

Kansas Administrative Regulations

Kansas Department of Transportation

Article 26.—Railroad Grade Crossings

36-26-1. Railroad grade crossings; stopping required.

(a) K.S.A. 8-1553 requires that the drivers of certain types of motor vehicles, before crossing at grade any track or tracks of a railroad, shall stop such vehicle within 50 feet but not less than 15 feet from the nearest rail of such railroad and while so stopped shall listen and look in both directions along such track for any approaching train, and for signals including active flashing light signals with or without gates or bells indicating the approach of a train, and shall not proceed until the driver can do so safely. After stopping as required and upon proceeding when it is safe to do so, the driver of any vehicle shall cross only in such gear of the vehicle that there will be no necessity for manually changing gears while traversing such crossing and the driver shall not manually shift gears while crossing the track or tracks. Following are the types of vehicles for which this regulation applies:

- (1) Every school or commercial bus;
- (2) every motor vehicle transporting any quantity of chlorine;
- (3) every motor vehicle which, in accordance with the regulations of the department of transportation, is required to be marked or placarded with one of the following markings:

- (A) Explosives A;
- (B) Explosives B;
- (C) Poison Gas;
- (D) Flammable solid W;
- (E) Radioactive;
- (F) Flammable;
- (G) Blasting agent;
- (H) Nonflammable gas;
- (I) Chlorine;

- (J) Poison;
- (K) Oxygen;
- (L) Flammable gas;
- (M) Combustible;
- (N) Flammable solid;
- (O) Oxidizer;
- (P) Organic peroxide;
- (Q) Corrosive; or
- (R) Dangerous;

(4) every cargo tank motor vehicle, whether loaded or empty, used for the transportation of any hazardous material as defined in 49 C.F.R. 170-189;

(5) every cargo tank motor vehicle transporting a commodity which at the time of loading has a temperature above its flashpoint as determined by 49 C.F.R. 173.115;

(6) every cargo tank motor vehicle, whether loaded or empty, transporting any commodity under an exemption issued in accordance with 49 C.F.R. 107.101-107.123.

(b) Exceptions to the requirement for vehicles to stop at every railroad grade crossing shall be:

(1) Any railroad grade crossing at which traffic is controlled by a police officer or human flagman;

(2) any railroad grade crossing controlled by a functioning highway traffic signal transmitting a green indication which, under local law, permits the vehicle to proceed across the railroad tracks without slowing or stopping;

(3) any railroad grade crossing which has been abandoned or its use discontinued with track or tracks still in place with a sign reading "TRACKS OUT OF SERVICE";

(4) any industrial or spur line railroad grade crossing marked with a sign reading "EXEMPT." Such exempt signs shall be erected only by or with the consent of the appropriate state or local authority;

(5) a railroad grade crossing used exclusively for industrial switching purposes, within a business district defined in K.S.A. 8-1407, and amendments, thereto. This type of crossing shall also, as in the previous section (d), be marked with a sign reading "EXEMPT."

(Authorized by and implementing K.S.A. 1989 Supp. 8-1553; effective May 1, 1976; amended May 1, 1983; amended May 1, 1984; amended May 1, 1989; amended Aug. 13, 1990.)

***** Authenticated Kansas Administrative Regulation *****