

CONSENT CALENDAR

February 8, 2022

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

The Committee on Transportation to which was referred HB 1160,

AN ACT relative to obedience to signals at railroad crossings. Having considered the same, report the same with the following amendment, and the recommendation that the bill OUGHT TO PASS WITH AMENDMENT.

Rep. Laura Telerski

FOR THE COMMITTEE

COMMITTEE REPORT

Committee:	Transportation
Bill Number:	HB 1160
Title:	relative to obedience to signals at railroad crossings.
Date:	February 8, 2022
Consent Calendar:	CONSENT
Recommendation:	OUGHT TO PASS WITH AMENDMENT 2022-0493h

STATEMENT OF INTENT

This bill modifies the circumstances when vehicles must stop at railroad crossings to include when workers are working on the track with maintenance of way on-track equipment. 34 other states have similar laws to protect rail workers and the bill has industry support. The amendment simply clarifies it applies only to track maintenance equipment.

Vote 19-0.

Rep. Laura Telerski
FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

CONSENT CALENDAR

Transportation

HB 1160, relative to obedience to signals at railroad crossings. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Laura Telerski for Transportation. This bill modifies the circumstances when vehicles must stop at railroad crossings to include when workers are working on the track with maintenance of way on-track equipment. 34 other states have similar laws to protect rail workers and the bill has industry support. The amendment simply clarifies it applies only to track maintenance equipment. **Vote 19-0.**

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Amendment to HB 1160

1 Amend the bill by replacing all after the enacting clause with the following:

2

3 1 Rules of the Road; Obedience to Signal Indicating Approach of Train. Amend RSA 265:48 to
4 read as follows:

5 265:48 Obedience to Signal Indicating Approach of Train ***or Other Maintenance of Way On-***
6 ***Track Equipment.***

7 I. Whenever any person driving a vehicle approaches a railroad grade crossing under any of
8 the circumstances stated in this section, the driver of such vehicle shall stop within 50 feet but not
9 less than 15 feet from the nearest rail of such railroad, and shall not proceed until he can do so
10 safely. The foregoing requirements shall apply when:

11 (a) A clearly visible electric or mechanical signal device gives warning of the immediate
12 approach of a railroad train ***or other maintenance of way on-track equipment;***

13 (b) A crossing gate is lowered or a flagman gives or continues to give a signal of the
14 approach or passage of a railroad train ***or other maintenance of way on-track equipment;***

15 (c) A railroad train ***or other maintenance of way on-track equipment*** approaching
16 within approximately 1500 feet of the way crossing emits a signal audible from such distance and
17 such railroad train ***or other maintenance of way on-track equipment,*** by reason of its speed or
18 nearness to such crossing, is an immediate hazard;

19 (d) An approaching railroad train ***or other maintenance of way on-track equipment***
20 is plainly visible and is in hazardous proximity to such crossing.

21 II. No person shall drive any vehicle through, around or under any crossing or barrier at a
22 railroad crossing while such gate or barrier is closed or is being opened or closed.

23 2 Rules of the Road; Certain Vehicles Must Stop at All Railroad Grade Crossings. Amend RSA
24 265:50, I to read as follows:

25 I. The driver of any vehicle carrying passengers for hire, or of any school bus carrying any
26 school child, or of any vehicle carrying explosive substances, before crossing at grade any track or
27 tracks of a railroad, shall stop such vehicle within 50 feet but not less than 15 feet from the nearest
28 rail of such railroad and while so stopped shall listen and look in both directions along such track for
29 any approaching train ***or other maintenance of way on-track equipment,*** and for signals
30 indicating the approach of a train ***or other maintenance of way on-track equipment,*** except as
31 hereinafter provided, and shall not proceed until he ***or she*** can do so safely. After stopping as
32 required herein and upon proceeding when it is safe to do so the driver of any said vehicle shall cross

Amendment to HB 1160

- Page 2 -

1 only in such gear of the vehicle that there will be no necessity for changing gears while traversing
2 such crossing and the driver shall not shift gears while crossing the track or tracks.

3 3 Rules of the Road; Moving Heavy Equipment at Railroad Grade Crossing. Amend RSA 265:51,
4 III-IV to read as follows:

5 III. Before making any such crossing the person driving or moving any such vehicle or
6 equipment shall first stop the same not less than 15 feet nor more than 50 feet from the nearest rail
7 of such railroad and while so stopped shall listen and look in both directions along such track for any
8 approaching train ***or other maintenance of way on-track equipment*** and for signals indicating
9 the approach of a train ***or other maintenance of way on-track equipment***, and shall not proceed
10 until the crossing can be made safely.

11 IV. No such crossing shall be made when warning is given by automatic signal or crossing
12 gates or a flagman or otherwise of the immediate approach of a railroad train or car ***or other***
13 ***maintenance of way on-track equipment***. If a flagman is provided by the railroad, movement
14 over the crossing shall be under his ***or her*** direction.

15 4 Effective Date. This act shall take effect 60 days after its passage.

HOUSE COMMITTEE ON TRANSPORTATION

EXECUTIVE SESSION on HB 1160

BILL TITLE: relative to obedience to signals at railroad crossings.

DATE: February 8, 2022

LOB ROOM: 201-203

MOTIONS: OUGHT TO PASS WITH AMENDMENT

Moved by Rep. Telerski

Seconded by Rep. Hill

AM Vote: Voice Vote

Amendment # 2022-0493h

Moved by Rep. Telerski

Seconded by Rep. Hill

Vote: 19-0

CONSENT CALENDAR: YES

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep Karel Crawford, Clerk



2022 SESSION

Transportation

Bill #: 1160 Motion: OTP/A AM #: 0493h Exec Session Date: 2/8/22

<u>Members</u>	<u>YEAS</u>	<u>Nays</u>	<u>NV</u>
Walsh, Thomas C. Chairman	✓		
Gagne, Larry G. Vice Chairman	✓		
Smith, Steven D.	✓		
Crawford, Karel A. Clerk	✓		
Hill, Gregory G.	✓		
Thompson, Dennis J.	✓		
Ankarberg, Aidan	✓		
Gorski, Ted	✓		
O'Hara, Travis J.	✓		
Pitaro, Matthew <i>Rep. Brown</i>	✓		
Sykes, George E.	✓		
Cleaver, Skip J. <i>Rep. Manojipudi</i>	✓		
Fenton, Donovan W.	✓		
Rombeau, Catherine	✓		
Rich, Cecilia	✓		
Telerski, Laura D.	✓		
Fox, Dru	✓		
Stevens, Deb <i>Rep. Perez.</i>	✓		
Veilleux, Daniel T.	✓		
TOTAL VOTE:	19	0	

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4 read as follows:

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6 *Track Equipment.*

7 I. Whenever any person driving a vehicle approaches a railroad grade crossing under any of
8 the circumstances stated in this section, the driver of such vehicle shall stop within 50 feet but not
9 less than 15 feet from the nearest rail of such railroad, and shall not proceed until he can do so
10 safely. The foregoing requirements shall apply when:

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12 approach of a railroad train *or other maintenance of way on-track equipment*;

13 (b) A crossing gate is lowered or a flagman gives or continues to give a signal of the
14 approach or passage of a railroad train *or other maintenance of way on-track equipment*;

15 (c) A railroad train *or other maintenance of way on-track equipment* approaching
16 within approximately 1500 feet of the way crossing emits a signal audible from such distance and
17 such railroad train *or other maintenance of way on-track equipment*, by reason of its speed or
18 nearness to such crossing, is an immediate hazard;

19 (d) An approaching railroad train *or other maintenance of way on-track equipment*
20 is plainly visible and is in hazardous proximity to such crossing.

21 II. No person shall drive any vehicle through, around or under any crossing or barrier at a
22 railroad crossing while such gate or barrier is closed or is being opened or closed.

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26 school child, or of any vehicle carrying explosive substances, before crossing at grade any track or
27 tracks of a railroad, shall stop such vehicle within 50 feet but not less than 15 feet from the nearest
28 rail of such railroad and while so stopped shall listen and look in both directions along such track for
29 any approaching train *or other maintenance of way on-track equipment*, and for signals
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31 hereinafter provided, and shall not proceed until he *or she* can do so safely. After stopping as
32 required herein and upon proceeding when it is safe to do so the driver of any said vehicle shall cross

Amendment to HB 1160

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2 such crossing and the driver shall not shift gears while crossing the track or tracks.

3 3 Rules of the Road; Moving Heavy Equipment at Railroad Grade Crossing. Amend RSA 265:51,
4 III-IV to read as follows:

5 III. Before making any such crossing the person driving or moving any such vehicle or
6 equipment shall first stop the same not less than 15 feet nor more than 50 feet from the nearest rail
7 of such railroad and while so stopped shall listen and look in both directions along such track for any
8 approaching train *or other maintenance of way on-track equipment* and for signals indicating
9 the approach of a train *or other maintenance of way on-track equipment*, and shall not proceed
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11 IV. No such crossing shall be made when warning is given by automatic signal or crossing
12 gates or a flagman or otherwise of the immediate approach of a railroad train or car *or other*
13 *maintenance of way on-track equipment*. If a flagman is provided by the railroad, movement
14 over the crossing shall be under his *or her* direction.

15 4 Effective Date. This act shall take effect 60 days after its passage.

HOUSE COMMITTEE ON

PUBLIC HEARING ON

BILL TITLE: HB 1160 relative to obedience to signals at railroad crossings

DATE: 2/1/22

LOB ROOM: 201-203

Time Public Hearing Called to Order: 9:41 am

Time Adjourned: 9:52 am

Committee Members: Reps. Walsh, Gagne, Crawford, Smith, Hill, Thompson, Ankarberg, Gorski, O'Hara, Pitaro, Sykes, Cleaver, Fenton, Rombeau, Rich, Telerski, Fox, Stevens and Veilleux

Bill Sponsors: Rep. O'Brien

TESTIMONY

- Use asterisk if written testimony and/or amendments are submitted.

Rep. O'Brien introduced –

Brought by the railroad community, we all yield the train when the equipment is on the rail. This bill would be a safety for the workers on the rails.

Have an amendment on line three to add Other Maintenance of way on Track Equipment

Rep. Pitaro- How large is the equipment? A. DOT might be able to tell you

Rep. O'Hara – Does this include recreational vehicle? A. No

Rep. Torosian – What trips the safety device? A. Not sure

***Daren Gordon – Vice President –**

Gates go down, this bill would allow maintenance to do the work on the rails, right now they do not have protection with signal. Safety bill that would protect all. 34 states have already passed same bill

Rep. Torosian – will the equipment set off the device A. All on tract have to have lights and horns; some will set off the signals

Rep. Gorski – What is the size of some of this equipment – A. 50,000 lbs.

Respectfully submitted,

Rep. Karel Crawford, Clerk

House Remote Testify

Transportation Committee Testify List for Bill HB1160 on 2022-02-01

Support: 0 Oppose: 0 Neutral: 0 Total to Testify: 0

[Export to Excel](#)

**Public Hearing Testimony
H.B. No. 1160**

**Matt Juszczak
Secretary/ Treasurer Lodge 201
Brotherhood of Maintenance of Way Employees Division (BMWED)
of the International Brotherhood of Teamsters
Derry New Hampshire**

Chairmen Walsh, Vice Chairman Gagne and member of the Committee, thank for the opportunity to testify before you today on an important public safety issue for motorists, pedestrians and the men and women who work on our railroad tracks in New Hampshire and throughout the country. I am Matt Juszczak Secretary/Treasurer for Lodge 201 in Derry NH, along with me is Daren Gordon Vice President of Lodge 201 and Asst Legislative Director for New Hampshire.

We are here to offer our strong support for House Bill 1160 that would amend RSA 265.48 to include “or other on-track equipment”.

Under current New Hampshire law, maintenance of way, railroad contractors and other on-track equipment are not included in the prohibition concerning a motorist’s responsibilities when approaching a crossing. It is critically important for that when the gates are down, or when there is a train approaching or a flagman or stop sign, etc. present, that motor vehicles stop a safe distance from the crossing.

House Bill 1160 would update existing railroad crossing laws pertaining to motorist responsibilities at railroad crossings. Currently, maintenance of way, railroad contractors and other on-track equipment are not included in the State Statute that mandates motorist responsibilities when approaching a crossing.

The issue is on-track maintenance equipment has evolved into “train like” machines that present the same dangers of a train engine/train with cars of not being able to stop on a dime.

Through modernization of railroad on-track equipment our members now operate state of the art equipment on the tracks in New Hampshire, with that come size. We are long gone from the days when push charts ran up and down the tracks.

While most of the public understands trains occupy the tracks in their respective neighborhoods and to avoid them at all costs, not everyone is aware of the on-track maintenance and construction machines that travel on the track infrastructure in New Hampshire and around the country.

This is a true Safety Bill that will help protect New Hampshire motorists and our members that work and live here in New Hampshire.

Similar legislation has already passed in over 34 states including: Alabama, Arkansas, California, Colorado, Connecticut, Delaware, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Massachusetts, Maryland, Minnesota, Michigan, Mississippi, Montana, Nebraska, New Jersey, Nevada, North Carolina, North Dakota, Oregon, South Carolina, South Dakota, Tennessee, Texas, Virginia, Wisconsin, Washington State and Wyoming.

There is currently active or pending legislation in 8 states (Ohio, Missouri, Utah, Maine, South Carolina, Oklahoma and Pennsylvania) plus this bill in New Hampshire.

The legislation is supported by rail labor, the railroads themselves, railroad contractors, and in fact I have found no public opposition. It will help to clarify that there are other pieces of equipment that travel on tracks that present the same dangers to motorists as trains. Also, we will help to educate the public of this fact after the state statute is amended, working with the New Hampshire Operation Life Saver and the Railroads Look, Listen and Live PSA programs.

Thank you for the opportunity to testify before you today. I am happy to answer any questions you may have on this issue or railroad safety in general.

HB 1160 - AS INTRODUCED

2022 SESSION

22-2446

11/08

HOUSE BILL **1160**

AN ACT relative to obedience to signals at railroad crossings.

SPONSORS: Rep. O'Brien, Hills. 36

COMMITTEE: Transportation

ANALYSIS

This bill modifies the circumstances under which certain vehicles must stop at railroad grade crossings.

Explanation: Matter added to current law appears in ***bold italics***.
Matter removed from current law appears ~~[in brackets and struckthrough.]~~
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Two

AN ACT relative to obedience to signals at railroad crossings.

Be it Enacted by the Senate and House of Representatives in General Court convened:

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2 read as follows:

3 265:48 Obedience to Signal Indicating Approach of Train ***or Other On-Track Equipment***.

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28 ***or she*** can do so safely. After stopping as required herein and upon proceeding when it is safe to do
29 so the driver of any said vehicle shall cross only in such gear of the vehicle that there will be no
30 necessity for changing gears while traversing such crossing and the driver shall not shift gears while
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HB 1160 - AS INTRODUCED

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