

CHAPTER 8: DRIVER ACTION

CHAPTER OVERVIEW

This chapter presents an overview and survey of the various laws and regulations concerning a motorist's responsibility with respect to highway-rail crossings.

The laws and regulations cover such things as reduced speed when approaching and crossing a highway-rail crossing, standing, stopping or parking in close proximity to tracks at highway-rail crossings, limitation of driving to the left side of the roadway to pass or overtake another vehicle and regulations covering full stops at highway-rail crossings.

Penalties are included where they are mentioned. Consistent with all other chapters, the relevant citations are included in the text for ease of reference.

STATE LAWS, REGULATIONS AND PENALTIES

ALABAMA

Except where a lower speed is specified, it is lawful for a motorist to drive at a speed not exceeding fifteen miles per hour when approaching within fifty feet of a highway-rail crossing when the view of the motorist is obstructed. A motorist's view is considered to be obstructed when, at any time during the last two hundred feet of the approach to the crossing, there is not a clear and uninterrupted view of the approach to the crossing or of any traffic on the railroad track for a sight distance of four hundred feet in each direction from the crossing. Ala. Code § 32-5-91 (1999).

It is unlawful for any motorist in Alabama to proceed onto a railroad grade crossing unless there is adequate space on the other side of the crossing to accommodate his vehicle without obstructing the passage of other vehicles, notwithstanding any traffic control signal indication to proceed. Ala. Code § 32-5A-61 (1999).

Unless the right side of the highway is obstructed or impassable, all motorists are required to keep to the right side of the highway when traversing a highway-rail crossing. Ala. Code § 32-5-54 (1999).

Under certain conditions, drivers of all vehicles in Alabama are required to bring their vehicles to a complete stop within fifteen to fifty feet of the nearest rail of a highway-rail crossing. The driver may not proceed until it is safe to do so. These requirements are applicable at all highway-rail crossings where the following conditions exist:

- 1) When a clearly visible electrical or mechanical device is giving warning of an approaching train.
- 2) When a crossing gate is down or a flagman is indicating the approach of a train.
- 3) When a railroad train is within fifteen hundred feet of the crossing and is emitting an audible signal.
- 4) When an approaching train is clearly visible.

Alabama prohibits motorists from driving through, around or under any crossing gate or barrier while the gate or barrier is closed or in the process of being opened or closed. Ala. Code § 32-5A-150 (a)(b) (1999).

Penalty

Penalties are assessed against motorists who break state traffic laws at highway-rail crossings under a general set of violations which occur. This usually includes a fine with a stated minimum and maximum dollar amount and a term of incarceration within specific time parameters.

ALASKA

Editor's note - Alaska's laws concerning driver responsibilities and motor vehicle laws are contained in the Alaska Administrative Code. All citations in this section refer to the Alaska Administrative Code unless otherwise indicated.

Alaska law requires a person driving any vehicle, when approaching a highway-rail crossing, to bring the vehicle to a stop within fifteen to fifty feet of the nearest rail of the crossing. The driver may not proceed over the crossing until it is safe to do so. These requirements are applicable at all highway-rail crossings where the following circumstances exist:

- 1) Where warning of the immediate approach of a train is being given by a clearly visible electrical or mechanical signal.
- 2) Where a crossing gate is lowered, a flagman is giving a signal to a motorist to stop or a flagman is indicating that a train is approaching or passing.
- 3) When a train approaching within fifteen hundred feet of a highway-rail crossing is emitting a signal and, due to its speed or nearness to the crossing, constitutes an immediate hazard.
- 4) When a train is in hazardous proximity to a crossing and is clearly visible.

Alaska law prohibits motorists from driving a vehicle through, around or under a closed crossing gate or barrier or a gate or barrier that is being opened or closed at a highway-rail crossing. Alaska Admin. Code tit. 13, § 02.240 (1999).

It is unlawful for any driver to drive onto a highway-rail grade crossing unless there is sufficient room on the other side for his vehicle without obstructing the passage of other vehicles, pedestrians or trains, even when a traffic control signal at the crossing is giving an indication to proceed. Alaska Admin. Code tit. 13, § 02.265 (1999).

ARIZONA

Arizona law requires drivers of any vehicles approaching a highway-rail crossing to stop within fifty but not less than fifteen feet of the nearest rail of the tracks and to remain stopped until movement over the crossing may be accomplished safely. The requirements apply in the following situations:

- 1) Where a clearly visible electrical or mechanical signal device gives warning of the approach of a train.
- 2) Where a crossing gate is lowered or when a flagman is giving a signal of the approach of a train.

- 3) When a train approaching within fifteen hundred feet of the crossing emits a signal audible from that distance and, due to its speed or nearness to the crossing, constitutes an immediate hazard.
- 4) Where an approaching train is plainly visible.

Arizona law prohibits motorists from driving through, around or under any crossing gate or barrier while the gate or barrier is closed or being opened or closed. Ariz. Rev. Stat. Ann. § 28-851 (1999).

Arizona law requires the driver of any vehicle to stop within fifteen to fifty feet of the nearest rail of the tracks at highway-rail crossings where local government authorities have designated a grade crossing as particularly dangerous and have erected a stop sign at that crossing. Drivers may proceed only after exercising due care. Ariz. Rev. Stat. Ann. § 28-852 (1999). See also chapter on passive warning devices.

Except when necessary to avoid conflict with other traffic or in compliance with the law or the directions of a police officer or traffic control device, it is unlawful to stop, stand or park a vehicle within fifty feet of the nearest rail of a railroad crossing or within eight feet, six inches of the center of any railroad track, except while loading or unloading a train. Ariz. Rev. Stat. Ann. § 28-873 (1999).

ARKANSAS

Arkansas motorists are required to stop their vehicles within ten to fifty feet of the nearest rail of any crossing which the State Highway Commission and local authorities have designated as particularly dangerous and at which they have erected a stop sign. Ark. Code Ann. § 27-51-706 (Michie 1998). See also chapter on passive warning devices.

Penalty

A violation of Section 27-51-706 subjects a driver to a fine of not less than five dollars but not more than twenty-five dollars. Ark. Code Ann. § 27-51-706 (Michie 1998).

Under certain circumstances, Arkansas law requires motorists to come to a full stop not less than fifteen and not more than fifty feet from the nearest rail of the tracks at highway-rail crossings. The requirements apply under the following conditions:

- 1) When a visible electrical or mechanical signal device gives warning of the approach of a train.
- 2) Where a crossing gate is lowered or a flagman is giving a signal of the approach or passage of a train.
- 3) When a railroad train approaching within fifteen hundred feet of the crossing emits a signal audible from that distance and, due to its speed and close proximity to the crossing, constitutes an immediate hazard.
- 4) When an approaching train is clearly visible.

It is unlawful for any person in Arkansas to drive a vehicle through, around or under any crossing or barrier at a highway-rail crossing while the gate or barrier is closed or is being opened or closed. Ark. Code Ann. § 27-51-702 (Michie 1998).

Arkansas law prohibits any person from stopping, standing or parking a vehicle within fifty feet of the nearest rail of a highway-rail crossing, except when it is necessary to avoid conflict with other traffic or

in compliance with the directions of a police officer or traffic control device. Ark. Code Ann. § 27-51-1302 (Michie 1998).

Additionally, the Arkansas Code lists many provisions relating to speed limitations. Generally, no person may drive a vehicle on a highway at a speed greater than what is reasonable and prudent under the conditions present and with regard for the actual and potential hazards that exist. Specifically, drivers must use an appropriately reduced speed when approaching and crossing an intersection or railway grade crossing. Ark. Code Ann. § 27-51-201 (Michie 1998).

CALIFORNIA

California requires motorists to slow to a speed of fifteen miles per hour while traversing highway-rail crossings when, during the last one hundred feet of the approach to the crossing, the motorists' view is so obstructed that they cannot see down the tracks for four hundred feet in both directions. This law does not apply at crossings where there is a flagman or traffic control signal that does not then indicate the immediate approach of a train. Cal. [Veh.] Code § 22352 (West 1999).

California requires that the driver of any vehicle stop not less than fifteen feet from the nearest rail of a highway-rail crossing and shall not proceed until it is safe to do so. This law applies when the following conditions exist:

- 1) When a clearly visible electrical or mechanical signal, or a flagman is giving warning of an approaching train.
- 2) When an approaching train is visible or is emitting an audible signal. Cal. [Veh.] Code § 22451 (West 1999).

It is unlawful in California for any driver to proceed through, around or under any closed railroad gate. Cal. [Veh.] Code § 22451 (West 1999).

California law allows local authorities to adopt rules and regulations by ordinance or resolution requiring that all vehicles stop before entering or crossing the tracks at any highway-rail crossing when signs are in place giving notice of such requirement. No such ordinance can become effective unless approval is given by order of the Public Utility commission. Cal. [Veh.] Code § 21110 (West 1999).

It is unlawful in California for any person to park a vehicle on any railroad track or within seven feet, six inches of the nearest rail of the track. Cal. [Veh.] Code § 22521 (West 1999).

COLORADO

It is unlawful in Colorado for any driver to traverse a highway-rail crossing unless there is sufficient space on the other side of the crossing to accommodate the driver's vehicle without obstructing the passage of other vehicles or trains, notwithstanding the indication of a traffic control signal to proceed. Colo. Rev. Stat. § 42-4-709 (1999).

Penalty

A violation of Section 42-4-609.5 is considered a Class A traffic infraction under Colorado law. Colo. Rev. Stat. § 42-4-709 (1999).

Any driver approaching a highway-rail crossing is required to stop at a marked stop line. If no stop line exists, the stop must be within fifteen to fifty feet of the nearest rail of the tracks. The driver is forbidden from proceeding until it is safe to do so. Colo. Rev. Stat. § 42-4-706(1)a (1999).

Additionally, Colorado requires stops at the point nearest the crossing where the driver has a reasonable view of approaching trains if, by complying with the stop line and distance requirements, the drivers view is obstructed. Colo. Rev. Stat. § 42-4-706(b)1 (1999). Colorado law provides that stops are to be made at a traffic control device, where a flagman exists and for safety. Colo. Rev. Stat. § 42-4-706 (1999).

It is unlawful in Colorado for any person to drive any vehicle through, around or under any crossing gate or barrier while the gate or barrier is closed or is being open or closed. Colo. Rev. Stat. § 42-4-706(2) (1999).

Penalty

A violation of any subpart of the preceding section is considered a Class A traffic infraction. Colo. Rev. Stat. § 42-4-706(3) (1999).

When approaching within one hundred feet of or traversing any railroad grade crossing, Colorado prohibits driving any vehicle to the left of the roadway to overtake or pass another vehicle. Colo. Rev. Stat. § 42-4-905 (1999).

Colorado law gives the state Highway Department authority to designate a highway-rail crossing as particularly dangerous and erect stop signs at such a crossing. When a stop sign is erected, drivers of vehicles are required to stop within fifteen to fifty feet of the nearest rail and may not proceed without exercising due care. Colo. Rev. Stat. § 42-4-607 (1999).

CONNECTICUT

When approaching within one hundred feet of or crossing any highway-rail crossing, Connecticut law prohibits drivers from driving to the left side of the highway. Conn. Gen. Stat. § 14-235 (1998).

Connecticut requires motorists to stop at crossings but does not prescribe a specific stopping distance from the crossings.

Penalty

Any driver who fails to come to a full stop at a highway-rail crossing, when warned of an approaching train by flashing lights erected at the crossing, may be fined one hundred and fifty dollars. Conn. Gen. Stat. § 14-249 (1999).

DELAWARE

Delaware law requires any person driving a vehicle in the state to stop at highway-rail crossings under certain conditions. These requirements apply at crossings under the following conditions:

- 1) Where a clearly visible electrical or mechanical signal gives warning of a train.
- 2) Where a crossing gate is lowered or a flagman gives or continues to give a signal of the approach of a train.
- 3) When a train approaching within fifteen hundred feet of the crossing is emitting a signal audible from that distance.
- 4) Where an approaching train is clearly visible. Del. Code Ann. tit. 21, § 4161 (1999).

All stops are to be made within fifteen to fifty feet of the nearest rail of the tracks and the driver shall not proceed until it is safe to do so.

It is unlawful in Delaware for any person to drive any vehicle through, around or under any crossing gate or barrier when the gate or barrier is closed or being opened or closed. Del. Code Ann. tit. 21, § 4161 (1999).

Delaware law prohibits drivers from driving on the left side of the roadway (passing) when approaching within one hundred feet of or traversing a highway-rail grade crossing. Del. Code Ann. tit. 21, § 4119 (1999).

No person driving vehicles on the state's highways is to drive at a speed greater than that which is reasonable and prudent considering the conditions present and the existing and potential hazards. This requirement applies when approaching and traversing a highway-rail crossing. Del. Code Ann. tit. 21, § 4168(a-b) (1999).

DISTRICT OF COLUMBIA

All requirements concerning the responsibility of motorists in the District of Columbia with respect to highway-rail crossings are listed in a series of volumes entitled Municipal Regulations. Unless otherwise indicated, all citations will refer to sections in Municipal Regulations rather than the District of Columbia Code.

District of Columbia law requires motorists to bring their vehicles to a stop within fifteen to fifty feet of the nearest rail of a highway-rail crossing and to remain stopped until crossing can be done safely. These requirements are applicable under the following circumstances:

- 1) Where warning of the immediate approach of a train is being given by a clearly visible electrical or mechanical signal.
- 2) When a crossing gate is lowered or when a flagman is giving a signal of the approach or passage of a train.
- 3) Where a train approaching within approximately fifteen hundred feet of the crossing is emitting a signal audible at that distance and, because of its speed or close proximity to the crossing, constitutes an immediate hazard.
- 4) When a train is in hazardous proximity to a crossing and is plainly visible.
D.C. Mun. Regs. tit. 18, § 2216.1 (1987).

The District of Columbia prohibits motorists from driving a vehicle at a speed greater than that which is reasonable and prudent under the conditions present and with regard to the actual and potential hazards. Consistent with this requirement, the law requires motorists to drive at appropriately reduced speeds when approaching or moving over a highway-rail crossing. D.C. Mun. Regs. tit. 18, § 2200.3 -.4 (1987).

Penalty

Any violation of §§ 2216.1 and 2200.3 -.4 is subject to a civil fine pursuant to the District of Columbia Traffic Adjudication Act. D.C. Mun. Regs. tit. 18, § 2200.11 (1987).

It is unlawful for anyone in the District of Columbia to stand or park a vehicle, whether occupied or not, within fifty feet of the nearest highway-rail crossing (including stops for the purpose of loading or unloading materials). Standing or parking a vehicle in this manner is permitted when it is necessary to avoid conflict with other traffic or under the direction of a police officer or a traffic control signal. D.C. Mun. Regs. tit. 18, § 2405.2(e) (1987).

FLORIDA

Under certain circumstances, Florida requires all persons driving a vehicle to stop at highway-rail crossings. The stopping requirement applies:

- 1) Where the warning of an approaching train is given by a clearly visible electrical or mechanical signal.
- 2) Where a crossing gate is lowered or a flagman gives or continues to give a signal indicating the approach of a train.
- 3) Where an approaching train emits an audible signal and, due to its speed or nearness to the crossing, constitutes an immediate hazard.
- 4) Where an approaching train is plainly visible.

Florida law prohibits drivers from driving any vehicle through, around or under any crossing gate or barrier while the gate or barrier is closed or is being opened or closed. Fla. Stat. Ann. § 316-1575 (West 1999).

It is unlawful in Florida to park a vehicle within fifty feet of the nearest rail of a highway-rail crossing, whether occupied or not, except for the purpose of and while actually engaged in loading and unloading merchandise or passengers. The Florida Department of Transportation may establish a different distance due to unusual circumstances. Fla. Stat. Ann. § 316-1945 (West 1999).

It is also unlawful for any person to drive a vehicle at a speed greater than is reasonable and prudent considering the conditions present and any actual and potential hazards. A driver must drive at an appropriately reduced speed when approaching and crossing an intersection or highway-rail crossing. Fla. Stat. Ann. § 316-183 (West 1999).

GEORGIA

Georgia prohibits any person from stopping, standing or parking a vehicle on any railroad tracks, except when necessary to avoid conflict with other traffic or in compliance with the direction of a police officer or traffic control device. Ga. Code Ann. § 40-6-203 (1999).

Georgia requires the driver of any vehicle to stop within fifteen to fifty feet of the nearest rail of the tracks when approaching a highway-rail crossing. The driver may not proceed across the crossing until it can be done safely. The stopping requirements apply in the following situations:

- 1) Where a clearly visible electrical or mechanical signal device gives warning of the approach of a train.
- 2) Where a crossing gate is lowered or a flagman gives a signal indicating the approach or passage of a train.
- 3) Where an approaching train is visible and is in hazardous proximity to the crossing.

It is unlawful for anyone to drive a vehicle through, around or under any crossing gate or barrier while such gate or barrier is closed or is being opened or closed. Ga. Code Ann. § 40-6-140 (1999).

No person may drive a vehicle at a speed greater than is reasonable and prudent considering the conditions present and the actual and potential hazards. Every person must drive at a reasonable and prudent speed when approaching and crossing a highway-rail crossing. Ga. Code Ann. § 40-6-180 (1999).

HAWAII

In Hawaii, motorists are prohibited from driving a vehicle at a speed greater than is reasonable considering the actual and potential hazards and road conditions. Every person must drive at a reasonable and prudent speed when approaching and crossing a highway-rail crossing. Haw. Rev. Stat. § 291C-101 (1999).

Hawaii prohibits driving to the left side of the roadway (passing) when approaching within one hundred feet of or traversing a highway-rail crossing. Haw. Rev. Stat. § 291C-46 (1999). See also § 291C-161 as to the penalty for violation of this section.

Hawaii requires motorists to stop within fifteen to fifty feet of the nearest rail of the tracks at a highway-rail crossing. The driver shall not proceed until it is safe to do so. These requirements apply under the following circumstances:

- 1) When there is a clearly visible electrical or mechanical signal device giving warning of an approaching train.
- 2) When a crossing gate is lowered or a flagman is giving a signal indicating the approach or passing of a train.
- 3) When a train approaching within approximately fifteen hundred feet of the crossing is emitting a signal audible from that distance, and, because of its nearness and speed, constitutes an immediate hazard.
- 4) When an approaching train is clearly visible.

It is unlawful in Hawaii for any person to drive through, around or under any crossing gate or barrier while the gate or barrier is closed or is being opened or closed. Haw. Rev. Stat. § 291C-91(a)-(b) (1999).

The Director of Transportation and the individual counties are authorized to designate a highway-rail crossing as particularly dangerous and to erect stop signs at such crossings. The driver of any vehicle approaching a crossing is required to stop within fifteen to fifty feet of the nearest rail of the tracks and is authorized to proceed only after exercising due caution. Haw. Rev. Stat. § 291C-92 (1999). See also same section under Crossing Treatment Procedures.

IDAHO

Idaho prohibits motorists from driving left of the center of the highway (passing) when approaching within one hundred feet of or traversing a highway-rail crossing, unless otherwise indicated by a traffic control device. Idaho Code § 49-635 (1999).

Idaho requires drivers to stop within fifteen to fifty feet of the nearest rail of the tracks at a highway-rail crossing. The driver may not proceed until it is safe to do so. The stopping requirements apply under the following circumstances:

- 1) Where a warning of an approaching train is given by a clearly visible electrical or mechanical signal device.
- 2) When a crossing gate is lowered or a flagman is giving a signal indicating the approach or passage of a train.
- 3) When a train approaching within fifteen hundred feet of the crossing is emitting a signal audible at that distance and, due to its speed or nearness, constitutes an immediate hazard.
- 4) When an approaching train is clearly visible.

In addition to requiring motorists to stop when a crossing gate is down, Idaho law forbids driving through, around or under any gate or barrier while it is closed or is being opened or closed. Idaho Code § 49-648 (1999).

Idaho law requires the driver of any vehicle stopped a highway-rail crossing to listen and look in both directions for any approaching train and for signals indicating the approach of a train. After complying with the stopping requirements, drivers may move over the crossing when it is safe to do so and are forbidden from manually shifting gears while crossing the tracks. Idaho Code § 49-649 (1999).

These requirements do not apply at crossings where traffic is controlled by a police officer or a flagman, or at crossings regulated by a traffic control signal, at crossings protected by crossing gates or an alternately flashing light signal intended to give warning of an approaching train or at any crossing where a traffic control device gives notice that the stopping requirements do not apply. Idaho Code § 49-649 (1999). See also exempt crossings in chapter on Slow, Low and Special Vehicles.

Idaho law prohibits the parking of a vehicle, whether occupied or not, within fifty feet of the nearest rail of highway-rail crossing, except temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers. Idaho Code § 49-660 (1999).

Idaho law prohibits motorists from driving a vehicle at a speed greater than that which is reasonable and prudent. Consistent with this prohibition, motorists in Idaho are required to drive at a safe and appropriate speed when approaching and crossing a highway-rail crossing. Idaho Code § 49-654 (1999).

ILLINOIS

Illinois prohibits parking on railroad tracks except when necessary to avoid conflict with other traffic or in compliance with the law or directions of a police officer or official traffic control device. 625 ILCS 5/11-1303(1)h (Michie 1999).

It is unlawful for anyone to stand or park a vehicle, whether occupied or not, within fifty feet of the nearest rail of a highway-rail crossing, except momentarily while loading or unloading property or passengers. 625 ILCS 5/11-1303(3)a (Michie 1999).

Drivers are prohibited from traversing any railroad crossing unless there is sufficient space on the other side to accommodate the vehicle they are operating without obstructing the passage of other vehicles, notwithstanding any traffic control signal indication to proceed. 625 ILCS 5/11-1425 (Michie 1999).

Illinois prohibits driving to the left of the center of the roadway (passing) when approaching within one hundred feet of or traversing a railroad crossing. 625 ILCS 5/11-706 (Michie 1999).

Illinois law requires drivers approaching a highway-rail crossing to exercise due care and caution and to recognize the existing crossing as a sign of danger. When approaching a crossing, the driver must stop within fifteen to fifty feet of the nearest rail of the tracks and may not proceed until it is safe to do so.

The stopping requirements apply:

- 1) When warning of an approaching train given by a clearly visible electrical or mechanical signal device.
- 2) When a crossing gate is lowered or a flagman is giving a signal to indicate the approach or passage of a train.
- 3) When an approaching train is emitting a warning signal and, due to its speed or nearness to the crossing, constitutes an immediate hazard.
- 4) When an approaching train is visible and its proximity constitutes an immediate hazard.
- 5) When an approaching train is so close that an immediate hazard is created.

It is unlawful in Illinois for any person to drive any vehicle through, around or under any crossing gate or barrier at a railroad crossing while the gate or barrier is closed or is being opened or closed. 625 ILCS 5/11-1201(a)(b) (Michie 1999).

The Illinois Department of Transportation, in consultation with local authorities, is authorized to designate a highway-rail as particularly dangerous and to install stop signs at the crossing. When the driver of any vehicle approaches a highway-rail crossing, the driver must stop within fifteen to fifty feet of the nearest rail of the tracks and is not to proceed over the crossing until it is safe to do so. 625 ILCS 5/11-1201(c) (Michie 1999).

At any railroad grade crossing provided with railroad crossbuck signs, without automatic, electric, or mechanical signal devices, crossing gates, or a human flagman giving a signal of the approach or passage of a train, the driver of a vehicle shall in obedience to the crossbuck, yield the right-of-way and slow down to a speed reasonable for the existing conditions and shall stop, if required for safety, at a clearly marked stop line, or if no stop line, within fifty feet but not less than fifteen feet from the nearest rail of the railroad and shall not proceed until he or she can do so safely. If a driver is involved in a collision at a railroad crossing or interferes with the movement of a train after driving past the railroad crossbuck sign, the collision or

interference is prima facie evidence of the driver's failure to yield the right-of-way. 625 ILCS 5/11-1201(d)(Michie 1999).

Penalty

A violation of any part of Section 11/1201 shall result in a mandatory fine of five hundred dollars or fifty hours of community service. Local jurisdictions shall impose fines as established by this section for vehicles that fail to obey signals indicating the presence, approach, passage, or departure of a train. 625 ILCS 5/11-1201(e)(f) (Michie 1999).

INDIANA

When a stop sign is erected at any highway-rail crossing in Indiana, drivers are required to stop within ten to fifty feet of the nearest rail of the crossing and may only proceed after exercising due caution. Ind. Code Ann. § 9-21-4-16 (Burns 1999).

Indiana law requires persons driving a vehicle to stop within ten to fifty feet of the nearest rail of the tracks at a highway-rail crossing. The driver may not proceed over the crossing until it is safe to do so. The stopping requirements apply under the following circumstances:

- 1) At crossings where warning of an approaching train is given by a clearly visible electrical or mechanical signal device.
- 2) Where a crossing gate is lowered or when a flagman is giving a signal of the approach or passage of a train.
- 3) When a train approaching within fifteen hundred feet of a crossing is emitting a signal audible at that distance and, because of its speed or nearness to the crossing, constitutes an immediate hazard.
- 4) At a crossing where an approaching train is clearly visible. Ind. Code Ann. § 9-21-8-39 (Burns 1999).

IOWA

Iowa law requires drivers of any vehicle approaching a highway-rail crossing to stop at the first opportunity, either at a clearly marked stop line or at a point near the crossing where the driver has a clear view of any approaching railroad traffic.

The statute requires drivers to stop at crossings with a stop sign, a railroad sign directing traffic to stop or an official traffic control signal that is displaying a flashing red or steady circular red colored light. Iowa Code § 321.342 (1999). Also see Section 321.252, concerning signs.

In Iowa, any person driving a vehicle approaching a highway-rail crossing where warning of an approaching train is given by an automatic signal, crossing gates, a flagman or other device, is required to stop within fifteen to fifty feet of the nearest rail of the crossing. Iowa Code § 321.341 (1999).

Iowa law has a code section which states that a driver shall stop, remain standing and not traverse a crossing when a crossing gate is lowered or when a flagman is giving a signal indicating the approach or passage of a train. Iowa Code § 321.341 (1999).

Iowa law expressly prohibits the stopping, standing or parking of a vehicle within fifty feet of the nearest rail of a crossing, except when parked parallel to the rail and exhibiting a red light. This prohibition does not apply if the stopping, standing or parking was necessary to avoid conflict with other traffic or in compliance with the direction of a police officer or a traffic control device. Iowa Code § 321.358 (1999).

KANSAS

Kansas law requires drivers, when approaching a highway-rail crossing, to drive their vehicle at a safe and appropriate speed. Kan. Stat. Ann. § 8-1557 (1998).

Kansas expressly prohibits drivers from driving on the left side of the roadway (passing) when approaching within one hundred feet of or traversing a highway-rail crossing. This prohibition does not apply however, at any intersection on a state or county maintained road located outside city limits unless that intersection is clearly marked with a traffic control device or pavement markings exist indicating that passing is prohibited. Kan. Stat. Ann. § 8-1519 (1998).

When approaching a highway-rail crossing, motorists are required to stop within fifteen to fifty feet of the nearest rail of the tracks and may not proceed until it is safe to do so. The stopping requirements are applicable at highway-rail crossings when the following conditions are present:

- 1) Where there is a clearly visible electrical or mechanical device giving warning of the immediate approach of a train.
- 2) Where a crossing gate is lowered or when a flagman is giving a signal of the approach or passage of a train.
- 3) Where a train approaching within approximately fifteen hundred feet of the crossing is emitting a signal audible from that distance and, because of its speed or nearness to the crossing, constitutes an immediate hazard.
- 4) When an approaching train is clearly visible.

It is unlawful for any person to drive any vehicle through, around or under any crossing gate or barrier at a highway-rail crossing while the gate or barrier is closed or is being opened or closed. Kan. Stat. Ann. § 8-1551(a)-(b) (1998).

Kansas law prohibits motorists from driving onto any railroad grade crossing unless there is adequate space on the other side to accommodate the driver's vehicle without obstructing the passage of other vehicles, pedestrians or trains, notwithstanding any traffic control signal indication to proceed. Kan. Stat. Ann. § 8-1584 (1998).

The Secretary of Transportation of Kansas and local authorities may designate a highway-rail crossing as particularly dangerous and erect a stop sign at such crossings. Drivers are then required to stop within fifteen to fifty feet of the nearest rail of the crossing and must not proceed without exercising due care. Kan Stat. Ann. § 8-1552 (1998).

KENTUCKY

Kentucky law requires the operator of any vehicle to stop at a highway-rail crossing and remain standing at when any of the following circumstances exist:

- 1) When warning of the immediate approach of a train is being given by a visible electrical or mechanical signal.
- 2) Where a crossing gate is lowered giving warning of the immediate approach or passage of a train.
- 3) When a train is in hazardous proximity to the crossing and is plainly visible.
- 4) A human flagman signals the approach or passage of a train.

These requirements also apply at highway-rail crossings that the Kentucky Transportation Cabinet has designated as "unsafe" and at which a stop sign has been erected within sixty days of the designation. No "unsafe" determination may be made and no stop sign installed at highway-rail crossings where protection is provided by a crossing gate, electrical warning signals or other automatic audible signal, or where protection is provided by a watchman. Ky. Rev. Stat. Ann. § 189.560(1)(2)(3) (Baldwin 1998). See also Section 189.561 under Kentucky in Crossing Treatment Procedures.

At any crossing where a stop sign has been installed, Kentucky law requires motorists operating any vehicle to come to a full stop within ten to thirty feet of the nearest rail of the tracks.

Kentucky law prohibits drivers from driving to the left side of the roadway when approaching within one hundred feet of or traversing a highway-rail crossing. Ky. Rev. Stat. Ann. § 189.345 (Baldwin 1998).

LOUISIANA

It is unlawful in Louisiana to drive to the left side of the highway (pass) when approaching within one hundred feet of or traversing a highway-rail crossing. La. Rev. Stat. Ann. § 32.76 (West 1998).

Louisiana law expressly prohibits the stopping, standing or parking of a vehicle within fifty feet of the nearest rail of a highway-rail crossing, except when it is necessary to avoid conflict with other traffic or when complying with the directions of a police officer or traffic control device. La. Rev. Stat. Ann. § 32:143 (West 1998).

Louisiana law requires that drivers of motor vehicles come to a full stop within fifteen to fifty feet of the nearest rail of a highway-rail crossing. Drivers may not proceed until it can be done safely. The stopping requirements apply at crossings where the following conditions prevail:

- 1) Where warning of the immediate approach of a train is being given by a clearly visible electrical or mechanical device.
- 2) Where a crossing gate is lowered or a flagman is giving warning of the approach or passage of a train.
- 3) When a train approaching within approximately nine hundred feet of the crossing is emitting a warning signal and, due to its speed or nearness to the crossing, constitutes an immediate hazard.
- 4) When an approaching train is clearly visible.

Louisiana prohibits persons from driving through, around or under any crossing gate or barrier when the gate or barrier is closed or is being opened or closed. La. Rev. Stat. Ann. § 32:171(A)(C) (West 1998).

It is unlawful for anyone in Louisiana to stop a motor vehicle on any railroad track or to drive a vehicle across any railroad crossing while the signal devices are flashing and an approaching train is plainly visible. La. Rev. Stat. Ann. § 32:171(B)(D) (1998).

Louisiana law provides that the Department of Highways may designate any highway-rail crossing as particularly dangerous and may erect stop signs at these crossings. Drivers of all vehicles are required to stop within fifteen to fifty feet of the nearest rail of the tracks and may proceed only after exercising due care. La. Rev. Stat. Ann. § 32:172 (1998). See also the chapter on crossing treatments.

When approaching a highway-rail crossing that is marked by the presence of a railroad crossbuck sign, a motorist is required to slow down, or stop if necessary, before entering a crosswalk. If there is no crosswalk, then the driver must stop at a clearly marked stop line or if none, then at the point nearest the intersecting rail where the driver has a clear view of any approaching trains. The driver is then required to listen and look in both directions for any approaching train and for signals indicating the approach of a train, and is required to yield the right of way to any approaching train. The driver may proceed over the crossing only after exercising due care. La. Rev. Stat. Ann. § 32:175(A) (West 1998).

Louisiana law does not require a motorist to yield at any highway-rail crossing where a police officer or traffic control signal directs traffic to proceed. La. Rev. Stat. Ann. § 32:175(B) (West 1998).

MAINE

Drivers of motor vehicles in Maine are required to reduce their speed to a reasonable and proper rate beginning one hundred feet from a highway-rail crossing, to look in each direction and only proceed over the crossing with caution. Me. Rev. Stat. Ann. tit. 29-A, § 2076(1) (West 1999).

Motorists are required to bring their vehicles to a full stop at a distance of not less than ten feet from the nearest rail of a crossing where a gate has been or is being lowered, or a flagman or automatic signal is indicating that a train is approaching. Motorists may proceed through a highway-rail crossing when the gates have been raised or the flagman indicates that no train is approaching. Motorists proceeding over a highway-rail crossing under the direction of an automatic signal are required to use extra caution and may proceed only when they have ascertained that no train is approaching. Me. Rev. Stat. Ann. tit. 29-A, § 2076(2) (West 1999).

Maine's law that prohibited driving a vehicle to the left side of the roadway when approaching within one hundred feet of or traversing any highway-rail crossing was repealed effective Jan. 1, 1995. Me. Rev. Stat. Ann. tit. 29, § 1152 (West 1999).

The Maine Department of Transportation has the statutory authority to designate a highway-rail crossing as particularly dangerous and to install and maintain stop signs at the crossing. The Department also has the authority to designate crossings as particularly dangerous within the limits of municipalities and to order the municipality to erect and maintain stop signs at the crossings. At any highway-rail crossing where stop signs are in place, drivers are required to stop within ten to fifty feet of the nearest rail of the railroad and may not proceed over the crossing without exercising due care. Me. Rev. Stat. Ann. tit. 23, § 1253-A (West 1999).

Penalty

A motorist operating a vehicle in violation of § 1253-A is guilty of a misdemeanor and punishment may be fixed as a fine not to exceed fifty dollars, imprisonment for not more than sixty days or both. Me. Rev. Stat. Ann. tit. 23, § 1253-A (West 1999).

MARYLAND

The State of Maryland requires motorists to stop within fifteen to fifty feet of the nearest rail at a highway-rail crossing and to proceed only when it can be done safely. This requirement applies at highway-rail crossings where the following circumstances exist:

- 1) Where warning of an approaching train is given by an electrical or mechanical device.
- 2) Where a crossing gate is lowered.
- 3) Where a flagman is signaling the approach or passage of a train.
- 4) When a train approaching the crossing within fifteen hundred feet is giving a signal audible at such a distance and, due to its speed or nearness to the crossing, constitutes an immediate hazard.
- 5) When a train is plainly visible and is dangerously near the crossing.

It is unlawful for anyone in Maryland to drive a vehicle through, around or under any crossing gate or barrier at a highway-rail crossing while the gate or barrier is closed or is in the process of being opened or closed. Md. Ann. Code art. 21, § 701(a)(b) (1999).

Maryland law prohibits the parking of a vehicle within fifty feet of the nearest rail of a highway-rail crossing unless it is necessary to avoid conflict with other traffic or in compliance with the law or the directions of a police officer or traffic control device. Md. Ann. Code art. 21, § 1003(t) (1999).

Maryland law prohibits driving to the left of the center of the highway for the purpose of overtaking and passing while crossing or approaching within one hundred feet of a highway-rail crossing. Md. Ann. Code art. 21 § 305(ii) (1999).

The State Highway Administration in Maryland, in consultation with local authorities, is authorized to designate a highway-rail crossing as particularly dangerous and to erect a stop sign at the crossing. Motorists are required to come to a full stop within fifteen to fifty feet of the nearest rail of the crossing and shall proceed only after exercising due care. Md. Ann. Code art. 21, § 702(a)(b) (1999).

Maryland law prohibits motorists from driving a vehicle at a speed that, "...with regard to the actual and potential dangers existing, is more than that which is reasonable and prudent under the conditions." Consistent with these requirements, when motorists are approaching and crossing a highway-rail crossing, they must drive at an appropriate reduced speed. Md. Ann. Code art. 21, § 801(a)(d) (1999).

MASSACHUSETTS

Massachusetts law pertaining to speed at highway-rail crossings is discussed in driver duties and not its basic speed law. The pertinent section of the statute states that motorists must reduce their speed to a reasonable and proper rate before moving over any highway-rail crossing. They must not cross until they can proceed safely with regard to the current circumstances. Mass. Ann. Laws ch. 90, § 15 (1999).

Massachusetts requires drivers to stop within fifteen to fifty feet of the nearest rail at a highway-rail crossing protected by red lights which flash as a warning. Motorists are further prohibited from proceeding through the crossing until the red lights stop flashing. Mass. Ann. Laws ch. 90, § 15 (1999).

Stops within fifteen to fifty feet of the nearest rail are also required at highway-rail crossings protected by a lowered automatic gate. Drivers are prohibited from crossing until the gate is raised. Additionally, stops are required at crossings protected by "...a railroad employee waving a red flag or white lantern." Drivers are forbidden to move through the crossing until the railroad employee gives the signal. Mass. Ann. Laws ch. 90, § 15 (1999).

Within the same section of the statute, Massachusetts requires a train approaching within approximately fifteen hundred feet of a highway-rail crossing to emit a warning signal audible at that distance. Mass. Ann. Laws ch. 90, § 15 (1999).

Penalty

A violation of any part of this section requiring stopping at highway-rail crossings will bring a maximum fine of two hundred dollars but not less than one hundred dollars. Mass. Ann. Laws ch. 90, § 15 (1999).

MICHIGAN

Michigan law requires any person driving a vehicle to stop within fifteen to fifty feet of the nearest rail of a highway-rail crossing. Drivers may not proceed over the crossing until it is possible to do so safely. Stops are required in all of the following circumstances:

- 1) Where warning of an approaching train is being given by a clearly visible electrical or mechanical device.
- 2) Where a crossing gate is lowered or a flagman is giving a signal of the approach or passage of a train.
- 3) When a train approaching within approximately fifteen hundred feet of a crossing is emitting a signal audible from that distance and, because of its speed or nearness to the crossing, constitutes an immediate hazard.
- 4) Where an approaching train is in hazardous proximity to the crossing and is plainly visible.

It is unlawful in Michigan for any driver to attempt to drive through, around or under a gate or barrier at highway-rail crossings while the gate or barrier is closed or is being opened or closed. Mich. Stat. Ann. § 9.2367(1)(2) (1999). Or see also Mich. Comp. Laws Ann. § 257.667 (1999).

Motorists are prohibited from parking within fifty feet of the nearest rail of a highway-rail crossing, except when necessary to avoid conflict with other traffic or in compliance with the law or the directions of

a police officer or traffic control device. Mich. Stat. Ann. § 9.2374 (1999). Or see also Mich. Comp. Laws Ann. § 257.674 (1999).

MINNESOTA

Minnesota law prohibits motorists from parking their vehicles within fifty feet of the nearest rail of a highway-rail crossing. Minn. Stat. § 169.34 (1999).

Minnesota has a basic speed rule which requires that no person shall drive a vehicle on any highway at a speed greater than that which is reasonable and proper. Accordingly, motorists in Minnesota are required to drive at an appropriately reduced speed when approaching and crossing a highway-rail crossing. Minn. Stat. § 169.14(3) (1999).

When approaching a highway-rail crossing in Minnesota, motorists are required to come to a full stop not less than ten feet from the nearest rail of the crossing and may not proceed until it is safe to do so. The stopping requirements apply when the following circumstance are present:

- 1) Where warning of an approaching train is being given by a clearly visible electrical or mechanical device.
- 2) Where a crossing gate is lowered.
- 3) When an approaching train is clearly visible and its close proximity constitutes an immediate hazard.

Minnesota law states that the fact that a train approaching a crossing is visible is prima facie evidence that it is not safe for motorists to move over the crossing. Minn. Stat. § 169.26(a)(b) (1999).

It is unlawful in Minnesota for a motorist to move over a highway-rail crossing when a flagman is signaling the approach or passage of a train. Motorists are prohibited from driving a vehicle past a flagman until the flagman signals that the way is clear to proceed. Minn. Stat. § 169.26(c) (1999).

Penalty

A police officer in Minnesota may arrest any driver of a motor vehicle violating the stopping requirements of Section 169.26(a)(b) if the officer has probable cause to believe that the motorist has violated the stopping requirements within the past four hours. Minn. Stat. § 169.26(1a) (1999).

A motorist who violates the stopping requirements is guilty of a misdemeanor. Minn. Stat. § 169.26(2a) (1999).

MISSISSIPPI

Whenever any motorist in Mississippi approaches a highway-rail crossing, the motorist must stop within fifteen to fifty feet of the nearest rail of the tracks and may not proceed until it can be done safely. Stops are required when the following circumstances are present:

- 1) When warning of an approaching train is being given by a clearly visible electrical or mechanical device.
- 2) Where a crossing gate is lowered or a flagman is giving a signal indicating the approach or passage of a train.

- 3) Where an approaching train is clearly visible and close enough to the crossing that it constitutes a hazard.
- 4) Where a train approaching a crossing within nine hundred feet is emitting a warning signal and, because of its speed or nearness to the crossing, constitutes an immediate hazard.

Mississippi law prohibits motorists from driving through, around or under any downed crossing gate or barrier or one that is being opened or closed. Miss. Code Ann. § 77-9-249(1)(2) (1999).

Penalty

Mississippi law makes it a misdemeanor to fail to meet the stopping requirements or to drive through, around or under a downed crossing gate or barrier. Anyone convicted may be fined not more than fifty dollars, be imprisoned for not more than thirty days or both. Miss. Code Ann. § 77-9-249(4) (1999).

Editor's Note: Mississippi has another stopping requirement that seems to conflict with § 77-9-249(1). The relevant code section states in part, that when any motorist approaches a highway-rail crossing where warning is being given of an approaching train by a clearly visible electrical or mechanical signal device, the motorist must stop within ten to fifty feet of the nearest rail of the tracks and may not proceed until it is safe to do so. Miss. Code Ann. § 63-3-1007 (1999).

Mississippi law requires motorists to come to full stop within ten to fifty feet of the nearest rail and to proceed only after exercising due care at any highway-rail crossing with a stop sign. The Mississippi Highway Commission is authorized to designate a crossing as particularly dangerous and to erect a stop sign at the crossing. Miss. Code Ann. § 63-3-1009 (1999).

MISSOURI

It is unlawful in Missouri for a motorist to stop, stand or park on any railroad tracks, or park a vehicle, whether empty or not, within fifty feet of the nearest rail of a highway-rail crossing. An exception exists that states a motorist may park within fifty feet of the nearest rail temporarily to load or unload merchandise or passengers. Mo. Rev. Stat. § 300.440(1a)(3a) (1999).

Missouri requires motorists approaching a highway-rail crossing to stop within fifteen to fifty feet of the nearest rail of the tracks. Motorists are prohibited from moving over the crossing until they can do so safely. These requirements are applicable under the following circumstances:

- 1) Where warning of an approaching train is being given by a clearly visible electrical or mechanical device.
- 2) Where a crossing gate is lowered or a flagman is giving a signal indicating the approach or passage of a train.
- 3) When an approaching train is plainly visible and in hazardous proximity to the crossing.
- 4) Where any other traffic sign, device or any other act, rule, regulation or statute requires a vehicle to stop.

Motorists are prohibited from driving through, around or under any crossing gate or barrier while the gate or barrier is closed or is in the process of being opened or closed. Mo. Rev. Stat. § 304.035(1)(2) (1993).

Penalty

Any motorist who violates any provision of these requirements is guilty of a Class C misdemeanor. Mo. Rev. Stat. § 304.035(3) (1999).

Missouri law prohibits motorists from driving to the left side of a roadway when the view is obstructed when approaching within one hundred feet of or at a highway-rail crossing. Mo. Rev. Stat. § 304.016(4)(2) (1999).

MONTANA

Montana prohibits drivers from stopping, standing or parking any vehicle within fifty feet of the nearest rail of a highway-rail crossing, except when it is necessary to avoid conflict with other traffic, when in compliance with the law or when in response to the commands of a police officer or traffic control device. Mont. Code Ann. § 61-8-354(1i) (1999).

Montana's basic speed rule requires that motorists on a public highway drive in a careful and prudent manner and at a rate of speed not to exceed that which is reasonable and proper. Motorists must therefore drive at an appropriate reduced speed when they are approaching and moving over a highway-rail crossing. Mont. Code Ann. 61-8-303(1)(5) (1999).

Montana law prohibits motorists from driving to the left side of the center of the highway (passing) when approaching within one hundred feet of or moving over a highway-rail crossing. Mont. Code Ann. § 61-8-325(2b) (1999).

All motorists in Montana, when approaching a highway-rail crossing, are required to stop within fifteen to fifty feet of the nearest rail of the crossing and may not proceed over the crossing until it can be done safely. These requirements are applicable under the following circumstances:

- 1) Where warning of an approaching train is being given by an electrical or mechanical device.
- 2) When a crossing gate is down or a flagman is giving a signal to indicate an approaching or passing train.
- 3) When a train approaching within approximately fifteen hundred feet of a crossing is emitting a signal audible from that distance and, because of its speed or nearness to the crossing, constitutes an immediate hazard.
- 4) Where a train is plainly visible and is in hazardous proximity to a crossing.

It is unlawful in Montana for a motorist to drive any vehicle through, around or under any crossing gate or barrier at a highway-rail crossing while the gate or barrier is closed or is in the process of being opened or closed. Mont. Code Ann. § 61-8-347(1)(2) (1999).

The Montana Department of Transportation, along with the local authorities, is authorized to designate a highway-rail crossing as particularly dangerous and to install a stop sign at the crossing. Motorists are then required to come to a full stop within fifteen to fifty feet of the nearest rail of the tracks and may not proceed over the crossing without exercising due care. Mont. Code Ann. § 61-8-348 (1999).

NEBRASKA

When approaching a highway-rail crossing, all motorists are required to come to a full stop within fifteen to fifty feet of the nearest rail of the crossing. The motorists may not proceed over the crossing until it can be done safely. These requirements are applicable under the following circumstances:

- 1) Where warning of an approaching train is being given by a clearly visible electrical or mechanical device.
- 2) When a crossing gate is lowered or a flagman is signaling the approach or passage of a train.
- 3) When a train approaching within one-quarter mile of a highway-rail crossing is emitting a signal audible from that distance and, because of its speed or close proximity to the crossing, constitutes an immediate hazard.
- 4) Where a train is plainly visible and close enough to the crossing to be a hazard.

Nebraska law prohibits motorists from driving through, around or under any crossing gate or barrier while the gate or barrier is closed or is being opened or closed. Neb. Rev. Stat. 60-6,170 (1999).

In Nebraska, the Department of Roads, along with the local highway authority, has statutory authority to designate a highway-rail crossing as particularly dangerous and shall erect stop signs at those crossings. Motorists are then required to come to a full stop within fifteen to fifty feet of the nearest rail of the tracks and may not proceed across without exercising due care. Neb. Rev. Stat. § 60-6,171 (1999).

Nebraska law prohibits motorists from overtaking and passing another vehicle to the left of the center of the roadway when approaching within one hundred feet or traversing any highway-rail crossing. Neb. Rev. Stat. § 60-6,136(b) (1999).

Nebraska law prohibits motorists from driving a vehicle at a speed greater than is reasonable and prudent under the conditions present and with regard to the actual and potential hazards. Consistent with this prohibition, motorists are required to drive at a safe and appropriate speed when approaching and moving over a highway-rail crossing. Neb. Rev. Stat. § 60-6,185 (1999).

Nebraska law prohibits the stopping, standing or parking of a vehicle on any railroad track, except when necessary to avoid conflict with other traffic or when complying with the directions of a law enforcement officer or traffic-control device. The same law forbids the parking of a vehicle, whether occupied or not, within fifty feet of the nearest rail at any highway-rail crossing, except for the purpose of loading or unloading merchandise or passengers. Neb. Rev. Stat. § 60-6,166(i) (1999).

NEVADA

Nevada law requires all motorists to stop within fifteen to fifty feet of the nearest rail of the tracks at highway-rail crossings. After stopping, motorists are prohibited from proceeding through the crossing unless it can be done safely. These requirements are applicable under the following circumstances:

- 1) Where warning of an approaching train is being given by a clearly visible electrical or mechanical device.
- 2) When a crossing gate is lowered or a flagman is giving signals indicating an approaching or passing train.
- 3) Where an approaching train within approximately fifteen hundred feet is emitting a signal audible from that distance and, because of its speed or close proximity to the crossing, constitutes an immediate hazard.
- 4) When a train is in hazardous proximity to the crossing and is plainly visible.

Nevada law prohibits motorists from driving through, around or under any crossing gate or barrier while the gate or barrier is closed or is in the process of being opened or closed. Nev. Rev. Stat. Ann. § 484.349 (Michie 1998).

The Nevada Department of Transportation and local authorities with the approval of the Department of Transportation have statutory authority to designate a highway-rail crossing as particularly dangerous and may erect a stop sign at the crossing. Motorists are then required to come to a full stop within fifteen to fifty feet of the nearest rail of the tracks and may not proceed across without exercising due care. Nev. Rev. Stat. Ann. § 484.351 (Michie 1998).

Nevada law prohibits motorists from overtaking and passing another vehicle by driving to the left of the center of the roadway within one hundred feet of a highway-rail crossing. Nev. Rev. Stat. Ann. § 484.299 (Michie 1998).

NEW HAMPSHIRE

New Hampshire law requires that motorists come to a full stop within fifteen to fifty feet of the nearest rail at a highway-rail crossing. Drivers may not proceed through the crossing until it can be done safely. These requirements are applicable at highway-rail crossings under the following circumstances:

- 1) Where warning of an approaching train is being given by a clearly visible electrical or mechanical device.
- 2) Where a crossing gate is lowered or a flagman is giving a signal indicating an approaching or passing train.
- 3) When a train approaching within fifteen hundred feet of a crossing is emitting a signal audible from that distance and, because of its speed or closeness to the crossing, constitutes an immediate hazard.
- 4) When a train is plainly visible and is in hazardous proximity to a crossing.

New Hampshire prohibits motorists from driving through, around or under any crossing gate or barrier while the gate or barrier is closed or in the process of being opened or closed. N.H. Rev. Stat. Ann. § 265:48 (1999).

The New Hampshire Commissioner of Transportation is vested with the statutory authority to designate a highway-rail crossing particularly dangerous and may erect a stop sign at the crossing. The

Commissioner may also order local jurisdictions to do the same if the effected crossing lies within their jurisdiction. At any crossing where a stop sign has been erected, motorists are required to come to a full stop within fifteen to fifty feet of the nearest rail of the tracks and may not proceed across without exercising due care. N.H. Rev. Stat. Ann. § 265:49 (1999).

It is unlawful for motorists to drive to the left side of the roadway when approaching within one hundred feet of or moving through a highway-rail crossing. N.H. Rev. Stat. Ann. § 265:21 (1999).

It is unlawful for motorists in New Hampshire to drive a vehicle at a speed greater than that which is reasonable and prudent under the conditions present and with regard to any actual and potential hazards. Consistent with this rule, motorists are required to drive at an appropriate speed when approaching and crossing a highway-rail crossing. N.H. Rev. Stat. Ann. § 265:60(IV) (1999).

NEW JERSEY

New Jersey law requires motorists to reduce their speed appropriately when approaching and moving across a highway-rail crossing. N.J. Rev. Stat. § 39:4-98 (1999).

New Jersey prohibits the parking of vehicles within fifty feet of the nearest rail of a highway-rail crossing, except when it is necessary to avoid conflict with other traffic or in compliance with the directions of a police officer, traffic sign or traffic signal. N.J. Rev. Stat. § 39:4-138(j) (1999).

New Jersey law requires motorists to keep vehicles to the right half of the roadway in traversing a highway-rail crossing. N.J. Rev. Stat. § 39:4-83 (1999).

New Jersey law requires motorists approaching a highway-rail crossing to come to a full stop within fifteen to fifty feet of the nearest rail of the railroad. They are prohibited from proceeding over the crossing until it can be done safely. These requirements are applicable under the following circumstances:

- 1) Where warning of the immediate approach of a train is being given by a clearly visible electrical or mechanical signal.
- 2) Where crossing gate is lowered or a flagman is giving a signal of an approaching or passing train.
- 3) When a train approaching within approximately fifteen hundred feet of a highway-rail crossing is emitting a signal audible from that distance and, because of its speed or close proximity to the crossing, constitutes an immediate hazard.
- 4) When a train is in hazardous proximity to a crossing and is plainly visible.

It is unlawful in New Jersey for a motorist to drive any vehicle through, around or under any crossing gate or barrier that is closed or is being opened or closed. N.J. Rev. Stat. 39:4-127.1 (1999).

NEW MEXICO

New Mexico law prohibits the parking of any vehicle within fifty feet of the nearest rail of a highway-rail crossing, except when it is necessary to avoid conflict with other traffic or in compliance with the law or directions of a police officer or traffic control device. N.M. Stat. Ann. § 66-7-351(A-9) (Michie 1999).

New Mexico requires the drivers of all vehicles, when approaching a highway-rail crossing, to come to a stop between fifteen and fifty feet from the nearest rail of the tracks. The drivers may not move over the crossing until it may be done safely. These requirements apply at highway-rail crossings under the following circumstances:

- 1) Where warning of an approaching train is given by a clearly visible electrical or mechanical device.
- 2) Where a crossing gate is lowered or a flagman is giving a signal indicating an approaching or passing train.
- 3) When a train approaching within fifteen hundred feet of a crossing is emitting a signal audible from that distance and, because of its speed or close proximity to the crossing, constitutes an immediate hazard.
- 4) When a train is plainly visible and is in hazardous proximity to a crossing.

It is unlawful for motorists to drive through, around or under any crossing gate or barrier that is closed or is in the process of being opened or closed. N.M. Stat. Ann. § 66-7-341(A)(B) (Michie 1999).

The New Mexico Highway Commission and local authorities have the power to designate a highway-rail crossing as particularly dangerous and may erect a stop sign at the crossing. Motorists are then required to stop between fifteen and fifty feet from the nearest rail of the tracks and must not proceed over the crossing except after exercising due care. N.M. Stat. Ann. § 66-7-342 (Michie 1999).

New Mexico law prohibits drivers from driving to the left side of the roadway when approaching within one hundred feet of or traversing any highway-rail crossing. N.M. Stat. Ann. § 66-7-313 (Michie 1999).

NEW YORK

All motorists in New York are prohibited from driving through a highway-rail crossing without first coming to a full stop within fifteen to fifty feet of the nearest rail of the railroad. The motorist is then permitted to move over the crossing only if it can be done safely. These requirements are applicable at highway-rail crossings where the following circumstances exist:

- 1) Where warning of an approaching train is being given by a clearly visible electrical or mechanical device.
- 2) Where a crossing gate is lowered or a flagman is giving a signal indicating an approaching or passing train.
- 3) When a train approaching within fifteen hundred feet of a crossing is emitting a signal audible from that distance and, because of its speed or closeness to the crossing, constitutes an immediate hazard.
- 4) When a train is plainly visible and is in hazardous proximity to a crossing.

It is unlawful for motorists to drive through, around or under any crossing gate or barrier that is closed or is in the process of being opened or closed. N.Y. [Veh. & Traf.] Law § 1170(a)(b) (McKinney 1999).

Penalty

Every motorist convicted of a violation for driving through, around or under a closed crossing gate or barrier shall, for a first conviction, be punished by a fine of not less than one hundred fifty or more than two

hundred fifty dollars, imprisonment for not more than thirty days or both. For a second conviction of the same section, if within a period of eighteen months, punishment shall be a fine of not less than three hundred fifty or more than five hundred dollars, imprisonment for not more than ninety days or both. For a third or subsequent violation within a period of eighteen months, a person shall be punished by a fine of not less than six hundred or more than seven hundred dollars, imprisonment for not more than one hundred eighty days or both. N.Y. [Veh. & Traf.] Law § 1170(b) (McKinney 1999).

It is unlawful in New York for a motorist to drive a vehicle to the left of the center of the roadway when approaching within one hundred feet of or traversing any highway-rail crossing. N.Y. [Veh. & Traf.] Law § 1125 (McKinney 1999).

New York law prohibits motorists from driving a vehicle at a speed greater than that which is reasonable and prudent under the conditions present and with regard to the actual and potential hazards. Consistent with this prohibition, motorists are required to drive at an appropriately reduced speed when approaching and crossing a highway-rail crossing. N.Y. [Veh. & Traf.] Law § 1180 (McKinney 1999).

It is unlawful in New York to stop, stand or park a vehicle on any railroad track, except when it is necessary to avoid conflict with other vehicles or when complying with the law or the directions of police officer or traffic control device. Except when actually engaging in loading or unloading passengers or merchandise, no person may park a vehicle, whether occupied or not, within fifty feet of the nearest rail of a highway-rail crossing, unless a different distance is specified by signs, markings or parking meters. N.Y. [Veh. & Traf.] Law § 1202(1)(h)-(3) (McKinney 1999).

NORTH CAROLINA

It is unlawful for any motorists in North Carolina to drive to the left side of the center of the highway to overtake and pass another vehicle at any highway-rail crossing. N.C. Gen. Stat. § 20-150(c) (1999).

Also, motorists are required to keep to the right half of the highway at all times while passing over a highway-rail crossing. N.C. Gen. Stat. § 20-147 (1999).

North Carolina law prohibits motorists from driving onto any highway-rail unless there is adequate space on the other side of the crossing to accommodate their vehicle without obstructing the passage of other vehicles, pedestrians or trains, even if there is a traffic signal indicating it is safe to proceed. N.C. Gen. Stat. § 20-142.5 (1999).

Penalty

A motorist violating any provision of Section 20-142.5 is guilty of an infraction and may be punished. N.C. Gen. Stat. § 20-142.5 (1999).

Effective Jan. 1, 1995, the penalty was fixed at a period of imprisonment not to exceed sixty days, a fine of not more than one hundred dollars or both. N.C. Gen. Stat. § 20-176 (1999).

The North Carolina Department of Transportation has the authority to designate a highway-rail crossing as particularly dangerous and may erect a stop sign at the crossing. The driver of any vehicle is then required to stop within fifteen to fifty feet of the nearest rail of the railroad and may not move over the crossing except upon exercising due care. N.C. Gen. Stat. § 20-142.2 (1999).

Penalty

Any motorist violating any provision of § 20-142.2, is guilty of an infraction and may be punished. N.C. Gen. Stat. § 20-142.2 (1999). See also N.C. Gen. Stat. § 20-176 concerning punishment.

North Carolina law requires motorists approaching a highway-rail crossing to come to a full stop within fifteen to fifty feet of the nearest rail of the railroad and to remain stopped until they can proceed over the crossing safely. These requirements are applicable at highway-rail crossings when the following circumstances prevail:

- 1) Where warning of an approaching train is being given by a clearly visible electrical or mechanical device.
- 2) When a crossing gate is lowered or a flagman is giving warning of an approaching or passing train.
- 3) When a train approaching a highway-rail crossing within fifteen hundred feet is emitting a signal audible from that distance, and, because of its speed or close proximity to the crossing, constitutes an immediate hazard.
- 4) Where a train is in hazardous proximity to the crossing and is plainly visible.

It is unlawful in North Carolina for any motorists to drive any vehicle through, around or under any crossing gate or barrier that is closed or is being opened or closed. N.C. Gen. Stat. § 20-142.1(a)(b) (1999).

When complying with the stopping requirements at a highway-rail crossing, a motorist must keep his vehicle as far to the right of the highway as possible and may not form two lanes of traffic unless the roadway is marked with four or more lanes of traffic. N.C. Gen. Stat. § 20-142.1(c) (1999).

Penalty

A violation of any of the provisions of Section 20-142.1 constitutes an infraction and is punishable. N.C. Gen. Stat. § 20-142.1(d) (1999). See also Section 20-176 concerning punishment.

NORTH DAKOTA

Upon approaching a highway-rail crossing in North Dakota, motorists are required to bring their vehicles to a full stop within fifteen to fifty feet of the nearest rail of the tracks and may not proceed across until it is safe to do so. These regulations apply at highway-rail crossings under the following circumstances:

- 1) Where warning of an approaching train is being given by a clearly visible electrical or mechanical device.
- 2) Where a crossing gate is down or a flagman is giving a signal indicating an approaching or passing train.
- 3) When a train approaching a crossing within approximately thirteen hundred fifty feet is emitting a signal audible at that distance and, because of its speed or close proximity to the crossing, constitutes an immediate hazard.
- 4) Where a train is in close proximity to the crossing and is clearly visible.

Motorists are prohibited from driving any vehicle through, around or under any crossing gate or barrier that is closed or is in the process of being opened or closed. Motorists are also prohibited from driving past a flagman until the flagman signals the way is clear to proceed. N.D. Cent. Code § 39-10-41(1)(2) (1999).

The North Dakota Highway Department, along with local authorities if applicable, is vested with statutory authority to designate a highway-rail crossing as particularly dangerous and may erect a stop sign at the crossing. When motorists approach a crossing where a stop sign has been installed, they must bring their vehicle to stop within fifteen to fifty feet of the nearest rail of the tracks and may only proceed after exercising due care. N.D. Cent. Code § 39-10-42 (1999).

Except in an instance when a lower speed is specified, motorists in North Dakota are prohibited from exceeding a speed of twenty miles an hour when approaching within fifty feet of a highway-rail crossing when the motorist's view is obstructed. "A motorist's view is considered to be obstructed when at any time during the last two hundred feet of the approach to the crossing he does not have a clear and uninterrupted view of the crossing and of any traffic on the railway for a distance of four hundred feet in each direction from the crossing." N.D. Cent. Code § 39-09-02(a) (1999).

North Dakota's basic speed rule refers to speed at highway-rail crossing in addition to the prohibited identified in § 39-09-02(a). The statute says, in part, that no person may drive a vehicle at a speed greater than that which is reasonable and prudent under the conditions present and with regard to the actual and potential hazards. Consistent with this prohibition, motorists are required to drive at a safe and appropriate speed when approaching and crossing a highway-rail crossing. N.D. Cent. Code § 39-09-01 (1999).

North Dakota law prohibits motorists from driving to the left side of the center of the roadway to pass or overtake another vehicle while within one hundred feet of or when moving over a highway-rail crossing. N.D. Cent. Code § 39-10-14 (1999).

North Dakota law prohibits the stopping, standing or parking of a vehicle within fifteen feet of the nearest rail of a highway-rail crossing. N.D. Cent. Code § 39-10-49(9) (1999).

OHIO

Ohio law requires motorists approaching a highway-rail crossing to bring their vehicles to a full stop within fifteen to fifty feet of the nearest rail of the railroad. They may not proceed across until it safe to do so. These requirements are applicable at highway-rail crossings under the following circumstances:

- 1) Where warning of an approaching train is being given by a clearly visible electrical or mechanical signal.
- 2) When a crossing gate is lowered or a flagman is giving a signal indicating the approach or passage of a train.
- 3) When a train approaching within approximately fifteen hundred of the crossing is emitting a signal audible from that distance and, because of its speed or close proximity to the crossing, constitutes an immediate hazard.
- 4) When an approaching train is in hazardous proximity to a crossing and is plainly visible.

It is unlawful in Ohio for anyone to drive any vehicle through, around or under a crossing gate or barrier that is closed or is being opened or closed. Ohio Rev. Code Ann. § 4511.62(A)(B) (Anderson 1999).

The Ohio Department of Transportation and local authorities with approval from the Department of Transportation may designate a highway-rail crossing as particularly dangerous and may require that a stop sign be erected at the crossing. At highway-rail crossings with stop signs, the driver of any vehicle must bring that vehicle to a full stop within fifteen to fifty feet of the nearest rail of the railroad and may not proceed across the crossing except after exercising due care. Ohio Rev. Code Ann. § 4511.61 (Anderson 1999).

Ohio law prohibits motorists from driving vehicles on the left side of the roadway when approaching within one hundred feet of or traversing any highway-rail crossing. Ohio Rev. Code Ann. § 4511.30 (Anderson 1999).

Ohio prohibits motorists from standing or parking a vehicle within fifty feet of the nearest rail of a highway-rail crossing. Ohio Rev. Code Ann. § 4511.68(I) (Anderson 1999).

It is unlawful in Ohio for anyone to drive a vehicle onto any highway-rail crossing unless there is sufficient space on the other side of the crossing to accommodate the vehicle without obstructing the passage of other vehicles, pedestrians or trains, even if the traffic control signal indicates that it is safe to proceed. Ohio Rev. Code Ann. § 4511.712 (Anderson 1999).

Penalty

Ohio lists first and subsequent offenses of all of the foregoing sections as misdemeanors of different degrees. The reader may locate them at Section 4511.99.

OKLAHOMA

Oklahoma law prohibits any person driving a vehicle from passing through a highway-rail crossing without first coming to a full stop within fifteen to fifty feet of the nearest rail of the railroad. The driver may then proceed only when it can be done safely. These requirements are applicable at highway-rail crossings under the following circumstances:

- 1) Where warning of the immediate approach of a train is being given by a clearly visible electrical or mechanical device.
- 2) Where a crossing gate is lowered or a flagman is giving a signal indicating the approach or passage of train.
- 3) Where a train approaching within approximately fifteen hundred feet of a crossing is emitting a signal audible at that distance, and because of its speed or close proximity to the crossing, constitutes an immediate hazard.
- 4) Where a train is in hazardous proximity to a crossing and is plainly visible.

It is unlawful in Oklahoma for any motorists to drive a vehicle through, around or under any crossing gate or barrier that is closed or is in the process of being opened or closed. Okla. Stat. tit. 47, § 11-701(a)(b) (1999).

Oklahoma motorists are prohibited from stopping, standing or parking a vehicle within fifty feet of the nearest rail of a highway-rail crossing except when it is necessary to avoid conflict with other traffic, when in compliance with the law or when under the direction of a police officer or traffic control device. Okla. Stat. tit. 47, § 11-1003 (1999).

Oklahoma's basic speed rule requires motorists at all times to drive their vehicles at a careful and prudent speed not greater nor less than what is reasonable and proper with regard to existing conditions. Consistent with this basic speed rule, motorists in Oklahoma are required to drive at an appropriately reduced speed when approaching and crossing a highway-rail crossing. Okla. Stat. tit. 47, § 11-801(d) (1999).

It is unlawful in Oklahoma for motorists to drive to the left side of a roadway when approaching within one hundred feet of or over any highway-rail crossing. Okla. Stat. tit. 47, § 11-306(a) (1999).

OREGON

It is unlawful for any person driving a vehicle to drive upon or over a highway-rail crossing without first coming to a full stop at a clearly marked stop line or, if there is no line, within fifteen to fifty feet of the nearest rail of the tracks. Drivers may not proceed across the tracks until it is safe to do so. These requirements are applicable at highway-rail crossings under the following circumstances:

- 1) Where warning of the immediate approach of a train is being given by a clearly visible electrical or mechanical device.
- 2) Where a crossing gate is lowered or a flagman is giving a signal indicating the approach or passage of a train.

- 3) When a train is clearly visible and because of its nearness to the crossing constitutes an immediate hazard.
- 4) Where an approaching train is giving an audible signal because its speed and nearness to the crossing constitute an immediate hazard.

It is unlawful for any driver to drive through, around or under a crossing gate or barrier that is closed or is in the process of being opened or closed. Or. Rev. Stat. § 811.455(a)(b)(c) (1999).

Penalty

A motorist in Oregon is guilty of failure to stop for a railroad signal, a Class C traffic infraction, for failure to comply with the requirements stated in Section 811.455. Or. Rev. Stat. § 811.455(1)(2) (1999).

Oregon law prohibits motorists from driving onto a highway-rail crossing when there is not sufficient space on the other side to accommodate their vehicles without obstructing the passage of other vehicles, pedestrians or trains, notwithstanding a traffic control device indicating it is safe to proceed. Or. Rev. Stat. § 811.475(1)(2) (1999).

Penalty

A violation of Section 811.475 constitutes the offense of obstruction of a rail crossing and is a Class C traffic infraction. Or. Rev. Stat. § 811.475(1)(3) (1999).

Oregon law prohibits motorists from driving to left of the center of the roadway when approaching a highway-rail crossing where the driver's view is obstructed for such a distance as to create a hazard if a vehicle approaches from the opposite direction and is prohibited from driving to the left side of the center of the road at any highway-rail crossing. Or. Rev. Stat. § 811.305(1) (1999).

Penalty

Any motorist failing to comply with the provisions of Section 811.305 commits the offense of driving on the left at a highway-rail crossing which is a Class B traffic infraction. Or. Rev. Stat. § 811-305(3).

Editor's note: For an explanation of the classification of traffic infractions and a listing of fines for offenses under the foregoing sections, consult Sections 153.610 and 153.623 contained in Oregon's criminal statutes.

PENNSYLVANIA

Pennsylvania law prohibits motorists from moving through a highway-rail crossing without first coming to a complete stop within fifteen to fifty feet of the nearest rail of the tracks. Motorists are not permitted to traverse the crossing unless it can be done safely. These requirements are applicable at highway-rail crossings under the following circumstances:

- 1) Where warning of an approaching train is being given by a clearly visible electrical or mechanical device.
- 2) Where a crossing gate is lowered or a flagman is giving a signal indicating an approaching or passing train.
- 3) Where a train approaching within fifteen hundred feet of a crossing is emitting signal audible from that distance and, because of its speed or nearness to the crossing, constitutes an immediate hazard.

- 4) Where a train is in close proximity to the crossing and is plainly visible.

It is unlawful in Pennsylvania for any motorist to drive any vehicle through, around or under any crossing gate or barrier while the gate or barrier is closed or is in the process of being opened or closed. 75 Pa. Cons. Stat. § 3341(a)(b) (1999).

Penalty

A violation of subsection (a) constitutes a summary offense punishable by a fine of from fifty to two hundred dollars. However, a violation of subsection (b) is considered a summary offense punishable by a fine of from two hundred to five hundred dollars. 75 Pa. Cons. Stat. § 3341(c) (1999).

Pennsylvania law prohibits anyone from parking a vehicle within fifty feet of the nearest rail of a highway-rail crossing. 75 Pa. Cons. Stat. § 3353(3) (1999).

Penalty

A person violating Section 3353(3) is guilty of a summary offense and, if convicted, shall receive a fine of not more than fifteen dollars. 75 Pa. Cons. Stat. § 3353(E) (1999).

It is unlawful in Pennsylvania for a motorist to drive any vehicle on the left side of the roadway when approaching with one hundred feet of or traversing a highway-rail crossing. 75 Pa. Cons. Stat. § 3306(a)(2) (1999).

Pennsylvania's basic speed rule prohibits motorists from driving a vehicle at a speed greater than that which is reasonable and prudent under the existing conditions and having regard to the actual and potential hazards, "...nor at a speed greater than will permit the driver to bring his vehicle to a stop within the assured clear distance ahead." Consistent with the speed prohibition, drivers are required to drive at a safe and appropriate speed when approaching and crossing a highway-rail crossing. 75 Pa. Cons. Stat. § 3361 (1999).

RHODE ISLAND

Rhode Island law requires drivers approaching a highway-rail crossing to come to a full stop within fifteen to fifty feet of the nearest rail of the tracks. Drivers must not proceed until the crossing can be made safely. These requirements are applicable at highway-rail crossings under the following circumstances:

- 1) Where warning of an approaching train is being given by a clearly visible electrical or mechanical device.
- 2) When a crossing gate is lowered or a flagman is giving a signal indicating an approaching or passing train.
- 3) Where a train approaching within approximately fifteen hundred feet of a crossing is emitting a signal audible at that distance, and because of its speed or close proximity to the crossing, constitutes an immediate hazard.
- 4) Where a train is in hazardous proximity to a crossing and is plainly visible.
R.I. Gen. Laws § 31-20-1 (1999).

It is unlawful for anyone in Rhode Island to drive any vehicle through, around or under any crossing gate or barrier that is closed or is in the process of being opened or closed. R.I. Gen. Laws § 31-20-2 (1999).

The State Traffic Commission in Rhode Island and local authorities with the approval of the State Traffic Commission have the authority to designate a highway-rail crossing as particularly dangerous and erect a stop sign at the crossing. At any crossing where a stop sign has been installed, motorists are required to stop within fifteen to fifty feet of the nearest rail of the tracks and may only proceed after exercising due care. R.I. Gen. Laws § 31-20-3 (1999).

Rhode Island's basic speed rule may be found at Section 31-14-1. Consistent with the requirements of that rule, drivers are required to drive at an appropriately reduced speed when approaching and crossing a highway-rail crossing. R.I. Gen. Laws § 31-14-3 (1999).

Motorists in Rhode Island are prohibited from driving to the left side of the roadway when approaching within one hundred feet of or traversing any highway-rail crossing. R.I. Gen. Laws § 31-15-7(2) (1999).

SOUTH CAROLINA

South Carolina law prohibits motorists from traversing a highway-rail crossing without first bringing their vehicle to a complete stop within fifteen to fifty feet of the nearest rail of the tracks. Drivers must refrain from passing over the crossing until it can be done safely. These requirements are applicable under the following circumstances:

- 1) Where warning of an approaching train is being given by a clearly visible electrical or mechanical device.
- 2) Where a crossing gate is lowered or a flagman is giving a signal indicating the approach or passage of a train.
- 3) Where a train approaching within approximately fifteen hundred feet of a highway-rail crossing is emitting a signal audible at that distance and, because of its speed or close proximity to the crossing, constitutes an immediate hazard.
- 4) Where a train is in hazardous proximity to a crossing and is plainly visible.

It is unlawful in South Carolina for any motorist to drive any vehicle through, around or under any crossing gate or barrier that is closed or is in the process of being opened or closed. S.C. Code Ann. § 56-5-2710(a)(b) (Law. Co-op. 1998).

The South Carolina Department of Highways and Public Transportation and local authorities with the approval of the Department have the authority to designate a highway-rail crossing as particularly dangerous and may erect a stop sign at the crossing. At any crossing where a stop sign is placed, motorists are required to stop within fifteen to fifty feet from the nearest rail and must proceed only upon exercising due care. S.C. Code Ann. § 56-5-2715 (Law. Co-op. 1998).

South Carolina law prohibits motorists from driving at a speed greater than that which is reasonable and prudent under the conditions present and with regard to the actual and potential hazards. Consistent with this rule, drivers must drive at an appropriately reduced speed when approaching and crossing a highway-rail crossing. S.C. Code Ann. § 56-5-1520 (Law. Co-op. 1998).

It is unlawful in South Carolina to stop, stand or park a vehicle on any railroad track, except when it is necessary to avoid conflict with other traffic, when in compliance with the law or under the direction of a police officer or official traffic control device. S.C. Code Ann. § 56-5-2530(A) 1-h (Law. Co-op. 1998).

No person may park a vehicle, whether occupied or not, within fifty feet of the nearest rail of a highway-rail crossing, except while actually loading or unloading property or passengers. S.C. Code Ann. § 56-5-2530(3-a) (Law. Co-op. 1998).

SOUTH DAKOTA

The South Dakota Department of Transportation and local authorities with the approval of the Department have statutory authority to designate a highway-rail crossing as particularly dangerous and may place a stop sign at the crossing. At any crossing where a stop sign is located, motorists must stop within fifteen to fifty feet of the nearest rail of the tracks and may not proceed except upon exercising due care. S.D. Codified Laws Ann. § 32-29-7 (1999).

Penalty

A violation of Section 32-29-7 is a Class 2 misdemeanor. S.D. Codified Laws Ann. § 32-29-7 (1999).

South Dakota law prohibits motorists from driving any vehicle on the left side of the highway when approaching within one hundred feet of or traversing a highway-rail crossing. S.D. Codified Laws Ann. § 32-26-36 (1999). Also see Section 32-26-2 concerning staying to the right when moving over a crossing.

Penalty

Failing to keep to the right of the roadway within one hundred feet of a highway-rail crossing is considered a Class 2 misdemeanor in South Dakota. S.D. Codified Laws Ann. § 32-26-36 (1999).

South Dakota law requires motorists to slow to a speed of fifteen miles per hour near a highway-rail crossing when their view is obstructed. A driver's view is considered to be obstructed if, at any time during the last two hundred feet of approach to the crossing, a driver is unable to clearly see any railroad traffic within four hundred feet in each direction from the crossing. S.D. Codified Laws Ann. § 32-25-13 (1999).

Penalty

A violation of Section 32-25-13 is considered a Class 2 misdemeanor. S.D. Codified Laws Ann. § 32-25-13 (1999).

It is unlawful for anyone driving a vehicle in South Dakota to traverse a highway-rail crossing where warning of an approaching train is being given by a clearly visible or audible signal. At any such crossing, motorists must bring their vehicles to a full stop with fifteen to fifty feet of the nearest rail of the tracks and are forbidden to proceed until it can be done safely. S.D. Codified Laws Ann. § 32-29-4 (1999).

Penalty

A violation of Section 32-29-4 is considered a Class 2 misdemeanor. S.D. Codified Laws Ann. § 32-29-4 (1999).

It is unlawful in South Dakota to stop, stand or park a vehicle on any railroad tracks, except when necessary to avoid conflict with other traffic or when responding to directions from a police officer or traffic control device. S.D. Codified Laws Ann. § 32-30-6.1 (1999).

Penalty

A violation of both Sections 32-29-4 and 32-30-6.2 is a petty offense. S.D. Codified Laws Ann. §§ 32-29-4, 32-30-6.2 (1999).

TENNESSEE

All drivers in Tennessee are required to stop within fifteen to fifty feet of the nearest rail of the tracks at any highway-rail crossing and may not proceed over the crossing until it can be done safely. These requirements apply under any of the following circumstances:

- 1) Where warning of an approaching train is being given by a clearly visible electrical or mechanical device.
- 2) When a crossing gate is lowered or a flagman is giving a signal indicating the approach or passage of a train.
- 3) Where a train approaching within approximately fifteen hundred feet of the crossing is emitting a signal audible at that distance and, because of its speed or close proximity to the crossing, constitutes an immediate hazard.
- 4) When a train is in hazardous proximity to a crossing and is clearly visible.

It is unlawful in Tennessee for any person to drive any vehicle through, around or under any crossing gate or barrier that is closed or is in the process of being opened or closed. Tenn. Code Ann. § 55-8-145(a)(b) (1999).

Penalty

A violation of Section 55-8-145 is a Class C misdemeanor. Tenn. Code Ann. § 55-8-145(c) (1999).

The Tennessee Department of Transportation and local authorities with the approval of the Department have statutory authority to designate a highway-rail crossing as particularly dangerous one and may require a stop sign be erected at the crossing. At any such crossing, motorists are required to bring their

vehicles to a complete stop within fifteen to fifty feet of the nearest rail of the tracks and may proceed only while exercising due care. Tenn. Code. Ann. § 55-8-146(a) (1999).

Penalty

Failing to comply with any of the provisions of Section 55-8-146 is a Class 2 misdemeanor in Tennessee. Tenn. Code Ann. § 55-8-146(c) (1999).

It is unlawful in Tennessee for anyone to stop, stand or park a vehicle within fifty feet of the nearest rail of the tracks at a highway-rail crossing, except where stopping, standing or parking is necessary to avoid conflict with other traffic or under the direction of a police officer or traffic control device. These requirements are only applicable outside the limits of an incorporated municipality in Tennessee. Tenn. Code Ann. § 55-8-160(a) (1999).

Penalty

Failure to comply with any provision of Section 55-8-160 is a Class C misdemeanor. Tenn. Code Ann. 55-8-160(d) (1999).

TEXAS

When approaching a highway-rail crossing in Texas, all motorists are required to come to a full stop within fifteen to fifty feet of the nearest rail of the tracks and may not proceed over the crossing until it may be done safely. These requirements apply at highway-rail crossings under the following circumstances:

- 1) Where warning of an approaching train is being given by a clearly visible electrical or mechanical device.
- 2) Where a crossing gate is lowered or a flagman is giving a signal indicating that a train is approaching or passing.
- 3) Where a train approaching within approximately fifteen hundred feet of a highway-rail crossing is emitting a signal audible at that distance and, because of its speed or close proximity to the crossing, constitutes an immediate hazard.
- 4) Where a train is in hazardous proximity to the crossing and is plainly visible.
- 5) The operator is required to stop by:
 - (A) other law;
 - (B) a rule adopted under a statute;
 - (C) an official traffic-control device; or
 - (D) a traffic-control signal.

An operator of a vehicle who approaches a railroad grade crossing equipped with railroad crossbuck signs without automatic, electric, or mechanical signal devices, crossing gates, or a flagger warning of the approach or passage of a train is required to yield the right-of-way to a train in hazardous proximity to the crossing, and proceed at a speed that is reasonable for the existing conditions. If required for safety, the operator shall stop at a clearly marked stop line before the crossing or, if no stop line exists, not closer than fifteen feet or farther than fifty feet from the nearest rail.

A driver commits an offense if the operator drives around, under, or through a crossing gate or a barrier at a railroad crossing while the gates or barrier is closed, being closed, or being opened.

Penalty

An offense under this section is punishable by a fine of not less than fifty dollars or more than two hundred dollars. Tex. [Transp.] Code Ann. § 545.251 (1999).

The Texas Department of Transportation or a local authority with appropriate jurisdiction is authorized to designate a highway-rail crossing as a particularly dangerous one and to erect STOP signs or other official traffic-control devices at the crossing. At any such crossing, motorists are required to stop their vehicles within fifteen to fifty feet of the nearest rail of the tracks and may not proceed except upon exercising due care. Tex. [Transp.] Code Ann. § 545.252 (1999).

Penalty

An offense under Section 542.252 is punishable by a fine of not less than fifty dollars nor more than two hundred dollars.

No vehicle in Texas may be driven to the left side of the roadway when approaching within one hundred feet of or traversing a highway-rail crossing. Tex. [Transp.] Code Ann. § 545.056 (1999).

It is unlawful for anyone to stop, stand or park a vehicle on a railroad track, except when it is necessary to avoid conflict with other traffic, when complying with the law or when following the directions of a police officer or traffic control device. Tex. [Transp.] Code Ann. § 545.302 (1999).

Except to temporarily load or unload passengers or merchandise, no one in Texas may park a vehicle, whether occupied or not, within fifty feet of the nearest rail of a highway-rail crossing. Tex. [Transp.] Code Ann. § 545.302 (1999).

It is unlawful for a person to drive a vehicle on a highway at a speed greater than that which is reasonable and prudent under the existing circumstances. Consistent with the prohibition concerning speed, the driver of any vehicle must drive at an appropriately reduced speed when approaching and crossing a highway-rail crossing. Tex. [Transp.] Code Ann. § 545.351 (1999).

UTAH

Utah law prohibits any person from operating a vehicle at a speed other than what is reasonable and prudent under the conditions present and with regard to the actual and potential hazards. This prohibition applies when approaching and crossing a highway-rail crossing. Utah Code Ann. § 41-6-46(1) (1999).

When operating a vehicle approaching a highway-rail crossing, motorists are required to come to a full stop within fifteen to fifty feet of the nearest rail of the tracks and may not proceed until it is safe to do so. These requirements are applicable at highway-rail crossings under the following circumstances:

- 1) Where warning of an approaching train is being given by an electrical or mechanical signal.
- 2) Where a crossing gate is lowered or a flagman is giving a signal indicating an approaching or passing train.
- 3) Where a train approaching within approximately fifteen hundred feet of a crossing is emitting a signal audible at that distance and, because of its speed or close proximity to the crossing, constitutes an immediate hazard.
- 4) When a train is in hazardous proximity to a crossing and is plainly visible.

In Utah, it is unlawful for any person to drive any vehicle through, around or under a crossing gate or barrier that is closed or is in the process of being opened or closed. Utah Code Ann. § 41-6-95(a)(b) (1999).

Utah prohibits motorists from driving a vehicle over a crossing if there is not sufficient room on the other side of the crossing to accommodate their vehicles without obstructing the passage of other vehicles, pedestrians or trains, even if a traffic control signal is giving an indication to proceed. Utah Code Ann. § 41-6-109.10 (1999).

No vehicle in Utah may be operated on the left side of the roadway when approaching within one hundred feet of a highway-rail crossing unless otherwise indicated by a traffic control device or a law enforcement officer. Utah Code Ann. § 41-6-58 (1999).

VERMONT

Vermont law requires motorists, when approaching a highway-rail crossing, to bring their vehicles to a stop within fifteen to fifty feet of the nearest rail of the tracks. Moving over the crossing is forbidden unless it can be done safely. These requirements apply at highway-rail crossings under the following conditions:

- 1) Where warning of an approaching train is being given by a clearly visible electrical or mechanical device.
- 2) Where a crossing gate is lowered or a flagman is giving a signal indicating the approach or passage of a train.
- 3) Where a train approaching within eight rods (thirteen hundred and twenty feet) of the crossing is emitting a signal audible at that distance and, because of its speed or close proximity to the crossing, constitutes an immediate hazard.
- 4) When a train is in hazardous proximity to a crossing and is plainly visible.
- 5) Where a stop sign has been erected.

It is unlawful in Vermont for any person to drive any vehicle through, around or under any crossing gate or barrier while it is closed, or is in the process of being opened or closed. Vt. Stat. Ann. tit. 23, § 1071(a)(b) (1999). Also see Title 23, Section 1006.

Vermont's Section 1071 differs from other laws regulating stops at highway-rail crossings. Part (c) of the pertinent section states "Nothing in this section prohibits a person from operating a motor vehicle across the tracks of a railroad at grade while a mechanical warning signal is in operation, provided he first brings the vehicle to a full stop and reasonably ascertains that the tracks can be crossed safely." Vt. Stat. Ann. tit. 23, § 1071(c) (1999).

In Vermont, the Traffic Committee has the authority to designate a highway-rail crossing as particularly dangerous and the agency of transportation (Department of Highways) shall erect a stop sign at any such crossing. Vt. Stat. Ann. tit. 23, § 1006 (1999).

It is unlawful for any vehicle to be driven to the left side of the center of the roadway in overtaking and passing another vehicle when approaching within one hundred feet of or traversing a highway-rail crossing. Vt. Stat. Ann. tit. 23, § 1035(b) (1999).

Vermont prohibits persons from driving a vehicle on a highway at a speed greater than that which is reasonable and prudent under the conditions present and with regard to the actual and potential hazards. Consistent with this prohibition, drivers are required to drive at an appropriately reduced speed when approaching and crossing a highway-rail crossing. Vt. Stat. Ann. tit. 23, § 1081(d) (1999).

VIRGINIA

Except within the limits of cities or towns, Virginia law requires drivers of motor vehicles when approaching a highway-rail crossing to come to a full stop within fifteen to fifty feet of the nearest rail of the railroad and not proceed over the crossing until it can be done safely. These regulations are applicable under the following conditions:

- 1) Where warning of an approaching train is being given by a clearly visible electrical or mechanical device.
- 2) Where a crossing gate is lowered or a flagman is giving a signal indicating an approaching or passing train.
- 3) When a train is approaching a highway-rail crossing and is emitting signals within a distance of three hundred to six hundred yards from the crossing. See Section 56-414 for whistle and horn requirements in the chapter on Warning Device - Train Borne.
- 4) Where a train is in hazardous proximity to the crossing and is plainly visible.

Virginia law prohibits drivers of all vehicles from driving through, around or under any crossing gate or barrier that is closed or is in the process of being opened or closed. Va. Code Ann. § 42.2-885 (Michie 1999).

Virginia law expressly prohibits drivers from disobeying a clearly visible or audible railroad crossing signal when giving warning of the immediate approach of a train at a highway-rail crossing. Va. Code Ann. § 46.2-884 (Michie 1999).

Virginia law makes it an offense of reckless driving when any driver overtakes or passes another vehicle at any highway-rail crossing, unless permitted to do so by a traffic light or law enforcement officer. Va. Code Ann. § 46-2-858 (Michie 1999).

WASHINGTON

Washington law requires any person driving a vehicle approaching a highway-rail crossing to bring their vehicle to a stop within fifteen to fifty feet of the nearest rail of the tracks. Drivers may not proceed over the crossing until it can be done safely. These requirements are applicable at highway-rail crossings under the following circumstances:

- 1) Where warning of an approaching train is given by a clearly visible electrical or mechanical device.
- 2) Where a crossing gate is lowered or a flagman is giving a signal indicating an approaching or passing train.
- 3) Where an approaching train is in hazardous proximity to a crossing and the train is plainly visible.

Washington law expressly prohibits persons from driving their vehicle through, around or under any crossing gate or barrier that is closed or is being opened or closed. Wash. Rev. Code Ann. 46.61.340 (West 1999).

Washington law prohibits the stopping, standing or parking of a vehicle on a railroad track or within fifty feet of the nearest rail of the track except when it is necessary to avoid conflict with other traffic or when in compliance with the law or the direction of a police officer or an official traffic control device. In the case of the prohibition against parking within fifty feet of the nearest rail, an exception is made for the temporary loading or unloading of property or passengers. Wash. Rev. Code Ann. § 46.61.570(1)(c) (West 1999).

The Washington State Department of Transportation and local authorities within their respective jurisdictions have statutory authority to designate a highway-rail crossing as particularly dangerous and may erect stop signs at the crossing. At any crossing where a stop sign has been erected, all drivers must bring their vehicles to a full stop within fifteen to fifty feet of the nearest rail of the tracks and may move over the crossing upon exercising due care. Wash. Rev. Code Ann. 46.61.345 (West 1999).

Washington law expressly prohibits any person from driving a vehicle at a speed greater than that which is reasonable and prudent the conditions present and with regard to the actual and potential hazards. Consistent with this prohibition, drivers must drive at an appropriately reduced speed when approaching and crossing a highway-rail crossing. Wash. Rev. Code Ann. §46.61.400(3) (West 1999).

WEST VIRGINIA

West Virginia law requires any person driving a vehicle approaching a highway-rail crossing to bring the vehicle to a full stop within fifteen to fifty feet of the nearest rail of the tracks. Drivers must not proceed through the crossing until it can be done safely. These requirements are applicable at highway-rail crossings under the following circumstances:

- 1) Where warning of the immediate approach of train is being given by a clearly visible electrical or mechanical device.
- 2) Where a crossing gate is lowered or a flagman is giving a signal indicating the approach or passage of a train.
- 3) When a train approaching within approximately fifteen hundred feet of a highway-rail crossing is emitting a signal audible from that distance and,

because of its speed or close proximity to the crossing, constitutes an immediate hazard.

- 4) Where a train is in hazardous proximity to a crossing and is plainly visible.

It is unlawful in West Virginia for any person to drive a vehicle through, around or under any crossing gate or barrier that is closed or is in the process of being opened or closed. W. Va. Code § 17C-12-1(a)(b) (1999).

The State Road Commission and local authorities with the approval of the State Road Commission are authorized to designate particularly dangerous highway/rail crossings and to erect a stop sign at the crossing. Where such a sign is erected, the driver of any vehicle is required to stop with fifteen to fifty feet from the nearest rail and only proceed while exercising due care. W. Va. Code § 17C-12-2 (1999).

West Virginia law prohibits any driver from driving to the left side of the roadway when approaching within one hundred feet of or traversing any highway-rail crossing. W. Va. Code § 17C-7-6(a) (1999).

West Virginia law prohibits anyone from stopping, standing or parking a vehicle within fifty feet of the nearest rail of a railroad crossing. W. Va. Code § 17C-13-3(a) (1999).

It is unlawful for anyone in West Virginia to drive a vehicle at a speed greater than that which is reasonable and prudent under the conditions present and with regard to the actual and potential hazards. Consistent with this prohibition, drivers must drive at an appropriately reduced speed when approaching and crossing a highway-rail crossing. W. Va. Code § 17C-6-1(c) (1999).

WISCONSIN

Wisconsin expressly prohibits drivers from driving on or over a highway-rail crossing when any of the following circumstances exist:

- 1) Where a signal to stop is being given by a traffic officer or railroad employee.
- 2) Where any warning device is giving a signal to stop, except when the driver of a vehicle, after complying with the stop signal, finds that no train is approaching. In that case, the driver may proceed.

It is unlawful for the driver of a vehicle to drive through, around or under any crossing gate or barrier that is closed or is in the process of being opened or closed. Wis. Stat. § 346.44 (1998).

Wisconsin prohibits vehicles from overtaking and passing any other vehicle proceeding in the same direction within one hundred feet of or traversing any highway-rail crossing, unless the roadway is of sufficient width for two or more lines of vehicles to lawfully proceed simultaneously or unless the driver is directed to pass by a traffic officer. Wis. Stat. § 346.10(1) (1998).

Wisconsin law prohibits drivers from driving a speed greater than that which is reasonable and prudent under the conditions present and with regard to the actual and potential hazards. Consistent with this prohibition, drivers must drive at an appropriately reduced speed when approaching and crossing a highway-rail crossing. Wis. Stat. § 346.57(3) (1998).

It is unlawful to stop or leave standing any vehicle, whether occupied or not, and whether temporary or otherwise, within twenty-five feet of the nearest rail of a highway-rail crossing. Wis. Stat. § 346.52(i) (1998).

WYOMING

Wyoming law requires any driver approaching a highway-rail crossing to bring their vehicle to a stop within fifteen to fifty feet of the nearest rail of the tracks. Drivers are not to proceed through the crossing until it can be done safely. These requirements are applicable at highway-rail crossings under the following circumstances:

- 1) Where warning of the immediate approach of a train is given by a clearly visible electrical or mechanical device.
- 2) When a crossing gate is lowered or a flagman is giving a signal indicating the approach or passage of a train.
- 3) When a train approaching within approximately fifteen hundred feet of a highway-rail crossing is emitting a signal audible at that distance and, because of its speed or close proximity to the crossing, constitutes an immediate hazard.
- 4) Where a train is in hazardous proximity to the crossing and is plainly visible.

Wyoming law prohibits drivers from driving through, around or under any crossing gate or barrier that is closed or is being opened or closed. Wyo. Stat. 31-5-510 (1999).

No vehicle in Wyoming may be driven to the left side of the roadway when approaching within one hundred feet of or traversing a highway-rail crossing. Wyo. Stat. § 31-5-205(a) (1999).

Wyoming law prohibits anyone from driving a vehicle on a highway at a speed greater than that which is reasonable and prudent under the conditions present and with regard to the actual and potential hazards. Consistent with this prohibition, everyone must drive at a safe and reduced speed when approaching and crossing a highway-rail crossing. Wyo. Stat. 31-5-301(a) (1999).

It is unlawful in Wyoming for any person to stop, stand or park a vehicle on any railroad track, except when it is necessary to avoid conflict with other traffic or when complying with the law or directions of a police officer or traffic control device. Wyo. Stat. 31-5-504(H) (1999).

Wyoming law also prohibits anyone from parking a vehicle within fifty feet of the nearest rail of a highway-rail crossing, except temporarily to load or unload property or passengers. Wyo. Stat. 31-5-504(iii-A) (1999).