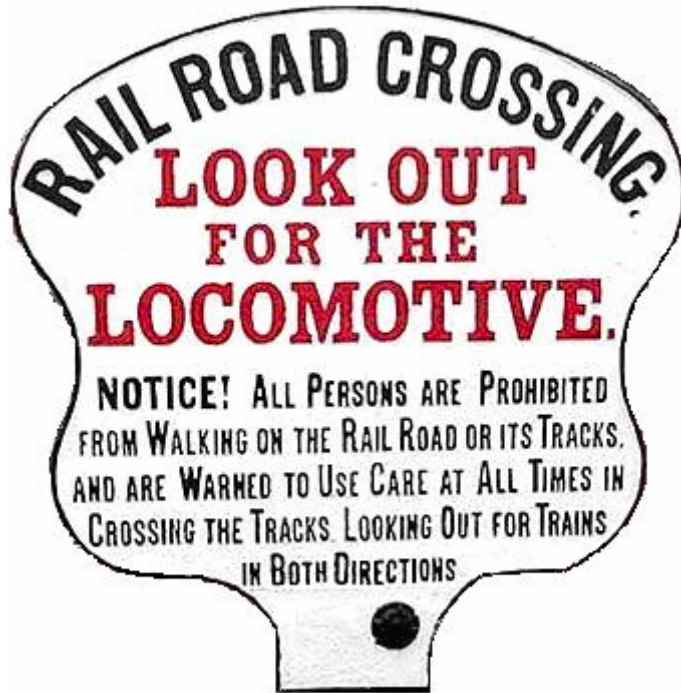




U.S. Department  
of Transportation

Federal Railroad  
Administration



## HIGHWAY/RAILROAD GRADE CROSSING

Safety Enforcement  
Reference Manual  
2009



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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.



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 2515 White Bear Ave., Suite #126  
 Maplewood, Minnesota 55109  
 651-328-3259  
[www.mnoperationlifesaver.org](http://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](http://www.dot.state.mn.us)

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

Federal Railroad Administration  
Office of Public Affairs 202/493-6024  
Website: [www.fra.dot.gov](http://www.fra.dot.gov)

Operation Lifesaver, Inc.  
National Support Center 800/537-6224  
Website: [www.oli.org](http://www.oli.org)

Federal Highway Administration  
Office of Public Affairs 202/366-0660  
Website: [www.fhwa.dot.gov](http://www.fhwa.dot.gov)

Federal Transit Administration  
Office of Safety and Security 202/366-2896  
Website: [www.fta.dot.gov](http://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.nts.gov](http://www.nts.gov)

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

## 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

**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.



**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.

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.

### 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

### 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 than 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.

### 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?

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.

(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.

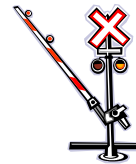


### 169.443 Safety of School Children; Bus Driver's Duties.

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

### **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

### **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.

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 or 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.