

MAINE STATE LEGISLATURE

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ONE HUNDRED AND SIXTH LEGISLATURE

Legislative Document

No. 1082

H. P. 815

House of Representatives, February 22, 1973

Referred to Committee on Public Utilities. Sent up for concurrence and ordered printed.

E. LOUISE LINCOLN, Clerk

Presented by Mr. O'Brien of Portland by request.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-THREE

AN ACT Relating to Railroad Crossings.

Be it enacted by the People of the State of Maine, as follows:

Sec. 1. R. S., T. 35, § 816, amended. Section 816 of Title 35 of the Revised Statutes is amended to read as follows:

§ 816. Temporary crossings for lumbering operations

A railroad company may, for the purpose of accommodating lumbering operations and for the transportation in ordinary vehicles of wood, coal, ice, hay or other commodities, establish and maintain temporary crossings of any railroad operated by it, by agreement with any person who may request such crossing for such purposes. Upon petition, the ~~commission~~ **Department of Transportation**, after notice and hearing, may direct any railroad company to establish and maintain such temporary crossings at such places on its line of road as said ~~commission~~ **Department of Transportation** shall deem expedient, and thereupon said railroad company shall establish such crossing and maintain the same in accordance with this section and sections 817 to 819.

Whenever in the opinion of the ~~commission~~ **Department of Transportation** any temporary railroad crossing established under this section is no longer necessary, said ~~commission~~ **Department of Transportation** may, on its own motion or on petition of any interested party, after notice and hearing, order such crossing discontinued.

Sec. 2. R. S., T. 35, § 818, amended. Section 818 of Title 35 of the Revised Statutes, as repealed and replaced by chapter 202 of the public laws of 1971, is amended to read as follows:

§ 818. Precautions at crossings

No team or vehicle shall be driven over any such crossing unless such team or vehicle shall first be stopped within a reasonable distance from the nearest rail of such crossing, and the operator, by looking and listening, shall have determined that nothing is approaching on the tracks of such railroad. Nothing in this section shall prevent the ~~commission~~ **Department of Transportation** from making such further regulations for safety at any such crossing established under ~~their~~ **its** direction, as ~~they~~ **it** may deem expedient or necessary.

Sec. 3. R. S., T. 35, § 819, amended. Section 819 of Title 35 of the Revised Statutes is amended to read as follows :

§ 819. Crossings kept open part of year; expense apportioned

Each such crossing shall be kept open only during such time each year as the parties interested therein may agree upon, or as the ~~commission~~ **Department of Transportation** may specify in cases where the ~~commission~~ **Department of Transportation** directs such crossings to be established. When the ~~commission~~ **Department of Transportation** shall direct any such temporary crossing to be established, ~~they~~ **it** shall determine who shall bear the expense of establishing and maintaining such crossing and ~~they~~ **it** may, if ~~they~~ **it** ~~see~~ **sees** fit, apportion such expense between the railroad company and the person or persons who shall have petitioned for such crossing. The expense of the crossing signs and the planking between the rails shall in any event be borne by the railroad company.

Sec. 4. R. S., T. 35, § 821, amended. The 2nd sentence of section 821 of Title 35 of the Revised Statutes is amended to read as follows :

Every such corporation shall cause a whistle and a bell of at least 35 pounds in weight to be placed upon each locomotive used upon its railroad, and such whistles shall be sounded as a warning beginning at a distance of 60 rods on standard or narrow gauge railroads from all crossings of such ways on the same level, unless the ~~commission~~ **Department of Transportation** upon petition of the corporation or of the municipal officers or of 10 or more residents of any city or town in which such crossing is located, after notice and hearing, shall order the sounding of such whistle to be discontinued in any city or village until further order of the ~~commission~~ **Department of Transportation**.

Sec. 5. R. S., T. 35, § 822-A, additional. Title 35 of the Revised Statutes is amended by adding a new section 822-A, to read as follows :

§ 822-A. Right of entry

The officers, agents and employees of the Department of Transportation shall have the right to enter in and upon property of any railroad corporation for the purpose of inspecting railroad - highway crossings and attendant facilities to include grade separation facilities.

Sec. 6. R. S., T. 35, § 1178, amended. Section 1178 of Title 35 of the Revised Statutes is amended to read as follows :

§ 1178. Speed limit at highway grade crossings

The ~~Public Utilities Commission~~ **Department of Transportation** is authorized to fix a maximum speed limit at which trains may be run over any grade crossing of a highway or other way and, when such limit has been fixed by said ~~commission~~ **Department of Transportation**, no engine or train shall be run over such crossings at a greater speed than that fixed by the ~~commission~~ **Department of Transportation** and no way shall be unreasonably and negligently obstructed by engines, tenders or cars. Any railroad corporation forfeits not more than \$100 for every violation of this section.

Sec. 7. R. S., T. 35, § 1187, amended. The 2nd sentence of section 1187 of Title 35 of the Revised Statutes, as amended by section 21 of chapter 593 of the public laws of 1971, is further amended to read as follows:

The expense of installing, operating and maintaining any such signal, gates or other protective device or of providing such flagman shall be borne by the corporation operating the railroad passing over the crossing to be protected, except that at crossings located on state and state aid highways the expense of installing such signal, gates or other protective device shall be apportioned between such corporation and the State in such proportions as said department shall determine **and on town ways the expense of installing such signal, gates or other protective device shall be apportioned between such corporation and the municipality in which the crossing is located in such proportions as said Department of Transportation shall determine.**

STATEMENT OF FACT

It is the intent of this Act to apportion the cost of railroad crossings between the corporations and the municipality in proportions determined by the Department of Transportation.