

**1401 RAILROADS: DUTY TO RING ENGINE BELL WITHIN MUNICIPALITY**

A safety statute provides that no railroad train [or locomotive] shall run over any public grade crossing within any city or village, except where gates are operated, or a flagman is stationed, unless the engine bell is rung continuously within 330 feet of the crossing and until the crossing is reached.

If you find that the train crew failed to sound the engine bell for the required distance, then you must find the crew to be negligent in that regard; however, if you are not satisfied that the crew failed to sound the bell as required by this statute, you must then find the crew not negligent in that regard.

**COMMENT**

The instruction and comment were originally published in 1967 and revised in 2005 and 2006. The comment was updated in 2006.

Wis. Stat. § 192.29(3).

There is no statutory provision or order requiring the blowing of the engine whistle or horn within a municipality. See Wis JI-Civil 1403.