

Chapter 81.52 RCW
RAILROADS—RIGHTS-OF-WAY—SPURS—FENCES

Sections

81.52.050 Fences—Crossings—Cattle guards.
81.52.060 Fences—Liability for injury to stock.
81.52.070 Fences—Negligence—Evidence.

Eminent domain by corporations: Chapter 8.20 RCW.

Forest protection: Chapter 76.04 RCW.

Public lands, rights-of-way, easements, etc.: Chapter 79.36 RCW.

RCW 81.52.050 Fences—Crossings—Cattle guards. Every person, company, or corporation having the control or management of any railroad shall, outside of any corporate city or town, and outside the limits of any sidetrack or switch, cause to be constructed and maintained in good repair on each side of said railroad, along the line of said right-of-way of such person, company, or corporation operating the same, a substantial fence, and at every point where any roadway or other public highway shall cross said railroad, a safe and sufficient crossing must be built and maintained, and on each side of such crossing and at each end of such sidetrack or switch, outside of any incorporated city or town, a sufficient cattle guard: PROVIDED, That any person holding land on both sides of said right-of-way shall have the right to put in gates for his or her own use at such places as may be convenient. This section does not apply to rail right-of-way owned by the department of transportation. [2025 c 417 s 1301; 2013 c 23 s 301; 1961 c 14 s 81.52.050. Prior: 1907 c 88 s 1; RRS s 10507.]

Findings—Intent—2025 c 417: See note following RCW 82.38.030.

RCW 81.52.060 Fences—Liability for injury to stock. Every such person, company or corporation owning or operating such railroad shall be liable for all damages sustained in the injury or killing of stock in any manner by reason of the failure of such person, company or corporation, to construct and maintain such fence or such crossing or cattle guard; but when such fences, crossings and guards have been duly made, and shall be kept in good repair, such person, company or corporation shall not be liable for any such damages, unless negligently or unlawfully done. [1961 c 14 s 81.52.060. Prior: 1907 c 88 s 2; RRS s 10508.]

RCW 81.52.070 Fences—Negligence—Evidence. In all actions against persons, companies or corporations, operating steam or electric railroads in the state of Washington, for injury to stock by collision with moving trains, it is prima facie evidence of negligence on the part of such person, company or corporation, to show that the railroad track was not fenced with a substantial fence or protected by a sufficient cattle guard at the place where the stock was injured or killed. [1961 c 14 s 81.52.070. Prior: 1907 c 88 s 3; RRS s 10509.]