

# Manhattan Mercury Column

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## I Wonder: Railroad should do trimming

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Q: With the train wrecks in the last week, I was wondering if Union Pacific is planning on re-evaluating some of its crossings. Also, who is responsible for trimming trees between railroad right-of-way and private property?

A: Let's take the second question first: The railroad is responsible for trimming trees and other maintenance on its own right-of-way, which is generally 50 feet to either side of the center of the tracks, according to Mark Davis, a spokesman for Union Pacific.

The U.P. generally trims at least once a year, maybe twice, Davis said. There are no plans to change that practice.

An accident June 3 killed Timothy E. Colbert, a passenger in a northbound Waste Management truck that was struck by a westbound train at the track's crossing with Howard Lane, a private road near St. George. There's a stop sign at that crossing, but no warning lights or gates. A Mercury report published June 5 indicated that the line of sight for a northbound car looking down the tracks to the east is partially blocked by a row of trees, and requires moving out closer to the crossing to see down the tracks.

Whether that creates an undue hazard is a matter of judgment; obviously, it's the kind of thing that could end up in court. **Bob Pottroff, a Manhattan attorney who specializes in railroad track crossing accident cases nationwide, said he has not been contacted and is aware of no case. But he said he drove out to the site of this wreck and put his car at the point at which he could see down the tracks. It took him 11 seconds to get across the tracks, but the view only allowed him a 4-second window, with the speed the train was traveling. "It's truly a Russian roulette," he said.**

Davis said the train crew blew the whistle when it saw the trash truck entering the tracks about a quarter-mile away, but couldn't get stopped in time.

The other fatal train incident lately — also on a private crossing near St. George — was ruled a suicide by the authorities.

With regard to re-evaluating crossings generally, Davis said the Kansas Department of Transportation sets the rules for what's required in terms of signs and warning signals. But KDOT only governs crossings on public roads; there are no regulations on private roads, Davis said. Neither Davis nor KDOT's Al Cathcart, a coordinating engineer in the bureau of design, indicated that there was any change contemplated in those rules.

The Howard Lane crossing actually has a stop sign with a small railroad-crossing symbol; Davis said that was "above and beyond" what's required, since there are no requirements for private crossings.

At public crossings, Cathcart said the state requires advance warning, pavement markings, and "crossbucks" — the term for the sign with the X on it. On a priority system based on traffic, the state also puts in gates and flashing lights, Cathcart said.

Cathcart said there are about 6,000 public crossings in Kansas. He said he's not sure, but estimates are that there are about half that many private crossings in the state.

You can submit a question to this column by e-mail to [questions@themercury.com](mailto:questions@themercury.com), or by regular mail to Questions, P.O. Box 787, Manhattan, KS 66505.