limited to, all
44 hi-rail vehicles and on-track maintenance equipment and for



45 signals indicating the approach of a train or other on-track
46 equipment including, but not limited to, all hi-rail vehicles and
47 on-track maintenance equipment, and shall not proceed until the
48 crossing can be made safely.

49 No such crossing shall be made when warning is given by
50 automatic signal or crossing gates or a flagman or otherwise of
51 the immediate approach of a railroad train or car or other
52 on-track equipment including, but not limited to, all hi-rail
53 vehicles and on-track maintenance equipment.

54 **SECTION 3.** This act shall take effect and be in force from
55 and after July 1, 2018.

