

**189.561 Investigation of certain public grade crossings not equipped with gates --  
Results -- Costs.**

- (1) The cabinet shall investigate any public grade crossing not equipped with gates, with an average daily traffic of four thousand (4,000) or more, at which two (2) or more accidents involving a train and a vehicle traversing the crossing of a railroad and a highway have occurred in a consecutive five (5) year period, beginning January 1, 1986. The cabinet shall not consider nonfatal accidents caused by mechanical failure of the motor vehicle; accidents in which the operator of the highway motor vehicle was in violation of the provisions of KRS Chapter 189A; or other nonwarning signal related cause as set forth by the cabinet in an administrative regulation. If the cabinet installed active warning devices under its normal crossing safety improvement program since January 1, 1986, the five (5) year period for the determination of accidents shall begin at the time of this installation. The cabinet shall request written comments from the affected local government prior to reaching a decision on a particular crossing. After receiving a report from the affected local government supporting the installation of gates, the cabinet, utilizing matching funds available from the Federal Highway Administration's rail/highway grade crossing safety program, shall program the installation of gates at the crossing. Locations which do not receive a favorable report from the affected local government shall be reconsidered at the time of the next update of the five (5) year accident period.
- (2) The cost of installing gates shall be the responsibility of the cabinet and railroad in accordance with KRS 277.065 and shall not be charged to any unit of local government.

**Effective:** July 15, 1994

**History:** Amended 1994 Ky. Acts ch. 195, sec. 1, effective July 15, 1994. – Created 1992 Ky. Acts ch. 229, sec. 1, effective July 14, 1992.