Federal Railroad Administration, DOT

§ 234.305 Remedial actions in response to reports of unsafe conditions at highway-rail and pathway grade crossings.

(a) General rule on response to credible report of warning system malfunction at a highway-rail grade crossing. (1) If a railroad receives a credible report of a warning system malfunction at a highway-rail grade crossing pursuant to §234.303(c)(1) and the railroad has maintenance responsibility for the warning system to which the report pertains, then it shall take the appropriate action required by subpart C of this part.

(b) General rule on response to public report of warning system malfunction at a highway-rail grade crossing. (1) If a railroad receives a public report of a warning system malfunction at a highway-rail grade crossing pursuant to §234.303(c)(1) and the railroad has maintenance responsibility for the warning system to which the report pertains, it shall promptly contact all trains that are authorized to operate through the highway-rail grade crossing in an effort to notify the train crews of the reported malfunction prior to each train's arrival at the crossing. After contacting the appropriate trains, the railroad shall then promptly contact the maintaining railroad and inform it of the reported malfunction. The maintaining railroad shall then take the appropriate action required by subpart C of this part.

(c) Reportable unsafe conditions at highway-rail grade crossings. Each railroad shall establish a service pursuant to paragraph (a) of this section, except as provided in paragraphs (b) and (e) of this section, and in §234.306(a), to receive telephone calls regarding the following conditions with respect to a highway-rail grade crossing through which it dispatches a train:

(1) A warning system malfunction at the highway-rail grade crossing;

(2) A disabled vehicle or other obstruction blocking a railroad track at the highway-rail grade crossing;

(3) An obstruction to the view of a pedestrian or a vehicle operator for a reasonable distance in either direction of a train's approach to the highway-rail grade crossing; or

(4) Any information relating to any other unsafe condition at the highway-rail grade crossing.

(d) Reportable unsafe conditions at pathway grade crossings. Each railroad shall establish a service pursuant to paragraph (a) of this section, except as provided in paragraphs (b) and (e) of this section, and in §234.306(a), to receive telephone calls regarding the following conditions with respect to a pathway grade crossing through which it dispatches a train:

(1) A failure of the active warning system at the pathway grade crossing to perform as intended;

(2) An obstruction blocking a railroad track at the pathway grade crossing;

(3) An obstruction to the view of a pedestrian or a vehicle user for a reasonable distance in either direction of a train's approach to the pathway grade crossing; or

(4) Any information relating to any other unsafe condition at the pathway grade crossing.

(e) Class II or Class III railroads. A Class II or Class III railroad that dispatches one or more trains through a highway-rail or pathway grade crossing within an area in which the use of a non-toll-free number would not incur any additional fees for the caller than if a toll-free number were used, may use that non-toll-free number to receive calls pursuant to paragraph (a) of this section regarding each such crossing in that area.

(f) Reports not made through the ENS. If a report of an unsafe condition at a highway-rail or pathway grade crossing is not made through the telephone service described in paragraph (a) of this section, this subpart E does not apply to that report.
§ 234.305  After contacting the appropriate trains, the railroad shall then promptly contact the law enforcement agency having jurisdiction over the highway-rail grade crossing and provide the necessary information for the law enforcement agency to direct traffic or carry out other activities to maintain safety at the highway-rail grade crossing. The railroad shall then promptly investigate the report, determine the nature of the malfunction and take the appropriate action required by § 234.207.

(2) If a railroad receives a public report of a warning system malfunction at a highway-rail grade crossing warning system pursuant to § 234.303(c)(1) and the railroad does not have maintenance responsibility for the warning system at the highway-rail grade crossing, it shall promptly contact all trains that are authorized to operate through the highway-rail grade crossing to which the report pertains in an effort to notify the train crews of the reported malfunction prior to each train's arrival at the crossing. After contacting the appropriate trains, the railroad shall then promptly contact the law enforcement agency having jurisdiction over the highway-rail grade crossing and provide the necessary information for the law enforcement agency to direct traffic or carry out other activities to maintain safety at the highway-rail grade crossing. The railroad shall then promptly investigate the report, determine the nature of the failure, and without undue delay repair the active warning system if necessary.

§ 234.306  General rule on response to report of a disabled vehicle or other obstruction blocking a railroad track at a highway-rail or pathway grade crossing.

(1) If a railroad receives a report of a disabled vehicle or other obstruction blocking a railroad track at a highway-rail or pathway grade crossing pursuant to § 234.303(c)(2) or (d)(2), and the railroad has maintenance responsibility for the warning system to which the report pertains, the railroad shall promptly contact all trains that are authorized to operate through the crossing in an effort to notify the train crews of the reported failure prior to each train's arrival at the crossing. After contacting the appropriate trains, the railroad shall then promptly contact the law enforcement agency having jurisdiction over the pathway grade crossing and provide the necessary information for the law enforcement agency to direct traffic or carry out other activities to maintain safety at the pathway grade crossing. The railroad shall then promptly investigate the report, determine the nature of the failure, and without undue delay repair the warning system if necessary.

(2) If a railroad receives a report of a disabled vehicle or other obstruction blocking a highway-rail or pathway grade crossing, pursuant to § 234.303(d)(1), but does not have maintenance responsibility for the warning system to which the report pertains, the railroad shall promptly contact all trains that are authorized to operate through the pathway grade crossing to which the report pertains in an effort to notify the train crews of the reported failure prior to each train's arrival at the crossing. After contacting the appropriate trains, the railroad shall then promptly contact the law enforcement agency having jurisdiction over the pathway grade crossing and provide the necessary information for the law enforcement agency to direct traffic or carry out other activities to maintain safety at the pathway grade crossing. The railroad shall then promptly contact the maintaining railroad and inform it of the reported failure. The maintaining railroad shall then promptly investigate the report, determine the nature of the failure, and without undue delay repair the warning system if necessary.
appropriate trains, the railroad shall then promptly contact the law enforce-
ment agency having jurisdiction over
the crossing to provide it with the in-
formation necessary to assist in the re-
moval of the reported track obstruc-
tion or to carry out other activities to
maintain safety at the crossing. The railroad shall then promptly inves-
tigate the report, determine the nature of
the obstruction, and without undue delay take the necessary action to have
the obstruction removed.

(2) If a railroad receives a report of a
disabled vehicle or other obstruction
blocking a railroad track at a highway-
rail or pathway grade crossing, pursuant to §234.303(c)(2) or (d)(2), but does
not have maintenance responsibility
for the crossing to which the report
pertains, the railroad shall promptly
contact all trains that are authorized
to operate through the crossing to
which the report pertains in an effort
to notify the train crews of the re-
ported obstruction prior to each train’s
arrival at the crossing. After con-
tacting the appropriate trains, the rail-
road shall then promptly contact the
law enforcement agency having juris-
diction over the crossing to provide it
with the information necessary to as-
sist in the removal of the reported
track obstruction or to carry out other
activities to maintain safety at the
crossing. The railroad shall then
promptly investigate the report, de-
termine the nature of the ob-
struction, and without undue delay take
the necessary action to have the ob-
struction removed.

(e) Special rule on contacting a train
that is not required to have communi-
cation equipment. If a railroad is not re-
quired by §220.9 of this chapter to have
a working radio or working wireless
communications in each occupied con-
trolling locomotive of its trains and
the railroad receives a report pursuant
to §234.303(c)(1), (c)(2), (d)(1), or (d)(2)
about a highway-rail or pathway cross-
ing that any of the trains is authorized
to operate through, the railroad shall
promptly contact the occupied control-
ling locomotive of the train as required
by paragraph (a), (b), (c), or (d) of this
§234.305 by the quickest means avail-
able consistent with §220.13(a) of this
chapter.

(f) General rule on response to report of
an obstruction of view at a highway-rail
or pathway grade crossing. (1) Upon re-
ceiving a report pursuant to
§234.303(c)(3) or (d)(3), the railroad, if it is
both the dispatching and the main-
taining railroad, shall timely inves-
tigate the report and remove the ob-
struction if it is lawful and feasible to
do so.

(2) If the dispatching railroad is not
also the maintaining railroad, it shall
promptly contact the maintaining rail-
road, which shall timely investigate
the report and remove the obstruction
if it is lawful and feasible to do so.

(g) General rule on response to report of
other unsafe condition at a highway-rail
or pathway grade crossing. Upon receiv-
ing a report pursuant to §234.303(c)(4)
or (d)(4) related to the maintenance of
a crossbuck sign or other similar grade
crossing safety device or any other un-
safe condition (such as a pot hole that
could cause injury or damage) not cov-
ered by paragraph (a), (b), or (c) of this
§234.305, the railroad, if it is both the
dispatching and the maintaining rail-
road, shall timely investigate the re-
port; and, if the railroad finds that the
unsafe condition exists, it shall timely
correct it if it is lawful and feasible to
do so. If the dispatching railroad is not
also the maintaining railroad, it shall
timely inform the maintaining rail-
road, which shall timely investigate
the report; and, if the maintaining rail-
road finds that the unsafe condition ex-
ists, it shall timely correct it if it is
lawful and feasible to do so.

(h) General rule on a maintaining rail-
road’s responsibilities for receiving reports
of unsafe conditions at highway-rail and
pathway grade crossings. (1) In general.
If the dispatching railroad is required
under this section to contact the main-
taining railroad, the maintaining rail-
road shall—

(i) Provide the dispatching railroad
with sufficient contact information by
which the dispatching railroad may
timely contact the maintaining rail-
road upon receipt of a report; and

(ii) Have either a live person answer
calls directly and promptly, or use an
automated answering system for the

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§ 234.306 Multiple dispatching or maintaining railroads with respect to the same highway-rail or pathway grade crossing: Appointment of responsible railroad.

(a) Duty of multiple dispatching railroads to appoint a primary dispatching railroad for the crossing. (1) Where more than one railroad dispatches a train through the same highway-rail or pathway grade crossing, the dispatching railroads for the crossing shall appoint one of the railroads to be the primary dispatching railroad for the crossing and, as such, the primary dispatching railroad for the crossing shall do the following:
   (i) Provide its emergency telephone number to the railroad responsible for the placement and maintenance of the ENS sign(s) at the crossing;
   (ii) Receive all reports through ENS of unsafe conditions at the crossing as required by §234.303;
   (iii) After receiving a report of an unsafe condition at the crossing, promptly contact the maintaining railroad(s) for the crossing as required by §234.305; and
   (iv) Otherwise carry out its duties under this subpart as a dispatching railroad for the crossing, with respect to the crossing.

(b) Duty of multiple maintaining railroads to appoint a railroad responsible for the placement and maintenance of the ENS sign(s). (1) Where more than one railroad maintains the same crossing, the maintaining railroads for the crossing shall appoint one of the railroads to be responsible for the placement and maintenance of the ENS sign(s) at the crossing pursuant to §§234.309 and 234.311.
   (2) The railroad appointed under paragraph (b)(1) of this section shall display on the ENS sign(s) at the crossing the emergency telephone number of the dispatching railroad for the crossing or, if more than one railroad dispatches a train through the crossing, the emergency telephone number of the primary dispatching railroad for the crossing identified under paragraph (a) of this section.

(c) Duty of multiple maintaining railroads with respect to remedial action at the crossing. Where there are multiple