



U.S. Department of Transportation  
Federal Railroad Administration

**HIGHWAY–RAIL GRADE CROSSING ACCIDENTS (Revision Date: April 21, 2021)**

- The Federal Railroad Administration (FRA) is an agency in the United States Department of Transportation. As part of its rail safety mission, FRA investigates significant railroad accidents by conducting post-accident alcohol and drug tests on regulated employees (locomotive engineers, conductors, dispatchers, signal maintainers, and maintenance of way (track) workers) who may have contributed to the cause or severity of the accident.
- In most cases, FRA does not conduct post-accident tests on a train crew (usually, a locomotive engineer and a conductor) who has been involved in a highway-rail grade crossing accident. (See FRA’s alcohol and drug testing regulations at 49 CFR Part 219). A highway-rail grade crossing is a location where a public highway, road, street, or private roadway crosses one or more railroad tracks at grade.
- With the exception of **human factor involved accidents** (see below), FRA exempts train crews involved in highway-rail grade crossing accidents because a train’s stopping distance is much longer than that of a car or truck due to the greater weight of the train and its cargo (e.g., a typical train operating at 55 mph requires more than a mile to reach a complete stop). Because of the greater stopping distance required, by the time a crew spots a person or vehicle on the tracks, the train is already too close to stop before impact.
- FRA post-accident testing is required, however, if a railroad believes that a regulated employee may have played a role in the cause or severity of a highway-rail grade crossing accident (e.g., by violating a railroad operating rule or failing to flag oncoming traffic after a grade crossing signal activation failure).
- FRA regulations **preempt** state and local regulations requiring testing of railroad employees after train accidents, except for state and local criminal laws.
- Local law enforcement may test a regulated employee involved in a highway-rail grade crossing accident **under their own authority** if they have **probable cause** to believe that the crewmember contributed to the cause or severity of the accident. As explained above, the train crew’s involvement in a fatal crash is not by itself a basis for determining that probable cause for testing exists.
- For more information, contact Jerry Powers, (202) 493-6313; or Patricia Sun, (202) 493-6060.