

39:4-128
LEGISLATIVE FACT SHEET

ON Equip., R.R. crossings - Notifying

N.J.R.S. 39:4-128

(1973 Amendment)

LAWS OF 1973

CHAPTER 177

6/8/73

SENATE

ASSEMBLY 664

INTRODUCED Feb. 10, 1972

BY Littell, Foran, Esposito

STATEMENT

YES

NO

AMENDED DURING PASSAGE

YES

NO

HEARING

VETO

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ASSEMBLY, No. 664

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 10, 1972

By Assemblymen LITTELL, FORAN and ESPOSITO

Referred to Committee on Transportation and Public Utilities

AN ACT concerning railroad grade crossings, amending R. S. 39:4-128

1 BE IT ENACTED by the Senate and General Assembly of the State
2 of New Jersey:

1 1. R. S. 39:4-128 is amended to read as follows:
2 39:4-128. (a) The driver of any omnibus, designed for carrying
3 more than six passengers, or of any school bus carrying any school
4 child or children, or of any vehicle carrying explosive substance or
5 flammable liquids as a cargo or part of a cargo, before crossing at
6 grade any track or tracks of a railroad shall stop such vehicle within
7 50 feet but not less than 15 feet from the nearest rail of such rail-
8 road and while so stopped listen and look in both directions along
9 such track or tracks, for any approaching train, and for signals
10 indicating the approach of a train. After stopping as required
11 herein and upon proceeding when it is safe to do so, the driver of
12 any said vehicle shall cross only in such gear of the vehicle that
13 there will be no necessity for changing gears while transversing
14 such crossing and the driver shall not shift gears while crossing
15 the track or tracks. This section shall not apply to grade crossings
16 which are no longer used for railroad traffic and which have been
17 abandoned by the railroad company provided that appropriate
18 signs have been posted to indicate that such grade crossing has
19 been abandoned or is no longer used for any railroad traffic. This
20 section shall also not apply to grade crossings where the railroad
21 track has been removed or paved over and the warning signs
22 erected by the railroad in accordance with R. S. 48:12-58 have been
23 removed, provided that in such case written notice is given to the
24 Board of Public Utility Commissioners and to the appropriate State
25 or local authority having jurisdiction over the highway, road, or

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

26 street prior to the undertaking of such removal or paving of rail-
27 road track.

28 (b) No person shall operate or move any crawler-type tractor,
29 wheel tractor, tractor engine with or without trailer or trailers
30 attached, steam shovel, derrick, roller, self-propelled concrete
31 mixer, or any self-propelled vehicle, equipment, machinery, appara-
32 tus or structure having a normal operating speed of 10 or less miles
33 per hour or a vertical body or load clearance of less than $\frac{1}{2}$ inch per
34 foot of the distance between any two adjacent axles or in any event
35 of less than 9 inches, measured above the level surface of a roadway,
36 upon or across any track or tracks at a railroad grade crossing with-
37 out first complying with the following requirements.

38 Notice of any such intended crossing shall be given to the nearest
39 superintendent **or trainmaster** [, station agent, station attendant,
40 or track supervisor] of such railroad. Such notice shall specify the
41 approximate time of crossing and a reasonable time shall be given
42 to such railroad to provide proper protection at such crossing.

43 After concluding satisfactory arrangements with the proper
44 officer of the railroad and before making any such crossing, the
45 person operating or moving any such vehicle or equipment shall
46 first stop the same not less than 15 feet nor more than 50 feet from
47 the nearest rail of such railroad, and while so stopped shall listen
48 and look in both directions along such track or tracks for any
49 approaching train and for signals indicating the approach of a
50 train, and shall not proceed until the crossing can be made safely.

51 No such crossing shall be made when warning is given by auto-
52 matic signal or crossing gates or a flagman or otherwise of the
53 immediate approach of a railroad train or car. If the flagman is
54 provided by the railroad, movement over the crossing shall be made
55 under his jurisdiction.

56 (c) Any person violating the provisions of this section shall be
57 punished by a fine of not more than \$50.00 for the first offense and
58 for the second offense a fine of not more than \$100.00, or by im-
59 prisonment for not more than 30 days, or by both such fine and
60 imprisonment.

61 (d) This section shall not be construed as limiting the authority
62 of any municipality to adopt police regulations governing the
63 operation of omnibuses and to provide penalties for their violation,
64 or to relieve the owner or operator of such omnibus subject to the
65 jurisdiction of the Board of Public Utility Commissioners from any
66 penalty prescribed by the laws of this State for violation of orders
67 of such board.

1 2. This act shall take effect immediately.

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33 per hour or a vertical body or load clearance of less than $\frac{1}{2}$ inch per
34 foot of the distance between any two adjacent axles or in any event
35 of less than 9 inches, measured above the level surface of a roadway,
36 upon or across any track or tracks at a railroad grade crossing with-
37 out first complying with the following requirements.

38 Notice of any such intended crossing shall be given to the nearest
39 superintendent, station agent, station attendant, or track super-
40 visor of such railroad. Such notice shall specify the approximate
41 time of crossing and a reasonable time shall be given to such rail-
42 road to provide proper protection at such crossing.

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66 penalty prescribed by the laws of this State for violation of orders
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ASSEMBLY COMMITTEE AMENDMENT TO

ASSEMBLY, No. 664

STATE OF NEW JERSEY

ADOPTED APRIL 27, 1972

Amend page 2, section 1, line 39, insert after the word "superintendent", the words "or trainmaster".

SENATE TRANSPORTATION AND
COMMUNICATIONS COMMITTEE

STATEMENT TO

ASSEMBLY, No. 664

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STATE OF NEW JERSEY

DATED: FEBRUARY 5, 1973

Under present law, notice of an intended crossing of tracks at a railroad grade crossing by certain tractors and other heavy equipment shall be given to the nearest superintendent, station agent, station attendant, or track supervisor of such railroad. This bill amends R. S. 39:4-128 to require that notice be given only to the nearest superintendent or trainmaster. The purpose of deleting references to other employees is to promote safety by insuring that the superintendent or trainmaster receives notification, rather than an employee with lesser authority and responsibility.