

CHAPTER 810
RAILROAD SAFETY STANDARDS
[Prior to 6/3/87, Transportation Department [820]—(10,B)Ch 1]

Chapter rescission date pursuant to Iowa Code section 17A.7: 1/1/28

761—810.1(327C) Track safety standards.

810.1(1) Standards. The department adopts the railroad track safety standards contained in 49 CFR Part 213 (October 1, 2023).

810.1(2) Obtaining copies of regulations. Copies of the federal regulations are available from the state law library or online at www.gpo.gov.

This rule is intended to implement Iowa Code sections 307.26 and 327C.4.

[ARC 3881C, IAB 7/4/18, effective 8/8/18; ARC 6709C, IAB 11/30/22, effective 1/4/23; ARC 8055C, IAB 6/12/24, effective 7/17/24]

761—810.2(327C) Track inspection.

810.2(1) Credentials required. Authorized departmental employees shall be admitted to any railroad property to conduct safety inspections of the track and track structures and shall present state identification cards upon request.

810.2(2) Measurement tools and vehicles. Rescinded IAB 8/6/03, effective 9/10/03.

This rule is intended to implement Iowa Code section 327C.4.

761—810.3 Reserved.

761—810.4(327F) First aid and medical treatment for railroad employees.

810.4(1) Railroad employees who are injured in the course of employment shall have reasonable and adequate access to first aid or medical treatment. A railroad or railroad employee shall not:

a. Deny, delay or interfere with first aid or medical treatment for any railroad employee who is injured in the course of employment.

b. Discipline or threaten to discipline any railroad employee for requesting first aid or medical treatment when the employee is injured in the course of employment.

810.4(2) All railroads operating in the state must make reasonable efforts to have emergency first-aid kits available at locations where railroad employees perform their employment duties.

810.4(3) Nothing in this rule shall be construed to require a railroad or railroad employee to perform first aid or medical care.

This rule is intended to implement Iowa Code section 327F.38.

761—810.5(327F) Worker transportation motor vehicle equipment.

810.5(1) Heater requirement. Pursuant to Iowa Code subsection 327F.39(4), a motor vehicle used to transport railroad workers shall be equipped with a heating system that maintains a reasonable comfort level in the vehicle spaces where the workers are required to ride. The heating system shall comply with the safety standards established in 49 CFR 393.77, as adopted in rule 661—22.1(321).

810.5(2) Report procedure.

a. A person shall report an alleged violation in writing to the responsible railroad company at its corporate headquarters.

b. If within 30 days the railroad company does not respond or if the response is unsatisfactory, the person may report the alleged violation to the department at the following address: Modal Transportation Bureau, Iowa Department of Transportation, 800 Lincoln Way, Ames, Iowa 50010.

c. The report shall include the date, time, weather conditions and all facts pertinent to the alleged violation. The report shall also include a copy of the railroad's response or, if the railroad failed to respond, proof of the date the report was submitted to the railroad.

d. The director of the modal transportation bureau or the director's designee may request additional information from the person submitting the report, the railroad worker transportation company or the railroad.

e. The director of the modal transportation bureau or the director's designee, which may include peace officers within the commercial motor vehicle unit of the department of public safety, may investigate the alleged violation.

f. The director of the modal transportation bureau or the director's designee shall issue a decision within 20 days of receipt of the report or 20 days after receipt of the requested additional information. The decision may include any order as necessary to enforce the requirements of Iowa Code section 327F.39, as set forth in Iowa Code section 327F.39(6).

g. The department shall notify the person and the railroad of the decision.

h. The decision is final agency action.

This rule is intended to implement Iowa Code section 327F.39.

[ARC 3881C, IAB 7/4/18, effective 8/8/18; ARC 6709C, IAB 11/30/22, effective 1/4/23; Editorial change: IAC Supplement 7/26/23]

761—810.6(327F) Worker transportation rest periods.

810.6(1) Requirements. A railroad worker transportation company and railroad worker transportation company driver shall comply with the rest period requirements of Iowa Code sections 321.449A and 327F.39(5).

810.6(2) Report procedure.

a. A person shall report an alleged violation in writing to the department at the following address: Modal Transportation Bureau, Iowa Department of Transportation, 800 Lincoln Way, Ames, Iowa 50010.

b. The report shall include the date, time, circumstances and any evidence of an alleged violation, and the name and contact information of the driver employed by the railroad worker transportation company or the railroad worker transportation company alleged to require a driver to violate the provisions of Iowa Code section 321.449A or 327F.39(5).

c. The director of the modal transportation bureau or the director's designee may request additional information from the driver, railroad worker transportation company or railroad.

d. The director of the modal transportation bureau or the director's designee, which may include peace officers within the commercial motor vehicle unit of the department of public safety, may investigate the alleged violation.

e. The director of the modal transportation bureau or the director's designee shall issue a decision within 60 days of receipt of the report or 60 days after receipt of the requested additional information. The decision may include any order as necessary to enforce the requirements of Iowa Code section 327F.39, as set forth in Iowa Code section 327F.39(6).

f. The department shall notify the driver and the railroad worker transportation company of the decision.

g. The decision is final agency action.

This rule is intended to implement Iowa Code sections 321.449A and 327F.39.

[ARC 3881C, IAB 7/4/18, effective 8/8/18; ARC 6709C, IAB 11/30/22, effective 1/4/23; Editorial change: IAC Supplement 7/26/23]

[Filed 8/24/82, Notice 7/7/82—published 9/15/82, effective 10/20/82]

[Filed 10/2/85, Notice 8/14/85—published 10/23/85, effective 11/27/85]

[Filed 5/11/87, Notice 3/11/87—published 6/3/87, effective 7/8/87]

[Filed 8/26/88, Notice 7/13/88—published 9/21/88, effective 10/26/88]

[Filed 1/10/90, Notice 11/29/89—published 2/7/90, effective 3/14/90]

[Filed 7/15/03, Notice 5/14/03—published 8/6/03, effective 9/10/03]

[Filed 5/11/05, Notice 3/16/05—published 6/8/05, effective 7/13/05]

[Filed ARC 3881C (Notice ARC 3756C, IAB 4/25/18), IAB 7/4/18, effective 8/8/18]

[Filed ARC 6709C (Notice ARC 6574C, IAB 10/5/22), IAB 11/30/22, effective 1/4/23]

[Editorial change: IAC Supplement 7/26/23]

[Filed ARC 8055C (Notice ARC 7745C, IAB 4/3/24), IAB 6/12/24, effective 7/17/24]