

REFERENCE TITLE: railroad grade crossing; on-track equipment

State of Arizona  
House of Representatives  
Fifty-sixth Legislature  
First Regular Session  
2023

## **HB 2665**

Introduced by  
Representatives Longdon: Hernandez A, Hernandez C, Hernandez L, Seaman

AN ACT

AMENDING SECTIONS 28-851, 28-853 AND 28-854, ARIZONA REVISED STATUTES;  
RELATING TO RAILROAD GRADE CROSSINGS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

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 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 EQUIPMENT.

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

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

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

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

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

31 2. There is no evidence of an approaching train OR OTHER ON-TRACK  
32 EQUIPMENT.

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

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

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

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

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

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



1           2. Before making the crossing, the person operating or moving the  
2 vehicle or equipment:  
3           (a) Stops the vehicle or equipment at least fifteen feet but not  
4 more than fifty feet from the nearest rail of the railroad.  
5           (b) While so stopped, listens and looks in both directions along  
6 the track for an approaching train OR OTHER ON-TRACK EQUIPMENT and for  
7 signals indicating the approach of a train OR OTHER ON-TRACK EQUIPMENT.  
8           3. Does not proceed until the crossing can be made safely.  
9           B. A person shall not make a crossing pursuant to this section when  
10 a warning is given by automatic signal, crossing gates or a flagman or  
11 otherwise of the immediate approach of a railroad train or car OR OTHER  
12 ON-TRACK EQUIPMENT. If a flagman is provided by the railroad, movement  
13 over the crossing shall be under the flagman's direction.  
14           C. This section does not apply to the normal movement of farm  
15 equipment in the regular course of a farm operation.  
16           D. For the purposes of this section, "heavy equipment" means any  
17 crawler type tractor, steam shovel, derrick, roller or other equipment or  
18 structure having a normal operating speed of ten miles per hour or less or  
19 a vertical body or load clearance of less than one-half inch per foot of  
20 the distance between any two adjacent axles or in any event of less than  
21 nine inches measured above the level surface of a roadway.