

CHAPTER 327F

CONSTRUCTION AND OPERATION OF RAILWAYS

Referred to in §307.26, 327C.5

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327F.1 Crossing railway, canal or watercourse.

Any railroad company may build its railway across, over, or under any other railway, canal or watercourse, when necessary, but shall not thereby unnecessarily impede travel, transportation or navigation. It shall be liable for all damages caused by such crossing.

[R60, §1325; C73, §1265; C97, §2020; C24, 27, 31, 35, 39, §7946; C46, 50, 54, 58, 62, 66, 71, 73, 75, §477.1; C77, 79, 81, §327F.1]

327F.2 Maintenance of bridges — damages.

Every railroad company shall build, maintain, and keep in good repair all bridges, abutments, or other construction necessary to enable it to cross over or under any canal, watercourse, other railway, public highway, or other way, except as otherwise provided by law, and shall be liable for all damages sustained by any person by reason of any neglect or violation of the provisions of this section.

[R60, §1326, 1327; C73, §1266, 1267; C97, §2021; C24, 27, 31, 35, 39, §7947; C46, 50, 54, 58, 62, 66, 71, 73, 75, §477.2; C77, 79, 81, §327F.2]

327F.3 Catwalks and handrails.

Any person operating a railroad in this state shall construct and maintain in good repair a catwalk and handrail on at least one side of every railway bridge and trestle which shall be constructed, or the structure of which is renovated in any manner, after January 1, 1976. The catwalk and handrail shall extend the length of the bridge or trestle.

[C77, 79, 81, §327F.3]

327F.4 Rights of riparian owners.

All owners or lessees of lands or lots situated upon the Iowa banks of the Mississippi or Missouri rivers upon which any business is carried on which is in any way connected with the navigation of either of said rivers, or to which such navigation is a proper or convenient adjunct, are authorized to construct and maintain in front of their property, piers, cribs, booms, and other proper and convenient erections and devices for the use of their respective pursuits, and the protection and harbor of rafts, logs, floats, and watercraft, in such manner as to create no material or unreasonable obstruction to the navigation of the stream, or to a similar use of adjoining property.

[C97, §2032; C24, 27, 31, 35, 39, §7948; C46, 50, 54, 58, 62, 66, 71, 73, 75, §477.3; C77, 79, 81, §327F.4]

Referred to in §327F.5, 420.165

327F.5 Railroad on riparian land or lots.

No person or corporation shall construct or operate any railroad or other obstruction between the lots or lands referred to in section 327F.4 and either of said rivers, or upon the shore or margin thereof, unless the injury and damage to owners or lessees occasioned thereby shall be first ascertained and paid in the manner provided for taking private property for works of internal improvement.

[C97, §2033; C24, 27, 31, 35, 39, §7949; C46, 50, 54, 58, 62, 66, 71, 73, 75, §477.4; C77, 79, 81, §327F.5]

Referred to in §420.165

[P] Condemnation procedure, chapter 6B

327F.6 through 327F.12 Reserved.**327F.13 Close-clearance warning devices.**

1. The owner of a railroad track shall place a warning device at a location where the close clearance between the track and a building, machinery, trees, brush, or other object is such that the building, machinery, trees, brush, or other object physically impedes a person who is lawfully riding the side of a train in the course of the person's duties in service to a railroad company from clearing the building, machinery, trees, brush, or other object.

2. The warning device shall be placed in a location which provides adequate notice to a person riding the side of a train so that the person may prepare for the close clearance. Any signs posted shall not be a danger to other persons working on the property.

3. Placement of a warning device pursuant to this section does not relieve the owner of a railroad track from any duties required under chapter 317 or section 327F.27.

4. A violation of this section is punishable as a schedule "one" penalty under section 327C.5.

5. This section does not apply to a railroad that operates locomotives powered by overhead or suspended electric power lines.

6. The department of transportation shall adopt rules to implement this section. Notwithstanding any other provision, the department of transportation shall be allowed to enter any property on which railroad track is located for the purpose of administering and enforcing this section. Entry upon any private property shall be with knowledge and notice to the property owner.

7. This section only applies to a location where a close-clearance warning device is required to be placed pursuant to rules of the department when funds are available from the department to reimburse the owner of the railroad track for the cost of the close-clearance warning device, including cost of installation.

2007 Acts, ch 164, §1

327F.14 Lights on track power cars.

1. Any person, firm, or corporation owning or operating a track power car in this state shall insure that such track power car is equipped with an electric headlight that will enable the operator to see an unlighted obstruction on the track at a distance of three hundred feet in clear weather. A track power car shall also be equipped with two rear electric red lights of such construction to be plainly visible during hours of darkness on a clear night at a distance of three hundred feet.

2. Such lights shall be in operation when the track power car is being operated.

3. These lighting requirements shall not be construed to penalize any person, firm, or corporation if it can be shown that such lighting equipment was present in good and sufficient working order at the beginning of a trip and became disabled during the trip.

4. A person, firm, or corporation found guilty of a violation of this section shall, upon conviction, be subject to a schedule "one" penalty.

[S13, §2083-g, -h; C24, 27, 31, 35, 39, §7967, 7969, 7970; C46, 50, 54, 58, 62, 66, 71, 73, 75, §477.22, 477.24, 477.25; C77, §327F.14, 327F.16, 327F.17; C79, 81, §327F.14]

2010 Acts, ch 1069, §111

[P] See §327C.5

327F.15 through 327F.17 Reserved.

327F.18 Standard caboose cars.

The provisions of sections 327F.19 and 327F.20 shall apply to any person while engaged as a common carrier in the transportation by rail.

[S13, §2083-i; C24, 27, 31, 35, 39, §7971; C46, 50, 54, 58, 62, 66, 71, 73, 75, §477.26; C77, 79, 81, §327F.18]

Referred to in §327F.20

327F.19 Minimum length — construction — equipment.

It shall be unlawful, except as otherwise provided in this chapter, for any such common carrier by railroad to use on its lines any caboose car or other car used for like purposes, unless such caboose or other car shall be at least twenty-four feet in length, exclusive of the platform, and equipped with two four-wheel trucks, and shall be provided with a door in each end thereof and an outside platform across each end of said car; each platform shall not be less than eighteen inches in width and shall be equipped with proper guard rails, and with grab irons and hand brakes, and steps for the safety of persons getting on and off said cars; said steps shall be equipped with a suitable rod, board, or other guard at each end and at the back thereof, properly designed to prevent slipping from said step. Such caboose or other car used for like purposes shall be provided with cupola, or side bay windows, and necessary closets and windows. Each caboose car shall be equipped with an emergency air valve and air gauge, which shall be placed on inside of said car; but the provisions hereof shall not apply to work trains, transfer service, or emergencies not exceeding thirty-six hours.

[S13, §2083-j; C24, 27, 31, 35, 39, §7972; C46, 50, 54, 58, 62, 66, 71, 73, 75, §477.27; C77, 79, 81, §327F.19]

Referred to in §327F.18, 327F.20

327F.20 Violations.

Any common carrier as provided in section 327F.18 violating any of the provisions of section 327F.19 shall, upon conviction, be subject to a schedule “two” penalty.

[S13, §2083-m; C24, 27, 31, 35, 39, §7973; C46, 50, 54, 58, 62, 66, 71, 73, 75, §477.28; C77, 79, 81, §327F.20]

Referred to in §327F.18

[P] See §327C.5

327F.21 through 327F.25 Reserved.

327F.26 Freight offices.

All railroads in the state shall establish and maintain operating offices at localities accessible and convenient to the public.

[C97, §2108; C24, 27, 31, 35, 39, §7981; C46, 50, 54, 58, 62, 66, 71, 73, 75, §477.42; C77, 79, 81, §327F.26]

327F.27 Vegetation on right-of-way.

1. Every railroad corporation shall insure that vegetation on railroad property which is on or immediately adjacent to the roadbed be controlled so that it does not:

- a. Become a fire hazard to track-carrying structures.
- b. Obstruct visibility of railroad signs and signals.
- c. Interfere with railroad employees performing normal trackside duties.
- d. Prevent proper functioning of signal and communication lines.
- e. Prevent railroad employees from visually inspecting moving equipment from their normal duty stations.

2. Nothing in this section shall be construed to exempt a railroad corporation from carrying out noxious weed control programs as provided in chapter 317.

[S13, §2110-i; C24, 27, 31, 35, 39, §7992; C46, 50, 54, 58, 62, 66, 71, 73, 75, §477.53; C77, 79, 81, §327F.27]

2010 Acts, ch 1061, §180

Referred to in §327F.13, 327F.28, 327F.29

327F.28 Violations.

Any failure to comply with the provisions of section 327F.27 shall, upon conviction, be subject to a schedule "one" penalty.

[S13, §2110-j; C24, 27, 31, 35, 39, §7993; C46, 50, 54, 58, 62, 66, 71, 73, 75, §477.54; C77, 79, 81, §327F.28]

Referred to in §327F.29

[P] See §327C.5

327F.29 Enforcement.

It shall be the duty of the county attorneys in the respective counties to enforce the provisions of sections 327F.27 and 327F.28.

[S13, §2110-k; C24, 27, 31, 35, 39, §7994; C46, 50, 54, 58, 62, 66, 71, 73, 75, §477.55; C77, 79, 81, §327F.29]

Referred to in §331.756(60)

327F.30 Power to eject passenger.

Any conductor of a railway train carrying passengers shall have the right to refuse to permit any person, not in the custody of an officer, to enter any passenger car on the train in the conductor's charge, who shall be in a state of intoxication; and shall have the further right to eject from the train at any station, or at any regular stop, any person found in a state of intoxication or disturbing the peace and for that purpose may call to the conductor's aid any employee of the railway.

[S13, §2461-g; C24, 27, 31, 35, 39, §7996; C46, 50, 54, 58, 62, 66, 71, 73, 75, §477.57; C77, 79, 81, §327F.30]

327F.31 Political subdivision ordinances.

An ordinance or resolution adopted by a political subdivision of this state which relates to the speed of a train in an area within the jurisdiction of the political subdivision is subject to approval by the state department of transportation. Any speed ordinance or resolution adopted by a political subdivision of the state prior to July 1, 1988, which has not been approved by the department shall be referred to the department by the political subdivision and shall be in full force and effect upon approval of the ordinance or resolution by the department. This subsection does not abrogate, modify, or alter any historical or contractual agreement between a political subdivision of the state and a railroad corporation in existence on July 1, 1975.

88 Acts, ch 1079, §1

327F.32 and 327F.33 Reserved.**327F.34 Windshields on power track cars.**

All railroads shall be required to equip any regularly assigned section track power car used on its tracks with a transparent windshield sufficient in width and height to reasonably protect said employees; which windshield shall be of safety glass and shall be equipped with manually controlled windshield wiper which will remove rain, snow and sleet from the windshield while such power track car is in motion and tops of such material and construction to adequately provide reasonable protection for said employees from the inclement weather.

[C66, 71, 73, 75, §477.61; C77, 79, 81, §327F.34]

Referred to in §327F.35

327F.35 Penalty.

Any railroad corporation found guilty of violating the provisions of section 327F.34 shall, upon conviction, be subject to a schedule "one" penalty.

[C66, 71, 73, 75, §477.62; C77, 79, 81, §327F.35]

[P] See §327C.5

327F.36 Screen exhaust fire controls.

1. No locomotive or other rolling stock shall be operated unless it is equipped with proper deflector and screen exhaust fire controls and uses adequate devices to prevent the escape

of blowing or burning materials or substances and is maintained in good working order to protect against the start and spread of fires along the right-of-way.

2. A violation of this section is a public offense. The railroad corporation, and any officer, agent, lessee, or independent contractor found guilty of a violation of this section, upon conviction, shall be subject to a schedule “one” penalty.

3. In the event a right-of-way fire can be attributed to faulty screen exhaust fire control equipment, a local fire department may collect reasonable hourly charges, not to exceed a total of two hundred fifty dollars for each call from the railroad corporation.

[C71, 73, 75, §477.63; C77, 79, 81, §327F.36]

2010 Acts, ch 1069, §112

[P] See §327C.5

327F.37 Reserved.

327F.38 First aid and medical treatment for employees.

The department shall adopt rules requiring railroad corporations within the state to provide reasonable and adequate access to first aid and medical treatment for employees injured in the course of employment. A railroad corporation found guilty of a rule adopted pursuant to this section shall, upon conviction, be subject to a schedule “one” penalty.

2004 Acts, ch 1175, §334

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