

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](#)