

NORTH CAROLINA GENERAL ASSEMBLY
1969 SESSION

CHAPTER 1231
SENATE BILL 794

1 AN ACT TO REQUIRE SCHOOL BUSES, FOR HIRE PASSENGER VEHICLES,
2 COMMON CARRIERS OF PASSENGERS, AND PROPERTY HAULING VEHICLES
3 TRANSPORTING DANGEROUS CARGOS SUCH AS EXPLOSIVES, INFLAMMABLE
4 MATERIALS AND POISONOUS SUBSTANCES TO STOP AT ALL UNPROTECTED
5 RAILROAD GRADE CROSSINGS.

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7 The General Assembly of North Carolina do enact:
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9 **Section 1.** G.S. 20-143 as the same appears in the 1965 Replacement Volume 1C of
10 the General Statutes is amended by deleting the language appearing in lines 13 and 14 which
11 reads as follows: ": Provided that all school trucks and passenger buses be required to come to a
12 full stop at all railroad crossings".

13 **Sec. 2.** Chapter 20 of the General Statutes is amended by inserting immediately
14 after G.S. 20-143 a new section to be designated G.S. 20-143.1 to read as follows:

15 **"G.S. 20-143.1. Certain Vehicles Must Stop at All Railroad Grade Crossings.** (a)The
16 driver of every school bus, every motor vehicle carrying passengers for compensation and
17 every property hauling motor vehicle licensed in excess of 10,000 pounds which is carrying
18 explosives or any dangerous article as a cargo or part of a cargo, before crossing at grade any
19 track or tracks of a railroad, shall stop such vehicle within 50 feet but not less than 10 feet from
20 the nearest rail of such railroad and while so stopped shall listen and look in both directions
21 along such track for any approaching train and for any signals indicating the approach of a
22 train, except as hereinafter provided, and shall not proceed until he can do so safely. Upon
23 proceeding, the driver of such vehicle shall cross only in such gear of the vehicle that there
24 shall be no necessity for changing gears and the driver shall not change gears while crossing the
25 track or tracks.

26 (b) The provisions of this Section shall not require the driver of a vehicle to stop:

- 27 1. At railroad tracks used exclusively for industrial switching purposes within a
28 business district as defined in G.S. 20-38(1).
- 29 2. At a railroad grade crossing which a police officer or crossing flagman
30 directs traffic to proceed.
- 31 3. At a railroad grade crossing protected by a gate or flashing signal designed
32 to stop traffic upon the approach of a train, when such gate or flashing signal
33 does not indicate the approach of a train.
- 34 4. At an abandoned railroad grade crossing which is marked with a sign
35 indicating that the rail line is abandoned.
- 36 5. At an industrial or spur line railroad grade crossing marked with a sign
37 reading "Exempt Crossing", which sign has been erected by or with the
38 consent of the appropriate State or local authority.

39 (c) 'Dangerous article' shall mean any flammable liquids, flammable solids, oxidizing
40 materials, corrosive liquids, compressed gases, poisonous substances or radioactive materials as
41 hereinafter defined.

1. 'Flammable liquids' shall mean any liquid which gives off flammable vapors (as determined by flash point from Tagliabue's open cup tester as used for test of burning oil) at or below a temperature of 80 degrees F.
2. 'Flammable solids' shall mean any solid substance which is liable, under conditions incident to transportation, to cause fires through friction, through absorption of moisture, through spontaneous chemical changes, or as a result of retained heat from its manufacturing or processing.
3. Oxidizing materials' shall mean any substance such as chlorate, permanganate, peroxide, or a nitrate, that yields oxygen readily to stimulate the combustion of organic matter.
4. 'Corrosive liquids' shall mean those acids, alkaline caustic liquids and other corrosive liquids which, when in contact with living tissue, will cause severe damage of such tissue by chemical action, or in case of leakage, will materially damage or destroy other freight by chemical action, or are liable to cause fire when in contact with organic matter or with certain chemicals.
5. 'Compressed gas' shall mean any material or mixture having in the container either an absolute pressure exceeding forty (40) pounds per square inch at seventy (70) degrees F., or an absolute pressure exceeding one hundred four (104) pounds per square inch at one hundred thirty (130) degrees F., or both, or any liquid flammable material having a Reid vapor pressure exceeding forty (40) pounds per square inch absolute at one hundred (100) degrees F.
6. 'Poisonous substances' shall mean liquids and gases of such nature that a very small amount of the gas or vapor of the liquid mixed with air is dangerous to life, or such liquid or solid substance as, upon contact with fire or when exposed to air, gives off dangerous or intensely irritating fumes or substances, which are chiefly dangerous by external contact with the body or by being taken internally.
7. 'Radioactive materials' shall mean any material or combination of materials that spontaneously emits ionizing radiation.

(d) It shall be unlawful to transport by motor vehicle upon the highways of this State any dangerous article without conspicuously marking or placarding such motor vehicle on each side and on the rear thereof with the word 'DANGEROUS' or the common or generic name of the article transported or its principal hazard. Additionally, the rear of every such vehicle shall be conspicuously marked with the words 'THIS VEHICLE STOPS AT ALL RAILROAD CROSSINGS.'

- (3) The provisions of this Section shall not apply to taxicabs nor to vehicles subject to the rules and regulations adopted by the North Carolina Utilities Commission and the United States Department of Transportation."

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall become effective upon September 1, 1969.

In the General Assembly read three times and ratified, this the 2nd day of July, 1969.