

RAILROAD CROSSING--RAILROAD'S DUTY OF CARE--DUTY OF RAILROAD AS TO
OBSTRUCTIONS.

A railroad has a duty to use ordinary care to protect travelers from [injury] [damage] at crossings where the railroad knows or, in the exercise of ordinary care, should know that a traveler's view of the crossing from a reasonable distance down the highway is obstructed.¹ You may not infer a breach of this duty from the mere existence of an obstruction. A railroad must, however, use ordinary care to warn travelers with obstructed views of the approach of a train.²

A violation of this duty is negligence.

¹Parrish v. R.R., 221 N.C. 292, 298-99 (1942).

²Brown v. R.R. Co., 276 N.C. 398, 400 (1970); Cox v. Gallamore, 267 N.C. 537, 543 (1966); Kinlaw v. R.R., 269 N.C. 110, 117 (1966).

