

Transportation

PART 16

TRANSPORTATION

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SECTION 16-101 RAILROADS TO IMPROVE STREETS AND ALLEYS

When a railway occupies any portion of a street with its tracks running in a general direction of such street, either on or adjacent thereto, the railway company shall improve the space between its tracks and two (2) feet on either side thereof in the same manner that the remainder of the street is to be, or has been, improved, or with such other satisfactory material as the Board of Trustees by motion or resolution may improve. In case any railway company shall occupy an alley with its track or tracks, such company shall improve, gutter, drain and grade such alley, and shall surface or pave it with the same material which is to be, or has been, used on the alley, or with such other satisfactory material as the Board by motion or resolution may approve. When the tracks of any railroad company cross any street that is being or has been paved, the company shall pave as much of the street as is occupied by its track or tracks and two (2) feet on each side, using the same material as is to be, or has been, used on the street, or such other satisfactory material as the Board by motion or resolution may approve. When more than one track crosses a street within a distance of one hundred (100) feet, measuring from inside rail to inside rail, the railroad company shall grade, gutter, drain and curb the street area between its tracks, and surface or pave it with the same material which the Town is to use or has used on the street. Railroad companies shall keep all such improvements made by them in a good state of repair at all times.

SECTION 16-102 SIDEWALKS TO BE CONSTRUCTED BY RAILROADS

Railway companies shall construct sidewalks crossing their rights of way, using the same material as is used in adjacent sidewalks insofar as this is practicable under the circumstances. They shall construct sidewalks on both sides of the streets when both sides are used by pedestrians. The company shall keep such sidewalks in a good state of repair at all times.

SECTION 6-103 CLIMBING ON TRAINS

It is unlawful for any person to climb upon, hold to or in any manner attach himself to, any railway train, locomotive or railway car, while such is in motion within the Town, unless such person is acting in line of duty, or to board any train or railway car, including a passenger, freight, or other car, except with a proper ticket or the permission of the person in charge of the train or car or in line of duty.

SECTION 6-104 SPEED LIMIT FOR TRAINS

It is unlawful to drive, pull, move or operate a locomotive, train or other rolling stock of a railroad at a speed of more than forty-five (45) miles per hour within the corporate limits of the Town.

SECTION 6-105 BLOCKING INTERSECTIONS PROHIBITED, SPECIFIC TIMES AND INTERSECTIONS

A. It is unlawful for any person to operate a railroad train within the Town in such a manner as to bring the train to a halt so that the train blocks more than one of the following streets, boulevards or roads for a period in excess of eight (8) minutes: State Highway 88, Atlas, Coo-Wee-Scoo-Wee and Vera Road.

B. It is unlawful for the directing officer, engineer or operator of any railroad train to direct the operation of or to operate the same in such a manner as to prevent the use of any street other than as provided in this section for purposes of travel for a period of time longer than ten (10) minutes.

C. The prohibition of this section shall not apply in case of engine failure or train accidents within the Town.

D. Any violation of this section is punishable as provided in Section 1-108 of the Town Code. (Ord. No. 87-12, 1/4/88)

CHAPTER 2

TAXICAB LICENSES

Section 16-201 License Required for Taxicab Operators

SECTION 16-201 LICENSE REQUIRED FOR TAXICAB OPERATORS

It is unlawful for any person, firm or corporation to operate one or more taxicabs in the Town without securing a taxicab operator's license for each taxicab. Upon application, the Town will issue such license upon the following conditions:

1. The applicant shall pay an annual license tax as set by the Town Board of Trustees for each taxicab to be operated; and

2. The applicant shall take out and file with the Town Board of Trustees a standard public liability and property damage insurance policy providing public liability insurance for injury including accidental death of any person at least Twenty-Five Thousand Dollars (\$25,000.00), and of more than one person at least Fifty Thousand Dollars (\$50,000.00); and property damage insurance of not less than Twenty-Five Thousand Dollars (\$25,000.00). Such license shall be in effect only when such policy is in force. The license shall expire on April 30 of each year.

State Law Reference: Taxicab licensing, town authority, 11 O.S. Sections 22-106, 22-118; Proof of financial responsibility, liability insurance required by State, 47 O.S. Section 8-104; licenses from State, 47 O.S. Sections 22.1, 22.4; definition of taxicab, 47 O.S. Section 1-174.

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CHAPTER 3

TRANSPORTATION OF HAZARDOUS, TOXIC SUBSTANCES

Section 16-301	Prohibitions
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SECTION 16-301 PROHIBITIONS

From and after the date of passage and publication of this Ordinance, it shall be unlawful for any person, partnership or corporation to haul, load, unload, transport or cause to be hauled, loaded, unloaded or transported in any manner, any hazardous toxic or highly toxic substance, over, across, or upon any street, alley or highway within the corporate Town limits of the Town of Oologah. PROVIDED, HOWEVER, that any such hazardous substance which is being hauled or transported through the Town limits but remains on U.S. Highway 75 and does not stop within the Town limits is exempted from the purview of this Ordinance.

SECTION 16-302 DEFINITIONS

A. For the purposes of this Ordinance "hazardous substance" means:

1. Any substance or mixture of substances intended or suitable for household use which (a) is toxic, (b) is corrosive, (c) is an irritant, (d) is a strong sensitizer, (e) is flammable, or (f) generates pressure through decomposition, heat, or other means, if such substance or mixture of substances may cause substantial personal injury or substantial illness during or as a proximate result of any customary or reasonably foreseeable handling or use, including reasonably foreseeable ingestion by children.

2. Any substances which the State Board of Health by regulation finds, pursuant to the provisions of *Section 1502(a), of Title 63, Okla. Stat. Ann.*

3. Any radioactive substance, if, with respect to such substance as used in a particular class of article or as packaged, the Board determines by regulation that the substance is sufficiently hazardous to require labeling in accordance with this article in order to protect the public health.

B. The term "hazardous substance" shall not apply:

1. to economic poisons subject to the provision of *2 Okla. Stat. 1961, Section 3-63;*

2. to foods subject to the provisions of *Title 63;*

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3. to drugs and cosmetics subject to the provisions of *Title 63 Okla. Stat. Ann.*;

4. to substances intended for use as fuels when stored in containers and used in heating, cooking, or refrigeration system of a house or to substances intended for use as fuel for motor vehicles and dispensed by service stations.

C. The term "hazardous substance" shall not include any source material, special nuclear material, or by-product material as defined in the Act of Congress known as the *Atomic Energy Act of 1954, as amended*, and regulations issued pursuant thereto by the Atomic Energy Commission.

D. The term "toxic" shall apply to any substance (other than a radioactive substance) which has the capacity to produce personal injury or illness to man through ingestion, inhalation, or absorption through any body surface.

E. The term "highly toxic" means any substance which falls within any of the following categories:

1. produces death within fourteen (14) days in half or more than half of a group of ten (10) or more laboratory white rats each weighing between two hundred (200) and three hundred (300) grams, at a single dose of fifty (50) milligrams or less per kilogram of body weight, when orally administered; or

2. produces death within fourteen (14) days in half or more than half of a group of ten (10) or more laboratory white rats each weighing between two hundred (200) and three hundred (300) grams, when inhaled continuously for a period of one (1) hour or less at an atmospheric concentration of two hundred (200) parts per million by volume or less of gas or vapor or two (2) milligrams per liter by volume or less of mist or dust, provided such concentration is likely to be encountered by man when the substance is used in any reasonably foreseeable manner, or

3. produces death within fourteen (14) days in half or more than half of a group of ten (10) or more rabbits tested in a dosage of two hundred (200) milligrams or less per kilogram of body weight, when administered by continuous contact with the bare skin for twenty-four (24) hours or less.

F. If the State Department of Health, State of Oklahoma finds that available data on human experience with any substance indicates results different from those obtained on animals in the above-name dosages or concentrations, the human data shall take precedence.

1. The term "corrosive" means any substance which in contact with living tissue will cause destruction of tissue by chemical action; but shall not refer to action on inanimate surfaces.

2. The term "irritant" means any substance not corrosive within the meaning of the preceding subparagraph which on immediate, prolonged, or repeated contact with normal living tissue will induce a local inflammatory reaction.

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3. The term "strong sensitizer" means a substance which will cause on normal living tissue through an allergic or photodynamic process a hypersensitivity which becomes evident on reapplication of the same substance and which is designated as such by the Board. Before designating any substance as a strong sensitizer, the Oklahoma State Department of Health, upon consideration of the frequency of occurrence and severity of the reaction, shall find that the substance has a significant potential for causing hypersensitivity.

4. The term "extremely flammable" shall apply to any substance which has a flash point at or below twenty degrees (20) Fahrenheit as determined by the Tagliabue Open Cup Tester, and the term "flammable" shall apply to any substance which has a flash point of above twenty degrees (20) to and including eighty degrees (80) Fahrenheit, as determined by the Tagliabue Open Cup Tester; except that the flammability of solids and of the contents of self-pressurized containers shall be determined by methods found by the State Department of Health to be generally applicable to such materials or containers, respectively, and established by regulations issued by the State Department of Health, which regulations shall also define the terms "flammable" and "extremely flammable" in accord with such methods.

5. The term "radioactive substance" means a substance which emits ionizing radiation.

SECTION 16-303 PENALTIES

A. Any person who violates any provisions of this Ordinance, upon conviction, shall be punished by a fine not to exceed Thirty-Five Dollars (\$35.00) and each separate container of such hazardous substance shall be considered a separate offense.

B. In addition to any fine or fines or in lieu thereof, the Mayor is hereby authorized to apply to the District Court of Rogers County for a temporary or permanent injunction restraining and preventing the violation of any provision of this Ordinance or pursuing any other legal remedies against said violators.

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