

## **CHAPTER 5: WARNING DEVICES -TRAIN BORNE**

### **CHAPTER OVERVIEW**

This chapter presents a state-by-state survey of the legal and regulatory requirements for trains operating within the respective states and the District of Columbia to provide some type of auditory alarm as they approach grade crossings. A state may require that a train carry a bell, whistle or a horn and require the repeated use of that bell, whistle or horn, at a specified distance before reaching crossings. Some state laws may also require that trains be equipped with headlights of a certain candlepower while operating at night. As with any law, failure to comply brings penalties. In recent years, a couple of states have passed legislation to allow individual municipalities to regulate through local ordinances, the blowing of the train horn at crossings. If a state has such a law it is listed here. If a penalty is codified, it is presented here.

### **STATE LAWS, REGULATIONS AND PENALTIES**

#### **ALABAMA**

Alabama law requires all railroads operating in whole or in part in the state to equip, maintain, and use, upon every locomotive being operated in the nighttime a power headlight of not less than 1,500 candle power brilliancy, measured with the aid of a suitable reflector. Ala. Code § 37-2-90 (1999).

Any operator of a locomotive must blow the horn, whistle, or ring the bell:

- (1) At least one fourth of a mile before reaching any public road crossing or any regular station or stopping place on such railroad and continue with the signal at short intervals, until the crossing or station or stopping place has been passed.
- (2) Immediately before and at the time of leaving a station or stopping place and also immediately before entering any curve crossed by a public road not marked where he cannot see at least one quarter of a mile ahead, and must approach the unmarked crossing at such speed as to prevent an accident in the event of an obstruction at the crossing.
- (3) At short intervals, on entering into, or while moving within or passing through any village, town, or city. Ala. Code § 37-2-81 (1999).

#### **ALASKA**

Alaska has no relevant code section relating to this topic.

## **ARIZONA**

Under Arizona law each railroad must equip its locomotives with a bell weighing not less than twenty pounds.

### **Penalty**

Any railroad which fails to comply with this section is liable for a penalty of one hundred dollars recoverable in an action filed by the attorney general in the name of the state. A separate action may be filed for each violation. In addition to the one hundred-dollar penalty, the railroad may be liable for all damages sustained by any person for failure of the corporation to comply with this section. Ariz. Rev. Stat. Ann. § 40-847 (1999).

It is unlawful for any locomotive not equipped with an automatically operated bell ringer which will cause the bell on the engine to continue to ring after being set in motion by the engineer or fireman to operate in the state. The starting and stopping device for the bell ringer must be placed in a position where it can be operated by the engineer or fireman. A violation of this section makes the railroad guilty of a petty offense for each day the locomotive is used in violation of this section. If the ringer should become inoperable while the engine is in use, the engine may complete its trip. Ariz. Rev. Stat. Ann. § 40-858 (1999).

### **Penalty**

Any person in charge of a railroad locomotive who, before crossing any traveled way, does not cause the bell to ring or a whistle, siren or other sounding device to sound at a distance of at least eighty rods (1,320 feet or 440 yards) from a crossing until it is reached is guilty of a Class 2 misdemeanor. Ariz. Rev. Stat. Ann. § 40-854 (1999).

Arizona requires a headlight brilliancy of not less than fifteen hundred candlepower measured without the aid of a reflector.

### **Penalty**

Failure to comply with this section makes the railroad liable to the state for not less than one hundred or more than one thousand dollars for each offense. Ariz. Rev. Stat. Ann. § 40-846 (1999).

## **ARKANSAS**

Arkansas requires locomotives or engines to have a bell of at least thirty pounds weight, or a steam whistle. The bell or whistle must be sounded at a distance of at least eighty rods (1,320 feet or 440 yards) from the place where the track crosses any road or street and shall sound continuously until through the crossing. A violation of this section will result in a penalty of two hundred dollars for each incident of neglect plus possible liability for all damages sustained by any person as a result of such neglect. Ark. Code Ann. § 23-12-410 (Michie 1998).

Arkansas law requires any company owning or operating a locomotive over fifty miles in length to equip all their locomotives being operated at night with a headlight of power and brilliancy equal to fifteen hundred candlepower. A violation of this section will subject the offending railroad to a penalty of not less than three hundred or more than five hundred dollars for each separate offense. Ark. Code Ann. § 23-12-402 (Michie 1998).

## **CALIFORNIA**

California law requires the installation of an automatic bell ringer apparatus to be in a location which allows operation from either or both sides of the locomotive cab.

### **Penalty**

Violation of this section is punishable by a fine of not less than one hundred or more than one thousand dollars for each offense. Cal. Pub. Util. Code § 7605 (West 1999).

Under California law trains are required to give audible warning of their approach to a crossing at a distance of eighty rods (1,320 feet or 440 yards) before the crossing and continuously while passing through it. If a bell is used for audible warning, the bell must weigh twenty pounds.

### **Penalty**

Any railroad corporation violating this section is subject to a penalty of one hundred dollars for every violation. Cal. Pub. Util. Code § 7604 (West 1999).

## **Alternatives to Train Horn**

The California Legislature has given authority to the Public Utility Commission to authorize on an application-by-application basis, and to supervise the operation of pilot projects to evaluate proposed crossing warning devices, new technology, or other additional safety measures at designated crossings, with the consent of the local jurisdiction, the affected railroad, and other interested parties, including, but not limited to, represented railroad employees.

The Legislature finds and declares that for the communities of the state that are traversed by railroads, there is a growing need to mitigate train horn noise without compromising the safety of the public. Therefore, it is the intent of the Legislature that the Commission may authorize the following pilot projects, after an application is filed and approved by the Commission:

To test the utility and safety of stationary, automated audible warning devices as an alternative to trains having to sound their horns as they approach highway-rail crossing in the communities of Roseville, Fremont, Newark, and Lathrop, and in any other location determined to be suitable by the Commission. The Commission may also authorize supplementary safety measures, as defined in Section 20153 (a) (3) of Title 49 of the United States Code, for use on rail crossings.

No new pilot project may be authorized after January 1, 2003. The Commission shall report to the Legislature by March 31, 2004, on the outcome of this pilot project. Cal. Pub. Util. Code § 1202 (West 2002).

Trains operating at night are to be equipped with headlights. The headlights should project sufficient light to enable the engineer to see an object the size of a man at a distance of eight hundred feet on a dark night when the train is traveling at least thirty miles per hour. A violation of this section results in a penalty of not less than one hundred or more than one thousand dollars for each offense. Cal. Pub. Util. Code § 7607 (West 1999).

### **Penalty**

A person in charge of a locomotive who, before crossing any traveled public way, fails to give an audible warning at least 1,320 feet from the crossing and continuously up to it, is guilty of a misdemeanor. Cal. Pub. Util. § 7607 (West 1999).

## **COLORADO**

The Colorado statutes do not require any audible warning upon the approach to a highway-rail crossing.

State law does require locomotives operating at night to be equipped with headlights of such construction and with sufficient candlepower to render plainly visible at a distance of not less than three hundred feet in advance, any track obstruction or grade crossing, and a red rear electric light of sufficient strength as to be visible at a distance of three hundred feet.

### **Penalty**

Violation of this section will result in a penalty of one hundred dollars for each violation, recovered in suits brought by the attorney general. Colo. Rev. Stat. §§ 40-29-108 -109 (1999).

## **CONNECTICUT**

Connecticut law requires an audible signal of sufficient amplification for existing circumstances. The audible signal is to be sounded when the engine is approaching within eighty rods of a crossing and is to be sounded occasionally until the engine is through the crossing. In cities and towns, if the public safety requires it, the distance may be adjusted, but in no case be less than twenty-seven rods from the crossing.

The State Commissioner of Transportation may establish the maximum decibel levels which may be emitted by the audible signal, provided that such level be more than eighty-seven decibels. Any railroad operating a train with an audible signal which produces noise emissions in excess of the maximum is in violation of this section. Conn. Gen. Stat. § 13b-329(a)-(b)-(c) (1999).

## **DELAWARE**

Delaware law has no applicable statute.

## **DISTRICT OF COLUMBIA**

It is unlawful in the District of Columbia for any railroad corporation to move, cause to be moved, or take part in moving, a railway locomotive, car, or train of cars on or upon a street or other public space between sunset and sunrise, unless a headlight or other equivalent reflecting lantern, or a hand lantern in the hands of an attendant, is displayed upon the most advanced approaching part of the locomotive, car, or train of cars, to give due warning of its approach to persons near or crossing the tracks. 24 DCMR § 120.6 (2001).

## **FLORIDA**

Except as provided in subsection (4), any railroad train approaching within fifteen hundred feet of a public highway-rail grade crossing must emit a signal audible for such distance.

### **Local Option**

"(4) (a) The Department of Transportation and the Federal Railroad Administration (FRA) may authorize a municipality or county to implement a whistle ban provided the following conditions are met:

- (1) A traffic operations system is implemented to secure highway-rail crossings for the purpose of preventing vehicles from going around, under, or through lowered railroad gates.
- (2) The municipality has an ordinance which unconditionally prohibits the sounding of railroad train horns and whistles during the hours of 10 p.m. and 6 a.m.

(4) (b) Upon final approval and verification by the Department of Transportation and the FRA that such traffic systems' operations meet all state and federal safety and traffic regulations and that the highway-rail crossing can be secured, the municipality or county may pass an ordinance prohibiting the sounding of audible warning devices by trains during the hours of 10 pm and 6 am." Fla. Stat. Ann. § 351.03 (West 1999). See also, Emergency Order Number 15, Notice Number 4 issued by the Federal Railroad Administration on August 31,1993.

## **GEORGIA**

An engineer operating a locomotive moving over the tracks is required, when he reaches the blowpost (whistlepost), to blow through the whistle two long blasts, one short blast and one long blast. The blasts must be loud and distinct.

## **Penalty**

Violation of this section is a misdemeanor. Ga. Code Ann. § (1999).

Within the corporate limits of cities, a railroad is not required to either erect a blowpost or to blow the whistle when approaching a crossing. Instead, the engineer is required to signal the approach of the train to such crossing by constantly tolling the bell of the locomotive.

## **Penalty**

Failure to comply with this section is a misdemeanor. Ga. Code Ann. § 46-8-191 (1999).

Each locomotive must be equipped with a signal bell and a signal whistle or horn. Additionally, each locomotive operated on a railroad line after dark must have a good and sufficient headlight which shall consume no less than three hundred watts at the arc, and with a reflector no less than twenty-three inches in diameter. Ga. Code Ann. § 46-8-170 (1999).

## **HAWAII**

Hawaii law has no applicable statute.

## **IDAHO**

A bell of at least twenty pounds weight is required on each locomotive.

Idaho requires trains to give audible warning of their approach to crossings at least eighty rods before the crossing and allows repeated use of either the horn or the whistle if continuous use of the bell is not used between the initial signal point and the crossing.

Idaho law forbids the use of the horn or whistle within city or town limits.

## **Penalty**

A violation of this section can result in a penalty of one hundred dollars for each offense. Idaho Code § 62-412 (1999).

## **ILLINOIS**

Illinois requires trains to give audible warning by bell, whistle, or horn, of the approach of a train at least 1,320 feet before the crossing. The warning must be sounded until the highway is reached, provided that at crossings where the Illinois Commerce Commission shall by order direct that, only after a hearing has been held to determine the public is reasonably and sufficiently protected, the rail carrier may be excused from giving warning required by statute. ILCS 5/18c-7402 (2)(a) (1998).

## **INDIANA**

Indiana law requires the use of an audible warning beginning not less than one quarter of a mile from the crossing. The engineer or other person operating the locomotive shall sound the whistle on the engine not less than four distinct times. The sounding shall be prolonged or repeated until the crossing is reached. The operator must also ring the bell continuously from the time of sounding the whistle until the engine has fully passed through the crossing.

It is unlawful for an engineer or other person in charge to move a locomotive over or across a turnpike, public highway or street crossing if the whistle and bell are not working. If the whistle and bell are not working, the locomotive must stop before each crossing and proceed only after manual warning is provided as by a flagger.

### **Local Option**

An Indiana city or town may adopt its own ordinance regulating the sounding of warning devices but only after receiving permission from the Indiana Department of Transportation. Ind. Code Ann. § 8-6-4-1 (a)-(b)-(c) (Burns 1999).

## **IOWA**

Iowa law requires an audible warning to be sounded one thousand feet from the crossing, and the continuous use of such warning between the initial signal point and the crossing. The statutes do not specify the number of blasts; only that use of the whistle or horn is required at the initial signal point.

Iowa law forbids the use of any audible signal within city or town limits unless local ordinances require it. Iowa Code § 327G.13 (1999).

### **Penalty**

Any officer or employee of the railroad that violates any part of Section 327G.13, shall be subject to a schedule "2" penalty. Iowa Code § 327G.14 (1999).

## **KANSAS**

Kansas law requires locomotives operating at night to be equipped with headlights. These headlights are required to possess sufficient power to illuminate an object the size of a man at a distance of eight hundred feet.

### **Penalty**

Violation of this section is a misdemeanor, and conviction brings a fine of not less than one hundred or more than five hundred dollars for each offense. Kan. Stat. Ann. §§ 66-261-262 (1999).

All trains are required to give an audible warning (air whistle) at least four times (two long, one short and one long blast) beginning at least eighty rods (1,320 feet or 440 yards) from the crossing. The warning is to be prolonged or repeated until the crossing is occupied by the train. This requirement does not apply in cities or villages. The penalty is a fine to be paid by the railroad of not more than twenty dollars for every violation. The suit is to be brought by the county attorney, with one half of the penalty going to the informer and the other half to the county treasurer. Kan. Stat. Ann. § 66-2-120 (1999).

## **KENTUCKY**

Railroad companies operating within the state must provide each locomotive with a whistle and a bell of ordinary size. The whistle and bell must be sounded at a distance of at least fifty rods (753 feet), and either the whistle or bell shall be sounded continuously or alternately until the engine has reached the crossing.

### **Local Option**

A city, county, urban-county or charter county government may regulate the sounding of train whistles at night if any such body enacts an ordinance adopting the provisions of Emergency Order Number 15, Notice Number 4, issued by the Federal Railroad Administration on August 31, 1993. Ky. Rev. Stat. Ann. § 277.190(1)-(2) (Baldwin 1999).

## **LOUISIANA**

Louisiana law requires trains to use an audible warning (either a bell or a whistle) at a distance of three hundred yards from a highway-rail crossing up to the crossing itself. La. Rev. Stat. Ann. § 32:168 (West 1999).

## **MAINE**

Maine law requires a train to give an audible warning nine hundred ninety feet from a highway-rail crossing. The state requires the continuous use of a bell between the initial signal point and the crossing, although it allows repeated use of either the horn or the whistle instead. Maine does not specify the number of blasts, only that use of the whistle or horn is required at the initial signal point. Me. Rev. Stat. Ann. tit. 23, § 7214 (West 1999).

## **MARYLAND**

Maryland law lists no applicable statute.

## **MASSACHUSETTS**

Massachusetts law requires a whistle and a bell of at least thirty-five pounds in weight be placed on each locomotive. The whistle is to be sounded, or the bell is to be rung for at least three separate and distinct blasts at the distance of at least eighty rods from the crossing. The



whistle and bell shall be sounded continuously or alternately until the engine has passed through the crossing. Mass. Ann. Laws ch. 160, § 138 (Law. Co-op. 1999).

The Department, upon petition, and after notice to the railroad and a public hearing, may, for good cause shown, recommend to the railroad such changes as it considers proper in the manner of making up and shifting freight trains or freight cars, and of sounding of whistles on locomotives; and it may by written order forbid or regulate the sounding of whistles on the locomotives at any specified grade crossing of the tracks and any public way. Mass. Ann. Laws ch.160 § 139 (1999).

Massachusetts has an additional statute requiring a railroad train approaching within approximately one thousand five hundred feet of a highway crossing to emit a warning signal audible from such distance. Mass. Ann. Laws ch. 90, § 15 (Law. Co-op. 1999).

### **Penalty**

Whoever violates any provision of Section 15 shall be punished by a fine of not less than one hundred or more than two hundred dollars. Mass. Ann. Laws ch 90, § 15 (Law. Coop. 1999).

## **MICHIGAN**

Michigan law lists no applicable statute.

## **MINNESOTA**

### **Penalty**

An engineer driving a locomotive on a railway who fails (1) to ring the bell or sound the whistle on the locomotive, or have rung or sounded, at a distance of at least eighty rods from a place where the railway crosses a traveled road or street on the same level, except in cities, or (2) to continue ringing the bell or sounding the whistle at intervals until the locomotive and attached train have completely crossed the road or street, is guilty of a misdemeanor". Minn. Stat. § 219.567 (1999).

## **MISSISSIPPI**

Mississippi law requires the use of an audible warning, such as a whistle, horn, or thirty pound bell, at an initial signal point three hundred yards from the crossing. Mississippi allows repeated blasts of the horn or whistle if a continuous bell is not used. Miss. Code Ann. § 77-9-225 (1999).

## **MISSOURI**

### **Penalty**

Missouri law requires trains to begin to give audible warnings of their approach to a crossing eighty rods (1,320 feet or 440 yards) before the crossing is reached, and at regular intervals until the train is through the crossing. Failure to comply brings a penalty of twenty dollars for each violation. Mo. Rev. Stat. § 389.990 (1999).

All railroad companies operating within the state are required to equip, maintain, and use, upon every locomotive operating at night, an electric headlight of fifteen hundred candlepower brilliancy, measured with the aid of a reflector. The provisions of this law do not apply to independent lines of railroad less than seventy-five miles in length; and during the first ninety days of a strike of the particular employees whose duties are to repair and maintain electric headlights. Mo. Rev. Stat. § 389.900 (1998).

## **MONTANA**

Montana does not specify when locomotive headlights or other lights must be used, but it requires headlights that have at least fifteen hundred candlepower measured without the aid of a reflector.

### **Penalty**

A violation of this section is a misdemeanor and carries a fine of not less than one hundred or more than one thousand dollars for each offense. Mont. Code Ann. § 69-14-236 (1999).

## **NEBRASKA**

Nebraska law requires locomotives operating at night to be equipped with headlights. The headlight must be of sufficient candlepower to render plainly visible a grade crossing, warning sign, landmark, or track obstruction at a distance of not less than three hundred feet. Neb. Rev. Stat. § 74-592 (1999).

## **NEVADA**

Nevada law requires locomotives operating at night to be equipped with headlights. The headlight must have at least fifteen hundred candlepower measured without the aid of a reflector.

### **Penalty**

Any railroad that violates this section is liable to the Nevada Public Service Commission for a penalty of not more than one thousand dollars for each violation. Nev. Rev. Stat. § 705.360 (1999).

## **NEW HAMPSHIRE**

New Hampshire law requires locomotives operating at night to be equipped with an electric headlight with sufficient candlepower to be able to render anything plainly visible at a distance of three hundred feet. N.H. Rev. Stat. Ann. § 367:57 (1999).

## **NEW JERSEY**

New Jersey specifies a distance of three hundred yards from a highway-rail crossing as the point at which a train must begin to give audible warning of its approach. If a bell is used for this purpose, it must weigh thirty pounds. New Jersey law also requires continuous use of the whistle or horn, if the continuous bell is not used, from the initial signal point to the crossing.

### **Penalty**

If in default, the railroad company shall pay a penalty of one hundred dollars to be sued for by any informer within ten days after the infraction. N.J. Rev. Stat. § 48:12-57 (1999).

New Jersey law requires headlights on trains but does not specify size or illumination. N.J. Rev. Stat. § 48:12-90.1 (1999).

## **NEW MEXICO**

New Mexico law requires trains to give audible warnings of their approach to a highway-rail crossing eighty rods (1,320 feet or 440 yards) before the crossing. If a bell is used for this purpose, the weight of the bell must be twenty pounds.

Trains operating within the state are required to use headlights with sufficient power to permit visibility of an object the size of a man from a distance of at least eight hundred feet with the aid of a reflector. No time period for headlight use is specified. N.M. Stat. Ann. §§ 63-3-29-34 (Michie 1999).

### **Penalty**

A violation of these sections will result in a penalty of one hundred dollars and liability for damages. N.M. Stat. Ann. § 63-3-29-34 (Michie 1999).

## **NEW YORK**

New York law requires a person acting as an engineer, driving a locomotive on any railway to ring the bell or sound the whistle at least eighty rods from any place where the railway crosses a traveled road or street at grade, except in cities; and to continue to ring the bell or sound the whistle at intervals until the entire train has completely crossed the road or street. N.Y. Railroad Law § 53b (McKinney 1999).

## **Penalty**

A violation of this section is a misdemeanor. N. Y. Railroad Law § 53b (McKinney 1999).

## **NORTH CAROLINA**

North Carolina law lists no applicable statute.

## **NORTH DAKOTA**

North Dakota requires trains to give audible warning of their approach to a highway-rail crossing eighty rods (1,320 feet or 440 yards) before the crossing. If a bell is used for this purpose, North Dakota requires the bell to weigh thirty pounds. The law requires continuous use of the whistle or horn, if a continuous bell is not used, from the initial signal point to the highway-rail crossing. N.D. Cent. Code § 49-11-21 (1999).

## **Penalty**

A violation of the preceding section by either the owner of the railroad or the locomotive engineer is an infraction. N.D. Cent. Code §§ 49-11-22 -23 (1999).

## **OHIO**

State law in Ohio requires locomotives to be equipped with a bell of ordinary size in use on such engines and a steam or compressed air whistle. When approaching a crossing, the engineer or person in charge of the train shall sound the whistle at a distance of at least eighty rods (1,320 ft or 440 yards) and ring the bell continuously until the engine passes the crossing. Ohio Rev. Code Ann. § 4955.32 (A) (B) (Anderson Supp. 2001).

## **Penalty**

If a person in charge of a locomotive fails to sound the locomotive whistle at frequent intervals beginning not less than 1,320 feet from a crossing, that person is guilty of a misdemeanor of the fourth degree. If the violation causes physical harm to any person, then the offender is guilty of a misdemeanor of the third degree. Ohio Rev. Code Ann. § 4999.04 (Anderson Supp. 2001).

In October of 2000, a new law took effect in concerning alternative audible warning systems. The Public Utility Commission was given the authority to evaluate alternative systems for providing audible warnings of an approaching locomotive engine. The Commission may approve the use of an audible warning system as an alternative to the whistle and bell required only if it determines that the alternative audible warning system complies with applicable Federal requirements for an audible warning of an approaching train, and only if train-activated warning devices also are present at any crossing at which the alternative audible warning system is installed. The Commission shall establish guidelines for the use and operation of any

alternative audible warning system it approves. Ohio Rev. Code Ann. § 4955.32.1 (Anderson Supp. 2001).

## **OKLAHOMA**

Oklahoma law requires that trains give an audible warning of their approach eighty rods (1,320 feet or 440 yards) before a crossing. The state requires continuous use of the whistle or horn, if a continuous bell is not used, from the initial signal point to the crossing. The bell used must weigh thirty pounds.

Oklahoma requires locomotives operating at night to be equipped with headlights that have a candlepower of at least fifteen hundred measured without the aid of a reflector. Okla. Stat. tit. 66, § 95 -126 (1999).

### **Penalty**

A train operator who fails to ring the bell or sound the whistle upon approaching a crossing is punishable by a fine not exceeding fifty dollars or by imprisonment in the county jail for a period not exceeding sixty days. Okla. Stat. Ann. tit. 21, § 1253 (West 1999).

## **OREGON**

Oregon law requires locomotives operating at night to be equipped with headlights with enough power to distinguish a man-sized object at night at a distance of eight hundred feet. Or. Rev. Stat. § 761.310 (1999).

### **Penalty**

See Section 761.990 concerning penalties.

## **PENNSYLVANIA**

Pennsylvania law lists no applicable statute.

## **RHODE ISLAND**

Rhode Island requires that trains have a bell weighing thirty-two pounds. The operator must ring the bell at a distance of at least eighty rods (1,320 feet or 440 yards) from the grade crossing and continue ringing the bell through the crossing.

### **Penalty**

Failure to comply with this section may bring a fine not exceeding one thousand dollars, and the railroad shall be liable for all damages as a result of failure to comply. R.I. Gen. Laws §§ 39-8-14 -15 (1999).

## **SOUTH CAROLINA**

The law requires the continuous use of a warning sound, such as a bell, steam, or air whistle starting at a distance of at least five hundred yards from the crossing and until the engine is through the crossing. South Carolina law requires that the bell weigh thirty pounds. S.C. Code Ann. § 58-15- 910 (Law. Co-op. 1999).

## **SOUTH DAKOTA**

South Dakota law lists no applicable statute.

## **TENNESSEE**

Tennessee law requires repeated use of a bell or whistle for a distance of one quarter of a mile from the crossing, and at short intervals until the train has passed through the crossing. Tenn. Code Ann. § 65-12-108 (1999).

## **TEXAS**

A railroad company is required to have on each locomotive a bell weighing at least 30 pounds and a steam whistle, air whistle, or air horn.

The engineer in charge of the locomotive is required to ring the bell and blow the whistle or siren at least one-quarter mile from the place where the railroad crosses a public road or street. The engineer shall ring the bell continuously until the locomotive has crossed the road or stopped.

### **Penalty**

The engineer in charge of the locomotive commits an offense if the engineer violates this section. An offense under this subsection is a misdemeanor punishable by a fine of not less than five dollars or more than one hundred dollars. Tex. Transp. Code § 471.006(a-b-d) (1999)

Texas law requires trains to have headlights of not less than fifteen hundred candlepower measured without the aid of a reflector. Tex. Rev. Civ. Stat. Ann. art. 6372 (West 1999).

### **Penalty**

A violation of this section brings a penalty of not less than one hundred or more than one thousand dollars for each offense. Tex. Rev Civ. Stat. Ann. art. 6372 (West 1999).

### **Local Option**

Notwithstanding these subsections, the governing body of a municipality having a population of at least 5,000 may regulate by ordinance the ringing of bells and blowing of whistles and sirens within its limits. Compliance with the ordinance is compliance with these

subsections and a sufficient warning to the public at a crossing the ordinance affects. Tex. Transp. Code § 471.006(e) (1999).

## **UTAH**

Utah requires continuous use of a bell or other audible warning between an initial signal point and the crossing. Trains are required to give audible warning of their approach to a crossing eighty rods (1,320 feet or 440 yards) before the crossing, except in towns when the distance shall be one quarter of a mile. Utah Code Ann. § 56-1-14 (1999).

## **VERMONT**

Vermont requires trains to sound an audible warning device in advance of each public crossing. The device must be of the type approved by the Federal Railroad Administration. No required distance in advance of the crossing is specified; just that it must be continuous up to and through the crossing. Vt. Stat. Ann. tit. 5, § 3582 (1999).

### **Local Option**

The statute provides that a local agency of transportation may prohibit the sounding of audible warning devices at both public and private grade crossings, provided they are equipped with the following safety features or other safety features of similar effect:

- (1) Flashing lights in each direction which are automatically activated by approaching trains.
- (2) Two gates, one on each side of the crossing, both of which are automatically lowered by the approaching train and both extended across approximately half the width of the lanes of traffic so the entire width of the lanes of traffic is blocked when the gates are lowered.
- (3) A bell that is automatically activated by an approaching train.
- (4) Overhead street lights.
- (5) Signs posted before the crossing in each direction warning motorists and pedestrians of the crossing ahead.
- (6) Posted speed limits for traffic of not more than 40 miles per hour.
- (7) Not more than two lanes of vehicular traffic in each direction at the crossing.

No prohibition under this section shall become effective until the Federal Railroad Administration grants a waiver or exemption under 49 U.S.C. § 20153.

Any railroad operating a train over a crossing at which the agency has prohibited the sounding of audible warning devices shall not, on the basis of its omission to sound an audible warning device, be liable to any person for death, personal injury, or property damage resulting from use of the crossing.

Nothing in this section prohibits a railroad from using an audible warning device in emergency circumstances.

Additionally, a municipality in which a crossing is located, shall not, on the basis of the railroad's omission to sound an audible warning device because of a prohibition by the agency, incur liability to any person for death, personal injury or property damage resulting from the use of the crossing. Vt. Stat. Ann. tit. 5, § 3582 (1999).

## **VIRGINIA**

Virginia requires audible warning be given between three hundred and six hundred yards of the crossing. Local governments in Virginia may require the sounding of the whistle upon approaching designated railroad trestles or bridges having lengths of one hundred feet or more. Va. Code Ann. § 56-429 (Michie 1999).

Virginia law requires locomotives operating at night to be equipped with headlights. The headlights must have a brilliance of at least five hundred candlepower measured with the aid of a reflector. Va. Code Ann. § 56-413 (Michie 1999).

## **WASHINGTON**

It is unlawful in the State of Washington to fail to ring a bell or sound a whistle upon approaching a crossing from at least eighty rods (1,320 feet or 440 yards), except in cities.

### **Penalty**

Violation of this section is a misdemeanor. Wash. Rev. Code § 81.48.010 (1999).

## **WEST VIRGINIA**

West Virginia law requires the continuous use of a bell, horn, or whistle for a distance of at least sixty rods from a crossing and up to and through the crossing.

### **Penalty**

Failure to do so is a misdemeanor and is punishable by a fine not to exceed one hundred dollars. W. Va. Code § 31-2-8 (1999).

## **WISCONSIN**

State law requires that locomotive engines be equipped with whistles or horns mounted to face the direction in which the engine is moving. Such whistles or horns must be placed to emit warning sounds at sound levels which are in accord with established practices to warn employees and the public of the approach of the engine. Wis. Stat. § 192.15 (1999).

All trains operating at night must be equipped with an electric headlight of sufficient candlepower to render plainly visible anything in advance of the train at a distance of two hundred feet. Wis. Stat. § 192.266 (1999).



## **WYOMING**

Wyoming law lists no applicable statute.