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ORDINANCE NO. 2894

**TITLE:** An Ordinance providing for the construction and maintenance of street crossings over and upon railroad tracks within the City of Albany; defining types of railroad crossings; providing for designation of type of railroad crossing to be installed and of giving notice to railroad company involved; and providing for penalty for violation.

THE PEOPLE OF THE CITY OF ALBANY DO ORDAIN AS FOLLOWS:

**Section 1: DEFINITIONS**

As used in this Ordinance, the following words and phrases shall have the meanings herein described to them:

- (a) RAILROAD. The term "railroad" shall mean and refer to any corporation or other legal entity, installing, owning and operating and maintaining the operation of railroad transportation system in, upon or across and over the streets in the City of Albany.
- (b) STREET. The term "street" shall mean any public thorough fare more than 20 feet in width.
- (c) RAILROAD CROSSING - TYPE A. All street crossings of railroad tracks in this class shall provide a smooth surface through the use of "Steel Flangeway Guards" and asphaltic surface material. The following provisions shall be standard for the construction and maintenance of Type A crossings:
  - (1) The end blocks of the guard rails shall extend beyond the face of curb if projected into the crossings.
  - (2) Paving material shall be compacted in flangeway area to the top of spacer blocks.
  - (3) A minimum of 12" of base rock shall be placed between the right-of-way lines to a width equivalent to the paved width of the crossing street and in accordance with the standard city specifications. If the soil conditions dictate the use of a greater thickness of base rock, the City Engineer may so direct.
  - (4) A minimum of 3" of asphaltic surface material shall be placed within the right-of-way lines and between the tracks and rails to an equivalent to the paved width of the crossing street.
  - (5) Standard city curb and gutters shall be placed to within 10 feet of the center lines of the outside tracks when they are in place on the crossing street.
- (d) RAILROAD CROSSING - TYPE B. All street crossings of railroad tracks in this class shall provide a smooth surface through the use of "planking and paving" as a minimum standard, however, the standards as set forth under Type A crossings may be used. The following provisions shall be standard for the construction and maintenance of Type B crossings:
  - (1) The area between the rails of each track and for a minimum distance of 16" on the outside of the rails shall be planked.
  - (2) The planking shall be extended beyond the curb lines if projected into the crossings.
  - (3) All other area within the right-of-way and to a width equivalent to the paved width of the crossing street shall be paved by placing a minimum of 8" of base rock and at least 3" of asphaltic concrete surfacing in accordance with the city specifications. If the soil conditions dictate the use of a greater thickness of base rock, the City Engineer may so direct.
  - (4) Standard city curb and gutters shall be placed within ten feet of the center line of the outside tracks when they are in place on the crossing street.

**Section 2: DESIGNATION OF TYPE OF RAILROAD CROSSING TO BE MAINTAINED.**

The City Council shall, by Resolution, designate the type of railroad crossing that should be maintained by the railroads within the City of Albany.

**Section 3: NOTICE**

Within thirty (30) days after the passing of any Resolution designating the

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type of railroad crossing to be maintained by railroads operating within the City of Albany, the City Recorder shall forward notice to the local agent for the railroad company of the designation of the type of railroad crossing to be maintained.

Section 4: COMMENCEMENT OF CONSTRUCTION OF RAILROAD CROSSING AND MAINTENANCE THEREOF.

A railroad upon receiving notice of designation of a railroad crossing upon their property in the City of Albany shall within thirty (30) days after receipt of said notice, commence construction and proceed to maintain such designated railroad crossing in conformance with the type designated pursuant to the Resolution of the City Council. The railroad crossing shall be completed within ninety (90) days after notification has been given to the local agent of the railroad by the City Recorder as herein provided.

Section 4: PENALTIES FOR VIOLATION

In the event that any railroad company does not maintain a street crossing of railroad tracks in the manner as herein provided and has taken no affirmative action to maintain the crossing as herein provided for thirty (30) days after receiving notice from City Recorder, then and in that event, it shall be deemed in violation of this Ordinance and shall be subject to fine of not more than FIVE HUNDRED DOLLARS (\$500.00). Each week of failure to take action by the railroad company shall be deemed as a separate offense.

Passed by the Council: August 26, 1959

Approved by the Mayor: \_\_\_\_\_

Effective Date: September 25, 1959

*W R [Signature]*

\_\_\_\_\_  
Mayor

ATTEST:

*[Signature]*  
\_\_\_\_\_  
City Recorder