

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]