



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB5712

Introduced 2/9/2010, by Rep. Elaine Nekritz

SYNOPSIS AS INTRODUCED:

625 ILCS 5/1-167	from Ch. 95 1/2, par. 1-167
625 ILCS 5/1-167.5 new	
625 ILCS 5/1-187.001	
625 ILCS 5/6-514	from Ch. 95 1/2, par. 6-514
625 ILCS 5/11-1011	from Ch. 95 1/2, par. 11-1011
625 ILCS 5/11-1201	from Ch. 95 1/2, par. 11-1201
625 ILCS 5/11-1202	from Ch. 95 1/2, par. 11-1202
625 ILCS 5/11-1203	from Ch. 95 1/2, par. 11-1203

Amends the Illinois Vehicle. Defines "railroad track equipment" as all vehicles operated upon rails for the purpose of the maintenance of railroads including, but not limited to, all hi-rail vehicles and on-track roadway maintenance machines. In provisions of the Illinois Vehicle Code concerning approaching trains, provides that approaching railroad track equipment shall be treated the same approaching trains.

LRB096 20246 AJT 35829 b

1 AN ACT concerning transportation.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Illinois Vehicle Code is amended by changing
5 Sections 1-167, 1-187.001, 6-514, 11-1011, 11-1201, 11-1202,
6 and 11-1203 and by adding Section 1-167.5 as follows:

7 (625 ILCS 5/1-167) (from Ch. 95 1/2, par. 1-167)

8 Sec. 1-167. Railroad sign or signal. Any sign, signal or
9 device, other than an official traffic control signal or
10 device, erected in accordance with the laws governing same and
11 intended to give notice of the presence of railroad tracks or
12 the approach of a railroad train or railroad track equipment.

13 (Source: P.A. 83-831.)

14 (625 ILCS 5/1-167.5 new)

15 Sec. 1-167.5. Railroad track equipment. All vehicles
16 operated upon rails for the purpose of the maintenance of
17 railroads including, but not limited to, all hi-rail vehicles
18 and on-track roadway maintenance machines, as defined in 49
19 CFR, Part 214.7.

20 (625 ILCS 5/1-187.001)

21 Sec. 1-187.001. Serious traffic violation.

- 1 (a) A conviction when operating a motor vehicle for:
- 2 (1) a violation of subsection (a) of Section 11-402,
- 3 relating to a motor vehicle accident involving damage to a
- 4 vehicle;
- 5 (2) a violation of Section 11-403, relating to failure
- 6 to stop and exchange information after a motor vehicle
- 7 collision, property damage only;
- 8 (3) a violation of subsection (a) of Section 11-502,
- 9 relating to illegal transportation, possession, or
- 10 carrying of alcoholic liquor within the passenger area of
- 11 any vehicle;
- 12 (4) a violation of Section 6-101 relating to operating
- 13 a motor vehicle without a valid license or permit;
- 14 (5) a violation of Section 11-403, relating to failure
- 15 to stop and exchange information or give aid after a motor
- 16 vehicle collision involving personal injury or death;
- 17 (6) a violation relating to excessive speeding,
- 18 involving a single speeding charge of 30 miles per hour or
- 19 more above the legal speed limit;
- 20 (7) a violation relating to reckless driving;
- 21 (8) a violation of subsection (d) of Section 11-707,
- 22 relating to passing in a no-passing zone;
- 23 (9) a violation of subsection (b) of Section 11-1402,
- 24 relating to limitations on backing upon a controlled access
- 25 highway;
- 26 (10) a violation of subsection (b) of Section 11-707,

1 relating to driving on the left side of a roadway in a
2 no-passing zone;

3 (11) a violation of subsection (e) of Section 11-1002,
4 relating to failure to yield the right-of-way to a
5 pedestrian at an intersection;

6 (12) a violation of Section 11-1008, relating to
7 failure to yield to a pedestrian on a sidewalk; or

8 (13) a violation of Section 11-1201, relating to
9 failure to obey a signal indicating the approach of a stop
10 ~~for an approaching~~ railroad train or railroad track
11 equipment signals; or

12 (b) Any other similar violation of a law or local ordinance
13 of any state relating to motor vehicle traffic control, other
14 than a parking violation.

15 (c) A violation of any of these defined serious traffic
16 offenses shall not preclude the defendant from being eligible
17 to receive an order of court supervision under Section 5-6-1 of
18 the Unified Code of Corrections.

19 (Source: P.A. 90-369, eff. 1-1-98.)

20 (625 ILCS 5/6-514) (from Ch. 95 1/2, par. 6-514)

21 Sec. 6-514. Commercial Driver's License (CDL) -
22 Disqualifications.

23 (a) A person shall be disqualified from driving a
24 commercial motor vehicle for a period of not less than 12
25 months for the first violation of:

1 (1) Refusing to submit to or failure to complete a test
2 or tests to determine the driver's blood concentration of
3 alcohol, other drug, or both, while driving a commercial
4 motor vehicle or, if the driver is a CDL holder, while
5 driving a non-CMV; or

6 (2) Operating a commercial motor vehicle while the
7 alcohol concentration of the person's blood, breath or
8 urine is at least 0.04, or any amount of a drug, substance,
9 or compound in the person's blood or urine resulting from
10 the unlawful use or consumption of cannabis listed in the
11 Cannabis Control Act, a controlled substance listed in the
12 Illinois Controlled Substances Act, or methamphetamine as
13 listed in the Methamphetamine Control and Community
14 Protection Act as indicated by a police officer's sworn
15 report or other verified evidence; or operating a
16 non-commercial motor vehicle while the alcohol
17 concentration of the person's blood, breath, or urine was
18 above the legal limit defined in Section 11-501.1 or
19 11-501.8 or any amount of a drug, substance, or compound in
20 the person's blood or urine resulting from the unlawful use
21 or consumption of cannabis listed in the Cannabis Control
22 Act, a controlled substance listed in the Illinois
23 Controlled Substances Act, or methamphetamine as listed in
24 the Methamphetamine Control and Community Protection Act
25 as indicated by a police officer's sworn report or other
26 verified evidence while holding a commercial driver's

1 license; or

2 (3) Conviction for a first violation of:

3 (i) Driving a commercial motor vehicle or, if the
4 driver is a CDL holder, driving a non-CMV while under
5 the influence of alcohol, or any other drug, or
6 combination of drugs to a degree which renders such
7 person incapable of safely driving; or

8 (ii) Knowingly and wilfully leaving the scene of an
9 accident while operating a commercial motor vehicle
10 or, if the driver is a CDL holder, while driving a
11 non-CMV; or

12 (iii) Driving a commercial motor vehicle or, if the
13 driver is a CDL holder, driving a non-CMV while
14 committing any felony; or

15 (iv) Driving a commercial motor vehicle while the
16 person's driving privileges or driver's license or
17 permit is revoked, suspended, or cancelled or the
18 driver is disqualified from operating a commercial
19 motor vehicle; or

20 (v) Causing a fatality through the negligent
21 operation of a commercial motor vehicle, including but
22 not limited to the crimes of motor vehicle
23 manslaughter, homicide by a motor vehicle, and
24 negligent homicide.

25 As used in this subdivision (a)(3)(v), "motor
26 vehicle manslaughter" means the offense of involuntary

1 manslaughter if committed by means of a vehicle;
2 "homicide by a motor vehicle" means the offense of
3 first degree murder or second degree murder, if either
4 offense is committed by means of a vehicle; and
5 "negligent homicide" means reckless homicide under
6 Section 9-3 of the Criminal Code of 1961 and aggravated
7 driving under the influence of alcohol, other drug or
8 drugs, intoxicating compound or compounds, or any
9 combination thereof under subdivision (d)(1)(F) of
10 Section 11-501 of this Code.

11 If any of the above violations or refusals occurred
12 while transporting hazardous material(s) required to be
13 placarded, the person shall be disqualified for a period of
14 not less than 3 years.

15 (b) A person is disqualified for life for a second
16 conviction of any of the offenses specified in paragraph (a),
17 or any combination of those offenses, arising from 2 or more
18 separate incidents.

19 (c) A person is disqualified from driving a commercial
20 motor vehicle for life if the person either (i) uses a
21 commercial motor vehicle in the commission of any felony
22 involving the manufacture, distribution, or dispensing of a
23 controlled substance, or possession with intent to
24 manufacture, distribute or dispense a controlled substance or
25 (ii) if the person is a CDL holder, uses a non-CMV in the
26 commission of a felony involving any of those activities.

1 (d) The Secretary of State may, when the United States
2 Secretary of Transportation so authorizes, issue regulations
3 in which a disqualification for life under paragraph (b) may be
4 reduced to a period of not less than 10 years. If a reinstated
5 driver is subsequently convicted of another disqualifying
6 offense, as specified in subsection (a) of this Section, he or
7 she shall be permanently disqualified for life and shall be
8 ineligible to again apply for a reduction of the lifetime
9 disqualification.

10 (e) A person is disqualified from driving a commercial
11 motor vehicle for a period of not less than 2 months if
12 convicted of 2 serious traffic violations, committed in a
13 commercial motor vehicle, arising from separate incidents,
14 occurring within a 3 year period. However, a person will be
15 disqualified from driving a commercial motor vehicle for a
16 period of not less than 4 months if convicted of 3 serious
17 traffic violations, committed in a commercial motor vehicle,
18 arising from separate incidents, occurring within a 3 year
19 period.

20 (e-1) A person is disqualified from driving a commercial
21 motor vehicle for a period of not less than 2 months if
22 convicted of 2 serious traffic violations committed in a
23 non-CMV while holding a CDL, arising from separate incidents,
24 occurring within a 3 year period, if the convictions would
25 result in the suspension or revocation of the CDL holder's
26 non-CMV privileges. A person shall be disqualified from driving

1 a commercial motor vehicle for a period of not less than 4
2 months, however, if he or she is convicted of 3 or more serious
3 traffic violations committed in a non-CMV while holding a CDL,
4 arising from separate incidents, occurring within a 3 year
5 period, if the convictions would result in the suspension or
6 revocation of the CDL holder's non-CMV privileges.

7 (f) Notwithstanding any other provision of this Code, any
8 driver disqualified from operating a commercial motor vehicle,
9 pursuant to this UCDLA, shall not be eligible for restoration
10 of commercial driving privileges during any such period of
11 disqualification.

12 (g) After suspending, revoking, or cancelling a commercial
13 driver's license, the Secretary of State must update the
14 driver's records to reflect such action within 10 days. After
15 suspending or revoking the driving privilege of any person who
16 has been issued a CDL or commercial driver instruction permit
17 from another jurisdiction, the Secretary shall originate
18 notification to such issuing jurisdiction within 10 days.

19 (h) The "disqualifications" referred to in this Section
20 shall not be imposed upon any commercial motor vehicle driver,
21 by the Secretary of State, unless the prohibited action(s)
22 occurred after March 31, 1992.

23 (i) A person is disqualified from driving a commercial
24 motor vehicle in accordance with the following:

25 (1) For 6 months upon a first conviction of paragraph

26 (2) of subsection (b) or subsection (b-3) of Section 6-507

1 of this Code.

2 (2) For 2 years upon a second conviction of paragraph
3 (2) of subsection (b) or subsection (b-3) or any
4 combination of paragraphs (2) or (3) of subsection (b) or
5 subsections (b-3) or (b-5) of Section 6-507 of this Code
6 within a 10-year period if the second conviction is a
7 violation of paragraph (2) of subsection (b) or subsection
8 (b-3).

9 (3) For 3 years upon a third or subsequent conviction
10 of paragraph (2) of subsection (b) or subsection (b-3) or
11 any combination of paragraphs (2) or (3) of subsection (b)
12 or subsections (b-3) or (b-5) of Section 6-507 of this Code
13 within a 10-year period if the third or subsequent
14 conviction is a violation of paragraph (2) of subsection
15 (b) or subsection (b-3).

16 (4) For one year upon a first conviction of paragraph
17 (3) of subsection (b) or subsection (b-5) of Section 6-507
18 of this Code.

19 (5) For 3 years upon a second conviction of paragraph
20 (3) of subsection (b) or subsection (b-5) or any
21 combination of paragraphs (2) or (3) of subsection (b) or
22 subsections (b-3) or (b-5) of Section 6-507 of this Code
23 within a 10-year period if the second conviction is a
24 violation of paragraph (3) of subsection (b) or (b-5).

25 (6) For 5 years upon a third or subsequent conviction
26 of paragraph (3) of subsection (b) or subsection (b-5) or

1 any combination of paragraphs (2) or (3) of subsection (b)
2 or subsections (b-3) or (b-5) of Section 6-507 of this Code
3 within a 10-year period if the third or subsequent
4 conviction is a violation of paragraph (3) of subsection
5 (b) or (b-5).

6 (j) Disqualification for railroad-highway grade crossing
7 violation.

8 (1) General rule. A driver who is convicted of a
9 violation of a federal, State, or local law or regulation
10 pertaining to one of the following 6 offenses at a
11 railroad-highway grade crossing must be disqualified from
12 operating a commercial motor vehicle for the period of time
13 specified in paragraph (2) of this subsection (j) if the
14 offense was committed while operating a commercial motor
15 vehicle:

16 (i) For drivers who are not required to always
17 stop, failing to slow down and check that the tracks
18 are clear of an approaching train or railroad track
19 equipment, as described in subsection (a-5) of Section
20 11-1201 of this Code;

21 (ii) For drivers who are not required to always
22 stop, failing to stop before reaching the crossing, if
23 the tracks are not clear, as described in subsection
24 (a) of Section 11-1201 of this Code;

25 (iii) For drivers who are always required to stop,
26 failing to stop before driving onto the crossing, as

1 described in Section 11-1202 of this Code;

2 (iv) For all drivers, failing to have sufficient
3 space to drive completely through the crossing without
4 stopping, as described in subsection (b) of Section
5 11-1425 of this Code;

6 (v) For all drivers, failing to obey a traffic
7 control device or the directions of an enforcement
8 official at the crossing, as described in subdivision
9 (a)2 of Section 11-1201 of this Code;

10 (vi) For all drivers, failing to negotiate a
11 crossing because of insufficient undercarriage
12 clearance, as described in subsection (d-1) of Section
13 11-1201 of this Code.

14 (2) Duration of disqualification for railroad-highway
15 grade crossing violation.

16 (i) First violation. A driver must be disqualified
17 from operating a commercial motor vehicle for not less
18 than 60 days if the driver is convicted of a violation
19 described in paragraph (1) of this subsection (j) and,
20 in the three-year period preceding the conviction, the
21 driver had no convictions for a violation described in
22 paragraph (1) of this subsection (j).

23 (ii) Second violation. A driver must be
24 disqualified from operating a commercial motor vehicle
25 for not less than 120 days if the driver is convicted
26 of a violation described in paragraph (1) of this

1 subsection (j) and, in the three-year period preceding
2 the conviction, the driver had one other conviction for
3 a violation described in paragraph (1) of this
4 subsection (j) that was committed in a separate
5 incident.

6 (iii) Third or subsequent violation. A driver must
7 be disqualified from operating a commercial motor
8 vehicle for not less than one year if the driver is
9 convicted of a violation described in paragraph (1) of
10 this subsection (j) and, in the three-year period
11 preceding the conviction, the driver had 2 or more
12 other convictions for violations described in
13 paragraph (1) of this subsection (j) that were
14 committed in separate incidents.

15 (k) Upon notification of a disqualification of a driver's
16 commercial motor vehicle privileges imposed by the U.S.
17 Department of Transportation, Federal Motor Carrier Safety
18 Administration, in accordance with 49 C.F.R. 383.52, the
19 Secretary of State shall immediately record to the driving
20 record the notice of disqualification and confirm to the driver
21 the action that has been taken.

22 (Source: P.A. 95-382, eff. 8-23-07; 96-544, eff. 1-1-10.)

23 (625 ILCS 5/11-1011) (from Ch. 95 1/2, par. 11-1011)

24 Sec. 11-1011. Bridge and railroad signals.

25 (a) No pedestrian shall enter or remain upon any bridge or

1 approach thereto beyond the bridge signal, gate, or barrier
2 after a bridge operation signal indication has been given.

3 (b) No pedestrian shall pass through, around, over, or
4 under any crossing gate or barrier at a railroad grade crossing
5 or bridge while such gate or barrier is closed or is being
6 opened or closed.

7 (c) No pedestrian shall enter, remain upon or traverse over
8 a railroad grade crossing or pedestrian walkway crossing a
9 railroad track when an audible bell or clearly visible electric
10 or mechanical signal device is operational giving warning of
11 the presence, approach, passage, or departure of a railroad
12 train or railroad track equipment.

13 (d) A violation of any part of this Section is a petty
14 offense for which a \$250 fine shall be imposed for a first
15 violation, and a \$500 fine shall be imposed for a second or
16 subsequent violation. The court may impose 25 hours of
17 community service in place of the \$250 fine for a first
18 violation.

19 (e) Local authorities shall impose fines as established in
20 subsection (d) for pedestrians who fail to obey signals
21 indicating the presence, approach, passage, or departure of a
22 train or railroad track equipment.

23 (Source: P.A. 92-814, eff. 1-1-03.)

24 (625 ILCS 5/11-1201) (from Ch. 95 1/2, par. 11-1201)

25 Sec. 11-1201. Obedience to signal indicating approach of

1 train or railroad track equipment.

2 (a) Whenever any person driving a vehicle approaches a
3 railroad grade crossing where the driver is not always required
4 to stop, the person must exercise due care and caution as the
5 existence of a railroad track across a highway is a warning of
6 danger, and under any of the circumstances stated in this
7 Section, the driver shall stop within 50 feet but not less than
8 15 feet from the nearest rail of the railroad and shall not
9 proceed until the tracks are clear and he or she can do so
10 safely. The foregoing requirements shall apply when:

11 1. A clearly visible electric or mechanical signal
12 device gives warning of the immediate approach of a
13 railroad train or railroad track equipment;

14 2. A crossing gate is lowered or a human flagman gives
15 or continues to give a signal of the approach or passage of
16 a railroad train or railroad track equipment;

17 3. A railroad train or railroad track equipment
18 approaching a highway crossing emits a warning signal and
19 such railroad train or railroad track equipment, by reason
20 of its speed or nearness to such crossing, is an immediate
21 hazard;

22 4. An approaching railroad train or railroad track
23 equipment is plainly visible and is in hazardous proximity
24 to such crossing;

25 5. A railroad train or railroad track equipment is
26 approaching so closely that an immediate hazard is created.

1 (a-5) Whenever a person driving a vehicle approaches a
2 railroad grade crossing where the driver is not always required
3 to stop but must slow down, the person must exercise due care
4 and caution as the existence of a railroad track across a
5 highway is a warning of danger, and under any of the
6 circumstances stated in this Section, the driver shall slow
7 down within 50 feet but not less than 15 feet from the nearest
8 rail of the railroad and shall not proceed until he or she
9 checks that the tracks are clear of an approaching train or
10 railroad track equipment.

11 (b) No person shall drive any vehicle through, around or
12 under any crossing gate or barrier at a railroad crossing while
13 such gate or barrier is closed or is being opened or closed.

14 (c) The Department, and local authorities with the approval
15 of the Department, are hereby authorized to designate
16 particularly dangerous highway grade crossings of railroads
17 and to erect stop signs thereat. When such stop signs are
18 erected the driver of any vehicle shall stop within 50 feet but
19 not less than 15 feet from the nearest rail of such railroad
20 and shall proceed only upon exercising due care.

21 (d) At any railroad grade crossing provided with railroad
22 crossbuck signs, without automatic, electric, or mechanical
23 signal devices, crossing gates, or a human flagman giving a
24 signal of the approach or passage of a train or railroad track
25 equipment, the driver of a vehicle shall in obedience to the
26 railroad crossbuck sign, yield the right-of-way and slow down

1 to a speed reasonable for the existing conditions and shall
2 stop, if required for safety, at a clearly marked stopped line,
3 or if no stop line, within 50 feet but not less than 15 feet
4 from the nearest rail of the railroad and shall not proceed
5 until he or she can do so safely. If a driver is involved in a
6 collision at a railroad crossing or interferes with the
7 movement of a train or railroad track equipment after driving
8 past the railroad crossbuck sign, the collision or interference
9 is prima facie evidence of the driver's failure to yield
10 right-of-way.

11 (d-1) No person shall, while driving a commercial motor
12 vehicle, fail to negotiate a railroad-highway grade railroad
13 crossing because of insufficient undercarriage clearance.

14 (d-5) (Blank).

15 (e) It is unlawful to violate any part of this Section.

16 (1) A violation of this Section is a petty offense for
17 which a fine of \$250 shall be imposed for a first
18 violation, and a fine of \$500 shall be imposed for a second
19 or subsequent violation. The court may impose 25 hours of
20 community service in place of the \$250 fine for the first
21 violation.

22 (2) For a second or subsequent violation, the Secretary
23 of State may suspend the driving privileges of the offender
24 for a minimum of 6 months.

25 (f) Corporate authorities of municipal corporations
26 regulating operators of vehicles that fail to obey signals

1 indicating the presence, approach, passage, or departure of a
2 train or railroad track equipment shall impose fines as
3 established in subsection (e) of this Section.

4 (Source: P.A. 95-331, eff. 8-21-07.)

5 (625 ILCS 5/11-1202) (from Ch. 95 1/2, par. 11-1202)

6 Sec. 11-1202. Certain vehicles must stop at all railroad
7 grade crossings.

8 (a) The driver of any of the following vehicles shall,
9 before crossing a railroad track or tracks at grade, stop such
10 vehicle within 50 feet but not less than 15 feet from the
11 nearest rail and, while so stopped, shall listen and look for
12 the approach of a train or railroad track equipment and shall
13 not proceed until such movement can be made with safety:

14 1. Any second division vehicle carrying passengers for
15 hire;

16 2. Any bus that meets all of the special requirements
17 for school buses in Sections 12-801, 12-803, and 12-805 of
18 this Code. The driver of the bus, in addition to complying
19 with all other applicable requirements of this subsection
20 (a), must also (i) turn off all noise producing
21 accessories, including heater blowers, defroster fans,
22 auxiliary fans, and radios, and (ii) open the service door
23 and driver's window, before crossing a railroad track or
24 tracks;

25 3. Any other vehicle which is required by Federal or

1 State law to be placarded when carrying as a cargo or part
2 of a cargo hazardous material as defined in the "Illinois
3 Hazardous Materials Transportation Act".

4 After stopping as required in this Section, the driver
5 shall proceed only in a gear not requiring a change of gears
6 during the crossing, and the driver shall not shift gears while
7 crossing the track or tracks.

8 (b) This Section shall not apply:

9 1. At any railroad grade crossing where traffic is
10 controlled by a police officer or flagperson;

11 2. At any railroad grade crossing controlled by a
12 functioning traffic-control signal transmitting a green
13 indication which, under law, permits the vehicle to proceed
14 across the railroad tracks without slowing or stopping,
15 except that subsection (a) shall apply to any school bus;

16 3. At any streetcar grade crossing within a business or
17 residence district; or

18 4. At any abandoned, industrial or spur track railroad
19 grade crossing designated as exempt by the Illinois
20 Commerce Commission and marked with an official sign as
21 authorized in the State Manual on Uniform Traffic Control
22 Devices for Streets and Highways.

23 (Source: P.A. 94-519, eff. 8-10-05; 95-756, eff. 1-1-09.)

24 (625 ILCS 5/11-1203) (from Ch. 95 1/2, par. 11-1203)

25 Sec. 11-1203. Moving heavy equipment at railroad grade

1 crossing.

2 (a) No person shall operate or move any crawler-type
3 tractor, power shovel, derrick, roller, or any equipment or
4 structure having a normal operating speed of 10 or less miles
5 per hour, or, for such equipment with 18 feet or less distance
6 between two adjacent axles, having a vertical body or load
7 clearance of less than 9 inches above a level surface, or, for
8 such equipment with more than 18 feet between two adjacent
9 axles, having a vertical body or load clearance of less than
10 1/2 inch per foot of distance between such adjacent axles above
11 a level surface upon or across any tracks at a railroad grade
12 crossing without first complying with this Section.

13 (b) Notice of any such intended crossing shall be given to
14 a superintendent of such railroad and a reasonable time be
15 given to such railroad to provide proper protection at such
16 crossing.

17 (c) Before making any such crossing the person operating or
18 moving any such vehicle or equipment shall first stop the same
19 not less than 15 feet nor more than 50 feet from the nearest
20 rail of such railway and while so stopped shall listen and look
21 in both directions along such track for any approaching train
22 or railroad track equipment and for signals indicating the
23 approach of a train or railroad track equipment, and shall not
24 proceed until the crossing can be made safely.

25 (d) No such crossing shall be made when warning is given by
26 automatic signal or crossing gates or a flagman or otherwise of

1 the immediate approach of a railroad train, railroad track
2 equipment, or car.

3 (Source: P.A. 76-2172.)