

## CHAPTER 81

# RAILROAD REGULATIONS

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**81.01 DEFINITIONS.** For use in this chapter, the following terms are defined:

1. “Operator” means any individual, partnership, corporation or other association which owns, operates, drives or controls a railroad train.
2. “Railroad train” means an engine or locomotive, with or without cars coupled thereto, operated upon rails.

*(Code of Iowa, Sec. 321.1)*

**81.02 WARNING SIGNALS.** Operators shall sound a horn at least 1,000 feet before a street crossing is reached and after sounding the horn, shall ring the bell continuously until the crossing is passed.

*(Code of Iowa, Sec. 327G.13)*

**81.03 OBSTRUCTING STREETS.** Operators shall not operate any train in such a manner as to prevent vehicular use of any highway, street or alley for a period of time in excess of ten (10) minutes except:

*(Code of Iowa, Sec. 327G.32)*

1. Comply with Signals. When necessary to comply with signals affecting the safety of the movement of trains.
2. Avoid Striking. When necessary to avoid striking any object or person on the track.
3. Disabled. When the train is disabled.
4. Safety Regulations. When necessary to comply with governmental safety regulations including, but not limited to, speed ordinances and speed regulations.
5. In Motion. When the train is in motion except while engaged in switching operations.
6. No Traffic. When there is no vehicular traffic waiting to use the crossing.

An employee is not guilty of a violation of this section if the employee’s action was necessary to comply with the direct order or instructions of a railroad corporation or its supervisors. Guilt is then with the railroad corporation.

**81.04 CROSSING MAINTENANCE.** Operators shall construct and maintain good, sufficient and safe crossings over any street traversed by their rails.

*(Bourett vs. Chicago & N.W. Ry. 152 Iowa 579, 132 N.W. 973 [1943])*

*(Code of Iowa, Sec. 364.11)*

**81.05 RAILROAD CULVERTS AND DRAINS.**

1. Required. All railways in the City shall construct and maintain across their right-of-way on all streets, highways, avenues, alleys and public grounds, where the Council deems necessary, culverts or drains of sufficient size and so constructed as to allow the free passage through them of surface water and drainage of streets, highways or avenues, alleys or public grounds.

Failure to Construct a Nuisance. If any railway company fails or refuses or neglects to construct any such culvert or drain for a period of thirty days after service of a resolution on such company, ordering the same to be constructed, which resolution shall be served in the manner provided for the service of original notices in actions against railway companies in a district court, the railroad company shall be deemed guilty of committing a nuisance. The nuisance shall be summarily abated without further notice from the street commissioner or other person appointed by the Mayor and the cost thereof certified by the Council and collected in the same manner as provided for by ordinance of the City for the abatement of other nuisances.