

HOUSE No. 1071

By Mr. Vaughan of Belmont, petition of Frank A. Symonds and another that the operation or maintenance of structures or obstructions adjacent to railroad tracks be prohibited and relative to providing for proper clearance of such tracks. Transportation.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Forty-Nine.

AN ACT TO PROHIBIT THE OPERATION OR MAINTENANCE OF ANY STRUCTURE OR OBSTRUCTION ADJACENT TO ANY RAILROAD TRACKS AND TO OTHERWISE PROVIDE FOR THE PROPER CLEARANCE OF TRACKS.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. It shall be unlawful for any common
2 carrier by railroad, or any other person to erect or
3 reconstruct and thereafter maintain on any standard
4 gauge road on its line or on any standard gauge side-
5 track or spur used in connection therewith, for use in
6 any traffic, any warehouse, coal chute, stock pen, pole,
7 mail crane, standpipe, hog drencher, or any permanent
8 or fixed structure or obstruction, or in excavating allow
9 any embankment of earth or natural rock to remain
10 upon its line of railroad, or on any sidetrack used in
11 connection therewith at a distance less than eight feet
12 six inches measured from the center line of the track,

13 which structure or obstruction adjoins a standard
14 gauge road; nor shall any overhead wires, bridges,
15 viaduct or other obstruction passing over or above its
16 tracks as aforesaid be erected or reconstructed at a
17 less height than twenty-two feet, measured from the
18 top of the track rail.

1 SECTION 2. On and after October first, nineteen
2 hundred and forty-nine, it shall be unlawful for any
3 common carrier, or any other person, to erect or con-
4 struct on any standard gauge road on its line or on any
5 standard gauge sidetrack or spur used in connection
6 therewith, for use in any traffic, any warehouse, coal
7 chute, stock pen, pole, mail crane, standpipe, hog
8 drencher or any permanent or fixed structure or ob-
9 struction, or in hereafter excavating allow any em-
10 bankment of earth or natural rock to remain upon its
11 line of railroad or on any sidetrack used in connection
12 therewith at a distance less than eight feet six inches
13 measured from the center line of the track, which said
14 structure or obstruction adjoins standard gauge roads,
15 nor shall any overhead wires, bridges, viaduct or other
16 obstruction passing over or above its tracks as afore-
17 said be erected or constructed at a less height than
18 twenty-two feet, measured from the top of the track
19 rail.

1 SECTION 3. It shall be unlawful for any such com-
2 mon carrier to construct any track used for the purpose
3 of moving any cars engaged in the movement of traffic
4 where the center line of such track is at a distance of
5 less than fourteen feet from the center line of any
6 other parallel track which it adjoins. No ladder tracks
7 shall be in closer proximity to any adjacent ladder

8 track than nineteen feet measured from the center line
9 of each track, nor in closer proximity to any other
10 parallel track than seventeen feet measured from the
11 center line of each track. The distance between tracks
12 may be diminished or closed up a necessary distance
13 for track intersections, gauntlet tracks, turnouts or
14 switch points.

1 SECTION 4. The department of public utilities may,
2 upon application made, after a thorough investigation
3 and hearing in any particular case, permit any com-
4 mon carrier or any person or corporation to which
5 this act applies to erect any overhead or side obstruc-
6 tion at a less distance from the track than herein
7 provided for and to construct any track or tracks at a
8 less clearance than herein provided, and to reconstruct
9 and maintain the same when in the judgment of the
10 department a compliance with the clearance prescribed
11 herein would be unreasonable or unnecessary or the
12 erection or construction of such overhead or side
13 obstruction or tracks, or the reconstruction and main-
14 tenance of the same at a less clearance than herein
15 provided would not create a condition unduly haz-
16 ardous to the employees of such common carrier or any
17 person or corporation.

1 SECTION 5. It shall be unlawful for any such
2 common carrier or any person or corporation to permit
3 the space between or beside such of its tracks as are
4 ordinarily used by yard men and other employees in the
5 discharge of their duties, and within eight feet of the
6 center line of any such track, to become or remain
7 obstructed by any foreign obstacle which will interfere
8 with the work of the employees or subject the em-

9 ployees to unnecessary hazard. Such space between
10 or beside the tracks as aforesaid, and between the rails
11 of the tracks must be kept in such condition as to per-
12 mit the employees to pass over or between the tracks
13 or to use the same day or night and under all weather
14 conditions without unnecessary hazard.

1 SECTION 6. Any common carrier, corporation or
2 person violating any of the provisions of this act, shall
3 be liable to a penalty of not more than five hundred
4 dollars for each violation; and if any common carrier,
5 person or corporation shall thereafter fail to correct
6 any violation of said provisions when ordered to correct
7 the same by the department of public utilities and has
8 failed to do so within the time provided in the order of
9 the department, and no appeal has been taken from
10 said order, then the failure of such common carrier,
11 person or corporation to correct the condition causing
12 a violation of said provisions as in the order of the de-
13 partment provided shall constitute a new and separate
14 offense distinct and separate from the original viola-
15 tion, such penalty to be recovered in a suit to be
16 brought in the name of the commonwealth by the
17 attorney general or under his direction in any court
18 having jurisdiction thereof in the locality where such
19 violation shall have been committed; and it shall be
20 the duty of the attorney general under the direction
21 of the department to bring such suit upon duly verified
22 information being lodged with him by any person of
23 such violation being committed, and it shall also be
24 the duty of the department to lodge with the attorney
25 general information of any such violation as may come
26 to its knowledge.