

## Title 56. Railroads

### **Chapter 1 General Provisions**

#### **56-1-1 Railroad corporations -- Powers and duties.**

Railroad corporations heretofore organized and now existing or hereafter organized under the laws of this state shall be subject to all the duties imposed and shall have and possess all the powers and privileges conferred by this title, as well as the powers and privileges conferred by the laws under which said corporations were organized or which are contained in their articles of incorporation and are not inconsistent with the laws and Constitution of this state.

No Change Since 1953

#### **56-1-2 Articles of incorporation -- Contents.**

The articles of incorporation of a railroad corporation proposing to purchase or construct a railroad shall include, in addition to the matters required to be stated in the articles of incorporation of corporations organized for pecuniary profit, the names of the places between which and of the counties through or in which such railroad lies or will be constructed, and a statement of its length as near as may be.

No Change Since 1953

#### **56-1-3 Stock subscriptions -- Minimum requirements.**

The Division of Corporations and Commercial Code shall not issue a certificate of incorporation to any railroad corporation which proposes to construct a railroad until it shall appear by the affidavit of at least three of the incorporators that \$1,000 for each mile in length of the railroad proposed to be constructed shall have been subscribed, and that 10% of the stock subscribed by each stockholder has been paid in.

Amended by Chapter 67, 1984 General Session

#### **56-1-4 Construction required within limited time.**

If a railroad corporation which proposes to construct a railroad shall not within three years after its incorporation begin the construction of its railroad and expend thereon an amount equal to at least \$300 for each mile of the proposed line referred to in its articles of incorporation, or if it shall fail to finish the road and put the same into full operation within 10 years after its incorporation, its franchise as to all parts of its line not then constructed shall be deemed forfeited.

No Change Since 1953

#### **56-1-5 General powers enumerated.**

Every railroad corporation organized under the laws of this state shall, except as otherwise provided in this title and subject to the limitations and requirements hereof, have all the rights, privileges and powers, and be subject to all the duties and obligations of corporations organized under Title 16, Chapter 10a, Utah Revised Business Corporation Act, and in addition thereto such railroad corporation shall have the following powers:

- (1) To lay out, locate, relocate, construct, reconstruct, purchase, lease or otherwise acquire, and to own, maintain and operate railroads situated wholly or partly within or without this state and any branch or branches of such railroads, together with all such turnouts, yards and other facilities as shall be deemed necessary or convenient for use in connection therewith, and all property appurtenant to, or necessary or useful in connection with the construction, maintenance or operation of, such railroads; and in the case of purchase, to exercise and enjoy all the rights, powers, privileges and franchises, which at the time of the sale belonged to or were vested in the corporation or corporations last owning the properties sold, not inconsistent with the Constitution or laws of this state.
- (2) To construct, purchase or lease spurs or branch lines of railroad connecting with its main line or any branch thereof, and to relocate any section or sections of its line, with the same power as in the case of original or first location, though such spurs or branch lines or relocated sections are not named or described in the articles of incorporation.
- (3) To enter by its servants upon the real property of any person for the purpose of selecting an advantageous route for its main line or any extension or branch thereof or for the purpose of relocating the same, subject to responsibility for all damages resulting therefrom; and to condemn in the manner provided by law a right of way, not to exceed nine rods in width, with such additional lands as shall be necessary for depot grounds, roundhouses, shops and other necessary uses, or for the purpose of constructing necessary embankments, excavations, ditches, drains and culverts, or for the procuring of timber, stone, gravel or other essential materials, including water and water rights for its locomotives, cars, shops, depots or yards, together with all lands and rights of way necessary for the construction and maintenance of reservoirs or pipe or conduit lines for the storage and conveyance of such waters to the places where the same are required.
- (4) To acquire by purchase, donation or otherwise all such real and personal property as shall be necessary for, or shall be given to aid or encourage the construction and maintenance of, its railroad, buildings and yards.
- (5) To cross natural or artificial streams or bodies of water, streets, highways or railroads, which its road shall intersect, in such manner as to afford security for life and property; subject to the duty of immediately restoring such stream or body of water, street, highway or railroad to its former condition as nearly as may be.
- (6) To join or unite its railroad with any other railroad, either before or after construction, at any points upon its route and upon the grounds of such other railroad corporation, with the necessary turnouts, sidings, switches and other conveniences in furtherance of the objects of its connection; and every corporation whose railroad is or shall be hereafter intersected by any new railroad shall join with the owners of such new railroad in forming such intersections and connections, and grant facilities therefor.
- (7) To take and transport persons and property by steam, electric, animal or other power, or by any combination thereof, and to receive such compensation therefor as shall be reasonable and conformable to law, and to make such regulations regarding the movement of its trains or cars and the manner of transporting passengers and freight, the management of its property and the conduct of its business, as shall be reasonable and conformable to law.
- (8) To merge or to consolidate with any other railroad corporation or corporations organized or existing under the laws of this or any other state or territory, or of the United States; provided, that the lines of such corporations shall not be competing but shall be substantially continuous or connective either by means of actual union of track or through the medium of any bridge, ferry, or line of railroad leased, operated or otherwise controlled by any or either of said corporations, or which any such corporations shall have the right by contract or otherwise

- to use or operate. If one or more of the corporations merging or consolidating is a foreign corporation, such merger or consolidation shall be authorized and ratified by such foreign corporation in the manner required by the laws of the jurisdiction under which it is incorporated.
- (9) To lease, sell, convey and transfer its property and franchises or any part thereof to any railroad corporation not owning any competitive line in this state, whether organized under the laws of this state or of any other state, or of the United States, and to sell, convey and transfer to a corporation organized under the laws of any foreign country the lines of railroad owned by it and situated wholly in such foreign country.
- (10) To acquire, own, maintain, operate and navigate steamships, sailing vessels and boats of every description, and generally to carry on the business of a common carrier by water.
- (11) To issue bonds for such sums and payable at such times and places and drawing interest at such rates as the board of directors shall deem expedient, and for the purpose of securing the payment of such bonds and interest to execute trust deeds or mortgages or both upon the whole or any part of its lines, real property, rolling stock, vessels, machinery, franchises, income, profits and other personal property then owned or thereafter acquired. Such bonds and trust deeds or mortgages shall be valid according to their terms, notwithstanding the fact that the bonds may be sold below par value. A trust deed or mortgage made as aforesaid, to operate as notice to third persons, shall be recorded in the office of the recorder of each county in which any of the property affected by such trust deed or mortgage shall be situated, and need not be left or filed in said office. Any such mortgage or trust deed when made shall be a valid lien upon the real and personal property and chattels included therein, notwithstanding the fact that the possession of such personal property may remain with the mortgagor; and when recorded as aforesaid such record shall be notice to all persons of the existence of such mortgage or deed of trust according to its terms; provided, that corporations organized under the laws of this state, owning and operating street, suburban, or interurban railroads, including those that own and operate, with such railroads, power and lighting plants shall be deemed railroad companies, and their properties, railroad properties, within the meaning of this subdivision.
- (12) To create, issue and dispose of preferred stock, special stock and income certificates, to such amounts and in such form and for such purposes, and as between the stockholders themselves, to make the same payable in respect of principal and dividends out of such class or character of assets and income, as shall be determined upon by its board of directors with the assent thereto of the holders of at least a majority in amount of the common stock; provided, that no increase of any preferred or special stock, or of any income certificates issued pursuant to this title, shall at any time be made without the assent thereto of the holders of at least a majority in amount of the preferred stock or special stock, or of the income certificates to be affected by such issue, as the case may be.
- (13) To purchase or otherwise lawfully acquire, and to own, hold, pledge or otherwise dispose of, the stock or any part of the stock, bonds or other obligations of any corporation organized under the laws of this state or of the United States or of any other state or territory of the United States, which owns or operates by lease or otherwise any line or lines of steam, electric, street or interurban railroad or which directly or indirectly conducts any transportation business by land, water, or air and by whatever motive power or which owns or operates any union depot or station, any railroad terminal, wharves, docks or other shipping facilities, any steamships, steamboats or other watercraft or any aircraft, landing field or other aviation facilities, or which may carry on an express or refrigeration business, or furnish cars or other facilities for refrigeration or storage of freight, or which may manufacture, sell, lease, or otherwise

provide railroad equipment; and upon the pledge or sale of such bonds or other obligations to guarantee the same in the discretion of its board of directors.

- (14) To receive subscriptions for increases of stock on such terms as the board of directors or the stockholders shall authorize, payable in shares of the stock or in bonds or other obligations of any other corporation organized under the laws of this state or of the United States, or of any other state or territory of the United States, whose stock, bonds, or other obligations are authorized to be purchased or acquired by railroad corporations of this state; provided, that the stocks, bonds or other obligations of such other corporations to be received in payment and exchange for the stock so subscribed shall be of a par value at least equal to the par value of the stock subscribed, or of an actual or market value equal in the opinion of the board of directors to that of the stock so subscribed and issued, and such stock so issued shall for all purposes be deemed full-paid.

Amended by Chapter 6, 1992 Special Session 3

Amended by Chapter 6, 1992 Special Session 3

**56-1-7 Purpose unaltered by amendment of articles.**

Amending the articles of incorporation by adding new lines of route, altering the original route, or changing the termini shall not be deemed an alteration of the original purpose of the corporation.

No Change Since 1953

**56-1-8 Use of local streets.**

No railroad shall use any road, street, alley or highway within any county, city or town except with the consent of the authorities of such county, city or town as provided by law; provided, that this section shall not be construed to prevent railroads from crossing at right angles, or as nearly as may be, any street, alley or highway across which its located line may pass.

No Change Since 1953

**56-1-9 Right of way in canyons.**

No railroad company whose right of way or whose track or roadbed upon such right of way passes through any canyon, pass or defile shall exclude any other railroad company from the use and occupancy of such canyon, pass or defile, for the purposes of its road, in common with the road first located, or from crossing its road at grade. And the location of such right of way through any canyon, pass or defile shall not cause the disuse of any wagon road or other public highway now located therein, nor prevent the location through the same of any such wagon road or highway where such road or highway may be necessary for the public accommodation; and where any change in the location of any such wagon road or highway is necessary to permit the passage of any railroad through any canyon, pass or defile, said railroad company shall before entering upon the ground occupied by such wagon road or highway cause the same to be reconstructed at its own expense in the most favorable location, and in as perfect a manner as the original road; provided, that such expenses shall be equitably divided between any number of railroad companies occupying and using the same canyon, pass or defile.

No Change Since 1953

**56-1-10 Maps of final location to be filed.**

Every company constructing or operating a railroad in this state shall within a reasonable time after the final location of the road file with the Division of Corporations and Commercial Code a map thereof showing the route decided upon and the land obtained for the use thereof; and like maps of the several parts thereof located in the several counties through or into which the road may be extended shall be filed in the offices of the recorders of such counties respectively. Maps and profiles certified by the chief engineer, the president, and the secretary of the company shall be filed in the office of the company subject to examination by any person interested.

Amended by Chapter 67, 1984 General Session

**56-1-11 Maintenance of crossings.**

Every railroad company shall be liable for damages caused by its neglect to make and maintain good and sufficient crossings at points where any line of travel crosses its road.

No Change Since 1953

**56-1-12 Injury to livestock -- Notice.**

Every person operating a railroad within this state that injures or kills any livestock of any description by the running of any engine or engines, car or cars, over or against any such livestock shall within three days thereafter post at the first railroad station in each direction from the place of such injury or killing in some conspicuous place on the outside of such station a notice in writing of the number and kind of animals so injured or killed, with a full description of each, and the time and place as near as may be of such injury or killing. Such notice shall be dated and signed by some officer or agent of such railroad, and a duplicate thereof shall be filed with the county clerk of the county in which stock is so injured or killed. Every person willfully failing, neglecting or refusing to comply with the provisions of this section is guilty of a misdemeanor and shall be fined in any sum not exceeding \$50.

No Change Since 1953

**56-1-13 Fencing right of way -- Gates.**

Every railroad company shall erect and maintain a fence on each side of its rights of way where the same passes through lands owned and improved by private owners, and at all public road crossings shall connect the same with cattle guards. Such fence shall not be less than four and one-half feet in height and may be constructed of barbed or other fencing wire with not less than five wires, and good, substantial posts not more than one rod apart with a stay midway between the posts attached to the wires to keep said wires in place; and whenever such railroad company shall provide gates for private crossings for the convenience of the owners of the land through which such railroad passes, such gates shall be so constructed that they may be easily operated; and every railroad company shall be liable for all damages sustained by the owner of any domestic animal killed or injured by such railroad in consequence of the failure to build or maintain such fence. The owner of such lands shall keep such gate closed at all times when not in actual use, and if such owner fails to keep such gates closed, and in consequence thereof, any animal owned by him strays upon such railroad, and is killed or injured, such owner shall not be entitled to recover damages therefor.

No Change Since 1953

**56-1-14 Procedures at grade crossings.**

Every locomotive shall be provided with a bell which shall be rung continuously from a point not less than 80 rods from any city or town street or public highway grade crossing until such city or town street or public highway grade crossing shall be crossed, but, except in towns and at terminal points, the sounding of the locomotive whistle or siren at least one-fourth of a mile before reaching any such grade crossing shall be deemed equivalent to ringing the bell as aforesaid; during the prevalence of fogs, snow and dust storms, the locomotive whistle shall be sounded before each street crossing while passing through cities and towns. All locomotives with or without trains before crossing the main track at grade of any other railroad must come to a full stop at a distance not exceeding 400 feet from the crossing, and must not proceed until the way is known to be clear; two blasts of the whistle or two sounds of the siren shall be sounded at the moment of starting; provided, that whenever interlocking signal apparatus and derailing switches or any other crossing protective device approved by the Department of Transportation is adopted such stop shall not be required.

Provided, that local authorities in their respective jurisdiction may by ordinance approved by the Department of Transportation provide more restricted sounding of bells or whistles or sirens than is provided herein and may prescribe points different from those herein set forth at which such signals shall be given and may further restrict such ringing of bells or sounding of whistles or sirens so as to provide for either the ringing of a bell or the sounding of a whistle or of a siren or the elimination of the sounding of such bells or whistles or sirens or either of them, except in case of emergency.

The term locomotive as used herein shall mean every self-propelled steam engine, electrically propelled interurban car and so-called diesel operated locomotive.

Every person in charge of a locomotive violating the provisions of this section is guilty of a misdemeanor, and the railroad company shall be liable for all damages which any person may sustain by reason of such violation.

Amended by Chapter 9, 1975 Special Session 1

Amended by Chapter 9, 1975 Special Session 1

**56-1-15 Fire caused by railroad operations.**

(1) As used in this section:

(a) "Railroad operation" means an operation conducted:

(i) by a railroad:

(A) owner;

(B) operator;

(C) contractor; or

(D) lessee; and

(ii) on a rail line.

(b) "Railroad operation" includes an operation of a train, a construction operation, or a maintenance operation.

(2) In an action for damages that result from a fire caused by a railroad operation, proof that the fire occurred and was caused by a railroad operation is prima facie evidence of negligence on the part of the person who conducted the railroad operation.

Amended by Chapter 320, 2009 General Session

**56-1-16 Time schedules to be maintained -- Notice of delays.**

Every railroad company shall start and run its trains for the transportation of persons and property at such regular times as it shall fix by public notice, and the station agents thereof shall announce on a bulletin board, placed in a conspicuous and public place at each station not less than 15 minutes before the regular time of departure of each passenger train, the time of such departure, or if the train is delayed, the probable duration of such delay, and on failure to do so is guilty of a misdemeanor. The railroad company shall be liable for all damages that may be sustained by any person by reason of the failure of any of its station agents to observe the requirements of this section.

No Change Since 1953

**56-1-17 Adequate accommodations and regular stops required.**

Every railroad company shall furnish sufficient accommodations for the transportation of all passengers and property as shall, within a reasonable time previous to the departure of any train, offer or be offered for transportation at any station, siding or stopping place established for receiving and discharging passengers and freight, and at any railroad junction; and shall take, transport and discharge such passengers and property at, from and to such places, on the due payment of tolls, freight or fare therefor; and if the company or its agents shall refuse to take and transport any passenger or property or to deliver the same at the regular appointed places, it shall be liable to the party aggrieved for all accruing damages.

No Change Since 1953

**56-1-18 Injury to passenger riding outside regular cars.**

In case a passenger on a train of a railroad company shall suffer personal injury while riding on the platform of any car or on any baggage, wood, gravel or freight car in violation of the company's printed regulations posted at that time in a conspicuous place inside its passenger cars then in such train, or in violation of verbal instructions given by any officer of such train or company, the railroad company shall not be liable for such injury provided at the time it had furnished and had available room inside of its passenger cars then in such train sufficient for the accommodation of the passengers.

No Change Since 1953

**56-1-18.5 Railroad property -- Duty of care.**

- (1) A person may not ride or climb or attempt to ride or climb on, off, under, over, or across a railroad locomotive, car, or train.
- (2) A person may not walk, ride, or travel across, along, or upon railroad yards, tracks, bridges, or active rights-of-way at any location other than public crossings.
- (3) A person may not intentionally obstruct or interfere with train operations or use railroad property for recreational purposes.
- (4)
  - (a) Except as provided under Subsection (4)(b), an owner or operator of a railroad, including its officers, agents, and employees, owes no duty of care to keep railroad yards, tracks, bridges, or active rights-of-way safe for entry for any person violating this section.
  - (b) The owner or operator of a railroad may not intentionally, willfully, or maliciously injure a person if the owner or operator has actual knowledge of the person's presence on the property.

- (5) This section does not apply to a railroad employee, business invitee, or other person with express written or oral authorization to enter upon railroad property by the owner or operator of the railroad.
- (6) This section does not modify any rights or duties of federal, state, county, or municipal officials in the performance of their duties.

Amended by Chapter 324, 2010 General Session

**56-1-19 Right to eject passenger.**

If any passenger refuses to pay his fare or exhibit or surrender his ticket when requested so to do, or if he behaves in a disorderly manner, the conductor and employees of a railroad company may, on stopping the train, put him and his baggage out of the cars, using no unnecessary force, at any usual stopping place or in sight of a dwelling.

No Change Since 1953

**56-1-20 Operating employees to wear insignia.**

Every conductor, baggage master, engineer, brakeman or other employee of a railroad company, employed in a passenger train or at the stations for passengers, shall wear upon his hat or cap or in some conspicuous place on the breast of his coat a badge indicating his office or station, and, by its initial letters, the name of the company by which he is employed; and no collector or conductor without such badge shall demand or be entitled to receive from any passenger any fare or ticket or exercise any of the powers of his office or station or interfere with any passenger or his property.

No Change Since 1953

**56-1-21 Checking baggage.**

A check shall be affixed by the agents or employees of a railroad company to every package or parcel of baggage when taken for transportation and a duplicate thereof given to the passenger or person delivering the same.

No Change Since 1953

**56-1-21.5 Railroad special agents.**

- (1)
  - (a) A railroad company may appoint one or more persons to be designated by the railroad company as a railroad special agent for the protection of railroad property and the protection of the persons and property of railroad passengers and employees.
  - (b) While engaged in the conduct of employment, each appointed railroad special agent may possess and exercise the powers of a special function officer.
  - (c) The special function officer authority may be exercised only:
    - (i) in the protection of passengers and employees on or about railroad premises and in the protection of property belonging to passengers, or belonging to or under the control of the railroad employing the special agents; and
    - (ii) in preventing and making arrest for a violation of law upon the premises or in connection with the property.

(2)

- (a) A person appointed by a railroad company to act as a railroad special agent shall, prior to appointment, meet the qualifications established for special function officers, pursuant to Section 53-13-105, or as otherwise provided by law.
- (b)
  - (i) Before the appointee performs any duties as a special agent, the railroad company shall file the name of the appointee with the commissioner of the Department of Public Safety.
  - (ii) If the appointee meets qualifications for a special function officer, the commissioner of the Department of Public Safety shall issue to the special agent a certificate of authority to act as a peace officer, to continue in effect during his employment by the railroad unless revoked by the commissioner for cause.
- (3)
  - (a) A railroad company appointing a special agent is responsible for any liability arising from the acts or omissions of the special agent within the scope of railroad employment, but is entitled to any defense to liability that may be available to other peace officers.
  - (b) Neither the state nor any of its political subdivisions is liable for any act or omission of a railroad special agent.

Amended by Chapter 282, 1998 General Session

**56-1-22 Applicability of public utility provisions.**

Nothing contained in this title shall be so construed as to dispense with the necessity for railroad companies to comply with the provisions of the title relating to public utilities applicable to such companies and the conduct of their business. Provided, however, that railroad companies subject to regulation by the Interstate Commerce Commission, shall not be required to comply with the provisions of Sections 54-4-28 through 54-4-30 of said title.

Amended by Chapter 130, 1961 General Session

**56-1-22.5 Procedures -- Adjudicative proceedings.**

The Public Service Commission shall comply with the procedures and requirements of Title 63G, Chapter 4, Administrative Procedures Act, in its adjudicative proceedings.

Amended by Chapter 382, 2008 General Session

**56-1-25 Track motor cars -- Installation of head and rear lights, canopies, side curtains, windshield and wiper, and heaters.**

- (1) Every person operating or controlling any railroad running through or within the state shall equip each of its track motor cars used during the period from 30 minutes before sunset to 30 minutes after sunrise, with:
  - (a) an electric headlight of such construction and with sufficient candle power to render plainly visible at a distance of not less than 300 feet in advance of such track motor car, any track obstruction, landmark, warning sign, or grade crossing;
  - (b) a canopy or top of such construction as to adequately protect the occupants of such cars from rain, snow, and inclement weather;
  - (c) side curtains;
  - (d) a windshield equipped with a windshield wiper device, which must be kept in good working order, with which the operator can clear rain, snow, and other moisture from the windshield; and

- (e) a red rear electric light of such construction and with sufficient candle power to be plainly visible at a distance of 300 feet.
- (2) It is unlawful for any person operating or controlling any railroad running through or within this state to operate or use any track motor car from 30 minutes before sunset to 30 minutes after sunrise, unless the track motor car is equipped with lights of the candle power, construction, and utility described in Subsection (1), a windshield, and a windshield wiper.
- (3) Track motor cars need to be equipped with canopies and side curtains required by Subsection (1) only when requested in writing by a majority of the employees regularly using the cars. The railroad company shall have not less than 90 days after such request to make the installation required by this section.
- (4) Any person operating or controlling a railroad running through or within the state shall equip its track motor cars with heaters while in use during the time period of November 1 through March 31.

Amended by Chapter 104, 1990 General Session

**56-1-26 Violations -- Penalty.**

Any person, firm or corporation operating or controlling any railroad running through or within this state using or permitting to be used on its line in this state a track motor car in violation of the provisions of this act shall be liable to a penalty of \$100 for each violation to be recovered in a suit or suits to be brought by the prosecuting attorney in the district court of the county having jurisdiction in the locality where such violation occurred.

Enacted by Chapter 92, 1953 Special Session C

**56-1-27 First-aid kits -- Installation in cabooses.**

For the purpose of protecting the health and safety of employees of railroads, the Public Service Commission, hereinafter called the commission, shall prescribe standards of health, sanitation and safety requiring the installation and the maintenance of first-aid kits within cabooses of a type and with contents, as shall be determined by the commission, for use in administering first-aid to employees.

Enacted by Chapter 131, 1961 General Session

**56-1-28 Report made when first-aid kit opened for use.**

The employee of the railroad in charge of the train shall report to the office designated by the company whenever any such kit has been opened for use.

Enacted by Chapter 131, 1961 General Session

**56-1-29 Removal or use of first-aid kit except for proper purpose -- Misdemeanor.**

Any person or any employee of the railroad company who shall remove, carry away from its proper place or use any emergency first-aid kit provided for in this act, except for the purpose of administering first-aid in the event of injury to any passenger, employee, or other person in any accident whereby said kit may be made available at once, shall be deemed guilty of a misdemeanor.

Enacted by Chapter 131, 1961 General Session

**56-1-30 First-aid kits -- Duty of railroads to comply -- Inspection by commission.**

It shall be the duty of all persons engaged in the operation of railroads to comply with any regulation or order of the commission issued under the provisions of this act, and to furnish any information required by the commission for purposes of this act. The commission or its authorized agent may, during reasonable hours, enter the place of operation of any person engaged in the operation of railroads for the purpose of ascertaining whether the standards prescribed by authority of this act are being complied with.

Enacted by Chapter 131, 1961 General Session

**56-1-31 Agency actions.**

An employee may file a request for agency action with the commission charging violation of a commission rule, or the commission may initiate an action by filing a notice of agency action.

Amended by Chapter 161, 1987 General Session

**56-1-32 Judicial review.**

- (1) Any party aggrieved by any order of the commission may obtain judicial review.
- (2) Venue for judicial review of informal adjudicative proceedings is in the district court of the county in which the place of employment is located.

Amended by Chapter 161, 1987 General Session

**56-1-33 First-aid kits -- Failure to comply with order or regulation -- Penalty.**

Any person failing to comply with an order or regulation of the commission authorized by this act shall be liable to a penalty of \$25 for each day of noncompliance. The attorney general shall file suit on behalf of the state for any unpaid penalty within one year after the penalty accrues.

Enacted by Chapter 131, 1961 General Session

**56-1-34 First-aid kits -- Extension of time for equipping cabooses.**

Any common carrier railroad which is unable on or before the effective date of this act to equip its cabooses as prescribed herein may apply to the Public Service Commission for extension of time. The commission may grant additional time, not to exceed six months from the effective date of this act, and during such period the common carrier railroad shall not be subject to the penalty prescribed by Section 56-1-33.

Enacted by Chapter 131, 1961 General Session

**56-1-35 Cabooses and locomotives -- Safety, health, and comfort rules for -- Issuance by commission.**

The Public Service Commission shall issue general or special orders, rules, regulations, or otherwise; establishing minimum safety, health and comfort for railroad cabooses and locomotives.

Enacted by Chapter 112, 1965 General Session

**56-1-36 Caboose and locomotives -- Safety, health, and comfort rules -- Committee to compile and codify.**

The commission shall appoint a committee of equal numbers from railroad management and labor to assist in compiling and coding these rules and regulations.

Enacted by Chapter 112, 1965 General Session

**56-1-37 Caboose and locomotives -- Safety, health, and comfort rules -- Provisions to be included.**

These rules and regulations should include the following provisions:

- (1) Drinking water facilities shall be installed and maintained so as to provide fresh and pure drinking water. When ice is used for water cooling purposes, the containers shall be so arranged that the drinking water will not come in contact with the ice. Containers used for storing or dispensing potable water shall be kept clean at all times and shall be subjected to effective bacterial treatment as often as may be necessary to prevent the contamination of the water so stored and dispensed.
- (2) A heating facility shall be maintained and shall be capable of producing a temperature of at least 65 degrees Fahrenheit in a standard caboose and 53 degrees in the locomotive cab.
- (3) Weather stripping or weatherproof sash shall be installed and maintained at all windows and doors and other openings, to protect against weather and seepage of dirt and dust.
- (4) Toilets will be installed in each caboose of the flush, chemical, incinerating, or other effective type and where toilets are installed on cabooses or locomotives, they shall be maintained in a clean and sanitary condition.

Enacted by Chapter 112, 1965 General Session

**56-1-38 Caboose and locomotives -- Safety, health, and comfort rules -- Application of chapter -- Exceptions.**

The provisions of Section 56-1-37 shall not apply to industrial or interplant operations and to cabooses or yard engines used in yard movements within switching limits having a one-way route mileage of 25 miles or less. The provisions of this act shall not apply to cabooses or locomotives presently operated by railroads having less than 100 miles of main and branch line trackage; provided, however, that any additional cabooses acquired by said railroads shall comply with all of the provisions of this act.

Enacted by Chapter 112, 1965 General Session

**Chapter 2**  
**Movement of Defective Rolling Stock and Fencing Right-of-Way**

**56-2-1 Definitions.**

As used in this chapter:

- (1) "Broken or defective" means any defects in the wheels, trucks, draft gears, couplers, brakes, draft and center sills, of any car, coach, locomotive, or other rolling stock of a railroad company and every other defect in any car, coach, locomotive or other rolling stock which would be

dangerous to the public or to any employee of a railroad company while said car is being moved, hauled or transported.

- (2) "Local yard service" means the movement of any car, coach, locomotive or other rolling stock in the railroad yards of any railroad company and between the railroad yards of one or more railroad companies where the distance does not exceed eight miles.

Amended by Chapter 92, 1987 General Session

**56-2-2 Movement of defective rolling stock prohibited -- Exceptions.**

It shall be unlawful for any railroad corporation operating or in control of the operation of any railroad within the state of Utah to haul or transport or cause to be hauled or transported any broken or defective car, coach, locomotive or other rolling stock owned, leased or controlled by said railroad company or any broken or defective car, coach, locomotive or other rolling stock in the control or subject to the orders of said railroad company within the state of Utah, except that this act shall not apply to prevent the movement of such defective cars or equipment in case of fire, strikes or by an act of God where the movement of such defective equipment is required by any statute of the Congress of the United States, or where such cars or equipment are loaded for movement and will not move on their own wheels in such transportation. This act shall not be applicable to the movement of defective cars or equipment in local yard service or where the defects in the rolling stock shall occur while in transit, but such defective cars and equipment shall not be moved or transported a greater distance than the nearest repair point within this state where said company maintains shops equipped to repair such defect.

No Change Since 1953

**56-2-3 Penalties.**

Every railroad corporation guilty of transporting defective cars or equipment within the state is guilty of a class B misdemeanor. Every offense is punishable by a fine not less than \$250, and the person or employee of the corporation responsible for permitting the broken or defective car to go into transit and to be transported within the state of Utah is guilty of a class A misdemeanor.

Amended by Chapter 241, 1991 General Session

**56-2-4 Enforcement of provisions.**

The Department of Transportation shall investigate and the Public Service Commission of Utah is hereby required to enforce the provisions of this act, within their respective jurisdictions, and for such purposes are hereby authorized to employ such necessary officials, investigators and inspectors as shall be necessary to provide for the enforcement thereof. And said commission and department are hereby empowered to prescribe the salaries and duties of such officers, investigators and inspectors.

Amended by Chapter 9, 1975 Special Session 1

Amended by Chapter 9, 1975 Special Session 1

**56-2-5 Construction of chapter.**

It is hereby declared that this act is passed for the purpose of preserving the safety of the public and of employees engaged in the service of railroad companies and to render less dangerous the performance of duties of such employees.

No Change Since 1953

**56-2-6 Fencing rights of way to protect livestock -- Power of Public Service Commission to require.**

The Public Service Commission shall have the jurisdiction and authority to require every railroad company or corporation operating any steam or electric railroad in this state to erect and maintain fences on each side or either side of such railroad, where such railroad is not now required by law to erect and maintain fences, at such places as the commission shall determine such fences to be necessary to protect sheep, cattle, horses or mules or any other domestic animal being driven, ranged or grazed upon lands adjacent to such railroad from being wounded, maimed or killed by the operation or management of engines, cars or other rolling stock upon or over such railroad, with necessary openings and gates in such fences, and crossings and cattle guards.

No Change Since 1953

**56-2-7 Exercise of fencing power by commission -- Necessity of application by livestock owners.**

The Public Service Commission may exercise the jurisdiction and authority granted in Section 56-2-6 only when at least three persons with the right to drive, range, or graze sheep, cattle, horses, or mules upon land adjacent to the portion of the railroad sought to be fenced file a request for agency action with the Public Service Commission.

Amended by Chapter 92, 1987 General Session  
Amended by Chapter 161, 1987 General Session

**56-2-8 Contents of livestock owners' application for fencing.**

In addition to the information required by Title 63G, Chapter 4, Administrative Procedures Act, the request for agency action shall:

- (1) identify the lands;
- (2) identify the name and address of the owner of the lands;
- (3) if any of the lands are owned by the United States or the state of Utah, designate the agency or department of government that administers the lands;
- (4) identify the nature of the right of each petitioner to drive, range, or graze sheep, cattle, horses, or mules on the lands; and
- (5) specify the ownership of the railroad sought to be fenced.

Amended by Chapter 382, 2008 General Session

**56-2-11 Modification or revocation of commission's orders requiring fencing.**

Such commission shall also have the jurisdiction and authority to modify or revoke any such order when upon its determination the necessity for any such fence shall cease to exist.

No Change Since 1953

**56-2-12 Liability for railroad's noncompliance with commission's fencing orders.**

The failure of any railroad company or corporation to comply with any order of the commission authorized by this act shall not subject such noncomplying railroad company or corporation, or any

of its officers, agents or employees, to any of the penalties prescribed in Sections 54-7-25 and 54-7-26, Utah Code Annotated 1953, but shall subject such company or corporation to the liability prescribed by Section 56-1-13, Utah Code Annotated 1953.

No Change Since 1953

### **Chapter 3 Offensive Substances on Right-of-Way**

#### **56-3-1 Definitions.**

As used in this chapter:

- (1) "Human waste" means excrement, feces, gray water, or other waste material discharged from the human body.
- (2) "Person" means an individual, trust, firm, joint stock company, corporation, partnership, association, state, state or federal agency or entity, municipality, commission, or political subdivision of a state.
- (3) "Passenger train" means any train operated by a railroad company or corporation pursuant to Title 56, Chapter 1, General Provisions, for the primary purpose of transporting passengers for hire.

Enacted by Chapter 202, 1989 General Session

#### **56-3-2 Disposal of human waste from passenger train prohibited.**

No person operating or controlling any passenger train through or within this state may knowingly place, throw, release, discharge, or deposit human waste from a passenger train upon the right-of-way over which it operates.

Enacted by Chapter 202, 1989 General Session

#### **56-3-3 Penalty.**

Any person who violates any provision of this chapter is guilty of a class B misdemeanor.

Amended by Chapter 241, 1991 General Session

#### **56-3-4 Enforcement.**

The state and local health departments shall enforce this chapter.

Enacted by Chapter 202, 1989 General Session