

327F.39 Transportation of railroad employees and equipment.

1. *Definitions.* As used in this section, unless the context otherwise requires:

a. *"Department"* means the state department of transportation.

b. *"Director"* means the director of transportation.

c. *"Administrator"* means the department's administrator for rail and water, or the administrator's designee.

d. *"Motor vehicle"* means a vehicle which is self-propelled and designed primarily for highway use, and which may or may not be equipped with retractably flanged wheels for operation on railroad tracks.

e. *"Owner"* means a person having the lawful use or control of a motor vehicle as holder of the legal title of the motor vehicle or under contract or lease or otherwise.

f. *"Place of employment"* means that location where one or more workers are actually performing the labor incident to their employment.

g. *"Worker"* means an individual employed for any period in work for which the individual is compensated, whether full- time or part-time.

2. *Compliance with regulations.* Motor vehicles, as defined in section 321.1, which are subject to registration and which are provided by a railroad company and used to transport railroad workers to and from their places of employment or during the course of their employment shall:

a. Meet all state and federal regulations pertaining to safe construction and maintenance of motor vehicles, including their coupling devices, lighting devices and reflectors, motor exhaust systems, rear-vision mirrors, service and parking brakes, steering mechanisms, tires, warning and signaling devices, and windshield wipers.

b. Meet all state and federal requirements for safety devices, first-aid kits, and sidewalls, canopies, tailgates, or other means of retaining freight safely.

c. Be operated in compliance with all state and federal regulations pertaining to driving, loading, carrying freight and employees, road warning devices, and the transportation of flammable material.

3. *Motor vehicle maintained in safe manner.* A motor vehicle provided by a railroad company and used to transport one or more workers to and from their places of employment or during the course of their employment shall be maintained in a safe manner at all times, whether or not used upon a public highway.

4. *Heating system.* The director shall adopt rules requiring a motor vehicle, as defined in section 321.1, which is subject to registration and which is provided by a railroad company and used to transport railroad workers to and from their places of employment or during the course of their employment to be provided with a safe heating system to maintain a reasonable comfort level in those spaces of the vehicle where the workers are required to ride.

5. *Rule violations.* When the administrator finds that a motor vehicle used to transport workers to and from their places of employment or during the course of their employment violates a rule adopted under this section, the administrator shall make, enter, and serve upon the owner of the motor vehicle an order as necessary to protect the safety of workers transported in the motor vehicle. The administrator may direct in the order, as a condition to the continued use of the motor vehicle for transporting workers to and from their places of employment or during the course of their employment, that additions, repairs, improvements, or

changes be made and that safety devices and safeguards be furnished and used as required to satisfy the rules in the manner and within the time specified in the order. The order may also require that any driver of the motor vehicle satisfy the minimum standards for a driver under the rules.

6. *Penalty.* Violation by the owner of a motor vehicle of this section, a rule adopted under this section, or an order issued under subsection 5, or willful failure to comply with such an order is, upon conviction, subject to a schedule "one" penalty as provided under section 327C.5.

88 Acts, ch 1079, § 2; 92 Acts, ch 1163, § 80