

DEFENDANT BNSF
EXHIBIT
712.13

Defendant Liability for Crossing Conditions and Methods

Rule 12.1.2(2) "Stop before crossing track(s) unless the vehicle or off-track equipment is foul of a previously crossed track" requires a driver to keep driving after crossing House Track and through merging into highway traffic

Insufficient room for section truck to square up at East Main facing East for a driver to get a clear view down the tracks to the South without fouling House Track

Distance from tracks to apron too short to allow a driver to stop without fouling Main Track before merging with highway traffic

Insufficient room for section truck to square up at House Track facing East for a driver to get clear view down the tracks to the South

Place to stop for crossing:
- Not at crossing
- Faces vehicle away from train traffic from the South

Potential Train Traffic

Potential Train Traffic

Potential Train Traffic

Potential Highway Traffic

Potential Highway Traffic

Gap in the crossing requires a driver to watch and avoid it as he drives

Potential Train Traffic

Potential Train Traffic

Potential Train Traffic

Plaintiff's
Post-Verdict
Hearing
Exhibit #1