

FILED MAR 3 1994

SENATE FILE 2259  
BY COMMITTEE ON TRANSPORTATION

(SUCCESSOR TO SSB 2112)

Passed Senate, Date 3/8/94 (p. 564) Passed House, Date \_\_\_\_\_  
Vote: Ayes 48 Nays 0 Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

A BILL FOR

1 An Act relating to railroad crossing safety.  
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
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S.F. 2259

1 Section 1. Section 307.26, subsection 5, paragraph b, Code  
2 1993, is amended to read as follows:

3 b. The establishment of standards for the use and  
4 installation of warning devices and signs for particularly  
5 hazardous crossings or-for-classes-of-crossings on public  
6 highways, which standards are designed to reduce injuries,  
7 fatalities and property damage. Such standards shall regulate  
8 the use of warning devices and signs which shall be in  
9 addition installed pursuant to the requirements of section  
10 3276.2 chapter 327G. Implementation of such standards shall  
11 be the responsibility of the government agency or department  
12 or political subdivision having jurisdiction and control of  
13 the highway and such implementation shall be deemed adequate  
14 for the purposes of railroad grade crossing protection The  
15 department shall adopt rules providing for reasonable  
16 guidelines concerning the installation of crossing warning  
17 devices. Crossing warning signs, devices, or improvements  
18 installed or maintained pursuant to rules adopted by the  
19 department under this section shall be deemed adequate and  
20 appropriate warning for the crossing. The department, or the  
21 political subdivision having jurisdiction, may direct the  
22 installation of temporary protection while awaiting  
23 installation of permanent protection. A railroad crossing  
24 shall not be found to be particularly hazardous for any  
25 purpose unless the department has determined it to be  
26 particularly hazardous.

27 EXPLANATION

28 This bill provides that the administrator for rail and  
29 water in the state department of transportation shall  
30 establish standards for the department concerning the use and  
31 installation of railroad crossing warning devices.

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SENATE FILE 2259  
FISCAL NOTE

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A fiscal note for Senate File 2259 is hereby submitted pursuant to Joint Rule 17. Data used in developing this fiscal note is available from the Legislative Fiscal Bureau to members of the Legislature upon request.

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Senate File 2259 provides that the Director of the Rail and Water Division of Department of Transportation (DOT) establish standards for the DOT concerning the use and installation of railroad crossing warning devices.

Fiscal Effect

The fiscal effect of Senate File 2259 cannot be determined due to insufficient information. This bill shifts the liability for railroad crossing safety from the railroad companies to the DOT which could be potentially costly to the State.

The DOT indicated this legislation will require a significant increase in staff to update and maintain an inventory of specifications on all railroad crossings in the State.

Source: Department of Transportation

(LSB 3731sv, DLR)

FILED MARCH 8, 1994

BY DENNIS PROUTY, FISCAL DIRECTOR

Dieleman - Chair  
Connolly  
Kersten

SS B-2112  
Transportation

SENATE FILE <sup>New</sup> 2259  
BY (PROPOSED COMMITTEE ON  
TRANSPORTATION BILL BY  
CHAIRPERSON LLOYD-JONES)

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

A BILL FOR

1 An Act relating to railroad crossing safety.  
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 307.26, subsection 5, paragraph b, Code  
2 1993, is amended to read as follows:

3 b. The establishment of standards for the use and  
4 installation of warning devices and signs for particularly  
5 hazardous crossings ~~or-for-classes-of-crossings~~ on public  
6 ~~highways, which standards are designed to reduce injuries,~~  
7 ~~fatalities and property damage.~~ Such standards shall regulate  
8 the use of warning devices and signs which shall be in  
9 addition installed pursuant to the requirements of section  
10 ~~3276-2~~ chapter 327G. ~~Implementation of such standards shall~~  
11 ~~be the responsibility of the government agency or department~~  
12 ~~or political subdivision having jurisdiction and control of~~  
13 ~~the highway and such implementation shall be deemed adequate~~  
14 ~~for the purposes of railroad grade crossing protection~~ The  
15 department shall adopt rules providing for reasonable  
16 guidelines concerning the installation of crossing warning  
17 devices. Crossing warnings signs, devices, or improvements  
18 installed or maintained pursuant to rules adopted by the  
19 department under this section shall be deemed adequate and  
20 appropriate warning for the crossing. The department, ~~or the~~  
21 ~~political subdivision having jurisdiction,~~ may direct the  
22 installation of temporary protection while awaiting  
23 installation of permanent protection. A railroad crossing  
24 shall not be found to be particularly hazardous for any  
25 purpose unless the department has determined it to be  
26 particularly hazardous.

27 Sec. 2. Section 327G.15, unnumbered paragraph 1, Code  
28 1993, is amended to read as follows:

29 Wherever a railway track crosses or shall hereafter cross a  
30 highway, street, or alley, the ~~railway corporation owning such~~  
31 ~~track and the department, in the case of primary highways, the~~  
32 ~~board of supervisors of the county in which such crossing is~~  
33 ~~located, in the case of secondary roads, or the council of the~~  
34 ~~city, in the case of streets and alleys located within a city,~~  
35 ~~may agree upon the location, manner, vacation, physical~~

1 structure, characteristics and maintenance of the crossing and  
2 flasher lights or gate arm signals at the crossing and  
3 allocation of costs thereof. -- The department shall become a  
4 party to the agreement if grade crossing safety funds are to  
5 be used department may, after proper investigation, require  
6 the installation of adequate and appropriate crossing warning  
7 devices, such as luminous reflective warning signs, luminous  
8 flashing signals, or crossing gates illuminated at night, in  
9 order to promote and safeguard the health and safety of the  
10 public. The department may determine the number, type, and  
11 location of such crossing warning devices which shall conform  
12 as nearly as possible with generally recognized national  
13 standards. The department may prescribe the division of the  
14 cost of the installation and subsequent maintenance of such  
15 crossing warning devices among the railway corporation owning  
16 the railroad track, the public entity having jurisdiction over  
17 the road, any federal funds for rail crossing safety, and the  
18 highway grade crossing safety fund. Up to seventy-five  
19 percent of the maintenance cost of flasher lights or gate arm  
20 signals at the crossing and an unlimited portion of the cost  
21 of installing flasher lights or gate arm signals at the  
22 crossing may be paid from the grade crossing safety fund.

23 Sec. 3. Section 327G.16, Code 1993, is amended by striking  
24 the section and inserting in lieu thereof the following:

25 327G.16 DISAGREEMENT -- APPLICATION -- NOTICE.

26 If a person specified in section 327G.15 disagrees with the  
27 department's determination concerning the division of the cost  
28 of installation and subsequent maintenance of a crossing  
29 warning device, the person may apply in writing to the  
30 department of inspection and appeals requesting resolution of  
31 the disagreement. The department of inspections and appeals  
32 shall set a date for hearing and shall give twenty days'  
33 written notice of the hearing date to all interested parties.

34 EXPLANATION

35 This bill provides that the administrator for rail and

1 water in the state department of transportation shall  
2 establish standards for the department concerning the use and  
3 installation of railroad crossing warning devices. The bill  
4 further provides that the department of transportation has the  
5 authority to require installation of railroad crossing warning  
6 devices, to determine the number, type, and location of such  
7 devices, and to prescribe the division of the cost of  
8 installing and maintaining such devices. A party disagreeing  
9 with the division of the cost may appeal to the department of  
10 inspection and appeals to resolve the disagreement.

11 The bill may impose a state mandate under section 25B.3.

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