

**TRANSLATION. REGULATIONS
FOR THE EXECUTION OF THE
POLICE LAW OF RAILROADS
OF THE ISLAND OF CUBA**

Published @ 2017 Trieste Publishing Pty Ltd

ISBN 9780649166398

Translation. Regulations for the execution of the police law of railroads of the island of cuba by
War Department

Except for use in any review, the reproduction or utilisation of this work in whole or in part in any form by any electronic, mechanical or other means, now known or hereafter invented, including xerography, photocopying and recording, or in any information storage or retrieval system, is forbidden without the permission of the publisher, Trieste Publishing Pty Ltd, PO Box 1576 Collingwood, Victoria 3066 Australia.

All rights reserved.

Edited by Trieste Publishing Pty Ltd.
Cover @ 2017

This book is sold subject to the condition that it shall not, by way of trade or otherwise, be lent, re-sold, hired out, or otherwise circulated without the publisher's prior consent in any form or binding or cover other than that in which it is published and without a similar condition including this condition being imposed on the subsequent purchaser.

www.triestepublishing.com

WAR DEPARTMENT

**TRANSLATION. REGULATIONS
FOR THE EXECUTION OF THE
POLICE LAW OF RAILROADS
OF THE ISLAND OF CUBA**

Spain. Ministerio de ultramar.
TRANSLATION.

REGULATIONS

FOR THE

EXECUTION OF THE POLICE LAW OF RAILROADS

OF THE

ISLAND OF CUBA.

WAR DEPARTMENT,
DIVISION OF CUSTOMS AND INSULAR AFFAIRS.
September, 1899.

UNIV. OF
CALIFORNIA

WASHINGTON:
GOVERNMENT PRINTING OFFICE,
1899.

UNIV. OF
CALIFORNIA

REGULATIONS FOR THE EXECUTION OF THE POLICE LAW OF
RAILROADS OF THE ISLAND OF CUBA.

CHAPTER I.

ARTICLE 1. The inspection and supervision of railroads, not only in their technical part but also in their business part, the direct intervention in the different branches of their operation, their police, and good administration, and everything that relates to the safety of persons and the development of material interests, appertains to the colonial department.

ART. 2. The purely technical or professional part shall be intrusted in each line to one or more engineers of the corps of roads, canals, and ports; the administrative and business part to the officers designated by the colonial department. Two inspections shall be created of both branches, which shall be independent of each other and both devoted to the best public service, with different obligations and duties. They may also be consolidated.

ART. 3. The organization, powers, and duties of the technical and administrative inspections shall conform to the provisions of the special regulations which may have been issued for the service of the same, or which may in the future be issued by the colonial department.

CHAPTER II.

THE ROAD AND ITS PRESERVATION.

ART. 4. The erection of dams, wells, and troughs at a distance of less than 20 meters on each side of the railroad is prohibited. This distance of 20 meters shall be measured from the lower lines of the walls of the embankments, from the upper line of the clearing, and from the outer edge of the trenches when the railroad is on a level. In the absence of these lines the distance of 20 meters shall be counted from a line parallel to the outer rail at a meter and a half from the same.

ART. 5. The farmers of the land adjoining the road shall incur the penalty provided for in article 24 of the law whenever, by reason of their plantings, works of cultivation, or in any other manner whatsoever they injure the inclosures or the supporting walls, the braces of the culverts, the abutments of the bridges, and other works of railroads.

ART. 6. Article 24 of the law shall be applied not only to the farmers who, in the work of cultivation and improvement of the fields adjoining the railroad, should throw in the trenches earth, manure, leaves, or any other material which might prevent the free course of water, but also to shepherds and ranchmen who, in the care, grazing, or driving of their cattle, cause the same damage.

ART. 7. The owners or lessors of lands adjoining railroads shall not—

1. Obstruct the free course of water proceeding from the railroad, by constructing ditches, roads, or bypaths, or by raising their embankments.

2. Cut trees within a zone of 20 meters on either side of the railroad without previous permission from the local authority and examination by the technical inspection.

3. Pull out roots or remove earth from the slopes or lands adjoining the roads, which may cause a caving in of the land, and directly or indirectly obstruct or embarrass traffic.

The works necessary for the repair of this damage shall be constructed at the expense of the offender without prejudice to the penalties which he may have incurred according to the foregoing articles.

ART. 8. The owners or drivers of vehicles, horses, or cattle, may not, even for the purpose of entering adjoining lands, or to leave them, cross railroads, except at the points fixed for that purpose. This prohibition also includes owners or drivers of carriages and shepherds or cattlemen who leave their horses or cattle free and graze them on the lands adjoining the railroads.

ART. 9. No sheds, covers, or movable stands shall be allowed in the zone of the railroads, even for the sale of food, if their owners have not previously obtained the proper permission from the competent authority.

ART. 10. Whosoever willfully or by omission or negligence shall damage or destroy, with his cattle or vehicles, the works or dependencies of railroads, such as parapets, copings or walls, kilometric posts, telegraph posts, wires and insulators, signal posts, signs, time-tables for the public, and the pipes and water deposit, shall incur the penalty mentioned in article 21 of the law.

Said article is also applicable to those who without proper authority shall cut or destroy trees planted in the zone fixed in article 4 on either side of the railroad.

ART. 11. Nobody shall construct dams or works, open canals for taking or leading waters, erect buildings, walls, culverts, or other works within the zone of 20 meters, measured in the manner stated in article 4, without previous authorization.

This zone of 20 meters shall be measured at stations from the inclosure or boundary which limits the land belonging to the station.

ART. 12. Petitions to construct or rebuild in railroad zones shall be

addressed to the mayors of the respective towns, stating therein the site, purpose, and details of the proposed work.

The mayor shall forward them immediately, with his report and the remarks he may consider proper, to the technical inspection, which, after an examination and hearing of the company, shall determine the distance between the road and the work, fixing the alignment and the precautions and technical conditions to be observed, which must be complied with in the construction.

It is obligatory for the persons interested to submit the plans of the work to the technical inspection, whenever it shall deem it convenient to examine the same.

ART. 13. If the technical inspection and the mayor agree as to the proposed constructions in the zones of the road, the latter shall immediately grant the permission requested.

Should they disagree, and the interested party object to the conditions proposed by the inspection, the proceedings shall be submitted to the governor of the province, who, after hearing the permanent committee of the provincial deputation, shall decide what he may consider proper.

In case any of the parties should be dissatisfied with his decision the colonial department shall decide finally, through the administrative channel, without further remedy.

ART. 14. After a report or communication from the technical inspection the mayor shall order the works which may have been constructed in the zone of the railroad without proper permission to be demolished as well as those constructed after the granting of the latter which do not fulfill the required conditions.

ART. 15. If the houses or other buildings erected in any part within the zone of easement of the railroad, measured in the manner prescribed by articles 4 to 11, and especially if the walls at the sides of the roads threaten to fall, the company shall at once inform the technical inspection, so that it may immediately proceed to the examination.

If the latter should show their bad condition or insecurity, the technical inspection shall inform the mayor, stating whether the ruin is or is not imminent, and whether the building is among those the wall of which must be moved back.

ART. 16. The prohibition imposed by article 3 of the law to erect within 3 meters distance from the railroad any other construction but a wall or fence includes a prohibition to open in the same doors, windows, or any other openings which may face the road.

ART. 17. The plans of works which cross the roads or impose an easement thereon, more or less directly, shall be submitted to the approval of the secretary of public works, who shall decide, after hearing the company, the engineer in chief of the technical inspection, and the governor of the province.

ART. 18. By all possible means the company shall insure—

1. The maintenance in good condition of the railroad and of all its appurtenances.

2. The care and service of the gates at grade crossings.

3. The supervision and proper working of the switches in the changes and crossings of the road and in the signals adopted, in daytime as well as at night.

4. The lighting of the stations and grade crossings, which the secretary of public works shall fix, from sunset until the last train has passed.

5. The lighting of the tunnels, which shall also be fixed by the government, and which shall be constantly lighted while the road is in operation.

ART. 19. For the more exact enforcement of the provisions of the foregoing article, there shall be at all the points considered necessary road keepers, switch tenders, and watchmen, day and night, in sufficient number to insure the safety of the trains and the success of the service.

During the time these employees are on duty they shall never leave their posts without express authority thereto from the chief on whom they depend, and not without having been previously substituted.

ART. 20. When, in the opinion of the department of public works, the means adopted by the company are insufficient to insure the safety of the service, it shall adopt, of its own accord, after hearing the company, the measures which in each case it may deem proper and which are required by the interests of the public.

ART. 21. The technical inspection, in accordance with the company, shall organize the service and police of the gates in the most convenient manner.

ART. 22. Whenever it is necessary for the maintenance of the works or for the safety of persons or merchandise to open outer ditches, erect defenses and trenches, or to undertake other works of the same character, the company shall proceed immediately to their construction, at the points fixed by the Government.

ART. 23. The chiefs of the divisions of railroads, when the concessionaires or lessors within the period fixed do not repair the damages or do not have the works completed, shall, after an order from the general direction of public works, repair said damages or injuries or construct the work necessary under the administration system. The governor shall order the attachment of the funds of the neighboring stations to meet the payment of the said works or repairs. A receipt for the funds attached shall be issued to the station masters. These documents shall be afterwards exchanged for the verified accounts of expenses in the manner in which the works of the State are vouched for. If there be opposition to the seizure of the funds, aid shall be asked of the governor of the province, who shall furnish it, even if it be with the troops under his command.

ART. 24. The division of the line in kilometers, the grades, the radii and length of the curves, shall be fixed according to the provisions ordered by the secretary of public works. They should be, whenever possible, on the right of the road, and starting from Madrid, as a central point, to the coasts and frontiers.

CHAPTER III.

STATIONS.

ART. 25. Every station shall have on its principal façade an inscription stating its name, and a clock for the regulation of the service of the same and the movement of trains.

All of the clocks of the line shall be regulated daily by the time of the meridian of Madrid whenever the line connects with that court without a break; and should there be one, they shall be regulated by that of the most important station.

All the passages for pedestrians, vehicles, and horses shall also have signs, so that all the bureaus, offices, warehouses, workshops, and other dependencies of the company may be known.

ART. 26. Any ticket with changes or erasures shall be refused as worthless.

ART. 27. The railroad administration, to insure the safety of baggage, packages, and merchandise, shall issue to their owners, or to those in charge of the same who may represent the former, proper receipts, stating therein the number and kind of packages delivered, the transportation rate charged, and any other matters which may be considered necessary for the better carrying out of this service.

In these receipts the time according to the regulations within which the baggage, packages, or merchandise are to reach their destination must be stated.

ART. 28. In the most public places of each station the announcement of the office hours, the hours for the sale of tickets, as well as the time-tables and rates, shall be constantly on view.

ART. 29. All the stations shall have a superior chief, to whom all the other employees of the same shall be subordinate.

ART. 30. There shall be in the stations designated by the department of public works—

1. Departments for the officers of inspection and telegraph.
2. A depository, in the manner determined by the company, where lost articles belonging to travelers shall be securely taken care of.
3. A medicine chest, bandages, and other articles required in case of accidents.

ART. 31. It is incumbent on the governors of provinces to adopt all the proper measures for the best order and police of stations, the entry, movement, and stoppage in the yards of public and private conveyances used to transport passengers and merchandise; but their deci-

sions shall not be final until they have obtained the approval of the department of public works.

All privilege and favor of common carriers as to entry, movement, and stoppage in the neighborhood of the stations are prohibited.

CHAPTER IV.

MATERIAL EMPLOYED IN THE OPERATION.

ART. 32. The number of locomotives, tenders, and other vehicles to be used in the service shall be determined in the articles of conditions of the concession.

If for the best public service it should be necessary to increase this rolling stock, the department of public works, after hearing the company, shall take such action as may be proper to obtain the same.

ART. 33. The locomotives shall always be provided with the necessary apparatus to prevent all danger from fire, and shall never be used until after examination by the technical inspection.

When by reason of wear or any other cause a locomotive should have been withdrawn from use, it shall not again be employed, even after being repaired, without an examination by and express authority from the technical inspection.

ART. 34. The axles of locomotives, tenders, cars, and other rolling stock of the company shall be tilted, strong and compact, of smooth surface, without ridges or indentations, and perfectly adapted to the service to be rendered.

ART. 35. Never under any pretext whatsoever shall cast-iron wheels be used, but cast-steel wheels may be used. In freight trains, as well as in trains which travel at a slow rate of speed, wheels with forged tires may be used after authority from the Government.

ART. 36. All the companies shall enter in folioed registers the locomotives in use, stating the day they began service, the work done, the repairs or changes made, and the successive renewal of their different parts.

In these entries there shall also be included the observations and remarks deemed necessary to form the statistics of the rolling stock in use by the railroad.

ART. 37. In other special registers, different from those mentioned in the foregoing article, a full entry shall be made of the axles of the locomotives and tenders, entering at the margin the ordinal number of each one, the manufacturer thereof, the day they were first used, the tests to which they were submitted, their constant and periodic work, and the accidents and various repairs. For this purpose each axle shall have its number engraved thereon.

These registers, always kept with the greatest possible exactness, shall be presented by the companies to the engineers in charge of the technical inspection whenever they may deem it proper to examine them.