STATE OF NEW YORK

4076--A

2021-2022 Regular Sessions

IN SENATE

February 2, 2021

Introduced by Sen. HINCHEY -- read twice and ordered printed, and when printed to be committed to the Committee on Transportation -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the railroad law, in relation to the use of locomotive bells and whistles at private highway-rail grade crossings

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section 53-b of the railroad law, as amended by chapter 845 of the laws of 1972, is amended to read as follows:

§ 53-b. Ringing bells and blowing whistles at crossings. A person acting as engineer, driving a locomotive on any railway in this state, who fails to ring the bell, or sound the whistle, upon such locomotive, or cause the same to be rung or sounded, at least eighty rods from any place where such railway crosses a traveled road or street on the same level, except in cities **or towns**, or to continue the ringing of such bell or sounding such whistle at intervals, until such locomotive and the train to which the locomotive is attached shall have completely crossed such road or street is guilty of a misdemeanor. **With respect to cities and towns, unless otherwise required by federal law or regulation, a person acting as engineer, driving a locomotive on any railway in a city or town in this state may ring the bell or sound the whistle, or cause the same to be rung or sounded, to provide a warning to animals, vehicle operators, pedestrians, trespassers or crews on other trains in an emergency situation if, in the engineer's sole judgment, such action is appropriate in order to prevent imminent injury, death, or property damage.**

§ 2. This act shall take effect on the sixtieth day after it shall have become a law. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made and completed on or before such effective date.

EXPLANATION--Matter in *italics* (underscored) is new; matter in brackets [-] is old law to be omitted.

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