**1336 RAILROAD CROSSING: DRIVER'S DUTY**

A driver upon a highway, who is approaching a railroad grade crossing, has a duty to use ordinary care for his or her own safety. To perform this duty, a driver must not only look in both directions to determine whether a train is approaching but must listen as well. If by reason of any obstruction to his or her view as the driver approaches the tracks the driver is unable to make an efficient observation, the driver must slow down or stop the vehicle, if necessary, before entering upon the crossing to use his or her senses of hearing and vision effectively.

(If a driver claims to have looked and yet failed to see an approaching train which you determine must have been in plain sight or hearing, then the driver must either be deemed to have failed to look or to have looked and yet heedlessly submitted himself or herself to the danger.)

[Note: Add Wis JI‑Civil 1338, Nonoperation of Railroad Crossing Signals, if appropriate.]