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Subject: Vehicles Required to Stop at Railroad Crossings

History: 5077

By Date Action Description Jt. Res. No. Expiration Date

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- 01/11/2022 Received by Lt. Gov & Speaker 05/11/2022

H 01/11/2022 Referred to Committee

S 01/11/2022 Referred to Committee

- 05/11/2022 Approved by: Expiration Date

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 provided for in the Regulation

Document No. 5077

**DEPARTMENT OF PUBLIC SAFETY**

CHAPTER 38

Statutory Authority: 1976 Code Section 23‑6‑30(6)

38‑240. Vehicles Required to Stop at Railroad Crossings.

**Synopsis:**

Pursuant to Section 1‑23‑120(J), the South Carolina Department of Public Safety proposes to amend Regulation 38‑240 Vehicles Required to Stop at Railroad Crossings. The amendment will replace the categories of markings and placards listed under Regulation 38‑240(A)(3)(i) through (xi) with the classifications provided for in 49 CFR 392.10, Railroad Grade Crossings; Stopping Required.

Section‑by‑Section Discussion:

38‑240. Vehicles Required to Stop at Railroad Crossings.

 Heading: Update statutory authority.

 (A)(3) Rename identifying markings as "classifications".

 (A)(3)(i) through (xi) delete and replace with classifications provided for in 49 CFR 392.10, Railroad Grade Crossings; Stopping Required.

 (B) Delete.

 (C) Delete.

The Notice of Drafting was published in the *State Register* on August 27, 2021.

**Instructions:**

Print the regulation as shown below. All other items remain unchanged.

**Text:**

38‑240. Vehicles Required to Stop at Railroad Crossings.

(Statutory Authority: 1976 Code Section 23‑6‑30(6), as amended)

 A. The driver or operator of every vehicle listed in 49 C.F.R. Section 392.10, (a) shall stop such vehicle at all railroad crossings as required by Section 56‑5‑2720. The covered vehicles shall include:

 (1) Every bus transporting passengers;

 (2) Every motor vehicle transporting any quantity of chlorine;

 (3) Every motor vehicle which, in accordance with the regulations of the United States Department of Transportation, is required to be marked or placarded with one of the following classifications:

 (i) Division 1.1

 (ii) Division 1.2, or Division 1.3

 (iii) Division 2.3 Poison gas

 (iv) Division 4.3

 (v) Class 7

 (vi) Class 3 Flammable

 (vii) Division 5.1

 (viii) Division 2.2

 (ix) Division 2.3 Chlorine

 (x) Division 6.1 Poison

 (xi) Division 2.2 Oxygen

 (xii) Division 2.1

 (xiii) Class 3 Combustible liquid

 (xiv) Division 4.1

 (xv) Division 5.1

 (xvi) Division 5.2

 (xvii) Class 8

 (xviii) Division 1.4

 (4) Every cargo tank motor vehicle, whether loaded or empty, used for the transportation of any hazardous material as defined in the Hazardous Materials Regulations of the United States Department of Transportation;

 (5) Every cargo tank motor vehicle transporting a commodity which at the time of loading has a temperature above its flash point; and

 (6) Every cargo tank motor vehicle, whether loaded or empty, transporting any commodity under special permit.

**Fiscal Impact Statement:**

The South Carolina Department of Public Safety anticipates no financial impact on the State or any of its political subdivisions as a result of the proposed amendment.

**Statement of Rationale:**

The proposed amendment is made pursuant to Section 1‑23‑120(J). The proposed amendment will replace the categories of markings and placards listed under Regulation 38‑240(A)(3)(i) through (xi) with the classifications provided for in 49 CFR 392.10 Railroad Grade Crossings; Stopping Required. In addition, subsections (B) and (C) of Regulation 38‑240 will be deleted in their entirety.