

203.58 RAILROAD CROSSING - RAILROAD'S DUTY OF CARE - DUTY TO  
MAINTAIN CROSSINGS.<sup>1</sup>

A railroad has a duty to exercise ordinary care to maintain a crossing over a public highway in such condition as to permit reasonably safe and convenient passage over it by persons who themselves exercise ordinary care in their use of it. (However, a railroad is not an insurer of the safety of travelers, and it is not required to maintain a foolproof crossing or a crossing where no injury is possible.)

A violation of this duty is negligence.

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1. *Price v. Railroad*, 274 N.C. 32, 39 (1968).