

BMWED POSITION PAPER
State Statutes RE: Motorists Responsibilities When Approaching A
Railroad Crossing

We are working on getting language inserted into the respective states railroad crossing laws pertaining to motorist's responsibilities at railroad crossings. It's a simple bi-partisan effort and we have been successful so far in California, Delaware, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Massachusetts, Maryland, Michigan, Mississippi, Montana, Nebraska, North Dakota, Oregon, Tennessee, South Dakota, Virginia, Wisconsin, Washington State, and Wyoming.

Current, Active Legislation: Ohio, Minnesota, North Carolina, Alabama, Kansas, New Jersey, Michigan, Missouri, Nevada, Pennsylvania.

The issue is that maintenance of way, railroad contractors and other on-track equipment are not included in (state) Statute that mandates a motorists responsibilities when approaching a crossing. In other words, when the gates are down, or when there is a train approaching or a flagman or stop sign, etc. present a motorist is responsible to stop so many feet away from a crossing.

The issue is on-track maintenance equipment has evolved into "train like" machines that present the same dangers of a train engine/train with cars of not being able to stop on a dime. In addition, not every piece of equipment activates the crossing gates where crossing gates are utilized. Similarly, trains are currently included in the statute in addition to what a motorist's responsibilities are when a crossing gate is down, or there is a stop sign or flagman because not every railroad crossing has a gate or stop sign or flagman. In addition crossing gates are mechanical and do occasionally fail to activate when a train or other on track equipment is approaching.

The fix is easy and is supported by rail labor, the railroads themselves, railroad contractors, and in fact I have found no opposition because it's truly a public safety issue and the fix is simple language "or other on-track equipment" being inserted into current law anywhere it says 'when a train is approaching'.

There is no cost to the state or DOT. I've attached the statute with my language inserted and underlined for your review as well as a few of the on-track machines we are talking about.

This is truly a public safety issue. The public is well aware that trains occupy the tracks in their respective neighborhoods but not everyone is aware of the on track maintenance and construction machines that travel on the track infrastructure in our country. Clarifying that there are other pieces of equipment that travel on tracks and present the same dangers to motorists as trains will help to educate the public of this fact.