

HOUSE JUDICIARY COMMITTEE SUBSTITUTE FOR
HOUSE BILL 160

57TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2025

AN ACT

RELATING TO TRAFFIC LAWS; UPDATING REQUIREMENTS FOR WARNING
SIGNALS AT RAILROAD CROSSINGS; AMENDING A DEFINITION IN THE
MOTOR VEHICLE CODE; REQUIRING DRIVERS TO STOP, LOOK AND LISTEN
FOR OTHER ON-TRACK EQUIPMENT IN ADDITION TO TRAINS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. Section 63-3-34 NMSA 1978 (being Laws 1878,
Chapter 1, Section 8-1, as amended) is amended to read:

"63-3-34. [~~BELL~~] WARNING SIGNAL TO BE RUNG AT HIGHWAY
CROSSINGS.--

A. Except as provided in Subsection B of this
section, every railroad corporation shall cause a [~~bell~~]
warning signal to be attached to each of its locomotives or
other on-track equipment and shall cause the [~~bell~~] warning
signal to be rung at a distance of not less than eighty rods

.230784.2

underscored material = new
[bracketed material] = delete

1 from the crossing of any public street, road or highway.

2 B. For a railroad, owned by the state or one of its
3 political subdivisions, if the crossing is within a designated
4 quiet zone pursuant to federal railroad administration rules
5 and the maximum allowed speed for a train or other on-track
6 equipment using the crossing is equal to or less than forty
7 miles per hour, the ~~[bell]~~ warning signal shall be rung not
8 less than three hundred feet from the crossing.

9 C. A railroad corporation violating a provision of
10 Subsection A or B of this section shall be subject to a penalty
11 of one hundred dollars (\$100) to be recovered by action in the
12 name of the state in any court of competent jurisdiction, one-
13 half of which shall go to the informer and the other half of
14 which shall go to the state. The corporation shall also be
15 liable for all damages that may be sustained by any person by
16 reason of noncompliance with the provisions of this section.

17 D. For the purposes of this section:

18 (1) "other on-track equipment" means any car,
19 rolling stock or other device that alone or coupled to another
20 device is operated on stationary rails; and

21 (2) "warning signal" means a horn or other
22 audible warning device that produces a sound loud enough to be
23 heard by approaching motorists."

24 SECTION 2. Section 66-1-4.13 NMSA 1978 (being Laws 1990,
25 Chapter 120, Section 14, as amended) is amended to read:

.230784.2

1 "66-1-4.13. DEFINITIONS.--As used in the Motor Vehicle
2 Code:

3 A. "odometer" means a device for recording the
4 total mileage traveled by a vehicle from the vehicle's
5 manufacture and for so long as the vehicle is operable on the
6 highways;

7 B. "off-highway motor vehicle" means any motor
8 vehicle operated or used exclusively off the highways of this
9 state and that is not legally equipped for operation on the
10 highways of this state, but does not include an electric-
11 assisted bicycle;

12 C. "official printout" means any record supplied by
13 the division or a similar agency or government entity that
14 indicates the lienholders of record or owners of record of a
15 vehicle or motor vehicle registered within that government's
16 jurisdiction or indicates information about a driver's license
17 or identification card, including traffic violation history or
18 status;

19 D. "official traffic-control devices" means all
20 signs, signals, markings and devices consistent with the Motor
21 Vehicle Code placed or erected, by authority of a public body
22 or official having jurisdiction, for the purpose of regulating,
23 warning or guiding traffic;

24 E. "operational design domain" means the specific
25 conditions under which a given automated driving system or

.230784.2

1 feature of the system is designed to function;

2 F. "operator" means driver, as defined in Section
3 66-1-4.4 NMSA 1978; [~~and~~]

4 G. "other on-track equipment" means any car,
5 rolling stock or other device that alone or coupled to another
6 device is operated on stationary rails; and

7 [~~G.~~] H. "owner" means a person who holds the legal
8 title of a vehicle and may include a conservator, guardian,
9 personal representative, executor or similar fiduciary, or, in
10 the event that a vehicle is the subject of an agreement for
11 conditional sale or lease with the right of purchase upon
12 performance of the conditions stated in the agreement and with
13 an immediate right of possession vested in the conditional
14 vendee or lessee, or, in the event that a mortgagor of a
15 vehicle is entitled to possession, then such conditional vendee
16 or lessee or mortgagor."

17 SECTION 3. Section 66-7-341 NMSA 1978 (being Laws 2003,
18 Chapter 51, Section 8) is amended to read:

19 "66-7-341. RAILROAD-HIGHWAY GRADE CROSSING VIOLATIONS--
20 ALL DRIVERS.--

21 A. A person driving a vehicle approaching a
22 railroad-highway grade crossing shall:

23 (1) obey traffic control devices, crossing
24 gates or barriers or the directions of an enforcement official
25 at the crossing;

.230784.2

1 (2) stop not more than fifty feet and not less
2 than fifteen feet from the nearest rail of a crossing if:

3 (a) a train or other on-track equipment
4 is moving through or blocking the crossing;

5 (b) a train or other on-track equipment
6 is plainly visible and approaching the crossing within
7 hazardous proximity to the crossing;

8 (c) the sound of a train's or other on-
9 track equipment's warning signal can be heard; or

10 (d) a traffic control device, crossing
11 gate, barrier or light or an enforcement official signals the
12 driver to stop; and

13 (3) proceed through the railroad-highway grade
14 crossing only if it is safe to completely pass through the
15 entire railroad-highway grade crossing without stopping.

16 B. A person shall not:

17 (1) drive a vehicle through, around or under a
18 crossing gate or barrier at a railroad-highway grade crossing
19 while the gate or barrier is closed or being opened or closed;

20 (2) drive onto the railroad-highway grade
21 crossing and stop; or

22 (3) enter a crossing if the vehicle being
23 driven has insufficient undercarriage clearance to pass over
24 the crossing.

25 C. The penalty assessment for violation of this

.230784.2

underscored material = new
~~[bracketed material] = delete~~

1 section is included in Section 66-8-116 NMSA 1978."

2 SECTION 4. Section 66-7-343 NMSA 1978 (being Laws 2003,
3 Chapter 51, Section 9) is amended to read:

4 "66-7-343. RAILROAD-HIGHWAY GRADE CROSSING VIOLATIONS--
5 CERTAIN VEHICLES REQUIRED TO ALWAYS STOP--EXCEPTIONS.--

6 A. Except as set forth in Subsection D of this
7 section, a driver of a vehicle carrying passengers for hire, a
8 school bus carrying school children or a vehicle carrying
9 hazardous materials, radioactive or explosive substances or
10 flammable liquids as cargo or as part of its cargo, before
11 entering a railroad-highway grade crossing, is required to stop
12 no more than fifty feet and no less than fifteen feet from the
13 nearest rail of the railroad.

14 B. While stopped, the driver shall:

15 (1) look and listen in both directions along
16 the track for an approaching train or other on-track equipment
17 and for signals indicating that a train or other on-track
18 equipment is approaching;

19 (2) determine it is safe to proceed completely
20 through the railroad-highway grade crossing before entering it;
21 and

22 (3) set the vehicle in a gear sufficiently low
23 that gears will not need to be shifted before exiting the
24 railroad-highway grade crossing.

25 C. A driver shall not shift gears while in a

1 railroad-highway grade crossing.

2 D. A driver of a vehicle carrying passengers for
3 hire, a school bus carrying school children or a vehicle
4 carrying hazardous materials, radioactive or explosive
5 substances or flammable liquids as cargo or as part of its
6 cargo is not required to stop at:

7 (1) a railroad-highway grade crossing where a
8 police officer directs traffic to proceed;

9 (2) a railroad-highway grade crossing where a
10 stop-and-go traffic light controls movement of traffic;

11 (3) a railroad-highway grade crossing used
12 exclusively for industrial switching purposes, within a
13 business district as defined in Section 66-1-4.2 NMSA 1978;

14 (4) a railroad-highway grade crossing where
15 use of the railroad has been abandoned and there is a sign
16 indicating that the railroad has been abandoned; or

17 (5) an industrial or spur line railroad-
18 highway grade crossing marked with a sign reading "exempt
19 crossing" that has been designated as exempt by appropriate
20 state or local authorities.

21 E. Penalties for violation of this section are
22 included in Section 66-8-116 NMSA 1978."

23 SECTION 5. Section 66-7-344 NMSA 1978 (being Laws 1978,
24 Chapter 35, Section 448) is amended to read:

25 "66-7-344. MOVING HEAVY EQUIPMENT AT RAILROAD GRADE

.230784.2

1 CROSSINGS.--

2 A. No person shall operate or move any crawler-type
3 tractor, steam shovel, derrick, roller or any equipment or
4 structure having a normal operating speed of ten or less miles
5 per hour or a vertical body or load clearance of less than one-
6 half inch per foot of the distance between any two adjacent
7 axles or in any event of less than nine inches, measured above
8 the level surface of a roadway, upon or across any tracks at a
9 railroad grade crossing without first complying with this
10 section.

11 B. Notice of any such intended crossing shall be
12 given to a station agent of [~~such~~] the railroad and a
13 reasonable time [~~be~~] given to [~~such~~] the railroad to provide
14 proper protection at [~~such~~] the crossing.

15 C. Before making any such crossing, the person
16 operating or moving any such vehicle or equipment shall first
17 stop the [~~same~~] vehicle or equipment not less than fifteen feet
18 nor more than fifty feet from the nearest rail of [~~such~~] the
19 railroad and, while so stopped, shall listen and look in both
20 directions along [~~such~~] the track for any approaching train or
21 other on-track equipment and for signals indicating the
22 approach of a train or other on-track equipment and shall not
23 proceed until the crossing can be made safely.

24 D. No such crossing shall be made when warning is
25 given by automatic signal or crossing gates or a [~~flagman~~]

1 flagperson or otherwise of the immediate approach of a railroad
2 train, [~~or~~] car or other on-track equipment. If a [~~flagman~~]
3 flagperson is provided by the railroad, movement over the
4 crossing shall be under [~~his~~] the flagperson's direction.

5 E. This section [~~shall~~] does not apply to the
6 normal movement of farm equipment in the regular course of farm
7 operation."