

CHAPTER 4: WARNING DEVICES –PASSIVE

CHAPTER OVERVIEW

This chapter presents a state-by-state survey of laws and regulations concerning the use of passive warning devices at highway-rail crossings.

Approximately 78 percent of the reported 280,503 highway-rail crossings in the United States have passive warning devices, or some type of traffic control devices, but not automatic gates, flashing lights or other train-activated devices.

These passive devices are designed to direct the attention of the driver to the location of highway-rail crossings so they may exercise caution when traversing the crossing. The messages conveyed by these devices provide warning and guidance, but they also may direct some mandatory action by the driver. These devices consist of regulatory, warning and guide signs and supplemental pavement markings. All states require that these devices conform to the *Manual on Uniform Traffic Control Devices*.

STATE LAWS AND REGULATIONS

ALABAMA

Alabama statute provides that every railroad company must erect a warning sign that gives notice of the proximity of a railroad crossing. The type of sign is not specified, except to say that it should have large and distinct letters. Ala. Code § 37-2-80 (1999).

The Highway Department is authorized to identify dangerous highway-rail crossings and install signs notifying drivers to come to a complete stop before crossing the tracks. The state defines a sign as "clearly visible and positive signals..." but does not specify the type of device. Ala. Code § 32-5-52 (1999).

Every railroad in the state shall cause boards to be placed, well-supported by posts or otherwise and constantly maintained across each public road or street where the public road or street is crossed by the railroad on the same level. The boards are required to be elevated so as not to obstruct traffic and to be easily seen by travelers. On each side of the boards shall be printed in capital letters of at least the size of nine inches each with the words, "RAILROAD CROSSING".

This section does not apply to streets in cities or villages unless the railroad corporation is required to put up the boards by the officers having charge of the streets. Ala. Code § 23-12-411(1999).

ALASKA

There is nothing applicable in the statutes with respect to the regulation of passive warning devices.

ARIZONA

The Director of the Department of Transportation and local authorities, with the approval of the Director are authorized to identify and erect STOP signs at particularly dangerous highway-rail crossings. Ariz. Rev. Stat. Ann. § 28-852 (1999). See also, “Arizona” in Chapter 9 of this book.

ARKANSAS

The Arkansas Code defines a railroad sign or signal as any sign, signal, or device erected with the authority of a public body of officials by a railroad and intended to give notice of the presence of railroad tracks or the approach of a train. Ark. Code Ann. § 23-12-411 (Michie 1998).

The State Highway Commission and local authorities are authorized to identify and erect STOP signs at particularly dangerous state highway grade crossings. Ark. Code Ann. § 27-51-706 (Michie 1998).

CALIFORNIA

At every farm or private grade crossing of a railroad where no automatic grade crossing warning device is in place, there must be installed one or more STOP signs of the type described in Section 21400 of the Vehicle Code, or of such other design as the Public Utility Commission prescribes. Signs will not be required if the Commission determines, after a hearing, that the signs would create a dangerous condition which would not otherwise exist. Cal. [Pub. Util.] Code § 7538 (West 1998).

COLORADO

Colorado has no statute concerning passive warning devices.

CONNECTICUT

Connecticut law requires that each railroad company maintain, at each crossing where there is no gate, warning boards of the type and nature as the Commissioner of Transportation may approve. Conn. Gen. Stat. § 13b-347 (1999).

The Commissioner may require every railroad company to erect and maintain at each of their crossings within their right-of-way, a STOP, caution, or other sign of a type approved by the Commissioner. If the tracks cross a state highway at-grade, the Traffic Commission is

responsible for prescribing the kind and nature of traffic control devices and measures to be installed.

The Commissioner may also require every railroad company to erect and maintain a sign advising the public to call 911 to report malfunctioning grade crossing gates or signals. The type of sign must be approved by the Commissioner. Conn. Gen. Stat. § 13b.345(a)-(b) (1999).

DELAWARE

There is nothing applicable in the statutes with respect to the regulation of passive warning devices.

DISTRICT OF COLUMBIA

The persons or persons, or corporation or corporations, using the railroad sidings, switches, and standing tracks are responsible for the construction of the protective devices; and for maintaining them in sound, safe and serviceable condition once they are approved by the Mayor. 24 DCMR § 120.10 (1998).

FLORIDA

Every railroad company must exercise reasonable care for the safety of the motoring public whenever its tracks cross a highway. The railroad company is responsible for erecting and maintaining crossbuck warning signs in accordance with the uniform system of traffic control devices adopted pursuant to Section 316.745 of the Florida Annotated Statutes. The crossbuck signs must be erected and maintained at all public and private crossings.

Advance railroad warning signs and pavement markings must be installed and maintained at public highway-rail grade crossings in accordance with the uniform system of traffic control devices by the government agency which has jurisdiction over and maintenance responsibility for the highway or street. Fla. Stat. Ann. § 351.03 (West 1999).

Every railroad company operating or leasing any track intersecting a public road at-grade and upon which railroad trains are operating, is responsible for erecting any traffic control devices which are necessary to conform to the requirements of Section 316.745 of the Florida Annotated Statutes. Pavement markings and advance warning signs are the responsibility of the government entity having jurisdiction over the crossing. Fla. Stat. Ann. § 316.171 (West 1999).

Every railroad company maintaining a highway-rail crossing must, upon reasonable notice from the Department of Transportation, install, maintain and operate traffic control devices to warn motorists of approaching trains. Fla. Stat. Ann. § 335.141 (West 1999).

GEORGIA

Each railroad company is to erect and maintain a reflectorized railroad crossbuck at each grade crossing where such a sign is required by state law. The signs must conform to standards established by the Georgia Department of Transportation. Ga. Code Ann. § 46-8-194 (1999).

Every railroad company in Georgia is required to erect and maintain a signboard at least four feet, six inches in height to warn approaching rail traffic of the existence of drawbridges, grade crossings, and stations at which there are switches. The signboard must be located at a point on the right-of-way not less than one-half mile or more than one mile on each side of every station or grade crossing at which there is a switch. Signboards must be placed where they can be clearly seen by persons operating locomotives and must be placed on the right-hand side of the track approaching the station or grade crossing. Failure to comply with this section is a misdemeanor punishable by a fine of one hundred dollars for each offense. Ga. Code Ann. § 46-8-198 (1999).

A railroad company is required to erect a blowpost (whistlepost) on each side of the crossing to indicate its existence. The location of the blowpost is to be at a point 400 yards from the center of its intersection with any public road or street at-grade. Failure to comply with this section is a misdemeanor. Ga. Code Ann. § 46-8-190 (1999).

The Department of Transportation and local authorities are authorized to identify and erect STOP signs at particularly dangerous grade crossings. Ga. Code Ann. § 40-6-141 (1999).

HAWAII

The Director of Transportation and the individual counties are authorized to identify and erect STOP signs at particularly dangerous highway-rail crossings. Haw. Rev. Stat. § 291C-92 (1999).

IDAHO

There is nothing applicable in the statutes with respect to the regulation of passive warning devices.

ILLINOIS

The Illinois Commerce Commission shall have the power, upon its own motion, or upon complaint, and after having made proper investigation, to require the installation of adequate and appropriate luminous reflective warning signs, luminous flashing signals, and crossing gates illuminated at night, or other protective devices, in order to promote and safeguard the health and safety of the public. The Commission shall have authority to determine the number, type, and location of such signs, signals, gates, or other protective devices which, however, shall conform as near as may be with generally recognized standards; and the Commission shall have authority to prescribe the division of the cost of the installation and subsequent maintenance of such signs, signals, gates, or other protective devices, between the rail carrier or carriers, the public highway

authority in interest, and in instances involving the use of the Grade Crossing Protection Fund, the Illinois Department of Transportation. 625 ILCS 5/18c-7401 (1999).

INDIANA

The Indiana Department of Transportation has the responsibility for determining whether there is a need to install STOP signs at public crossings without automatic warning devices. After consultation with the local highway unit and affected railroad, the Department may order the installation of STOP signs. The Department of Transportation is responsible for sign installation, maintenance, repair and replacement. The railroad must reimburse the Department of Transportation for installation costs within forty-five days. Ind. Code Ann. § 9-21-4-15 (Burns 1999).

Any person who owns or operates any line of steam or interurban railroad is responsible for installing and maintaining at each grade crossing, signs (crossbucks), and any number of other track signs if required. These signs should be placed at right angles with the highway where possible. The signs must conform to the *Manual on Uniform Traffic Control Devices* adopted under IC 9-21- 2-1. A violation of this section is a Class C infraction. Ind. Code Ann. § 8 6-6-1 (Burns 1999).

IOWA

There is nothing applicable in the statutes with respect to the regulation of passive warning devices.

KANSAS

The Kansas Secretary of Transportation and local authorities, with the approval of the Secretary, are authorized to identify and erect STOP signs at dangerous highway-rail crossings. Kan. Stat. Ann. § 8-1552 (1999). See also, Section 8-2002 concerning the power of local authorities.

Every railroad corporation must place crossbucks at highway-rail crossings. Each side of the sign shall have a white reflectorized background, with the words "RAILROAD CROSSING" in black lettering. If the crossing consists of two or more tracks, the number of tracks shall be indicated on an auxiliary sign of inverted T -shape mounted below the crossbuck. This section is not applicable to streets in cities unless the railroad is required to do so by local ordinance. Kan. Stat. Ann. § 66-2,121 (1999).

KENTUCKY

The Transportation Cabinet may identify unsafe crossings and shall place and maintain on each side of the tracks and on the right side of the highway, an octagonal sign of a type and size currently approved for use by the Cabinet bearing the word "STOP" in white letters not less than ten inches in height. The Cabinet must install the signs within sixty days after the crossing is declared unsafe. The statute does not apply to those crossings that have gates, automatic

audible signals or electric warning signals. Ky. Rev. Stat. Ann."§ 189.560 (2)(3)(4)(5) (Baldwin 1998).

Every railroad company is required to place and maintain signal boards at each public highway where it is crossed by a railroad track. Each side of the board is to contain, in capital letters at least five inches high, the words "RAILROAD CROSSING". Ky. Rev. Stat. Ann. § 277, 160 (Baldwin 1998).

LOUISIANA

All railroads must install and maintain at highway-rail crossings a reflectorized crossbuck sign which shall be inscribed "RAILROAD CROSSING", except at those contained in the maintenance system of the Office of Highways. If there are two or more tracks, that fact shall be indicated by an auxiliary sign of inverted "T" shape mounted below the crossbuck.

A railroad may, with the approval of the Office of Highways, erect STOP signs at any grade crossing on highways not contained in the state maintenance system. Where the STOP signs are erected, the railroads are also responsible for the erection and maintenance of a railroad advance warning sign on the right side of the road not less than one hundred feet or more than three hundred feet from the nearest rail of the crossing. La. Rev. Stat. Ann. § 32:169 (A)-(B) (West 1999).

MAINE

Every railroad is responsible for the erection and maintenance of warning signs at highway-rail crossings. The signs should be of the size, design and color ordered by the Maine Department of Transportation. Me. Rev. Stat. Ann. tit. 23, §§ 1251-1252 (West 1998).

Every railroad shall be responsible for the erection of signboards with the words "RAILROAD CROSSING" painted on each side by the side of highway and town ways where they are crossed at-grade.

The Commissioner of Transportation may temporarily erect experimental signs at certain grade crossings instead of the signboards required in this section. The erection of the experimental signs by the Department relieves the railroad company using the crossing of any liability for damages. Me. Rev. Stat. Ann. tit. 23, § 7214 (West 1998).

The Department is authorized to designate any highway-rail crossing as a "stop intersection" and to install and maintain STOP signs at such crossing. Municipalities, when ordered by the Department, are required to install and maintain STOP signs. Me. Rev. Stat. Ann. tit. 23, § 1253-A (West 1998).

MARYLAND

The Maryland State Highway Administration, or any local authority, with the approval of the Administration, may place a STOP sign at any highway-rail crossing designated as a dangerous crossing. Md. Ann. Code art. 21, § 702 (1999).

MASSACHUSETTS

Every railroad operating in the state is responsible for placing and maintaining boards (signs) across each crossing of their tracks by a public road. The boards must be clearly visible and contain the inscription: "Railroad Crossing--Look out for the Engine." The railroad may, if it chooses, use a substitute board, the size and description of which must be approved by the state Department of Transportation. Mass. Ann. Laws ch. 160, § 140 (1999).

The board of aldermen of a city or the selectmen of a town where a traveled place is crossed by a railroad at the same level, if of the opinion that it is necessary for the better security of the public that boards such as are described in the preceding section should be maintained at such traveled place, may in writing request the railroad to erect and maintain them. Mass. Ann. Laws ch. 160, § 141 (1999).

Every county, city, and town and the Department of Highways may place and maintain warning signs at public ways which are crossed at-grade in its jurisdiction by a railroad. Mass. Ann. Laws ch. 160, § 142 (1999).

MICHIGAN

The Michigan Transportation Department, the county road commission and local authorities may designate certain grade crossings as "stop" crossings and place signs there notifying drivers to come to a complete stop before crossing the tracks.

The road authority, at its own expense, must furnish, renew and maintain all passive traffic control devices on public streets and highways that cross railroad tracks at-grade. This includes the various advance warning signs, railroad pavement markings, railroad grade crossing signs, number of track signs, and other special signs located, designed, and maintained as prescribed by the *Michigan Manual on Uniform Traffic Control Devices*.

The Department may install and maintain or arrange for the installation and maintenance of highway street lighting at any grade crossing of state trunk line highway. Mich. Comp. Laws Ann. § 463.311 (West 1999).

MINNESOTA

Every railroad must maintain a proper and conspicuous sign indicating the presence of a highway-rail crossing. If the railroad fails to comply with this section, they shall forfeit to the town or municipality, ten dollars for each day the failure continues. Minn. Stat. § 219.06 (1999).

When any government entity in the state deems it necessary to install STOP signs at a crossing for which they are responsible, they may petition the Commissioner of Transportation to order the installation of a STOP sign. Minn Stat. § 219.20 (1999).

The Commissioner shall require that uniform warning signs be placed at highway-rail crossings throughout the state. There shall be at least three distinct types: a home warning sign for use in the immediate vicinity of the crossing, an approach crossing sign, and when deemed necessary, a STOP sign with the word "STOP" on it. Minn. Stat. § 219.17 (1999).

MISSISSIPPI

The Mississippi Highway Department is authorized to construct protective or warning devices at or in the vicinity of any railroad crossing of a public highway under the jurisdiction of any county or incorporated municipality. Miss. Code Ann. § 65-1-70 (1999).

Every railroad corporation, at the intersection of a public road or street and railroad crossing, must install and maintain the standard sign known as a "Railroad Crossbuck". Miss. Code Ann. § 77-9-247 (1999).

MISSOURI

There is nothing applicable in the statutes with respect to the regulation of passive warning devices.

MONTANA

The Department of Highways and local authorities may identify dangerous highway-rail crossings and install STOP signs at these crossings. Mont. Code Ann. § §1-14-602-603 (1999).

Beginning April 9, 1987, and within two years from that date, all railroad companies will have installed and be currently maintaining reflectorized material on the front and back sides of crossbuck blades at all public crossings. Mont. Code Ann. § 69-14-612 (1999).

NEBRASKA

The Department of Roads, and local authorities, on highways under their jurisdiction, may identify and install STOP signs at dangerous highway-rail crossings. Neb. Rev. Stat. § 60-6-171 (1999).

NEVADA

The Department of Transportation, and local authorities, with the approval of the Department of Transportation may designate dangerous grade crossings and install official traffic control devices at such crossings. Nev. Rev. Stat. § 484.351 (Michie 1998).

NEW HAMPSHIRE

The governmental authority responsible for maintaining a highway shall place and maintain warning signs on every highway approaching a crossing at-grade of such highways and the tracks of a railroad. The Department of Transportation may prescribe the standards for warning signs for highway-rail crossings. N.H. Rev. Stat. Ann. § 373.11 (1999).

NEW JERSEY

It is the duty of every railroad to install and maintain at each at-grade crossing a conspicuous sign with an inscription, design and standard approved by the Board of Public Utility Commissioners. N.J. Stat. Ann. § 48:12-58 (West 1999).

NEW MEXICO

There is nothing applicable in the statutes with respect to the regulation of passive warning devices.

NEW YORK

Each municipality or political subdivision which has responsibility for maintaining highways at places where they intersect with a railroad at-grade, or the Department of Transportation in the case of state highways, shall install and maintain an approach warning sign on each side of the crossing. In the event the municipality, political subdivision or railroad does not comply with this requirement, the Commissioner of Transportation may institute proceedings to force compliance.

The design, location, and manner of installation must be in agreement with the manual for a uniform system of traffic control devices adopted by the Department of Transportation. N.Y.R.R. Law § 53-a (McKinney 1999).

It is the duty of every Class 1 railroad to install a whistle sign made of retro-reflective material as specified by the Commissioner of Transportation on the approach to each highway-rail crossing. N.Y. R.R. Law § 71-a (McKinney 1999).

NORTH CAROLINA

There is nothing applicable in the statutes with respect to the regulation of passive warning devices.

NORTH DAKOTA

The North Dakota Public Utility Commission prescribes three distinct types of warning signs for use at highway-rail crossings: the home crossing sign, the STOP sign, and the approach crossing sign. N.D. Cent. Code § 24-09-02 (1999).

The railroad company is responsible for erecting and maintaining one or more of such uniform crossing signs at each grade crossing in the state. N.D. Cent. Code § 24-09-03 (1999).

The road authority, except as otherwise provided for, is responsible solely for the erection and maintenance of advance warning signs at public grade crossings in accordance with the *Manual on Uniform Traffic Control Devices*. N.D. Cent. Code § 24-09-04 (1999).

The Department of Transportation may designate any crossing requiring additional protection as a "stop" crossing and make notification to the appropriate road authority. Within thirty days after notification the road authority shall erect STOP signs. N.D. Cent. Code § 24-09-05 (1999).

OHIO

All railroad companies operating in Ohio are required to erect crossbuck signs at all highway-rail crossings. The Director of Transportation may install experimental signs at certain crossings in lieu of the above required signs for the purpose of research for the development of better signing systems. The installation of an experimental sign relieves the railroad company of any liability for damages which might otherwise arise under this section.

Each crossbuck sign shall be accompanied by an additional sign consisting of three panels, with the middle panel bearing the word "yield" spelled vertically. The front and rear faces of the crossbuck sign, and of the three panels of the additional sign, shall be coated or treated with a reflective material; and if the crossbuck sign and additional sign are mounted on a vertical girder or post, the girder or post must be coated or treated with a reflective material.

The railroad may also erect experimental signs and warning devices, with prior approval of the Director, for the purpose of conducting research. Such signs or warnings may be erected on an interim or permanent basis. Under these circumstances, the railroad or local authority is relieved from liability. Ohio Rev. Code Ann. § 4955.33 (Supp. 1999).

OKLAHOMA

The Oklahoma Corporation Commission has the authority, after proper investigation, to identify grade crossings that are extra hazardous. Once a designation is made, the Commission can order the installation of appropriate warning devices. The type, location and number of devices shall be determined by the Commission, as is the division of costs. The devices are to conform as near as possible to national standards. Okla. Stat. tit. 17, § 86 (1999).

Every railroad corporation in the state has a duty to erect suitable warning signs at each crossing of its tracks by a public highway. Okla. Stat. tit. 66, § 124 (1999).

The Commission is also vested with the authority to promulgate rules and regulations concerning the design, installation, construction, maintenance, inspection, and testing of warning signal devices at highway-rail crossings. Okla. Stat. tit. 66, § 130 (1999).

OREGON

All railroads in the state must install and maintain STOP signs at every farm or private grade crossing. The Oregon Department of Transportation has the authority to prescribe the number, type and location of the STOP signs and may exempt a farm or private grade crossing if the Department determines that an even more dangerous condition would be created by the installation of the sign. Or. Rev. Stat. § 824.224 (1999).

The Department may prescribe the number, kind, and location of advance warning signs to be installed on the highway before each highway-rail crossing. The Department shall adopt rules prescribing specifications for the design and location of protective devices. Or. Rev. Stat. § 824.220 (1999).

PENNSYLVANIA

There is nothing applicable in the statutes with respect to the regulation of passive warning devices.

RHODE ISLAND

Every railroad corporation must install and maintain at every highway-rail crossing a suitable signboard for the purpose of warning traffic of approaching trains. R.I. Gen. Laws § 39-813 (1999).

Penalty

Railroad corporations neglecting or refusing to comply with the provisions of § 39-8-13 may be fined an amount not to exceed one thousand dollars and may be liable for all damages due to neglect or refusal to comply. R.I. Gen. Laws § 39-8-15 (1999).

SOUTH CAROLINA

All railroad companies must install and maintain standard crossbuck signs at every crossing in accordance with the requirements of the Manual on Uniform Traffic Control Devices. S.C. Code Ann. § 56-5-1010 (Law. Co-op. 1998).

Every railroad corporation must install and constantly maintain railroad crossing signs. This does not apply to streets in cities, towns and villages unless the railroad is required to do so by the officers in charge of such streets. S.C. Code Ann. § 58-17-1390 (Law. Co-op. 1998).

Every railroad company operating within the state must install and maintain warning boards (signs) near drawbridges and highway-rail crossings. S.C. Code Ann. §§ 58-17-3380-3390(Law. Co-op. 1998).

SOUTH DAKOTA

Except within the limits of a municipality, the Department of Transportation and county commissioners have the authority to designate any hazardous highway-rail crossing as a "stop" crossing by placing a STOP sign preceded by a warning sign at the crossing. S.D. Codified Laws Ann. § 31-28-17 (1999).

At all points where the railroad tracks cross a public road, the railroad owning the tracks is responsible for the erection of a sign with large and distinct letters warning drivers to use caution when crossing the upcoming track. S.D. Codified Laws Ann. § 49-16A-87 (1999).

The public board or officer who is responsible for the repair and maintenance of a public highway shall erect and maintain a standard railroad advance warning sign at a distance from the crossings as specified by the Department of Transportation or other controlling body. S.D. Codified Laws Ann. § 31-28- 7 (1999).

TENNESSEE

The Public Service Commission of the state, and the Commissioner of Transportation or his designee has the authority to determine the type of railroad crossing sign which shall be uniform throughout the state. Tenn. Code Ann. § 65-11-105 (1999).

Boards, well supported by posts or otherwise, shall be placed and constantly kept, across each public road, when the same is crossed on the same level by the track of the railway, the boards are to be elevated so as not to obstruct travel and, on each side of such board, there shall be printed in large letters, easily to be seen by the traveler, the words "Railroad Crossing --Look Out for the Cars." Tenn. Code Ann. § 65-18-104 (1999).

TEXAS

Every railroad in the state is responsible for erecting a sign with large and distinct letters at a railroad to warn drivers to use caution when crossing the upcoming tracks. A railroad company that does not erect a sign required by this subsection is liable for a resulting injury to a person or resulting damage to property. Tex. Transp. Code Ann. § 471.002(a)(b) (West 1999).

The Texas Department of Highways and Transportation is responsible for the development of guidelines and specifications for the installation and maintenance of retro-reflectorized material at all public grade crossings not provided with active warning devices. The retro-reflectorized material will be affixed to the backs of crossbucks in a manner that reflects right from vehicle headlights to focus attention on the presence of an unsignaled crossing. Tex. Transp. Code. Ann. §471.004 (West 1999).

UTAH

There is nothing applicable in the statutes with respect to the regulation of passive warning devices.

VERMONT

Each railroad must maintain railroad crossing (crossbuck) signs conforming to the Federal Highway Administration's *Manual on Uniform Traffic Control Devices* at every crossing of a railroad by a public highway. Vt. Stat. Ann. tit. 5, § 3581 (1999).

Certain crossings may be considered exempt from the requirement in Section 3581. The Transportation Board may determine, upon recommendation of the local transportation agency, that a crossing is exempt and may impose such conditions as the interests of safety dictate. However, a flag person must be present at these exempt crossings whenever a train is traversing the crossing. Within ninety days of any order, the railroad in the case of warning devices and the person having control of the crossing in the case of advance warning signs, is required to affix "exempt" signs in accordance with Section 1025 of Title 23. Vt. Stat. Ann. tit. 5, § 3581 (1999).

At the request of the agency of transportation, the railroad, or the person having control of the highway, and after notice and an opportunity to be heard, the Transportation Board may rescind an "exempt" crossing designation. Vt. Stat. Ann. tit. 5, § 3581 (1999).

VIRGINIA

Virginia law requires every railroad company to cause sign boards (crossbucks), well supported by posts or otherwise, and approved by the Department of Transportation at such heights as to be easily seen by travelers from both directions of the public highway and not obstructing travel, containing in capital letters, at least five inches high, the inscription "Railroad Crossing," to be placed, and constantly maintained, at each public highway at or near, and on both sides of, each place where it is crossed by the railroad at the same level. In localities that maintain their own streets, the requirements may be waived upon proper petition to both the Commonwealth Transportation Commissioner and the public road authority. Va. Code Ann. § 56-405.2 (Michie 1999).

WASHINGTON

It is the duty of the railroad corporation to install and maintain at every highway-rail crossing, a sign known as a crossbucks crossing sign with the lettering "RAILROAD CROSSING" and an inscription indicating the number of tracks. Wash. Rev. Code Ann. § 47.36.050 (West 1999).

The Transportation Department may install approach and warning signs on the approach of any state highway to a highway-rail crossing, situated at a sufficient distance from the crossing as to make the warning effective. Wash. Rev. Code Ann. § 47.36.080 (1999).

WEST VIRGINIA

Every railroad company must erect and maintain suitable signboards or notices at each of its highway-rail crossings giving warning of danger in crossing its tracks. All such signs will be of the required design and construction and be placed at the location required by the Road Commission. Any railroad company that violates this provision shall be fined five dollars for each week the violation continues. W. Va. Code § 31-2-9 (1999).

WISCONSIN

When it is deemed necessary for public safety, any local authority may, by ordinance, install official STOP signs at grade crossings. Wis. Stat. § 349.085 (1999).

Railroads are required to provide to each county in which they operate, a sufficient quantity of advance warning signs. The county will immediately install and maintain such signs in good condition. This section shall not apply to state trunk highways and crossings within the limits of cities and incorporated villages. Wis. Stat. § 195.286(1) (1999).

Penalty

The penalty for violation by a railroad of this section shall be a fine of not less than ten nor more than fifty dollars for each violation. Wis. Stat. § 195.286(7) (1999).

WYOMING

There is nothing applicable in the statutes with respect to the regulation of passive warning devices.