

RAILROADS

Chapter 29

RAILROADS¹

Sec. 29-1. Construction, maintenance of crossings.

All railroad companies operating trains across the streets of the city shall lay and keep in good repair the pavement at all such street crossings as provided herein. The surface of such pavement at all such street crossings shall be on a level with the top of the rails of the tracks, and shall be laid between the rails and for a width of one (1) foot on the outside rail of such tracks. The whole shall be so laid as to make a smooth and even surface, and when two (2) or more tracks are closer together than twenty (20) feet, pavement shall be laid in the space between each track. Failure on the part of any railroad company to comply with this section shall be a violation of this Code.

(Code 1986, § 29-1)

Sec. 29-2. Signals required at crossings equipped with gates; operation of gates.

Wherever gates or barriers are used by railroad companies at their crossings over any street in the city, such gates or barriers shall be equipped with electric gongs or warning signals, which shall sound simultaneously with the lowering of such gates or barriers. Such gongs shall be of a type to be plainly audible at a distance of at least one hundred fifty (150) feet from the crossing when sounding. Such gates or barriers shall be raised immediately after the passage of a train, allowing the passage of traffic across such crossing before the repassage of the same train or the passage of another train.

(Code 1986, § 29-2)

Sec. 29-3. Crossing regulations.

All railroad companies operating trains across any of the streets of the city shall conform to the following restrictions and regulations:

¹ **Cross references**--Metropolitan transit authority, Ch. 23; motor vehicles and traffic, Ch. 24; flashing traffic signs and signals regulations not to apply at railroad grade crossings, § 24-267(b); interference with railroad signals, § 24-269; obedience to signals indicating the approach of trains, § 24-356; avoiding crossing gates or barriers at railroad crossings prohibited, § 24-357; certain vehicles required to stop at all railroad grade crossings, § 24-358; moving heavy equipment across railroad grade crossing restricted, § 24-360; streets and sidewalks, Ch. 32; vehicles for hire, Ch. 35.

State law reference--Railroads generally, T.C.A., Title 65.

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- (1) Not more than one (1) train of any kind shall be moved in any direction over a street crossing at one time, except scheduled passenger and freight trains in operation as through trains.
- (2) All switching and irregular trains, going back or forth over street crossings, shall clear the crossing.
- (3) When a train has made a crossing in any direction, it shall remain standing, before recrossing, until the crossing is cleared of traffic.
- (4) No trains of any kind shall be allowed to stop upon any street crossing, except in case of accident or clear necessity.

(Code 1986, § 29-3)

Annotation--Travelers upon a crossing have the right to rely on subparagraph (3) of this section, which was passed for their protection, *Pollard v. Beene*, 20 Tenn. App. 83, 95 S.W. 2d 942 (1935).

Sec. 29-4. Obstruction of traffic on streets.

It shall be unlawful for any conductor, engineer, or other employee of any railroad company which maintains tracks across any street in the city to obstruct the streets or prevent the free passage of traffic for longer than three (3) minutes at any one time while operating a railroad engine or train; provided, however, that, no member of a railroad train crew shall be held personally guilty of violating this section on proof that his action was necessary to comply with the orders or instructions of his employer or its officers; provided that nothing in this section shall relieve the employer or railway from any responsibility placed upon it by this section.

(Code 1986, § 29-4)

Sec. 29-5. Speed.

Railroad engines and trains may be operated across Broad Street, Market Street, Main Street, King Street, Cowart Street, Thirteenth Street, Rossville Boulevard, McCallie Avenue, Bailey Avenue, Third Street, Alton Park Boulevard, Forty-Fifth Street, west of Central Avenue, Thirty-Eighth Street between Alton Park Boulevard and Rossville Boulevard, Central Avenue between Forty-Fifth and Thirty-Eighth Streets and Glass Street at a rate of speed not greater than eight (8) miles per hour; provided, either, that signals approved by the traffic engineer to warn traffic on such streets shall be used or all such engines and trains shall be flagged across such streets to warn traffic thereon. Otherwise, all such engines and trains at such streets shall come to a full stop at such crossings before proceeding over them, and shall be preceded across such crossings by a flagman. After such engine, with or without cars attached, or the front of any train has cleared any such crossing, it may increase its speed to a rate not exceeding twenty (20) miles per hour.

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(Code 1986, § 29-5)

Cross reference--Vehicle speed regulations generally, § 24-241, et seq.

Sec. 29-6. Company orders in violation of speed limit.

It shall be unlawful for any railroad official to issue or cause to be issued any order providing for the passing of railroad engines or trains through the city at a greater rate of speed than those provided in section 29-5.

(Code 1986, § 29-6)

Sec. 29-7. Powers, duties of flagmen.

Each flagman stationed at any railroad crossing in the city shall flag each passing train as it approaches and leaves the crossing at his station. All such flagmen shall have the powers of police officers for the purpose of arresting persons violating the provisions of this chapter. They shall arrest any person who endeavors to cross ahead of passing trains in a reckless manner and shall prefer charges against such person.

(Code 1986, § 29-7)

Sec. 29-8. Whistles and bells.

(a) It shall be unlawful for any person operating any railroad engine or train to blow the whistle thereof in the city, except to prevent an accident.

(b) It shall be unlawful for any engineer or other person to ring the bell or blow the whistle on any railroad engine or train in the city by means of any device by which such bell may be made to continue to ring or such whistle to blow automatically or without action on the part of the engineer or other person.

(c) It shall be unlawful for any locomotive used regularly in the city for switching cars to be equipped with any mechanical or automatic device by which the bell of such locomotive may be rung or the whistle thereof blown.

(Code 1986, § 29-8)

Sec. 29-9. Children not to loiter or play near tracks.

It shall be unlawful for persons under age to play and loiter about and upon railroad tracks in the city. Any minor doing so may be ordered away by a special policeman or other policeman of the city, and if he refuses to leave, may be arrested.

(Code 1986, § 29-9)