

1339 STOP: SPECIAL VEHICLES AT RAILROAD CROSSING

A safety statute requires that the driver of a vehicle (describe from Wis. Stat. § 346.45(1)) before crossing at grade any track of a railroad shall stop the vehicle within 50 feet but not less than 15 feet from the nearest rail of the railroad.

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

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.

COMMENT

The instruction and comment were approved by the Committee in 1980. The comment was updated in 1989. The instruction was revised in 1992 and 2008. Editorial changes were made in 1992 to address gender references in the instruction.

Wis. Stat. § 346.45.

Driver or Operator. This instruction applies to either an operator or a driver of a motor vehicle. If "operator" is more appropriate to the evidence, then substitute "operator" for "driver."

A stop also need not be made at a railroad grade crossing which is marked with a sign in accordance with Wis. Stat. § 195.285(3). Such signs shall be erected by the maintaining authority only upon order of the Commissioner of Railroads as set forth in § 195.285.