

MAINE STATE LEGISLATURE

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EIGHTY - SEVENTH LEGISLATURE

Legislative Document

No. 587

H. P. 1350

House of Representatives, February 12, 1935.

Referred to Committee on Public Utilities, sent up for concurrence and 500 copies ordered printed.

HARVEY R. PEASE, Clerk.

Presented by Mr. Willey of Falmouth.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
THIRTY-FIVE

AN ACT Relating to Protection at Grade Crossings.

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

R. S., c. 64, § 88, amended. Section 88 of chapter 64 of the revised statutes as amended by chapter 85 of the public laws of 1933 hereby is amended to read as follows:

'Sec. 88. Public utilities commission may require installation of automatic signals at railroad crossings; expense, how borne; term defined. The public utilities commission is hereby given authority to require each steam railroad company operating within this state to install, operate, and maintain an automatic signal, gates or other protective device or to require a flagman to be stationed at any highway crossing within this state, where, after reasonable notice and hearing, said commission shall decide that public safety requires such signal, gates, other protective device or flagman as a proper measure of protection. 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 and by the state of Maine in such proportions as the commission shall determine; in apportioning such expense said commission shall give due consideration to whether the

railroad was located across the highway or the highway located across the railroad, to the volume of travel on the highway, to the number of trains operated by the railroad across the highway, and to all other relevant facts and circumstances. Wherever the term "signal" or "automatic signal" is used in this chapter, the same shall be construed to be an appliance which gives warning of the approach of a train and which is either audible and visible by day and by night, or audible or visible, as may be determined by the commission. Any railroad corporation which, voluntarily or pursuant to an order issued under the provisions of any statute of the state of Maine, has erected and is operating gates, is employing a flagman or flagmen, or has installed automatic signals, at any crossing at grade of its railroad and a highway, may petition the public utilities commission to determine if conditions justify a change in the method of protection or in the order. Said commission shall give reasonable notice to the municipal officers in the city or town in which the crossing is located, to the state highway commission, and to the railroad corporation, of the date on which a hearing will be held on such petition. Said commission, after said hearing, may grant the petition, may order the existing protection to be continued, or may order a change in the method of protecting the crossing. If the order of said commission requires that gates be erected, operated and maintained, or that existing gates be operated and maintained, or requires that a flagman or flagmen protect the crossing, or requires that automatic signals be installed and maintained, or that existing automatic signals be maintained, said commission shall determine the portion of the expense of installing, operating or maintaining gates or automatic signals, or the portion of the expense of employing a flagman or flagmen, which shall be borne by the railroad corporation and by the state of Maine; in apportioning such expense said commission shall give due consideration to whether the railroad was located across the highway or the highway located across the railroad, to the volume of travel on the highway, to the number of trains operated by the railroad across the highway, and to all other relevant facts and circumstances.'