

327F.39 Transportation of railroad employees and equipment.

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

a. “*Administrator*” means the department’s administrator for rail and water, or the administrator’s designee.

b. “*Department*” means the state department of transportation.

c. “*Director*” means the director of transportation.

d. “*Driver*” means a person who operates a motor vehicle for the transportation of railroad workers in the motor vehicle on behalf of a railroad worker transportation company, whether the person is employed by the company for wages or drives for the company as an independent contractor.

e. “*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.

f. “*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.

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

h. “*Railroad worker transportation company*” means a person, other than a railroad corporation, organized for the purpose of or engaged in the business of transporting, for hire, railroad workers to or from their places of employment or in the course of their employment in motor vehicles designed to carry seven or more persons but fewer than sixteen persons including the driver.

i. “*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. *Rest periods for drivers.*

a. A railroad worker transportation company shall not require a driver to operate a motor vehicle in violation of section 321.449A. A railroad worker transportation company may require a period of uninterrupted rest for a driver at any time. The period of uninterrupted rest shall not be less than eight hours. A railroad worker transportation company shall clearly communicate to a driver when a period of uninterrupted rest is to begin.

b. A railroad company shall not require a driver to operate a motor vehicle in violation of section 321.449A or this subsection.

c. For purposes of this subsection, “*uninterrupted rest*” and “*on duty*” mean the same as defined in section 321.449A.

6. *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.

7. *Penalty.*

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

b. A violation of subsection 5 or rules adopted pursuant to subsection 5 by a railroad worker transportation company or a railroad company is punishable as a schedule “one” penalty under section 327C.5.

88 Acts, ch 1079, §2; 92 Acts, ch 1163, §80; 2013 Acts, ch 30, §261; 2013 Acts, ch 47, §2 – 4; 2013 Acts, ch 140, §64

Referred to in §321.449A

[T] Code editor directive applied

[T] Subsection 1, NEW paragraph d and former paragraphs d – f redesignated as e – g

[T] Subsection 1, NEW paragraph h and former paragraph g redesignated as i

[T] NEW subsection 5 and former subsections 5 and 6 renumbered as 6 and 7

[T] Subsection 7 amended