

1 SENATE BILL 135

2 **56TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2023**

3 INTRODUCED BY

4 Benny Shendo, Jr. And Gregory A. Baca

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10 AN ACT

11 RELATING TO TRAFFIC LAWS; REQUIRING DRIVERS TO STOP, LOOK AND
12 LISTEN FOR OTHER ON-TRACK EQUIPMENT IN ADDITION TO TRAINS.

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14 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

15 SECTION 1. Section 66-1-4.13 NMSA 1978 (being Laws 1990,
16 Chapter 120, Section 14, as amended) is amended to read:

17 "66-1-4.13. DEFINITIONS.--As used in the Motor Vehicle
18 Code:

19 A. "odometer" means a device for recording the
20 total mileage traveled by a vehicle from the vehicle's
21 manufacture and for so long as the vehicle is operable on the
22 highways;

23 B. "off-highway motor vehicle" means any motor
24 vehicle operated or used exclusively off the highways of this
25 state and that is not legally equipped for operation on the

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1 highways of this state;

2 C. "official printout" means any record supplied by
3 the division or a similar agency or government entity that
4 indicates the lienholders of record or owners of record of a
5 vehicle or motor vehicle registered within that government's
6 jurisdiction or indicates information about a driver's license
7 or identification card, including traffic violation history or
8 status;

9 D. "official traffic-control devices" means all
10 signs, signals, markings and devices consistent with the Motor
11 Vehicle Code placed or erected, by authority of a public body
12 or official having jurisdiction, for the purpose of regulating,
13 warning or guiding traffic;

14 E. "operational design domain" means the specific
15 conditions under which a given automated driving system or
16 feature of the system is designed to function;

17 F. "operator" means driver, as defined in Section
18 66-1-4.4 NMSA 1978;

19 G. "other on-track equipment" means any car,
20 rolling stock or other device that alone or coupled to another
21 device is operated on stationary rails; and

22 [~~G.~~] H. "owner" means a person who holds the legal
23 title of a vehicle and may include a conservator, guardian,
24 personal representative, executor or similar fiduciary, or, in
25 the event that a vehicle is the subject of an agreement for

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1 conditional sale or lease with the right of purchase upon
2 performance of the conditions stated in the agreement and with
3 an immediate right of possession vested in the conditional
4 vendee or lessee, or, in the event that a mortgagor of a
5 vehicle is entitled to possession, then such conditional vendee
6 or lessee or mortgagor."

7 SECTION 2. Section 66-7-341 NMSA 1978 (being Laws 2003,
8 Chapter 51, Section 8) is amended to read:

9 "66-7-341. RAILROAD-HIGHWAY GRADE CROSSING VIOLATIONS--
10 ALL DRIVERS.--

11 A. A person driving a vehicle approaching a
12 railroad-highway grade crossing shall:

13 (1) obey traffic control devices, crossing
14 gates or barriers or the directions of an enforcement official
15 at the crossing;

16 (2) stop not more than fifty feet and not less
17 than fifteen feet from the nearest rail of a crossing if:

18 (a) a train or other on-track equipment
19 is moving through or blocking the crossing;

20 (b) a train or other on-track equipment
21 is plainly visible and approaching the crossing within
22 hazardous proximity to the crossing;

23 (c) the sound of a train's or other on-
24 track equipment's warning signal can be heard; or

25 (d) a traffic control device, crossing

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1 gate, barrier or light or an enforcement official signals the
2 driver to stop; and

3 (3) proceed through the railroad-highway grade
4 crossing only if it is safe to completely pass through the
5 entire railroad-highway grade crossing without stopping.

6 B. A person shall not:

7 (1) drive a vehicle through, around or under a
8 crossing gate or barrier at a railroad-highway grade crossing
9 while the gate or barrier is closed or being opened or closed;

10 (2) drive onto the railroad-highway grade
11 crossing and stop; or

12 (3) enter a crossing if the vehicle being
13 driven has insufficient undercarriage clearance to pass over
14 the crossing.

15 C. The penalty assessment for violation of this
16 section is included in Section 66-8-116 NMSA 1978."

17 **SECTION 3.** Section 66-7-343 NMSA 1978 (being Laws 2003,
18 Chapter 51, Section 9) is amended to read:

19 "66-7-343. RAILROAD-HIGHWAY GRADE CROSSING VIOLATIONS--
20 CERTAIN VEHICLES REQUIRED TO ALWAYS STOP--EXCEPTIONS.--

21 A. Except as set forth in Subsection D of this
22 section, a driver of a vehicle carrying passengers for hire, a
23 school bus carrying school children or a vehicle carrying
24 hazardous materials, radioactive or explosive substances or
25 flammable liquids as cargo or as part of its cargo, before

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1 entering a railroad-highway grade crossing, is required to stop
2 no more than fifty feet and no less than fifteen feet from the
3 nearest rail of the railroad.

4 B. While stopped, the driver shall:

5 (1) look and listen in both directions along
6 the track for an approaching train or other on-track equipment
7 and for signals indicating that a train or other on-track
8 equipment is approaching;

9 (2) determine it is safe to proceed completely
10 through the railroad-highway grade crossing before entering it;
11 and

12 (3) set the vehicle in a gear sufficiently low
13 that gears will not need to be shifted before exiting the
14 railroad-highway grade crossing.

15 C. A driver shall not shift gears while in a
16 railroad-highway grade crossing.

17 D. A driver of a vehicle carrying passengers for
18 hire, a school bus carrying school children or a vehicle
19 carrying hazardous materials, radioactive or explosive
20 substances or flammable liquids as cargo or as part of its
21 cargo is not required to stop at:

22 (1) a railroad-highway grade crossing where a
23 police officer directs traffic to proceed;

24 (2) a railroad-highway grade crossing where a
25 stop-and-go traffic light controls movement of traffic;

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1 (3) a railroad-highway grade crossing used
2 exclusively for industrial switching purposes, within a
3 business district as defined in Section 66-1-4.2 NMSA 1978;

4 (4) a railroad-highway grade crossing where
5 use of the railroad has been abandoned and there is a sign
6 indicating that the railroad has been abandoned; or

7 (5) an industrial or spur line railroad-
8 highway grade crossing marked with a sign reading "exempt
9 crossing" that has been designated as exempt by appropriate
10 state or local authorities.

11 E. Penalties for violation of this section are
12 included in Section 66-8-116 NMSA 1978."

13 SECTION 4. Section 66-7-344 NMSA 1978 (being Laws 1978,
14 Chapter 35, Section 448) is amended to read:

15 "66-7-344. MOVING HEAVY EQUIPMENT AT RAILROAD GRADE
16 CROSSINGS.--

17 A. No person shall operate or move any crawler-type
18 tractor, steam shovel, derrick, roller or any equipment or
19 structure having a normal operating speed of ten or less miles
20 per hour or a vertical body or load clearance of less than one-
21 half inch per foot of the distance between any two adjacent
22 axles or in any event of less than nine inches, measured above
23 the level surface of a roadway, upon or across any tracks at a
24 railroad grade crossing without first complying with this
25 section.

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