

# CHAPTER 21

## RAILROADS\*

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### ARTICLE I. IN GENERAL

#### Section 21-1. Speed Limits.

It shall be unlawful for any railroad engine or train of cars to be run or operated within the corporate limits of the City at a greater speed than forty (40) miles per hour.

*Source: Code 1969, § 36-11; Ordinance No. 961-1982, § 1, 7-20-82*

**State Law Reference** --- Similar provisions, Miss. Code 1972, § 77-9-237

#### Sections 21-2 --- 21-15. Reserved.

### ARTICLE II. CROSSINGS\*\*

#### DIVISION 1. GENERALLY

To serve the public interest, safety and welfare of the citizens of the City of Laurel, Mississippi, the governing authority and City Administration has hereby agreed with Norfolk Southern Corporation and Mississippi Department of Transportation that the following grade crossings over its tracks be closed and vacated:

- (1) That the hereinafter described portion of Brickyard Road (immediately north of 18<sup>th</sup> Street crossing) currently being used as a grade crossing which runs across and perpendicular with the tracks belonging to the Railroad be, and the same is hereby vacated and closed as a public easement: “that portion of the Brickyard Road beginning at a point on the West right-of-way line of the Railroad property to the West right-of-way line of Meridian Avenue located in the SW ¼ of the SE ¼ of Section 29, Township 9 North, Range 11 West, and also in the SE ¼ of the SW ¼ , Section 29, Township 9 North, Range 11 West, in the City of Laurel, Second Judicial District, Jones County, Mississippi.

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\***Cross References** --- Motor vehicles and traffic, Ch. 14; streets and sidewalks, Ch. 23; zoning, App. I.

**State Law References** --- Powers of city as to railroads, Miss. Code 1972, § 21-19-31; railroads generally, Miss. Code 1972, §77-9-101 et seq.; offenses affecting railroads, Miss. Code 1972, §97-25-5 et seq.

\*\***State Law References** --- Power of city to regulate railroad crossings, Miss. Code 1972, §21-37-9.

**Annotation** -- The city may require a railroad company to provide lighting and flashing red signals and bells, at certain street crossings.

*Alabama Great Southern Railroad Co. V. City of Laurel*, 334 F.Supp. 285 (S.D. Miss. 1971).

- (2) That the hereinafter described portion of Church Street currently being used as a grade crossing which runs across and perpendicular with the tracks belonging to the Railroad be, and the same is hereby vacated and closed as a public easement: “that portion of Church Street running East from the East right-of-way line of Spec Wilson Boulevard to the East right-of-way line of the Railroad property located in the NW ¼ of the NW ¼ of Section 5, Township 8 North, Range 11, West, in the City of Laurel, Second Judicial District, Jones County, Mississippi.
- (3) That the hereinafter described portion of Ash Street currently being used as a grade crossing which runs across the tracks belonging to the Railroad be, and the same is hereby vacated and closed as a public easement: “that portion of Ash Street running East from the West right-of-way line of the Railroad property to the East right-of-way line of the Railroad property located in the NE ¼ of the SE ¼ of Section 6, Township 8 North, Range 11 West, in the City of Laurel, Second Judicial District, Jones County, Mississippi.
- (4) That the hereinafter described portion of Jefferson Street currently being used as a grade crossing which runs across and perpendicular with the tracks belonging to the Railroad be, and the same is hereby vacated and closed as a public easement: “that portion of the Jefferson Street beginning at a point on the West right-of-way line of the Railroad property to the West right-of-way line of Maple Street located in the NE ¼ of the SE ¼ of Section 6, Township 8 North, Range 11 West, and also located in the SE ¼ of the SE ¼ of Section 6, Township 8 North, Range 11 West, in the City of Laurel, Second Judicial District, Jones County, Mississippi.

*Source: Ordinance No. 1377-2000, § 1, 11-21-00*

### **Section 21-16. Blocking Street---Prohibited.**

It shall be unlawful for any engineer, fireman, conductor, flagman or other person or persons engaged about the business of handling a car or train of cars to block consecutively for a period of more than five (5) minutes any street crossing or easement in the City, unless the same is made necessary by the breaking down of an engine or the tearing up of the track so that it is impossible to prevent such blocking. When any street crossing or easement in the City is blocked for a period of more than five (5) minutes consecutively by a car or train of cars or by an engine, then the engineer or fireman in charge of the engine attached to the said car or train of cars, and the conductor or the flagman if in charge of the car or train of cars or owing the duty to signal to the engineer or to advise his superior officer of said blocking shall be equally guilty of a misdemeanor. This Section shall apply only to a car, train or engine that is stationary.

*Source: Code 1969, §§ 36-23, 36-27*

**State Law Reference** --- Railroads stopping or standing at crossing, Miss. Code 1972, § 97-25-37

### **Section 21-17. Same---Notice of Hearing.**

Written notice shall be given by the City to any railroad company charged with unnecessary or unlawful use of crossings or easements under the provisions of this article, at least ten (10) days prior to the trial.

Source: Code 1969, § 36-26

**Section 21-18. Same---Determination and Abatement.**

Upon conviction of a violation of this division the Municipal Judge, in addition to or in lieu of other penalty, may enter Judgment under paragraph (1), (2), (3) or (4) of this Section:

- (1) By constructing, at the defendant's cost and expense, a viaduct of iron, steel, earth or other permanent material, sufficiently high over the present street, avenue or alley levels where said condition exists which shall in no case be depressed to a greater depth than is approved by the City Engineer, to the full width of the streets, avenues or alleys as they are now severally maintained, and by the construction of such viaduct, transportation over said streets, avenues or alleys, at or near their present levels shall remain uninterrupted; or
- (2) By the construction or utilization of tracks or track, at its cost and expense, upon which all freight and/or passenger trains that would otherwise move across the said street, avenue or alley where said nuisance is maintained, shall be detoured around said City by a route or routes, which shall not run through the business section of said City, which said route or routes shall be selected by the carrier and approved by the City; or
- (3) By any other plan that may be deemed adequate by said carrier, but which shall be first approved by the City; or
- (4) By any other plan that may be deemed adequate by the City Engineer and approved by the City.

Source: Code 1969, § 36-25

**Sections 21-19 --- 21-25. Reserved.**

DIVISION 2. SIGNALS

**Section 21-26. Definition.**

“Grade crossing”, as used in this division, shall mean any intersection at grade of a railroad with a street of the City which now or at any time hereafter:

- (1) Is used by at least three thousand (3,000) motor vehicles in any twenty-four (24) hour period; or
- (2) Is the location of as many as two (2) motor vehicle-train collisions within any twenty-four (24) month period.

Source: Code 1969, § 36-61

**Section 21-27. Failure to Erect and Maintain.**

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The failure to erect and maintain lights and bells as required by Section 21-31 shall be a misdemeanor, and each day that such violation continues without a reasonable effort to correct same shall be a separate offense.

*Source: Code 1969, § 36-64*

### **Section 21-28. Operation of Train Without Installation.**

Any person who operates a train through an intersection required to be equipped but which is not equipped in the manner required by Section 21-31 of this article shall be guilty of a misdemeanor.

*Source: Code 1969, § 36-65*

### **Section 21-29. Operation of Train When Equipment Not Operating.**

Any person who operates a train through an intersection equipped in the manner required by this division at a time when such equipment is not operating in the manner required by Section 21-31 hereof shall be guilty of a misdemeanor.

*Source: Code 1969, § 36-66*

### **Section 21-30. Provisions Cumulative.**

All lights and bells required by this division shall be in addition to any other signs, lights or warnings required by any other Ordinance or Statute.

*Source: Code 1969, § 36-62*

### **Section 21-31. Required.**

All railroads entering the City are hereby required to erect and maintain at all grade crossings on their main lines flashing red signal lights and bells so equipped as to operate automatically at any time a train is approaching within one thousand (1,000) feet of such grade crossing and continue to operate until such train has passed through the grade crossing.

*Source: Code 1969, § 36-62*

### **Section 21-32. Number of Installations.**

In the installation of lights and bells required by Section 21-31 there shall be a separate installation on each side of the City street in order that there will be at least one (1) such installation facing oncoming motor vehicular traffic from each direction. On City streets of four (4) traffic lanes or more divided by a neutral ground or median strip, there shall be provided at least two (2) additional installations in the neutral ground or median strip so that there will be at least one (1) additional installation facing oncoming motor vehicular traffic from each direction.

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*Source: Code 1969, § 36-63*

**Sections 21-33 --- 21-40. Reserved.**

DIVISION 3. LIGHTS

**Section 21-41. Failure to Erect and Maintain.**

The failure to erect and maintain lights as required by Section 21-44, or to light the same as required by Section 21-45, shall be a misdemeanor, and each day that such violation continues without a reasonable effort to correct the same shall be a separate offense.

*Source: Code 1969, § 36-50*

**Section 21-42. Operation of Train Without Installation.**

Any person who operates a train through an intersection required to be equipped but which is not equipped in the manner required by Section 21-44 and at a time when it is required to be lighted under the provisions of Section 21-45 shall be guilty of a misdemeanor.

*Source: Code 1969, § 36-51*

**Section 21-43. Operation of Train When Equipment Not Operating.**

Any person who operates a train through an intersection equipped in the manner required by Section 21-44 of this article and at a time when such equipment is not operating in the manner required by Section 21-45 shall be guilty of a misdemeanor.

*Source: Code 1969, § 36-52*

**Section 21-44. Required.**

All railroads entering the City are required at each grade crossing or intersection of their main lines with the streets of the City to erect and maintain sufficient lights to illuminate said crossing and the street on either side thereof for a distance of fifty (50) feet beyond each of the outermost rails to an extent of not less than five-tenths (5/10) horizontal foot candle.

*Source: Code 1969, § 36-48*

**Section 21-45. When Operated.**

All lights required by this division shall be lighted on the same schedule that other street lights of the City are lighted or shall be equipped with and controlled by photo electric controls so regulated as to automatically turn on said lights at any time illumination falls to or below two (2) vertical foot candles at the crossing.

*Source: Code 1969, § 36-49*

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