

66-7-343. Railroad-highway grade crossing violations; certain vehicles required to always stop; exceptions.

- A. Except as set forth in Subsection D of this section, a driver of a vehicle carrying passengers for hire, a school bus carrying school children or a vehicle carrying hazardous materials, radioactive or explosive substances or flammable liquids as cargo or as part of its cargo, before entering a railroad-highway grade crossing, is required to stop no more than fifty feet and no less than fifteen feet from the nearest rail of the railroad.
- B. While stopped, the driver shall:
 - 1) look and listen in both directions along the track for an approaching train and for signals indicating that a train is approaching;
 - 2) determine it is safe to proceed completely through the railroad-highway grade crossing before entering it; and
 - 3) set the vehicle in a gear sufficiently low that gears will not need to be shifted before exiting the railroad-highway grade crossing.
- C. A driver shall not shift gears while in a railroad-highway grade crossing.
- D. A driver of a vehicle carrying passengers for hire, a school bus carrying school children or a vehicle carrying hazardous materials, radioactive or explosive substances or flammable liquids as cargo or as part of its cargo is not required to stop at:
 - 1) a railroad-highway grade crossing where a police officer directs traffic to proceed;
 - 2) a railroad-highway grade crossing where a stop-and-go traffic light controls movement of traffic;
 - 3) a railroad-highway grade crossing used exclusively for industrial switching purposes, within a business district as defined in Section [66-1-4.2](#) NMSA 1978;
 - 4) a railroad-highway grade crossing where use of the railroad has been abandoned and there is a sign indicating that the railroad has been abandoned; or
 - 5) an industrial or spur line railroad-highway grade crossing marked with a sign reading "exempt crossing" that has been designated as exempt by appropriate state or local authorities.
- E. Penalties for violation of this section are included in Section [66-8-116](#) NMSA 1978.

History: [Laws 2003, ch. 51, § 9.](#)