

Senate Bill 409

By: Senators Harper of the 7th, Albers of the 56th, Mullis of the 53rd, Jones of the 25th,  
Gooch of the 51st and others

**AS PASSED**

A BILL TO BE ENTITLED  
AN ACT

1 To amend Article 7 of Chapter 6 of Title 40 of the Official Code of Georgia Annotated,  
2 relating to negotiating railroad crossings and entering highways from private driveways, so  
3 as to require that persons driving vehicles shall exercise due care and caution for other  
4 on-track equipment, as for trains, at railroad grade crossings; to provide for a definition; to  
5 provide for related matters; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Article 7 of Chapter 6 of Title 40 of the Official Code of Georgia Annotated, relating to  
9 negotiating railroad crossings and entering highways from private driveways, is amended by  
10 revising Code Section 40-6-140, relating to obedience to signal indicating approach of train  
11 and reasonable and prudent standard for crossing railroad grade, as follows:

12 "40-6-140.

13 (a) As used in this Code section, the term 'other on-track equipment' means any car, rolling  
14 stock, or other device that, alone or coupled to another device, is operated on stationary  
15 rails.

16 (b) Whenever any person driving a vehicle approaches a railroad grade crossing, such  
17 driver shall stop within 50 feet but not less than 15 feet from the nearest rail of such  
18 railroad and shall not proceed until he or she can do so safely, when:

19 (1) A clearly visible electric or mechanical signal device gives warning of the immediate  
20 approach of a train;

21 (2) A crossing gate is lowered or a human flagman gives or continues to give a signal of  
22 the approach of the passage of a train or other on-track equipment; or

23 (3) An approaching train or other on-track equipment is plainly visible and is in  
24 hazardous proximity to such crossing.

25 ~~(b)~~(c) No person shall drive any vehicle through, around, or under any crossing gate or  
26 barrier at a railroad crossing while such gate or barrier is closed or is being opened or  
27 closed.

28 ~~(e)~~(d) If no electric or mechanical signal device is giving warning of the immediate  
29 approach of a train or other on-track equipment, no crossing gate or barrier is closed, there  
30 is no stop sign at the crossing, and there is no human flagman giving warning, all drivers  
31 shall slow to a reasonable and prudent speed and verify that there is no approaching train  
32 or other on-track equipment prior to proceeding. For the purposes of this subsection, 'a  
33 reasonable and prudent speed' means a speed slow enough to enable the driver to safely  
34 stop the vehicle prior to reaching the nearest rail of such crossing.

35 ~~(d)~~(e) No person shall drive a vehicle over a railroad grade crossing when a train or other  
36 on-track equipment is approaching.

37 ~~(e)~~(f) No person shall drive a vehicle over a railroad grade crossing if there is insufficient  
38 space to drive completely through the crossing without stopping.

39 ~~(f)~~(g) No person shall drive a vehicle over a railroad grade crossing if there is insufficient  
40 undercarriage clearance for the vehicle to negotiate the crossing."

41 **SECTION 2.**

42 All laws and parts of laws in conflict with this Act are repealed.