



Legislation Details (With Text)

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Title:	Repealing Toledo Municipal Code ("TMC") Section 965.22 (Signals on approaching bridges); enacting a new TMC Section 965.22 (Signals on approaching bridges); and declaring an emergency.				
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TDOT042424AMENDTMC965.22
Road & Bridge Maintenance
Brad Serres (x1542)

Repealing Toledo Municipal Code ("TMC") Section 965.22 (Signals on approaching bridges); enacting a new TMC Section 965.22 (Signals on approaching bridges); and declaring an emergency.

SUMMARY & BACKGROUND:

The United States Coast Guard under the authority of 33 U.S.C. 499; 33 CFR 1.05-1; Department of Homeland Security Delegation No. 00170.1, Revision No. 01.3 has revised its drawbridge operation regulations for the Maumee River (33 CFR 117.855). Five movable bridges operate along the navigational channel of the Maumee River within the City of Toledo.

The Craig Memorial Bridge is owned and operated by the State of Ohio. The Martin Luther King Jr. Bridge is owned and operated by the City of Toledo. The remaining three movable bridges are owned by railroad companies. All movable bridges within the navigational channel are subject to the authority of the U.S. Coast Guard. Toledo Municipal Code must be modified to reflect the regulations of the U.S. Coast Guard.

NOW THEREFORE Be it ordained by the Council of the City of Toledo:

SECTION 1. That Section 965.22 of the Toledo Municipal Code which reads as follows:

965.22. Signals on approaching bridges.

(a) The movable spans of bridges over the Maumee River in the City shall be opened for the passage of vessels in the manner described herein, upon signal; namely one prolonged and one short blast of a horn or whistle, such signal to be given when such vessel is at a sufficient distance from such bridge to enable it to stop if for any reason such bridge cannot be opened. Upon receiving a signal from a vessel desiring to pass through the bridge, the bridge operator, if such bridge can be promptly opened, shall answer by one prolonged and one short blast from the bridge whistle which will indicate that such vessel may proceed toward the bridge, and such vessel shall acknowledge the bridge signal by one prolonged and one short blast of the horn or whistle:

(1) The draw of the Craig Memorial Highway Bridge, mile 3.30, at Toledo, shall operate as follows:

A. From April 1 through December 20.

1. Between the hours of 7 a.m. and 11 p.m., the draw need only open from three minutes before to three minutes after the hour and half-hour with no opening required at 7:30 a.m. and 4:30 p.m. for pleasure craft; for commercial vessels during this period of time, the draw shall open on signal as soon as possible.

2. Between the hours of 11 p.m. and 7 a.m., the draw shall open on signal for commercial vessels and pleasure craft.

B. From December 21 through March 31, no bridgetenders are required to be on duty at the bridge and the bridge shall open on signal from December 21 through December 31, if at least a four-hour advance notice is given and from January 1 through March 31, if at least twelve hour advance notice is given.

(2) The draw of the Martin Luther King, Jr. Bridge, mile 4.30 at Toledo, shall operate as follows:

A. From April 1 through December 20.

1. Between the hours of 7 a.m. and 11 p.m., the draw need only open from three minutes before to three minutes after the quarter and three-quarter hour with no opening required at 7:45 a.m. and 4:45 p.m. for pleasure craft; for commercial vessels, during this period of time, the draw shall open on signal as soon as possible.

2. Between the hours of 11 p.m. and 7 a.m., the draw shall open on signal for commercial vessels and pleasure craft.

B. From December 21 through March 31, no bridgetenders are required to be at the bridge and the draw shall open on signal from December 21 through December 31, if at least a four-hour advance notice is given and from January 1 through March 31, if at least a twelve-hour advance notice is given.

(3) The draws of the CSX Transportation Railroad Bridge, mile 1.07 and Norfolk and Western railroad bridge, mile 1.80, and the Conrail Railroad bridge, mile 5.76, all at the City shall operate as follows:

A. From April 1 through December 20, the draws shall open on signal for all vessels.

B. From December 21 through March 31, no bridgetenders are required to be at the bridges and the draws shall open on signal for commercial vessels and pleasure craft from December 21 through December 31, if at least a four-hour advance notice is given and from January 1 through March 31, if at least a twelve-hour advance notice is given.

(4) At all times, the bridges listed in this section shall open as soon as possible for public vessels of the United States, State or local government vessels used for public safety, commercial vessels, vessels in distress and vessels seeking shelter from rough waters or rough weather.

(Ord. 416-89. Passed 5-9-89.)

(b) If for any reason the bridge operator will be temporarily delayed in opening such bridge, he shall blow a check signal of three short blasts.

(c) If for any reason, the bridge operator cannot open such bridge in response to proper signals to do so, he shall blow a warning or danger signal from the bridge whistle of five or more short blasts.

(d) No bridge owner shall obstruct, or permit or cause to be obstructed, the passage of any vessels by permitting trucks, automobiles, railroad cars, locomotives or other obstructions to remain upon or across their movable bridge for longer than thirty minutes to the hindrance or inconvenience of vessels signaling to pass through any such bridge. No bridge owner shall fail, at the end of each thirty minute period of obstruction of vessel passage, to cause such trucks, automobiles, railroad cars, locomotives or other obstructions to be

removed for sufficient time to allow passage of all such vessels.

Upon the bridge owner or operator notifying the Commissioner of Streets, Bridges and Harbor ninety-six hours in advance of routine maintenance to be performed on the bridge, the owner may place the affected bridge out of service for a period of time not to exceed two hours.

This section does not apply to the obstruction of vessel passage caused by a continuously moving through train or by circumstances wholly beyond the control of the bridge owner, but applies to other obstructions, including without limitation those caused by pavement or track maintenance, stopped trains and trains engaged in switching, loading, unloading or shift change.

Upon the filing of an affidavit or complaint for violation of this section, summons shall be issued to the bridge owner, which summons shall be served on the owner or the agent of the owner within the City. (1952 Code § 22-4-1; Ord. 181-79)

(e) If for any reason a Municipal, State or railroad bridge operator cannot open such bridge in response to proper notice, and if the circumstances require clarification beyond the sounding of a horn/whistle, marine radios, via the FCC designated channel, will be utilized as a communication device to boaters. (Ord. 416-89. Passed 5-9-89.)

Is hereby repealed.

SECTION 2. That a new Section 965.22 of the Toledo Municipal Code is hereby enacted to read as follows:

965.22. Signals on approaching bridges.

(a) The movable spans of bridges over the Maumee River in the City shall be opened for the passage of vessels in the manner described herein, upon signal; namely one prolonged and one short blast of a horn or whistle, such signal to be given when such vessel is at a sufficient distance from such bridge to enable it to stop if for any reason such bridge cannot be opened. Upon receiving a signal from a vessel desiring to pass through the bridge, the bridge operator, if such bridge can be promptly opened, shall answer by one prolonged and one short blast from the bridge whistle which will indicate that such vessel may proceed toward the bridge, and such vessel shall acknowledge the bridge signal by one prolonged and one short blast of the horn or whistle:

- (1) The draw of the CSX Railroad Bridge, mile 1.07, will open on signal, except that from December 15 through March 31 the bridge will require at least 12-hours advance notice. The bridge will operate and maintain a VHF-FM Marine Radio and a telephone number.
- (2) The draw of the Wheeling and Lake Erie Railroad Bridge, mile 1.80, will open on signal, except that from December 15 through March 31 the bridge will require at least 12-hours advance notice. The bridge will operate and maintain a VHF-FM Marine Radio and a telephone number.
- (3) The draw of the Craig Memorial Bridge, mile 3.30, will open on signal, except that from December 15 through March 31 the bridge will require at least 12-hours advance notice. The bridge will operate and maintain a VHF-FM Marine Radio and a telephone number.
- (4) The draw of the Martin Luther King Jr Memorial Bridge, mile 4.30, will open on signal, except that from December 15 through March 31 the bridge will require at least 12-hours advance notice. The bridge will operate and maintain a VHF-FM Marine Radio and a telephone number.
- (5) The draw of the Norfolk Southern Railroad Bridge, mile 5.76, will open on signal, except that from December 15 through March 31 the bridge will require at least 12-hours advance notice. The bridge will operate and maintain a VHF-FM Marine Radio and a telephone number.

(b) If for any reason the bridge operator will be temporarily delayed in opening such bridge, he shall blow a check signal of three short blasts.

(c) If for any reason, the bridge operator cannot open such bridge in response to proper signals to do so, he

shall blow a warning or danger signal from the bridge whistle of five or more short blasts.

(d) No bridge owner shall unreasonably delay the passage of any vessels signaling to pass through any such bridge.

SECTION 3. That this Ordinance is declared to be an emergency measure and shall take effect and be in force immediately from and after its passage. The reason for the emergency lies in the fact that same is necessary for the preservation of the public peace, health, safety and property and for the further reason that this Ordinance must be immediately effective in order to comply with U.S. Coast Guard regulations.

Vote on emergency clause: yeas 12, nays 0.

Passed: April 24, 2024, as an emergency measure: yeas 12, nays 0.

Attest:

Julie A. Gibbons
Clerk of Council

Carrie Hartman
President of Council

Approved:

April 24, 2024
Wade Kapszukiewicz
Mayor