

1337.5 STOP: PEDESTRIAN CROSSING RAILROAD TRACKS

A safety statute requires that a pedestrian may not enter or cross a railroad crossing:

[Select the appropriate following paragraph.]

- (a) While any traffic officer or railroad employee signals to stop;
- (b) While any 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 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 be a hazard of collision.

[The statute also provides that a pedestrian may not cross through, around, or under any crossing gate or barrier at a railroad crossing, while the gate or barrier is closed or is being opened or closed.] [The statute also provides that a pedestrian may not 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.]

COMMENT

The instruction and comment were approved in 2015.

Wis. Stat. § 346.445 (2013 Wis. Act 219).

The last two sentences are to be used only in appropriate instances.

See also Wis JI-Civil 1337, Commentary.