

## **CROSSING BLOCKAGE, WHISTLES AND SETBACK**

### **741-125-0010**

#### **Blockage of Public Grade Crossings**

(1) As used in this rule, “blockage” of a public railroad-highway grade crossing is where a vehicle, pedestrian or bicyclist is at the crossing waiting to cross and is unable to do so by actions or situations under the control of the railroad, and:

(a) Is a period of time in excess of 10 continuous minutes between the hours of 6 a.m. and 10 p.m.; or

(b) Is a period of time in excess of 15 continuous minutes between the hours of 10 p.m. and 6 a.m.

(2) Calculation of blockage time shall:

(a) Begin when the first highway user arrives at the crossing and is unable to move over the track; and

(b) End when highway users queued at the crossing can again use the crossing.

(3) Except as provided in section (4) of this rule, a crossing shall not be blocked.

(4) These rules do not apply to:

(a) A continuously moving train in the same direction;

(b) A blockage caused by a wreck, derailment, act of nature, or other emergency condition not under the control of the railroad; or

(c) Emergency or other operational procedures required by federal law.

(5) Blockage complaints will be brought against the railroad whose crew is operating the train, unless the parties agree otherwise.

(6) The Department, after hearing, unless not required by ORS 824.214, may grant variances at a specific crossing from the limitations set forth in this rule, upon proper application by the railroad or public authority in interest.

(7) The railroad shall coordinate road closures and reopenings with the public authority during blockages.

Stat. Auth.: ORS 184.616, 184.619, 823.011, 824.202 and 824.220

Stats. Implemented: ORS 824.222

### **741-125-0020**

#### **Sounding of the Train Whistle at Grade Crossings**

(1) The sounding of the locomotive whistle in advance of railroad-highway grade crossing equipped with operating automatic gates, flashing lights, and audible protective devices, conforming to applicable Department's standards, is not required, unless specifically ordered by the Department.

(2) Upon petition of a public authority or a railroad, or on its own motion, the Department may enter an Order, after hearing if necessary, prohibiting the sounding of the locomotive whistle in advance of specified railroad-highway grade crossings equipped with automatic gates, flashing lights, and audible protective devices.

(3) When an order prohibiting the sounding of the locomotive whistle in advance of certain railroad-highway grade crossings has been entered by the Department or the

Public Utility Commission, the railroad shall provide written notification of its employees of the prohibition and shall install appropriate signing adjacent to its tracks to clearly designate the segment or segments of line to which the whistle-sounding prohibition applies.

Stat. Auth.: ORS 823 & [ORS 824](#)

Stats. Implemented: [ORS 824.208](#)

### **741-125-0030**

#### **Railroad Equipment Set Back from Railroad-Highway Grade Crossings**

(1) Except as provided in section (2) or (3) of this rule, no railroad shall cause any rail cars, locomotives or other railroad equipment to be stopped, stored or left standing within 250 feet of a public railroad-highway grade crossing where there is an adjacent track.

(2) The set back limitation set forth in section (1) of this rule does not apply when:

(a) The crossing is equipped with active warning devices;

(b) The train is stopped by an emergency condition not under the control of the railroad;

or

(c) A railroad employee is physically at the crossing and providing flagging protection for the crossing.

(3) The Department, after hearing, unless not required by ORS 824.214, may grant a reasonable and necessary variance from the limitation set forth in section (1) of this rule upon proper application by a person, railroad or public authority in interest.

Stat. Auth.: ORS 184.616, 184.619, 823.011, 824.202 and 824.220

Stat. Implemented: ORS 824.223