

## CHAPTER 11.80

### RAILROADS

#### SECTION:

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**11.80.010: Requirement for Railroad to Maintain All Railroad Crossings in Good Repair Within the Corporate Limits of the City:** It shall be the duty of all railroads which have railroad tracks within the City limits to maintain that portion that they own of all road crossings within the City in good condition and repair, clean and free from all obstructions to street travel. (Ord. 1575 Sec. 1, 1971)

**11.80.020: Repair and Maintenance of Railroad Crossings Shall Be Under the Direction of the Department of Public Works:** It shall be the duty of the Director of Public Works to inspect all railroad crossings within the City limits. When the Director finds a railroad crossing not to be in good repair, he shall give notice by certified mail, to the local office of the railroad company in question, specifying the maintenance or repair required to remedy this situation. If the railroad company does not have a local office, then this notice shall be given to the nearest office of the railroad. (Ord. 1615 Sec. 1, 1972; Ord. 1575 Sec. 2, 1971)

**11.80.030: Penalty:** It is unlawful for any railroad operating within the City limits to fail to complete the necessary repairs or maintenance as specified by the Director of Public Works, as provided for in this Chapter, within sixty (60) days after the Director of Public Works has mailed notice of repair and maintenance required. Any railroad company who fails to complete the required maintenance or repair within sixty (60) days from the time of mailing the notice by the Director of Public Works is guilty of a class 2 infraction. (Ord. 3631 Sec. 3, 1995; Ord. 2858 Sec. 5, 1984; Ord. 1615 Sec. 2, 1972; Ord. 1575 Sec. 3, 1971)

**11.80.040: Obstructing or Delaying Trains:** Every person who shall obstruct, hinder or delay the passage of any car lawfully operated upon any railway or who shall place any obstruction on a railroad track, shall be guilty of a class 3 infraction. The registered owner or operator of any vehicle is liable for the obstruction of any car caused by the stopping, standing or parking of his vehicle. (Ord. 3631 Sec. 4, 1995; Ord. 3016 Sec. 2, 1986)

**11.80.050: Conductor or in His Absence the Engineer Responsible:** Whenever an act or omission is declared to be a violation of Sections 11.80.060 through 11.80.090, the conductor, or in his absence, the engineer, shall be the person responsible for the operation of the train, locomotive, car or cars unless the Operating Rules of the Railroad provide otherwise and in that case the person so designated by the operating rules shall be responsible. No person shall be liable for any act or omission without his control and no action bona fide taken to avoid accident or hazard or to comply with regulations imposed by any governmental agency shall be considered a violation of the following Sections. (Ord. 3190 Sec. 1 (part), 1990)

**11.80.060: Refusal to Stop a Train:** No person shall, while operating or in charge of a train, refuse or neglect to stop when signaled to stop by a uniformed peace officer. (Ord. 3190 Sec. 1 (part), 1990)

**11.80.070: Flagman at Grade Crossings:**

(1) When cars are shoved, kicked or dropped over road crossings at grade, a crew member must be in position, on the ground, at the crossing to warn traffic until it is occupied, and each movement over the crossing must be made only on his signal. Such warning is not required when:

- (a) Crossing gates are in fully lowered position; or
- (b) It can be seen by a crew member riding the leading car that no traffic is approaching crossing.

(2) When a movement has been delayed or has stopped within three hundred feet (300') of a road crossing equipped with automatic crossing warning device, or closely follows a preceding movement, such crossing must not be occupied by either a forward or a reverse movement unless the crossing warning device has been operating for twenty (20) seconds to provide warning.

If it is not known that such device has been operating twenty (20) seconds, a crew member must be on the ground at the crossing to warn traffic until the crossing is occupied.

(3) Crew members must observe all automatic crossing warning devices and report to the train dispatcher or proper authority by the first available means of communication any that are not working properly and give warning of other movements unless other means of warning traffic have been provided. (Ord. 3190 Sec. 1 (part), 1990)

**11.80.080: Blocking Intersections and Obstructing Emergency Vehicles:** No person shall stop any railroad train or car within an intersection except to avoid accident or upon direction of a peace officer, when it can be avoided. Railroad trains or cars obstructing any right of way shall be promptly moved to allow the passage of any emergency vehicle (Ord. 3190 Sec. 1 (part), 1990)

**11.80.090: Blocking Use of Street When Switching:** Cars or engines must be left clear of road crossing signal circuits. When it can be avoided, cars or engines must not be left standing nearer than two hundred fifty feet (250') to a road crossing. Automatic crossing signals must not be actuated unnecessarily by an open switch or by permitting equipment to stand within a controlling circuit. When this cannot be avoided, if the signals are equipped for manual operation, a crew member must manually operate the signals for the movement of traffic. A crew member must restore the signals to automatic operation before a crossing is occupied by a train or engine, or before leaving the crossing. A public crossing must not be blocked for more than five (5) minutes when it can be avoided. (Ord. 3190 Sec. 1 (part), 1990)

**11.80.900: Preemption:** Nothing in this chapter shall be construed as affecting directly or indirectly matters covered by the Federal Railway's Safety Act as preempted by 49 U.S.C. § 20106. Nothing in this chapter shall be construed as to require a certain speed or length of train. This chapter shall be construed consistently with applicable federal and state laws and regulations. (Ord. 3702 Sec. 1, 1996)