

# Initiatives

Six major initiatives are detailed on this and the following pages. These proposals constitute the Department's Action Plan for addressing highway-rail crossing safety and trespass prevention for the remainder of the decade. The Department and four modal administrations within the Department -- the Federal Highway Administration, the Federal Transit Administration, the Federal Railroad Administration and the National Highway Traffic Safety Administration -- will target these initiatives as resources permit. A joint task force will promote and coordinate these initiatives and will oversee the progress of individual projects.

To be successfully implemented, the Action Plan initiatives will require the active involvement, oversight, support and endorsement of the United States Congress, state and local governments and the railroad and transit industries.

## I. Increased Enforcement of Traffic Laws at Crossings

Experience has shown that visible, high profile, law enforcement programs reduce the numbers of highway traffic violations. Programs targeting traffic violators at highway-rail crossings are also effective. The media has shown a willingness in the past to report on such programs.

The need is to develop small and large package programs (to include such milestones as officer-on-the-train, roll-call videos, railroad training, dispatcher coordination, etc.) and then to convince and encourage police and civic officials to adopt the programs. They must be convinced of the programs' relevance in their communities and of the potential effectiveness of the recommended programs. They need to be encouraged to program resources for the effort.

Such an effort will be more easily promoted if police and local officials (and the public) are already familiar with the problem and with available programs. In addition to a national program for the general public, an effort must be made to reach local civic and police officials where they work and meet, and in what they read, view and hear. Print materials for their "trade" periodicals, direct mailings, presentations and displays where they meet, nationally, regionally and locally, all would make some contribution.

In order to be successful, judicial officials must not be overlooked. They too must be convinced of the programs' relevance and seriousness. An enforcement program will end quickly if judges do not understand and support it.

A serious impediment exists to expanding programs such as the photo-enforcement program currently being demonstrated in Los Angeles and previously demonstrated in Jonesboro, Arkansas by the Burlington Northern Railroad (and in common use in Europe). Rules of evidence in most states disallow the introduction of photo-evidence not corroborated by a police officer eye witness. (This also impedes the expansion of unmanned photo-radar enforcement.) In this era of limited law enforcement resources such a restriction on the application of proven technology appears unreasonably narrow. State legislatures need to be encouraged to review the rules of evidence for traffic law enforcement.

By increasing enforcement and judicial support, the number of traffic law and warning device violations at highway-rail crossings will decrease. The Department proposes to establish an expanded and pro-active outreach program to our Nation's traffic law enforcement community, from the patrol officer to the judges who enforce our traffic laws. The following actions will be initiated:

**A. Section 402 Funds**

NHTSA/FHWA will advise states that where problem identification data indicate that highway-rail crossings are a significant local problem, Section 402 funds could be requested to promote targeted public education, engineering and law enforcement strategies within a comprehensive program approach to the problem. By August 1994, the NHTSA and FHWA will meet to develop a joint directive for their grant approving officials (NHTSA Regional Administrators, FHWA Division and Regional Administrators) to support this approach. Before December 1994, NHTSA and FHWA field offices will contact the states and will support this approach in discussions on development of Highway Safety Plans (HSP) for FY 1996.

**B. Police Officer Detail**

NHTSA will assist FRA in identifying and detailing a police officer with training background interested in working on a year detail with FRA and OLI in developing an outreach to the enforcement community. A search will be initiated this Summer, procurement action in the Fall, and assignment should begin in April 1995.

### **C. Outreach to Judiciary**

As part of an outreach to judicial officials NHTSA and FHWA will prepare and publish an article in the National Traffic Law Center (NTLC) newsletter by August 1994. NTLC staff will assemble materials obtained from DOT to answer questions from prosecutors and judges. NTLC staff will provide technical assistance as requested from judicial officials beginning no later than August.

### **D. Rules of Evidence**

An information package will be developed to assist states in redefining their rules of evidence for traffic cases. The package will provide model rules, with annotations, that would allow traffic citations to be issued and enforced based on photographs or video images obtained from unmanned cameras. Research will be conducted, and a first draft of model rules of evidence should be available in 1995.

### **E. Commercial Driver's License**

FHWA will: Meet with the American Association of Motor Vehicle Administrators (AAMVA) to discuss making grade crossing violations a serious traffic violation on a driver's Commercial Driver's License (CDL); Conduct a survey of state traffic laws to document how states treat this offense now; Propose, through the AAMVA committee structure, making grade crossing offenses a serious traffic violation; Evaluate the need for rulemaking on CDL serious traffic violations.

The FHWA met with the AAMVA Executive Board in January 1994. The AAMVA in cooperation with FHWA will complete a survey of state practices in Summer 1994. A decision from the AAMVA committee on CDL serious violations will be reached at the AAMVA International meeting August 1994. The FHWA will evaluate the need for rulemaking in the Fall of 1994.

### **F. Compilation of State Laws and Regulations on Matters Affecting Highway-Rail Crossings**

FRA, with the cooperation of FTA, NHTSA and FHWA, will initiate an effort in 1995 to update the Compilation of State Laws and Regulations On Matters Affecting Rail-Highway Crossings, last published by FHWA in 1983.

## **G. Safety Inquiry**

The FRA will hold an informal safety inquiry (meeting) to discuss issues, ways and means to enforce railroad operating rules regarding trains, locomotives or cars standing within a specified distance of a multi-track passive crossing or on warning device track circuits not equipped with time-out equipment. (The latter situation, i.e., spotting cars on active warning device track circuits, is addressed in the just published NPRM regarding warning device Inspection, Testing, Maintenance and Timely Response. See Section 234.209 of the NPRM.) (Also, see Safety Inquiry in sections on Private Crossings and Data and Research (the Inventory).)

# The Federal Railroad Administration Principal Rail Network

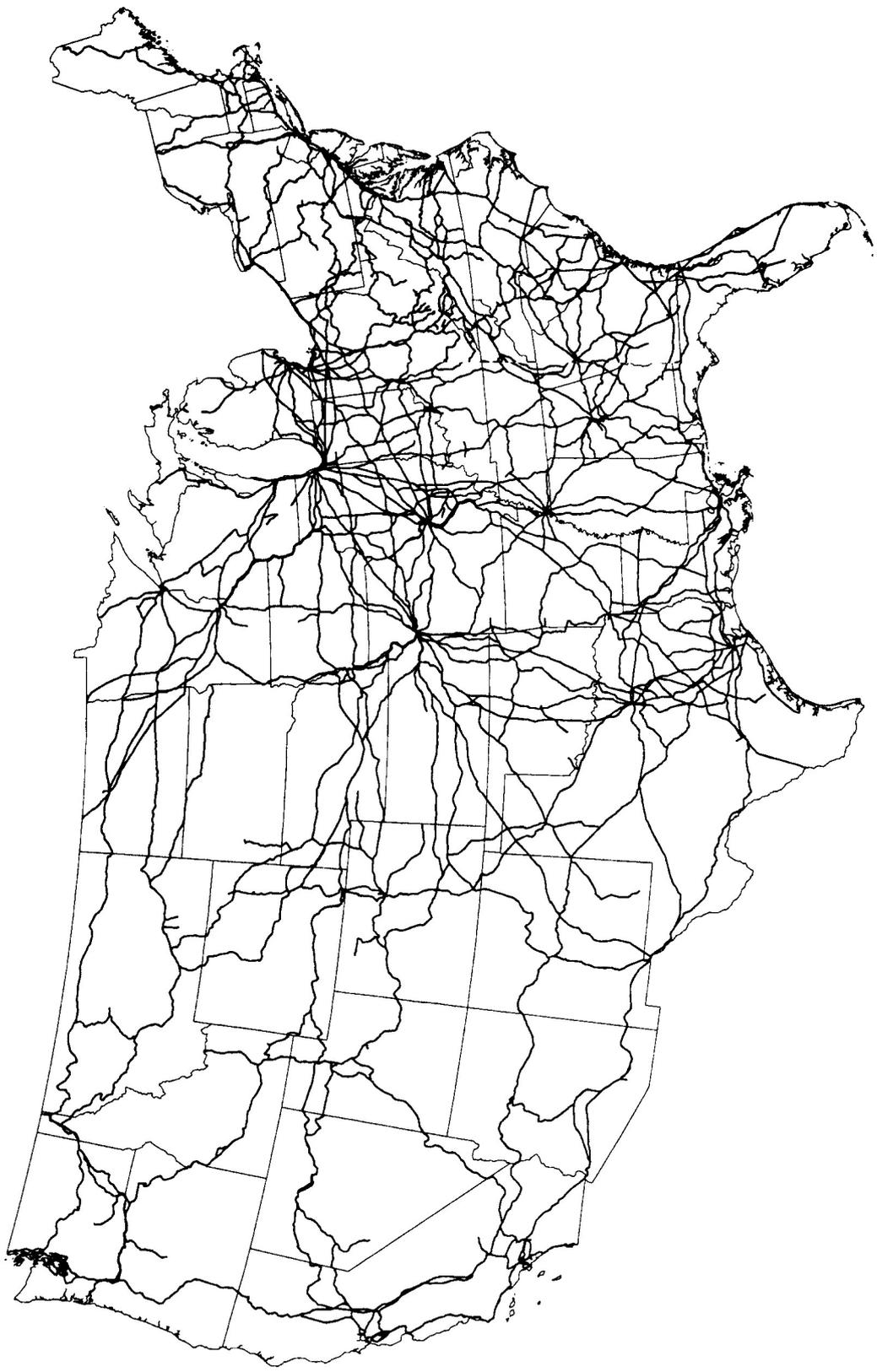


Figure 3