~~Indicates Matter Stricken~~

Indicates New Matter

COMMITTEE REPORT

March 17, 2022

**H. 4618**

Introduced by Reps. Morgan and R. Williams

S. Printed 3/17/22--S.

Read the first time March 3, 2022.

**THE COMMITTEE ON TRANSPORTATION**

To whom was referred a Bill (H. 4618) to amend Section 56‑5‑2720, Code of Laws of South Carolina, 1976, relating to requiring certain vehicles to stop before crossing any railroad tracks, so as, etc., respectfully

**REPORT:**

That they have duly and carefully considered the same and recommend that the same do pass:

LAWRENCE K. GROOMS for Committee.

**A** **BILL**

TO AMEND SECTION 56‑5‑2720, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO REQUIRING CERTAIN VEHICLES TO STOP BEFORE CROSSING ANY RAILROAD TRACKS, SO AS TO REVISE THE TYPES OF VEHICLES SUBJECT TO THIS SECTION, AND TO DEFINE THE TERM “BUS”.

Amend Title To Conform

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Section 56-5-2720 of the 1976 Code is amended to read:

“Section 56-5-2720. (A) Except as provided in subsection (B), the driver ~~of a school bus or a motor vehicle with a capacity of sixteen or more persons,~~ or operator of every bus transporting passengers, or a vehicle permitted by the Department of Health and Environmental Control to carry hazardous waste, or any vehicle required by 49 C.F.R. Section 392.10 to stop at a railroad grade crossing ~~and a vehicle described in regulations issued pursuant to subsection (C)~~, before crossing at grade any tracks of a railroad, shall stop the vehicle within fifty feet, but not less than fifteen feet, from the nearest rail of the railroad and while stopped shall listen and look in both directions along the track for an approaching train and for signals indicating the approach of a train and shall not proceed until he can do so safely. After stopping and upon proceeding when it is safe to do so, the driver of the vehicle shall cross only in the gear of the vehicle that there is no necessity for manually changing gears while traversing the crossing and the driver shall not manually shift gears while crossing the tracks.

(B) ~~Except for school buses,~~ The provisions of this section do not apply at:

~~(1)~~ ~~a railroad grade crossing where traffic is controlled by a police officer or human flagman;~~

~~(2)~~ ~~a railroad grade crossing where traffic is regulated by a traffic‑control signal;~~

~~(3)~~ ~~a railroad grade crossing protected by crossing gates or an alternately flashing light signal intended to give warning of the approach of a railroad train when the gate or flashing signal does not indicate the approach of a train;~~

~~(4)~~ ~~a railroad grade crossing where an official traffic‑control device gives notice that the stopping requirement imposed by this section does not apply.~~

(1) a streetcar crossing, or railroad tracks used exclusively for industrial switching purposes, within a business district;

(2) a railroad grade crossing when a police officer or crossing flagman directs traffic to proceed;

(3) a railroad grade crossing controlled by a functioning highway traffic signal transmitting a green indication which, under local law, permits the commercial motor vehicle to proceed across the railroad tracks without slowing or stopping;

(4) an abandoned railroad grade crossing which is marked with a sign indicating that the rail line is abandoned; and

(5) an industrial or spur line railroad grade crossing marked with a sign reading ‘Exempt’. ‘Exempt’ signs shall be erected only by or with the consent of the appropriate state or local authority.

(C) For purposes of the section, ‘business district’ means the territory contiguous to and including a highway when within any six hundred feet along a highway where there are buildings in use for business or industrial purposes, including, but not limited to, hotels, banks, or office buildings which occupy at least three hundred feet of frontage on one side or three hundred feet collectively on both sides of the highway.

(D) For purposes of this section, a ‘bus’ means:

(1) a motor vehicle designed or used to transport more than eight passengers, including the driver, for compensation; or

(2) a motor vehicle designed or used to transport more than fifteen passengers, including the driver, and is not used to transport passengers for compensation.

(E) The provisions of Section 59‑67‑230 apply to school buses as defined in Section 56‑5‑190.”

SECTION 2. This act takes effect upon approval by the Governor.

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