LAW ENFORCEMENT GUIDEBOOK/'CHEAT SHEET' TEMPLATES

A COMMON FALSE ASSUMPTION IS THAT ALL LAW ENFORCEMENT OFFICERS ARE FAMILIAR WITH THE LAWS/ORDINANCES WITHIN THEIR JURISDICTION THAT PERTAIN TO RAILROADS. MOST OFFICERS ARE EAGER TO WORK AT MAKING THE RAILROAD RIGHT-OF-WAY A SAFER AND MORE SECURE PLACE, BUT UNFORTUNATELY THEY HAVEN'T HAD THE OPPORTUNITY AND/OR TRAINING TO BECOME FAMILIAR WITH THE APPROPRIATE LAWS/ORDINANCES.

DEVELOPING A LAW ENFORCEMENT GUIDEBOOK/'CHEAT SHEET' THAT CONTAINS RAILROAD RELATED LAWS, ORDINANCES, EMERGENCY PHONE NUMBERS, AND OTHER IMPORTANT REFERENCE MATERIALS IS AN EASY AND OFTEN TIMES, ECONOMICAL WAY AT ENCOURAGING YOUR LOCAL LAW ENFORCEMENT OFFICERS TO ENFORCE CRIMINAL ACTIVITY ALONG THE RAILROAD RIGHT-OF-WAY.

THESE TEMPLATES ARE PROVIDED AS A RESOURCE/GUIDE SO THAT YOU CAN EASILY CREATE A SIMILAR DOCUMENT FOR YOUR JURISDICTION. ALL INFORMATION CONTAINED HEREIN IS PROVIDED AS REFERENCE MATERIAL AND SHOULD NOT BE CONSIDERED CURRENT AND/OR FACTUAL. PLEASE USE APPROPRIATE CARE IN CONDUCTING THE NECESSARY RESEARCH AND, IF NECESSARY, CONSULT YOUR LEGAL DEPARTMENT FOR FURTHER GUIDANCE IN DEVELOPING A GUIDEBOOK/'CHEAT SHEET' FOR YOUR JURISDICTION.

MISSOURI

Additional copies are available free of charge by contacting:

Missouri Department of Transportation
Railroad Section
PO Box 270
Jefferson City, MO 65102
(573) 751-7121

Missouri Operation Lifesaver
2300 Yorktown Drive
Jefferson City, MO 65109
(573) 634-4113

OPERATION LIFESAVER®

Missouri

Highway-Rail Grade Crossing Safety & Enforcement Manual

2012

Look, Listen Live!

Look, Listen Live!

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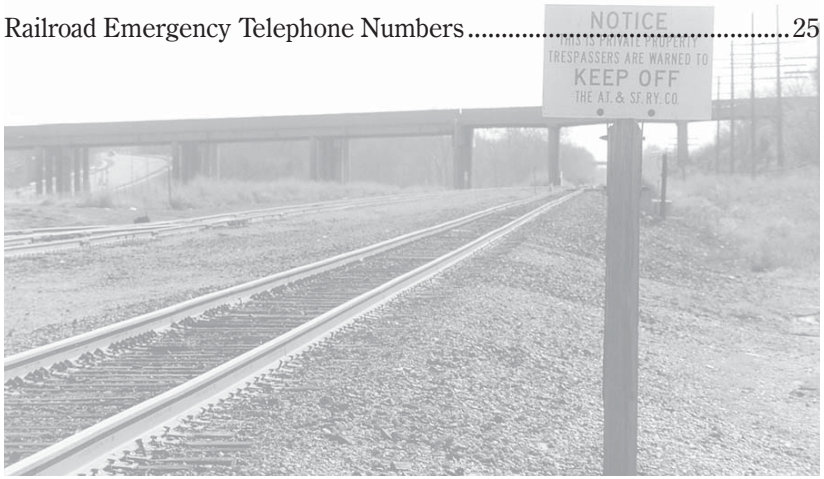


What is Operation Lifesaver?

Operation Lifesaver is a national, nonprofit education and awareness program dedicated to ending tragic collisions, fatalities, and injuries at highway-rail grade crossings and railroad rights-of-ways. This nationwide program is sponsored cooperatively by federal, state, and local government agencies, civic organizations, the nation's railroads, and other organizations interested in highway safety.

To meet its lifesaving goals, Operation Lifesaver intends to increase public awareness of the highway-rail grade crossings, and to improve driver and pedestrian behavior at these intersections by encouraging compliance with the traffic laws relating to crossing signs and signals.

This booklet seeks to assist the law enforcement officer to safely investigate those crashes when they do occur.

The Three Areas of Concentration Are:

1. **Education** - Operation Lifesaver strives to increase public awareness about the potential hazards around the rails. The program seeks to educate both drivers and pedestrians to make safe decisions at crossings and around railroad tracks.

2. **Enforcement** - Operation Lifesaver promotes active enforcement of traffic laws relating to crossing signs and signals and private property laws related to trespassing.

3. **Engineering** - Operation Lifesaver encourages continued engineering research and innovation to improve the safety of railroad crossings.

Missouri Railroad Emergency Telephone Numbers

Arkansas & Missouri	(479) 751-8069
Amtrak	(314) 705-9312
Bi-State Development Agency (METRO)	(314) 289-6870
(Security)	(314) 289-6872
BNSF	(800) 832-5452
(Emergency—Ext 1, Crossing Concerns—Ext 2, Police— Ext 3)	
Columbia Terminal (COLT)	(573) 875-2555
Canadian Pacific	(800) 339-1080
Kansas City Southern	(800) 892-6295
Kansas City Terminal (Dispatcher)	(913) 551-2187
	or (913) 551-2188
(Manager On Duty)	(913) 551-2179
Manufacturers Railway	(314) 773-1602
Missouri & Northern Arkansas	(800) 228-3580
Missouri Central Midland	(618) 910-8273
Norfolk Southern	(217) 425-2060
(Police Dispatch)	(800) 453-2530
Smoky Hill Railway & Historical	(816) 590-1179
(Home)	(816) 331-1376
St. Louis Iron Mountain & Southern Railway (cell)	(573) 270-3203
Terminal Railroad Assoc. of St. Louis	(618) 451-8474
Union Pacific	(888) 877-7267
(Malfunctioning Gates Ext. 2)	(800) 848-8715

The numbers listed on this page are restricted to law enforcement personnel for **Emergency Use Only**.

Do Not Use For Non-Emergency Contact!!

What To Do If A Crossing Collision Occurs

Following is a copy of the Grade Crossing Collision Investigation Checklist. To assist in your investigation, please keep in mind the following information:

- The engineer is the person operating the train.
- The conductor is in charge of the train.
- Locomotive engineers are NOT required to have a motor vehicle operator's license while operating a locomotive. Instead, a Federal Railroad Administration (FRA) Certification Card must be displayed by the engineer. This card does not have an identifying number.
- When investigating always be aware of the possibility of a hazardous material incident!

Using the checklist below as a guide, obtain the following information from the train crew:

Grade Crossing Collision Investigation Checklist

Engineer Information:

- ☐ Name
- ☐ Address
- ☐ DOB
- ☐ Phone
- ☐ Time of Collision
- ☐ Train Speed Estimate at Collision
  (Operator's license number not required on STARS report.)

Conductor Information:

- ☐ Name
- ☐ Address
- ☐ DOB
- ☐ Phone
  (Operator's license number not required on STARS report.)

Train Information:

- ☐ Lead Engine Number (on side of locomotive).
- ☐ Train ID Number (from Conductor).
- ☐ Number of cars in train.
- ☐ Railroad Company operating train.
- ☐ Additional crew members.
- ☐ Direction of train.

Engine Information:

- ☐ Headlight working?
- ☐ Horn working?
- ☐ Bell working?
- ☐ Auxiliary lights working?

Miscellaneous Information:

- ☐ Railroad car number on crossing?
- ☐ Distance locomotive travelled from initial impact?
- ☐ Witnesses?
- ☐ Railroad company that owns tracks?

At this point, If no further information is required, consider releasing the train.

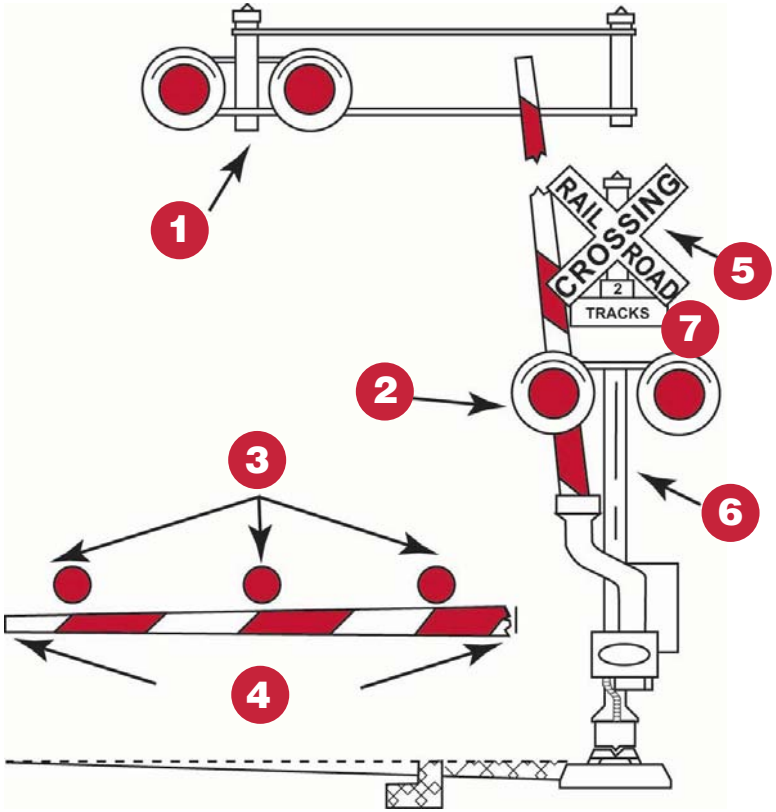
Crossing Signals:

- ☐ Lights/gates bell combination?
- ☐ Lights/bell combination?
- ☐ Passive warning (crossbucks)?
- ☐ Cantilever overhead lights?
- ☐ Lights flashing/bells ringing upon your arrival?
- ☐ Crossing gates down?
  (If devices not working upon your arrival, explain.)

Other Crossing Characteristics:

- ☐ Advance warning signs in place?
- ☐ Distance of advanced warning sign to nearest rail?
- ☐ Crossing surface (rubber, asphalt, etc.)
- ☐ Pavement markings?
- ☐ DOT/AAR crossing ID number?
- ☐ Width of right-of-way (feet)?
- ☐ Visual obstructions on driver approach?
- ☐ Citation given if warranted (FTY, FTS, etc.)?

Active Highway-Rail Grade Crossing Warning Components



1. Cantilever Flashing Lights
2. Mast Mounted Lights
3. Gate Lights
4. Gate Arm
5. Crossbuck Sign
6. Signal Mast
7. Number of Tracks Sign

Enforcement Programs Offered by Operation

1. Officer on the Train.
This involves placing a law enforcement officer in the cab of a locomotive engine. Radio communication between the officer on the train and ground support personnel allows the officers to stop motorists who violate crossing laws.

2. Grade Crossing Collision Investigation Course.
A course designed to equip law enforcement officers with the knowledge of how to investigate a crossing collision is offered. Since this is a unique type of traffic collision, information is provided in the course to help bridge the communication gap. Course length can vary from four hours to 16 hours and POST-approved continuing education hours are earned. This course is offered free-of-charge periodically around the state.

3. Positive Enforcement Programs.
This involves placing law enforcement officers and Operation Lifesaver personnel on the approach near crossings and giving a short safety tip, along with a safety brochure and a coupon for a free soft drink.

If the above programs are of interest to you, contact Missouri Operation Lifesaver at (573) 634-4113.

Initial Response of First on Scene

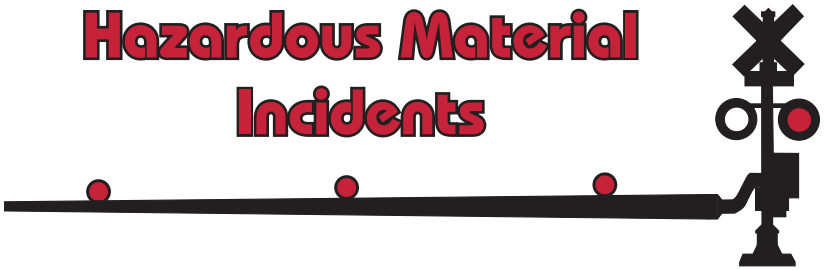
REMEMBER - Not all hazardous materials are marked. Some are not required to be marked while others may be improperly marked. Be alert and cautious at any rail accident, as hazardous material may be involved.

IF you believe there may be a Hazardous Materials incident refer to the: current Emergency Response Guidebook.

- Approach cautiously from upwind.
- Secure the scene.
- Identify the hazards.
- Assess the situation.
- Obtain help.
- Decide on site entry.
- Respond.

ABOVE ALL — Do not walk into or touch spilled material. Avoid inhalation of fumes, smoke and vapors, even if no dangerous goods are known to be involved. Do not assume that gases or vapors are harmless because of lack of a smell. Remember odorless gases or vapors may be harmful. Use **CAUTION** when handling empty containers because they may still present hazards until they are cleaned and purged of all residues.

General Procedures for Hazardous Material Incidents



Expert advice and assistance can be obtained by calling (toll free) CHEMTREC 1-800-424-9300.

CHEMTREC can provide valuable information and guidance even when limited information is available about the product or incident. However, the more information available when you call, the faster and better CHEMTREC can help!

Types of information CHEMTREC's Emergency Service Specialists will request when you call:

- Caller's name, title and organization.
- Callback number at scene.
- Dispatch-center phone number and FAX number.
- Description of incident and actions taken.
- Type and number of injuries/exposures.
- Material involved, including:
  - Name of the product(s), preferably a trade name.
  - Carrier and trailer or car number - UN, NA (placard) or STCC number of the products.
  - Shipper and point of destination.
  - Consignee and destination.
- Type or description and number of containers/packages.
- Specific information you need right away (MSDSs, medical help, etc.)
- Size of/or amount of release.
- Location, time, weather at the scene.

These general procedures are suggested guidelines and not intended to be anything else.

Railway Vehicle Crash Continuation/Supplement

MISSOURI UNIFORM CRASH REPORT ☐ Continuation ☐ Supplement ORIGINAL REPORT #_____ PAGE _____ OF_____

SUPPLEMENTAL REPORT NO.	SUPPLEMENTAL REPORT DATE	AGENCY NAME AND ORI
CRASH DATE / TRP / DIST / PCT / COUNTY		
REPORTING OFFICER NAME / DSN / BADGE NO.	SUPPLEMENTAL REVIEWING OFFICER NAME / DSN / BADGE NO.	

TRAIN INFORMATION

VEH. NO.	TRAIN ID NUMBER	LEAD ENGINE NO.	MAKE	MODEL	LOCOMOTIVE ENGINEER CERTIFICATE ☐ Yes ☐ No	EXPIRATION DATE
RETRACTABLE FLANGE WHEELED MOTOR VEHICLE ☐ NA	VEH YEAR	LICENSE - PLATE NO. STATE YEAR	VIN			COLOR

HEADLIGHT IN USE	HORN IN USE	BELL IN USE	TOTAL NO. OF OCCUPANTS
☐ Yes ☐ No ☐ Unknown	☐ Yes ☐ No ☐ Unknown	☐ Yes ☐ No ☐ Unknown	

TRAIN DAMAGE (Mark all damaged areas) ☐ None / No Damage

INITIAL IMPACT NO: LEAD ENGINE 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17

18 - Undercarriage 19 - Windshield 20 - Burned 21 - Towed Unit 22 - Cargo 23 - Unknown 24 - Other (Explain)

NO. OF CARS | SPEED | DISTANCE FROM IMPACT AREA TO FRONT OF LEAD ENGINE

RAILROAD CO. - TRACKS OWNER NAME & ADDRESS (Street, City, State, Zip)

RAILROAD CO. - TRAIN OWNER NAME & ADDRESS (Street, City, State, Zip)

TRAFFIC CONTROL DEVICE AT CROSSING ☐ NA
☐ Lights / Gates / Bell Combination ☐ Lights / Gates ☐ Flagman
☐ Lights / Bell Combination ☐ Lights Only ☐ None
☐ Passive Warning (Crossbucks Only) ☐ Pavement Markings

UPON INVESTIGATING OFFICER'S ARRIVAL AT SCENE:

CROSSING GATES DOWN	LIGHTS FLASHING	BELLS RINGING
☐ Yes ☐ No ☐ NA	☐ Yes ☐ No ☐ NA	☐ Yes ☐ No ☐ NA

ADVANCE WARNING SIGNS IN PLACE	DISTANCE FROM SIGN TO NEAREST RAIL	CROSSING SURFACE (Rubber, Asphalt, etc.)	DOT / AAR CROSSING ID. NO.	QUIET ZONE
☐ Yes ☐ No ☐ NA	☐ NA ☐ Miles ☐ Feet	☐ NA	☐ NA	☐ Yes ☐ No ☐ Unknown

TRAIN ACTION / SEQUENCE OF EVENTS CODES ☐ Additional Codes Listed in Narrative (See Codes in Section 8)

SEQUENCE OF EVENTS CODES FOR TRAIN ☐ Unknown

DISTRACTED / INATTENTIVE CODE(S) (See Codes in Section 8) ☐ NA

PROBABLE CONTRIBUTING CIRCUMSTANCES - TRAIN ☐ None

☐ Train Defects (Explain)	☐ Drugs	☐ Failed To Use Lights	☐ Failed To Secure Load / Improper Loading	☐ Other (Explain)
☐ Excessive Speed	☐ Vision Obstructed	☐ Obstruction on Tracks	☐ Derailment	
☐ Violation Signal / Sign	☐ Operator Fatigue / Asleep	☐ Track Defects	☐ Distracted / Inattentive (Designate Type Above)	
☐ Alcohol	☐ Failed To Sound Horn	☐ Improper Riding / Clinging To Train Exterior	☐ Unknown (Explain)	

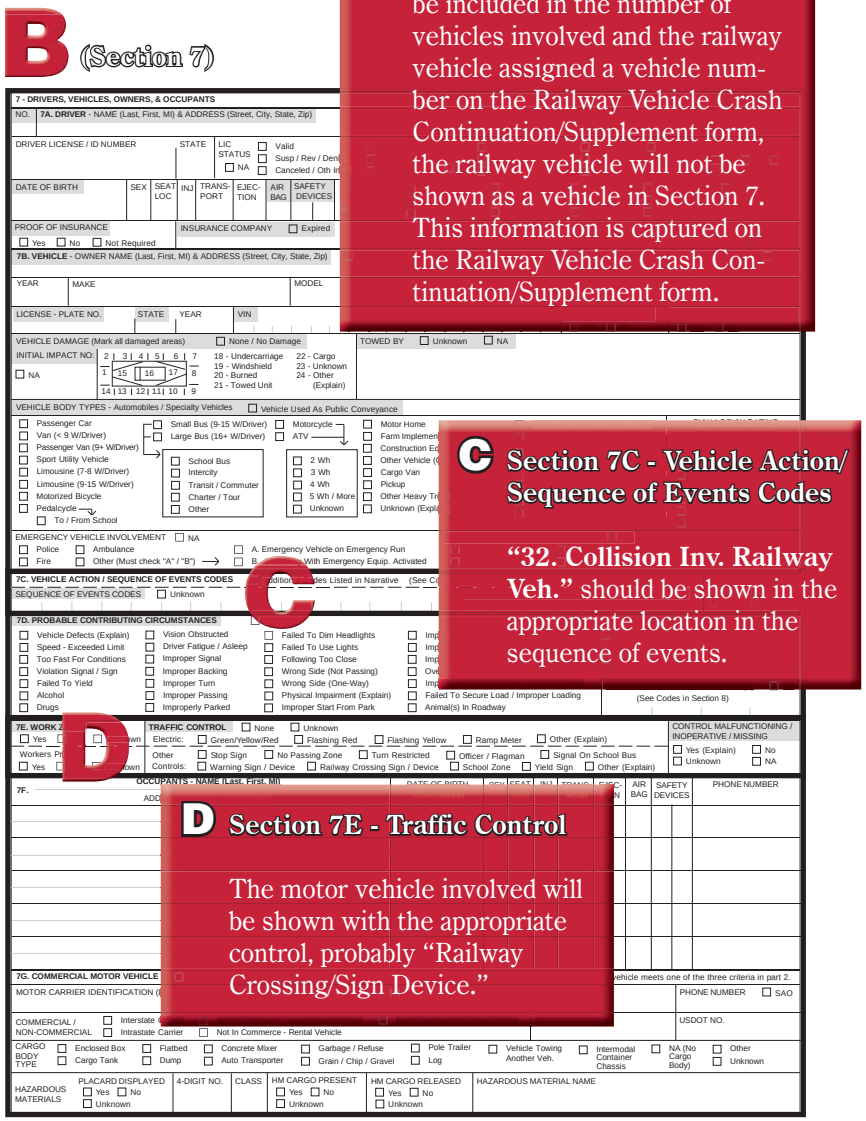
ENGINEER & CONDUCTOR

NAME (Last, First, MI) / ADDRESS (Street, City, State, Zip)	DATE OF BIRTH MM-DD-YYYY	SEX	SEAT LOC	INJ	TRANS-PORT	EJEC-TION	AIR BAG	SAFETY DEVICES	PHONE NUMBER
ENGINEER:									
CONDUCTOR:									

TRAIN CREW MEMBERS & PASSENGERS - List additional passengers on Pedestrian / Occupant Continuation

SHP-215C 01/12

Reporting Motor Vehicle/ Railway Vehicle Crash



(Page three of the Missouri Uniform Crash Report.)

B Section 7 - Drivers, Vehicles, Owners, & Occupants

While the railway vehicle should be included in the number of vehicles involved and the railway vehicle assigned a vehicle number on the Railway Vehicle Crash Continuation/Supplement form, the railway vehicle will not be shown as a vehicle in Section 7. This information is captured on the Railway Vehicle Crash Continuation/Supplement form.

C Section 7C - Vehicle Action/ Sequence of Events Codes

"32. Collision Inv. Railway Veh." should be shown in the appropriate location in the sequence of events.

D Section 7E - Traffic Control

The motor vehicle involved will be shown with the appropriate control, probably "Railway Crossing/Sign Device."

Emergency Telephone Numbers

Answered 24 hours a day, seven days a week.

CHEMTREC
800-424-9300

Bureau of Explosives
800-800-3855

State Emergency Management Agency
573-751-2748

Missouri Department of Transportation Railroad Section
573-751-4291

Missouri Department of Natural Resources
573-634-2436

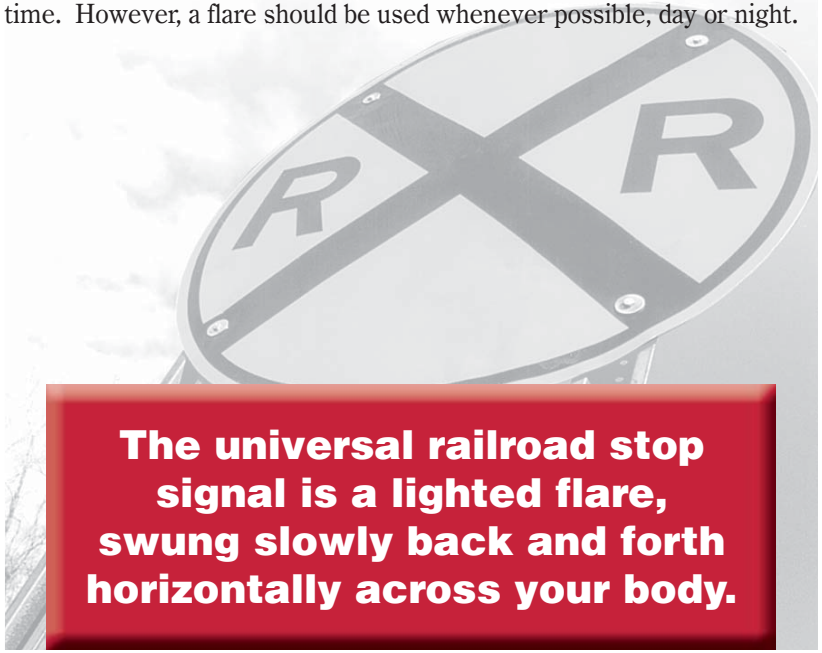
Federal Aviation Administration
573-875-5321

How to Stop a Train in an Emergency

When a train should be stopped to avoid a threat to life or property, contact the railroad dispatcher first. A listing of the railroads and their emergency telephone numbers is included in this manual on page 26.

If it is necessary to stop a train by flagging, remember that **a train takes much longer to stop than an automobile**. A 100-car freight train traveling at 55 mph on level track with a normal brake application, would require a mile or more to stop. An officer intending to stop a train must be at least the train's stopping distance from the hazard before signaling the engineer.

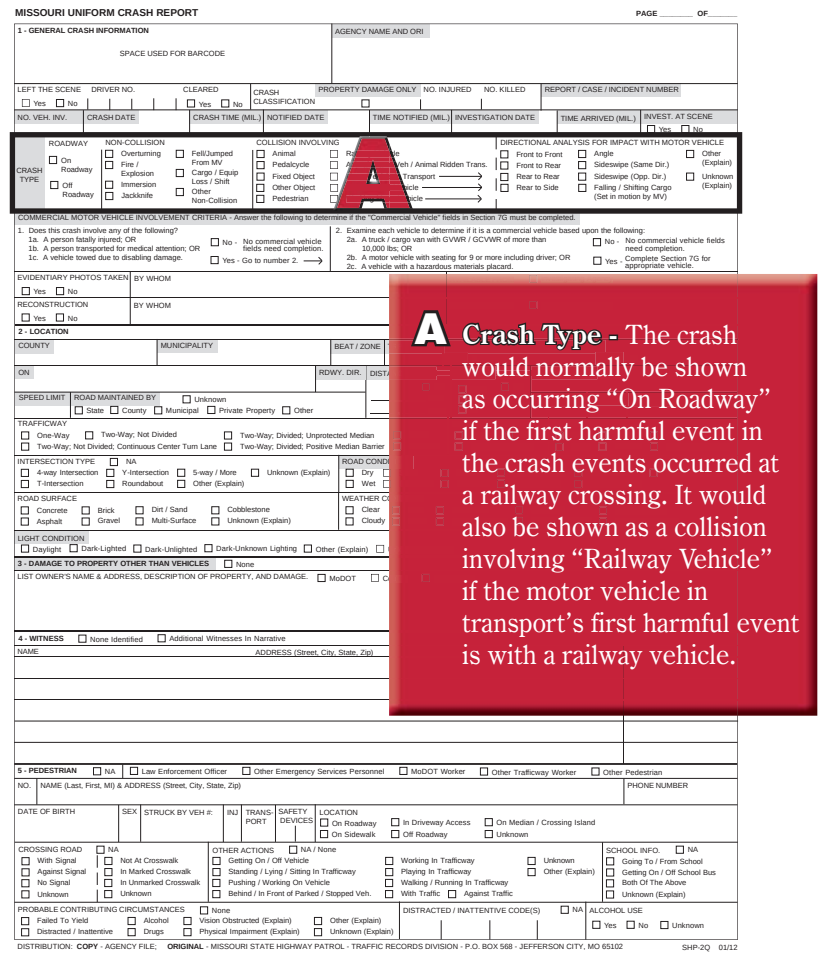
Do not stop your patrol car on the tracks. Park your car nearby and **turn on the emergency lights** to attract attention. Then position yourself near the tracks. The universal railroad stop signal is a lighted flare, swung slowly back and forth horizontally across your body. The locomotive engineer will acknowledge this signal with two whistle blasts and will stop the train. If it is impossible to use a highway flare, a flashlight may be used at night, or a brightly colored object in the daytime. However, a flare should be used whenever possible, day or night.



The universal railroad stop signal is a lighted flare, swung slowly back and forth horizontally across your body.

Reporting Motor Vehicle/ Railway Vehicle Collisions

Accurately reporting collisions involving motor vehicles and railway vehicles is critical to improving safety at highway-railroad crossings. The Missouri Uniform Crash Report, including the Railway Vehicle Crash Continuation/Supplement, should be completed to report a motor vehicle/railway vehicle crash. The following are a few points to remember when completing a crash report involving a railway vehicle:


MISSOURI UNIFORM CRASH REPORT

PAGE _____ OF_____

1 - GENERAL CRASH INFORMATION

SPACE USED FOR BARCODE

AGENCY NAME AND ORI

LEFT THE SCENE ☐ Yes ☐ No | DRIVER NO. | CLEARED ☐ Yes ☐ No | CRASH CLASSIFICATION | PROPERTY DAMAGE ONLY ☐ | NO. INJURED | NO. KILLED | REPORT / CASE / INCIDENT NUMBER

NO. VEH. INV. | CRASH DATE | CRASH TIME (MIL.) | NOTIFIED DATE | TIME NOTIFIED (MIL.) | INVESTIGATION DATE | TIME ARRIVED (MIL.) | INVEST. AT SCENE ☐ Yes ☐ No

CRASH TYPE

ROADWAY: ☐ On Roadway ☐ Off Roadway

NON-COLLISION: ☐ Overturning ☐ Fell/Jumped From MV ☐ Fire / Explosion ☐ Cargo / Equip Loss / Shift ☐ Immersion ☐ Other Non-Collision ☐ Jackknife

COLLISION INVOLVING: ☐ Animal ☐ Pedalcycle ☐ Fixed Object ☐ Other Object ☐ Pedestrian ☐ Ra… ☐ A… ☐ Veh / Animal Ridden Trans. ☐ … Transport → ☐ …icle → ☐ …icle →

A

DIRECTIONAL ANALYSIS FOR IMPACT WITH MOTOR VEHICLE: ☐ Front to Front ☐ Front to Rear ☐ Rear to Rear ☐ Rear to Side ☐ Angle ☐ Sideswipe (Same Dir.) ☐ Sideswipe (Opp. Dir.) ☐ Falling / Shifting Cargo (Set in motion by MV) ☐ Other (Explain) ☐ Unknown (Explain)

COMMERCIAL MOTOR VEHICLE INVOLVEMENT CRITERIA - Answer the following to determine if the "Commercial Vehicle" fields in Section 7G must be completed.

1. Does this crash involve any of the following?
   1a. A person fatally injured; OR
   1b. A person transported for medical attention; OR
   1c. A vehicle towed due to disabling damage.
   ☐ No - No commercial vehicle fields need completion.
   ☐ Yes - Go to number 2. →
2. Examine each vehicle to determine if it is a commercial vehicle based upon the following:
   2a. A truck / cargo van with GVWR / GCVWR of more than 10,000 lbs; OR
   2b. A motor vehicle with seating for 9 or more including driver; OR
   2c. A vehicle with a hazardous materials placard.
   ☐ No - No commercial vehicle fields need completion.
   ☐ Yes - Complete Section 7G for appropriate vehicle.

EVIDENTIARY PHOTOS TAKEN ☐ Yes ☐ No | BY WHOM

RECONSTRUCTION ☐ Yes ☐ No | BY WHOM

2 - LOCATION

COUNTY | MUNICIPALITY | BEAT / ZONE

ON | RDWY. DIR. | DIST…

SPEED LIMIT | ROAD MAINTAINED BY ☐ Unknown ☐ State ☐ County ☐ Municipal ☐ Private Property ☐ Other

TRAFFICWAY: ☐ One-Way ☐ Two-Way; Not Divided ☐ Two-Way; Divided; Unprotected Median ☐ Two-Way; Not Divided; Continuous Center Turn Lane ☐ Two-Way; Divided; Positive Median Barrier

INTERSECTION TYPE ☐ NA ☐ 4-way Intersection ☐ Y-Intersection ☐ 5-way / More ☐ Unknown (Explain) ☐ T-Intersection ☐ Roundabout ☐ Other (Explain)

ROAD CONDI… ☐ Dry ☐ Wet

ROAD SURFACE: ☐ Concrete ☐ Brick ☐ Dirt / Sand ☐ Cobblestone ☐ Asphalt ☐ Gravel ☐ Multi-Surface ☐ Unknown (Explain)

WEATHER CO… ☐ Clear ☐ Cloudy

LIGHT CONDITION: ☐ Daylight ☐ Dark-Lighted ☐ Dark-Unlighted ☐ Dark-Unknown Lighting ☐ Other (Explain)

3 - DAMAGE TO PROPERTY OTHER THAN VEHICLES ☐ None

LIST OWNER'S NAME & ADDRESS, DESCRIPTION OF PROPERTY, AND DAMAGE. ☐ MoDOT ☐ O…

4 - WITNESS ☐ None Identified ☐ Additional Witnesses In Narrative

NAME | ADDRESS (Street, City, State, Zip)

5 - PEDESTRIAN ☐ NA ☐ Law Enforcement Officer ☐ Other Emergency Services Personnel ☐ MoDOT Worker ☐ Other Trafficway Worker ☐ Other Pedestrian

NO. | NAME (Last, First, MI) & ADDRESS (Street, City, State, Zip) | PHONE NUMBER

DATE OF BIRTH | SEX | STRUCK BY VEH #: | INJ | TRANS-PORT | SAFETY DEVICES | LOCATION ☐ On Roadway ☐ On Sidewalk ☐ In Driveway Access ☐ Off Roadway ☐ On Median / Crossing Island ☐ Unknown

CROSSING ROAD ☐ NA ☐ With Signal ☐ Against Signal ☐ No Signal ☐ Unknown ☐ Not At Crosswalk ☐ In Marked Crosswalk ☐ In Unmarked Crosswalk ☐ Unknown

OTHER ACTIONS ☐ NA / None ☐ Getting On / Off Vehicle ☐ Standing / Lying / Sitting In Trafficway ☐ Pushing / Working On Vehicle ☐ Behind / In Front of Parked / Stopped Veh. ☐ Working In Trafficway ☐ Playing In Trafficway ☐ Walking / Running In Trafficway ☐ With Traffic ☐ Against Traffic ☐ Unknown ☐ Other (Explain)

SCHOOL INFO. ☐ NA ☐ Going To / From School ☐ Getting On / Off School Bus ☐ Both Of The Above ☐ Unknown (Explain)

PROBABLE CONTRIBUTING CIRCUMSTANCES ☐ None ☐ Failed To Yield ☐ Distracted / Inattentive ☐ Alcohol ☐ Drugs ☐ Vision Obstructed (Explain) ☐ Physical Impairment (Explain) ☐ Other (Explain) ☐ Unknown (Explain)

DISTRACTED / INATTENTIVE CODE(S) ☐ NA

ALCOHOL USE ☐ Yes ☐ No ☐ Unknown

DISTRIBUTION: **COPY** - AGENCY FILE; **ORIGINAL** - MISSOURI STATE HIGHWAY PATROL - TRAFFIC RECORDS DIVISION - P.O. BOX 568 - JEFFERSON CITY, MO 65102 SHP-2Q 01/12

A Crash Type - The crash would normally be shown as occurring "On Roadway" if the first harmful event in the crash events occurred at a railway crossing. It would also be shown as a collision involving "Railway Vehicle" if the motor vehicle in transport's first harmful event is with a railway vehicle.

Warning and Disclaimer

These statutes were accurate and current as of January 1, 2012. It is recommended that the user of this handbook check for any possible amendments to these statutes after publication of this handbook.

State Statutes And Model Ordinances Pertaining To Highway-Rail Grade

Model Ordinances:

Section 300 pertains to the "Model Traffic Ordinance" in the Missouri state statues. The following are not enforceable unless adopted by a local jurisdiction, and may be slightly modified from those models.

300.180. Interference with official traffic-control devices or railroad signs or signals. — No person shall, without lawful authority, attempt to or in fact alter, deface, injure, knock down or remove any official traffic control device or any railroad sign or signal or any inscription, shield or insignia thereon, or any other part thereof.

300.295. Obedience to signal indication approach of train.

1. Whenever any person driving a vehicle approaches a railroad grade crossing under any of the circumstances stated in this section, the driver of such vehicle shall stop within 50 feet, but not less than 15 feet, from the nearest rail of such railroad and shall not proceed until he can do so safely. The foregoing requirements shall apply when:
    (1) A clearly visible electric or mechanical signal device gives warning of the immediate approach of a railroad train;
    (2) A crossing gate is lowered or when a human flagman gives or continues to give a signal of approach or passage of a railroad train;

(3) An approaching railroad train is plainly visible and is in hazardous proximity to such crossing.

2. No person shall drive any vehicle through, around, or under any crossing gate or barrier at a railroad crossing while such gate or barrier is closed or is being opened or closed.

300.360. Railroad trains not to block streets. It shall be unlawful for the directing officer or the operator of any railroad train to direct the operation of or to operate the same in such a manner as to prevent the use of any street for purposes of travel for a period of time longer than five minutes; provided that this section shall not apply to a moving train or to one stopped because of an emergency or for repairs necessary before it can proceed safely.

300.400. Obedience of pedestrians to bridge and railroad signals.

1. No pedestrian shall enter or remain upon any bridge or approach thereto beyond the bridge signal, gate, or barrier after a bridge operation signal indication has been given.
2. No pedestrian shall pass through, around, over, or under any crossing gate or barrier at a railroad grade crossing or bridge while such gate or barrier is closed or is being opened or closed.

71.013. Train crewman not to be personally liable under city ordinance or state statute for blocking crossing when:

1. No member of the railroad train or yard crew shall be held criminally guilty of any responsibility of violating a state law or any municipal ordinance regulating the occupying or blocking of any street or highway railroad crossing at grade by trains or cars, upon reasonable proof that his action was necessary to comply with the order or instructions, either written or verbal, of his employer or its officers or supervisory officials; and provided, that nothing in this section shall relieve the employer or railroad from any responsibility placed upon said employer or railroad by any such state law or any municipal ordinance.
2. Every person, firm, company, or corporation, operating a railroad as a common carrier in the state of Missouri and violating the provisions of this section shall be fined not less than $50 for each separate offense.

304.016. Passing regulations. The following rules shall govern the overtaking and passing of vehicles proceeding in the same direction, subject to the limitations and exceptions hereinafter stated:

back of this manual or the 800 number posted at the crossing. Railroad maintenance personnel are on call to handle such malfunctions.

If you encounter problems with the railroad's failure to repair signals/gates, you may call the Missouri Department of Transportation, Railroad Section at (573) 751-4291 day or night. They have the authority to ensure the railroad repair the signals.

Basic Safety Awareness Around Railway Property And Equipment

1. Movement of trains, engines, railcars, or other movable equipment should be expected at any time on any track from either direction.
2. Law enforcement officers should never be on the track in front of an approaching engine, rail car, or other moving equipment.
3. If you chase someone into a rail yard contact the railroad police communications center for assistance in searching the yard.
4. Never go between coupled or uncoupled railcars without contacting the train crew.
5. Since railcars may move without warning, allow 20 feet between you and the end of a railcar when crossing tracks.
6. After obtaining permission from the conductor to cross through a standing train, choose a railcar with crossover platform and handhold. Maintain a firm grip; be prepared for railcar movement. Do not step on coupler or uncoupler lever.
7. Do not go underneath railcars.
8. Never climb on top of railcars.
9. Park your vehicle clear of all tracks.

property is fenced or otherwise enclosed in a manner designed to exclude intruders or as to which notice against trespass is given by:

(1) Actual communication to the actor; or

(2) Posting in a manner reasonably likely to come to the attention of intruders.

3. Trespass in the first degree is a class B misdemeanor.

569.150. Trespass in the second degree. 1. A person commits the offense of trespass in the second degree if he enters unlawfully upon real property of another. This is an offense of absolute liability.

2. Trespass in the second degree is an infraction.

Automatic crossing warnings signals such as flashing lights, gates, and bells are designed to activate whenever a train approaches a highway-rail grade crossing. Operating times may vary depending on the type of control equipment used.

Occasional problems may develop which cause the signal to activate in a fail-safe manner, so the signal will function even if no train is approaching the crossing. In less than one percent of the time, however, a failure of the system may occur in which there is a minimal or no warning time before the train reaches the crossing.

A frequent cause of highway-rail crossing signal failures is vandalism. Police officers can assist by watching for trespassers or incidents of vandalism along the tracks, such as tampering with signal housings. Crossing signals should be observed for shattered lenses, which could reduce warning effectiveness substantially.

If there is any reason to suspect a problem, please contact the involved railroad. Malfunctioning crossing signals should be reported immediately, using the 24-hour emergency phone numbers found in the

4. No vehicle shall at any time be driven to the left side of the roadway under the following conditions:

(2) When the view is obstructed upon approaching within 100 feet of any bridge, viaduct, tunnel, or when approaching within 100 feet of or at any intersection or railroad grade crossing.

304.030. Certain buses and trucks to stop at railroad crossing, when — exception, requirements. Every motor vehicle transporting passengers for hire, every school bus, and every motor vehicle transporting high explosives, or poisonous or compressed inflammable gases, and every motor vehicle used for the transportation of inflammable or corrosive liquids in bulk, whether loaded or empty, shall, upon approaching any railroad grade crossing, other than a crossing that is specifically exempted from the stopping requirement by order of the division of Motor Carrier and Railroad Safety of the Department of Economic Development, be brought to a full stop within 50 feet, but not less than 15 feet, from the nearest rail of such railroad grade crossing, and shall not proceed until due caution has been taken to ascertain that the course is clear, except that such full stop shall not be required at a streetcar crossing within a business or residence district, nor at a railroad grade crossing protected by a watchman or traffic officer on duty or by a traffic control signal (not railroad flashing signal) giving positive indication to approaching vehicles to proceed, nor when the division of Motor Carrier and Railroad Safety has ordered the placement of an exempt sign at the crossing.

304.035. Stop required at railroad grade crossing, when commercial motor vehicles, speed at crossings—penalty.

1. When any person driving a vehicle approaches a railroad grade crossing, the driver of the vehicle shall operate the vehicle in a manner so he will be able to stop, and he shall stop the vehicle not less than 15 feet and not more than 50 feet from the nearest rail of the railroad track and shall not proceed until he can safely do so if:

(1) A clearly visible electric or mechanical signal device warns of the approach of a railroad train; or

(2) A crossing gate is lowered or when a human flagman gives or continues to give a signal or warning of the approach or passage of a railroad train; or

(3) An approaching railroad train is visible and is in hazardous proximity to such crossing; or

(4) Any other traffic sign, device or any other act, rule, regulation, or statute requires a vehicle to stop at a railroad grade crossing.

(5) Every commercial motor vehicle as defined in section 302.700, RSMo, shall, upon approaching a railroad grade crossing, be driven at of rate of speed which will permit said commercial motor vehicle to be stopped before reaching the nearest rail of such crossing and shall not be driven upon or over such crossing until due caution has been taken to ascertain that the course is clear. This section does not apply to vehicles which are required to stop at railroad crossings pursuant to section 304.030.

2. No person shall drive any vehicle through, around, or under any crossing gate or barrier at a railroad crossing when a train is approaching while such gate or barrier is closed or is being opened or closed.
3. Any person violating the provisions of this section is guilty of a class C misdemeanor.
4. No person shall drive a vehicle though a railroad crossing unless such vehicle has sufficient undercarriage clearance necessary to prevent the undercarriage of the vehicle from contacting the railroad crossing.
5. Every commercial motor vehicle as defined in section 302.700, RSMo, shall, upon approaching a railroad grade crossing, be driven at a rate of speed which will permit said commercial motor vehicle to be stopped before reaching the nearest rail of such crossing and shall not be driven upon or over such crossing until due caution has been taken to ascertain that the course is clear. This section does not apply to vehicles which are required to stop at railroad crossings pursuant to section 304.030.

304.331. Alteration or removal of traffic-control devices prohibited. — No person shall, without lawful authority, attempt to or in fact alter, deface, injure, knock down, or remove any official traffic-control device or any railroad sign or signal or any inscription, shield or insignia thereon, or any other part thereof.

388.625. Railroad police, powers of. Railroad policemen, while engaged in the pursuit of their purposes regarding violations of the law which occurred on railroad property, shall have in every county and city in this state all law enforcement powers which county and city peace officers have except for the serving and execution of civil process, provided, however, that a railroad policeman shall not apply for or serve search warrants.

389.653. Trespass to railroad property, penalties.

1. Any person who commits the following acts shall be deemed guilty of a "trespass to railroad property":

   (1) Throwing an object at a railroad train or rail-mounted work equipment; or,

   (2) Maliciously or wantonly causing in any manner the derailment of a railroad train, railroad car, or rail-mounted work equipment.

2. Any person committing a trespass to railroad property pursuant to this section shall be deemed guilty of a class A misdemeanor.
3. As used in this section, "railroad property" includes, but is not limited to, any train, locomotive, railroad car, caboose, rail-mounted work equipment, rolling stock, work equipment, safety device, switch, electronic signal, microwave communication equipment, connection, railroad track, rail, bridge, trestle, right-of-way, or any other property owned, leased, operated, or possessed by a railroad.
4. Notwithstanding subsection 2 of this section, any person committing a trespass to railroad property pursuant to this section who discharges a firearm or a weapon at a railroad train or rail-mounted work equipment shall be deemed guilty of a class D felony.
5. Nothing in this section shall be construed to interfere with either the lawful use of a public or private railroad crossing, or as limiting a representative of a labor organization which represents or is seeking to represent the employees of the railroad, form conducting such business as provided by the Railway Labor Act.
6. As used in this section, "railroad property" includes, but is not limited to, any train, locomotive, railroad car, caboose, rail-mounted work equipment, rolling stock, work equipment, safety device, switch, electronic signal, microwave communication equipment, connection, railroad track, rail, bridge, trestle, right-of-way or any other property owned, leased, operated or possessed by a railroad.

569.140. Trespass in the first degree. 1. A person commits the crime of trespass in the first degree if he knowingly enters unlawfully or knowingly remains unlawfully in a building or inhabitable structure or upon real property.

2. A person does not commit the crime of trespass in the first degree by entering or remaining upon real property unless the real

CALIFORNIA

TRAIN STOPPING PROCEDURES

These procedures apply whenever continued train movements would be hazardous to persons or property.

REMEMBER, it can take **up to a mile and a half** for a train to come to a complete stop.

You should not attempt to actuate railroad block signals to stop trains in an emergency.

All Emergency Service Personnel must be cognizant of the inherent dangers associated with stopping a train, and shall ensure that their actions are consistent with sound safety practices.

NOTIFICATION: When it is necessary to stop rail traffic, immediately notify the appropriate Railroad Communication/ Dispatch Center. It is very important to identify the railroad(s) that operate in your community.

Universal Hand Signal: To stop a train, swing a visible object horizontally in a back-and-forth motion at knee-to-hip height, at a right angle to the track. The object can be anything that will be visible to the Engineer, such as a reflective vest, flashlight, yellow emergency blanket or a flare. Upon observing your emergency stop signal, the Engineer will acknowledge by sounding the train horn twice.

Unattended Flare/Fusee: If time permits, place a flare/fusee between the rails at least two miles in advance of the hazard in both directions of travel. Do not place flare/ fusee directly on a wooden railroad tie. Immediately after the train comes to a complete stop, contact a train crew member and advise him/her of the hazard.

EMERGENCY CONTACT NUMBERS

FREIGHT RAILROADS

BNSF	800-832-5452 – press 0
California Northern Railroad	707-333-3078
Modesto & Empire Traction	209-524-4631
Richmond Pacific	510-734-6890 510-734-6889
San Joaquin Valley Railroad	559-592-2505
Union Pacific Railroad	888-877-7267

PASSENGER/TRANSIT RAILROADS

ACE – Altamont Commuter Express	209-944-6255
Amtrak Police Department	800-331-0008
Train Operations	800-726-1999
Bus Operations	800-683-4114
BART	877 679-7000
Caltrain Commuter Service	
San Jose Control Operations	800-872-4660
Transit Police	877-723-7245
Los Angeles Metro	323-563-5000
Metrolink (Southern California)	888-446-9715
Sacramento Regional Transit	916-648-8415
San Diego Coaster	
Emergencies	760-966-6700
Train Dispatch	888-446-9716
San Diego Sprinter	
Emergencies	866-502-6673
Train Dispatch	760-966-6628
San Diego Trolley	619-595-4960
San Francisco Muni	415-759-4321
Santa Clara County VTA	408-321-2300 press 4

Every two hours, a collision occurs between a train and a vehicle or a train and a pedestrian.

LAW ENFORCEMENT GUIDE TO RAILROAD LAWS

OPERATION LIFESAVER®
California

For additional information, visit

www.caol.us

or call

877-827-2265

Every effort has been made to ensure the accuracy of the information provided in this Guide. Prior to issuing citations, code sections should be verified for accuracy.

Updated: March 2008

VEHICLE CODE VIOLATIONS

22451(a)	**Veh/Ped failing to stop for railroad crossing signal**
22451(b)	**Veh/Ped drive/walk around lowered railroad crossing arms**
22526(c)	**Anti Gridlock, stopping on railroad grade crossing; undercarriage clearance**
21113	Illegal parking of vehicles violating posted signs on transit property
21461(a)	Failure to obey official traffic control devices, provisions of vehicle code or local traffic ordinances
21650	Wrong side of roadway – enhances 22451(b)
21651(a)	Driving vehicle over or upon center divider
21752(c)	Passing at railroad grade crossing
22101(d)	Failure to obey official device regulating turns
22450(b)	Failure to stop at limit line of stop sign at entrance or within railroad crossing
22452(b)	Special vehicles required to stop more than 15 feet from the tracks before crossing (hazmat, buses: see code for specifics)
22452(c)	Commercial vehicles other than those required to stop in 22452(b) must approach crossing at a speed where they could stop if needed
22521	Parking within 7½ feet of railroad track
22656	Storage authority to tow vehicle in violation of 22521

PENAL CODE VIOLATIONS – FELONIES

212.5(a)	Robbery of transit operator or passenger
214	Train robbery
218	Train wrecking (attempt)
219	Wrecking/derailing a train
219.1	Throw object at common carrier vehicle with intent to wreck or cause bodily harm
219.2	Shoot missile or throw hard object at a train – misd/felony – wobbler
243.3	Battery on transit personnel or passenger – misd/felony
245.2	Assault with deadly weapon on transit personnel or passenger
459	Burglary – includes freight container cars
481.1(a)	Fare media; counterfeit, forge or alter
587.1	Removes, displaces, injures or destroys any part of any railroad
587.2	Place objects on the rail – misd/felony
587.1(b)	Move locomotive without authorization creating the likelihood of injury
625c	Willfully tampering with a transit vehicle or placing an obstruction that causes bodily injury or willfully setting a vehicle in motion while it is at rest and unattended

PENAL CODE VIOLATIONS – MISD.

241.3	Assault on transit personnel or passenger
369d	Leave railroad right of way gate open
369g(a)	Drive vehicle on railroad track/right of way
369g(b)	Drive vehicle on County transit agency track/ROW
369h	Operating light that may be mistaken for railroad signal
369i(a)	Trespassing-Interfering with RR operations
369i(b)	Trespassing-Interfering with RR operations of County transit agency
402	Sightseeing at scene of an emergency
481.1(b)	Possess counterfeit/altered fare media
555	Trespass on posted property (signs every 600 ft)
587a	Tamper with air brakes or safety equipment
587b	Trespass on railroad train
587c	Fare evasion
587.1(a)	Move locomotive without permission
590	Tamper with railroad milepost marker

PC – TRANSIT-RELATED INFRACTIONS

602.7	Peddling without permission of transit authority (SFBARTD or SCRTD only)
602.8(a)	Trespass on posted property (infraction in some counties)
640(b)(1)	Fare evasion
640(b)(2)	Misuse of fare media
640(b)(3)	Play sound equipment
640(b)(4)	Smoke/eat/drink
640(b)(5)	Spit on system
640(b)(6)	Boisterous, unruly behavior
640(b)(8)	Urinating or defecating in transit system/vehicle
640(b)(10)	Skateboarding, roller skating, rollerblading or bicycling in any system facility, vehicle or parking structure
640(b)11(A)	Unauthorized use of a discount ticket
647(h)	Loitering on private property without lawful business

REFERENCE SECTIONS

783 PC	Offenses on public transit can be adjudicated where trip terminates and/or report is made
2188 Civil	Passenger ejection authorization for system rules violation
7656 PUC	Passenger must display ticket on request; failure to do so may result in ejection

It can take up to a mile and a half for a train to STOP.

INVESTIGATION CHECKLIST

ENGINEER'S INFORMATION:

- Name
- Work Address
- DOB
- Work Telephone Number
- Time of Collision
- Estimated Train Speed

NOTE: Drivers License number is not permitted on report per CVC 12953

CONDUCTOR'S INFORMATION:

- Name
- Work Address
- DOB
- Work Telephone Number

NOTE: Drivers License number is not permitted on report per CVC 12953

TRAIN INFORMATION:

- Lead engine number (total number of engines)
- Preservation/disposition of event recorder
- Train ID number
- Number of cars in the train
- Name and address of railroad operating train
- Name of the host railroad (owner of tracks)
- Additional train crew member

ENGINE INSPECTION:

- Headlight working?
- Horn working?
- Bell working?

MISCELLANEOUS INFORMATION:

- Train car number stopped on the crossing
- Distance from train car to POI
- Additional witnesses (do not use passengers)
- Gear shift position on vehicle involved
- Key ignition position/Radio volume position

If no additional information is needed from the train crew, consider releasing the train.

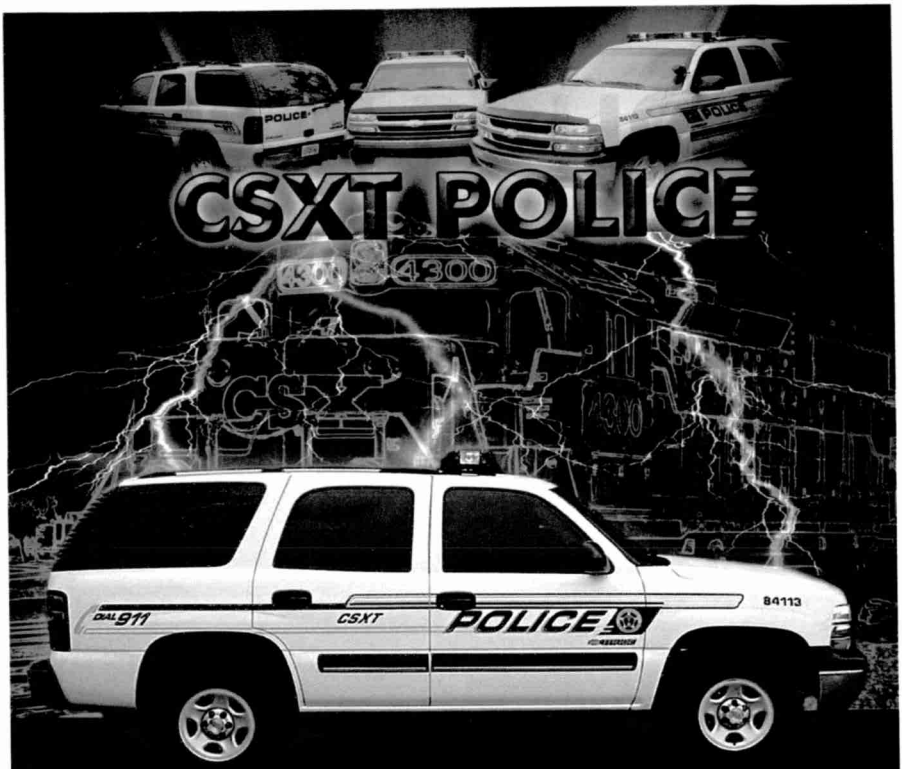
RAILROAD CROSSING SIGNALS:

- Identify the type of crossing – Gates/Bells/Lights or Lights/Bells or Crossbuck/Stop Sign, etc.
- Railroad crossing device operating upon your arrival? Gates in down position? Note in your report.

OTHER CROSSING CHARACTERISTICS:

- Advance warning signs in place
- Crossing surface – visual obstructions
- Pavement markings
- DOT/AAR crossing ID number
- Citation issued to driver

FLORIDA



Florida Railroad Law Enforcement Information Booklet

RAILROAD POLICE
CSX TRANSPORTATION

Inside this booklet you will find information that will prove useful whenever you have occasion to cite a highway-rail grade crossing violator, an action which is a real ***"Lifesaver"***.

You will also find selected Florida Statutes concerning railroads, including Chapter 354 which empowers Railroad Police Officers in Florida, and Title 49, US Code, Subtitle V, part 281, Section 28101, which empowers Railroad Police Officers with interstate authority.

The motto of Florida Operation Lifesaver is:

"What you don't know about trains can kill you."

Last Revised September 2007
Special Agents Tim Easley and Bruce Shaw
CSX Transportation Railroad Police

SELECTED FLORIDA STATE STATUTES PERTAINING TO RAILROADS

The following information pertaining to railroads and railroad grade crossing safety are included so that you may see that despite common belief:

1. Railroad trains are not motor vehicles.
2. Railroad trains need not be licensed or insured.
3. Railroad locomotive engineers need not possess or be required to produce a valid driver's license upon request of law enforcement. Certification to operate a locomotive comes from the Federal Railroad Administration (FRA). A state issued driver's license has no bearing whatsoever on the operation of a locomotive. (A Conductor has no such requirement.)
4. Railroad property and rights of way are private property and are not generally open to the public.
5. Pedestrians and vehicles are required to yield to railroad trains, by law and by common sense.

CHAPTER 316 – STATE UNIFORM TRAFFIC CONTROL

F.S.316.003 Definitions.

The following words and phrases, when used in this chapter, shall have the meanings respectively ascribed to them in this section, except where the context otherwise requires:

(21) MOTOR VEHICLE. Any self-propelled vehicle not operated upon rails or guideway, but not including any bicycle, motorized scooter, electric personal assistive mobility device, or moped.

(32) POLICE OFFICER. Any officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations, including Florida highway patrolmen, sheriffs, deputy sheriffs, and municipal police officers.

(35) RAILROAD. A carrier of persons or property upon cars operated upon stationary rails.

(36) RAILROAD SIGN OR SIGNAL. Any sign, signal, or device erected by authority of a public body or official, or by a railroad, and intended to give notice of the presence of railroad tracks or the approach of a railroad train.

(37) RAILROAD TRAIN. A steam engine, electric or other motor, with or without cars coupled thereto, operated upon rails, except a streetcar.

(75) VEHICLE. Every device, in, upon, or by which any person or property is or may be transported or drawn upon a highway, excepting devices used exclusively upon stationary rails or tracks.

F.S.316.074 Obedience to and required traffic control devices.

(1) The driver of any vehicle shall obey the instructions of any official traffic control device applicable thereto, placed in accordance with the provisions of this chapter, unless otherwise directed by a police officer, subject to the exceptions granted the driver of an authorized emergency vehicle in this chapter.

(2) No person shall drive any vehicle from a roadway to another roadway to avoid obeying the indicated traffic control indicated by such traffic control device.

(3) No provision of this chapter for which official traffic control devices are required shall be enforced against an alleged violator if at the time and place of the alleged violation an official device is not in proper position and sufficiently legible to be seen by an ordinarily observant person. Whenever a particular section does not state that official traffic control devices are required, such section shall be effective even through no devices are erected or in place.

(4) Whenever official traffic control devices are placed in position approximately conforming to the requirements of this chapter, such devices shall be presumed to have been placed by the official act or direction of lawful authority unless the contrary shall be established by competent evidence.

(5) Any official traffic control device placed pursuant to the provisions of this chapter and purporting to conform to the lawful requirements pertaining to such devices shall be presumed to comply with the requirements of this chapter unless the contrary shall be established by competent evidence.

F.S.316.0775 Interference with official traffic control devices or railroad signs or signals.

(1) A person may not, without lawful authority, attempt to or in fact alter, deface, injure, knock down or remove any official traffic control device or any railroad signal or signal or any inscription, shield or insignia thereon, or any other part thereof.

F.S.316.087 Further limitations on driving to left of center of roadways.

(1) No vehicle shall at any time be driven to the left side of the roadway under the following conditions:

(d) when approaching within 100 feet of or traversing any railroad grade crossing.

(2) The foregoing limitations shall not apply upon a one-way roadway, nor when an obstruction exists making it necessary to drive to the left of the center of the highway, nor to the driver of a vehicle turning left into or from an alley, private road or driveway.

F.S.316.1575 Obedience to traffic control devices at railroad-highway grade crossings.

(1) Any person walking or driving a vehicle and approaching a railroad-highway grade crossing under any of the circumstances stated in this section shal stop within 50 feet but not less than 15 feet from the nearest rail of such railroad and shall not proceed until he can do so safely. The foregoing requirements apply when:

(a) A clearly visible electric or mechanical signal device gives warning of the immediate approach of a railroad train;

(b) A crossing gate is lowered or a human flagman gives or continues to give a signal of the approach or passage of a railroad train;

(c) An approaching railroad train emits an audible signal or the railroad train, by reason of its speed or nearness to the crossing, is an immediate hazard; or

(d) An approaching railroad train is plainly visible and is in hazardous proximity to the railroad-highway grade crossing, regardless of the type of traffic control devices installed at the crossing.

(2) No person shall drive any vehicle through, around, or under any crossing gate or barrier at a railroad-highway grade crossing while the gate or barrier is closed or is being opened or closed.

F.S.316.1576 Insufficient clearance at a railroad-highway grade crossing.

(1) A person may not drive any vehicle through a railroad-highway grade crossing that does not have sufficient space to drive completely through the crossing without stopping.

(2) A person may not drive any vehicle through a railroad-highway grade crossing that does not have sufficient undercarriage clearance to drive completely through the crossing without stopping.

F.S.316.1577 Employer responsibility for violations pertaining to railroad-highway grade crossings.

(1) An employer may not knowingly allow, require, permit, or authorize a driver to operate a commercial motor vehicle in violation of a federal, state, or local law or rule pertaining to railroad-highway grade crossings.

F.S.316.159 Certain vehicles to stop at all railroad grade crossings.

(1) The driver of any motor vehicle carrying passengers for hire, excluding taxicabs, or any school bus carrying any school child, or of any vehicle carrying any school child, or of any vehicle carrying explosive substances or flammable liquids as a cargo or part of a cargo, before crossing at grade any track or tracks of a railroad, shall stop such vehicle within 50 feet but not less

than 15 feet from the nearest rail of the railroad and, while stopped shall listen and look in both directions along the track for any approaching train, and for signals indicating the approach of a train, except as hereinafter provided, and shall not proceed until he or she can do so safely. After stopping as required herein and upon proceeding when it is safe to do so, the driver of any such vehicle shall cross only in a gear of the vehicle so that there will be no necessity for changing gears while traversing the crossing, and the driver shall not shift gears while crossing the track or tracks.

(2) No stop need be made at any such crossing where a police officer, a traffic control signal, or sign directs traffic to proceed. However, any school bus carrying any school child shall be required to stop unless directed to proceed by a police officer.

.S.316.170 Moving heavy equipment at railroad grade crossings.

(1) No person shall operate or move any crawler-type tractor, steam shovel, derrick, or roller, or any equipment or structure having a normal operating speed of 10 or less miles per hour or a vertical body or load clearance of less than 2 inch per foot of the distance between any two adjacent axles or in any event of less than 9 inches, measured above the level surface of a roadway, upon or across any tracks at a railroad crossing without first complying with this section.

(2) Notice of any such intended crossing shall be given to a station agent or other proper authority of the railroad, and a reasonable time shall be given to the railroad to provide proper protection at the crossing.

(3) Before making any such crossing the person operating or moving any such vehicle or equipment shall first stop the same not less than 15 feet nor more than 50 feet from the nearest rail of the railroad and while so stopped shall listen and look in both directions along the track for any approaching train and for signals indicating the approach of a train, and shall not proceed until the crossing can be made safely.

(4) No such crossing shall be made when warning is being given by automatic signal or crossing gates or a flagman or otherwise of the immediate approach of a railroad train or car. If a flagman is provided by the railroad, movement over the crossing shall be under his or her direction.]

⁻.S.316.171 Traffic control devices at railroad-highway grade crossings.

Every railroad company operating or leasing any track intersecting a public road at grade and upon which railroad trains are operated shall erect traffic control devices that are necessary to conform with the requirements of the uniform system of traffic control devices adopted pursuant to s.316.0745. This section does not require the railroad company to erect those devices, such as pavement markings and advance warning signs, which are the responsibility of the government entity having jurisdiction over or maintenance responsibility for the public road. Any change in the design of a traffic control device in the uniform system of traffic control devices applies only at new installations and at locations where replacements of existing devices are being made.

⁻.S.316.183 Unlawful speed.

(1) No person shall drive a vehicle on a highway at a speed greater than is reasonable and prudent under the conditions and having regard to the actual and potential hazards then existing. In every event, speed shall be

controlled as may be necessary to avoid colliding with any person, vehicle or other conveyance or object on or entering the highway in compliance witl legal requirements and the duty of all persons to use due care.

(4) The driver of every vehicle shall, consistent with the requirements o subsection (1), drive at an appropriately reduced speed when:

(a) approaching and crossing an intersection or railway grade crossing.

F.S.316.1945 Stopping, standing, or parking prohibited in specifiec places.

(1) Except when necessary to avoid conflict with other traffic, or in compliance with law or the directions of a police officer or official traffic control device, nc person shall:

(a) Stop, stand, or park a vehicle:

8. On any railroad tracks.

(b) Stand or park a vehicle, whether occupied or not, except momentarily tc pick up or discharge a passenger or passengers:

4. Within 30 feet upon the approach to any flashing signal, stop sign or traffic control signal located at the side of a roadway.

(c) Park a vehicle, whether occupied or not, except temporarily for the purpose of, and while actually engaged in, loading or unloading merchandise or passengers:

1. Within 50 feet of the nearest rail of a railroad crossing unless the Department of Transportation establishes a different distance due to unusual circumstances.

CHAPTER 320 – MOTOR VEHICLE LICENSES

F.S.320.01 Definitions, general.

As used in the Florida statutes, except as otherwise provided, the term:

(1) A "Motor Vehicle" means:

(a) An automobile, motorcycle, truck, trailer, semitrailer, truck tractor and semitrailer combination, or any other vehicle operated on the roads of this state, used to transport persons or property, and propelled by power other than muscular power, but the term does not include traction engines, road rollers, such vehicles as run only upon a track, bicycles or mopeds.

CHAPTER 322 – DRIVER'S LICENSES

F.S.322.01 Definitions.

As used in this chapter:

(26) "Motor Vehicle" means any self-propelled vehicle, including a motor vehicle combination, not operated upon rails or guideway, excluding vehicles moved solely

by human power, motorized wheelchairs, and motorized bicycles as defined in s.316.003.

HAPTER 324 – FINANCIAL RESPONSIBILITY

.S.324.021 Definitions; minimum insurance required.

The following words and phrases when used in this chapter shall, for the purpose of this chapter have the meanings respectively ascribed to them in this section, except in those instances where the context clearly indicates a different meaning:

(1) MOTOR VEHICLE. Every self-propelled vehicle which is designed and required to be licensed for use upon a highway, including trailers and semitrailers designed for use with such vehicles, except traction engines, road rollers, farm tractors, power shovels, and well drillers, and every vehicle which is propelled by electric power obtained from overhead wires but not operated upon rails, but not including any bicycle or moped. However, the term a motor vehicle shall not include any motor vehicle as defined in s.627.732(3) when the owner of such vehicle has complied with the requirements of ss.627.730-627.7405, inclusive, unless the provisions of s.324.051 apply; and in such case, the applicable proof of insurance provisions of s.320.02 apply.

;HAPTER 782 – HOMICIDE

'.S.782.071 Vehicular Homicide.

"Vehicular Homicide" is the killing of a human being, or the killing of a viable fetus by any injury to the mother caused by the operation of a motor vehicle by another in a reckless manner likely to cause the death of, or great bodily harm to, another.

;HAPTER 784 – ASSAULT; BATTERY; CULPABLE NEGLIGENCE

:.S.784.05 Culpable negligence.

(1) Whoever, through culpable negligence, exposes another person to personal injury commits a misdemeanor of the second degree, punishable as provided in s.775.082 or s.775.083.

CHAPTER 351 – RAILROADS

F.S.351.03 Railroad-highway grade-crossing warning signs and signals audible warnings; exercise of reasonable care; blockin highways, roads, and streets during darkness.

(1) Every railroad company shall exercise reasonable care for the safety of motorists wheneve its track crosses a highway and shall be responsible for erecting and maintaining crossbuc grade-crossing warning signs in accordance with the uniform system of traffic control device adopted pursuant to s.316.0745. Such crossbuck signs shall be erected and maintained at a public or private railroad-highway grade crossings.

(2) Advance railroad warning signs and pavement markings shall be installed and maintained a public railroad-highway grade crossings in accordance with the uniform system of traffi control devices by the governmental entity having jurisdiction over or maintenanc responsibility for the highway or street. All persons approaching a railroad-highway grad crossing shall exercise reasonable care for their own safety and for the safety of railroad trai crews as well as for the safety of train or vehicle passengers.

(3) Except as provided in subsection (4), any railroad train approaching within 1,500 feet of a public railroad-highway grade crossing shall emit a signal audible for such distance.

(4)(a) The Department of Transportation and the Federal Railroad Administration may authorize a municipality or county to implement a whistle ban provided the following conditions are met:

1. A traffic operations system is implemented to secure railroad-highway grade crossings for the purpose of preventing vehicles from going around, under, or through lowered railroad gates.

2. The municipality or county has in effect an ordinance that unconditionally prohibits the sounding of railroad train horns and whistles during the hours of 10 p.m. and 6 a.m. at al public railroad-highway grade crossings within the municipality or county and where the municipality, county, or state has erected signs at the crossing announcing that railroad trai horns and whistles may not be sounded during such hours. Signs so erected shall be ir conformance with the uniform system of traffic control devices as specified in s.316.0745.

(b) Upon final approval and verification by the department and the Federal Railroad Administration that such traffic operations system meets all state and federal safety and traffic regulations and that such railroad-highway grade crossings can be secured, the municipality or county may pass an ordinance prohibiting the sounding of audible warning devices by trains upon approaching such railroad-highway grade crossings between the hours of 10 p.m. and 6 a.m.

(c) Nothing in this subsection shall be construed to nullify the liability provisions of s.768.28.

(5)(a) Whenever a railroad train engages in a switching operation or stops so as to block a public highway, street, or road at any time from one-half hour after sunset to one-half hour before sunrise, the crew of the railroad train shall cause to be placed a lighted fusee or other visual warning device in both directions from the railroad train upon or at the edge of the pavement of the highway, street, or road to warn approaching motorists of the railroad train blocking the highway, street, or road. However, this subsection does not apply to railroad-highway grade crossings at which there are automatic warning devices properly functioning or at which there is adequate lighting.

(b) A person who violates any provision of paragraph (a) is guilty of a misdemeanor of the second degree, punishable as provided in s.775.082 or s.775.083.

S.351.034 Railroad-highway grade crossings to be cleared for emergency vehicles.

cept for trains or equipment stopped due to mechanical failure where separation or movement is t possible, any train or equipment that has come to a complete stop and is blocking a railroad-ghway grade crossing must be cut, separated, or moved to clear the crossing upon the approach of y emergency vehicle, which for the purpose of this law shall be:

) An ambulance operated by public authority or by private persons;

) A fire engine; or an emergency vehicle operated by power or electric companies; or

) Any other vehicle when operated as an emergency vehicle, defined as one which is engaged in the saving of life, property, or responding to any other public peril; or

) Emergency vehicles used as such by the Government of the United States; when upon the approach of such emergency vehicle, such vehicle gives due warning of its approach to such crossing by the sounding of sirens, flashing of lights, waving of flag, or any other warning sufficient to attract attention to such emergency vehicle; and thereupon the said train or equipment shall be cut and said crossing shall be cleared with all possible dispatch to permit the crossing and passing through of said emergency vehicle.

.S.351.35 Railroad tracks and related equipment; safety rules; penalties.

) The Department of Transportation shall adopt rules requiring companies operating railroads wholly or in part in the state to maintain tracks and all supportive, related equipment, including locomotives and other rolling stock, of such railroad companies within the state in a safe condition.

:) If any company operating a railroad either in whole or in part within the state fails to comply with any rule adopted by the department, such company shall thereby incur a penalty as provided for in applicable federal regulations.

.S.351.36 Railroad safety inspections and inspectors.

l) The Department of Transportation shall employ competent safety inspectors to inspect the physical conditions of the tracks and all supportive, related equipment, including locomotives and other rolling stock, of any railroad operated wholly or in part in the state. Safety inspectors shall attain Federal Railroad Administration employment qualifications necessary to qualify the state for federal funds.

2) The inspectors shall report in writing the results of their inspections in the manner and on forms prescribed by the department.

:.S.351.37 Railroad safety.

'he state shall supplement and not replace the responsibility of the Federal Government in the ıspection of physical conditions of railroad facilities within the state to ascertain compliance with ederal standards and regulations. Because this is a supplementary program, the state shall not be eemed to be liable for any actions or omissions in inspecting or failing to inspect railroad facilities. 'he provisions of this act replace all other provisions in the Florida Statutes relating to jurisdiction ver railroad safety.

CHAPTER 810 – BURGLARY AND TRESPASS

F.S.810.08 Trespass in structure or conveyance.

(1) Whoever, without being authorized, licensed, or invited, willfully enters or remains in any structure or conveyance, or, having been authorized, licensed, or invited is warned by the owner or lessee of the premises, or by a person authorized by the owner or lessee, to depart and refuses to do so, commits the offense of trespass in a structure or conveyance.

(2)(a) Except as otherwise provided in this subsection, trespass in a structure or conveyance is a misdemeanor of the second degree, punishable as provided in s.775.082 or s.775.083.

F.S.810.09 Trespass on property other than structure or conveyance.

(1)(a) A person who, without being authorized, licensed, or invited, willfully enters upon or remains in any property other than a structure or conveyance:

1. As to which notice against entering or remaining is given, either by actual communication to the offender or by posting, fencing, or cultivation as described in s.810.011;

Commits the offense of trespass on property other than a structure or conveyance.

(2)(a) Except as provided in this subsection, trespass on property other than a structure or conveyance is a misdemeanor of the first degree, punishable as provided in s.775.082 or s.775.083.

;HAPTER 860 OFFENSES CONCERNING AIRCRAFT, MOTOR VEHICLES, VESSELS, AND RAILROADS.

'.S.860.02 Carelessness of common carrier.

/hoever, having management or control of or over any railroad train, steamboat, or other public onveyance used for the common carriage of passengers is guilty of gross carelessness or neglect in r in relation to the conduct, management and control of such conveyance, shall be guilty of a iisdemeanor of the first degree, punishable as provided in s.775.083.

'.S.860.03 Intoxicated servant of common carrier.

any person while in charge of a locomotive engine, acting as the conductor or superintendent of a ar or train, on the car or train as a brakeman, employed to attend the switches, drawbridges or signal :ations on any railway, or acting as captain or pilot on any steamboat shall be intoxicated, he shall e guilty of a misdemeanor of the second degree, punishable as provided in s.775.082 or s.775.083.

.S.860.04 Riding or attempting to ride on a railroad train with intent to ride free.

ny person who, without permission of those having authority, with the intention of being transported ee, rides or attempts to ride on any railroad train in this state shall be guilty of a misdemeanor of the econd degree, punishable as provided in s.775.082 or s.775.083.

.S.860.05 Unauthorized persons interfering with railroad trains, cars, or engines.

ny person, other than an employee or authorized agent of the railroad company acting within the ıe of his duty, who shall knowingly or willfully detach or uncouple any train; put on, apply, or tamper ith any brake, bell cord, or emergency valve; or otherwise interfere with any train, engine, car, or art thereof is guilty of a felony of the third degree, punishable as provided in s.775.082, s.775.083, or 775.084.

.S.860.07 Unauthorized persons giving signals to railroad trains or engines.

ny person who wrongfully, or recklessly, or wantonly and without authority, signals any train or ıgine in this state with a red light or with a red flag, or gives any signal calculated to affect the ovement or operation of any train, engine, or cars on any railroad in this state shall be guilty of a isdemeanor of the second degree. (This section shall not apply to any person giving signals to stop train for the purpose of preventing an accident to such train, or at a regular station or flag station hen the train is flagged for the purpose of taking passage on said train.

.S.860.08 Interference with railroad signals prohibited; penalty.

ny person other than an employee or authorized agent of a railroad company acting within the line his duty, who knowingly or willfully interferes with or removes any railroad signal system used to ontrol railroad operations, any railroad crossing warning devices, or a lantern, light, lamp, torch, flag, se, torpedo, or other signal used in connection with railroad operations is guilty of a felony of the ird degree, punishable as provided in s.775.082, s.775.083, or s.775.084.

F.S.860.09 Interference with railroad track and other equipment prohibited; penalties.

Any person, other than an employee or authorized agent of a railroad company acting within the line of his duty, who knowingly or willfully moves, interferes with, removes, or obstructs any railroad switch, bridge, track, crossties, or other equipment located on the right of way or property of a railroad and used in railroad operations is guilty of a felony of the third degree, punishable as provided in s.775.082, s.775.083, or s.775.084.

F.S.860.091 Violations of s.860.05, s.860.08, and s.860.09 resulting in death.

Any person who violated the provisions of s.860.05, s.860.08, or s.860.09 when such violation results in the death of another person is guilty of homicide as defined in Chapter 782, punishable as provided in s.775.082.

F.S.860.10 Disposing of duplicate switch keys of railroad companies.

Any lock belonging to or in use by any railroad company in this state on its switches or switch tracks, except on the written order of the officer of said railroad company whose duty it is to distribute and issue switch lock keys to the employees or such railroad company. Any person violating the provisions of this section shall be guilty of a misdemeanor of the second degree.

F.S.860.11 Injuring railroad structures; driving cattle on tracks.

Whoever otherwise wantonly and maliciously injures any bridge, trestle, culvert, cattle guard or other superstructure of any railroad company or salts the track of any railroad company, for the purpose of attracting cattle thereto, or who shall drive cattle thereon, shall be guilty of a felony of the second degree, punishable as provided in s.775.082, s.775.083, or s.775.084.

F.S.860.121 Crimes against railroad vehicles; penalties.

(1) It shall be unlawful for any person to shoot at, or throw any object capable of causing death or great bodily harm at, or place any object capable of causing death or great bodily harm in the path of any railroad train, locomotive, car, caboose, or other railroad vehicle.

(2)(a) Any person who violates subsection (1) with respect to an unoccupied railroad vehicle is guilty of a felony of the third degree, punishable as provided in s.775.082, s.775.083, or s.775.084.

Any person who violates subsection (1) with respect to an occupied railroad vehicle or a railroad vehicle connected thereto is guilty of a felony of the second degree, punishable as provided in s.775.082, s.775.083, or s.775.084.

Any person who violates subsection (1), if such violation results in great bodily harm, is guilty of a felony of the first degree, punishable as provided in s.773.082, s.775.083, or s.775.084.

Any person who violates subsection (1), if such violation results in death, is guilty of homicide as defined in Chapter 782, punishable as provided in s.775.082.

CHAPTER 354 SPECIAL OFFICER FOR COMMON CARRIERS

F.S.354.01 Appointment of special officers.

Upon the application of any railroad or other common carrier doing business in this state, the governor shall appoint one or more persons who have met the law enforcement qualifications and training requirements of s.943.13 (1)-(10) as special officers for the protection and safety of such carriers; their passengers and employees; and the property of such carriers, passengers, and employees.

F.S.354.02 Powers.

Each special officer shall have and exercise throughout every county in which the common carrier for which he or she was appointed, shall do business, operate, or own property, the power to make arrests for violation of law on the property of such common carrier, and to arrest persons, whether on or off such carrier's property, violating any law on such carrier's property, under the same conditions under which deputy sheriffs may by law make arrests, and shall have authority to carry weapons for the reasonable purpose of their offices.

F.S.354.03 Bond.

Before entering into the performance of his or her duties every such special officer shall enter into a good and sufficient bond payable to the governor of Florida, and the governor's successors, in the penal sum of $5,000.00, with some surety company authorized to do business in this state as surety thereon, conditioned for the faithful performance of his or her duties, and to pay any and all damage done by any illegal act committed by him or her, to be approved by the Department of Financial Services.

F.S.354.04 Compensation.

Such special officers shall not receive any fees or salary from the state or any county, but their compensation shall be agreed upon and paid by the carrier making such application.

F.S.354.05 Term of office; Removal.

The special officers provided for herein shall be commissioned by the governor, and their commissions shall continue so long as they are employed in such capacity by the railroad or other common carrier; but they shall be removed by the governor at any time, in the manner and for the causes provided by law.

F.S.354.07 Suit for damages on bond.

Any person whose person or property has been damaged by the wrongful act of such special officer may bring suit for the redress of such wrong on the bond of such officer. The remedy provided in this section is not exclusive of any remedy that otherwise may exist.

TITLE 49, UNITED STATES CODE, SUBTITLE V, PART 281, SECTION 28101

ALLOWING INTERSTATE AUTHORITY FOR RAILROAD POLICE

Under regulations (Title 49, Chapter II, Part 207) prescribed by the Secretary o Transportation, a Rail Police Officer who is employed by a rail carrier and certified o commissioned as a Police Officer under the laws of a state may enforce the laws of any jurisdiction in which the rail carrier owns property, to the extent of the authority of a Police Officer certified or commissioned under the laws of that jurisdiction, to protect –

1. Employees, passengers, or patrons of the rail carrier;

2. Property, equipment, and facilities owned, leased, operated, or maintained by the rai carrier;

3. Property moving in Interstate or foreign commerce in the possession of the rai carrier; and

4. Personnel, equipment, and materials moving by rail that are vital to the nationa defense.

TITLE 49 – TRANSPORTATION

CHAPTER II – FEDERAL RAILROAD ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

PART 207 – RAILROAD POLICE OFFICERS

Sec.
207.1 Application.
207.2 Definitions.
207.3 Designation and commissioning.
207.4 Notice to State officials.
207.5 Authority in States where officer not commissioned.

Authority: 45 U.S.C. 446; 49 CFR 1.49(ff).

Source: 59 FR 6587, Feb. 11, 1994, unless otherwise noted.

Sec. 207.1 Application.

This part applies to all railroads, as such term is defined in section 202(e) of the Federal Railroad Safety Act of 1970, as amended, Public Law 91-458 (45 U.S.C. 431(e)).

ec. 207.2 Definitions.

As used in this part:

(a) Railroad police officer means a peace officer who is commissioned in his or her state of legal residence or state of primary employment and employed by a railroad to enforce state laws for the protection of railroad property, personnel, passengers, and/or cargo.

(b) Commissioned means that a state official has certified or otherwise designated a railroad employee as qualified under the licensing requirements of that state to act as a railroad police officer in that state.

(c) Property means rights-of-way, easements, appurtenant property, equipment, cargo, facilities, and buildings and other structures owned, leased, operated, maintained, or transported by a railroad.

ec. 207.3 Designation and commissioning.

(a) A railroad may designate employees to be commissioned by a state authority as railroad police officers to serve in the states in which the railroad owns property.

(b) The designated railroad police officer shall be commissioned by the railroad police officer's state of legal residence or the railroad police officer's state of primary employment.

ec. 207.4 Notice to State officials:

(a) After the designated railroad police officer is commissioned by a state or states, the railroad shall send, by certified mail, written notice to appropriate officials of every other state in which the railroad police officer shall protect the railroad's property, personnel, passengers, and cargo. The notice of commission shall contain the following information:

1) The name of the railroad police officer;
2) The badge number, identification number, rank, code, or other identifying information assigned to the railroad police officer;
3) The date of commission;
4) The state or states where the railroad police officer is commissioned;
5) The date the railroad police officer received training or retraining regarding the laws of such state or states;
6) The name of the railroad official who designated the employee as a railroad police officer; and
7) Color photographs of the types of badges, identification cards, and other identifying materials the railroad uses to identify its railroad police officers.

(b) The railroad shall keep copies of all such notices at a central location.

(c) The authority set forth in Sec. 207.5 shall be effective upon receipt by such state(s) of written notice conforming to the requirements of this section.

Sec. 207.5 Authority in States where officer not commissioned.

(a) A railroad police officer who is designated by a railroad and commissioned under the laws of any state is authorized to enforce the laws (as specified in paragraph (b) of this section) of any state in which the railroad owns property and to which the railroad has provided notice in accordance with Sec. 207.4.

(b) Under the authority of paragraph (a) of this section, a railroad police officer may enforce only relevant laws for the protection of –

(1) The railroad's employees, passengers, or patrons;
(2) The railroad's property or property entrusted to the railroad for transportation purposes;
(3) The intrastate, interstate, or foreign movement of cargo in the railroad's possession or in possession of another railroad or non-rail carrier while on the railroad property; and
(4) The railroad movement of personnel, equipment, and materials vital to the national defense.

(c) The authority exercised under this part by an officer for whom the railroad has provided notice in accordance with Sec. 207.4 shall be the same as that of a railroad police officer commissioned under the laws of that state.

(d) The railroad police officer's law enforcement powers shall apply only on railroad property, except that an officer may pursue off railroad property a person suspected of violating the law on railroad property, and an officer may engage off railroad property in law enforcement activities, including, without limitation, investigation and arrest, if permissible under state law.

RAILROAD POLICE ITEMS OF CONCERN

Trespassing on railroad property, whether it be a simple walk down the tracks to take a shortcut or fishing from a railroad trestle is illegal and dangerous to both the trespasser and to railroad employees.

If you see trespassers on the railroad, whether it be some kids riding their bikes down the middle of the track, someone jogging down the track with a walkman on or fishing from a railroad trestle, please get them off the track, field interrogate them or charge them with the appropriate violation of trespass law if conditions allow it. These actions are definitely in the interest of public safety. **Always expect a train, from any direction at any time!**

Please note that letters of authority for law enforcement agencies to enter onto railroad property for the enforcement of trespassing and other violations of law are routinely granted by some railroads. This is a proven way for public law enforcement to control problems that may adjoin railroad property, while also helping to control railroad trespassing. Contact your local railroad police officer for details.

GRAFFITI ON RAILCARS

Graffiti on railcars poses serious concern to american railroads. Federal railroad administration regulations require that certain phrases or numbers be stenciled on railcars. If graffiti were to block this required information, railroads could be subject to fines, as well as being required to make prompt repairs. If certain information is blocked out, potential felony charges under chapter 860.05 may be applicable. If you encounter this activity, take appropriate action and notify the railroad police department having jurisdiction.

VEHICLES ABANDONED ON RAILROAD TRACKS AND GRADE CROSSINGS

Increasingly, railroad police have found that more and more vehicles are being reported on the track in such a way as to block the movement of trains. Part of this trend is due to the presence of emergency reporting signs at crossings on some railroads, which encourage people to report such blockages. Unfortunately, follow-up investigations of these reports show that responding agencies all too often are not identifying the driver or even the registration of the blocking vehicle. Although in some cases this may not be possible, it is known that in many other cases, the vehicles are left there intentionally and are not just an accident. Every time a report is received, at the very least, a safety inspection of the railroad must be performed for obvious reasons. Your proper reporting and identification of the responsible driver can help railroads recover costs and bring appropriate charges when applicable. Be sure of why the vehicle was blocking the track. Don't assume it is always the result of a crash. It is unlawful and dangerous for vehicles to be operated on or near the track and for vehicles to be intentionally left on the track.

FEDERAL RAILROAD ADMINISTRATION
ENGINEER CERTIFICATION CARDS

Similar In Appearance To And Containing The Following:

(FRONT)

PHOTO

HERE

FRA CERTIFICATION
ISSUED BY
CSX TRANSPORTATION ON 12/31/97
IM ENGINEER ID: 123456
DATE OF BIRTH: 01/01/50
CLASS: TRAIN SERVICE ENGINEER

RESTRICTIONS: (VISION) IF ANY
SIGNED: _____
TITLE: SUPERVISOR OF LOCOMOTIVE ENGINEERS

(BACK)

THIS CARD CERTIFIES THE PERSON NAMED FOR THE DESIGNATED CLASS OF SERVICE IN ACCORDANCE WITH CFR 49 PART 240.
OPERATIONAL MONITORING TESTS:

1. 10/07/97 I B ROAD FOREMAN _____
2. _____ _____
3. _____ _____
4. _____ _____
5. _____ _____

ENTER EMPLOYEE ID

Remember –

A train is not a motor vehicle

An engineer does not need a driver's license to operate a train.

An engineer need only present an FRA engineer certification card as id.

GRADE CROSSING COLLISION INVESTIGATION CHECKLIST

Engineer information

Name
Address
DOB
Phone
Time of collision
Train speed estimate at collision
(driver's license number is not required on crash report)

Conductor information

Name
Address
DOB
Phone
(driver's license number is not required on crash report)

Train information

Lead engine number
Train ID number (from conductor)
Number of cars in train
Railroad company name/address – owns tracks
Name of railroad company operating train
Additional crew members

Engine information

Headlight working?
Horn working?
Bell working?

Miscellaneous information

RR car number on crossing
Distance to last RR car from point of impact

At this point, if no further information is needed, please consider releasing the train.

Crossing signals

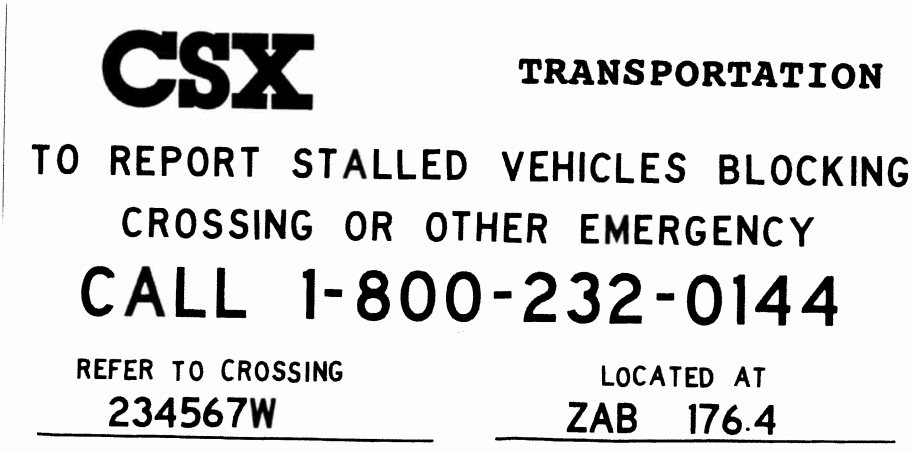
Light/gate/bell combination
Light/bell combination
Passive warning (crossbucks)?
Wig-wag type?
Lights flashing/bells ringing upon your arrival?
(if devices not working upon your arrival, explain)

Other crossing characteristics

Advance warning signs in place?
(distance from this sign to nearest rail)
Crossing surface (rubber/asphalt, etc.)?
Pavement markings?
DOT/AAR crossing ID number?
Width of right of way (feet)?
Visual obstructions on driver approach?
Citation given if warranted (fty, fts, etc.)?

STALLED VEHICLE EMERGENCY SIGNS

There is a voluntary program whereby railroads mark with signs, all highway-rail grade crossings with emergency contact numbers in the event of vehicles blocking the track or other emergencies. Those railroads participating in this program post signs that give D.O.T. Identification numbers and railroad milepost numbers, which are entirely unique to that location. If you have an emergency, please be sure to get the numbers displayed to allow railroad authorities to know exactly where you are. Remember, some roadways have more than one railroad grade crossing and in some cases, more than one railroad company may operate over the same reported roadway at different locations. A sample sign is illustrated below.



A LOCOMOTIVE ENGINEER'S WORST NIGHTMARE

(Editor's note: Denise Goodman, a Conrail locomotive engineer, wrote the following article from Jackson, Michigan. In it, she discusses her feelings after a fatal grade crossing crash in Monroe, Michigan.)

I've worked in Conrail locomotives for 14 years, and I've been driving them for six years now. You don't know how scary it is to be driving a train and think you're going to hit someone running through the flashers or around the gates. You don't know what it feels like to see someone lock eyes with you for an instant, and then die.

I've been involved in six crossing accidents in my career. Four people aren't alive any more because of them. The first one happened two weeks after I started working... the last one happened in Monroe, Michigan in February 1999. That last one almost killed me.

I knew I was going to hit her when she came up to the crossing and I didn't see any brake lights. I blew my whistle. I hung on that whistle so long and so hard my conductor told me later he thought I was going to pull it off the wall. I was still blowing it after we hit her, after we shoved her a half-mile down the tracks, after the front of her car blew 30 feet in the air.

She was 31 years old, and she was dead. People don't look normal when a train hits them... It hits so hard that their blood vessels explode and they just sort of turn to mush. She was wadded up in a ball and there was blood all over the place. Her four-year-old daughter was hanging out the back window, screaming. It was 17 below zero.

The girl's leg was broken... and her nose and her pelvis... and she was hysterical. I knew she was in a lot of pain, but it was so cold, I was afraid she would die before the ambulance got there. My conductor and I somehow got her up in the engine and I wrapped her in my coat and I held her and talked to her and I tried to make it all right. I told her we'd pray for her mommy. She calmed down a little and I was calm when I had her to take care of. They said she's going to be okay.

Right after they took her away, a man ran up to help. Then he looked at the wreck and screamed, "Oh my God, that's my car... That's my car. It turned out to be the woman's husband. I know there was nothing I could've done, but you blame yourself anyway. It tears your heart out, thinking "What if, what if".

I came home and looked at my three kids and thought, I don't ever want this to happen to you. I grabbed them with everything I had. I couldn't sleep. Every time I closed my eyes, I'd see the car coming and feel the impact and wake up screaming. I didn't eat or talk for four days. It tore me up mentally, physically, emotionally. Some people think we don't care, but they're wrong. We grieve, we mourn like it was our own family. I'll remember that day the rest of my life.

I went to the counseling Conrail offered me, and it helped a lot. I know I didn't kill this woman. I know it was beyond my control. I still have nightmares, but they're not so bad anymore. I'm back on my feet and I'm back on the job. It's been a long, hard road.

Folks, we're not blowing our whistle to make you miserable. We're blowing our whistle because we're scared to death we're going to hit you and kill you. Sometimes I yell at you when it's a close call. I say, Oh God, I'm just glad you made it. And then I get so mad you weren't more careful.

Don't drive through those flashing lights or gates. Don't walk on the tracks. Don't risk your life to get someplace a minute earlier. It just isn't worth it.

WHAT IS BEING DONE TO PREVENT THESE CRASHES?

Operation Lifesaver is a nationwide Highway-Rail Grade Crossing Safety Program aimed at reducing collisions and deaths and injuries at railroad crossings and along railroad rights of way.

Operation Lifesaver stresses the "3 E's" of highway safety:

EDUCATION:	**To alert people to dangers at railroad crossings.**
ENGINEERING:	**For improved Highway-Rail Grade Crossings.**
ENFORCEMENT:	**Of existing traffic laws.**

Visit our web site at www.floridaol.org. For further information, promotional materials or to arrange a presentation, contact Florida Operation Lifesaver at 850-414-4218 or at florida.ol@dot.state.fl.us.

Train Safety Awareness Week is a joint project of the Florida Community Traffic Safety Team Coalition and Florida Operation Lifesaver. Usually held during the third week of April each year, this project targets motorists who violate Florida Traffic Statutes governing safe movement across highway railroad grade crossings. It also targets pedestrians who trespass on the active railroad operating rights of way in Florida. State, local and railroad law enforcement agencies educate the public through this enforcement project, making a positive effort that saves lives.

DID YOU KNOW…….

- **There are about 250,000 public and private highway-rail grade crossings in the United States and over 5000 in Florida.**

- **During 2006, there were 2,897 vehicle-train crashes with 999 injuries and 362 fatalities and there were 470 trespasser injuries and 520 fatalities.**

- **In Florida during 2006, there were 10 people killed and 34 injured in 116 vehicle-train crashes. There were also 30 trespassers killed and 20 injured.**

- **Approximately every two hours, either a vehicle or pedestrian is struck by a train in the United States. That's 12 incidents each day!**

- **A motorist is 40 times more likely to die in a crash involving a train than in a collision involving another motor vehicle.**

- **More people die in highway-rail grade crossing crashes in the United States each year than in all commercial and general aviation crashes combined.**

- **Nearly 50 percent of vehicle/train collisions occur at crossings with active warning devices (gates, light, bells).**

- **Most crashes occur within 25miles of the motorist's home.**

- **The majority of highway-rail crashes occur when the train is traveling less than 30 MPH.**

- **64% of all collisions occur during daylight hours.**

- **At 55 mph, it may take a train a mile or more to stop.**

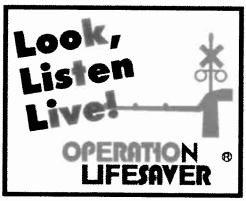
- **25% of all collisions occur when a vehicle runs into a train.**

SOME FLORIDA RAILROAD TELEPHONE NUMBERS YOU MAY NEED

AMTRAK	800-331-0008
APPALACHICOLA NORTHERN RAILROAD	8AM TO 5PM 850-229-7411 5PM TO 8AM 850-647-2803
ALABAMA AND GULF COAST RAILWAY	251-575-5008
THE BAY LINE RAILROAD	850-785-4609
CSX TRANSPORTATION	800-232-0144
FIRST COAST RAILROAD	800-757-7387 x112
FLORIDA DEPT. OF TRANSPORTATION RAIL OFFICE	850-414-4500
FLORIDA MIDLAND, CENTRAL & NORTHERN RAILROADS	8AM TO 5PM 407-880-8500 5PM TO 8AM 407-849-7898
FLORIDA EAST COAST RAILWAY	800-342-1131 X2302
FLORIDA WEST COAST RAILROAD	8AM TO 5PM 352-463-1103
GEORGIA AND FLORIDA RAILNET	6AM TO MIDNIGHT 229-436-5733
NORFOLK SOUTHERN RAILWAY	800-453-2530
SEMINOLE GULF RAILWAY	239-275-6060
SOUTH CENTRAL FLORIDA EXPRESS	6AM TO 10PM 239-983-3163 10PM TO 6AM 239-983-3348
TALLEYRAND TERMINAL RAILROAD	904-634-1884
TRI-COUNTY COMMUTER RAIL AUTHORITY	CALL CSX AT 800-232-0144

CSX Transportation
Railroad Police Department
3019 Warrington St. J-500
Jacksonville, FL 32254
CSX Police Hotline: 1-800-232-0144
ORI: FL016119E
FAX: 904-381-2210

CSX Police appreciate the assistance of the
Florida Department of Transportation
and
Florida Operation Lifesaver
in the preparation of the booklet.



GEORGIA

CRIMINAL LAW TITLE 16 & TITLE 46

16-12-126

16-7-1

16-8-2

16-7-21

46-8-194

46-8-380

46-8-197

46-8-230

46-8-231

46-8-232

46-8-381

GEORGIA MOTOR VEHICLE LAWS COMMONLY VIOLATED AT HIGHWAY RAILROAD GRADE CROSSINGS

OPERATION LIFESAVER®
Georgia

Georgia Operation Lifesaver is aware of motor vehicle violations at highway-railroad grade crossings throughout the State of Georgia. Georgia Operation Lifesaver works closely with our law enforcement partners around the state to prevent highway-railroad grade collisions. A collision with a train and/or a crossing traffic control devices by a motor vehicle can result in the following:

- Injury and/or fatalities to motor vehicle operators, rail passengers, and pedestrians,
- Longer traffic delays at and near the crossing,
- Local or regional environmental contamination,
- Increased congestion to adjacent crossings,
- Property damage to the crossing, nearby structures, and railroad rolling stock, and
- Railroad operational delays

Violations may occur due to many reasons, and included but are not limited to the following:

- Risky behavior by individuals challenging the laws and traffic control devices
- Lack of knowledge of the laws pertaining to crossings
- Unfamiliarity with the visual and/or movement perception of trains
- Lack of awareness of train operations
- Infrequent use of the crossing by a train

MOTOR VEHICLE LAWS THAT MUST BE OBSERVED

State of Georgia motor vehicle laws can be found in ***Title XXIII, Motor Vehicles, Chapter 316, State Uniform Traffic Control*** and at the Internet web address: http://www.leg.state.fl.us/. State of Georgia laws regarding Commercial Vehicle Drivers adhere to the ***Code of Federal Regulations, Title 49.***

STATE OF GEORGIA LAWS THAT ARE APPLICABLE TO CROSSINGS INCLUDE THE FOLLOWING:

O.C.G.A. § 40-6-26 GEORGIA STATUTES – INTERFERENCE WITH OFFICIAL TRAFFIC-CONTROL DEVICES OR RAILROAD SIGNS OR SIGNALS

(a) No person shall, without lawful authority, attempt to or in fact alter, deface, injure, knock down, or remove any official traffic-control device or any railroad sign or signal or any inscription, shield, or insignia thereon or any other part thereof.
(b) No person shall, without lawful authority, drive around or through or ignore any official traffic-control device so as to go onto an officially closed highway or road or onto a section of highway or road before it has been officially opened to the public. This Code section shall not apply to police officers in the performance of their duties, to individuals domiciled or making their livelihood within the affected area, or to any person authorized to be in the affected area by the appropriate municipal, county, or state officer.

O.C.G.A. § 40-6-45 FURTHER LIMITATIONS ON DRIVING TO LEFT OF CENTER OF ROADWAY

(a) No vehicle shall be driven on the left side of a roadway designed and authorized for traffic traveling in opposite directions under the following conditions:
(2) When traversing any: (B) Railroad grade crossing

O.C.G.A.§40-6-140. OBEDIENCE TO SIGNAL INDICATING APPROACH OF TRAIN; REASONABLE AND PRUDENT STANDARD FOR CROSSING RAILROAD GRADE

(a) Whenever any person driving a vehicle approaches a railroad grade crossing, such driver shall stop within 50 feet but not less than 15 feet from the nearest rail of such railroad and shall not proceed

until he can safely do so when:
(1) A clearly visible electric or mechanical signal device gives warning of the immediate approach of a train;
(2) A crossing gate is lowered or a human flagman gives or continues to give a signal of the approach of the passage of a train; or
(3) An approaching train is plainly visible and is in hazardous proximity to such crossing.
(b) No person shall drive any vehicle through, around, or under any crossing gate or barrier at a railroad crossing while such gate or barrier is closed or is being opened or closed.
(c) If no electric or mechanical signal device is giving warning of the immediate approach of a train, no crossing gate or barrier is closed, there is no stop sign at the crossing, and there is no human flagman giving warning, all drivers shall slow to a reasonable and prudent speed and verify that there is no approaching train prior to proceeding. For the purposes of this subsection, "a reasonable and prudent speed" means a speed slow enough to enable the driver to safely stop the vehicle prior to reaching the nearest rail of such crossing.
(d) No person shall drive a vehicle over a railroad grade crossing when a train is approaching.
(e) No person shall drive a vehicle over a railroad grade crossing if there is insufficient space to drive completely through the crossing without stopping.
(f) No person shall drive a vehicle over a railroad grade crossing if there is insufficient undercarriage clearance for the vehicle to negotiate the crossing.

O.C.G.A. § 40-6-142. Certain vehicles to stop at all railroad

(a) Except as provided in subsection (b) of this Code section, the driver of any motor vehicle carrying passengers for hire, any bus, whether or not operated for hire, or of any school bus, whether carrying any school children or empty, or of any vehicle carrying any hazardous material listed in Section 392.10 of Title 49 of the Code of Federal Regulations as those regulations currently exist or as they may in the future be amended or in regulations adopted by the commissioner of public safety, before crossing at grade any track or tracks of a railroad, shall stop such vehicle within 50 feet but not less than 15 feet from the nearest rail of such railroad and while so stopped shall listen and look in both directions along such track for any approaching train and for signals indicating the approach of a train and shall not proceed until he or she can do so safely. After stopping as required in this Code section and upon proceeding when it is safe to do so, the driver of any such vehicle shall cross only in such gear of the vehicle that there will be no necessity for changing gears while traversing such crossing, and the driver shall not shift gears while crossing the track or tracks.
(b) No stop need be made at any such crossing where:
(1) Traffic is directed to proceed by a police officer, a firefighter, or a railroad flagman;
(2) A traffic-control signal directs traffic to proceed;
(3) The highway crosses an abandoned railroad track which is marked with a sign indicating its abandoned status, where such signs are erected by or under the direction of the local or state authority having jurisdiction over the highway; or
(4) The highway crosses an industrial siding or spur track marked "exempt," where such signs are erected by or under the direction of the local or state authority having jurisdiction over the highway.a gear of the vehicle so that there will be no necessity for changing gears while traversing the crossing, and the driver shall not shift gears while crossing the track or tracks.

O.C.G.A. § 40-6-143, Moving heavy equipment at railroad grade crossings

(1) (a) No person shall operate or move a crawler-type tractor, steam shovel, derrick, roller, or any equipment or structure having a normal operating speed of ten miles per hour or less or a vertical body or load clearance of less than one-half inch per foot of the distance between any two adjacent axles or in any event of less than nine inches, measured above the level surface of a roadway, upon or across any tracks at a railroad grade crossing without first complying with this Code section.
(b) Notice of any such intended crossing shall be given to a station agency of such railroad and a reasonable time shall be given to such railroad to provide proper protection at such crossing.
(c) Before making any such crossing, the person operating or moving any such vehicle or equipment shall first stop it not less than 15 feet nor more than 50 feet from the nearest rail of such railroad and while so stopped shall listen and look in both directions along such track for any approaching train and for signals indicating the approach of a train and shall not proceed until the crossing can be made safely.
(d) No such crossing shall be made when warning is given by automatic signal or crossing gates or a flagman or otherwise of the immediate approach of a railroad train or car. If a flagman is provided by the railroad, movement over the crossing shall be under his direction.and look in both directions along the track for any approaching train and for signals indicating the approach of a train, and shall not proceed until the crossing can be made safely.

(2) No such crossing shall be made when warning is being given by automatic signal or crossing gates or a flagger or otherwise of the immediate approach of a railroad train or car. If a flagger is provided by the railroad, movement over the crossing shall be under his or her direction.

O.C.G.A. §40-6-203 Stopping, standing, or parking prohibited in specified places; stopping or standing for collecting municipal solid waste or recovered materials

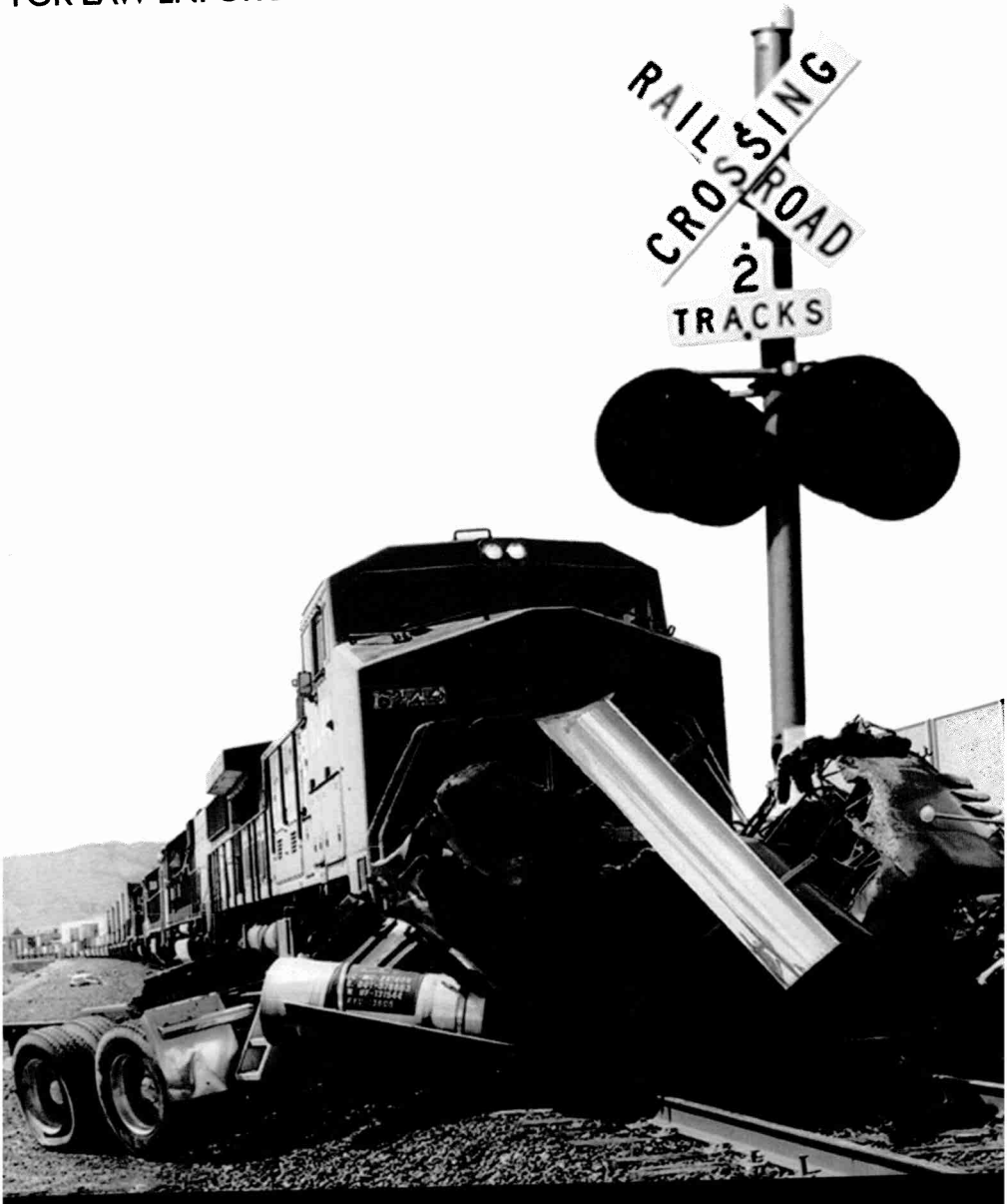
(a) Except when necessary to avoid conflict with other traffic, or in compliance with law or the directions of a police officer or official traffic-control device, no person shall:
(1) Stop, stand, or park a vehicle: (H) On any railroad tracks; (3) Park a vehicle, whether occupied or not, except temporarily for the purpose of and while actually engaged in loading or unloading property or passengers:
(A) Within 50 feet of the nearest rail of a railroad crossing; or

O.C.G.A. § 40-6-396 Homicide by interference with official traffic-control device or railroad sign or signal; serious injury by interference with official traffic-control device or railroad sign or signal

(a) Any person who, without malice aforethought, causes the death of another person through the violation of subsection (a) of Code Section 40-6-26 commits the offense of homicide by interference with an official traffic-control device or railroad sign or signal and, upon conviction thereof, shall be punished by imprisonment for not less than two nor more than 15 years.

MICHIGAN

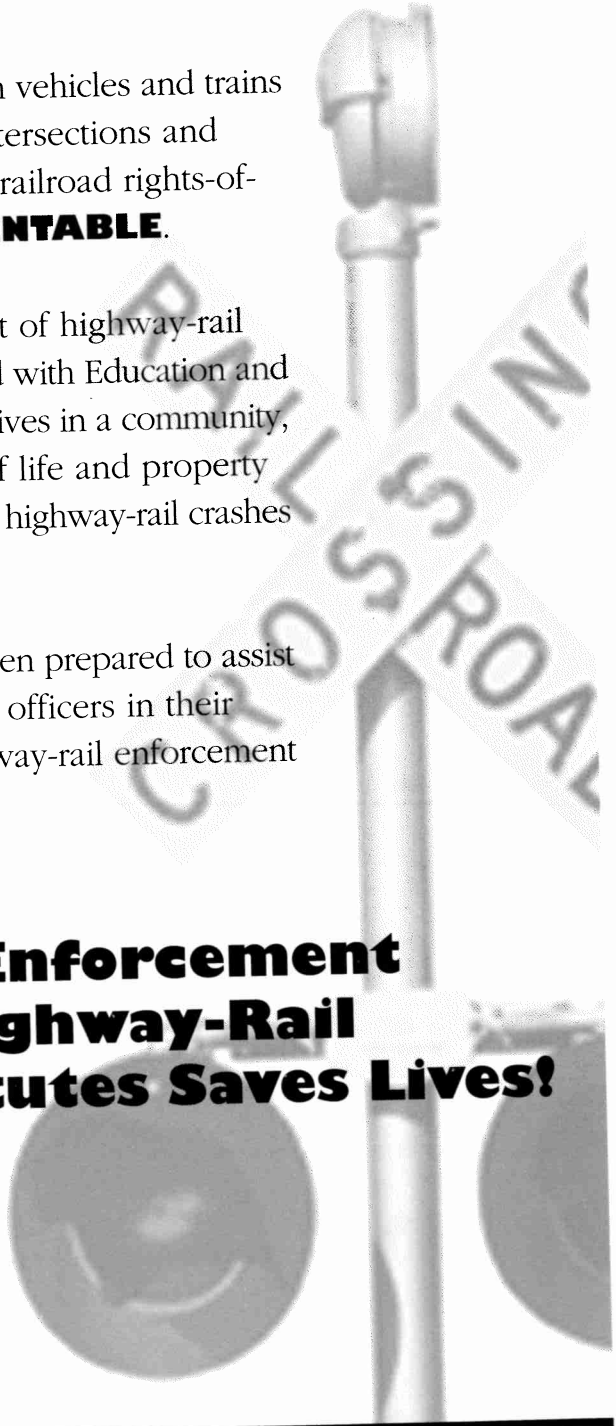
MICHIGAN'S
MODEL ENFORCEMENT GUIDE
FOR LAW ENFORCEMENT'S RESPONSE TO RAILROAD INCIDENTS



Collisions between vehicles and trains at highway-rail intersections and trespassers along railroad rights-of-way are **PREVENTABLE**.

Strict enforcement of highway-rail statutes, combined with Education and Engineering initiatives in a community, reduce the loss of life and property damage related to highway-rail crashes and trespassing.

This guide has been prepared to assist law enforcement officers in their community highway-rail enforcement responsibilities.



Strict Enforcement of Highway-Rail Statutes Saves Lives!

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RAILROAD COMPANY EMERGENCY PHONE NUMBER

Adrian & Blissfield Railroad (ADBF)
Office (517) 265-3626
24 Hour Pager (517) 204-4574

AMTRAK
24 Hour Police 1-800-331-0008

Ann Arbor Railroad (AA)
24 Hour Hallett Tower (419) 726-3237

Canadian National (CN)
24 Hour Police 1-800-465-9239

Canadian Pacific Railway (CP)
24 Hour Police 1-800-716-9132

Charlotte Southern Railroad (CHS)
24 Hour Pager (313) 220-2245
Colon Louks

Coe Railroad (COE)
Office (248) 960-9440 - After hours message will direct for emergency

Conrail (CR)
1-800-453-2530 (Norfolk Southern Police)

CSX Transportation (CSX)
24 Hour Police 1-800-232-0144

Delray Connecting Railroad (DC)
24 Hours (313) 841-2851

Detroit Connecting Railroad (DCON)
24 Hour Pager (313) 220-2245
Colon Louks

Escanaba & Lake Superior Railroad (ELS)
Office 1-800-200-2360
After Hours J. Beaudry (906) 376-2185 or (906) 630-6083
Bob Anderson (906) 542-3501

Grand Rapids Eastern Railroad (GRE)
American Rail Dispatch Center 1-866-527-3495

Huron & Eastern Railway (HE)
American Rail Dispatch Center 1-866-527-3495

Indiana Northeastern Railroad (IN)
Office (517) 439-4677
After hours Julie Gordon (517) 398-0005
Troy Strane (517) 617-1908

Indiana & Ohio Railway (IO)
24 Hour Emergency (513) 860-3636
24 Hour Dispatcher (513) 860-5655

Lapeer Industrial Railroad (LIRR)
24 Hour Pager (313) 220-2245
Colon Louks

Lake State Railway (LS)
Office (7:00 a.m. - midnight)
(989) 362-3465
After Hours Wil Gamble Home
(989) 362-4778

Lake Superior & Ishpeming (LSI)
24 Hour (906) 475-4617 or 5252

Michigan Shore Railroad (MS)
American Rail Dispatch Center 1-866-527-3495

Michigan Southern Railroad (MSO)
Office (269) 483-9968
Shane Cullen (309) 697-1400 Ext. 238

Mid-Michigan Railroad (MM)
American Rail Dispatch Center 1-866-527-3495

Norfolk Southern Railway (NS)
24 Hour Police 1-800-453-2530

Tuscola & Saginaw Bay Railroad (TSB)
24 Hour 1-800-622-7245

West Michigan Railroad (WMI)
Office (309) 697-1400 or 1-800-446-7245

Contact the Michigan Railroads Association at
mra.michiganrailroadsassociation.com
517-482-9413
for the latest emergency contact information.

GRADE CROSSING VIOLATIONS

MCL 257.667

Stopping at railroad grade crossing; driving through, around, or under crossing gate or barrier; violation as civil infraction. Sec. 667

(1) When a person driving a vehicle approaches a railroad grade crossing under any of the following circumstances, the driver shall stop the vehicle not more than 50 feet but not less than 15 feet from the nearest rail of the railroad, and shall not proceed until the driver can do so safely:

(a) A clearly visible electric or mechanical signal device gives warning of the immediate approach of a railroad train.

(b) A crossing gate is lowered or a flagman gives or continues to give a signal of the approach or passage of a railroad train.

(c) A railroad train approaching within approximately 1,500 feet of the highway crossing gives a signal audible from that distance, and the train by reason of its speed or nearness to the crossing is an immediate hazard.

(d) An approaching railroad train is plainly visible and is in hazardous proximity to the crossing.

(2) A person shall not drive a vehicle through, around, or under a crossing gate or barrier at a railroad crossing while the gate or barrier is closed or is being opened or closed or against the direction of a police officer.

(3) A person who violates this section is responsible for a civil infraction.

MCL 257.668

Designating certain grade crossings as "stop" crossings or "yield" crossings; signs; duties of driver; cost of yield sign installations; action for negligence; failure to stop or yield as civil infraction. Sec. 668

(1) The state transportation department with respect to highways under its jurisdiction, the county road commissions, and local authorities with reference to highways under their jurisdiction, may designate certain grade crossings of railways by highways as "stop" crossings, and erect signs at the crossings notifying drivers of vehicles upon the highway to come to a complete stop before crossing the railway tracks. When a crossing is so designated and signposted, the driver of a vehicle shall stop not more than 50 feet but not less than 15 feet from the railway tracks. The driver shall then traverse the crossing when it may be done in safety.

(2) The state transportation department with respect to highways under its jurisdiction, the county road commissions, and local authorities with reference to highways under their jurisdiction, may designate certain grade crossings of railways by highways as yield crossings, and erect signs at the crossings notifying drivers of vehicles upon the highway to yield. Yield signs may be mounted on the same post as is the crossbuck sign. Drivers of vehicles approaching a yield sign at the grade crossing of a railway shall maintain

a reasonable speed based upon existing conditions and shall yield the right-of-way. The cost of yield sign installations shall be borne equally by the railroad and the governmental authority under whose jurisdiction the highway rests. The erection of or failure to erect, replace, or maintain a stop or yield sign or other railroad warning device, unless such devices or signs were ordered by public authority, shall not be a basis for an action of negligence against the state transportation department, county road commissions, the railroads, or local authorities.

(3) A person who fails to stop or yield as required by this section is responsible for a civil infraction.

MCL 257.669

Certain vehicles to stop at railroad track grade crossing; driver to listen and look in both directions; shifting gears prohibited; exceptions; violation as civil infraction.

Sec. 669

(1) Except as provided in subsections (2), (3), and (4), the driver of a motor vehicle transporting 16 or more passengers including the driver, a motor vehicle carrying passengers for hire, or a motor vehicle that is required to be marked or placarded under 49 C.F.R. parts 100 to 180 before crossing a railroad track at grade, shall activate the vehicle hazard warning lights and stop the vehicle within 50 feet but not less than 15 feet from the nearest rail. While stopped, the driver shall listen and look in both directions along the track for an approaching train and for signals indicating the approach of a train, and shall not proceed until the driver can do so safely. After stopping as required in this subsection, and upon proceeding when it is safe to do so, the driver of the vehicle shall cross only in a gear of the vehicle that does not require changing gears while traversing the crossing. The driver shall not shift gears while crossing the track or tracks.

(2) A stop need not be made at a railroad track grade crossing where a police officer or a traffic-control signal directs traffic to proceed.

(3) A stop need not be made at an abandoned railroad track grade crossing. As used in this subsection, "abandoned railroad track" means a railroad track which meets all of the following requirements:

(i) The track has been abandoned pursuant to federal law.

(ii) The track has been covered or removed.

(iii) All signs, signals, and other warning devices are removed.

(4) A stop shall not be made at an industrial or spur line railroad grade crossing marked with a sign reading "exempt". Exempt signs may be erected only by or with the consent of the state transportation department after notice to and an opportunity to be heard by all railroads operating over that industrial or spur line.

(5) A person who violates this section is responsible for a civil infraction.

MCL 257.669a

Federal motor carrier safety regulations; adoption; transportation of persons and property over railroad-highway grade crossings.
Sec. 669a

(1) This state adopts motor carrier safety regulations 49 C.F.R. 392.10 and 392.11 on file with the office of the secretary of state, to provide for the safe transportation of persons and property over railroad-highway grade crossings with the intent of following the policies and procedures of the United States department of transportation's federal motor carrier safety administration as they relate to title 49 of the code of federal regulations. For purposes of this subsection, "commercial motor vehicle" means that term as defined in section 7a.

(2) The driver of a commercial motor vehicle shall comply with a lawful order or direction of a police officer guiding, directing, controlling, or regulating traffic at a railroad-highway grade crossing.

(3) The driver of a commercial motor vehicle shall not cross a railroad-highway grade crossing unless the vehicle has sufficient undercarriage clearance.

(4) The driver of a commercial motor vehicle shall not cross a railroad-highway grade crossing unless the vehicle can be driven completely through the crossing without stopping.

(5) A person who violates this section is responsible for a civil infraction.

MCL 257.670

Operating or moving certain vehicles or equipment upon or across steam railroad tracks at grade level; notice of intended crossing; stopping, listening, and looking; warning; violation as civil infraction.
Sec. 670

(1) A person shall not operate or move a caterpillar tractor, shovel, derrick, roller, boiler, machinery, or other structure or object upon rollers, or other equipment or structure, which, because of its limited power, or weight, character, or load, has a normal operating speed of 4 miles per hour or less, or which has a vertical load or body clearance of less than 9 inches above the level surface of the roadway, upon or across the tracks of a railroad at grade level without first complying with this section, except this section shall not apply to the movement of electrically propelled cars on fixed rails or to their loads.

(2) Notice of the intended crossing described in subsection (1) shall be given to the nearest agent or officer of the railroad in time to afford protection to its locomotives, trains, or cars at the crossing.

(3) Before making the crossing, the person operating or moving the vehicle or equipment shall first stop not less than 15 feet or more than 50 feet from the nearest rail of the track and while stopped shall listen and look in both directions along the track for an approaching train and for signals indicating the approach of a train, and shall not proceed until the crossing can be made safely.

(4) A crossing shall not be made when warning is given by automatic signal or crossing gates or a flagman or otherwise of the immediate approach of a railroad train or car.

(5) A person who violates this section is responsible for a civil infraction.

MCL 257.674

Prohibited parking; exceptions; bus loading zone; violation as civil infraction.

Sec. 674 states in part;

(1) A vehicle shall not be parked, except if necessary to avoid conflict with other traffic or in compliance with the law or the directions of a police officer or traffic-control device, in any of the following places:

(i) Within 50 feet of the nearest rail of a railroad crossing.

(4) A person who violates this section is responsible for a civil infraction.

UNIFORM TRAFFIC CODE FOR CITIES, TOWNSHIPS, AND VILLAGES

R28.1711

Pedestrians; obedience to bridge and railroad barriers, violation as a civil infraction.

Rule 711

Pedestrians; obedience to bridge and railroad barriers; violation as civil infraction.

(1) A pedestrian shall not pass through, around, over, or under any crossing gate or barrier at a railroad grade crossing or bridge while the gate or barrier is closed or is being opened or closed.

(2) A person who violates this rule is responsible for a civil infraction.

MCL 257.1857

Railroad track grade crossings; requirements; "abandoned railroad track" defined; violation as civil infraction; fine; processing.
Sec. 57

(1) Except as provided in subsections (2), (3), and (4), the driver of a school bus, before crossing a railroad track at grade, shall stop the vehicle within 50 feet but not less than 15 feet from the nearest rail, activate hazard warning lights, turn off all interior switches including fans, heaters, and radios, open the passenger door and driver-side window, and while stopped shall listen and look in both directions along the track for an approaching train and for signals indicating the approach of a train, and shall not proceed until the driver can do so safely. After stopping as required in this subsection, and upon proceeding when it is safe to do so, the driver of the vehicle shall cross only in a gear of the vehicle that does not require changing gears while traversing the crossing. The driver shall not shift gears while crossing the track or tracks.

(2) A stop need not be made at a railroad track grade crossing where a police officer or a traffic-control signal directs traffic to proceed.

(3) A stop need not be made at an abandoned railroad track grade crossing. As used in this subsection, "abandoned railroad track" means a railroad track which meets all of the following requirements:

(a) The track has been abandoned pursuant to the former provisions of Act No. 56 of the Public Acts of 1919, being sections 469.241 to 469.246 of the Michigan Compiled Laws; section 14 of Act No. 300 of the Public Acts of 1909, being section 462.14 of the Michigan Compiled Laws; or federal law.

(b) The track has been covered or removed.

(c) All signs, signals, and other warning devices are removed.

(4) A stop shall not be made at a railroad track grade crossing on a freeway or limited access highway where the crossing is protected by a clearly visible signal, crossing gate, or barrier at a time when the signal, crossing gate, or barrier is not activated.

(5) A person who violates this section is responsible for a civil infraction and may be ordered to pay a civil fine of not more than $100.00. A civil infraction under this subsection shall be processed in the same manner as a civil infraction under the Michigan vehicle code, Act No. 300 of the Public Acts of 1949, being sections 257.1 to 257.923 of the Michigan Compiled Laws.

MCL 462.253

Person using abusive, profane, or indecent language or exhibiting violent conduct; powers of conductor.

Sec. 253

A person who uses abusive, profane, or indecent language or exhibits violent conduct may be taken into custody by the conductor of the train and removed to a safe and secure place on the train until its arrival at some usual stopping place, where he or she may be put off the train and put into the custody of some proper officer for prosecution if necessary. For this purpose railroad conductors, while in charge of trains, are hereby invested with the powers of sheriffs and peace officers.

MCL 462.255

Conduct as misdemeanor; penalty; powers of conductor or freight agent; duties of police officer; jurisdiction of court.

Sec. 255

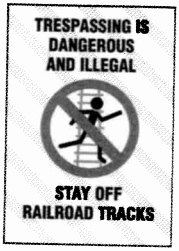
(1) A person who, while riding in the car of a freight, passenger, or other train on any railroad in this state, uses or utters indecent, obscene, or profane language in the hearing of other passengers, riotously or boisterously conducts himself or herself to the annoyance of other passengers, or who obtains or attempts to obtain money or property from any passenger or person by means of any game or device, shall, on conviction, be guilty of a misdemeanor, punishable by a fine of not to exceed $100.00, or imprisonment for not to exceed 90 days, or both.

(2) Railroad conductors are hereby invested with the powers of sheriffs and constable in regard to offenses under this section occurring upon trains or cars in their charge, and may arrest and detain a person who violates this section until the car or train arrives at a usual stopping place, where the conductor may deliver the person to a police officer with a written statement specifying generally the offense or offenses the person has committed.

(3) If a police officer is not present to receive the person, the conductor may deliver him or her to the ticket or freight agent at that stopping place, with the statement. The freight agent shall detain the offender in his or her custody, and may exercise the powers of sheriffs and constables in regard to persons charged with crimes in doing so, until a police officer may be obtained to take charge of the offender.

(4) The police officer shall institute a complaint against the person for the alleged offense before the district or municipal court of the judicial district or municipality in which the offense was committed. The court shall have jurisdiction to try the offender and to impose the penalties authorized by this section.

TRESPASS



MCL 462.273

Walking, riding, driving, presence on right-of-way or railroad yard restricted; presence, entry, or damage, buildings, rolling stock or equipment; persons excepted from provisions,
Sec. 273

(1) Except in the case of a right-of-way designated as a demonstration snowmobile trail in section 15 of Act No. 74 of the Public Acts of 1968, being section 257.1515 of the Michigan Compiled Laws, a person shall not walk, ride, drive, or be upon or along the right-of-way or yard of a railroad company operating its lines within this state, or go upon or cross the right-of-way or yard at a place other than a public or private crossing, unless having first obtained written permission from the owner or occupant railroad, its agent or servant.

(2) For purposes of this section, "right-of-way" means the track or roadbed owned by a railroad and that property owned by a railroad which is located on either side of its tracks and which is readily recognizable to a reasonable person as being railroad property or is reasonably identified as such by fencing, the existence of railroad tracks, or appropriate signs.

(3) A person shall not be upon, enter, or damage any buildings, rolling stock, or equipment of any railway company operating its lines within this state.

(4) This section shall not apply to any of the following:

(a) Passengers on trains or employees of a railroad company while engaged in the performance of the duties of their employment.

(b) An authorized representative of the railroad employees.

(c) A person going upon the right-of-way or tracks to save human life or to protect property.

(d) A person going or being upon or in the station grounds or depot of the railroad company as a passenger or for the purpose of transacting business with the railroad company.

(e) A person, members of his or her family, or his or her employees going upon the right-of-way or tracks for the purpose of crossing from 1 part to another of a farm he or she may own or lease, where the farm lies on both sides of the right-of-way.

(f) A person having written permission to go upon the right-of-way or tracks granted by the railroad company, a person using officially abandoned rights-of-way for recreational purposes, the Michigan public service commission, the state transportation department, the interstate commerce commission, or the federal railroad administration.

(g) A registered land surveyor or his or her employees for the purpose of making land surveys.

(5) A person who violates this section is guilty of a misdemeanor punishable by imprisonment for not more than 30 days, or by a fine of not more than $100.00 or both.

DERAILMENT

MCL 462.257

Conduct as felony or misdemeanor; penalties.

Sec. 257

(1) A person who causes or attempts to cause the derailment of an engine, cars, or track vehicle used on railroad tracks by the placing of an impediment upon the track of a railroad, whether the engine, cars, or track vehicle are thrown from the track or not, or who by any other means whatsoever shall willfully endanger or attempt to endanger the lives of persons engaged in the work of the railroad, or persons traveling on the engine or cars of the railroad, is guilty of a felony and subject to imprisonment for life, or any number of years, in the discretion of the court. It shall not be necessary for the people to allege or prove that the person intended to injure or endanger the life of any particular person or persons.

(2) A person who throws a stone, brick, or other missile at a train or track vehicle is guilty of a misdemeanor punishable by a fine of not less than $100.00 or more than $500.00, or imprisonment for not less than 10 or more than 90 days, or both.

MCL 462.267

Tampering with lights or banner at switch: penalty.

Sec.267

(1) A person not authorized by a railroad company shall not destroy, remove, change, extinguish, to tamper with in any manner, any light or banner attached to or connected with any switch or derailing device maintained by a railroad company.

(2) A person who violates this section is guilty of a misdemeanor, punishable by a fine of not less than $100.00, or more than $500.00, or by imprisonment for not less than 10 days or more than 60 days.

MCL 750.518

Boarding railroad train while in motion.

Sec.518

Boarding railroad train while in motion—Any person who shall jump or step on board of any railroad train, locomotive or car when in motion except employees and passengers at railway stations shall be guilty of a misdemeanor.

MCL 750.383a

Malicious destruction of property; willfully cutting, breaking, obstructing, destroying or manipulating without authority utility equipment or appliances.
Sec.383a

Any person or persons who shall wilfully cut, break, obstruct, injure, destroy, tamper with or manipulate any machinery, tools, equipment, telephone line or post, telegraph line or post, electric line, post, tower or supporting structures, electric wire, insulator, switch or signal, natural gas pipe line, water pipe line, steam heat pipe line or the valves or other appliances or equipment appertaining to or used in connection with such lines, or any other appliance whether herein particularly mentioned or not, being the property of any utility, with the intention and without authority to interrupt or disrupt communications or electric, gas, water or steam heat service, or to curtail or impair the utilization thereof, or who shall conspire, aid, abet in or cause to be done any such unlawful acts, shall be guilty of a felony. "Utility" includes any pipe line, gas, electric, heat, water, oil, sewer, telephone, telegraph, radio, railway, railroad, airplane, transportation, communication or other system, by whomsoever owned or operated for the public use.

MCL 750.394

Train, car, or vehicle, throwing, propelling, or dropping stone or object; violation; penalty; "serious impairment" defined.
Sec. 394

1) A person shall not throw, propel, or drop a stone, brick, or other dangerous object at a passenger train, sleeping car, passenger coach, express car, mail car, baggage car, locomotive, caboose, or freight train or at a street car, trolley car, or motor vehicle.

(2) A person who violates this section is guilty of a crime as follows:

(a) Except as provided in subdivisions (b), (c), and (d), the person is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than $100.00, or both.

(b) Except as provided in subdivision (c), (d), or (e), if the violation causes property damage, the person is guilty of a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than $500.00, or both.

(c) If the violation causes injury to any person, other than serious impairment or death, the person is guilty of a felony punishable by imprisonment for not more than 4 years or a fine of not more than $2,000.00, or both.

(d) If the violation causes serious impairment to any person, the person is guilty of a felony punishable by imprisonment for not more than 10 years or a fine of not more than $5,000.00, or both.

(e) If the violation causes death to any person, the person is guilty of a felony punishable by imprisonment for not more than 15 years or a fine of not more than $10,000.00, or both.

(3) A criminal penalty provided for under this section may be imposed in addition to any penalty that may be imposed for any other criminal offense arising from the same conduct or for any contempt of court arising from the same conduct.

(4) As used in this section, "serious impairment" means that term as defined in section 58c of the Michigan vehicle code, 1949 PA 300, MCL 257.58c.

MCL 750.511

Attempt to wreck or endanger safety of passengers.

Sec. 511

Attempt to wreck railroad trains or endanger safety of passengers—Any person who shall place upon any railroad any timber, stone, iron or other obstruction, or who shall change any switch or track, or who shall loosen or displace any rail of the track of such railroad, or who shall change the brakes upon any car or cars standing on any railroad track in this state or who shall break down or displace, destroy or injure any bridge, culvert or embankment of any railroad, or do any other act with intent to endanger the safety of any person traveling or being upon such railroad, or to throw from such railroad any locomotive, tender, or car moving along the track of such railroad, on which shall be any person or property liable to be injured thereby, shall be guilty of a felony, punishable by imprisonment in the state prison for life or for any term of years.

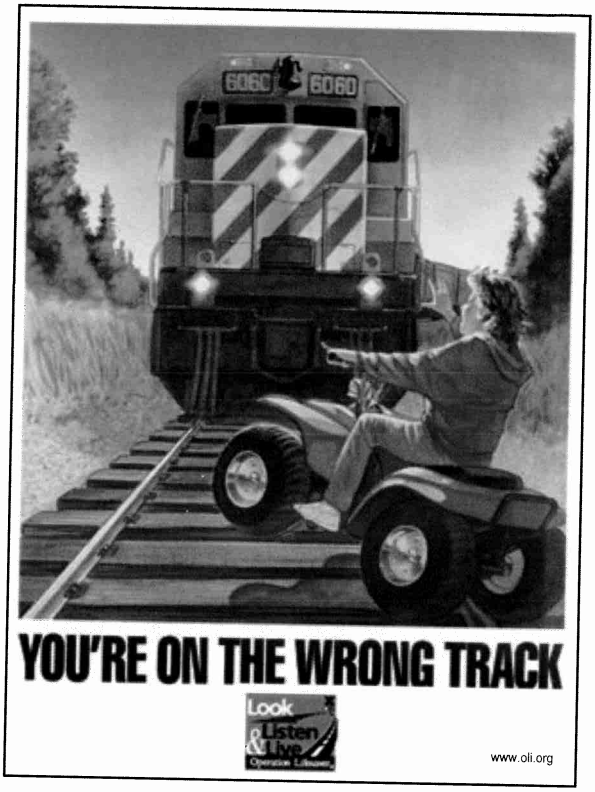
MCL 750.512

Uncoupling locomotive or cars.

Sec. 512

Uncoupling locomotive or cars—Any person, not being employed on any railroad, who shall wilfully and maliciously uncouple or detach the locomotive or tender, or any of the cars of any railroad train, or shall in any way aid, abet, or procure the doing of the same, shall be guilty of a felony, punishable by imprisonment in the state prison not more than 10 years, or by fine of not more than 5,000 dollars.

OFF-ROAD VEHICLES



MCL 324.81147

Violation of part as misdemeanor or civil violation; penalties.
Sec. 81147

(1) Except as otherwise provided in this part, a person who violates a provision of this part is guilty of a misdemeanor, punishable by imprisonment for not more than 90 days, or a fine of not less than $50.00 or more than $1,000.00, or both, for each violation of the part.

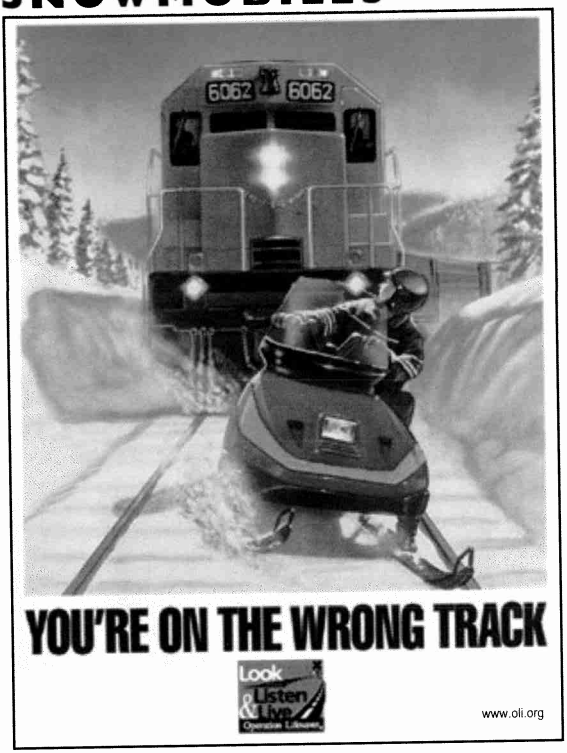
MCL 324.81133

Operation of ORV; prohibited acts.
Sec. 81133 states in part;

A person shall not operate an ORV:

(n) On an operating or nonabandoned railroad or railroad right-of-way, or public utility right-of-way, other than for the purpose of crossing at a clearly established site intended for vehicular traffic, except railroad, public utility, or law enforcement personnel while in performance of their duties, and except if the right-of-way is designated as established in section 81127.

SNOWMOBILES



MCL 324.82133

Violation of part; misdemeanor.

Sec. 82133

Except as otherwise provided in this part, a person who violates this part is guilty of a misdemeanor.

MCL 324.82126

Operation of snowmobile; prohibitions; construction, operation, and maintenance of snowmobile trail; conditions; "operate" defined; prohibited conduct; assumption of risk.

Sec. 82126 states in part;

(1) A person shall not operate a snowmobile under any of the following circumstances:

(j) On a railroad or railroad right-of-way. This prohibition does not apply to railroad personnel, public utility personnel, law enforcement personnel while in the performance of their duties, and persons using a snowmobile trail located on or along a railroad right-of-way, or an at-grade snowmobile trail crossing of a railroad right-of-way, that has been expressly approved in writing by the owner of the right-of-way and each railroad company using the tracks and that meets the conditions imposed in subsections (2) and (3). A snowmobile trail or an at-grade snowmobile trail crossing shall not be constructed on a right-of-way designated by the federal government as a high-speed rail corridore.

OBSTRUCTION OF TRAFFIC

MCL 462.391

Obstruction of vehicular traffic; offenses as separate violations; penalty; allocation of fines.
Sec.391

(1) A railroad shall not permit a train to obstruct vehicular traffic on a public street or highway for longer than 5 minutes at any 1 time, except the obstruction shall not be considered a violation under the following circumstances:
(a) If the train is continuously moving in the same direction at not less than 10 miles per hour for not longer than 7 minutes.
(b) If the railroad can show that the incident occurred as a result of a verifiable accident, mechanical failure, or unsafe condition.

NOTE: A decision on March 21, 2002, by the Sixth Federal Circuit Court of Appeals ruled that issuing citations to railroad companies for this section is unconstitutional. Therefore, no enforcement action is to be taken under subsection (1).

(2) A railroad shall not permit successive train movements to obstruct vehicular traffic on a public street or highway until all vehicular traffic previously delayed by such train movements has been cleared.
(3) A railroad company shall not permit its employees to allow the activation of active traffic control devices at a railroad grade crossing for more than 2 minutes if there is no intention to move a train or track equipment through the crossing within 20 seconds to 60 seconds after the activation of the devices.
(4) Each offense under this section shall be a separate violation punishable by a fine of not more than $500.00 unless the railroad is willfully, deliberately, and negligently blocking vehicular traffic and then the fine shall be not more than $1,000.00 and the costs of prosecution.
(5) All fines civil or otherwise collected by a local unit of government in excess of $10,000.00 annually from the enforcement of a local ordinance substantially similar to this section shall be allocated as follows:
(a) Fifteen percent shall be retained by each local unit of government for costs of enforcement of the ordinance.
(b) Eighty-five percent shall be deposited in a railroad grade crossing safety fund. The revenue collected in this fund shall be used solely for railroad grade crossing safety projects in these local units of government.

INVESTIGATING ALCOHOL/DRUG RELATED INCIDENTS

FEDERAL REGULATIONS PERTAINING TO OPERATING A TRAIN UNDER THE INFLUENCE

Title 49--Transportation

Chapter II--Federal Railroad Administration, Department Of Transportation

Part 219--Control Of Alcohol And Drug Use

Subpart A--general

Sec. 219.13 Preemptive effect

(a) Under section 20106 of title 49, United States Code, issuance of the regulations in this part preempts any State law, rule, regulation, order or standard covering the same subject matter, except a provision directed at a local hazard that is consistent with this part and that does not impose an undue burden on interstate commerce.

(b) FRA does not intend by issuance of the regulations in this part to preempt provisions of State criminal law that impose sanctions for reckless conduct that leads to actual loss of life, injury or damage to property, whether such provisions apply specifically to railroad employees or generally to the public at large.

Subpart C--Post-Accident Toxicological Testing

Sec. 219.201 Events for Which Testing is required.

219.201 states in part;

(a)(4)(b) Exceptions. No test may be required in the case of a collision between railroad rolling stock and a motor vehicle or other highway conveyance at a rail/highway grade crossing. No test may be required in the case of an accident/incident the cause and severity of which are wholly attributable to a natural cause (e.g., flood, tornado, or other natural disaster) or to vandalism or trespasser(s), as determined on the basis of objective and documented facts by the railroad representative responding to the scene.

VIOLATIONS BY THE RAILROAD

MICHIGAN LAW AND ENFORCING ALCOHOL/DRUG RELATED INCIDENTS

An officer seeking alcohol or drug related charges against an employee of the railroad under any circumstances involving a rail-related incident should first consult with their local prosecutor and do so jointly with the involved railroad police authority.

If it is determined that it is appropriate to charge the employee under state law the following guidelines should be followed:

Providing a peace officer had reasonable grounds to believe that a person was operating a locomotive engine while under the influence, a person who operates a locomotive engine on the railroad tracks of this state is considered to have given consent to chemical tests of his or her blood, breath, or urine if:

- The person is arrested for OUIL, Per Se, or Impaired, or
- The person is arrested for manslaughter resulting from the operation of a locomotive engine.

CHEMICAL TEST PROCEDURES

MCL 462.359

Sec. 359

- Do not read Chemical Test Advice of Rights.
- Miranda rights shall be read to the arrested subject prior to requesting a chemical test.
- The officer chooses the type of test to be given.
- The person charged shall be advised that if he or she refuses the request of a peace officer to take a chemical test, a test shall not be given without a court order.
- A person who takes a chemical test shall be given a reasonable opportunity to have a person of his or her own choosing administer one of the chemical tests described within a reasonable time after his or her detention. The person charged shall be informed that after taking a test administered at the request of a peace officer he or she has the right to demand that a person of his or her own choosing administer one of the tests provided for in subsection (1), that the results of the test shall be admissible and shall be considered with other competent evidence in determining the innocence or guilt of the defendant, and that the person charged shall be responsible for obtaining a chemical analysis of the test sample.
- A written report shall be forwarded by the peace officer to the United States Department of Transportation.
- The report shall state: that the officer had reasonable grounds to believe that the person had committed a crime (OUIL, Per Se, or Impaired), and the results of the test.

UNDER THE INFLUENCE

MCL 462.353

Sec.353

(1) A person who is under the influence of alcoholic liquor or a controlled substance, or a combination of alcoholic liquor and a controlled substance, or whose ability to operate a locomotive engine is visibly impaired due to the consumption of alcoholic liquor or a controlled substance or both shall not operate a locomotive engine upon the railroad tracks of this state. A peace officer may, without a warrant, arrest a person when the peace officer has probable cause to believe that the person, at the time of an accident, was the operator of a locomotive engine involved in the accident and was operating the locomotive engine upon the railroad tracks of this state while impaired by or under the influence of alcoholic liquor or a controlled substance, or a combination of alcoholic liquor and a controlled substance.

(2) A person who has an alcohol content of 0.04 grams or more per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine shall not operate a locomotive engine upon the railroad tracks of this state.

(3) Except as otherwise provided, a person who violates this section is guilty of a misdemeanor, punishable by imprisonment for not more than 93 days, or a fine of not less than $100.00 nor more than $500.00, or both, together with costs of the prosecution.

(4) A person who violates this section within 7 years of a prior conviction may be sentenced to imprisonment for not more than 1 year, or a fine of not less than $200.00 or more than $1,000.00, or both, together with costs of the prosecution.

(5) A person who violates this section within 10 years of 2 or more prior convictions is guilty of a felony, punishable by imprisonment for not more than 5 years, or a fine of not less than $500.00 or more than $5,000.00, or both, together with costs of the prosecution.

(6) A person who operates a locomotive engine in violation of subsection (1) or (2) and by the operation of that locomotive engine causes the death of another person is guilty of a felony punishable by imprisonment for not more than 15 years or a fine of not less than $2,500.00 or more than $10,000.00, or both.

(7) A person who operates a locomotive engine in violation of subsection (1) or (2) and by the operation of that locomotive engine causes a serious impairment of a body function of another person is guilty of a felony punishable by imprisonment for not more than 5 years or a fine of not less than $1,000.00 or more than $5,000.00, or both.

(8) As part of the sentence for a violation of this section, the court may order the person to perform service to the community, as designated by the court, without compensation, for a period not to exceed 45 days. The person shall reimburse the state or appropriate local unit of government for the cost of insurance incurred by the state or local unit of government as a result of the person's activities under this subsection.

(9) Before imposing sentence for a violation of this section, the court shall order the person to undergo screening and assessment by a person or agency designated by the office of substance abuse services, to determine whether the person is likely to benefit from rehabilitative services, including alcohol or drug education and alcohol or drug treatment programs. As part of the sentence, the court may order the person to participate in and successfully complete 1 or more appropriate rehabilitative programs. The person shall pay for the costs of the screening, assessment, and rehabilitative services.

(10) Before accepting a plea of guilty under this section, the court shall advise the accused of the statutory consequences possible as the result of a plea of guilty in respect to the penalty imposed for violation of this section.

(11) As used in this section, "prior conviction" means a conviction under this section, a local ordinance substantially corresponding to subsection (1) or (2), or a law of another state or the United States substantially corresponding to subsection (1) or (2).

MCL 462.357

Locomotive engine; authorization or knowledge of operation by person under influence of alcoholic liquor or controlled substance.

Sec.357

The owner of a locomotive engine or the person in charge or in control of a locomotive engine, or a person acting as a conductor of any train of cars, shall not knowingly authorize or knowingly permit the locomotive engine to be operated upon the railroad tracks of this state by a person who is impaired by or under the influence of alcoholic liquor or a controlled substance, or a combination of alcoholic liquor and a controlled substance or who has an alcohol content of 0.04 grams or more per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine. A person who violates this section is guilty of a misdemeanor, punishable by imprisonment for not more than 93 days, or a fine of not less than $100.00 nor more than $500.00, or both, together with costs of the prosecution.

CHEMICAL TEST REFUSAL

MCL 462.363

- Michigan law requires a police officer to advise a person who refuses to submit to a chemical test of the consequences of their refusal.
- Most railroads have a strict employment policy that an employee refusing to submit to a chemical test requested by a police officer having reasonable suspicion that the employee was under the influence of alcohol or drugs will result in a suspension of employment.
- The Code of Federal Regulations, Title 49, § 219.213 provides that an employee who refuses to cooperate in providing a blood or urine sample to the railroad following an accident or incident other than a car/train collision shall be withdrawn from covered service and shall be deemed disqualified for covered services for a period of nine (9) months.

- A written report shall be forwarded by the peace officer to the United States Department of Transportation. The report shall state that the officer had reasonable grounds to believe that:
  - The person had committed a crime (OUIL, Per Se, or Impaired),
  - That the person had refused to submit to the test on the request of the peace officer, and
  - The person had been advised of the consequences of the refusal.
- The officer should request a search warrant for the person's blood per local prosecutor policy.

DECEASED OPERATOR
MCL 462.359 (10)

- If after an accident the operator of a locomotive engine involved in the accident is deceased, a sample of the decedent's blood shall be withdrawn by the medical examiner or attending personnel of the medical facility in a manner directed by the medical examiner for the purpose of determining BAC or the presence of a controlled substance or both.

- In the absence of railroad police or authorities, the investigating officer shall inform the medical examiner that two samples of blood need to be withdrawn; one to be submitted to the Michigan Department of State Police using the standard alcohol specimen collection kit, and the other to be submitted to the Federal Railroad Administration in a specimen kit provided by the involved railroad, pursuant to the Code of Federal Regulations, Title 49, §219.207.

ENFORCEMENT

- Violations shall be written on a Uniform Law Citation, and a warrant sought through normal procedures. Local prosecutor policy shall be adhered to in lieu of this section.
- To make an arrest, the following procedures have been established:
  - Determine who was operating the train.
  - Perform standard sobriety tests.
  - A preliminary breath test may be administered; however a refusal is not a violation.
  - Lodge the offender in the county where the offense occurred, or
  - Turn the offender over to his or her supervisor, or the investigating railroad authorities.
  - Interim bond shall not be taken.

CHEMICAL TESTS

MCL 462.359

Chemical test and analysis of operator's blood, urine, or breath.
Sec. 359

(1) The amount of alcohol or presence of a controlled substance or both in the operator's blood at the time alleged as shown by chemical analysis of that person's blood, urine, or breath shall be admissible into evidence in a criminal prosecution for any of the following:

(a) A violation of section 353 or 357 or of a local ordinance substantially corresponding to section 353(1) or (2) or 357.

(b) Manslaughter or murder resulting from the operation of a locomotive engine while the operator is alleged to have been impaired by or under the influence of alcoholic liquor or a controlled substance or a combination of alcoholic liquor and a controlled substance, or to have had a blood alcohol content of 0.04 grams or more per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine.

(2) If a test is given, the results of the test shall be made available to the person charged or the person's attorney upon written request to the prosecution, with a copy of the request filed with the court. The prosecution shall furnish the report at least 2 days before the day of the trial and the results shall be offered as evidence by the prosecution in that trial. Failure to fully comply with the request shall bar the admission of the results into evidence by the prosecution.

(3) Except in a prosecution relating solely to a violation of section 353(2), the amount of alcohol in the operator's blood at the time alleged as shown by chemical analysis of that person's blood, urine, or breath shall give rise to the following presumptions:

(a) If there was at the time less than 0.04% grams per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine, it shall be presumed that the person was not impaired by or under the influence of intoxicating liquor.

(b) If there was at the time 0.04% grams or more per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine, it shall be presumed that the person was impaired by or under the influence of intoxicating liquor.

(4) A sample or specimen of urine or breath shall be taken and collected in a reasonable manner. Only a licensed physician, or an individual operating under the delegation of a licensed physician under section 16215 of the public health code, 1978 PA 368, MCL 333.16215, and qualified to withdraw blood acting in a medical environment, at the request of a peace officer, may withdraw blood for the purpose of determining the amount of alcohol or presence of a controlled substance or both in the person's blood, as provided in this section. Liability for a crime or civil damages predicated on the act of withdrawing or analyzing blood and related procedures shall not attach

to a licensed physician or individual operating under the delegation of a licensed physician who withdraws blood or analyzes blood or assists in the withdrawal or analysis in accordance with this section unless the withdrawal or analysis is performed in a negligent manner.

(5) The tests shall be administered at the request of a peace officer having probable cause to believe the person has committed a crime described in subsection (1). A person who takes a chemical test administered at the request of a peace officer, as provided in this section, shall be given a reasonable opportunity to have a person of his or her own choosing administer 1 of the chemical tests described in this section within a reasonable time after his or her detention. The results of the test shall be admissible and shall be considered with other admissible evidence in determining the innocence or guilt of the defendant. If the person charged is administered a chemical test by a person of his or her own choosing, the person charged is responsible for obtaining a chemical analysis of the test sample. The person charged shall be informed that after taking a test administered at the request of a peace officer he or she has the right to demand that a person of his or her own choosing administer 1 of the tests provided for in subsection (1), that the results of the test shall be admissible and shall be considered with other admissible evidence in determining the innocence or guilt of the defendant, and that the person charged is responsible for obtaining a chemical analysis of the test sample.

(6) The person charged shall be advised that if the person refuses the request of a peace officer to take a test described in this section, a test shall not be given without a court order, but the officer may seek to obtain the court order.

(7) This section shall not be construed as limiting the introduction of any other competent evidence, including a video tape recording taken of, and with prior notice to the person, bearing upon the question of whether or not the person was impaired by or under the influence of alcoholic liquor or a controlled substance, or a combination of alcoholic liquor and a controlled substance, or whether the person had a blood alcohol content of 0.04 grams or more per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine.

(8) If a jury instruction regarding a defendant's refusal to submit to a chemical test under this section is requested by the prosecution or the defendant, the jury instruction shall be given as follows: "Evidence was admitted in this case which, if believed by the jury, could prove that the defendant had exercised his or her right to refuse a chemical test. You are instructed that such a refusal is within the statutory rights of the defendant and is not evidence of his or her guilt. You are not to consider such a refusal in determining the guilt or innocence of the defendant."

(9) If after an accident the operator of a locomotive engine involved in the accident is transported to a medical facility and a sample of the operator's blood is withdrawn at that time for the purpose of medical treatment,

the result of a chemical analysis of that sample is admissible in any criminal proceeding to show the amount of alcohol or presence of a controlled substance or both in the person's blood at the time alleged, regardless of whether the person had been offered or had refused a chemical test. The medical facility or person performing the chemical analysis shall disclose the results of the analysis to a prosecuting attorney who requests the results for use in a criminal prosecution as provided in this subsection. A medical facility or person disclosing information in compliance with this subsection is not civilly or criminally liable for making the disclosure.

(10) If after an accident the operator of a locomotive engine involved in the accident is deceased, a sample of the decedent's blood shall be withdrawn by the medical examiner or attending personnel of the medical facility in a manner directed by the medical examiner for the purpose of determining the amount of alcohol or presence of a controlled substance or both. The results of the blood testing shall be released to a prosecuting attorney for use in a criminal prosecution as provided in this section. A medical facility disclosing information in compliance with this subsection is not civilly or criminally liable for making the disclosure.

(11) The obtaining or analysis of a person's blood, breath, or urine under this section shall not be performed in a manner prohibited by the federal railroad administration, United States department of transportation.

MCL 462.361

Chemical tests of blood, breath, or urine; consent; administration. Sec.361

(1) A person who operates a locomotive engine upon the railroad tracks of this state is considered to have given consent to chemical tests of his or her blood, breath, or urine for the purpose of determining the amount of alcohol or presence of a controlled substance or both in his or her blood if:

(a) The person is arrested for a violation of section 353 or a local ordinance substantially corresponding to section 353(1) or (2).

(b) The person is arrested for murder or manslaughter resulting from the operation of a locomotive engine, and the peace officer had probable cause to believe that the person was operating the locomotive engine while impaired by or under the influence of alcoholic liquor or a controlled substance or a combination of alcoholic liquor and a controlled substance, or while having a blood alcohol content of 0.04 grams or more per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine.

(2) A person who is afflicted with hemophilia, diabetes, or a condition requiring the use of an anticoagulant under the direction of a physician shall not be considered to have given consent to the withdrawal of blood.

(3) The chemical tests shall be administered as provided in section 359.

MCL 462.363

Refusal to submit to chemical test; report.

Sec. 363

If a person refuses the request of a peace officer to submit to a chemical test offered pursuant to section 359, a test shall not be given without a court order. A written report shall be forwarded by the peace officer to the federal department of transportation. The report shall state that the officer had reasonable grounds to believe that the person had committed a crime described in section 361, and that the person had refused to submit to the test upon the request of the peace officer and had been advised of the consequences of the refusal.

TRAFFIC CRASH REPORTING

The accurate reporting of crashes involving trains is essential to grade crossing safety experts. Proper coding of the Official Traffic Crash Report (UD-10) assures the necessary distribution of crash data to the agencies which require this information for crash analysis and statistical purposes. The following section will help assure consistent reporting of vehicle/train crashes.

The current version and instruction manual for the UD-10 can be found online at:http://www.michigan.gov/crash

The following information is directly from the instruction manual and pertains specifically to crashes involving railroads.

Areas not specifically covered in this publication should be completed as in any other crash report.

10. NUMBER OF UNITS - Required

Enter the total number of units (Motor Vehicles, Pedestrians, Bicycles, and Engineers [railroad/train]) that were physically involved.

11. CRASH TYPE - Required

A crash that includes only one motor vehicle as defined in the UD-10 manual. This includes those cases where a motor vehicle was the only traffic unit, and the only motor vehicle involved that collided with a train.

23. AREA - Required

Code "16" for "grade crossing related".

27. LOCATION - Required

Most railroad crossings have a National Inventory (NI) number. This NI number is usually attached to the railroad crossing signal support or the crossbuck sign support at the grade crossing. When locating crashes at or near a railroad crossing, the NI number can be used as a reference point just as a street name could. The NI number has a maximum of six numbers followed by a letter and is displayed at the crossing in this format (233-106-P). When using the NI number to reference a traffic crash, record it as the intersecting street with the following format (RR233106P).

31. UNIT TYPE - Required

Code "E" for "Engineer" (Railroad/Train).

32. DRIVER - Required if known

Enter the information for the engineer in the spaces provided. Print the word "Train" in the space provided for Driver License Number.

36. POSITION - Required

If the unit is an Engineer, enter the code "E" in the right hand box.

STATE OF MICHIGAN TRAFFIC CRASH REPORT

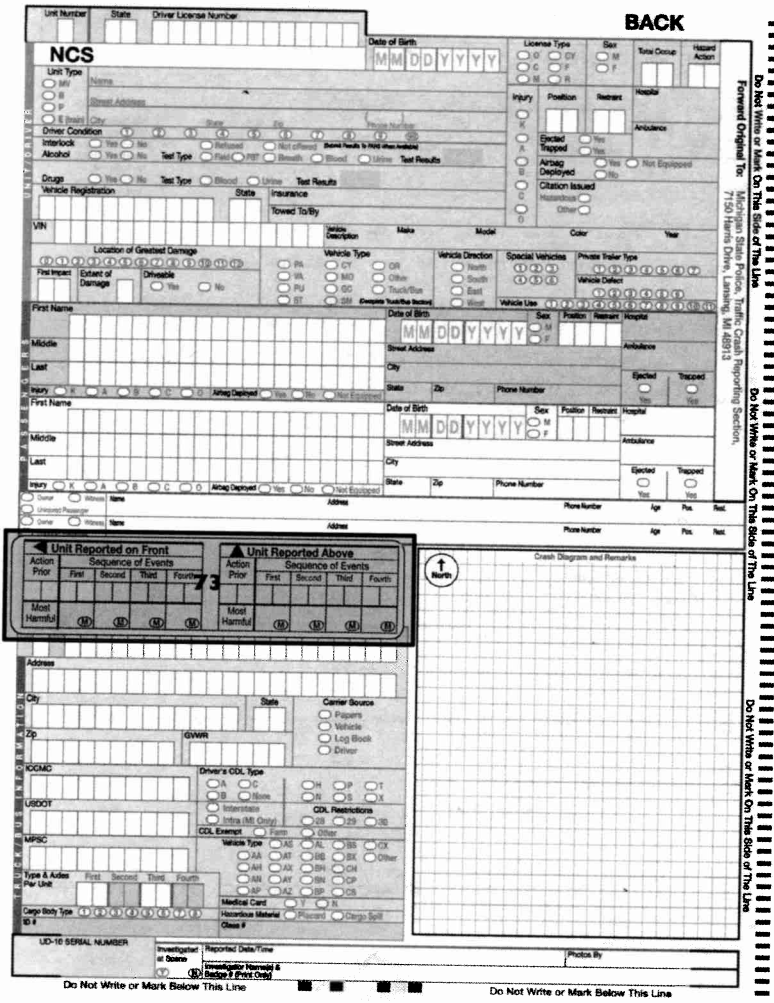
44. VEHICLE REGISTRATION - Required
Code in the Engine # from the lead engine.

48. VEHICLE DESCRIPTION
Fill in information from the Inspection Certificate in the engine crew compartment.

53. VEHICLE TYPE - Required
Code "Other" for (Railroad/Train).

58. VEHICLE USE - Required
Code "11" for "other".

69. PUBLIC PROPERTY DAMAGE - Required
Mark Yes (Y) if the damage was to a Railroad Sign or Signal.



73. SEQUENCE OF EVENTS - Required

Collision with Non-Fixed Objects.
Code "19" for Railroad Train/Engineer.

UD-10 QUESTIONS?

Call the

CRIMINAL JUSTICE INFORMATION CENTER

517.322.5030
or
517.322.5418
or
517.322.6910

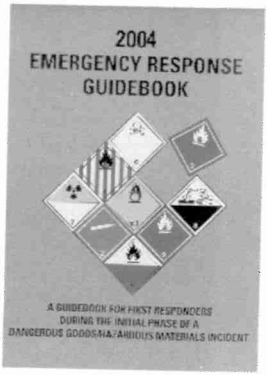
Or visit the Web Site at:

www.michgan.gov/crash

Be Safe at Highway-Rail Intersections.

LOOK, LISTEN, LIVE!

HAZARDOUS MATERIALS INCIDENTS



Law enforcement officers responding to a crash or incident involving a hazardous material where a leak, spill, fire, or explosion has occurred, or may occur, or which holds a potential for endangering life or property, should:

- Notify the local fire department through dispatch.
- Attempt to identify the material involved if it can be done safely and provide the information to dispatch.
- Identification of the material can usually be made by obtaining the U.N. Identification Number from placards, shipping papers, or container labels, and consulting the U.S. DOT publication, "Emergency Response Guidebook."
- Using the information from the "Emergency Response Guidebook" regarding suggested precautions for the particular material involved, necessary actions shall be taken to reduce the immediate risk to life and property.
- For incidents involving unusual or unfamiliar hazardous materials, or for assistance in contacting the shipper, Chemical Transportation Emergency Center, CHEMTREC, may be contacted. CHEMTREC can provide;
  - Immediate advice on the nature of the product and steps to be taken in handling the early stage of the incident.
  - Contact with the shipper of the material involved for more detailed information and appropriate follow-up, including on-scene assistance when feasible.

CHEMTREC can be reached 24 hours a day at 1-800-424-9300.

- Rescue attempts shall only be made when they will not endanger other lives, including that of the officer.
- Secure the scene, pending the arrival of personnel from agencies having specific hazardous materials responsibilities.

RESPONDING TO VEHICLE-RELATED RELEASES IN MICHIGAN

Information for police and fire departments and other agencies responding to vehicle-related spills, and involvement by the Department of Environmental Quality (DEQ) in such incidents.

TYPES OF SPILLS

Transportation-related spills occur frequently on Michigan's roads, highways, and railways. Releases from these accidents may include diesel fuel, gasoline, motor oil, transmission fluids, and anti-freeze. Accidents involving tankers, fuel oil delivery trucks, and other similar haulers may result in significant releases. Based on the nature and size of a release and the threat to public health, safety, or the environment, fire or police responders may seek input from the DEQ Remediation & Redevelopment Division (RRD).

REPORTING SPILLS

The party responsible for the release has the obligation to clean up the spill. For very small spills, minimal or no remediation may be necessary; if there is any question about this determination, the on-scene incident commander should contact the appropriate DEQ/RRD district office. If remediation is necessary, the cleanup of any size spill is less expensive and involved if addressed promptly. If the release is serious and prompt cleanup is needed, the on-scene incident commander may choose to contact a cleanup contractor directly. If necessary, the RRD can also help by establishing contact with the vehicle owner. Often, the insurance carrier of the owner of the vehicle involved will cover the cleanup and payment of costs associated with a transportation release.

SPILL INFORMATION

Obtain the following information to assist in cleanup of an environmental spill:
Vehicle Owner Owner's Representative Driver of Vehicle
Name:
Address:
Phone:
Specific Release Location: (street address, city, county, mile marker) and exact area where loss occurred (ditch, road shoulder, median, pavement, near or in surface water or wetlands)

_____

_____

_____

Material(s) released and estimated quantity released:

_____

_____

Date and time release was discovered:
Cause of release:
Any **actions taken** in response to the loss and by whom:

_____

Name and phone number of **insurance carrier**, if available:

_____

Name of on-scene commander/contact:
Phone number (cellular if available):
Note: The liable party has reporting obligations that are not satisfied by this form. For complete information about reporting releases, contact your nearest DEQ District Office. Information on spill release reporting can also be accessed from the DEQ Home Page at: michigan.gov/deq (enter Spill Release Reporting in search).

CONTACT INFORMATION

When requesting DEQ/RRD involvement, spills should be reported directly to the applicable DEQ district office during normal business hours (8 AM-5 PM). Please fax this form to the district office and provide additional follow-up information, such as photographs or sketches, as available. After hours and on weekends, releases can be reported by calling the **DEQ's Pollution Emergency Alerting System (PEAS) hotline at 800-292-4706.**

What is Michigan doing about the threat of terrorism?
Terrorism is being addressed on many fronts in Michigan at federal, state and local levels. The Michigan State Police (MSP) is spearheading state government's response. The Michigan State Police investigate suspected or potential criminal enterprises and activities – including those that involve terrorism – and works to prevent criminals from perpetrating acts of terror in the first place. In fact, prevention is our number one priority. In addition, the MSP (in conjunction with other state agencies) continuously prepare to respond to terrorist incidents through its emergency planning, training and exercising efforts. Many state agencies, including the state departments of Military Affairs, Environmental Quality, Agriculture, Transportation, and Community Health, have a critical role to play in Michigan's response and recovery plans.

The MSP Emergency Management Division (EMD) is responsible for coordinating the state's response to a wide range of emergencies and disasters, both natural and manmade. While familiar hazards such as floods, tornadoes, chemical spills, wildfires, and winter storms continue to threaten public health and safety in Michigan, terrorism involving the use of chemical, biological, radiological, nuclear, or explosive (CBRNE) weapons of mass destruction (WMD) have recently emerged as serious and disturbing threats.

Recognizing that the state needs the ability to respond to terrorist events involving the use of Weapons of Mass Destruction, a WMD Regional Response Team Network (RRTN) was formed. The RRTN provides quick response capability to WMD/terrorism incidents, coordinates resources and expertise at local, state and federal levels across a wide range of disciplines. Additionally, the resources of the local teams and communities are supplemented with the Michigan Department of State Police contributing the resources and response of its Emergency Support Team, Canine Unit, Bomb Squad, Aviation Unit, and Underwater Recovery Unit.

In conjunction with the State Police special teams, the Michigan Urban Search and Rescue (MUSAR) organization is also a critical response asset. Michigan Urban Search and Rescue, is a privately funded organization working in cooperation with the fire service, local emergency management, the Michigan Department of State Police and private sector agencies. MUSAR's role is to provide a statewide capability for specialized response to structural collapse emergencies and incidents requiring specialized training in search and rescue. Michigan Urban Search and Rescue is prepared to respond with specialized resources.

The Michigan National Guard, 51st WMD/Civil Support Team, provides additional support for the RRTN. The 51st WMD/Civil Support Team deploys to a WMD or suspected WMD incident in support of the local incident commander to: Assess a suspected nuclear, chemical, biological or radiological event; Advise the Incident Commander on appropriate courses of action to protect the local population; Assist with appropriate requests for state additional support. They also provide informational briefings, exercises, and cross training activities with state and local first responders. Local governments are also preparing for a wide range of emergency situations. Local law enforcement, fire, public works, and emergency medical agencies and personnel are being trained in how to properly respond to potential terrorism incidents. In addition, communities are developing plans and procedures

for such incidents, and then testing those plans and procedures in disaster exercises centered on terrorist activities. Many businesses – especially larger ones that could potentially be a target of terrorism – have tested and assessed existing emergency plans and procedures and are training personnel in anti-terrorism methods. These combined efforts of government, business and individual citizens form the cornerstone of Michigan's continuing fight against terrorism.

FEDERAL EMERGENCY PREPAREDNESS & RESPONSE

NATIONAL INCIDENT MANAGEMENT SYSTEM (NIMS)

NIMS establishes standardized incident management processes, protocols, and procedures that all responders -- Federal, state, tribal, and local -- will use to coordinate and conduct response actions. With responders using the same standardized procedures, they will all share a common focus, and will be able to place full emphasis on incident management when a homeland security incident occurs -- whether terrorism or natural disaster. In addition, national preparedness and readiness in responding to and recovering from an incident is enhanced since all of the Nation's emergency teams and authorities are using a common language and set of procedures.

KEY FEATURES OF NIMS

- Incident Command System (ICS)
  - NIMS establishes ICS as a standard incident management organization with five functional areas -- command, operations, planning, logistics, and finance/administration -- for management of all major incidents.
- Communications and Information Management
  - Standardized communications during an incident are essential and NIMS prescribes interoperable communications systems for both incident and information management.
- Preparedness
  - Preparedness incorporates a range of measures, actions, and processes accomplished before an incident happens.
- Joint Information System (JIS)
  - NIMS organizational measures enhance the public communication effort.
- NIMS Integration Center (NIC)
  - To ensure that NIMS remains an accurate and effective management tool, the NIMS NIC will be established by the Secretary of Homeland Security to assess proposed changes to NIMS, capture, and evaluate lessons learned, and employ best practices.

THREATS AND PROTECTION

The Department of Homeland Security merges under one roof the capability to anticipate, preempt and deter threats to the homeland whenever possible, and the ability to respond quickly when such threats do materialize.

DHS is responsible for assessing the vulnerabilities of the nation's critical infrastructure and cyber security threats and will take the lead in evaluating these vulnerabilities and coordinating with other federal, state, local, and private entities to ensure the most effective response.

EMERGENCIES & PROTECTION

In the event of a terrorist attack, natural disaster or other large-scale emergency, the Department of Homeland Security will assume primary responsibility for ensuring that emergency response professionals are prepared for any situation. This will entail providing a coordinated, comprehensive federal response to any large-scale crisis and mounting a swift and effective recovery effort.

SPECIAL INTELLIGENCE BULLETIN

Toll Free 877-616-4677
Fax – 517-333-5399

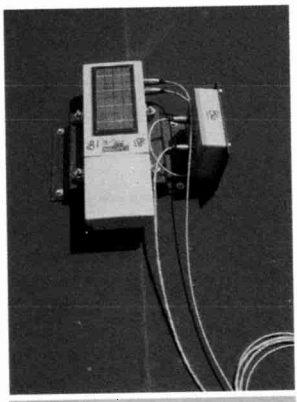
Phone - 517-336-6627
Emergency 800-525-5555

MICHIGAN STATE POLICE
INTELLIGENCE UNIT

April 29, 2004
IU-89-04

Legitimate GPS Devices Attached to Rail Cars

This bulletin is to make law enforcement agencies aware of a new GPS system being used to track chemical rail cars. In light of recent events in Spain, it is likely that these might elicit calls from concerned citizens. These are photos of a GPS device on a tank car for Dow Chemical. As of right now, only Dow is using these, but other chemical companies are planning on using them.



These are now being placed on chemical cars as tracking devices. Some 911 centers in the nation have received calls from the public about possible explosive devices on rail cars when they see these at crossings, etc.
These are legitimate industry safety devices.

A contact on this is:
Dave Hall, Texarkana Emergency Management

GRADE CROSSING COLLISION INVESTIGATION CHECKLIST

ENGINEER INFORMATION

- ☐ Name
- ☐ Address
- ☐ DOB
- ☐ Phone
- ☐ Time of collision
- ☐ Train speed estimate at collision

(Operators license number not required on accident report)

CONDUCTOR INFORMATION

- ☐ Name
- ☐ Address
- ☐ DOB
- ☐ Phone

(Operators license number not required on accident report)

TRAIN INFORMATION

- ☐ Lead engine number
- ☐ Train ID number (from Conductor)
- ☐ Number of cars in train
- ☐ Railroad company name/address (owns tracks)
- ☐ Name of railroad company operating train
- ☐ Additional crew members

ENGINE INFORMATION

- ☐ Headlight working?
- ☐ Horn working?
- ☐ Bell working

MISCELLANEOUS INFORMATION

- ☐ RR car number on crossing?
- ☐ Distance to last RR car from POI?
- ☐ Witnesses

AT THIS POINT, IF NO FURTHER INFORMATION IS REQUIRED, CONSIDER RELEASING THE TRAIN

CROSSING SIGNALS

- ☐ Light/gate bell combination?
- ☐ Light/ bell combination?
- ☐ Passive warning (crossbucks)?
- ☐ Wig-way type?
- ☐ Lights flashing/bells ringing your arrival?
- ☐ Crossing gates down?

(If devices not working your arrival, explain)

OTHER CROSSING CHARACTERISTICS

- ☐ Advance warning signs in place?*

  * Distance from this sign to nearest rail?
- ☐ Crossing surface (rubber, asphalt, etc.)
- ☐ Pavement markings?
- ☐ DOT/AAR crossing ID number?
- ☐ Width of right-of-way (ft.)?
- ☐ Visual obstructions on driver approach?
- ☐ Citation given if warranted? (FTY, FTS, etc.)?

GRADE CROSSING COLLISION INVESTIGATION (GCCI)

If railroad tracks run through your community, the potential exists for you or your officers to become involved in a specialized highway-rail grade crossing collision investigation. Grade Crossing Collision Investigation (GCCI) courses at the Basic (4-hour), Intermediate (8-hour) and Advanced (16-hour) level are available to help officers more effectively investigate such incidents. Classes are offered free of charge.

This training was developed for the North America law enforcement community with the cooperation of the International Association of Chiefs of Police, the National Sheriffs Association, and Operation Lifesaver, a national nonprofit public education program dedicated to ending collisions, deaths and injuries at highway-rail grade crossings and on railroad right-of-way.

CONTENT OVERVIEW OF THE TRAINING

FOUR-HOUR CLASS (Classroom)

- Class orientation: introduction and pre-test.
- Video presentation and classroom discussion.
- Scope of the grade crossing collision problem: statistics, causation, speed and weight factors, stopping distances.
- Information needed to investigate grade crossing collisions.
- Essential information on railroad operations; locomotives and railcars; active and passive traffic control devices; event recorders; freight and passenger trains; railroad personnel and their responsibilities.
- Highway-rail grade crossing signs and signals.

EIGHT-HOUR CLASS (Classroom and/or Field Training)

- At your request class can include on-site review of train equipment, hazardous materials information, grade crossing signs and signals.

SIXTEEN-HOUR CLASS (Extensive Classroom and/or Field Training)

- Class includes more extensive hazardous materials training, including recognition, assessment and appropriate emergency response.
- Review of state and federal motor vehicle codes pertaining to highway-rail grade crossing safety and railroad trespass prevention.
- Review of case law pertaining to grade crossing collisions.

ALL CLASSES

- Post-test and review.
- Evaluation.
- All students issued GCCI Manual and crash template.

CONTACT MI OPERATION LIFESAVER FOR MORE INFORMATION

New Penalties for CDL Vehicle Operators Convicted of Railroad Crossing Violations:

October 1, 2002
P.A. 534

Persons convicted of any railroad crossing violation while operating a commercial motor vehicle (CMV) will be subject to the following CDL suspensions:

- A 60-day suspension for the first railroad crossing violation while operating a CMV.
- A 120-day CDL suspension for a second railroad crossing violation within 36-months while operating a CMV.
- A 1-year CDL suspension for three or more railroad crossing violations within 36-months while operating a CMV.

New Employer Penalty

MCL 257.319g establishes new civil infractions that could include a fine up to $10,000 for employers who knowingly allow their drivers to operate a commercial motor vehicle in violation of the Federal Railroad-Highway Grade Crossing requirements referenced or adopted by the Michigan Vehicle Code, Pupil Transportation Act, Motor Carrier Safety Act or the Motor Bus Transportation Act.

Railroad Grade Crossing Stopping Requirements

P.A. 534 of 2002 standardizes the railroad grade crossing minimum stopping distance at fifteen (15) feet. It also institutes the requirement that all buses, vehicles carrying passengers for hire and vehicle transporting hazardous materials in amounts requiring placard activate the hazard warning lights when stopping. Previously the use of the hazard lights at a railroad crossing was only required for school buses.

MICHIGAN SHERIFFS

A Proud Tradition

This booklet has been prepared in cooperation with the Michigan Department of Transportation, the Michigan Department of State Police, the Michigan Department of Natural Resources, the Michigan Department of Environmental Quality, the Michigan Sheriff's Association, the Michigan Association of Chiefs of Police, the Michigan Railroads Association, and Michigan Operation Lifesaver. *(Rev. 09-05)*

MINNESOTA

OPERATION LIFESAVER®
Minnesota

HIGHWAY/RAILROAD GRADE CROSSING

Safety Enforcement Reference Manual 2008

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About Operation Lifesaver

Minnesota Operation Lifesaver, Inc. is part of national Operation Lifesaver, Inc., a non-profit educational organization dedicated to ending crashes, deaths and injuries at highway-rail crossings and on railroad property.

Operation Lifesaver's (OL's) role is public safety education and its mission is to teach people how to make safe decisions around tracks and trains. We want drivers and pedestrians to understand the signs, signals and conditions they might encounter. Operation Lifesaver also advises people how to report highway-rail grade crossing equipment malfunctions.

Operation Lifesaver promotes the 3 E's: Education, Engineering and Enforcement. Operation Lifesaver educates the public about highway-rail grade crossing and pedestrian safety, endorses continuous safety improvements at highway-rail grade crossings through design and technology and encourages active enforcement of laws governing crossings.

Operation Lifesaver offers free railroad safety presentations to schools, service clubs, senior citizen centers, driver education students, professional drivers, and other organizations. These presentations consist of a very important message of how to avoid the dangers of railroad property and railroad crossings.

This booklet seeks to assist law enforcement officers and other first responders to safely investigate those crashes when they do occur.

OPERATION LIFESAVER®
Minnesota

Minnesota Operation Lifesaver, Inc.
2515 White Bear Ave., Suite #126
Maplewood, Minnesota 55109
651-328-3259
www.mnoperationlifesaver.org

Resources

Minnesota Department of Transportation
395 John Ireland Boulevard • St. Paul, MN 55155-1899
Phone: 800/657-3774 • 800/627-3529 (TTY, Voice, ASCII)
Website: www.dot.state.mn.us

Minnesota Department of Transportation
Rail Planning and Program Development
Website: www.dot.state.mn.us/ofrw/railcontacts.html

Federal Railroad Administration
Office of Public Affairs 202/493-6024
Website: www.fra.dot.gov

Operation Lifesaver, Inc.
National Support Center 800/537-6224
Website: www.oli.org

Federal Highway Administration
Office of Public Affairs 202/366-0660
Website: www.fhwa.dot.gov

Federal Transit Administration
Office of Safety and Security 202/366-2896
Website: www.fta.dot.gov

National Highway Traffic Safety Administration
Office of Public Affairs 202/366-9550
Website: http://www.nhtsa.dot.gov/

National Transportation Safety Board
Central Regional Office 630/377-8177
Website: www.ntsb.gov

American Trucking Associations
Safety Policy Department 730/838-1847
Website: http://www.truckline.com/index

169.14 Speed Limits, Zones: Radar.

Subdivision 1. **Duty to drive with due care.** No person shall drive a vehicle on a highway at a speed greater than is reasonable and prudent under the conditions. Every driver is responsible for becoming and remaining aware of the actual and potential hazards then existing on the highway and must use due care in operating a vehicle. In every event speed shall be so restricted as may be necessary to avoid colliding with any person, vehicle or other conveyance on or entering the highway in compliance with legal requirements and the duty of all persons to use due care.

Subd. 3. **Reduced speed required.** (a) The driver of any vehicle shall, consistent with the requirements, drive at an appropriate reduced speed when approaching or passing an authorized emergency vehicle stopped with emergency lights flashing on any street or highway, when approaching and crossing an intersection or **railway grade crossing**, when approaching and going around a curve, when approaching a hill crest, when traveling upon any narrow or winding roadway, and when special hazards exist with respect to pedestrians or other traffic or by reason of weather or highway conditions.

169.18 Driving Rules

Subd. 5. **Driving left of roadway center; exception.** (a) No vehicle shall be driven to the left side of the center of the roadway in overtaking and passing another vehicle proceeding in the same direction unless such left side is clearly visible and is free of oncoming traffic for a sufficient distance ahead to permit such overtaking and passing to be completely made without interfering with the safe operation of any vehicle approaching from the opposite direction or any vehicle overtaken. In every event the overtaking vehicle must return to the right-hand side of the roadway before coming within 100 feet of any vehicle approaching from the opposite direction.
(b) Except on a one-way roadway or as provided in paragraph
(c), no vehicle shall, in overtaking and passing another vehicle or at any other time, be driven to the left half of the roadway under the following conditions:
(1) when approaching the crest of a grade or upon a curve in the highway where the driver's view along the highway is obstructed within a distance of 700 feet;
(2) when approaching within 100 feet of any underpass or tunnel, railroad grade crossing, intersection within a city, or intersection outside of a city if the presence of the intersection is marked by warning signs; or
(3) where official signs are in place prohibiting passing, or a distinctive centerline is marked, which distinctive line also so prohibits passing, as declared in the Manual on Uniform Traffic Control Devices adopted by the commissioner.

169.26 Special Stops at Railroad Crossing.

Subdivision 1. Requirements. (a) Except as provided in section 169.28, subdivision 1, when any person driving a vehicle approaches a railroad grade crossing under any of the circumstances stated in this paragraph, the driver shall stop the vehicle not less than ten feet from the nearest railroad track and shall not proceed until safe to do so and until the roadway is clear of traffic so that the vehicle can proceed without stopping until the rear of the vehicle is at least ten feet past the farthest railroad track. These requirements apply when:
(1) a clearly visible electric or mechanical signal device warns of the immediate approach of a railroad train; or
(2) an approaching railroad train is plainly visible and is in hazardous proximity.
(b) The fact that a moving train approaching a railroad grade crossing is visible from the crossing is prima facie evidence that it is not safe to proceed.
(c) The driver of a vehicle shall stop and remain stopped and not traverse the grade crossing when a human flagger signals the approach or passage of a train or when a crossing gate is lowered warning of the immediate approach or passage of a railroad train. No person may drive a vehicle past a flagger at a railroad crossing until the flagger signals that the way is clear to proceed or drive a vehicle past a lowered crossing gate.

Subd. 1a. **Violation.** A police officer may arrest the driver of a motor vehicle if the police officer has probable cause to believe that the driver has operated the vehicle in violation of subdivision 1 within the past four hours.

Subd. 2. **Misdemeanor.** (a) A driver who violates subdivision 1 is guilty of a misdemeanor.

(b) The owner or, in the case of a leased vehicle, the lessee of a motor vehicle is guilty of a petty misdemeanor if a motor vehicle owned or leased by that person is operated in violation of subdivision 1. This paragraph does not apply to a lessor of a motor vehicle if the lessor keeps a record of the name and address of the lessee. This paragraph does not apply if the motor vehicle operator is prosecuted for violating subdivision 1. A violation of this paragraph does not constitute grounds for revocation or suspension of the owner's or lessee's driver's license.

Subd. 3. **Driver training.** All driver education courses approved by the commissioner of public safety must include instruction on railroad-highway grade crossing safety. The commissioner of public safety shall by rule establish minimum standards of course content relating to operation of vehicles at railroad-highway grade crossings.

169.34 Prohibitions; Stopping, Parking

(a) No person shall stop, stand, or park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic-control device, in any of the following places:
(1) on a sidewalk;
(2) in front of a public or private driveway;
(3) within an intersection;
(4) within ten feet of a fire hydrant;
(5) on a crosswalk;
(6) within 20 feet of a crosswalk at an intersection;
(7) within 30 feet upon the approach to any flashing beacon, stop sign, or traffic-control signal located at the side of a roadway;
(8) between a safety zone and the adjacent curb or within 30 feet of points on the curb immediately opposite the ends of a safety zone, unless a different length is indicated by signs or markings;
(9) within 50 feet of the nearest rail of a railroad crossing;
(10) within 20 feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within 75 feet of said entrance when properly signposted;
(11) alongside or opposite any street excavation or obstruction when such stopping, standing, or parking would obstruct traffic;
(12) on the roadway side of any vehicle stopped or parked at the edge or curb of a street;
(13) upon any bridge or other elevated structure upon a highway or within a highway tunnel, except as otherwise provided by ordinance;
(14) at any place where official signs prohibit stopping.
(b) No person shall move a vehicle not owned by such person into any prohibited area or away from a curb such distance as is unlawful.
(c) No person shall, for camping purposes, leave or park a travel trailer on or within the limits of any highway or on any highway right-of-way, except where signs are erected designating the place as a campsite.
(d) No person shall stop or park a vehicle on a street or highway when directed or ordered to proceed by any peace officer invested by law with authority to direct, control, or regulate traffic.

Tractor, Slow Low & Special Vehicles

169.28 Certain Vehicles to Stop at Railroad Crossing.

Subdivision 1. (a) The driver of any motor vehicle carrying passengers for hire, or of any school bus whether carrying passengers or not, or of any Head Start bus whether carrying passengers or not, or of any vehicle that is required to stop at railroad grade crossings under Code of Federal Regulations, title 49, section 392.10, must stop before crossing at grade any railroad tracks not less than 15

feet nor more than 50 feet from the nearest rail and while so stopped shall listen and look in both directions along the right of way for any approaching train, and for signals indicating the approach of a train. Except as provided in Subd 1 (b) (c) & (d).

Exempt crossing:

169.28 Subd. 2. (a) 1. 2. & 3, The commissioner may designate a crossing as an exempt crossing if the rail line on which service has been abandoned or the rail line carries fewer then five trains each year, traveling at speeds of ten miles per hour or less, or as agreed to by the operating railroad and the Department of Transportation, following a diagnostic review of the crossing

Railroad Rule

169.28 Subd. 2 (b) The commissioner shall direct the railroad to erect at the crossing signs bearing the word "Exempt" that conform to section 169.06. A train must not proceed across an exempt crossing unless a police officer is present to direct traffic or a railroad employee is on the ground to warn traffic until the train enters the crossing. The installation or presence of an exempt sign does not relieve a driver of the duty to use due care.

Highway User

169.28 Subd. 2 (c) Vehicles that must stop at grade crossings under subdivision 1 is not required to stop at a marked exempt crossing unless directed otherwise by a police officer or a railroad employee.

169.29 Crossing Railroad Tracks with Certain Equipment.

(a) No person shall operate or move any caterpillar tractor, steam shovel, derrick, roller, or any equipment or structure having a normal operating speed of six or less miles per hour or a vertical body or load clearance of less than nine inches above the level surface of a roadway upon or across any tracks at a railroad grade crossing without first complying with paragraph (b), (c) & (d) of this section.
(b) The person operating any vehicle in this section shall first stop the same not less than ten, nor more than 50, feet from the nearest rail, look in both directions for approaching trains and shall not proceed until the crossing can be made safely.

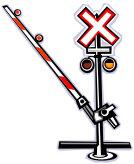
(c) No crossing shall be made when warning by automatic signal or crossing gates or a flagger of the immediate approach of a train or car.
(d) No stop need be made at a crossing on which service has been abandoned or the crossing is Exempt, unless directed otherwise by a flagger. The installation or presence of an exempt sign shall not relieve any driver of the duty to use due care.

169.443 Safety of School Children; Bus Driver's Duties.

Subdivision 1. **Using bus signals.** A driver of a school bus shall activate the prewarning flashing amber signals of the bus before stopping to load or unload school children.

Subd. 2. **Use of stop-signal arm.** (a) The stop-signal arm system of a school bus must be used in conjunction with the flashing red signals only when the school bus is stopped on a street or highway to load or unload school children.

Subd. 3.(4) **When signals not used.** School bus drivers shall not activate the prewarning flashing amber signals or flashing red signals and shall not use the stop arm signal at railroad grade crossings.



Warning Devices

219.06 Signs at Crossings.

A railroad company shall maintain proper and conspicuous signs indicating the grade crossing. A railroad company failing to comply with this section shall forfeit to the town or municipality having charge of the road $10 for each day the failure continues.

219.17 Uniform Warning Signs.

The commissioner shall require that uniform warning signs be placed at grade crossings. There must be at least three distinct types of warning signs: a home crossing sign, an approach crossing sign, and, when deemed necessary, a stop sign with the word "stop" plainly appears on it.

219.20 Stop Signs.

Subdivision 1. **When installation required;**
At each grade crossing where, because of the dangers for persons approaching a RR crossing to stop before crossing the railroad tracks, stop signs must be

installed. **The government entity responsible for a road that crosses a railroad track** deems it necessary to install stop signs at that crossing, shall petition the commissioner to order the installation of the stop signs. Within 30 days after notification, the railway company shall erect the uniform stop crossing signs in accordance with the commissioner's order.

Highway User Rule

219.20 Stop Sign.

Subd. 2. **Stopping distances.** When a stop sign has been erected at a railroad crossing, the driver of a vehicle approaching a railroad crossing shall stop within 50 feet, but not less than ten feet, from the nearest track of the crossing and shall proceed only upon exercising due care.

Railroad Rule

219.567 Failure to Ring Bell.

An engineer driving a locomotive who fails to ring the bell or sound the whistle on the locomotive, or have it rung or sounded in accordance with Federal Railroad Administration regulations under United States Code, title 49, section 20153, is guilty of a misdemeanor.

219.24 Additional Safeguard.

If the commissioner finds after investigation or upon complaint and after notice and hearing, that a grade crossing requires additional safeguards to protect life and property, such as crossing gates or other suitable devices, the commissioner shall specify the nature of the devices required and may order the railway company to install them.

Crossing Treatment Procedures
Grade Crossing Installation and Maintenance

161.20 General Powers of Commissioner.

Subdivision 1. **Provisions of Constitution.** The commissioner shall carry out the provisions of article 14, section 2 of the Constitution of the state of Minnesota.

Acquisition of property; buildings; relocation of corners; agreements with railroads; contracts.

Subd. 2. **Acquisition of property; buildings; relocation of corners; agreements with railroads; contracts.** (a) The commissioner is authorized to acquire land and property as provided for in Subd. 2 (1), (2), (3) and (4) to contract on an equitable basis with railroad companies for the installation and

reinstallation of safety devices at trunk highway-railroad grade crossings, and for the construction, reconstruction, and maintenance of bridges and approaches existing or necessary for the separation of grades at railroad and trunk highway intersections.

Commissioner's Rules on Grade Crossings

219.073 Commissioner's Rules on Grade Crossings.

In accordance with chapter 14, the commissioner of transportation adopted rules that pertain to standards governing the establishment, vacation, relocation, consolidation, and separation of grades at public grade crossings. In adopting the standards, the commissioner shall consider that the number of grade crossings in this state should be reduced and that public safety will be enhanced by reducing the number of grade crossings.

Excerpt from, Minnesota Railroad-Highway Grade Crossing Safety Improvement Minnesota Grade Crossing Program 2003 pg. 7

Mn/DOT has developed a crossing closure initiative to enhance safety by reducing the number of public grade crossings in the state. Potential projects to facilitate crossing closure include installing signals at adjacent crossings, improving roadway alignments and constructing/improving parallel roads. Federal and state funds may be available to assist in financing these improvements.

Grade crossings to be identified for possible closure:

1. A grade crossing where either an incident involving a fatality or two property damage or personal injury collision occurred within the last five years, or
2. An alternate grade crossing or grade separation is available within one-quarter mile in an urban area, or one mile in a rural area, and
3. The grade crossing:

a. Is located in an urban area and has a current ADT of 750 vehicles or less; or
b. Is located in a rural area and has current ADT of 50 vehicles or less; or
c. Has sight distance obstructions or an alignment, which creates unsafe conditions at that grade crossing.

Grade Crossing Change, Vacation

219.074 Grade Crossing Change, Vacation.

Subdivision 1. **Agreement; hearing.** Public officials having authority and a railway company operating the railroad may agree to the vacation, relocation, consolidation, or separation of grades at grade crossings. If agreement cannot be reached concerning these matters or on a reasonable division of expense, either party may file a petition with the commissioner, and submitting the matter for determination. The commissioner shall then conduct a hearing under chapter 14 section 219.073 and make a determination. The commissioner may also bring

matters concerning vacation, relocation, consolidation, or separation of grades at public grade crossings to the commissioner for determination. If the commissioner determines that the vacation, relocation, consolidation, or separation is consistent with the standards adopted under section 219.073, the commissioner may order the crossing vacated, relocated, consolidated, or separated.

Crossing Vacation Program

219.074 Subd. 2. **Crossing vacation program.**
The commissioner is empowered to develop a list of grade crossings proposed to be vacated by applying standards adopted under section 219.073. Grade crossings that are part of an abandonment, closing, or removal may not be included in the list.
The commissioner shall notify the public officials having the necessary authority and the railway companies operating the railroads of the proposed vacations. Affected parties may request a hearing. The commissioner shall hold a contested case hearing per the rules under section 219.073. If the commissioner determines that the vacation is consistent with the standards under section 219.073, the commissioner may order the crossing vacated. If a request for a hearing on a particular crossing is not received within 30 days of the publication in the State Register, the commissioner shall order the crossing vacated.

Crossing Inventory

219.074 Subd. 3. **Crossing inventory.**
The commissioner is empowered to keep and maintain all public and private grade crossings in the state and shall annually revise the inventory to reflect grade crossing changes made under this section.

219.14 Railroad Crossing Protected

Subdivision 1. **Investigation;** The commissioner of transportation on the commissioner's own motion may investigate and determine whether a railroad

crossing over a street or public highway, that is or will be opened to public travel, is or will be dangerous to life or property. The commissioner may order the crossing protected in any manner the commissioner finds reasonable and proper, including requiring the company to separate the grades.

Subd. 2. **Hearing.** The commissioner shall give the interested railroad company and road authority notice of the investigation as the commissioner deems reasonable, and an opportunity to be heard before an order is made.

219.39 Dangerous Crossing; Complaint, Hearing.

Upon written complaint the governing body of a city or county, by the board of supervisors of a town, or by authorized officers of a subject railroad, alleging that a railroad crossing a street, road, or highway in the city, town, or county is dangerous to life and property, and giving the reasons for the allegations, the commissioner shall investigate the matters contained in the complaint and, when necessary, initiate a hearing.

Railroad Rules
Speeds and Blocked Crossings

219.383 Safe Operation of Train Over Road

Subdivision 1. **Speed fixed.** The commissioner of transportation, on petition of a city council or railway corporation, may fix and determine the speed an engine or train over a railroad crossing of a public highway or street in that city.

Subd. 2. **Maximum speed.** Where the commissioner has fixed the speed of an engine or train over a public roadway in a city, the fixed speed is the lawful maximum speed at which an engine or train may be operated over that public roadway, until changed by order of the commissioner.

Subd. 3 Highway railroad grade crossing Blockage: It is unlawful in the State of Minnesota for the Railroad to permit any train our engine to obstruct public travel at a highway-rail grade crossing for a period in excess of **ten minutes**, except where the train is continuously moving or cannot be moved due to circumstances beyond the railroads control.

Subd. 4. **Penalty.** A railway corporation violating this section is guilty of a petty misdemeanor. A corporation that commits a second or subsequent violation of this section is guilty of a misdemeanor.

Vandalism

219.30 Injuries, Destroying Sign

It is unlawful for a person to maliciously injure, remove, displace, deface, or destroy railroad signs or signals.

609.851 False Traffic Signal.

Subdivision 1. **Misdemeanor.** A person is guilty of a misdemeanor if the person exhibits a false light or signal or interferes with a light, signal, or sign controlling or guiding traffic on a highway, railroad track, navigable waters, or in the air.
Subd. 2. **Felony.** A person who violates subdivision 1 and knows that doing so creates a risk of death or bodily harm or serious property damage is guilty of a felony.

169.073 Prohibited Light or Signal.

(a) No person or corporation shall place, maintain or display any red light or red sign, signal, or lighting device or maintain it in view of any highway or any line of railroad on or over which trains are operated in such a way as to interfere with the effectiveness or efficiency of any highway traffic-control device or signals or devices used in the operation of a railroad.

(b) No person or corporation shall maintain or display any light after written notice from the commissioner of transportation to remove the light which constitutes a traffic hazard.

169.08 Unlawful to Possess, Alter, Deface, or Remove Sign.

No person shall, without lawful authority, possess, or attempt to or in fact alter, deface, injure, knock down, or remove any official traffic-control device or any railroad sign or signal or any inscription, shield, or insignia thereon, or any other part thereof.

609.85 Crimes against Railroad Employees and Property; Penalty. Trespass

Whoever throws or deposits any type of debris, waste material, or other obstruction on any railroad track or whoever causes damage or causes another person to damage, tamper, change or destroy any railroad track, switch, bridge, trestle, tunnel, signal or moving equipment used in providing rail services, with intention to cause injury, accident or derailment. This includes,
Subd. 6 **Trespass; allowing animals on tracks**
Whoever intentionally trespasses, or who permits animals under the person's control to trespass on a railroad track, yard, or bridge is guilty of a misdemeanor.

Private Crossings

Preamble to this section on Private Crossings in reference to 219.165
Private crossing incidents account for approximately 13 percent of all grade crossing collisions in the State of Minnesota in 2006; therefore the Commissioner is empowered under Statute 219.165 to establish safety standards for private grade crossings.

Railroad Rule

219.13 Farm Crossing.

A railroad company constructing a railroad so as to leave parts of a farm on different sides of the road shall construct a proper farm crossing at some place convenient for that farm.

Property Owner Rule

219.35 Crossing and Drain.

Persons owning lands abutting upon a railroad may construct, at their own expense, crossings under, over, or across the railroad and drains under and across the railroad at places and in ways that do not obstruct or impair the use of the railroad. Before constructing them, the owner must submit a detailed plan to the Railroad for all construction including future maintenance costs which will be paid by the property owner.

Railroad Rule

219.36 Gate at Farm Crossing.

A railroad company, which erects at a farm crossing a gate for the exclusive use of the owner and occupants of that farm, provides a lock for the gate, and delivers the key for the lock to the owner or occupant, is not liable to the owner or occupant for an animal killed or injured because the gate was left open without fault of the company, unless the killing or injury resulted from the wanton or malicious act of the company or its employees.

Article I. Highway-rail Grade Crossing Incidents

Collisions involving trains and motor vehicles or other highway conveyance where roadways cross railroad lines are governed by federal laws and regulations, and they are not subject to state or local highway laws.

Laws Governing Railroad Employees Involved in Railroad Incidents

The Federal Railroad Administration (FRA) regulates rail safety in the U.S. As part of its safety mission, FRA conducts alcohol and drug tests on train crews who have been involved in major accidents. FRA's alcohol and drug testing regulations (Title 49, Code of Federal Regulations Part 219) exempt a train crew who has been involved in a highway-rail grade crossing accident from Federal testing. Why? Because trains have much longer stopping distances than cars, trucks, and other motor vehicles. At 55 mph, it can take a train more than a mile to stop. For this reason, the crew has little or no chance to avoid an impact by the time they have spotted a person or vehicle stopped on the tracks. FRA regulations preempt state and local regulations requiring testing of railroad employees after train accidents, but there is an exception for enforcement of state and local criminal laws. Local police may test a train crew under their own authority if they have probable cause to believe that the crew contributed to the cause or severity of a highway-rail grade crossing accident. As explained

above, the train crew's involvement in a fatal crash should not be the lone factor in determining whether probable cause for testing exists. For more information, visit http://www.fra.dot.gov/safety/da.html.

Section 20106 of Title 49 of the United States Code *(previously Section 205 of the Federal Railroad Safety Act of 1970)* prohibits states from adopting laws with respect to railroad safety if the United States Department of Transportation has adopted standards governing the subject matter, unless the state requirement is necessary to deal with
a unique local problem and is not incompatible with the
federal standards.

Localities are not permitted to adopt laws with respect to railroad safety under any circumstances. **The federal regulatory authority has been delegated to the Federal Railroad Administration (FRA).**

They govern who must be tested and who may not be tested, and also prescribe precise standards and procedures that must be followed in performing testing. In adopting these regulations, **the FRA specifically determined that, in the absence of reasonable cause to believe a particular individual is impaired based on his appearance or
behavior, train crews should not be required to submit to
testing in connection with the collision of a train or a motor vehicle or other highway conveyance at a rail/ highway grade crossing.** ***(See 49 C.F.R. 219.201 (b).***

**In addition, testing is normally not permitted when a train
hits a person on the railroad's right-of-way.** Section 219.13 specifies that the regulations in Part 219 of 49 C.F.R. have the preemptive effect contemplated by Section 20106 of Title 49 of the United States Code, and **therefore, States and localities may not adopt laws requiring employees to submit to testing after an accident that does not involve
reckless conduct in violation of criminal law.**

State and local law enforcement authorities can call the Federal Railroad Administration Office in Chicago at 312/353-6203 to obtain further information concerning the permissible treatment of railroad employees involved in an accident.

Attached are some examples of Engineer Certificates, which
are required to be carried by train engineers in lieu of a
drivers license.

What to do if a Crossing Collision Occurs

Following is a copy of the Grade Crossing Collision Investigation Checklist. To assist in your investigation, please keep in mind the following information:

The engineer is the person operating the train. The conductor is in charge of the train. Locomotive engineers are NOT required to have a motor vehicle operators' license while operating a locomotive. Instead, the engineer must display a Federal Certification Card. Always be aware of the possibility of a hazardous material incident.

GRADE CROSSING COLLISION INVESTIGATION CHECKLIST

Engineer Information:
- Name
- Address
- DOB
- Phone
- Time of Collision
- Train Speed Estimate at Collision

(Operators license number not required on accident report)

Conductor Information:
- Name
- Address
- DOB
- Phone

(Operators license number not required on accident report)

Train Information:
- Lead engine number
- Train ID number *(from Conductor)*
- Number of cars in train
- Railroad Co. name/address *(owns tracks)*
- Name of Railroad Co. operating train
- Additional crewmembers

Engine Information:
- Headlight working?
- Horn working?
- Bell working?

Miscellaneous Information:
- RR Car number on crossing?
- Distance to last RR car from POI?
- Witnesses

AT THIS POINT, IF NO FURTHER INFORMATION IS REQUIRED, CONSIDER RELEASING THE TRAIN

Crossing Signals:
- Light/gate bell combination?
- Light/bell combination?
- Passive warning *(crossbucks)*?
- Wig-wag type?
- Lights flashing/bells ringing your arrival?
- Crossing gates down?

(If devices not working your arrival, explain)

Other Crossing Characteristics:
- Advance warning signs in place?*
- Distance from this sign to nearest rail?
- Crossing surface (rubber, asphalt, etc.)
- Pavement markings?
- DOT/AAR crossing ID number?
- Width of right-of-way (ft)?
- Visual obstructions on driver approach?
- Citation given if warranted (FTY, FTS, etc.)?

Reporting Vehicular/Train Crashes

Accurately report vehicular crashes involving trains on the Minnesota Traffic Crash Report is essential to the grade crossing safety experts. The following is a copy of the Minnesota Crash Report

How to Stop A Train In An Emergency

When, in case of emergency, a train should be stopped to avoid a threat to life or property, contact the railroad dispatcher first. A listing of the railroads and their 24-hour emergency telephone numbers is included in this manual.

If it is necessary to stop a train by flagging, remember that a train takes much longer to stop than an automobile. A Freight train traveling at 60 miles per hour could take up to 1 ½ miles

to stop, while one traveling at only 30 miles per hour could take 2/3 of a mile to stop. An officer intending to stop a train must be at least the train's stopping distance from the hazard before signaling the engineer. If time permits, always assume the greatest distance.

Do not stop your patrol car on the tracks.

Park your car nearby, turn on the emergency light to attract attention, ~~the~~ then position yourself near the tracks. The universal railroad stop signal is a lighted flare, swung slowly back and forth horizontally across your body. The locomotive engineer will stop the train as quickly as possible. If it is impossible to use a highway flare, a flashlight may be used at night, or a brightly colored object in the daytime. However, a flare should be used whenever possible, day or night.

Highway-Rail Grade Crossing Signal Malfunctions

Automatic crossing warning signals such as flashing light, gates and bells are designed to activate whenever a train approaches a highway-rail grade crossing. Operating times may vary depending on the type of control equipment used. Occasional problems may develop which cause the signal to activate in a fail-safe manner so the signal will function even if no train is approaching the crossing. ~~In~~ less than one percent of the time, however, a failure of the system may occur in which there is minimal or no warning time before the train reaches the crossing. A frequent cause of highway-rail crossing signal failures is vandalism. Police officers can assist by watching for trespassers or incidents of vandalism along the tracks, such as tampering with signal housings. Crossing signals should be observed for shattered lenses, which could reduce warning effectiveness substantially. If you encounter problems with the railroad's failure to repair signals/gates, you may call the railroad and Minnesota Department of Transportation's Railroad Section.

How to Identify a Crossing

The Association of American Railroads and the U.S. Department of Transportation developed a crossing identification system jointly. This system gives each at-grade and separated crossing a unique identity by the assignment of an inventory number. The number, composed of six numerals and one letter, is usually attached to the crossbuck or signal mast. The abbreviation of the railroad responsible for the crossing may be found above the number. This number should be included in your report. U.S. DOT crossing inventory number affixed to active warning device crossing.

In case of a crossing emergency:

1. Locate the 800 number placard in close proximity to the crossing if available.
2. Notify railroad of crossing DOT number and milepost location.
3. Inform dispatcher as to the nature of the emergency. They will contact nearby train crew, if train needs to be stopped.

EMERGENCY PHONE NUMBERS

Burlington Northern Santa Fe Corp.
Resource Center Telephone
(800) 832-5452

Cloquet Terminal Railroad
Business telephone
(218) 879-2357

(CN North America) Police Dept.
Resource Center Telephone
(800) 465-9239

Lake Superior & Mississippi
Business telephone
(218) 733-7590

Lake Superior Railroad Museum
Business telephone
(218) 733-7590

Minnesota Prairie Line
Business telephone
(800) 747-4919

Minnesota Commercial Railroad
Business telephone
(651) 646-2010 or 651-632-9000

Minnesota Northern
Business telephone
(218) 281-4704

Minnesota Southern
Business telephone
(507) 283-4269

Minnesota Transp. Museum
Business telephone
(651) 228-0263

Minnesota Zephyr
Business telephone
(651) 430-3009

Minnesota, Dakota & Western
Business telephone
(218) 285-5580

North Shore Scenic RR
Business telephone
(218) 733-7593

Otter Tail Valley
Business telephone *After Hours*
(218) 736-6073 (218) 205-7431

Progressive Rail
Business telephone *After Hours*
(952) 985-7245 (612) 791-3255

ProRail
Business telephone
(478) 218-8786

St Croix Valley Railroad Co.
Business telephone
(320) 384-0437

Twin Cities & Western RR
Business telephone
(800) 747-4919

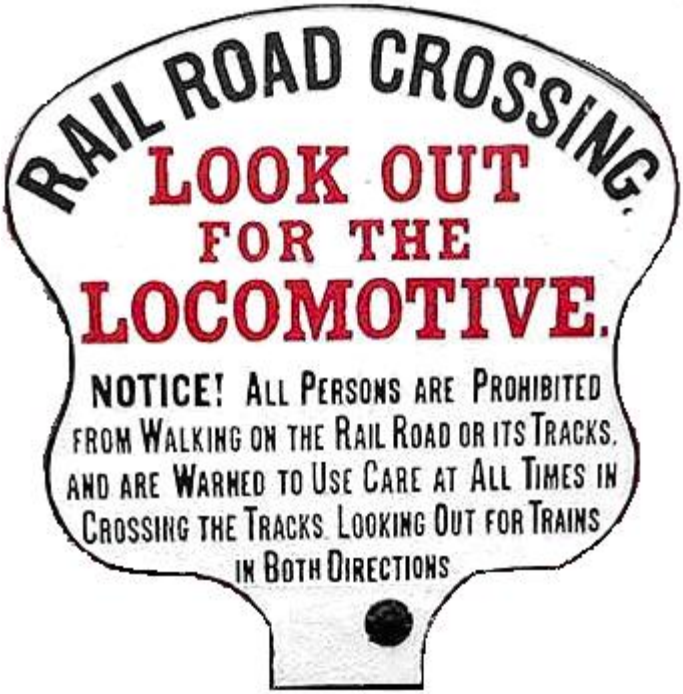
Union Pacific
Crossing Hot Line
(800) 848-8715

Metro Transit
Business telephone
(612)-373-3333

NOTES

Minnesota Operation Lifesaver, Inc. is a part of national Operation Lifesaver, Inc., a non-profit public education program dedicated to ending collisions, deaths and injuries at highway-rail grade crossings and along railroad rights-of-way.

Minnesota Operation Lifesaver, Inc.
2515 White Bear Ave., Suite #126
Maplewood, Minnesota 55109
651-328-3259
www.mnoperationlifesaver.org


RAIL ROAD CROSSING.
LOOK OUT
FOR THE
LOCOMOTIVE.
NOTICE! ALL PERSONS ARE PROHIBITED
FROM WALKING ON THE RAIL ROAD OR ITS TRACKS,
AND ARE WARNED TO USE CARE AT ALL TIMES IN
CROSSING THE TRACKS, LOOKING OUT FOR TRAINS
IN BOTH DIRECTIONS

MISSISSIPPI

Railroad Contact Information for Emergencies, Grade Crossing Crashes or Other Incidents

CSX Transportation 24 hour Police Dispatcher (all emergencies)	1-800-232-0144
Norfolk Southern Corporation 24 hour Police Dispatcher (all emergencies)	1-800-453-2530
Burlington Northern Santa Fe Railroad 24 hour all emergencies	1-800-832-5452
Canadian National Railway 24 hour all emergencies	1-800-465-9239
Kansas City Southern Railroad 24 hour all emergencies	1-877-527-9464
Amtrak 24 hour all emergencies	1-800-331-0008
Mississippi Export Railroad 24 hour all emergencies	1-228-475-8669
Columbus & Greenville Railway **Luxapalia Valley Railroad** **Meridian & Bigbee Railroad**	1-904-563-3098 (primary) 1-662-386-5448 (alternate)

For more information contact:

Mississippi Operation Lifesaver, Inc.

601-359-7539

or visit our website at
www.msoperationlifesaver.org

Duplication and distribution of this brochure is encouraged

OPERATION LIFESAVER®
Mississippi

Always Look, Listen and Live!

Mississippi Statutes for Law Enforcement

relevant to railroad laws

(a) "Railroad" means a carrier of persons or property upon cars, other than street cars, operated upon stationary rails.

(b) "Railroad train" means a steam engine, electric or other motor, with or without cars coupled thereto, operated upon rails, except street cars.

(c) "Street car" means a car other than a railroad train for transporting persons or property and operated upon rails principally within a municipality.

SEC. 63-3-133. Traffic signals or devices.
(a) "Official traffic-control devices" means all signs, signals, markings, and devices not inconsistent with this chapter placed or erected by authority of a public body or official having jurisdiction, for the purpose of regulating, warning, or guiding traffic.

(b) "Official traffic-control signal" means any device, whether manually, electrically or mechanically operated, by which traffic is alternately directed to stop and to proceed.

(c) "Railroad sign or signal" means any sign, signal, or device erected by authority of a public body or official or by a railroad and intended to give notice of the presence of railroad tracks or the approach of a railroad train

SEC. 63-3-313. Disobedience of official traffic-control devices.
No driver of a vehicle shall disobey the instructions of any official traffic-control device placed in accordance with the provisions of this chapter, unless at the time otherwise directed by a police officer.

SEC. 63-3-319. Interference with official traffic-control devices or railroad signs or signals.
No person shall without lawful authority attempt to or in fact alter, deface, injure, knock down, or remove any official traffic-control device or any railroad sign or signal, or any inscription, shield, or insignia thereon, or any other part thereof.

SEC. 63-3-901. Stopping, standing or parking prohibited in specified places
i. Within fifteen feet of the nearest rail of a railroad crossing;

SEC. 63-3-1007. Stops at railroad grade crossings in obedience to signal indicating approach of train; effect of noncompliance upon right of recovery in civil action.
(1) Whenever any person driving a vehicle approaches a railroad grade crossing and a clearly visible electric or mechanical signal device gives warning of the immediate approach of a train, the driver of such vehicle shall stop within fifty (50) feet but not less than fifteen (15) feet from the nearest track of such railroad and shall not proceed until he can do so safely.

(2) The driver of a vehicle shall stop and remain standing and not traverse such a grade crossing when a crossing gate is lowered or when a human flagman gives or continues to give a signal of the approach or passage of a train. The violation of this section shall not

dollars ($1,000.00), or imprisonment in the county jail not exceeding six (6) months, or both.

SEC. 97-25-35. Railroads; stealing or interfering with communications or signaling equipment.
If any person shall maliciously remove, take, steal, change or in any manner interfere with any railroad transmission line, signaling device, microwave tower or any of the parts or attachments belonging to any communication or signaling device owned, leased or used by any railroad or transportation company, he shall, on conviction, be fined not more than three thousand dollars ($3,000.00), or shall be imprisoned not more than five (5) years, or both.

C. 97-25-47. Railroad trains, buses, trucks, motor vehicles, depots, stations, and other transportation facilities; willfully shooting or throwing at.
If any person or persons shall willfully shoot any firearms or hurl any missile at, or into, any train, bus, truck, motor vehicle, depot, station, or any other transportation facility, such person shall, upon conviction, be punished by a fine of not less than one hundred dollars ($100.00) nor more than two hundred fifty dollars ($250.00), or be committed to the custody of the department of corrections not less than one (1) year nor more than five (5) years, or by both such fine and imprisonment.

SEC. 97-25-43. Railroads, public utilities, and carriers; conspiracy to impede.
If two (2) or more persons shall willfully or maliciously combine or conspire together to obstruct or impede or hinder by any unlawful act or threat of violence, terror or intimidation the regular operation and conduct of the business of any railroad company, or any public service corporation, or any public utility, or any person or corporation carrying passengers or property for hire, such persons, and each of them, shall, on conviction, be punished by a fine of not less than one thousand dollars ($1,000.00) and not exceeding three thousand dollars ($3,000.00), or imprisonment in the county jail for not less than ninety (90) days nor more than one (1) year, or by both such fine and imprisonment.
This section shall not apply to persons who merely quit the employment of a railroad company, whether by concert of action or otherwise.

SOURCE: The information presented in the brochure was obtained from the Mississippi Code of 1972 as revised through the 2003 Legislative Session. A copy of the Code can be found at: http://billstatus.ls.state.ms.us/ under the General Information Tab.

If any person shall wantonly or negligently obstruct or injure any railroad, on conviction, he shall be fined not less than five hundred dollars ($500.00) nor more than two thousand dollars ($2,000.00), or imprisoned not longer than twelve (12) months in the county jail, or both.

SEC. 97-25-23. Railroads; obstructing or injuring; derailing cars.
If any person shall wantonly or maliciously injure, or place any impediment or obstruction on any railroad, or do any other act by means of which any car or vehicle might be caused to diverge, or be derailed, or thrown from the track, such person, on conviction, shall be committed to the custody of the department of corrections for a term of not less than one (1) year nor more than ten (10) years, and the penalty provided in this section shall apply to any engineer, conductor, switchman, brakeman, train dispatcher or telegraph operator who shall willfully or negligently cause the derailment or collision of a passenger train.

SEC. 97-25-25. Railroads; seizing and running locomotive.
If any person shall unlawfully seize upon any locomotive and run it away, or shall aid, abet or procure the doing of the same, he shall, upon conviction, be fined not less than five hundred dollars ($500.00) nor more than one thousand dollars ($1,000.00), or imprisoned in the county jail not exceeding six (6) months, or both.

SEC. 97-25-27. Railroads; signaling or unlawfully interfering with train.
If any person, without authority and in the absence of apparent danger warranting such act, shall, out of a spirit of mischief, or with any purpose other than to prevent or give information of an accident, make, or cause to be made, any sign or signal to persons in charge of any locomotive, or railroad train or cars, or to any of such persons, or in sight of any of them, with intent to cause the stopping or starting of such locomotive, train, or cars; or if any person unlawfully interfere with the management or running of such locomotive, train, or cars on any railroad, the person so offending shall be guilty of a misdemeanor, and, upon conviction, shall be fined not less than one hundred dollars ($100.00) nor more than five hundred dollars ($500.00), or shall be imprisoned in the county jail not exceeding three (3) months.

SEC. 97-25-29. Railroads; stealing a ride.
Any person who shall ride on any engine, tender, car or train of any railroad company, without authority or permission of the proper officers or employees of the company, or of the persons in charge of such engine, tender, car or train, shall, on conviction, be fined not less than fifty dollars ($50.00) nor more than one hundred dollars ($100.00) or be imprisoned not more than thirty (30) days, or both.

SEC. 97-25-39. Railroads; uncoupling locomotives and cars by persons not employed by railroad.
If any person, not being employed on any railroad, shall willfully and maliciously uncouple or detach the locomotive or tender or any of the cars of any railroad train, or shall in any way aid, abet or procure the aforesaid, shall be left to the jury and the comparative negligence statute and prima facie statute of this state shall apply in these cases as in other cases of negligence.

SEC. 63-3-1009. Stops at designated particularly dangerous railroad grade crossings.
The Mississippi Transportation Commission is hereby authorized to designate particularly dangerous highway grade crossings of railroads and to erect stop signs thereat. When such stop signs are erected the driver of any vehicle shall stop within fifty (50) feet but not less than fifteen (15) feet from the nearest track of such grade crossing and shall proceed only upon exercise of due care.

SEC. 63-3-1011. Stops at railroad grade crossings by vehicles carrying passengers for hire or explosive substances and school buses.
(1) The driver of any motor vehicle carrying passengers for hire, or of any school bus carrying any school child, or of any vehicle carrying explosive substances of flammable liquids as a cargo or part of a cargo, before crossing at grade any track or tracks of a railroad, shall stop such vehicle within fifty (50) feet but not less than fifteen (15) feet from the nearest rail of such railroad and while so stopped shall listen and look in both directions along such track for any approaching train and for signals indicating the approach of a train, except as hereinafter provided, and shall not proceed until he can do so safely.

SEC. 63-3-1013. Moving heavy equipment at railroad grade crossing.
No person shall operate or move any caterpillar tractor, steam shovel, derrick, roller, or any equipment or structure having a normal operating speed of six (6) or less miles per hour or a vertical body or load clearance of less than nine (9) inches above the level surface of a roadway upon or across any tracks at a railroad grade crossing without notice of any such intended crossing first being given to a superintendent of such railroad and a reasonable time being given to such railroad to provide proper protection at such crossing.
Before making any such crossing the person operating or moving any such vehicle or equipment shall first stop the same not less than fifteen (15) feet nor more than fifty (50) feet from the nearest rail of such railway and while so stopped shall listen and look in both directions along such track for any approaching train and for signals indicating the approach of a train, and shall not proceed until the crossing can be made safely.
No such crossing shall be made when warning is given by automatic signal or crossing gates or a flagman or otherwise of the immediate approach of a railroad train or car.

SEC. 37-41-55. Duties of driver of transportation vehicle upon approaching railroad crossing.
The driver of every school transportation vehicle used to transport pupils, on approaching any railroad crossing, * * * shall (a) bring the vehicle to a complete stop, (b) open the service door and driver's window, and (c) listen for approaching trains, and shall not proceed until the driver of such vehicle has determined that it is safe to

the vehicle to a complete stop and shall not proceed until the driver of such vehicle has determined that it is safe to proceed. Any driver who shall fail to bring his vehicle to a complete stop and follow the procedures prescribed as herein required shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than One Hundred Dollars ($100.00) nor more than Two Hundred Fifty Dollars ($250.00) for each such offense.

SEC. 77-9-225. Locomotives to give warning when approaching crossings; penalty.

Every railroad company shall cause each locomotive engine run by it to be provided with a bell of at least thirty (30) pounds weight and with a whistle or horn which can be heard distinctly at a distance of three hundred (300) yards, and shall cause the bell to be rung or the whistle or horn to be blown at the distance of at least three hundred (300) yards from the place where the railroad crosses over any public highway or municipal street. The bell shall be kept ringing continuously or the whistle or horn shall be kept blowing at repeated intervals until said crossing is passed.

Every person, company or corporation violating the provisions of this section shall be guilty of a misdemeanor and upon conviction shall be fined not more than Fifty Dollars ($50.00) or be imprisoned not more than thirty (30) days, or be both so fined and imprisoned, in the discretion of the court.

The provisions of this section shall be enforced by the Mississippi Department of Transportation.

SEC. 77-9-249. Obedience to signal indicating approach of train; penalties.

(1) Whenever any person driving a vehicle approaches a railroad grade crossing under any of the circumstances stated in this subsection, the driver of such vehicle shall stop within fifty (50) feet but not less than fifteen (15) feet from the nearest rail of such railroad, and shall not proceed until he can do so safely. The foregoing requirements shall apply when one or more of the following circumstances exists:

(a) A clearly visible electric or mechanical signal device gives warning of the immediate approach of a railroad train; or

(b) A crossing gate is lowered or when a human flagman gives or continues to give a signal of the approach or passage of a railroad train; or

(c) A railroad train approaching within approximately nine hundred (900) feet of the highway crossing emits a signal in accordance with Section 77-9-225, and such railroad train, by reason of its speed or nearness to such crossing, is an immediate hazard; or

(d) An approaching railroad train is plainly visible and is in hazardous proximity to such crossing.

(2) No person shall drive any vehicle through, around or under any crossing gate or barrier at a railroad crossing while such gate or barrier is closed or is being opened or closed.

damages, sustained by any driver of such vehicles for collision of said vehicle and train in which action it may appear that the said driver may have violated any of the provisions hereof, the question of whether or not the said violation was the sole or approximate cause of the accident and injury shall be for the jury to determine. The violation of this section shall not of itself defeat recovery, and the question of negligence or the violation aforesaid shall be left to the jury; and the comparative negligence statutes and prima facie statute of this state shall apply in these cases as in other cases of negligence.

(4) At any railroad grade crossing provided with visible 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 such railroad crossbuck sign, yield the right-of-way and slow 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 (50) feet, but not less than fifteen (15) feet, from the nearest rail of the railroad, and shall not proceed until he can do so safely.

(5) Every person, company or corporation violating the provisions of this section shall be guilty of a misdemeanor and, upon conviction, shall be fined not less than Two Hundred Fifty Dollars ($250.00) nor more than Five Hundred Dollars ($500.00), or imprisoned not more than thirty (30) days, or both such fine and imprisonment, in the discretion of the court.

SEC. 97-25-5. Railroads; destroying crossing-sign, gate or warning-strings.

If any person shall willfully obliterate, injure or destroy any railroad-gate, warning-strings, cattle-gap or any board or sign erected or maintained by a railroad company in pursuance of law, he shall be fined not less than one hundred dollars ($100.00) nor more than five hundred dollars ($500.00), or be imprisoned in the county jail not exceeding three (3) months, or both.

SEC. 97-25-7. Railroads; driving vehicle or livestock on track.

Any person who shall ride, drive any vehicle, drive any cattle, horses, mules or other livestock along or on any railroad track open and operated for traffic, unless by permission of the owners of said track, or their agent, shall be guilty of a misdemeanor and be fined not less than twenty-five dollars ($25.00) nor more than two hundred fifty dollars ($250.00). The penalty hereof shall not be incurred by operating a street railroad or by crossing a track.

SEC. 97-25-15. Railroads; jumping on or off cars in motion.

If any person, other than passengers or employees engaged in operating the railroad, shall willfully climb, jump or step upon, or in any way attach himself to, or shall jump off a locomotive, tender or car while in motion on a railroad track or siding, he shall, upon conviction, be fined not less than fifty dollars ($50.00) nor more than two hundred dollars ($200.00), or be imprisoned in the county jail not less than five (5) days nor more than twenty-five (25) days, or both.

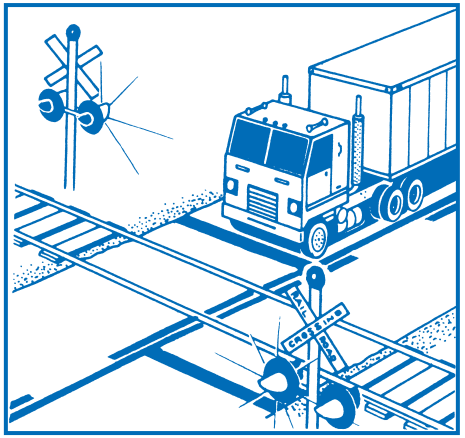
NEW HAMPSHIRE

This is...

OPERATION LIFESAVER®

The New Hampshire Operation Lifesaver program is a cooperative effort of private, governmental and railroad officials working together to help make the state's railroad tracks, crossings and property around railroads safer for everyone.

It is part of a national railroad safety program that has been adopted by 49 states in the United States. Operation Lifesaver focuses on the three E's of grade crossing safety: Education, Engineering and Enforcement.



KNOW AND UNDERSTAND THE RULES AND LAWS FOR SAFE HIGHWAY-RAIL GRADE AND TRACK CROSSING.

New Hampshire Operation Lifesaver Committee

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Raymond Burton, Executive Councilor

STATE COORDINATOR

Lyman Cousens, Safety & Health Council of NNE

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Peter Thomson, NH Highway Safety Agency, Concord, NH
Gary Webster, North Conway, NH

For more information on railroad/railroad crossing safety or "Operation Lifesaver" materials, to borrow films for school or adult showing, or to have a speaker at your group meeting, contact:

OPERATION LIFESAVER®

c/o Safety & Health Council of NNE
163 Manchester Street, Suite D
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(603) 228-1401 • (800) 834-6472
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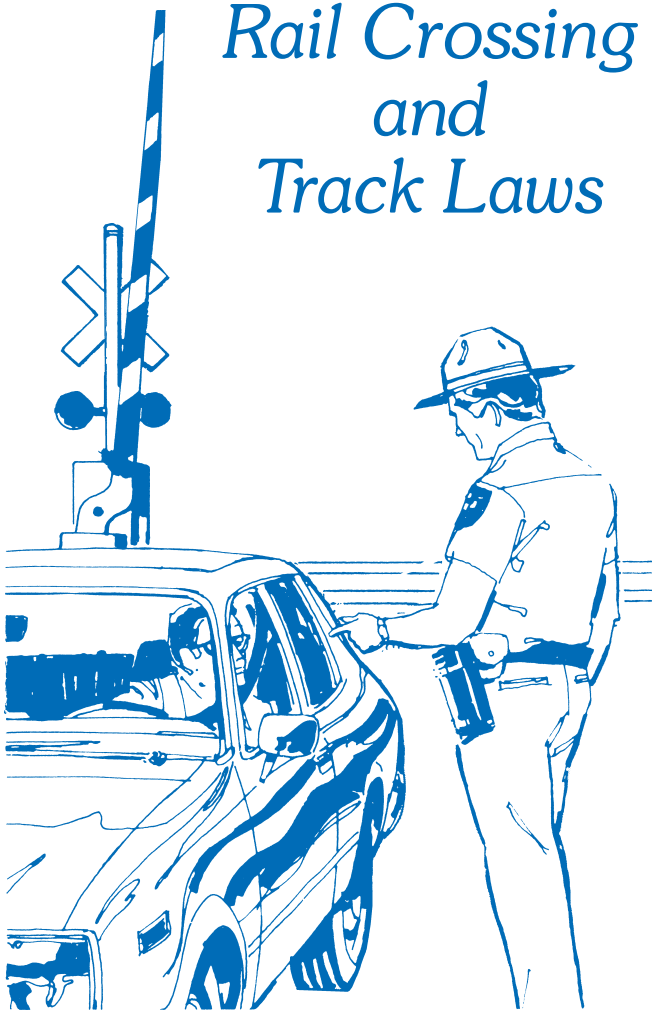
KNOW, OBEY and RESPECT...

Rail Crossing and Track Laws



Did You Know...

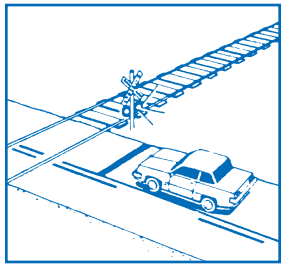
- *Almost one half of the rail collisions which kill almost 500 and injure thousands of people each year in the United States occur at guarded grade crossings?*
- *In an altercation between a 120 TON locomotive and a two ton car, the car and its contents are ALWAYS losers?*
- *A train traveling at 55 m.p.h. takes more than a mile to stop?*
- *Under our system of laws, the severity of the offense can be determined by the penalty for failure to comply? In New Hampshire, the penalty for violation of railroad grade crossing rules is revocation of a license for at least 90 days.*

Then What Are the Laws?

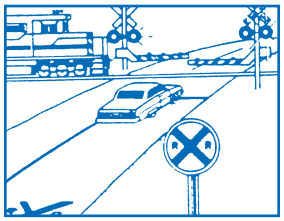
New Hampshire joins most other states in adhering to the Uniform Vehicle Code that brings uniformity to most "rules of the road" between states. These rules of the road are found in New Hampshire law Revised Statutes Annotated 265.

Here is a summary of the New Hampshire rules involving highway-rail grade crossing:

- **RSA 265:9** requires all drivers to obey all required traffic-control devices unless otherwise directed by a police officer.
- **RSA 265:21** limits driving on the left side of the roadway, and in section 1(b) states that within 100 feet of a railroad grade crossing it is not permissible to use the left side of the road to overtake or to pass.
- **RSA 265:43** requires all bicycles to obey the same rules of the road that apply to vehicles.
- **RSA 265:48** gives specific grade crossing rules:
  - I. Drivers must stop within 50 feet but not less than 15 feet from the nearest rail when:
    - **a.** A clearly visible electric or mechanical device gives warning of the immediate approach of a train.
    - **b.** A crossing gate is lowered or a flagman gives a signal of the approach or passage of a train.



    - **c.** A train when approaching approximately 1,500 feet gives audible signal indicating that because of its speed or nearness to the crossing it is an immediate hazard.
  - II. NO PERSON SHALL DRIVE ANY VEHICLE THROUGH, AROUND OR UNDER ANY CROSSING GATE OR BARRIER AT A RAILROAD CROSSING WHILE SUCH GATE OR BARRIER IS CLOSED OR IS BEING OPENED OR CLOSED.
- **RSA 265:49** states that when there is a stop sign at a rail crossing it is because that crossing has been determined to be particularly dangerous by the NH Department of Transportation. You must stop, look and listen for approaching trains before you proceed with caution in these situations.



- **RSA 265:50** says that certain vehicles—school buses, trucks carrying flammable liquids, and vehicles for hire carrying passengers—must stop at all crossings, and cannot proceed until it is safe to do so. They must cross without changing gears.
- **RSA 265:60** gives the basic rule on speed restrictions. This rule states that no person shall drive a vehicle at a speed greater than is reasonable and prudent under the conditions. It also specifically states that every person shall drive at a safe and appropriate speed when approaching an intersection or railroad grade crossing.
- **RSA 265:69 I (h)** prohibits stopping, standing or parking on the tracks. **Section III (a)** does not allow parking within 50 feet of a railroad crossing.

Off-highway Recreational Vehicles:

- **RSA 215-A:6, VI** says, "No person shall operate an OHRV within the limits of any railroad right of way where the rails are still intact unless otherwise posted, except in an emergency…provided, however, an OHRV may be driven upon the right-of-way of any railroad for a crossing of the tracks at their intersection with an authorized trail, road or highway where an OHRV is not otherwise prohibited."

Remember:

Railroad rights-of-way are private property, and should be treated as such. They are protected by the same laws which protect your own property against misuse by others.

One of the key ways to be safe at rail tracks and crossings is to **KNOW, OBEY and RESPECT** rail track and crossing laws, and do not trespass on railroad property.

The transportation of hazardous materials...

AN OPERATION LIFESAVER EMPHASIS

The Operation Lifesaver committee is particularly concerned about the danger of hazardous materials being transported by railroads and other vehicles, whether they travel on the tracks or across the tracks. The potential for disaster is always present, and every means of prevention of disaster must be taken to prevent this possibility.

What are Hazardous Materials?

There are more than 2,000 chemicals that create safety problems while being transported. Many of these are commonplace, such as gasoline for our automobiles or propane to heat our homes. Others are not so common or have very special properties such as explosives, toxic poisons, or nuclear wastes.

How Much is Moved?

All of it is moved. It is estimated that more than 250,000 shipments of hazardous materials move through the nation's transportation system every day, and more than 200 billion ton miles of hazardous materials are shipped annually in the United States.

How Safe Is It?

Fortunately, most movements are made safely because of strict compliance with state and federal regulations. These regulations include requirements for proper identification, proper packaging, proper handling, storage, loading, transporting, etc. Every effort must be made to enforce these regulations and to reduce the risk of accidents.

What Do I Do In Case of An Accident?

Stay as far away from the scene as possible. Stay upwind and, if possible, uphill from the accident. Follow the instructions of any emergency response personnel at the scene.