

Wisconsin Railroad Enforcement Guide



Railroad Emergency Phone Numbers

Amtrak

(800) 331-0008

BNSF

(800) 832-5452 Option #1

CN (Canadian National)

(800) 465-9239 Option #3

CP (Canadian Pacific)

(800) 716-9132

East Troy Railroad

(414) 534-7175 (*Ryan Jonnes*) or
(262) 642-3263

Escanaba and Lake Superior Railroad

(877) 656-4892 (*emergency*) or
(906) 399-0646 (*Matt*) or
(906) 786-0693 office

Fox Valley and Lake Superior Rail System (FOXY)

620-231-2230 (*office*) or
(316) 262-1700 (*emergency*)

Mid-Continent Railroad

(800) 930-1385 or
(608) 522-4261 (*emergency*)

Progressive Rail

Wisconsin Northern Division

(612) 791-1212

Tomahawk Railway

(715) 453-2303 or
(715) 966-0675

Union Pacific Railroad (UP)

(800) 848-8715 (*signal problems*)
(888) 877-7267 (*emergency*)

Wisconsin and Southern Railroad (WSOR)

(620) 231-2230 (*office*) or
(316) 262-1700 (*emergency*)

Wisconsin Great Northern Railroad

(715) 635-3200

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Operation Lifesaver and the purpose of this guide

Operation Lifesaver is an active, continuing public education and awareness program dedicated to ending tragic collisions, fatalities and injuries at highway railroad grade crossings and railroad rights-of-way. The three areas of concentration are education, engineering, and enforcement. To meet its lifesaving goals, the program strives to increase public awareness of the highway-rail grade crossing environment and the dangers of trespassing on railroad rights-of-way.

If existing laws governing motorist responsibilities at grade crossings and trespassing along railroad rights-of-way are not enforced, they will be ignored and broken. State and local law enforcement agencies are urged to partner with Operation Lifesaver by helping to change the behavior of those who choose to disregard the laws and jeopardize their lives as well as the lives of others.

This guide has been prepared to assist law enforcement officers in their community highway-rail enforcement responsibilities. Collisions between vehicles and trains at highway-rail intersections and trespassers along railroad rights-of-way are **PREVENTABLE**.



Wisconsin Operation Lifesaver, Inc.

Notice on Current Content

Please note, all references to Wisconsin Statutes, Code of Federal Regulations, or other rules, regulations or laws may not be complete in their entirety and it is recommended that you check for completeness. Local ordinances may incorporate statutory language or may take precedence over the statutory language under certain circumstances. Thus, you may also need to review the applicable local government ordinances in addition to the statutes or other regulations or laws.

If you are viewing this document in electronic form, hyperlinks have been provided where applicable to referenced Wisconsin Statutes, Code of Federal Regulations or other rules, regulations or laws. Please click on the links to be taken to the online versions of the referenced regulations.

Applicable Wisconsin Statutes

Right-of-Way Violations in Wisconsin (2017 Act 105)

In 2017, [Act 105](#) allows for a court to suspend the driving privileges of any motorist found guilty of violating a general right-of-way traffic rule. Upon suspension, the driver may elect to complete a vehicle right-of-way course to have their operating privilege reinstated.

If the right-of-way violation results in bodily harm, great bodily harm or death, the Department of Transportation must suspend a person's operating privileges and a right-of-way course is required to reinstate those privileges.

Highway-Rail Grade Crossing Traffic Statutes

[\(Similar rules apply for Pedestrians at Highway-Rail Grade Crossings\)](#)

340.01 Words and phrases defined. In s.23.33 and chs.340 to 349 and 351, the following words and phrases have the designated meanings unless a different meaning is expressly provided or the context clearly indicates a different meaning:

(25) "Intersection" means the area embraced within the prolongation or connection of the curb lines or, if none, then within the boundary lines of the roadways of 2 or more highways which join one another at, or approximately at right angles, whether or not one such highway crosses the other, or the area within which vehicles traveling upon different highways joining at any other angle may come in conflict.

(31) "Motor bus" means a motor vehicle designed primarily for the transportation of persons rather than property and having a passenger-carrying capacity of 16 or more persons, including the operator. Passenger-carrying capacity shall be determined by dividing by 20 the total seating space measured in inches.

(35) "Motor vehicle" means a vehicle, including a combination of 2 or more vehicles or an articulated vehicle, which is self-propelled, except a vehicle operated exclusively on a rail. "Motor vehicle" includes, without limitation, a commercial motor vehicle or a vehicle which is propelled by electric power obtained from overhead trolley wires but not operated on rails. A snowmobile, an

all-terrain vehicle, and a utility terrain vehicle, and an electric personal assistive mobility device shall be considered motor vehicles only for purposes made specifically applicable by statute.

(41) "Operator" means a person who drives or is in actual physical control of a vehicle.

(47) "Railroad crossing" means the intersection of any highway or private road or driveway at grade with tracks upon which railroad track equipment or railroad trains operate.

(47m) "Railroad track equipment" means a device that is operated on rails and used primarily for the maintenance of railroads.

(48) "Railroad train" means every device with or without engine or motor and whether or not coupled to other similar devices, operated upon rails for the transporting of persons or property.

(74) "Vehicle" means every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, except railroad trains. A snowmobile, an all-terrain vehicle, and an electric personal assistive mobility device shall not be considered a vehicle except for purposes made specifically applicable by statute.

341.50 When vehicles exempt from registration. A vehicle, even though operated upon a highway of this state, is exempt from registration if any of the following applies:

(6) The vehicle is operated exclusively upon stationary rails or tracks.

343.315 Commercial motor vehicle disqualifications; effects.

(2) Disqualifying offenses.

(j) A person is disqualified for a period of 60 days from operating a commercial motor vehicle if convicted of a railroad crossing violation, or 120 days if convicted of 2 railroad crossing violations or one year if convicted of 3 or more railroad crossing violations, arising from separate occurrences committed within a 3-year period while driving or operating a commercial motor vehicle. In this paragraph, "railroad crossing violation" means a violation of a federal, state, or local law, rule, or regulation, or the law of another jurisdiction, relating to any of the following offenses at a railroad crossing:

- (1) If the operator is not always required to stop the vehicle, failing to reduce speed and determine that the tracks are clear of any approaching railroad train or railroad track equipment.
- (2) If the operator is not always required to stop the vehicle, failing to stop before reaching the crossing if the tracks are not clear.
- (3) If the operator is always required to stop the vehicle, failing to do so before proceeding onto the crossing.
- (4) Failing to have sufficient space to proceed completely through the crossing without stopping the vehicle.
- (5) Failing to obey any official traffic control device or the directions of any traffic officer, railroad employee, or other enforcement official.
- (6) Failing to successfully proceed through the crossing because of insufficient undercarriage clearance.

346.10 When passing at a railroad crossing, intersection, bridge, viaduct or tunnel prohibited.

(1) The operator of a vehicle shall not overtake and pass any other vehicle proceeding in the same direction when approaching within 100 feet of or traversing any railroad crossing unless the roadway is of sufficient width for 2 or more lines of vehicles to lawfully proceed simultaneously in the direction in which such vehicle is proceeding or unless permitted or directed by a traffic officer to pass at such crossing.

346.41 Display of unauthorized signs and signals prohibited.

- (1) No person shall place, maintain or display upon or in view of any highway or at or in view of any railroad crossing any unauthorized sign, light, reflector, signal, marking or device which:
- (a) Purports to be or is an imitation of or resembles or may be mistaken for an official traffic sign or signal or railroad sign or signal; or
 - (b) Attempts to direct the movement of traffic; or
 - (c) Hides from view or by its color, location, brilliance or manner of operation interferes with the effectiveness of any official traffic sign or signal or railroad sign or signal.

346.44 All vehicles to stop at signal indicating approach of train.

(1) The operator of a vehicle shall not drive on or across a railroad crossing under any of the following circumstances:

(a) While any traffic officer or railroad employee signals to stop;

(b) While any warning device signals to stop, except that if the operator of the vehicle after stopping and investigating finds that no railroad train or **railroad track equipment** is approaching the operator may proceed.

(c) If any crossbuck sign specified under [192.29\(5\)\(a\)](#) is maintained at the crossing, while any railroad train or **railroad track equipment** occupies the crossing or approaches so closely to the crossing as to constitute a hazard of collision.

(2) The operator of a vehicle shall not drive 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.

346.45 Certain vehicles to stop at railroad crossings.

(1) Except as provided in sub. (3), the operator of any of the following vehicles before crossing at grade any track of a railroad, shall stop such vehicle within 50 feet, but not less than 15 feet from the nearest rail of such railroad:

(a) Every motor bus transporting passengers.

(am) Every vehicle painted and displaying markings in accordance with [347.44\(1\)](#). [i.e. School Buses]

(b) Every motor vehicle transporting any quantity of chlorine.

(c) Every motor vehicle which, in accordance with sub. (4), is required to be marked or placarded with a classification of marking or placarding that requires the vehicle to stop.

[Note: See [Page 33](#) for a list of examples.]

(d) Every cargo tank motor vehicle, whether loaded or empty, used for the transportation of any liquid having a flashpoint below 200° Fahrenheit, as determined by the test method approved for that product by the American society for testing and materials.

(e) Every cargo tank motor vehicle transporting a commodity which at the time of loading has a temperature above its flashpoint as determined by the same standard method of testing as prescribed in par. (d).

(f) Every vehicle transporting a building, as defined in [348.27\(12m\)\(a\)1](#).

(2) The operator of every vehicle required to stop before crossing any track shall listen and look in both directions along the track for any approaching railroad train or railroad track equipment, and shall not proceed until such precautions have been taken and until the operator has ascertained that the course is clear. Wherever an auxiliary lane is provided for stopping at a railroad, operators of vehicles required to stop shall use such lane for stopping.

(3) A stop need not be made at:

(a) A railroad grade crossing when a police officer or crossing flagman directs traffic to proceed.

(b) A railroad grade crossing when an official traffic control signal permits traffic to proceed.

(c) An abandoned railroad grade crossing with a sign indicating the rail line is abandoned.

(d) A railroad grade crossing which is marked with a sign in accordance with [195.285\(3\)](#). Such signs shall be erected by the maintaining authority only upon order of the office of the commissioner of railroads as set forth in [195.285](#).

(4) The department shall adopt rules for the marking and placarding of vehicles being used to transport hazardous materials which are potentially dangerous to life and property, which rules shall be in accordance with the regulations of the U.S. department of transportation. These rules shall identify classifications of markings or placarding that, consistent with federal regulations, when required on a vehicle also require the vehicle to stop as provided in [sub. \(1\)\(c\)](#).

[Trans 300.16\(15\)](#) School Bus Driver Requirements.

The driver of a school bus required to stop at a railroad crossing by s. 346.45, Stats., shall come to a full stop at a distance of not less than 15 feet nor more than 50 feet before crossing at grade any track of a railroad. The vehicle hazard warning lamps shall be used when the bus

is slowing for the stop and shall remain on until the bus has resumed normal speed. While the bus is so stopped, the driver shall open the service door and listen and look in both directions along the track for any approaching train and for signals indicating the approach of a train. After stopping and upon proceeding when it is safe to do so, the driver of the bus shall cross only in the gear of the bus that will make it unnecessary to manually shift gears while traversing the crossing, and the driver may not shift gears while traversing the crossing. The service door shall remain open until the front wheels of the bus have cleared the first set of tracks for each required stop, but shall be closed before shifting.

346.452 Owner's liability for vehicle illegally crossing at a railroad crossing.

- (1)** Subject to [346.01\(2\)](#), the owner of a vehicle involved in a violation of [346.44](#) or [346.45](#) shall be liable for the violation as provided in this section.
- (2)** A railroad employee who observes a violation of s. 346.44 or 346.45 may prepare a written report indicating that a violation has occurred. If possible, the report shall contain the following information:
 - (a)** The violation alleged.
 - (b)** The time and the approximate location at which the violation occurred.
 - (c)** The license number and color of the vehicle involved in the violation.
 - (d)** Identification of the vehicle as an automobile, station wagon, motor truck, motor bus, motorcycle, or other type of vehicle.
- (3)** Within 24 hours after observing the violation, the railroad employee may deliver the report to a traffic officer of the county or municipality in which the violation occurred. A report which does not contain all of the information in [sub. \(2\)](#) shall nevertheless be delivered and shall be maintained by the county or municipality for statistical purposes.
- (4)** **(a)** Within 48 hours after receiving a report containing all of the information in [sub. \(2\)](#) and after verifying the information provided under [sub. \(2\)\(c\)](#) and [\(d\)](#), the traffic officer may

prepare a uniform traffic citation under [345.11](#) and may personally serve it upon the owner of the vehicle.

(b) If with reasonable diligence the owner cannot be served under par. (a), service may be made by leaving a copy of the citation at the owner's usual place of abode within this state in the presence of a competent member of the family at least 14 years of age, who shall be informed of the contents thereof.

(c) If with reasonable diligence the owner cannot be served under par. [\(a\)](#) or [\(b\)](#) or if the owner lives outside of the jurisdiction of the issuing authority, service may be made by certified mail addressed to the owner's last-known address.

(d) In addition to serving the person with the citation under par. [\(a\)](#), [\(b\)](#), or [\(c\)](#), the serving agency shall include a notice that informs the person that he or she may petition the court for a change of venue; of the court costs required for petitioning for a change of venue; and of the procedures for petitioning the court for a change of venue.

(4m) The venue for the action shall be in the county where the violation occurred, except that the venue shall be in the county where the person is a resident if he or she is a resident of the state and he or she petitions the court for a change of venue to his or her county of residence.

(5) (a) Except as provided in par. [\(b\)](#), it shall be no defense to a violation of this section that the owner was not operating the vehicle at the time of the violation.

(b) The following are defenses to a violation of this section:

1. That a report that the vehicle was stolen was given to a traffic officer before the violation occurred or within a reasonable time after the violation occurred.
2. If the owner of the vehicle provides a traffic officer with the name and address of the person operating the vehicle at the time of the violation and the person so named admits operating the vehicle at the time of the violation, then the person operating the vehicle and not the owner shall be charged under this section.
3. If the vehicle is owned by a lessor of vehicles and at the time of the violation the vehicle was in the possession of a

lessee, and the lessor provides a traffic officer with the information required under [343.46\(3\)](#), then the lessee and not the lessor shall be charged under this section.

4. If the vehicle is owned by a dealer as defined in s. [340.01 \(11\)](#) (intro.) but including the persons specified in s. [340.01 \(11\)\(a\)](#) to [\(d\)](#), and at the time of the violation the vehicle was being operated by any person on a trial run, and if the dealer provides a traffic officer with the name, address, and operator's license number of the person operating the vehicle, then the person operating the vehicle, and not the dealer, shall be charged under this section.

346.46 Vehicles to stop at stop signs and school crossings.

(1) Except when directed to proceed by a traffic officer or traffic control signal, every operator of a vehicle approaching an official stop sign at an intersection shall cause such vehicle to stop before entering the intersection and shall yield the right-of-way to other vehicles which have entered or are approaching the intersection upon a highway which is not controlled by an official stop sign or traffic signal.

(3) Every operator of a vehicle approaching an official stop sign at a railroad crossing shall, before proceeding on or over such crossing, stop the vehicle immediately before crossing a clearly marked stop line. If there is no clearly marked stop line, the operator shall stop the vehicle not less than 15 nor more than 50 feet from the nearest rail.

346.52 Stopping prohibited in certain specified places.

(1) No person may stop or leave standing any vehicle, whether attended or unattended and whether temporarily or otherwise, in any of the following places:

(a) Within an intersection.

(i) Within 25 feet of the nearest rail at a railroad crossing.

346.57 Speed restrictions.

(2) **Reasonable and prudent limit.** No person shall drive a vehicle at a speed greater than is reasonable and prudent under the conditions and having regard for the actual and potential hazards then existing. The speed of a vehicle shall be so controlled as may

be necessary to avoid colliding with any object, person, vehicle or other conveyance on or entering the highway in compliance with legal requirements and using due care.

(3) Conditions Requiring Reduced Speed. The operator of every vehicle shall, consistent with the requirements of [sub. \(2\)](#), drive at an appropriate reduced speed when approaching and crossing an intersection or railway grade crossing, when approaching and going around a curve, when approaching a hillcrest, when traveling upon any narrow or winding roadway, when passing school children, highway construction or maintenance workers, sanitation workers, or other pedestrians, and when special hazard exists with regard to other traffic or by reason of weather or highway conditions.

346.62 Reckless driving.

(1) In this section:

(a) "Bodily harm" has the meaning designated in [939.22 \(4\)](#).

(b) "Great bodily harm" has the meaning designated in [939.22\(14\)](#).

(c) "Negligent" has the meaning designated in [939.25 \(2\)](#).

(d) "Vehicle" has the meaning designated in [939.22 \(44\)](#), except that for purposes of [sub. \(2m\)](#) "vehicle" has the meaning given in [340.01\(74\)](#).

(2) No person may endanger the safety of any person or property by the negligent operation of a vehicle.

(2m) No person may recklessly endanger the safety of any person by driving a vehicle on or across a railroad crossing in violation of [346.44\(1\)](#) or through, around or under any crossing gate or barrier at a railroad crossing in violation of [346.44\(2\)](#).

(3) No person may cause bodily harm to another by the negligent operation of a vehicle.

(4) No person may cause great bodily harm to another by the negligent operation of a vehicle.

346.89 Inattentive driving.

(1) No person while driving a motor vehicle may be engaged or occupied with an activity, other than driving the vehicle, that interferes or reasonably appears to interfere with the person's ability to drive the vehicle safely.

Pedestrian-Grade Crossing Statutes

346.445 Limitations on pedestrians crossing railroad tracks.

(1) No pedestrian may enter or cross a railroad crossing under any of the following circumstances:

(a) While a traffic officer or railroad employee signals to stop.

(b) While a warning device signals to stop, except that if the pedestrian after stopping and investigating finds that no railroad train or railroad track equipment is approaching, the pedestrian may proceed.

(c) If any crossbuck sign specified under [192.29\(5\)\(a\)](#) is maintained at the crossing, while a railroad train or railroad track equipment occupies the crossing or approaches so closely to the crossing as to constitute a hazard of collision.

(2) No pedestrian may cross through, around, over, or under any crossing gate or barrier at a railroad crossing while the gate or barrier is closed or is being opened or closed.

(3) No pedestrian may cross through or around or climb over or under a railroad train or railroad track equipment while the railroad train or railroad track equipment occupies a railroad crossing.

Trespassing to Railroad Property

192.32 Trespassing on railroad.

(1) No person, other than a licensee, authorized newspaper reporter or person connected with or employed upon the railroad, may walk, loiter or be upon or along the track of any railroad. The provisions of this subsection shall not be construed to do any of the following:

(a) To interfere with the lawful use of a public highway by any person.

(b) To prevent any person from driving across any railroad from one part of that person's land to another part thereof.

(d) To interfere with the use of the right-of-way or track by any person in connection with, either directly or indirectly, the shipping, loading or unloading of freight, seeking employment, the investigation or securing of evidence with respect to any

accident or wreck or in conducting or transacting any other business for or with the railroad.

(e) To interfere with the entry of any employee during or on account of labor disputes by employees.

(2) Each railroad corporation shall post notices containing substantially the provisions and penalties of this section, in one or more conspicuous places in or about each railroad station.

192.321 Getting on and off cars. Any person who shall get upon, attempt to get upon, cling to, jump or step from any railroad car or train while the same is in motion shall forfeit not less than \$100 nor more than \$200, provided that this section shall not apply to the employees of any railroad company.

Criminal Statutes Related to Railroads

939.22 Words and phrases defined. In chs. 939 to 948 and 951, the following words and phrases have the designated meanings unless the context of a specific section manifestly requires a different construction or the word or phrase is defined in 948.01 for purposes of ch. 948:

(44) "Vehicle" means any self-propelled device for moving persons or property or pulling implements from one place to another, whether such device is operated on land, rails, water, or in the air.

943.07 Criminal damage to railroads.

(1) Whoever intentionally causes damage or who causes another person to damage, tamper, change or destroy any railroad track, switch, bridge, trestle, tunnel or signal or any railroad property used in providing rail services, which could cause an injury, accident or derailment is guilty of a Class I felony.

(2) Whoever intentionally shoots a firearm at any portion of a railroad train, car, caboose or engine is guilty of a Class I felony.

(3) Whoever intentionally throws, shoots or propels any stone, brick or other missile at any railroad train, car, caboose or engine is guilty of a Class B misdemeanor.

(4) Whoever intentionally throws or deposits any type of debris or waste material on or along any railroad track or right-of-way which could cause an injury or accident is guilty of a Class B misdemeanor.

Wisconsin Railroad Regulations

192.17 Arrest of passenger; police power of conductors. If it shall become necessary for the protection of the passengers on any railroad car from the violent, abusive, profane or indecent language or conduct of any passenger, the conductor may arrest such passenger and keep the passenger in the baggage car or some other safe and secure place on such train until its arrival at some usual stopping place, when the passenger may be put off the train and given into the custody of some officer for prosecution; and for this purpose conductors, while in charge of trains, may exercise the powers of sheriffs.

192.29 Train bells and crossing signs at street and highway crossings.

(3) Bell to ring, municipal authority.

(a) No railroad train or locomotive shall run over any public traveled grade crossing within any city or village, except where gates are operated, or a flagman is stationed, unless the engine bell shall be rung continuously within 330 feet of the crossing and until the crossing is reached.

(b) Flagmen or gates shall be placed and maintained, or such mechanical safety appliances shall be installed upon such public traveled grade crossings in villages and cities as the city or village authorities and the railroad company may by agreement decide; such agreement may include the apportionment of the cost of installation of such mechanical devices.

(4) Highways, Bell. No railroad train or locomotive shall run over any public traveled grade highway crossing outside of the limits of municipalities unless the engine bell shall be rung continuously from 1,320 feet before the crossing until the crossing is reached. But the office may order that the ringing of the bell as required by this subsection shall be omitted at any crossing.

(5) Railroad crossing and yield signs.

(a) Wherever its track crosses a public highway or street, every railroad corporation shall maintain on each side of the track a highway-rail-grade crossing sign, commonly known as a crossbuck sign, that conforms with the manual of uniform traffic control devices adopted by the department under s. 84.02(4)(e).

(b) No later than July 1, 2007, at every railroad crossing at which a railroad corporation is required to maintain a sign described in [par. \(a\)](#) and that is not controlled by a gate, automatic signal, or official stop sign, the railroad corporation shall install and maintain, below the sign described in par. (a), a yield sign that conforms with the manual of uniform traffic control devices adopted by the department under [84.2\(4\)\(e\)](#).

(6) **Contact Information at Private Crossings.** A Railroad company shall make a notice containing a telephone number at which a person may contact the company available to private landowners at each private traveled grade crossing at the request of the private landowner. The notice shall be large enough to be visible from the crossing.

[192.292](#) Trains obstructing highways. It shall be unlawful to stop any railroad train, locomotive or car upon or across any highway or street crossing, outside of cities, or leave the same standing upon such crossing longer than 10 minutes, except in cases of accident; and any railroad company that shall violate this section shall be liable to a fine of not more than \$500 or any officer of such company responsible for the violation shall be liable to imprisonment of not more than 15 days.

Federal Railroad Administration (FRA)

Enforces rail safety regulations, published the final rule on the issue of locomotive horns at highway-rail grade crossings. Effective June 24, 2005, the rule requires that the locomotive horn be sounded at all public grade crossings.

Train Horn Regulation

Outside of quiet zones, railroads must sound the horn 15 to 20 seconds prior to a train's arrival at the highway-rail grade crossing, but no more than one-quarter mile in advance of the crossing. This rule has superseded state and local laws regarding sound of the horn and bell. The officer should recognize that train speed will determine how far from the crossing the horn will be sounded. As an example, a train moving at 10 mph may sound the horn as close as 300 feet from the crossing, while a train traveling over 45 mph may sound the horn 1,320 feet from the crossing ([CFR Title 49, Part 222](#).) Where required by state statute or other circumstances, trains may sound the horn at private crossings.

Quiet Zones

Trains are required to sound their horns and bells at all public grade crossings, and in special circumstances, may also have to sound horns and bells at private crossings. However, there are some exceptions. The FRA has established a procedure whereby a public authority may establish a "quiet zone" where train horns will not be routinely sounded. Even in a quiet zone if a train crew observes a hazardous condition they may sound the horn at their discretion ([CFR Title 49, Part 222](#)).

The pattern for blowing the horn remains two long, one short and one long. This is to be repeated as necessary until the lead locomotive fully occupies the crossing. Locomotive engineers retain the authority to vary this pattern as necessary for crossings in close proximity and are allowed to sound the horn in emergency situations no matter where the location.

Railroad Police – State and Federal Authority

Code of Federal Regulations

PART 207—Railroad Police Officers

§207.2 Definitions.

(a) Railroad police officer is a peace officer who is commissioned in his / her state of legal residence or state of primary employment and directly employed by or contracted 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.

§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.

§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 § 207.4.

(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.

Wisconsin Statutes

[192.47](#) Railroad police; oath; powers. Any railway company may, at its own expense, appoint and employ railroad police officers at the stations or other places on the line of its road within this state as it deems necessary for the protection of its property and the preservation of order on its premises and in and about its cars, depots, depot grounds, yards, buildings or other structures. Each police officer shall take an oath to support the constitution of the United States and claiming to be a citizen of the United States and shall file it with the office. Each police officer shall, when on duty, wear a shield furnished by the company bearing the words "Railroad Police" and the name of the company. These police officers may arrest, with or without warrant, any person who in their presence commits upon the premises of the company or in or about its cars, depots, depot grounds, yards, buildings or other structures any offense against the laws of this state or the ordinances of any town, city or village, and shall also have the authority of sheriffs in regard to the arrest or apprehension of these offenders in or about the premises or appurtenances. In case of the arrest, by a railroad police officer, of any person without warrant the officer shall immediately take the offender before a judge having jurisdiction and make complaint against the offender. Every railway company shall be responsible for the acts of its police officers.

Definition of Peace Officer

- [939.22\(22\)](#) Peace Officer Definition in General Crimes Provisions
- [175.05\(1\)\(c\)](#) Peace Officer Definition in Misc. Police Provisions

Jurisdiction of Peace Officer

- [175.40\(4\)](#) Peace Officer Jurisdiction on Highways Adjacent to Jurisdictional Boundary

Requirements of Railroads to Maintain Crossings (Owned by R/R)

- [192.29\(5\)\(a\)](#) Railroads to Maintain Crossbuck on Each Side of Highway-Rail Grade Crossing
- [86.13](#) Railroads to Maintain Highway Crossings

Mutual Aid

- [175.40\(6\)\(a\)](#) Peace Officer Providing Mutual Aid
[See above definition of Peace Officer 175.05(1)(c)]

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, see <https://www.fra.dot.gov/Page/P0345>.

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.

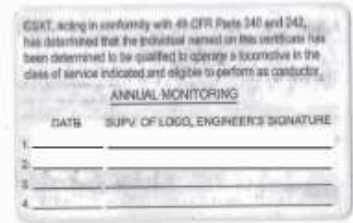
Localities are not permitted to adopt laws with respect to railroad safety under any circumstances. **The federal regulatory authority has been delegated to the Federal Railroad Administration (FRA).** They govern who must be tested and who may not be tested, and also prescribe precise standards and procedures that must be followed in performing testing. In adopting these regulations, **The FRA 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.

Below are some examples of Engineer Certificates, which are required to be carried by train engineers in lieu of a driver's license. Each engineer and/or student engineer is required to have a current locomotive engineer certification card in his/her possession for presentation to a representative of the FRA when engaged in the operation of a train. The certificate is only valid for 36 months from the issue date.



The certificate must contain these specific elements:

- 1) A physical description or photo;
- 2) The issue date;
- 3) Birth date of engineer;
- 4) Signed by an issuing railroad official;
- 5) Annotate any restriction, corrective lenses, etc.;
- 6) A place, usually the reverse side, indicating that Road Foreman of Engines or the like, conducted a previous yearly ride and evaluated this engineer.

FRA Post-Accident Alcohol and Drug Test

Alcohol and Drug Testing:

The Federal Railroad Administration (FRA) is the Federal agency responsible for regulating rail safety. As part of its mission, FRA investigates significant rail accidents, including those involving fatalities, passenger trains, evacuations due to the release of hazardous materials, and/or major damage to railroad property. With the exception of the three types of accidents discussed below, FRA requires train and engine crewmembers who have been involved in a significant rail accident to provide urine, blood, and sometimes breath specimens for alcohol and drug testing. The purpose of this testing is to yield useful information as to the cause of the accident. FRA specimens are collected under the supervision of a railroad official; blood specimens must, in addition, be collected at an independent medical facility.

Exceptions: There are three types of accidents where FRA prohibits railroads from conducting post-accident testing. All three involve situations where the train crew(s) would have had little or no chance to avoid the accident: (1) highway-rail grade crossing accidents; (2) accidents wholly attributable to natural causes; and (3) accidents wholly attributable to vandalism. In cases of highway-rail grade crossing accidents, FRA exempts train crews from testing because of the long stopping distances required to stop a train safely making it unlikely that the train crew could have had sufficient time to avoid a collision by the time they spotted a vehicle on the tracks.

Preemption: FRA's regulations on the alcohol and drug testing of railroad employees (49 Code of Federal Regulations Part 219) generally preempts State regulations on the same subject (see section 20106 of Title 49, United States Code). However, they do not preempt provisions of State criminal laws that may require alcohol and/or drug testing after train accidents *if such provisions impose sanctions for reckless conduct* that leads to actual loss of life, injury or damage to property.

Message to Local Law Enforcement:

As a law enforcement officer, you may conduct alcohol and drug testing of a railroad employee after an accident if certain conditions are met. Test may be conducted under your authority if: (1) there is *probable cause* to suspect that the railroad employee was impaired at the time of

the accident; (2) the testing has an independent basis upon which to withstand constitutional scrutiny; and (3) the collection of your specimens does not interfere with the collection of any required FRA specimens. FRA does not allow non-Federal testing on specimens conducted under Federal authority.

The Wisconsin Attorney General ([James Doyle in 1993 letter](#)) in caption to letter writes: Federal legislation has explicitly preempted the field of rail safety and not conferred authority on state or local law enforcement officials to conduct drug tests of locomotive engineers involved in grade crossing accidents in Wisconsin. However, this legislation does not preempt state regulation of drugs and narcotics. Thus, state or local law enforcement officials acting pursuant to their authority to enforce the state's general criminal statutes may conduct drug test of locomotive engineers provided that the testing comports with the fourth amendment.

Law Enforcement Officers should confer with their District Attorneys or States Attorney for any questions concerning testing of locomotive engineers.

Message to Local Law Enforcement on statute 340.01(35,74) with regard to train crews showing police a driver's license in Wisconsin.

For your information: In Wisconsin, the requirement to have, and display to traffic officers, a driver's license pertains to the operation of motor vehicles. Under Wisconsin law, a vehicle "operated exclusively on a rail" is explicitly exempted from the definition of motor vehicle. [s. [340.01\(35\)](#)] Therefore, under Wisconsin law **there is no need to specifically exempt persons driving trains or locomotives from the requirements** under ch. 343 to have and display a (motor vehicle) driver's license because trains and locomotives are not motor vehicles, as defined by the Wisconsin statutes.

Definitions: Motor Vehicle: [340.01\(35\)](#); Railroad Track Equipment: [340.01\(47m\)](#)

Disqualifying Offenses for CDL

Drivers on Highway-Rail Intersections

SUMMARY OF DISQUALIFYING OFFENSES FOR CDL DRIVERS PERTAINING TO HIGHWAY - RAIL INTERSECTIONS

Under the Federal motor Carrier Regulations (FMCSRs), states must take action to disqualify drivers who commit certain violations while driving a commercial motor vehicle (CMV). The following table summarizes highway – rail intersection violations and their disqualification periods for *drivers operating vehicles requiring CDL's*. It covers the regulations listed in Parts 383 and 391 of the FMCSRs. NOTE: This list would not be accurate for drivers operating vehicles between 10,001 and 26,000 pounds (which do not require CDLs).

SIX HIGHWAY - RAIL INTERSECTION VIOLATIONS

1. Failing to slow down = Yield the Right of Way
2. Failing to stop
3. Failing to check for clear track
4. Failing to obey traffic control devices or law enforcement officials
5. Crossing without having sufficient undercarriage clearance
6. Crossing without having sufficient space on the other side to clear the tracks without stopping

DISQUALIFICATION PERIODS FOR CDL DRIVERS

Violating any of six (6) railroad crossing rules:

- 1st violation Minimum of 60 days
- 2nd violation Minimum of 120 days
- 3rd violation Minimum of 1 year

If proven that the employer knowingly allowed, required, permitted, or authorized a driver to violate the law or regulation, the employer could be fined \$10,000.

Also see:

- [343.315\(2\)\(j\)](#) *CMV Disqualifications* : [Page 6](#).
- [346.45](#) *Certain Vehicles to Stop at Railroad Crossings*: [Page 8](#).

Report of Motor Vehicle Crash (DT4000)

The following information is provided to assist officers while completing the DT4000 Wisconsin Motor Vehicle Accident Report form, during the investigation of car/train crashes.

Crash Scene Summary

Summary

Crash Date 01/25/2018		Crash Time 12:28 PM		Date Notified 01/25/2018		Time Notified 12:28 PM	
Date Arrived 01/25/2018		Time Arrived 12:35 PM		Total Units 1		Total Injured 001	
Total Killed 000		<input type="checkbox"/> On Emergency		<input type="checkbox"/> Hit and Run		<input type="checkbox"/> Lane Closure Due to Crash 2	
<input type="checkbox"/> Government Property		<input type="checkbox"/> Active School Zone		<input type="checkbox"/> Work Zone		<input checked="" type="checkbox"/> Trailer or Towed 3	
		School Bus Related NO		<input checked="" type="checkbox"/> Reporting Threshold			

- Total Units;** A train is classified as a piece of equipment so it should be included in the number of total units.
- Lane Closure Due to Crash;** Only account for lane closures initiated by Law Enforcement or First Responders. Do not count the road being blocked by a train or motor vehicle.
- Trailer or Towed;** Nearly all trains tow something (Freight or Passengers). Check this box for a train with cars attached, however, you will only document damaged/struck railcars later.

Location

Map		DMV County WOOD - 71		DMV Municipality MARSHFIELD - 54, CITY			
On Hwy Type	On Hwy #	On Hwy Dir	On Street Name N MAPLE AVE			On F/R/B	
Est. Dist. From Intersection 69 FT			Dir. From Intersection NORTH				
From/At Hwy Type	From/At Hwy #	From/At Hwy Dir	From/At Street Name CROSSOVER STH 13			At F/R/B	
Structure Type 3 RAILROAD			Structure Number 4 692611Y				
Latitude 44.666865847	Longitude -90.17183827	Latitude/LongitudeSource TLT/ILT		X Coordinate 248564.609375	Y Coordinate 4950839.5		
Municipality Type CITY OF	On Roadway Link ID# 5104224	On Roadway Link Offset 69		Override <input type="checkbox"/>			

- Structure Type;** Railroad – At grade highway-railroad crossing number. All at grade crossings are numbered and inventoried.
- Structure Number;** Railroad number refers to the US DOT identification number assigned to the crossing. US DOT Numbers can be located online through the FRA Website:
<http://safetydata.fra.dot.gov/OfficeofSafety/PublicSite/Crossing/Xin/gqryloc.aspx>

Crash Scene

First Harmful Event RAILWAY VEHICLE (TRAIN, ENGINE) 6		First Harmful Event Location ON ROADWAY 7	
Manner of Collision 08--FRONT TO SIDE		Light Condition DAYLIGHT	
Road Surface Condition(s) SNOW		Environment Factor(s) NONE	
Roadway Factor(s) ROAD SURFACE CONDITION (WET, ICY, SNOW, SLUSH, ETC)		Weather Condition(s) CLEAR	
Animal Type		Relation To Trafficway TRAFFICWAY - ON ROAD 8	
Crash Classification - Location PUBLIC PROPERTY 8		Crash Classification - Jurisdiction NO SPECIAL JURISDICTION	
Tribal Land		Access Control NO CONTROL	Special Study
Within Interchange Area NO	Junction Location RAILWAY GRADE CROSSING 10	Intersection Type NOT AN INTERSECTION	
Closure Type FULL CLOSURE		Reasons for Closure LAW ENFORCEMENT, TOW TRUCK, FIRE/EMS 11	
Date Initial Lane/Road Closed 01/25/2018	Time Initial Lane/Road Closed 12:30 PM		
Date All Lanes Open 01/25/2018	Time All Lanes Open 07:00 PM 12	Date Scene Cleared 01/25/2018	Time Scene Cleared 07:00 PM

6 First Harmful Event; “*Railway Vehicle (Train, Engine)*” if the first object struck was a train or on-track equipment.

7 First Harmful Event Location; “*On Roadway*”. The crash originates on the roadway as the roadway crosses the railroad tracks.

8 Relation to Trafficway; “*Trafficway*” – *On Road*.

9 Crash Classification – Location; “*Public Property*”. A public roadway intersecting the tracks is considered a “public crossing”, despite railroad tracks being private property.

Note: Some crossings, such as leading into farm fields or residences, are private crossings. There is typically a sign at the crossing indicating it is a private crossing.

If crash occurred at a private crossing, it may be non-reportable.

10 Junction Location; “*Railway Grade Crossing*”.

11 Reasons for Closure; Only include entities other than the railroad that closes the roadway. The train or motor vehicle at rest do not “close the roadway” for the purposes of this field.

12 Time Initial Lane/Road Closed / Time All Lanes Open; Time should only reflect the time the lane(s) were closed by law enforcement, FIRE/EMS, Tow Trucks, etc... This should not include the time the roadway was closed/blocked by a train or vehicle involved in the crash.

Locomotive Unit and Operator Information

Unit Summary

01	Unit Status IN TRANSIT	Vehicle Operating As Classification O CLASS 13			Unit Type EQUIPMENT 14
	Vehicle Type RAILWAY TRAIN 15			Operating As Endorsements	
UNIT	Total Occs 02 16	Train/Bus # Injured 0 17	Total # Citations Issued 0 18	Total Trailers 0 19	Total HazMat Types 0 20
	Insurance? YES 21	Direction Of Travel WESTBOUND	<input type="checkbox"/> Pre CrashTire Mark	Speed Limit N/A 22	Total Lanes 0 23
	Most Harmful Event: Collision With MOTOR VEH IN TRANSPORT		Special Function NO SPECIAL FUNCTION		Emergency Motor Vehicle Use NOT APPLICABLE
	Traffic Way UNKNOWN 24	Traffic Control NO CONTROL 25		Traffic Control Inoperative/Missing NO	
	Surface Type OTHER 26	Road Curvature STRAIGHT		Road Grade LEVEL	
	Truck Bus or HazMat NO				

13 Vehicle Operating as Classification; “Class O”. Trains are not Motor Vehicles.

14 Unit Type; “Equipment”. A train or Railroad Maintenance Equipment is not a motor vehicle.

Definitions: Motor Vehicle: [340.01\(35\)](#); Railroad Track Equipment: [340.01\(47m\)](#)

15 Vehicle Type; “Railway Train” is an option.

16 Total Occupants; Enter the total number of occupants on the train.

17 Train/Bus # Injured; Number of occupants on train that are injured. (Only include passengers on a train; Do not include the engineer)

18 Total # Citations Issued; “0”. Traffic laws do not apply, so this should always be 0 for a train or Railroad Track Equipment.

19 Total Trailers; Number of train cars struck or damaged in collision.

20 Total HazMat Types; “0”. Railroads do not report to the Federal Motor Carrier Safety Administration; HazMat is always be 0 for trains.

21 Insurance; “YES”. Railroads are Self-Insured.

22 Speed Limit; “N/A”. This field only pertains to roadway speed limits.

23 Total Lanes; “0”. Do not count number of tracks for lanes.

24 Traffic Way; “Unknown”. Trains do not operate on roadways.

25 Traffic Control; “No Control”. Trains always have the right-of-way.

26 Surface Type; “Other”.

Individual												
001	Role DRIVER			Citations Issued 0			<input type="checkbox"/> Use Driver Address			Individual Type INDIVIDUAL		
	Last Name			First Name			Middle Initial		Suffix			
	Street Address You can enter Railroad Terminal Address or Home Address			Street Address 2			PO Box					
	City			State			Zip Code			Country of Residence UNITED STATES		
	DOB		Sex	Race		Hair	Eyes	Height	Weight	Phone Number		
	Driver's License Number Driver's License Information Not Required			State 27		License Jurisdiction			Country of Issuance			
	License Type			License Status			DL Expire Year					
	Equipment			On Duty Accident			Safety Equipment					
	Seat Position 3-FRONT SEAT-RIGHT SIDE (TRAIN ENGINE)			RESTRRAINT USE UNKNOWN 28								
	Helmet Use			Helmet Compliance								

*Note: Engineer drives the train; Conductors or other occupants are optional unless they are injured.

27 Driver's License Number/State; Not required to be entered for the engineer as a Driver's License is not necessary to operate a train. DT4000 will validate with these fields empty if Vehicle Type is Railway Train (Under Unit Summary section).

28 Seat Position; Engineer should be in Position #3 (right side).

Vehicle							
002	License Plate Number			Plate Type		St	Country of Issuance
	Vehicle Identification Number CN1234			Year 2017		Make GENERAL MOTORS CORP	
	Model		Body Style RL - RAILROAD TRAIN			Color BLK - BLACK	
	Initial Contact Point 3-RIGHT SIDE MIDDLE		Vehicle Damage				
	Extent Of Damage NO DAMAGE		NO DAMAGE				
	Towed Due To Damage NOT TOWED		Vehicle Factors				
	Vehicle Removed By OPERATOR		NOT APPLICABLE				
	What Driver Was Doing GOING STRAIGHT		Driver Prior Action Other			Bus Use	
	Driver Actions			Driver Distractions			

29 Vehicle Identification Number; Lead Locomotive Number. Locomotives do not have registration plates and the combination of the Company Name and 3 or 4-digit number uniquely identify the locomotive. (Example: CP1234 for Canadian Pacific 1234)

30 Body Style; Railroad Train.

Policy Holder				
HOLD ER	02	Insurance Company SELF-INSURED	<input checked="" type="checkbox"/> Policy Holder Same As Owner	<input type="checkbox"/> Policy Holder Same As Driver
		Organization Type ORGANIZATION/COMP	Last Name	First Name
		Policy Holder Company CN RAILWAY		

Trailer/Towed (Only include train cars that were struck and/or damaged in collision.)

Truck, Bus or HazMat

Hazardous Material

31 Insurance Company; Railroads are typically self-insured. Policy Holder should be the same as the owner of the vehicle/unit.

Motor Vehicle Unit Information

Unit Summary

02	Unit Status IN TRANSIT	Vehicle Operating As Classification B CLASS	Unit Type TRUCK		
	Vehicle Type STRAIGHT TRUCK (INSERT TRUCK)		Operating As Endorsements		
UNIT	Total Occs 01	Train/Bus # Injured	Total # Citations Issued 01	Total Trailers 0	
	Insurance? YES	Direction Of Travel NORTHBOUND	<input type="checkbox"/> Pre CrashTire Mark	Total HazMat Types 0	
	Most Harmful Event: Collision With RAILWAY VEHICLE (TRAIN, ENGINE)		Special Function NO SPECIAL FUNCTION	Emergency Motor Vehicle Use NOT APPLICABLE	
	Traffic Way TWO-WAY, NOT DIVIDED		Traffic Control RAILWAY CROSSING	Traffic Control Inoperative/Missing NO	
	Surface Type SLAG, GRAVEL, OR STONE		Road Curvature STRAIGHT	Road Grade LEVEL	
	Truck Bus or HazMat TRUCK OR TRUCK COMBINATION > 10,000LBS GVWR/GCWR				

32 Most Harmful Event; “Railway Vehicle” is an option.

33 Traffic Control; Railway Crossing is an option.

- If the crossing has a stop or yield sign, indicate Stop or Yield.
- If only a crossbuck exists at the crossing, also indicate Railway Crossing. Remember, a crossbuck sign is equivalent to a yield sign and requires motor vehicles to yield to on-track equipment and trains.
- If lights and/or gates are at the crossing, indicate Railway Crossing.



Sequence of Events

05	Event RAILWAY VEHICLE (TRAIN, ENGINE)
06	Event TRAFFIC SIGN POST
07	Event DITCH
08	Event OVERTURN/ROLLOVER

34 Sequence of Events; Railway Vehicle is an option.

Stopping of Trains

Law enforcement officers should stop railroad traffic during situations when its continued operation would be hazardous to persons or property.

Procedure: How to Stop A Train in an Emergency

When, in case of emergency, a train must be stopped to avoid a threat to life or property, contact the railroad dispatcher first. A listing of the railroads 24-hour emergency telephone numbers is included in this manual. If the hazard is located at a crossing, there may be a railroad emergency RAILROAD phone number and unique DOT identification number affixed to the crossbuck post or signal mast that will verify the exact location to railroad personnel. The U.S. Department of Transportation and the Association of American Railroads jointly developed a crossing identification system, giving each at-grade and separated crossing an inventory number composed of six numerals and one letter as the U.S. DOT crossing number affixed at the crossing. This number should be included in your report. In addition, the abbreviation of the railroad responsible for the crossing may be found above the number.

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.

Below are examples of where you can find the Emergency Notification Signs.



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.

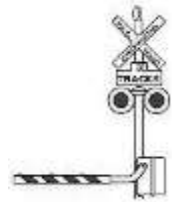
Park your car nearby, turn on the emergency light to attract attention, then position yourself near the tracks. The universal railroad stop signal is a lighted flare, swung slowly back and forth horizontally across your body. The locomotive engineer may acknowledge this signal with two short blasts of the horn, and 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.

Railroad Grade Crossing Signal Malfunctions

Automatic warning signals such as flashing lights, gates and bells are designed to activate whenever a train approaches a highway-railroad 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.

A frequent cause of highway-railroad grade 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 components (connecting wires, cables, lenses, switches, and cabinets). Crossing signals should also be observed for shattered lenses, burned out bulbs, and gate arm damage which could reduce warning effectiveness.



If there is a reason to suspect a problem, refer to the emergency phone numbers listed on the inside cover of this guide and contact the railroad involved.

Examples of Highway-Rail Grade Crossing Signs



Exempt: When this sign is displayed, by order of the Office of Commissioner of Railroads, it shall exempt vehicles from stopping as required under statute 346.45(3)(d), [Page 9](#).



Note: Placarded Signs that require a vehicle to stop at a railroad crossing [in accordance with s. 346.45(1)(c) & (4) on [Pages 8 & 9](#)] are as follows:

- | | |
|-----------------|-------------------|
| 1. Explosives A | 6. Compressed Gas |
| 2. Explosives B | 7. Corrosives |
| 3. Poison | 8. Flammable Gas |
| 4. Flammable | 9. Radioactive |
| 5. Oxidizers | 10. Dangerous |



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 CHECKLIST
GRADE CROSSING COLLISION INVESTIGATION CHECKLIST

Train Crew Information



- Name/Title
- Address
- DOB
- Telephone
- Locomotive engineer certificate information and expiration date
(State driver license not required in possession or recorded on accident report)

Train Information

- Lead locomotive number
- Train ID or symbol assigned by the railroad
- Number of cars in train
- Initial and number of railroad car stopped on crossing
- Owner of tracks, name, address
- Railroad Company operating train, name, address
- Train stopping distance from point of impact

Ask Crew Member to Operate Locomotive Safety Devices:

- Headlight and auxiliary lights
- Horn (Caution: Horn is loud)
- Bell

WHEN THE ABOVE INFORMATION IS COLLECTED
CONSIDER RELEASING THE TRAIN

Crossing Information

Yes	No	
<input type="checkbox"/>	<input type="checkbox"/>	Crossbuck Sign
<input type="checkbox"/>	<input type="checkbox"/>	Multiple Track Sign
<input type="checkbox"/>	<input type="checkbox"/>	Advance Warning Sign
<input type="checkbox"/>	<input type="checkbox"/>	Pavement Markings
<input type="checkbox"/>	<input type="checkbox"/>	Active Warning Devices functioning
<input type="checkbox"/>		DOT crossing inventory number
<input type="checkbox"/>		Distance from Advance Warning Sign to nearest rail
<input type="checkbox"/>		Crossing surface (rubber, asphalt, concrete, wood, etc.)
<input type="checkbox"/>		Visual obstructions on driver approach to the crossing

Programs for Law Enforcement Personnel

Operation Lifesaver offers several educational programs for local communities. There are some programs specifically geared towards law enforcement, firefighters and other emergency responders. Other programs are designed for K-12 school classrooms, school bus drivers and driver's education students, among other groups.

Please visit <https://www.oli.org/training/> for more details on the programs offered that are of interest to your group. Please contact Wisconsin Operation Lifesaver to schedule a training for your group! Updated contact information can be found on our website at <https://community.oli.org/state/wi> or scan the QR Code.



These programs are offered free of charge.

Key Safety Points

The following points are critical for officer safety

- ❖ Notify the railroad before working on or near railroad tracks or railroad yards.
- ❖ Watch for movement of trains and rail cars at any time from either direction.
- ❖ Never sit, stand, or walk on the rail tracks.
- ❖ Be aware of tripping hazards.
- ❖ Stay off the roofs of rail cars and locomotives.
- ❖ When walking around the end of a rail car, stay 20 feet away.
- ❖ Pressurized air hoses are dangerous and may thrash about if uncoupled.
- ❖ A stopped train can move unexpectedly at any time.
- ❖ Watch for close clearances, as the train is wider than the track by at least three feet on each side.



Wisconsin 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.

Wisconsin Operation Lifesaver, Inc.

<https://community.oli.org/state/wi>

Operation Lifesaver International

<https://www.oli.org/>

Wisconsin Statute Quick Reference

Traffic Infractions

Certain Vehicles Failing to Stop at RR Crossing (<i>Haz-Mat or Bus</i>)	346.45(1)
Driving through/around Railroad Gate (<i>Includes lowering/lifting gates</i>)	346.44(2)
Failure to Obey Sign/Signal	346.04(2)
Failure to or Improper Stop at Railroad Stop Sign	346.46(3)
Failure to Stop at Stop Sign	346.46(1)
Failure to Stop for Railroad Signal	346.44(1)
Failure to Yield to Train at Crossing w/ Crossbuck.....	346.44(1)(c)
Improper/Prohibited Turn on Red (<i>right turn prohibited by sign</i>)....	346.37(1)(c)3
Inattentive Driving	346.89(1)
Owner Liability for Illegally Crossing RR Crossing	346.452
Park / Stop Vehicle w/in 25 Feet of Nearest Rail at RR Crossing	346.52(1)(i)
Passing w/in 100 Feet of RR Crossing	346.10(1)
Recklessly Endangering Safety at RR Crossing	346.62(2m)
Texting or E-mailing While Driving.....	346.89(3)(a)
Too Fast for Conditions (Speed reduction required at RR Crossing).....	346.57(3)
Violate Red Traffic Signal	346.37(1)(c)1

Commercial Motor Vehicles and School Buses

Failure of Required Vehicle to Stop at RR Crossing	346.45(1)(a-e)
Improper Stop by Required Vehicles at RR Crossing.....	346.45(2)(a-e)
School Buses to Open Doors, Look & Listen, Hazard Lamps.....	Trans 300.16(15)

Pedestrians at Railroad Crossings

Climbing through / around / over / under RR Train or Railroad Track Equipment Occupying Crossing	346.445(3)
Pedestrian Failure to Stop for Railroad Signal	346.445(1)
Pedestrian Going through / around Railroad Gate (<i>Includes lowering/lifting gates</i>)	346.445(2)

Trespass & Miscellaneous Criminal

Damage RR Property – Could Cause Injury/Accident	943.07(1)
Getting On or Off Moving Railroad Cars / Locomotive	192.321
Shoot Firearm at Train	943.07(2)
Throw Object at Train	943.07(3)
Throw/Deposit Debris Along Track / Right-of-Way - which Could Cause Injury/Accident	943.07(4)
Trespass to Railroad Property.....	192.32(1)

Wisconsin Department of Transportation

Mission: Provide leadership in the development and operation of a safe and efficient transportation system.

For additional copies of this guide, and for more information, please visit <https://community.oli.org/state/wi/> or scan the QR Code

