

1412 RAILROADS: DUTY TO HAVE PROPER HEADLIGHTS

A safety regulation provides that every steam locomotive used in road service between sunset and sunrise shall have a headlight which affords/provides sufficient illumination to enable a person in the cab of the locomotive who possesses the usual visual capacity required of a locomotive engineer to see, in a clear atmosphere, a dark object as large as a man of average size standing at least 800 feet ahead and in front of the headlight, and the headlight must be maintained in good condition.

A failure to comply with this regulation is negligence.

COMMENT

The instruction and comment were originally published in 1967 and updated in 2005.

49 C.F.R. § 230.86 Federal Railroad Administration. For headlight regulations covering other locomotives, see 49 C.F.R. § 229.125.

The United States Supreme Court has determined that jurisdiction over railroads whose tracks are used in interstate commerce rests exclusively with the I.C.C. Chicago & N.W. Ry. v. Railroad Comm'n of Wisconsin, 272 U.S. 605 (1926).

The Wisconsin statute was substantially similar; see Randall v. Minneapolis, St. P. & S.S.M. Ry., 162 Wis. 507, 156 N.W. 629 (1916). This statute last appeared in the statute books in 1927 as § 192.45. It was considered abrogated by the U.S. Boiler Inspection Act; see Chicago & N.W. Ry. v. Railroad Comm'n of Wisconsin, *supra*. Chapter 504, § 120, Laws of 1929, ordered that § 192.45 no longer be printed.

49 C.F.R. § 230.129 (1979), Federal Railroad Administration requires similar lights on the rear of those locomotives which are regularly required to run backwards for any portion of a trip. 49 C.F.R. § 230.129 (1979) provides that locomotives used in yard service between sunset and sunrise shall have two (2) lights, one on the front and one on the rear, which will permit one in the cab to see – under the same conditions as set forth in § 230.129(a) – a distance of 300 feet.