

189.560 Railroad crossings -- Duties of motor vehicle operators and commercial drivers -- Railroad's liability for death or injury.

- (1) The operator of a vehicle shall stop and remain standing at a railroad grade crossing when any of the following conditions exist:
 - (a) A visible electric or mechanical signal device warns of the immediate approach of a railroad train;
 - (b) A crossing gate is lowered warning of the immediate approach or passage of a railroad train;
 - (c) An approaching train is visible and in hazardous proximity; or
 - (d) A human flagman signals the approach or passage of a train.
- (2) In addition to subsection (1) of this section, a person who holds or is required to hold a CDL as defined in KRS 281A.010 and is driving a commercial motor vehicle shall:
 - (a) Slow down and check that the railroad tracks are clear of an approaching train;
 - (b) Stop and remain standing at a railroad grade crossing if the railroad tracks are not clear;
 - (c) Maintain sufficient space to drive completely through the railroad grade crossing without stopping; and
 - (d) Negotiate a railroad grade crossing only with sufficient undercarriage clearance.
- (3) Whenever the tracks of any railroad or interurban railway over which trains or cars are regularly operated cross a state maintained highway at grade, the cabinet may designate that crossing as "unsafe," and no operator of any vehicle shall cross the crossing without first bringing his vehicle to a full stop no closer than a marked stop line or fifteen (15) feet, nor more than thirty (30) feet, from the nearest rail of the tracks.
- (4) At crossings designated "unsafe," the cabinet shall place and maintain on each side of the tracks on the right side of the highway, at the marked stopping position, or, if the stopping position is not marked, on the pavement not more than twenty-five (25) feet in advance of the track, an octagonal shape sign of a type and size currently approved for use by the cabinet bearing the word "Stop" in white letters not less than ten (10) inches in height.
- (5) The cabinet shall install the signs described in subsection (3) of this section, within sixty (60) days after the crossing is designated unsafe.
- (6) Subsections (3) to (5) of this section shall not apply to grade crossings at which have been constructed and maintained gates, electric warning signals, or other automatic audible signals, or which are protected by watchmen.
- (7) The failure to observe subsections (3) to (6) of this section shall not change the liability of any railroad or interurban railway in the trial of any civil case against the railroad or interurban railway for death or injuries, to person or property.
- (8) If subsection (7) of this section is declared unconstitutional, then subsections (3) to (8) of this section shall be ineffective.

Effective: June 25, 2013

History: Amended 2013 Ky. Acts ch. 21, sec. 2, effective June 25, 2013. -- Amended 2006 Ky. Acts ch. 173, sec. 21, effective July 12, 2006. -- Amended 1992 Ky. Acts ch. 229, sec. 3, July 14, 1992. -- Amended 1970 Ky. Acts ch. 86, sec. 1. -- Amended 1964 Ky. Acts ch. 65, sec. 5. -- Recodified 1942 Ky. Acts ch. 208, sec. 1, effective October 1, 1942, from Ky. Stat. sec. 2739g-69w, 4353b-1 to 4353b-5.