§ 1171. Certain vehicles must stop at all railroad grade crossings. (a) The driver of any bus carrying passengers, of any school bus, of any motor vehicle with a gross vehicle weight rating of greater than ten thousand pounds that transports division 2.3 chlorine or is a cargo tank, whether loaded or empty, used to transport hazardous materials, as defined in section five hundred one-a of this chapter, of any motor vehicle required to be marked or placarded by either the United States department of transportation or the New York state department of transportation regulations or any vehicle carrying explosive substances or flammable liquids as a cargo or part of a cargo, of any crawler-type tractor, steam shovel, derrick, roller, or of any equipment or structure having a normal operating speed of ten or less miles per hour or a vertical body or load clearance of less than one-half inch per foot of the distance between any two adjacent axles or in any event of less than nine inches, measured above the level surface of a roadway, before crossing at grade any track or tracks of a railroad, shall stop such vehicle within fifty feet but not less than fifteen feet from the nearest rail of such railroad and while so stopped shall listen and look in both directions along such track for any approaching train, and for signals indicating the approach of a train, except as hereinafter provided, and shall not proceed until he can do so safely. After stopping as required herein and upon proceeding when it is safe to do so the driver of any said vehicle shall cross only in such gear of the vehicle that there will be no necessity for changing gears while traversing such crossing and the driver shall not shift gears while crossing the track or tracks.

(b) No stop need be made at any such crossing where a police officer or a traffic-control signal or sign directs traffic to proceed.

(c) Every motor vehicle used in commerce with a gross vehicle weight rating of greater than ten thousand pounds not subject to the requirements of subdivision (a) of this section: (i) shall upon approaching a railroad grade crossing, be driven at a rate of speed which will permit said motor vehicle to be stopped before reaching the nearest rail of such crossing, and shall not be driven upon or over such crossing until due caution has been taken to ascertain that the course is clear; and (ii) shall stop at such crossing if the course is not clear.

(d) In addition to the requirements of subdivisions (a) and (c) of this section, the driver of a commercial vehicle must check street-railway grade crossings within a business or residence district.

(e) Notwithstanding any other provision of law, every operator of a commercial motor vehicle shall obey a traffic control device or the directions of a police officer at a railroad grade crossing.

(f) Every person convicted of a violation of this section shall for a first conviction thereof be punished by a fine of not more than one hundred fifty dollars or by imprisonment for not more than fifteen days or by both such fine and imprisonment; for a conviction of a second violation, both of which were committed within a period of thirty months, such person shall be punished by a fine of not more than five hundred dollars or by imprisonment for not more than forty-five days or by both such fine and imprisonment; upon a conviction of a third or subsequent violation, all of which were committed within a period of thirty months, such person shall be punished by a fine of not more than seven hundred fifty dollars or by imprisonment for not more than ninety days or by both such fine and imprisonment.