

FILED MAR 26 1981

Reprinted 4/10/81

SENATE FILE 492

BY COMMITTEE ON TRANSPORTATION

(FORMERLY SSB 339)

Approved 3/26/81 (p. 982)

Passed Senate, Date 4-8-81 (p. 1165) Passed House, Date 4-24-81 (p. 1392)

Vote: Ayes 44 Nays 2 Vote: Ayes 96 Nays 1

Approved May 14, 1981

A BILL FOR

1 An Act relating to the operation of urban transit systems.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

3
4
5
6
7
8
9
10
11
12

SENATE FILE 492

S-3415

1 Amend Senate File 492 as follows:
2 1. Page 1, by inserting after line 22, the
3 following:
4 "Sec. ____ . Section 321.372, Code 1981, is
5 amended by adding the following new subsection:
6 NEW SUBSECTION. This section shall not apply
7 to designated loading and unloading zones at
8 school attendance centers or at extracurricular
9 or educational activity locations where students
10 exiting the bus do not have to cross the street or
11 highway."

S-3415 FILED
APRIL 7, 1981
Adopted 4/8/81 (p. 1165)

BY CHARLES P. MILLER
RAY TAYLOR
ARTHUR L. GRATIAS
RICHARD VANDE HOEF
JOE BROWN
JAMES V. GALLAGHER
ALVIN V. MILLER

1 Section 1. Section 321.225, Code 1981, is amended by
2 adding the following new unnumbered paragraph:

3 NEW UNNUMBERED PARAGRAPH. An urban transit company, as
4 defined in section 321.19, subsection 2, shall be exempt from
5 this section where service of peak hour loads require split
6 shifts for drivers. A driver for an urban transit company
7 shall not drive for more than twelve hours in any twenty-four
8 hour period and a driver which operates a vehicle on a split
9 shift shall have not less than two hours off between shifts.

10 Sec. 2. Section 321.372, subsection 1, Code 1981, is
11 amended by inserting after unnumbered paragraph 1 the following
12 new unnumbered paragraph:

13 NEW UNNUMBERED PARAGRAPH. If a school district contracts
14 with an urban transit system or other carrier to transport
15 children to and from a public or private school, the school
16 bus which is provided by the urban transit system or other
17 carrier shall not be required to be equipped with flashing
18 warning lights and a stop arm. If the school bus provided
19 by an urban transit system or other carrier is equipped with
20 flashing warning lights and a stop arm, the driver of the
21 school bus shall use the flashing warning light and stop arm
22 as required by law.

3415 23 Sec. 3. Section 324.57, subsection 9, Code 1981, is amended
24 to read as follows:

25 9. An "Iowa urban transit system" is a system whereby
26 motor buses are operated primarily upon the streets of cities
27 for the transportation of passengers for an established fare
28 and which accepts passengers who present themselves for
29 transportation without discrimination up to the limit of the
30 capacity of each motor bus. "Iowa urban transit system" also
31 includes motor buses operated upon the streets of adjoining
32 cities, whether interstate or intrastate, for the
33 transportation of passengers without discrimination up to
34 the limit of the capacity of the motor bus. Privately
35 chartered bus services, motor carriers and interurban carriers

1 subject to the jurisdiction of the Iowa state department of
2 transportation, school bus services and taxicabs shall not
3 be construed to be an urban transit system nor a part of any
4 such system.

5 Sec. 4. Section 325.6, subsection 1, Code 1981, is amended
6 to read as follows:

7 1. It is ~~hereby-declared~~ unlawful for any motor carrier,
8 except a person operating a motor vehicle in a carpool or
9 vanpool, to transport over a regular route or between fixed
10 termini any person or property, for compensation, from any
11 point or place in the state ~~of-Iowa~~ to another point or place
12 in ~~said~~ the state irrespective of the route, highway or
13 highways traversed, including the crossing of any state line
14 of the state ~~of-Iowa~~, or the ticket or bill of lading issued
15 and used for such transportation, without first having obtained
16 from the board a certificate declaring that public convenience
17 and necessity require such operation. An Iowa urban transit
18 system, as defined in section 324.57, subsection 9, may operate
19 within the metropolitan area which it serves and between its
20 service area and another city which is located not more than
21 ten miles from its service area without obtaining a certificate
22 of public convenience and necessity if the other city is not
23 served by another carrier operating under a certificate of
24 public convenience and necessity. ~~No~~ A carrier of passengers
25 shall not operate as a charter carrier in this state unless
26 ~~already-possessed-of~~ it possesses a certificate of convenience
27 and necessity as a common carrier of passengers and operating
28 in this state as such common carrier or possesses a certificate
29 of convenience and necessity to engage in the business of
30 a charter carrier.

31

EXPLANATION

32 Section 1 exempts drivers for an urban transit company
33 from the law which specifies time off and hours of work within
34 a period of twenty-four hours for operation of commercial
35 vehicles. Section 1 does provide that a driver for an urban

1 transit company shall not operate a vehicle more than 12 hours
2 in a twenty-four hour period and that a driver who works a
3 split shift shall have at least 2 hours off between shifts.

4 Section 2 of the bill permits transit system buses or other
5 carriers to be used as school buses. Under the current law,
6 a transit bus would be required to install flashing warning
7 lights and a stop arm to be used as a school bus. Section
8 2 changes the current law to only require the use of flashing
9 warning lights and a stop arm if the vehicle is so equipped.
10 Those vehicles not equipped with flashing warning lights and
11 a stop arm may continue to be used for transporting students.

12 Section 3 of the bill redefines Iowa urban transit system
13 under the motor fuel tax law to include transit systems
14 operating between two adjacent cities, including cities on
15 the state's border which provide local transit services in
16 and between adjoining cities on either side of the border.

17 Section 4 provides that a transit system may provide transit
18 services outside its immediate service area between its ser-
19 vice area and another city located not more than ten miles
20 from the boundaries of its service area without obtaining
21 a certificate of public convenience and necessity if the other
22 city is not served by another carrier operating under a
23 certificate of public convenience and necessity.

24 The bill takes effect July 1 following enactment.

25
26
27
28
29
30
31
32
33
34
35

1 Section 1. Section 321.225, Code 1981, is amended by
2 adding the following new unnumbered paragraph:

3 NEW UNNUMBERED PARAGRAPH. An urban transit company, as
4 defined in section 321.19, subsection 2, shall be exempt from
5 this section where service of peak hour loads require split
6 shifts for drivers. A driver for an urban transit company
7 shall not drive for more than twelve hours in any twenty-four
8 hour period and a driver which operates a vehicle on a split
9 shift shall have not less than two hours off between shifts.

3602-
3674
3790

10 Sec. 2. Section 321.372, subsection 1, Code 1981, is
11 amended by inserting after unnumbered paragraph 1 the following
12 new unnumbered paragraph:

3786

13 NEW UNNUMBERED PARAGRAPH. If a school district contracts
14 with an urban transit system or other carrier to transport
15 children to and from a public or private school, the school
16 bus which is provided by the urban transit system or other
17 carrier shall not be required to be equipped with flashing
18 warning lights and a stop arm. If the school bus provided
19 by an urban transit system or other carrier is equipped with
20 flashing warning lights and a stop arm, the driver of the
21 school bus shall use the flashing warning light and stop arm
22 as required by law.

3790

23 Sec. 2. Section 321.372, Code 1981, is amended by adding
24 the following new subsection:

25 NEW SUBSECTION. This section shall not apply to designated
26 loading and unloading zones at school attendance centers or
27 at extracurricular or educational activity locations where
28 students exiting the bus do not have to cross the street or
29 highway.

30 Sec. 3. Section 324.57, subsection 9, Code 1981, is amended
31 to read as follows:

32 9. An "Iowa urban transit system" is a system whereby
33 motor buses are operated primarily upon the streets of cities
34 for the transportation of passengers for an established fare
35 and which accepts passengers who present themselves for

1 transportation without discrimination up to the limit of the
2 capacity of each motor bus. "Iowa urban transit system" also
3 includes motor buses operated upon the streets of adjoining
4 cities, whether interstate or intrastate, for the
5 transportation of passengers without discrimination up to
6 the limit of the capacity of the motor bus. Privately
7 chartered bus services, motor carriers and interurban carriers
8 subject to the jurisdiction of the Iowa state department of
9 transportation, school bus services and taxicabs shall not
10 be construed to be an urban transit system nor a part of any
11 such system.

12 Sec. 4. Section 325.6, subsection 1, Code 1981, is amended
13 to read as follows:

14 1. It is ~~hereby-declared~~ unlawful for any motor carrier,
15 except a person operating a motor vehicle in a carpool or
16 vanpool, to transport over a regular route or between fixed
17 termini any person or property, for compensation, from any
18 point or place in the state of ~~Iowa~~ to another point or place
19 in ~~said~~ the state irrespective of the route, highway or
20 highways traversed, including the crossing of any state line
21 of the state of ~~Iowa~~, or the ticket or bill of lading issued
22 and used for such transportation, without first having obtained
23 from the board a certificate declaring that public convenience
24 and necessity require such operation. An Iowa urban transit
25 system, as defined in section 324.57, subsection 9, may operate
26 within the metropolitan area which it serves and between its
27 service area and another city which is located not more than
28 ten miles from its service area without obtaining a certificate
29 of public convenience and necessity if the other city is not
30 served by another carrier operating under a certificate of
31 public convenience and necessity. ~~No~~ A carrier of passengers
32 shall not operate as a charter carrier in this state unless
33 ~~already-possessed-of~~ it possesses a certificate of convenience
34 and necessity as a common carrier of passengers and operating
35 in this state as such common carrier or possesses a certificate

1 of convenience and necessity to engage in the business of
2 a charter carrier.

- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28
- 29
- 30
- 31
- 32
- 33
- 34
- 35

SENATE FILE 492

H-3602

- 1 Amend Senate File 492 as follows:
- 2 1. Page 1, line 9, by striking the words "two
- 3 hours" and inserting in lieu thereof the words "one
- 4 hour".

H-3602 FILED
APRIL 10, 1981

*Placed out of order
4/24/81 (p. 1390)*

BY KIRKENSLAGER of Des Moines
HARBOR of Mills
LLOYD-JONES of Johnson

SENATE FILE 492

H-3674

- 1 Amend Senate File 492, as amended, passed and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, line 9, by striking the words "two
- 4 hours" and inserting in lieu thereof the words "one
- 5 hour".

H-3674 FILED
APRIL 16, 1981

Adopted 4/24/81 (p. 1390)

BY COMMITTEE ON TRANSPORTATION
HARBOR, Chair

SENATE FILE 492

H-3695

- 1 Amend Senate File 492 as amended, passed and
- 2 reprinted by the Senate as follows:
- 3 1. Page 3, by adding the following section
- 4 after line 2:
- 5 "Sec. _____. This Act, being deemed of immediate
- 6 importance, shall take effect from and after its
- 7 publication in The Hawk Eye, a newspaper published
- 8 in Burlington, Iowa, and in The Bulletin-Journal, a
- 9 newspaper published in Independence, Iowa."

H-3695 FILED
APRIL 16, 1981

Adopted 4/24/81 (p. 1391)

BY MILLER of Buchanan
WOODS of Polk
JOHNSON of Howard

SENATE FILE 492

H-3786

- 1 Amend Senate File 492, as amended, passed and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, line 14, by striking the words "or
- 4 other carrier".
- 5 2. Page 1, lines 16 and 17, by striking the words
- 6 "or other carrier".
- 7 3. Page 1, line 19, by striking the words "or
- 8 other carrier".

H-3786 FILED APRIL 23, 1981 BY SCHNEKLOTH of Scott
Adopted 4/24/81 (p. 1391) HARBOR of Mills

SENATE FILE 492

H-3790

1 Amend Senate File 492, as amended, passed and
2 reprinted by the Senate, as follows:
3 1. Page 1, by inserting after line 9 the following
4 section:

5 "Sec. ____ . Section 321.372, subsection 1,
6 unnumbered paragraph 1, Code 1981, is amended to read
7 as follows:

8 The driver of any a school bus used to transport
9 children to and from a public or private school shall,
10 when stopping to receive or discharge pupils, turn
11 on flashing warning lamps at a distance of not less
12 than three hundred feet nor more than five hundred
13 feet from the point where the pupils are to be
14 received or discharged from the bus. At the point
15 of receiving or discharging pupils the driver of the
16 bus shall bring the bus to a stop, turn off the amber
17 flashing warning lamps, turn on the red flashing
18 warning lamps, and extend the stop arm. After re-
19 ceiving or discharging pupils, the bus driver shall
20 turn off all flashing warning lamps, retract the stop
21 arm and proceed on the route. Except to the extent
22 that reduced visibility is caused by fog, snow, or
23 other weather conditions, a school bus shall not stop
24 to ~~load or unload~~ receive or discharge pupils unless
25 there is at least three hundred feet of unobstructed
26 vision in each direction. However, the driver of
27 a school bus is not required to use flashing warn-
28 ing lamps and the stop arm when receiving or
29 discharging pupils at a designated loading and
30 unloading zone at a school attendance center or at
31 extracurricular or educational activity locations
32 where students exiting the bus do not have to cross
33 the street or highway."

34 2. Page 1, by striking lines 23 through 29.

35 3. By numbering and renumbering sections and
36 correcting internal references as necessary.

H-3790 FILED APRIL 23, 1981 BY SPEAR of Lee

Adopted 4/24/81 (p. 1391)

SENATE FILE 492

H-3805

1 Amend Senate File 492, as amended, passed and
2 reprinted by the Senate, as follows:
3 1. Title page, by striking line 1 and inserting
4 in lieu thereof the following: "An Act relating to
5 transportation of persons."

H-3805 FILED APRIL 24, 1981 BY SPEAR of Lee

Adopted (p. 1392)

HOUSE AMENDMENT TO SENATE FILE 492

S-3584

1 Amend Senate File 492, as amended, passed and
2 reprinted by the Senate, as follows:

3 1. Page 1, line 9, by striking the words "two
4 hours" and inserting in lieu thereof the words "one
5 hour".

6 2. Page 1, by inserting after line 9 the following
7 section:

8 "Sec. _____. Section 321.372, subsection 1,
9 unnumbered paragraph 1, Code 1981, is amended to read
10 as follows:

11 The driver of any a school bus used to transport
12 children to and from a public or private school shall,
13 when stopping to receive or discharge pupils, turn
14 on flashing warning lamps at a distance of not less
15 than three hundred feet nor more than five hundred
16 feet from the point where the pupils are to be received
17 or discharged from the bus. At the point of receiving
18 or discharging pupils the driver of the bus shall
19 bring the bus to a stop, turn off the amber flashing
20 warning lamps, turn on the red flashing warning lamps,
21 and extend the stop arm. After receiving or
22 discharging pupils, the bus driver shall turn off
23 all flashing warning lamps, retract the stop arm and
24 proceed on the route. Except to the extent that
25 reduced visibility is caused by fog, snow, or other
26 weather conditions, a school bus shall not stop to
27 ~~load or unload~~ receive or discharge pupils unless
28 there is at least three hundred feet of unobstructed
29 vision in each direction. However, the driver of
30 a school bus is not required to use flashing warn-
31 ing lamps and the stop arm when receiving or
32 discharging pupils at a designated loading and
33 unloading zone at a school attendance center or at
34 extracurricular or educational activity locations
35 where students exiting the bus do not have to cross
36 the street or highway."

37 3. Page 1, line 14, by striking the words "or
38 other carrier".

39 4. Page 1, lines 16 and 17, by striking the words
40 "or other carrier".

41 5. Page 1, line 19, by striking the words "or
42 other carrier".

43 6. Page 1, by striking lines 23 through 29.

44 7. Page 3, by adding the following section after
45 line 2:

46 "Sec. _____. This Act, being deemed of immediate
47 importance, shall take effect from and after its
48 publication in The Hawk Eye, a newspaper published
49 in Burlington, Iowa, and in The Bulletin-Journal,
50 a newspaper published in Independence, Iowa."

SENATE 13
APRIL 29, 1981

S-3584
PAGE 2

- 1 8. Renumbering sections and correcting internal
- 2 references as necessary.
- 3 9. Title page, by striking line 1 and inserting
- 4 in lieu thereof the following: "An Act relating to
- 5 transportation of persons."

S-3584 FILED
APRIL 28, 1981

RECEIVED FROM THE HOUSE

Senate concurred 4/29/81 (p. 1480)

SENATE 7
APRIL 6, 1981

SENATE FILE 492
FISCAL NOTE

REQUESTED BY SENATOR DRAKE

In compliance with a written request there is hereby submitted a Fiscal Note for Senate File 492 pursuant to Joint Rule 16.

S.F. 492, An Act relating to the operations of urban transit systems.

Section 1 exempts drivers for an urban transit company from the law which specifies time off and hours of work within a period of twenty-four hours for operations of commercial vehicles, and provides that a driver for an urban transit company shall not operate a vehicle more than 12 hours in a twenty-four period and that a driver who works a split shift shall have at least two hours off between shifts. This section will decrease costs to transit companies by approximately \$250,000 a year.

Section 2 permits transit system buses or other carriers to be used as school buses. Under the current law, a transit bus would be required to install flashing warning lights and a stop arm to be used as a school bus. Section 2 changes the current law to only require the use of flashing warning lights and stop arm if the vehicle is so equipped. This section would eliminate the expense of \$75,000 of installing flashing warning lights and stop signs in transit system buses used as school buses in the state.

Section 3 redefines Iowa urban transit system under the motor fuel tax law to include transit systems operating between two adjacent cities, including cities on the state's border which provide local transit services in and between adjoining cities on either side of the border. There would be a \$8,000 reduction in costs in the quad cities area. It is estimated that there would also be a decrease in costs effecting other cities on the state borders.

Section 4 provides that a transit system may provide transit services outside its immediate service area between its service area and another city located not more than ten miles from the boundaries of its service area without obtaining a certificate of public convenience and necessity if the other city is not served by another carrier operating under a certificate of public convenience and necessity. The estimated savings associated with the cost of certificates purchased by the transit systems is approximately \$20,000.

FILED
APRIL 3, 1981

BY GERRY D. RANKIN, DIRECTOR
LEGISLATIVE FISCAL BUREAU

SENATE FILE 492

AN ACT

RELATING TO TRANSPORTATION OF PERSONS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 321.225, Code 1981, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. An urban transit company, as defined in section 321.19, subsection 2, shall be exempt from this section where service of peak hour loads require split shifts for drivers. A driver for an urban transit company shall not drive for more than twelve hours in any twenty-four hour period and a driver which operates a vehicle on a split shift shall have not less than one hour off between shifts.

Sec. 2. Section 321.372, subsection 1, unnumbered paragraph 1, Code 1981, is amended to read as follows:

The driver of any a school bus used to transport children to and from a public or private school shall, when stopping to receive or discharge pupils, turn on flashing warning lamps at a distance of not less than three hundred feet nor more than five hundred feet from the point where the pupils are to be received or discharged from the bus. At the point of receiving or discharging pupils the driver of the bus shall bring the bus to a stop, turn off the amber flashing warning lamps, turn on the red flashing warning lamps, and extend the stop arm. After receiving or discharging pupils, the

bus driver shall turn off all flashing warning lamps, retract the stop arm and proceed on the route. Except to the extent that reduced visibility is caused by fog, snow, or other weather conditions, a school bus shall not stop to ~~load or unload~~ receive or discharge pupils unless there is at least three hundred feet of unobstructed vision in each direction. However, the driver of a school bus is not required to use flashing warning lamps and the stop arm when receiving or discharging pupils at a designated loading and unloading zone at a school attendance center or at extracurricular or educational activity locations where students exiting the bus do not have to cross the street or highway.

Sec. 3. Section 321.372, subsection 1, Code 1981, is amended by inserting after unnumbered paragraph 1 the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. If a school district contracts with an urban transit system to transport children to and from a public or private school, the school bus which is provided by the urban transit system shall not be required to be equipped with flashing warning lights and a stop arm. If the school bus provided by an urban transit system is equipped with flashing warning lights and a stop arm, the driver of the school bus shall use the flashing warning light and stop arm as required by law.

Sec. 4. Section 324.57, subsection 9, Code 1981, is amended to read as follows:

9. An "Iowa urban transit system" is a system whereby motor buses are operated primarily upon the streets of cities for the transportation of passengers for an established fare and which accepts passengers who present themselves for transportation without discrimination up to the limit of the capacity of each motor bus. "Iowa urban transit system" also

includes motor buses operated upon the streets of adjoining cities, whether interstate or intrastate, for the transportation of passengers without discrimination up to the limit of the capacity of the motor bus. Privately chartered bus services, motor carriers and interurban carriers subject to the jurisdiction of the Iowa state department of transportation, school bus services and taxicabs shall not be construed to be an urban transit system nor a part of any such system.

Sec. 5. Section 325.6, subsection 1, Code 1981, is amended to read as follows:

1. It is ~~hereby-declared~~ unlawful for any motor carrier, except a person operating a motor vehicle in a carpool or vanpool, to transport over a regular route or between fixed termini any person or property, for compensation, from any point or place in the state ~~of Iowa~~ to another point or place in ~~said~~ the state irrespective of the route, highway or highways traversed, including the crossing of any state line of the state ~~of Iowa~~, or the ticket or bill of lading issued and used for such transportation, without first having obtained from the board a certificate declaring that public convenience and necessity require such operation. An Iowa urban transit system, as defined in section 324.57, subsection 9, may operate within the metropolitan area which it serves and between its service area and another city which is located not more than ten miles from its service area without obtaining a certificate of public convenience and necessity if the other city is not served by another carrier operating under a certificate of public convenience and necessity. No A carrier of passengers shall not operate as a charter carrier in this state unless already-possessed-of it possesses a certificate of convenience and necessity as a common carrier of passengers and operating

493

in this state as such common carrier or possesses a certificate of convenience and necessity to engage in the business of a charter carrier.

Sec. 6. This Act, being deemed of immediate importance, shall take effect from and after its publication in The Hawk Eye, a newspaper published in Burlington, Iowa, and in The Bulletin-Journal, a newspaper published in Independence, Iowa.

TERRY E. BRANSTAD
President of the Senate

DELWYN STROMER
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 492, Sixty-ninth General Assembly.

LINDA HOWARTH MACKAY
Secretary of the Senate

Approved May 14, 1981

ROBERT D. RAY
Governor