

N.C.P.I.-Motor Vehicle 203.58A
RAILROAD CROSSING-RAILROAD'S DUTY OF CARE-DUTY OF RAILROAD AS
TO OBSTRUCTIONS.
MOTOR VEHICLE VOLUME
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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.

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

2. *Brown 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).