

Appendix II

Status of Current Programs

H. Truck and Bus Involved Accidents

A review of the data available on truck accidents at highway-rail crossings indicates a general decline in these accidents. In 1982 there were 555 truck-trailer and bus accidents representing less than eight percent of total highway-rail crossing accidents. These accidents resulted in 26 fatalities, four percent of total fatalities at public highway-rail crossings. In 1992, 385 truck-trailer and bus accidents occurred at public highway-rail crossings accounting for less than nine percent of the accidents at these crossings. Thirteen fatalities resulted, two percent of total crossing fatalities. These figures do not diminish the seriousness of these accidents. Truck collisions with trains often derail the trains and have catastrophic potential.

An unknown at this time is how many states consider driving around gates which are down, a serious driving offense, especially by a driver operating with a Commercial Driver's License.

I. Regulation

1. Inspection, Testing, Maintenance and Timely Response:

On January 20, 1994, FRA published a Notice of Proposed Rule Making (NPRM) (59 FR 3051) in which FRA proposed specific maintenance, inspection and testing requirements for active highway-rail crossing warning systems. FRA also proposed to require that railroads take specific and timely actions to protect the travelling public and railroad employees from the hazards posed by malfunctioning highway-rail crossing warning systems. This action was taken in response to a statutory requirement that FRA "issue rules, regulations, orders, and standards to insure the safe maintenance, inspection, and testing of signal systems and systems at railroad highway grade crossings." FRA also solicited comments on whether the parking of idle rail equipment or switching operations on track circuits which activate highway-rail crossing warning devices should be addressed, and how.

2. Locomotive Conspicuity

In October 1992, the Amtrak Authorization and Development Act was signed into law. This legislation required the Secretary to complete locomotive conspicuity research no later than December 31, 1993. It also provided that interim regulations be issued identifying ditch lights, crossing lights, strobe lights and oscillating lights as interim locomotive conspicuity measures, and authorizing and encouraging installation and use of such devices. Any locomotive equipped with such interim conspicuity devices on the date of issuance of final regulations will be considered in full compliance until four years after issuance of the final regulations.

As required by the statute, FRA issued, on February 3, 1993, interim standards regarding locomotive lighting to enhance conspicuity of trains. (58 FR 6899, to be codified at 49 C.F.R. 229.133) This interim rule identifies several auxiliary external lighting arrangements as acceptable interim locomotive conspicuity measures. This rule encourages the installation on locomotives of such lighting arrangements as are now widely used and available. This action is intended to increase the visibility of locomotives to motorists and thereby reduce the incidence of accidental collisions between motor vehicles and locomotives at highway-rail crossings. Lighting devices installed in conformance to acceptable current practice will not be immediately rendered obsolete when FRA issues final standards in this area.

A second interim rule was published May 13, 1994. This second interim regulation relaxes the dimensional standards for placement of the various auxiliary external lights on locomotives.

The statute also requires the FRA to initiate rule making for the final regulations no later than June 30, 1994. The final regulations are to be issued by June 30, 1995. Compliance is to be industry wide no later than December 31, 1997. This effort is on schedule.

3. Vegetation Clearance

Visibility up and down the track is critical for motorists approaching highway-rail crossings, especially at those crossings without automated warning devices. (Warning devices are often installed to compensate for sight obstructions, particularly for those which are seasonal and/or outside the control of railroad and highway authorities.) Maintaining clear sight distance on both highway and rail rights-of-way, i.e., clearing vegetation, is often a seasonal necessity. The FRA is considering the addition of a provision within revised track standards (currently being developed) requiring that the rail right-of-way on either side of highway-rail crossings be kept clear of vegetation.

4. Standing Trains, Locomotives or Cars:

Most railroads have operating rules which address the standing, spotting or parking of trains, locomotives and rail cars near public highway-rail crossings. These rules often stipulate that parked rail cars should be a minimum distance (e.g., 300 feet) from a highway crossing, and that if a train, locomotive or car is stopped where it may obscure the view of train movements on adjacent tracks, provision must be made to protect highway traffic. These rules also stipulate that equipment should not stand "longer than necessary," or switches be left open, where automatic warning devices will continue to operate because of such a presence.

In its recently issued grade crossing NPRM, FRA has requested public comment on the need to address situations where standing railroad equipment results in the continuous activation of warning devices.

5. Violation of Down Gates

The FHWA recently met with the American Association of Motor Vehicle Administrators (AAMVA) to discuss making grade crossing violations a serious traffic violation on a driver's Commercial Drivers License. A survey of state traffic laws will be conducted to document how states treat this offense now. A proposal to make grade crossing offenses a serious traffic violation will be addressed through the AAMVA committee structure. We expect a decision from the committee in August 1994.

J. Horns and Bans

Federal regulations currently require that each lead locomotive be equipped with an audible device that meets specific performance standards. However, Federal regulations neither prohibit nor mandate the sounding of train whistles. All the major railroads have an operating rule that requires their engineers to blow the horn at highway-rail grade crossings as a warning to drivers and pedestrians.

As documented by the FRA study entitled "Florida's Train Whistle Ban," train horns are an effective safety device. The study indicates that after Florida communities implemented nighttime whistle bans, accident rates nearly tripled at the impacted crossings. When state and local governments failed to repeal the bans, the FRA issued an emergency order requiring the use of train horns along the impacted rail corridor in Florida.

As a result of petitions received following our Emergency Order a series of remedial measures were defined with the involvement of state, Federal and city highway authorities. An amendment was issued in August 1993. Should these measures be implemented, the use of train horns may be suspended.

The measures include the "treatment" of all crossings in a "quiet zone" at least one-half mile in length with one of the following alternatives:

1. Permanently close the highway-rail crossing.
2. Close the crossing to highway and pedestrian traffic during ban (nighttime) hours.
3. Install sufficient gates at a crossing to fully block highway traffic from entering a crossing when the gates are lowered.
4. Install median barriers at a crossing which prevent highway traffic from driving around lowered gates.
5. Make adjacent street into one-way pairs and modify and/or relocate existing gates to completely block approaching lanes of traffic.

For safety reasons, the FRA will not endorse any proscription which encumbers the industry's practice of using train whistles or horns at highway-rail crossings unless remedial actions have been accomplished. The FRA is conducting a nationwide study, similar to the Florida Whistle Ban Study, to determine if Federal regulations addressing whistle bans should be initiated.

Accident figures recently compiled from data submitted by the Florida East Coast Railway (the railroad affected by Florida's whistle ban) for the 24 months before and after the FRA issued its emergency order indicates that night-time (10 p.m. to 6 a.m.) accidents at impacted crossings decreased 68.6 percent, from 51 to 16. By comparison, day time (16 hours) accidents at the same crossings (horns were never banned during the day) decreased in the same period by only 8.8 percent, from 34 to 31.

K. The Manual on Uniform Traffic Control Devices (MUTCD)

The MUTCD, published by the FHWA, "presents traffic control device standards for all streets and highways open to public travel...." Part VIII of the MUTCD addresses "Traffic Control Systems for Railroad -- Highway Grade Crossings."

A number of actions and developments have occurred or evolved over the last several years which are not addressed within the MUTCD. Among these are the advent of high speed rail and the overall resurgence of higher speed trains, passenger and intermodal freight, the reemergence of intra-city light rail operations and recognition of the specialized needs of traffic control in highway work zones which include a highway-rail crossing.

L. Training

1. National Highway Institute Program

In 1986, a Rail-Highway Grade Crossing Improvement Course was developed by the FHWA and made available through FHWA's National Highway Institute (NHI). It was designed to be introductory in nature. Between 1988 and 1991 more than 25 highway-rail courses were presented to approximately 1,000 employees of state agencies, railroad companies, local governments, Federal agencies and the railroad supply industry. Evaluations revealed that future training courses should be made available to short line and regional railroad operators.

The FRA and FHWA jointly sponsored the updating of the course to be more technical and include "good" and "bad" practices in the installation and maintenance of grade crossing warning systems; to address crossing design, warrants for warning system types, selection of crossing surfaces and geometric design and priority index calculations. NHI is offering the revised training course to interested parties.

2. LETN Series

FRA promotes training of police officers regarding enforcement of crossing safety laws and crossing accident investigations. By Fall 1994, FRA and Operation Lifesaver, Inc. will be making available a condensed version of the Law Enforcement Television Network (LETN) series, "On-Track," originally sponsored and aired by the FHWA, FTA and FRA in 1991 for training police officers. The new version will include four segments covering enforcement and accident investigation techniques, trespassing, vandalism and other railroad related crimes, safety and outreach programs, and issues concerning electric trains and mass transit.

3. Highway-Rail Grade Crossing Handbook

The Handbook, a joint effort of FHWA and FRA, is a general reference guide on highway-rail crossings, including characteristics of the crossing environment and users, and the physical and operational improvements for safe and efficient use by both highway and rail traffic. The second edition was published in 1986. Information on state programs in the Handbook was taken from a 1984 survey of states. Since the last edition was published, two major transportation bills have been enacted that impact the highway-rail crossing safety program. Also, there have been changes to the MUTCD, major research projects have been carried out relevant to highway-rail crossings, there has been a landmark decision by the Supreme Court that affects grade crossing responsibilities, and there have been a number of technological advances in traffic control devices and crossing surface products. Much of the information in the Handbook is in need of updating.

4. Compilation of State Laws and Regulations On Matters Affecting Highway-Rail Crossings

The current Compilation, a joint effort of FHWA and FRA, is a general reference guide and cross reference to state laws and regulations affecting highway-rail crossings. It was published in 1983 and is outdated.

M. Failure/Emergency Notification

In 1983, the Texas Legislature initiated (and pioneered) a statewide alert or early warning system designed to inform railroads of warning device/signal problems at crossings. Signs have been placed at each crossing equipped with an automated device instructing the reader:

TO REPORT MALFUNCTION OF
THIS RAILROAD SIGNAL
CALL TOLL FREE 1-800-772-7677
GIVE THIS LOCATION # _ _ _ _ _

The telephone is answered by the Texas Department of Public Safety (DPS) (state police). The crossing location number is the U.S. DOT/AAR National Highway-Rail Crossing Inventory number. The location number is then checked against a master list and the maintaining railroad is notified of the malfunction. In 1989, on average more than 14 calls per day were recorded by the DPS. Every motorist, law enforcement officer and highway maintenance worker is a potential participant.

The FRA has favorably evaluated this system and has recommended its adoption by other jurisdictions. Railroads operating in Texas have stated that at least half of the calls received from the DPS are for problems of which they (the railroads) were not already aware. Both Connecticut and Delaware have established variations. In Connecticut, signs instruct observers to call "911." In Delaware, only automated Conrail crossings (81 percent of Delaware's automated crossings are Conrail's.) are equipped with signs, and the telephone number is a Conrail 1-800 number. Several railroads have also adopted variations, some with and some without signs, some available to the public, some promoted only to state, county and city officials.

The basic element of any system to notify public and railroad officials of a potentially dangerous situation at a highway-rail crossings is the identity of the crossing itself. As part of the U.S. DOT/AAR National Highway-Rail Crossing Inventory program, most every crossing in the Nation was assigned a unique number. In most cases, these numbers were placed at the crossings; however, this was originally done in the mid-1970s. Many, but not all, states and railroads have retained this system and have kept the number posted at the crossing. Others have continued alternative, usually state, systems which predated the National Inventory. A few have allowed at least the on-site numbering to deteriorate. The result is that the Inventory numbering system is in jeopardy as a national system and resource.

See also Section Q.4 regarding malfunction reporting to FRA by railroads.

N. Private Crossings:

There are nearly 110,000 private highway-rail crossings on the U.S. rail system. Casualties and property losses resulting from accidents, and the ever present potential of a major railroad catastrophe, at these crossings is a continual concern. At present, responsibilities for private crossings are neither clearly understood nor consistently applied. This is an institutional problem which has impeded safety improvement programs at private crossings. Over the last decade, 1983 through 1992, accidents at private highway-rail crossings have vacillated between a high of 648 (in 1984) and a low of 445 (in 1992). Though the overall trend regarding accidents at private crossings has been favorable, it has not been as dramatic as improvements at public crossings. In most years, deaths at private crossings exceed the combined total of railroad related deaths from all causes except for trespassers and deaths at public highway-rail crossings.

The U.S. DOT/AAR National Highway-Rail Crossing Inventory recognizes four categories of private crossings, i.e., farm, industrial, recreational and residential. Nearly two-thirds of the 109,881 private crossings catalogued in the Inventory are in the first group, farm crossings. Nearly a quarter are industrial.

Industrial crossings generate the most accidents with farm crossings a close second. But, on a per crossing basis, industrial crossings have the highest accident frequency, with recreational and residential crossings following a close second and third. Farm crossings are last by this measure.

1. Guidelines

Early in 1993, the FRA circulated a draft set of preliminary guidelines addressing the safety of private highway-rail crossings. This draft set forth definitions and general responsibilities. It suggested criteria for closure, basic signage and engineering, the use of train horns and treatments for private crossings in high speed rail corridors.

A public meeting was held in July, 1993, to discuss both the general issue of FRA involvement and the specifics raised by the guidelines. Participants differed regarding their views as to Federal involvement in this area. Some parties emphasized their view that if guidelines or rules are issued, rule making procedures should be followed.

FRA is currently reviewing the comments and materials received during and subsequent to this July meeting.

2. Snowmobile Crossings:

A recently enacted law of the Wisconsin legislature allows the creation of new crossings of railroad tracks for snowmobiles without the permission (or involvement) of the host railroad. Authority for issuing regulations pertaining to these crossings has been vested in the State's Department of Natural Resources (DNR). The law would allow "volunteers" to build and maintain snowmobile crossings.

The FRA is monitoring developments.

O. FRA's Regional Program Managers

FRA's regional and headquarter's efforts regarding highway-rail crossing (and trespasser) programs have been hampered by under-staffing. Prior to FY 1994, the headquarters division promoting crossing programs had a staff of five, all taken from related functions within the Office of Safety when the Division was created in 1991. Regional office efforts have fallen in the category of "additional duties."

The FY 1994 budget will augment this staffing by the addition of eight regional program managers, one for each region, and two additional personnel for the headquarters Division.

Once these individuals are on board, projected for August, they will provide program support, coordination and promotion to states, local governments and railroads with emphasis on:

Corridor Improvement Programs;
Operation Lifesaver;
Accident investigation; and
Trespass prevention.

FRA was also given authority to hire eight additional signal inspectors to help enforce the proposed inspection, testing and maintenance regulations as well as existing signal standards.

P. Integrated Intermodal Transportation Planning

ISTEA requires States and Metropolitan Planning Organizations (MPOs) to develop intermodal transportation plans, with new emphasis on considering freight and railroad issues. ISTEA further requires states to develop six management systems, including the highway Safety Management System (SMS), to facilitate more effective intermodal planning. The SMS, as defined in the implementing regulation, 23 CFR 500.103, is "a systematic process that has the goal of reducing the number and severity of traffic crashes by ensuring that all opportunities to improve highway safety are identified, considered, implemented as appropriate, and evaluated in all phases of highway planning, design, construction, maintenance and operation and by providing information for selecting and implementing effective highway safety strategies and projects." The regulation specifically addresses consideration of highway-rail crossings in the system, including developing data relating to highway-rail crossings, identifying hazardous highway-rail crossings and maintaining and upgrading safety hardware at highway-rail crossings.

The highway SMS, by fully considering all elements of highway safety, will provide a mechanism for evaluating the effectiveness of different safety strategies and guide the selection of safety measures. This provides an opportunity to consider highway-rail crossings in a broader context than crossing improvements alone. The cost and safety impact of consolidating grade crossings should now be considered in developing overall plans to improve highway safety.

Those implementing ISTEA in the State Departments of Transportation, MPOs and railroads, especially where planners are required to cross modal lines, are looking to the U.S. Department of Transportation for assistance and guidance.

Q. Data

1. Accident Reporting

Railroads are required (by the Federal Railroad Safety Act of 1970 and the Accident Reports Act) to report all accidents and incidents arising from the operation of a railroad that results in an impact occurring between on-track railroad equipment and an automobile, bus, truck, motorcycle, bicycle, farm vehicle, pedestrian or other highway user at a highway-rail crossing.

Railroads report this data monthly. Uses include safety and economic analyses to develop and target counter measures to include personnel resources, and regulatory and research initiatives. FRA compiles and issues an annual bulletin tabulating and summarizing accident reports.

2. The Inventory

In response to the Federal Railroad Safety Act of 1970, a joint government/industry effort to compile a national inventory of highway-rail crossings was initiated in 1972 and completed in 1976. The Inventory contains data regarding more than 70 physical and operational characteristics of all highway-rail crossings in the United States (more than 402,000 in 1976), including public and private, at-grade and grade separated, even pedestrian crossings. Each crossing was assigned a unique number which was displayed at the crossing. Although this was (and continues to be) a volunteer effort, every state, the District of Columbia and Puerto Rico participated, as did all railroads.

The FRA is custodian of this computer based file. In this role, the FRA processes changes and updates, more than 80,000 per year, which originate from railroads and states. As a volunteer program, continuing participation by states and railroads has not been universal. There have been periods of high activity and periods of slack participation. Some railroads and some states participate more than others, and often, as management and priorities have changed, railroads and states have changed from non-participatory to active participant and vice-versa.

Railroads and states may obtain from the FRA a personal computer based software package known as the GX System which facilitates the update process and eliminates the bureaucratic exchange of paper. There is no cost to the railroad or state. The GX System is a self contained package allowing the user to retrieve records, update them, sort and print records and summary reports, and produce a magnetic disc with

current update information for submittal to the National Inventory File. Each GX System request is answered with a custom database containing the requestor's crossings and necessary cross-reference and decode files. A second version of this package, now available, has the ability to accept and apply mass updates, e.g., train counts for all crossings on a given rail line.

The Inventory, as a national resource, is available to all, and the FRA actively promotes its continued application and maintenance. It is widely used by FRA and FHWA, Federal research programs, safety and economic analyses, program management and assessment, by states and railroads, by universities and consultants and by litigants. Though the lack of universal and consistent updating is a drawback, the Inventory remains a unique and useful resource.

3. Resource Allocation Procedure (RAP)

A software package has been developed and is available to railroads and states which combines accident histories (derived from accident reports) and Inventory data to make accident predictions. The predictions are then combined with cost and effectiveness information and available budget thresholds to develop warning device improvement programs which maximize the safety benefit realized per budget dollar expended. "Safety benefit" may be defined in terms of accident or fatality or casualty (fatality and injury) reduction.

This software was last revised in 1986-87. A User's Guide (Third Edition) was published in August 1987. Every second year, through a rather cumbersome process, constants within the accident prediction programs are adjusted to reflect accident experience of the most recent five years. Every three months new master files are created using current Inventory data. These files are used to respond to state and railroad requests for RAP data. Cost and effectiveness default constants have not been adjusted since the 1986-87 revision. (The defaults are only used if the requestor does not specify alternative values.)

This DOT program is not the only one available. Though widely used, many states and railroads have developed their own. Some use the DOT program as a "second opinion." Some have modified or adapted the DOT procedures for their own applications.

4. Malfunction Reporting

In 1992, the FRA initiated rules requiring railroads to report warning device malfunctions, both failures to activate (report within 15 days) and false activations (report in the month following occurrence), to the FRA. If an accident occurs coincident with a failure, a report must be submitted by telephone within 24 hours. The requirement to report false activations (but not failures to activate nor failures concurrent with an accident) will "sunset" in 1994.

Reporting has exceeded expectations, reaching nearly 4,000 per month. Though more than expected, this figure must be considered within the context of the nation's more than 60,000 crossings equipped with automated warning devices which activate well in excess of 650,000 times per day, more than 19 million times per month.

These reports have assisted the FRA in developing proposed inspection, testing, maintenance and timely response regulations.

5. SAMIS

The Federal Transit Administration (FTA) is a grant-making organization. From 1978 to 1989, safety statistics were collected from only 13 heavy rail transit agencies nationwide and only on a voluntary basis. The Safety Information Reporting and Analysis System (SIRAS) published these statistics annually. Mass transit safety statistics are collected through the authority of Section 15 of the Federal Transit Act, and in 1990, the first Safety Management Information Statistics (SAMIS) Annual Report was published.

SAMIS statistics are solicited from nearly 600 transit agencies. Safety information is collected on a wide variety of mass transit modes: automated guideway, commuter rail, demand responsive, light rail, motorbus, rapid rail and vanpool. For an incident to be reportable, it must involve a transit vehicle or occur on transit property, and result in death, injury or property damage in excess of \$1,000. Section 15 reporting requirements do not currently distinguish among light rail, rapid rail or commuter rail accidents and do not identify location, e.g., at grade crossings.

Safety statistics are collected on Form 405 of the Section 15 reporting system, and the data is entered into the system for analysis and production of the SAMIS report. SAMIS statistics measure how many incidents, injuries and fatalities a transit agency experiences vis-a-vis collisions, derailments/left roadway, personal casualties and fires. These statistics are measured separately for every transit mode an agency operates.

Now that the FTA has collected three years of safety data, trend analysis will also be published in the next SAMIS Annual Report. Modifications to the Section 15 reporting requirements, e.g., security data, are being reviewed for inclusion in the Section 15 report.

6. The Railroad Network GIS

The FRA has developed a Geographic Information System (GIS) that replicates the United States Railroad, Highway and Waterway Networks on a personal computer. It will be used to analyze railroad issues as they relate to the entire transportation system, such as the traffic flow simulation of different commodities and intermodal movements. The highway and waterway networks were provided by FHWA and the U.S. Coast Guard respectively.

The Railroad Network, created by FRA, represents all routes in the United States (160,000 miles) owned by over 500 railroads. It includes line specific information such as ownership, trackage rights, traffic volume and passenger service. It is maintained by FRA and is available to the public (except proprietary information). Among FRA's applications for this network is the flowing of hazardous material shipments and the subsequent study of the routes currently being used.

All highway-rail crossings in the U.S. DOT/AAR National Highway-Rail Crossing Inventory System are not yet located in the GIS. However, that effort is currently in progress. Its completion will allow a broad systems approach to future national grade crossing analysis.

R. Trespass Prevention

The trespass problem has grown worse in recent years. Trespasser fatalities have exceeded 500 deaths per year each year since 1990. The Department of Transportation and the industry have recognize the need for a focused effort.

1. The Workshop

In March 1992 the FRA hosted the first Workshop on Trespasser Prevention, a one day meeting in Washington, D.C. The meeting was well attended. Fifteen railroads, three Federal agencies and two associations met. Topics addressed included definitions and available data, the homeless as trespassers, illegal immigrants as trespassers, hobos as trespassers and the potential of involving Operation Lifesaver, Inc. (OLI). Other presentations dealt with measures which have worked in reducing trespassing (e.g., involving the local community), and those which have not (e.g., signs along the right-of-way).

The Workshop concluded with a consensus that: 1) better data is needed; 2) because of the diversity of regional trespass problems, programs should be developed on a regional basis; 3) programs should promote community involvement, targeted media campaigns, legislation authorizing enforcement and civil fines, and peer counseling (re the psychological handling of traumatic events) for those who must deal with trespass casualties; and, 4) OLI should receive guidance on how best to utilize their resources.

Minutes of the Workshop are available.

2. Data

From monthly Injury and Illness Summary Reports currently submitted by railroads, the FRA is able to cull the following data regarding trespasser casualties:

Month of Occurrence (based on month for which report is submitted);
Railroad reporting;
Age of casualty; and,
State in which casualty occurred.

Noticeably absent is information related to the setting in which the casualty occurred, the date, day and time of occurrence and the person involved and their activities at the time of the incident.

FRA has begun to segregate, tabulate, analyze and publish the available data. FRA covered 1991 calendar year statistics in the first annual Trespasser Bulletin.

The 1992 Bulletin indicates that, over a ten year period, based on fatalities per 100 right-of-way miles, fifteen states and the District of Columbia have above average rates. Seven of these and the District of Columbia exceed the average by a factor of at least two. The seven include California, Connecticut, Florida, Maryland, Massachusetts, New Jersey (highest) and New York. This same bulletin also indicated that for the last ten years, more deaths occurred to individuals aged 21 to 25 than in any other 5-year age group.

The National Center for Health Statistics (NCHS) in Atlanta, Georgia collects data from Death Certificates. Attempts have been made by the U.S. Centers for Disease Control to reconcile the FRA and NCHS data bases, but these were hampered by definitions, e.g., what is "railroad related," which varied and by resource limitations of both agencies.

3. OLI Grant

In FY 93, OLI accepted a \$50,000 grant from the FRA to develop and target a campaign to discourage trespassers and vandalism on railroad property. A campaign plan has been developed which will target the sixteen states with the highest incidence of trespasser and vandalism problems. This campaign will include radio public service announcements, brochures and palm cards, posters and letters to selected organizations. Activity should initiate in June 1994.

OLI currently limits their trespass oriented activities to the fulfillment of this grant obligation.

4. Related FRA Activities

FRA has prepared and continues to distribute a pamphlet targeting law enforcement officials, titled, "The Safety Enforcement Initiative." The pamphlet stresses that "FRA is working to improve crossing safety **and prevent trespassing**." It goes on to develop the point that the "FRA does not have jurisdiction over traffic and 'no trespassing' laws. That's why we need the support of state, local, and railroad enforcement officers." It then addresses the question of "What can you do to prevent trespassing?" This pamphlet has been well received and widely distributed.

FRA has become a regular displayer at national police meetings, specifically the International Association of Chiefs of Police (IACP), the National Sheriffs' Association (NSA) and the National Fraternal Order of Police (NFOP). In this way we are reaching state and city police chiefs (IACP), county sheriffs (NSA) and the officer on the street (NFOP). The first two of these are annual meetings. The NFOP meets every two years. OLI often participates with FRA, sharing space and jointly manning our displays.

FRA has requested \$82,000 for FY95 with which to conduct a study of the demographics of trespasser fatalities and potential counter measures. This research will start with a survey and determination of the types of individuals and activities which are involved or result in trespasser casualties.

5. Vandalism

Railroads are reporting nearly 200 incidents per month of vandalism to automated warning devices at highway-rail crossings. This figure does not include vandalism caused damage to other railroad facilities, equipment and lading. Various provisions of Federal law address crimes directed at railroad equipment, passengers and employees. See 18 U.S.C. 1991 (entering a train to commit a crime), 18 U.S.C. 1992 (wrecking trains), and 15 U.S.C. 1281 (destruction of property moving in interstate commerce). While in many instances, vandalism to warning devices at highway-rail crossings may be considered to be within the scope of one of the above statutes, there is no Federal statute dealing directly with vandalism of these devices. Many states have similar statutes.

6. Railroads and others

Several railroads have initiated, or are in the process of establishing, activities of their own. In 1992, the Long Island Railroad successfully involved communities in an aggressive campaign to reach potential trespassers and law enforcement officials with effective warning messages. In 1991, twelve railroads in the U.S. southwest teamed together with the U.S. Immigration and Naturalization Service, the Drug Enforcement Agency, the U.S. Border Patrol, the U.S. Customs, and the U.S. Army in a successful interdiction effort, apprehending over 12,000 illegal immigrants and seizing 1,200 pounds of marijuana and cocaine. Norfolk-Southern Corporation is currently preparing a video on trespassers and vandalism which will be compatible with the planned OLI campaign.

A 1990 Florida statute limits liability of railroads and landowners concerning trespasser deaths and injuries. The statute grants immunity in those situations where the trespasser was impaired by alcohol (.10 bac or higher) or illegal chemical substances at the time of the accident.