

203.55 RAILWAY CROSSINGS - BUSES AND TRUCKS.¹

The motor vehicle law provides that the operator of a [school bus]² [motor vehicle carrying passengers for compensation] [property-hauling motor vehicle, carrying any dangerous article³ or explosives,⁴ licensed in excess of 10,000 pounds], when approaching a railroad grade crossing not protected by a gate or flashing signal⁵, must (*here use one or more of the following bracketed statements as the evidence justifies*)

[stop at least ten feet, but not more than fifty feet, from the nearest rail]

[while stopped, listen, and look in both directions along the track, for any approaching train and for any signals indicating the approach of a train. Further the operator shall not proceed until *he* can do so safely]

[after stopping, listening and looking, cross the tracks without changing gears and with the vehicle in a gear which does not require changing gears while crossing the track or tracks].

A violation of [this law] [any of these provisions of law] is negligence within itself.

1. The statute is inapplicable to taxicabs and to vehicles subject to the rules and regulations adopted by the N.C. Division of Motor Vehicles and U.S. Department of Transportation. N.C. Gen. Stat. § 20-143.1(e).

2. Includes public, private and parochial school buses. N.C. Gen. Stat. § 20-218.1.

3. N.C. Gen. Stat. § 20-143.1(c) defines "dangerous article" as "any flammable liquids, flammable solids, oxidizing materials, corrosive liquids, compressed gases, poisonous substances or radioactive materials as hereinafter defined." The subsidiary definitions, too long to set forth in this note, may be found in the statute.

4. N.C. Gen. Stat. § 20-4.01(10) defines "explosive" as: "Any chemical compound or

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mechanical mixture that is commonly used or intended for the purpose of producing an explosion and which contains any oxidizing and combustive units or other ingredients in such proportions, quantities, or packing that an ignition by fire, by friction, by concussion, by percussion, or by a detonator of any part of the compound or mixture may cause such a sudden generation of highly heated gases that the resultant gaseous pressures are capable of producing destructive effects on contiguous objects or of destroying life or limb."

5. Except for school buses, the provisions of N.C. Gen. Stat. § 20-143.1(b) do not require the driver of a vehicle to stop at: (1) tracks used exclusively for industrial switching in a business district; (2) crossing where a police officer or flagman directs traffic; (3) railroad grade crossing protected by a gate or flashing signal designed to stop traffic upon the approach of a train, when such gate or flashing signal does not indicate the approach of a train; (4) crossings sign-posted to indicate that the track has been abandoned; and (5) crossings sign-posted "Exempt" by proper authority.