

LEGISLATIVE COMMITTEE MINUTES

HB1160

Bill as
Introduced

HB 1160 - AS AMENDED BY THE SENATE

10Mar2022... 0493h
03/31/2022 1207s

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 struck through~~].
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

HB 1160 - AS AMENDED BY THE SENATE

10Mar2022... 0493h
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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:

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

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

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

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

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

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

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

19 II. ~~[No person shall]~~ *He or she shall not* drive any vehicle through, around, or under any
20 crossing or barrier at a railroad crossing while such gate or barrier is closed or is being opened or
21 closed.

22 2 Rules of the Road; Certain Vehicles Must Stop at All Railroad Grade Crossings. Amend RSA
23 265:50, I to read as follows:

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

HB 1160 - AS AMENDED BY THE SENATE

- Page 2 -

1 required herein and upon proceeding when it is safe to do so the driver of any said vehicle shall cross
2 only in such gear of the vehicle that there will be no necessity for changing gears while traversing
3 such crossing and the driver shall not shift gears while crossing the track or tracks.

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

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

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

16 4 Effective Date. This act shall take effect 60 days after its passage.

CHAPTER 257
HB 1160 - FINAL VERSION

10Mar2022... 0493h
03/31/2022 1207s

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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:

1 257:1 Rules of the Road; Obedience to Signal Indicating Approach of Train. Amend RSA 265:48
2 to read as follows:

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

5 I. Whenever any person driving a vehicle approaches a railroad grade crossing under any of
6 the circumstances stated in this section, the driver of such vehicle shall stop within 50 feet but not
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13 (c) A railroad train *or other maintenance of way on-track equipment* approaching
14 within approximately 1500 feet of the way crossing emits a signal audible from such distance and
15 such railroad train *or other maintenance of way on-track equipment*, by reason of its speed or
16 nearness to such crossing, is an immediate hazard;

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

19 II. [~~No person shall~~] *He or she shall not* drive any vehicle through, around, or under any
20 crossing or barrier at a railroad crossing while such gate or barrier is closed or is being opened or
21 closed.

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23 RSA 265:50, I to read as follows:

24 I. The driver of any vehicle carrying passengers for hire, or of any school bus carrying any
25 school child, or of any vehicle carrying explosive substances, before crossing at grade any track or
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27 rail of such railroad and while so stopped shall listen and look in both directions along such track for
28 any approaching train *or other maintenance of way on-track equipment*, and for signals
29 indicating the approach of a train *or other maintenance of way on-track equipment*, except as

CHAPTER 257
HB 1160 - FINAL VERSION
- Page 2 -

1 hereinafter provided, and shall not proceed until he *or she* can do so safely. After stopping as
2 required herein and upon proceeding when it is safe to do so the driver of any said vehicle shall cross
3 only in such gear of the vehicle that there will be no necessity for changing gears while traversing
4 such crossing and the driver shall not shift gears while crossing the track or tracks.

5 257:3 Rules of the Road; Moving Heavy Equipment at Railroad Grade Crossing. Amend RSA
6 265:51, III-IV to read as follows:

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

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

257:4 Effective Date. This act shall take effect 60 days after its passage.

Approved: June 24, 2022
Effective Date: August 23, 2022

Amendments

Amendment to HB 1160

1 Amend the bill by replacing section 1 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
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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~~] *He or she shall not* drive any vehicle through, around, or under any
22 crossing or barrier at a railroad crossing while such gate or barrier is closed or is being opened or
23 closed.

Committee Minutes

SENATE CALENDAR NOTICE

Transportation

Sen Regina Birdsell, Chair
Sen David Watters, Vice Chair
Sen Denise Ricciardi, Member
Sen Ruth Ward, Member
Sen Tom Sherman, Member

Date: March 17, 2022

HEARINGS

Tuesday

03/22/2022

(Day)

(Date)

Transportation Legislative Office Building 101 1:00 p.m.

(Name of Committee)

(Place)

(Time)

1:00 p.m.	HB 1554-FN	relative to online payment of fees relating to the operation of off highway recreational vehicles and snowmobiles.
1:15 p.m.	HB 1020	relative to additional lights on emergency vehicles.
1:30 p.m.	HB 1040	establishing a commission to study revenue alternatives to the road toll for the funding of improvements to the state's highways and bridges and their resulting improvements to the environment.
1:45 p.m.	HB 1110	relative to windshield tint waivers.
2:00 p.m.	HB 1160	relative to obedience to signals at railroad crossings.

EXECUTIVE SESSION MAY FOLLOW

Sponsors:

HB 1554-FN

Rep. Egan
Rep. Massimilla

Rep. Thompson
Sen. Hennessey

Rep. Merner

Rep. Dontonville

HB 1020

Rep. Trottier

Rep. Littlefield

Rep. Bordes

HB 1040

Rep. Major
Rep. Cloutier

Rep. Graham
Rep. McGhee

Rep. Almy
Sen. Watters

Rep. Abrami
Sen. Giuda

Sen. Reagan
HB 1110
Rep. Walsh
HB 1160
Rep. O'Brien

Sen. Gannon

Rep. Gagne

Rep. Sykes

Rep. Steven Smith

Peter O'Neill 271-4151

Regina Birdsell
Chairman

Senate Transportation Committee
Peter O'Neill 271-4151

HB 1160, relative to obedience to signals at railroad crossings.

Hearing Date: March 23, 2022

Time Opened: 2:15 p.m.

Time Closed: 2:25 p.m.

Members of the Committee Present: Senators Birdsell, Watters, Ricciardi, Ward and Sherman

Members of the Committee Absent : None

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

Sponsors:
Rep. O'Brien

Who supports the bill: Rep. O'Brien, Rep. Gagne, Rep. Walsh, Daren Garden BMWED; Matt Juszczak, BMWED, Chuck Carloss, NHDOT Rail & Transit, Eric Pauer

Who opposes the bill: None

Who is neutral on the bill: None

Summary of Testimony Presented:

Rep. O'Brien

- Rep. O'Brien spoke in favor of HB 1160.
- The purpose of the bill is to mitigate hazards when locomotives go across railroad crossings.
- There is heavy equipment that repairs the track and it is as big as a train.
- The changes needed are not going to cause any type of inconvenience.
- Several other states had adopted similar legislation already.
- Sen. Watters asked if Rep. O'Brien wanted to include "he or she" on line 7 and line 19.
 - Rep. O'Brien said he didn't object but the key to the bill is for safety so that nobody gets hurt.
- Sen. Birdsell asked about the maintenance on the track using the repair equipment. She asked if the equipment could be as big as a train and stopping

at the railroad crossings, would the equipment also be going straight on the track or just repairing it.

- Rep. O'Brien said it takes a lot of weight to straighten the track. The equipment is not for transportation, but just for maintenance.
- Sen. Birdsell asked how the track is maintained or if the equipment goes through the train crossing to maintain the track.
- Rep. O'Brien said he would defer to the subsequent speakers.

Darren Gordon, BMWED

- Mr. Gordon said legislation has currently passed in 34 other states. The legislation protects people working at railroad crossings.
- Sen. Sherman asked if he knew how often accidents happen between equipment and vehicles or people.
 - Mr. Gordon said they do the best they can to protect equipment when they are in the work zone. There is also a travel mode from one jobsite to another. Some equipment is just shy of 100,000 pounds and it can be difficult to stop quickly.

PJO

Date Hearing Report completed: March 25, 2022

Speakers

Testimony

Public Hearing Testimony
H.B. No. 1160

Daren Gordon
Asst. Legislative Director for New Hampshire
Brotherhood of Maintenance of Way Employees Division (BMWED)
of the International Brotherhood of Teamsters
Derry New Hampshire

Chairmen Birdsell, Vice Chairman Watters 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 Daren Gordon Vice President of Lodge 201 and Asst Legislative Director for New Hampshire, along with me today is Matt Juszczak Secretary/Treasurer for Lodge 201 in Derry NH

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 motorist 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, 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.

Voting Sheets

Transportation Committee
EXECUTIVE SESSION RECORD
2021-2022 Session

Bill # *HB 1160*

Hearing date: _____

Executive Session date: _____

Motion of: *OTP* Vote: _____

Committee Member	Present	Made by	Second	Yes	No
Sen. Birdsell, Chair	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Watters, VC	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Ricciardi	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Ward	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Sherman	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Motion of: *Committee Amendment* Vote: *5-0*

Committee Member	Present	Made by	Second	Yes	No
Sen. Birdsell, Chair	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Watters, VC	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Ricciardi	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Ward	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Sherman	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Motion of: *OTP/A* Vote: *5-0*

Committee Member	Present	Made by	Second	Yes	No
Sen. Birdsell, Chair	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Watters, VC	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Ricciardi	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Ward	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Sherman	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Consent
Sherman
Birdsell
5-0

Reported out by: *Sherman*

Notes: _____

Committee Report

STATE OF NEW HAMPSHIRE

SENATE

REPORT OF THE COMMITTEE
FOR THE CONSENT CALENDAR

Tuesday, March 22, 2022

THE COMMITTEE ON Transportation

to which was referred **HB 1160**

AN ACT

relative to obedience to signals at railroad
crossings.

Having considered the same, the committee recommends that the Bill

OUGHT TO PASS WITH AMENDMENT

BY A VOTE OF: 5-0

AMENDMENT # 1207s

Senator Tom Sherman
For the Committee

This bill modifies the circumstances under which certain vehicles must stop at railroad grade crossings. The amendment provided a simple change that clarified the words "he or she" when referring to operators for equipment.

Peter O'Neill 271-4151

FOR THE CONSENT CALENDAR

TRANSPORTATION

HB 1160, relative to obedience to signals at railroad crossings.

Ought to Pass with Amendment, Vote 5-0.

Senator Tom Sherman for the committee.

This bill modifies the circumstances under which certain vehicles must stop at railroad grade crossings. The amendment provided a simple change that clarified the words "he or she" when referring to operators for equipment operators.

General Court of New Hampshire - Bill Status System

Docket of HB1160

Docket Abbreviations

Bill Title: relative to obedience to signals at railroad crossings.*Official Docket of HB1160.:*

Date	Body	Description
11/17/2021	H	Introduced 01/05/2022 and referred to Transportation
1/27/2022	H	Public Hearing: 02/01/2022 09:30 am LOB 201-203
2/3/2022	H	Executive Session: 02/08/2022 02:30 PM LOB 201-203
3/2/2022	H	Committee Report: Ought to Pass with Amendment #2022-0493h (Vote 19-0; CC)
3/11/2022	H	Amendment #2022-0493h : AA VV 03/10/2022 HJ 5
3/11/2022	H	Ought to Pass with Amendment 2022-0493h: MA VV 03/10/2022 HJ 5
3/15/2022	S	Introduced 02/24/2022 and Referred to Transportation; SJ 5
3/21/2022	S	Hearing: 03/22/2022, Room 101, LOB, 02:00 pm; SC 12
3/24/2022	S	Committee Report: Ought to Pass with Amendment #2022-1207s , 03/31/2022; Vote 5-0; CC; SC 13
3/31/2022	S	Committee Amendment #2022-1207s , AA, VV; 03/31/2022; SJ 7
3/31/2022	S	Ought to Pass with Amendment 2022-1207s, MA, VV; OT3rdg; 03/31/2022; SJ 7
5/13/2022	H	House Concurs with Senate Amendment (Rep. Walsh): MA VV 05/12/2022 HJ 12
6/15/2022	S	Enrolled Adopted, VV, (In recess 05/26/2022); SJ 13
6/15/2022	H	Enrolled (in recess of) 05/26/2022 HJ 14
6/29/2022	H	Signed by Governor Sununu 06/24/2022; Chapter 257; eff. 8/23/2022 HJ 14

NH House

NH Senate

Other Referrals

Senate Inventory Checklist for Archives

Bill Number: HB 1160

Senate Committee: Transportation

Please include all documents in the order listed below and indicate the documents which have been included with an "X" beside

Final docket found on Bill Status

Bill Hearing Documents: (Legislative Aides)

Bill version as it came to the committee

All Calendar Notices

Hearing Sign-up sheet(s)

Prepared testimony, presentations, & other submissions handed in at the public hearing

Hearing Report

Revised/Amended Fiscal Notes provided by the Senate Clerk's Office

Committee Action Documents: (Legislative Aides)

All amendments considered in committee (including those not adopted):

- amendment # 1207s - amendment # _____

- amendment # _____ - amendment # _____

Executive Session Sheet

Committee Report

Floor Action Documents: (Clerk's Office)

All floor amendments considered by the body during session (only if they are offered to the senate):

- amendment # _____ - amendment # _____

- amendment # _____ - amendment # _____

Post Floor Action: (if applicable) (Clerk's Office)

Committee of Conference Report (if signed off by all members. Include any new language proposed by the committee of conference):

Enrolled Bill Amendment(s)

Governor's Veto Message

All available versions of the bill: (Clerk's Office)

as amended by the senate as amended by the house

final version

Completed Committee Report File Delivered to the Senate Clerk's Office By:

Peter O'Neil
Committee Aide

6/7/2022
Date

Senate Clerk's Office AK