

# MAINE STATE LEGISLATURE

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ONE HUNDRED AND SEVENTH LEGISLATURE

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Legislative Document

No. 1271

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H. P. 1013

House of Representatives, March 20, 1975

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

EDWIN H. PERT, Clerk

Presented by Mr. Kelleher of Bangor.

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STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SEVENTY-FIVE

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AN ACT Relating to Railroad Crossings.

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

Sec. 1. 35 MRSA § 816 is amended to read:

§ 816. Temporary crossings

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Sec. 2. 35 MRSA § 818, as repealed and replaced by PL 1971, c. 202, is amended to read:

**§ 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. 35 MRSA § 819** is amended to read:

**§ 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 see it~~ **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. 35 MRSA § 821** is amended to read:

**§ 821. Signboards at grade crossings; ringing of engine bells**

Every railroad corporation shall cause signboards with the words "Railroad Crossing" distinctly painted on each side thereof in letters plainly legible, to be placed and constantly maintained at the side of highways and town ways where they are crossed at grade by such railroads, on posts or other structures, in such position as to be easily seen by persons passing upon such ways. 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~~ **990 feet** 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**. Such bell shall be rung at a distance of ~~60 rods~~ **990 feet**, on standard or narrow gauge railroads, from such grade crossings and be kept ringing until the engine has passed the same. Upon petition of 10 or more residents of the State, after notice to the railroad corporation and a public hearing, the ~~commission~~ **Department of Transportation** may in writing order such corporation to give additional warning to travelers upon such ways by **requiring the sounding of such whistles or the ringing of such bells at other**

places where said railroads cross such public ways other than at grade or run contiguous thereto, and such orders shall have the same force and place the same obligations upon railroad corporations as when required under this section.

**Sec. 5.** 35 MRSA § 822-A is enacted to read:

**§ 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, including grade separation facilities.

**Sec. 6.** 35 MRSA § 1178 is amended to read:

**§ 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.

### STATEMENT OF FACT

These sections have been amended to transfer their functions from the Public Utilities Commission to the Department of Transportation. In addition, section 821 has been amended to change measurements from rods to feet.