

By: Senator(s) Simmons (13th), Frazier,  
Jackson (11th), Barnett, Jackson (32nd),  
Jordan, Butler

To: Highways and  
Transportation

SENATE BILL NO. 2621

1 AN ACT TO AMEND SECTION 63-3-1007, MISSISSIPPI CODE OF 1972,  
2 TO MAKE IT CLEAR THAT VEHICLES APPROACHING A RAILROAD GRADE  
3 CROSSING MUST STOP UPON THE APPROACH OF ON-TRACK EQUIPMENT,  
4 INCLUDING, BUT NOT LIMITED TO, HI-RAIL VEHICLES AND ON-TRACK  
5 MAINTENANCE EQUIPMENT; TO AMEND SECTION 63-3-1013, MISSISSIPPI  
6 CODE OF 1972, TO MAKE IT CLEAR THAT CERTAIN EQUIPMENT MUST STOP AT  
7 RAILROAD GRADE CROSSINGS UPON THE APPROACH OF ON-TRACK EQUIPMENT,  
8 INCLUDING, BUT NOT LIMITED TO, HI-RAIL VEHICLES AND ON-TRACK  
9 MAINTENANCE EQUIPMENT; AND FOR RELATED PURPOSES.

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

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

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



22           (2) The driver of a vehicle shall stop and remain standing  
23 and not traverse such a grade crossing when a crossing gate is  
24 lowered or when a human flagman gives or continues to give a  
25 signal of the approach or passage of a train or other on-track  
26 equipment, including, but not limited to, hi-rail vehicles and  
27 on-track maintenance equipment. The violation of this section  
28 shall not of itself defeat recovery and the question of negligence  
29 or the violation aforesaid, shall be left to the jury and the  
30 comparative negligence statute and prima facie statute of this  
31 state shall apply in these cases as in other cases of negligence.

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

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

43           Before making any such crossing the person operating or  
44 moving any such vehicle or equipment shall first stop the same not  
45 less than fifteen (15) feet nor more than fifty (50) feet from the  
46 nearest rail of such railway and while so stopped shall listen and



47 look in both directions along such track for any approaching train  
48 or other on-track equipment, including, but not limited to,  
49 hi-rail vehicles and on-track maintenance equipment and for  
50 signals indicating the approach of a train or other on-track  
51 equipment, including, but not limited to, hi-rail vehicles and  
52 on-track maintenance equipment, and shall not proceed until the  
53 crossing can be made safely.

54 No such crossing shall be made when warning is given by  
55 automatic signal or crossing gates or a flagman or otherwise of  
56 the immediate approach of a railroad train or car or other  
57 on-track equipment, including, but not limited to, hi-rail  
58 vehicles and on-track maintenance equipment

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

