

Railroad Blocking Roadway



There is a state law in Virginia under Chapter 13 of the **Virginia Code of Law on Railroad Corporations, section 56-412.1**.

It states, in part, *"It shall be unlawful for any railroad company, or any receiver or trustee operating a railroad, to obstruct for a longer period than five minutes the free passage on any street or road by standing cars or trains across the same."*

The rule goes on to say that these companies could face up to \$500 per violation. However, the law does not apply to trains stopped due to "breakdown, mechanical failure or emergency."

The **State Corporation Commission's (SCC) Division of Utility & Railroad Safety** can review instances in which a train is blocking a crossing. The division will receive complaints and review the facts associated with the complaint.

However, "the train must be completely stopped with insufficient cause" and "any movement that begins within five minutes of stoppage is not considered 'blocking.'"

BUT, railroads are regulated by the **Federal Railroad Administration (FRA)**, and while there is a state law that seeks to penalize a train blocking a crossing, federal law preempts state and local laws.

Currently, there is no Federal regulation on the amount of time an idle train may block a public highway-rail grade crossing, although states and localities are not precluded from enacting and enforcing their own applicable laws. Some courts, however, have found state blocked crossing laws and regulations to be preempted by federal requirements because... "compliance with the state law negatively affects the railroad's ability to comply with Federal regulations" such as having to test their braking system.

The FRA has general authority to exercise jurisdiction over every area of railroad safety. And when blockages are widespread or recurring, the FRA is willing to work with local officials, railroads, and communities to resolve the issues.

If someone encounters a crossing blocked by a train and feel it is in violation of state and/or federal regulations or stopped with insufficient cause, you can file a complaint with the SCC by calling **804-371-9980**, toll-free within Virginia at **1-800-552-7945**, or mailing the **SCC's Division of Utility and Railroad Safety at P.O. Box 1197, Richmond, VA 23218**.

There is also an electronic Incident Report a citizen can file at: <https://www.scc.virginia.gov/urs/rr/index.aspx>

They advise "should you encounter a blocked crossing or other incident: First, contact the railroad at the toll-free number on the blue "ENS" sign, which is required by regulation to be posted at all grade crossings on each side of the track(s). Then, record the information from the sign, the number on the locomotive (if possible) and the amount of time the crossing was blocked to be added to the complaint information below.

The actual form can be viewed here:

https://www.scc.virginia.gov/publicforms/517/RR_incident.pdf



You can also file a complaint with the FRA at <https://www.fra.dot.gov/Page/P0001>. Click on the 'File An Alleged Violation' tab under the "How Do I...?" section. The FRA's regional offices will also take your call. You can find that number by clicking "Contact The Right Office?" under the same section. On the "Contact Us" page, click on "Regional Safety Offices" in the right column.

The federal complaint form is here: <https://www.fra.dot.gov/app/violationreport>

