

## SENATE BILL NO. 202

INTRODUCED BY C. KAUFMANN

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4 A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING TRAFFIC LAWS; CLARIFYING THE LAW  
5 IN REGARD TO STOPPING, STANDING, OR PARKING A VEHICLE IN SPECIFIED PLACES AND IN REGARD  
6 TO A PEDESTRIAN'S RIGHT-OF-WAY IN A CROSSWALK; PROHIBITING A DRIVER FROM ENTERING A  
7 CROSSWALK OR AN INTERSECTION OR DRIVING ONTO A RAILROAD GRADE CROSSING IF DOING SO  
8 WILL CAUSE AN OBSTRUCTION; AND AMENDING SECTIONS 61-8-350, 61-8-354, AND 61-8-502, MCA."  
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10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:  
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12 **Section 1.** Section 61-8-350, MCA, is amended to read:

13 **"61-8-350. Moving heavy equipment at railroad grade crossings.** (1) A person shall comply with the  
14 provisions of this section before operating or moving upon or across the tracks at a railroad grade crossing any  
15 crawler-type tractor, ~~steam shovel~~, derrick, roller, or any equipment or structure that has:

16 (a) a normal operating speed of 10 or less miles an hour; or

17 (b) a vertical body or load clearance measured above the surface of the roadway of:

18 (i) less than one-half inch for each foot of the distance between any two adjacent axles; or

19 (ii) at least 9 inches.

20 (2) Notice of an intended crossing must be given to a representative of the railroad and reasonable time  
21 must be given to the railroad to provide proper protection at the crossing.

22 (3) Before making a crossing, the person operating or moving the vehicle or equipment shall first stop  
23 the vehicle or equipment as close as practicable but not less than 15 feet from the nearest rail of the railroad and  
24 while stopped shall listen and look in both directions along the track for any approaching train or other on-track  
25 equipment and for signals indicating the approach of a train or other on-track equipment. The person may not  
26 proceed until the crossing can be made safely.

27 (4) A crossing may not be made when warning is given by automatic signal, crossing gates, a flag  
28 person, or other official traffic control device of the immediate approach of a railroad train or car or other on-track  
29 equipment. If a flag person is provided by the railroad, movement over the crossing must be under the flag  
30 person's direction."

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**Section 2.** Section 61-8-354, MCA, is amended to read:

**"61-8-354. Stopping, standing, or parking vehicle prohibited in specified places -- exceptions --**

**definition.** (1) A person may not stop, stand, or park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with law or the directions of a police officer, highway patrol officer, or official traffic control device, in any of the following places:

- (a) on a sidewalk;
- (b) in front of a public or private driveway;
- (c) within an intersection;
- (d) within 15 feet of a fire hydrant;
- (e) on a crosswalk;
- (f) within 20 feet of a crosswalk at an intersection;
- (g) within 30 feet upon the approach to ~~any~~ an intersection, flashing beacon, stop sign, yield sign, or ~~official traffic control device located at the side of a roadway~~ traffic control signal;
- (h) between a safety zone and the adjacent curb or within 30 feet of points on the curb immediately opposite the ends of a safety zone, unless the local authorities indicate a different length by signs or markings;
- (i) within 50 feet of the nearest rail of a railroad crossing;
- (j) within 20 feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within 75 feet of the entrance when properly signposted;
- (k) alongside or opposite any street excavation or obstruction when stopping, standing, or parking would obstruct traffic;
- (l) on the roadway side of any vehicle stopped or parked at the edge or curb of a street;
- (m) upon any bridge or other elevated structure upon a highway or within a highway tunnel;
- (n) at any place where official traffic control devices prohibit stopping.

(2) A public bus stop may not be established in the areas described in subsections (1)(a) through (1)(c) and (1)(e). Otherwise, this section does not prohibit the establishment of public bus stops and the regulation of their use by the authority having jurisdiction. A bus stop may only be established pursuant to a traffic and engineering study.

(3) A person may not move a vehicle not lawfully under the person's control into a prohibited area or an unlawful distance away from a curb.

1 (4) As used in this section, "safety zone" means the area or space that is officially set apart within a  
 2 roadway for the exclusive use of pedestrians and that is protected or is so marked or indicated by adequate signs  
 3 as to be plainly visible at all times while set apart as a safety zone."

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5 **Section 3.** Section 61-8-502, MCA, is amended to read:

6 **"61-8-502. Pedestrians' right-of-way in crosswalk -- school children.** (1) (a) Except as provided in  
 7 subsection (1)(b), when traffic control signals are not in place or not in operation, the operator of ~~a~~ an approaching  
 8 vehicle shall ~~yield the right-of-way, slowing down or stopping if necessary, to a pedestrian crossing the roadway~~  
 9 ~~within a marked crosswalk or within an unmarked crosswalk at an intersection, but a~~ stop and YIELD THE  
 10 RIGHT-OF-WAY, SLOWING DOWN OR STOPPING IF NECESSARY, TO A PEDESTRIAN CROSSING THE ROADWAY WITHIN A  
 11 MARKED CROSSWALK OR WITHIN AN UNMARKED CROSSWALK AT AN INTERSECTION. IF THE OPERATOR STOPS, THE  
 12 OPERATOR SHALL remain stopped to allow a pedestrian to cross the roadway within a marked or unmarked  
 13 crosswalk. A pedestrian may not suddenly leave a curb or other place of safety and walk or run into the path of  
 14 a vehicle that is so close that it is impossible for the operator to ~~yield~~ stop. This provision does not apply under  
 15 the conditions provided in 61-8-503(2).

16 (b) When a vehicle is stopped at a marked crosswalk or at an unmarked crosswalk at an intersection,  
 17 the operator of a vehicle may make a right-hand turn if the pedestrian is in the opposite half of the roadway and  
 18 is not in danger.

19 (2) When a vehicle is stopped at a marked crosswalk or at an unmarked crosswalk at an intersection  
 20 to permit a pedestrian to cross the roadway, the operator of any other vehicle approaching from the rear may not  
 21 overtake and pass the stopped vehicle.

22 (3) A person may not operate a vehicle through a column of school children crossing a roadway or past  
 23 a school crossing guard while the crossing guard is directing the movement of children across a roadway and  
 24 while the crossing guard is holding an official sign in the stop position."

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26 **NEW SECTION. Section 4. Obstruction of crosswalk, intersection, or railroad grade crossing.**  
 27 Notwithstanding a traffic control signal indication to proceed, ~~a driver may not enter a crosswalk or an intersection~~  
 28 ~~or drive onto a railroad grade crossing unless there is sufficient space on the other side of the crosswalk,~~  
 29 ~~intersection, or railroad grade crossing to accommodate the driver's vehicle without obstructing the passage of~~  
 30 ~~pedestrians, vehicles, or railroad trains~~ A PERSON MAY NOT OPERATE A VEHICLE INTO A CROSSWALK, INTERSECTION,

1 OR RAILROAD GRADE CROSSING UNLESS THERE IS SUFFICIENT SPACE ON THE OTHER SIDE OF THE CROSSWALK,  
2 INTERSECTION, OR RAILROAD GRADE CROSSING TO ACCOMMODATE THE VEHICLE WITHOUT OBSTRUCTING OR IMPEDING  
3 PEDESTRIANS, VEHICLES, OR MOVEMENT OF RAIL TRAFFIC.

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5 NEW SECTION. Section 5. Codification instruction. [Section 4] is intended to be codified as an  
6 integral part of Title 61, chapter 8, part 3, and the provisions of Title 61, chapter 8, part 3, apply to [section 4].

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