

LEGISLATURE OF NEBRASKA  
ONE HUNDRED SIXTH LEGISLATURE  
FIRST SESSION

**LEGISLATIVE BILL 81**

Introduced by Friesen, 34.

Read first time January 10, 2019

Committee: Transportation and Telecommunications

1 A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend  
2 sections 60-6,170, 60-6,172, 60-6,173, and 60-6,174, Reissue Revised  
3 Statutes of Nebraska, and sections 60-601 and 60-605, Revised  
4 Statutes Cumulative Supplement, 2018; to define a term; to change  
5 provisions relating to special stops at railroad grade crossings; to  
6 harmonize provisions; and to repeal the original sections.

7 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 60-601, Revised Statutes Cumulative Supplement,  
2 2018, is amended to read:

3 60-601 Sections 60-601 to 60-6,383 and section 3 of this act shall  
4 be known and may be cited as the Nebraska Rules of the Road.

5 Sec. 2. Section 60-605, Revised Statutes Cumulative Supplement,  
6 2018, is amended to read:

7 60-605 For purposes of the Nebraska Rules of the Road, the  
8 definitions found in sections 60-606 to 60-676 and section 3 of this act  
9 shall be used.

10 Sec. 3. On-track equipment means any railroad locomotive or any  
11 other car, rolling stock, equipment, or other device operated upon  
12 stationary rails either alone or coupled to other railroad locomotives,  
13 cars, rolling stock, equipment, or devices.

14 Sec. 4. Section 60-6,170, Reissue Revised Statutes of Nebraska, is  
15 amended to read:

16 60-6,170 (1) Whenever any person driving a vehicle approaches a  
17 railroad grade crossing under any of the circumstances set forth in this  
18 section, the driver of such vehicle shall stop within fifty feet but not  
19 less than fifteen feet from the nearest rail of such railroad and shall  
20 not proceed until he or she can do so safely. The requirements of this  
21 subsection shall apply when:

22 (a) A clearly visible electric or mechanical signal device gives  
23 warning of the immediate approach of a railroad train or on-track  
24 equipment;

25 (b) A crossing gate is lowered or a flagperson gives or continues to  
26 give a signal of the approach or passage of a railroad train or on-track  
27 equipment;

28 (c) A railroad train or on-track equipment approaching within  
29 approximately one-quarter mile of the highway crossing emits a signal  
30 audible from such distance and such railroad train or on-track equipment,  
31 by reason of its speed or nearness to such crossing, is an immediate

1 hazard; or

2 (d) An approaching railroad train or on-track equipment is plainly  
3 visible and is in hazardous proximity to such crossing.

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

7 Sec. 5. Section 60-6,172, Reissue Revised Statutes of Nebraska, is  
8 amended to read:

9 60-6,172 (1) The driver of any bus carrying passengers for hire or  
10 of any school bus, before crossing at grade any track of a railroad,  
11 shall stop such vehicle within fifty feet but not less than fifteen feet  
12 from the nearest rail of such railroad and while so stopped shall listen  
13 and look in both directions along such track for any approaching railroad  
14 train or on-track equipment and for signals indicating the approach of a  
15 railroad train or on-track equipment, except as otherwise provided in the  
16 Nebraska Rules of the Road. The driver shall not proceed until he or she  
17 can do so safely. After stopping as required by this section and upon  
18 proceeding when it is safe to do so, the driver of any such vehicle shall  
19 cross only in such gear of the vehicle that there will be no necessity  
20 for changing gears while traversing such track and the driver shall not  
21 shift gears while crossing such track.

22 (2) No stop shall be made at any such crossing when a peace officer  
23 or a flagperson directs traffic to proceed or at an abandoned or exempted  
24 grade crossing which is clearly marked as such by or with the consent of  
25 competent authority when such markings can be read from the driver's  
26 position.

27 Sec. 6. Section 60-6,173, Reissue Revised Statutes of Nebraska, is  
28 amended to read:

29 60-6,173 (1) The driver of any vehicle which is required to be  
30 placarded pursuant to section 75-364, before crossing at a grade any  
31 track of a railroad on streets and highways, shall stop such vehicle not

1 more than fifty feet nor less than fifteen feet from the nearest rail or  
2 railroad and while stopped shall listen and look in both directions along  
3 the track for an approaching railroad train or on-track equipment. The  
4 driver shall not proceed until precaution has been taken to ascertain  
5 that the course is clear.

6 (2) The requirements of subsection (1) of this section shall not  
7 apply:

8 (a) When a peace officer or a flagperson directs traffic to proceed;

9 (b) At an abandoned or exempted grade crossing which is clearly  
10 marked as such by or with the consent of competent authority when such  
11 markings can be read from the driver's position; or

12 (c) At railroad tracks used exclusively for industrial switching  
13 purposes within a business district.

14 (3) Nothing in this section shall be deemed to exempt the driver of  
15 any vehicle from compliance with the other requirements contained in the  
16 Nebraska Rules of the Road.

17 Sec. 7. Section 60-6,174, Reissue Revised Statutes of Nebraska, is  
18 amended to read:

19 60-6,174 (1) No person shall operate or move any crawler-type  
20 tractor, any steam shovel, any derrick, any roller, or any equipment or  
21 structure having a normal operating speed of ten miles per hour or less  
22 or a vertical body or load clearance of less than one-half inch per foot  
23 of the distance between any two adjacent axles or in any event of less  
24 than nine inches, measured above the level surface of a roadway, upon or  
25 across any track at a railroad grade crossing without first complying  
26 with this section.

27 (2) Before making any such crossing, the person operating or moving  
28 any such vehicle or equipment shall first stop the same not less than  
29 fifteen feet nor more than fifty feet from the nearest rail of such  
30 railroad and while so stopped shall listen and look in both directions  
31 along such track for any approaching railroad train or on-track equipment

1 and for signals indicating the approach of a railroad train or on-track  
2 equipment. The person shall not proceed until the crossing can be made  
3 safely.

4 (3) No such crossing shall be made while warning is given by an  
5 automatic signal, by crossing gates, by a flagperson, or otherwise of the  
6 immediate approach of a railroad train or on-track equipment ~~or car~~. If a  
7 flagperson is provided by the railroad, movement over the crossing shall  
8 be under his or her direction.

9 Sec. 8. Original sections 60-6,170, 60-6,172, 60-6,173, and  
10 60-6,174, Reissue Revised Statutes of Nebraska, and sections 60-601 and  
11 60-605, Revised Statutes Cumulative Supplement, 2018, are repealed.