

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

## HOUSE BILL

No. 466

Session of  
1985

INTRODUCED BY CORNELL, BUNT, FOX, LASHINGER, REBER,  
J. L. WRIGHT, TRELLO, HERMAN, SEVENTY, TELEK, KUKOVICH, DEAL,  
VROON, GEIST, MORRIS, CIMINI, PETRARCA, E. Z. TAYLOR,  
MICOZZIE AND PISTELLA, FEBRUARY 26, 1985

AS AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES,  
NOVEMBER 26, 1985

## AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated  
2 Statutes, further providing that certain vehicles carrying  
3 hazardous materials stop at all railroad crossings.

4 The General Assembly of the Commonwealth of Pennsylvania  
5 hereby enacts as follows:

6 Section 1. ~~Section 3342~~ SECTIONS 3342 AND 6109(A) of Title <—  
7 75 of the Pennsylvania Consolidated Statutes ~~is~~ ARE amended to <—  
8 read:

9 § 3342. Vehicles required to stop at railroad crossings.

10 (a) General rule.--Except as provided in subsection (b), the  
11 driver of any vehicle described in regulations issued pursuant  
12 to subsection (c) or described in subsection (d), before  
13 crossing at grade any track or tracks of a railroad, shall stop  
14 the vehicle within 50 feet but not less than 15 feet from the  
15 nearest rail of the railroad and while so stopped shall listen  
16 and look in both directions along the track for any approaching  
17 train, and for signals indicating the approach of a train, and

1 shall not proceed until it can be done safely. After stopping  
2 and upon proceeding when it is safe to do so the driver of the  
3 vehicle shall cross only in such gear of the vehicle that there  
4 will be no necessity for manually changing gears while  
5 traversing the crossing and the driver shall not manually shift  
6 gears while crossing the track or tracks.

7 (b) Exceptions.--This section does not apply to any of the  
8 following:

9 (1) Any railroad grade crossing at which traffic is  
10 controlled by a police officer or flagman.

11 (2) Any railroad grade crossing at which traffic is  
12 regulated by a traffic-control signal.

13 (3) [Any railroad grade crossing protected by crossing  
14 gates or an alternately flashing light signal intended to  
15 give warning of the approach of a railroad train.

16 (4)] Any railroad grade crossing at which an official  
17 traffic-control device gives notice that the stopping  
18 requirement imposed by this section does not apply.

19 (c) Regulations defining vehicles subject to section.--The  
20 department shall adopt such regulations as may be necessary  
21 describing the vehicles which must comply with the stopping  
22 requirements of this section. In formulating the regulations,  
23 the department shall give consideration to the hazardous nature  
24 of any substance carried by the vehicle as determined by the  
25 Hazardous Substances Transportation Board and to the number of  
26 passengers carried by the vehicle in determining whether the  
27 vehicle shall be required to stop. These regulations shall be  
28 developed in conjunction with the Pennsylvania Public Utility  
29 Commission and the Urban Mass Transportation Authority and shall  
30 correlate with and so far as possible conform to the current

1 regulations of the United States Department of Transportation.

2 (d) Mandatory requirement to stop.--Every truck and truck  
3 tractor combination which carries gasoline, diesel fuel, fuel  
4 oil, explosives or radioactive materials designated in  
5 department regulations shall stop at every railroad crossing as  
6 required by this section. The driver of the truck and truck  
7 tractor combination shall activate the vehicle hazard lights  
8 when stopping at the railroad crossing.

9 (e) Penalty.--A violation of this section constitutes a  
10 summary offense punishable by a fine of from \$50 to \$100, except  
11 that a violation of subsection (d) shall be punishable by a fine  
12 of from \$100 to \$300.

13 § 6109. SPECIFIC POWERS OF DEPARTMENT AND LOCAL AUTHORITIES. <—

14 (A) ENUMERATION OF POLICE POWERS.--THE PROVISIONS OF THIS  
15 TITLE SHALL NOT BE DEEMED TO PREVENT THE DEPARTMENT ON STATE-  
16 DESIGNATED HIGHWAYS AND LOCAL AUTHORITIES ON STREETS OR HIGHWAYS  
17 WITHIN THEIR PHYSICAL BOUNDARIES FROM THE REASONABLE EXERCISE OF  
18 THEIR POLICE POWERS. THE FOLLOWING ARE PRESUMED TO BE REASONABLE  
19 EXERCISES OF POLICE POWER:

20 (1) REGULATING OR PROHIBITING STOPPING, STANDING OR  
21 PARKING.

22 (2) REGULATING TRAFFIC BY MEANS OF POLICE OFFICERS OR  
23 OFFICIAL TRAFFIC-CONTROL DEVICES.

24 (3) REGULATING OR PROHIBITING PROCESSIONS OR ASSEMBLAGES  
25 ON HIGHWAYS.

26 (4) DESIGNATING PARTICULAR HIGHWAYS OR ROADWAYS FOR USE  
27 BY TRAFFIC MOVING IN ONE DIRECTION AS AUTHORIZED IN SECTION  
28 3308 (RELATING TO ONE-WAY ROADWAYS AND ROTARY TRAFFIC  
29 ISLANDS).

30 (5) ESTABLISHING SPEED LIMITS FOR VEHICLES IN PUBLIC

1 PARKS.

2 (6) DESIGNATING ANY HIGHWAY AS A THROUGH HIGHWAY OR  
3 DESIGNATING ANY INTERSECTION OR JUNCTION OF ROADWAYS AS A  
4 STOP OR YIELD INTERSECTION OR JUNCTION.

5 (7) PROHIBITING OR RESTRICTING THE USE OF HIGHWAYS AT  
6 PARTICULAR PLACES OR BY PARTICULAR CLASSES OF VEHICLES  
7 WHENEVER THE HIGHWAY [OR], PORTION OF THE HIGHWAY OR AREA OR  
8 NEIGHBORHOOD ADJACENT TO THE HIGHWAY MAY BE SERIOUSLY DAMAGED  
9 BY THE USE OR WHENEVER THE MOVEMENT OF THE VEHICLES OR THEIR  
10 CARGO WOULD CONSTITUTE A SAFETY HAZARD. AS USED IN THIS  
11 PARAGRAPH THE TERM "CARGO" INCLUDES, BUT IS NOT LIMITED TO,  
12 HAZARDOUS WASTE.

13 (8) REGULATING THE OPERATION OF PEDALCYCLES AND  
14 REQUIRING THEIR REGISTRATION AND INSPECTION, AND THE PAYMENT  
15 OF A REASONABLE REGISTRATION FEE.

16 (9) REGULATING OR PROHIBITING THE TURNING OF VEHICLES OR  
17 SPECIFIED TYPES OF VEHICLES AS AUTHORIZED IN SECTION 3331  
18 (RELATING TO REQUIRED POSITION AND METHOD OF TURNING).

19 (10) ALTERING OR ESTABLISHING SPEED LIMITS AS AUTHORIZED  
20 IN SUBCHAPTER F OF CHAPTER 33 (RELATING TO SPEED  
21 RESTRICTIONS).

22 (11) ENFORCEMENT OF SPEED RESTRICTIONS AUTHORIZED UNDER  
23 SUBCHAPTER F OF CHAPTER 33, EXCEPT THAT SPEED RESTRICTIONS  
24 MAY BE ENFORCED BY LOCAL POLICE ON A LIMITED ACCESS OR  
25 DIVIDED HIGHWAY ONLY IF IT IS PATROLLED BY THE LOCAL POLICE  
26 FORCE UNDER THE TERMS OF AN AGREEMENT WITH THE PENNSYLVANIA  
27 STATE POLICE.

28 (12) DESIGNATING NO-PASSING ZONES AS AUTHORIZED IN  
29 SECTION 3307 (RELATING TO NO-PASSING ZONES).

30 (13) PROHIBITING OR REGULATING THE USE OF DESIGNATED

1 STREETS BY ANY CLASS OR KIND OF TRAFFIC.

2 (14) ESTABLISHING MINIMUM SPEED LIMITS AS AUTHORIZED IN  
3 SECTION 3364 (RELATING TO MINIMUM SPEED REGULATION).

4 (15) REGULATING AND TEMPORARILY PROHIBITING TRAFFIC ON  
5 STREETS CLOSED OR RESTRICTED FOR CONSTRUCTION, MAINTENANCE OR  
6 SPECIAL EVENTS.

7 (16) PROHIBITING PEDESTRIANS FROM CROSSING A ROADWAY IN  
8 A BUSINESS DISTRICT OR ANY DESIGNATED HIGHWAY EXCEPT IN A  
9 CROSSWALK.

10 (17) RESTRICTING PEDESTRIAN CROSSINGS AT UNMARKED  
11 CROSSWALKS.

12 (18) REGULATING PERSONS PROPELLING PUSH CARTS.

13 (19) REGULATING PERSONS UPON SKATES, COASTERS, SLEDS AND  
14 OTHER TOY VEHICLES.

15 (20) ADOPTING AND ENFORCING SUCH TEMPORARY OR  
16 EXPERIMENTAL REGULATIONS AS MAY BE NECESSARY TO COVER  
17 EMERGENCIES OR SPECIAL CONDITIONS.

18 (21) REGULATING THE OPERATION OF STREETCARS, THE PASSING  
19 OF STREETCARS BY OTHER VEHICLES AND THE DRIVING UPON  
20 STREETCAR TRACKS BY OTHER VEHICLES.

21 (22) PROVIDING FOR AND ESTABLISHING PROCEDURES GOVERNING  
22 THE REMOVAL AND IMPOUNDING OF ANY VEHICLE PARKED ON THE  
23 HIGHWAYS OR PUBLIC PROPERTY OF THE LOCAL AUTHORITY IN  
24 VIOLATION OF ANY LOCAL ORDINANCE ADOPTED PURSUANT TO THE  
25 AUTHORITY OF THIS TITLE OR OF ANY OF THE PROVISIONS OF THIS  
26 TITLE.

27 (23) ADOPTING SUCH OTHER TRAFFIC REGULATIONS AS ARE  
28 SPECIFICALLY AUTHORIZED BY THIS TITLE.

29 \* \* \*

30 Section 2. This act shall take effect in 60 days.