

*Reprinted 4/78*

FEB 22 1978

Place On Calendar

HOUSE FILE 2216

BY COMMITTEE ON TRANSPORTATION

(Formerly Study Bill 343)

Passed House, Date 3-29-78 (p 1244) Passed Senate, Date \_\_\_\_\_  
Vote: Ayes 90 Nays 2 Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

## A BILL FOR

1 An Act relating to railroad laws providing for schedule penal-  
2 ties for violations of railroad laws, for the authority for  
3 the state department of transportation to evaluate railroad  
4 trackage, for new procedures for changing railroad agency  
5 service, for reduced rail rates for transportation of cer-  
6 tain goods, for operation requirements for lights on track  
7 power cars, for utilization of the grade crossing safety  
8 fund for the installation of flasher lights or gate arm  
9 signals, and for the repeal of certain obsolete or pre-  
10 empted sections of the railroad law.

11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

12  
13

HOUSE FILE 2216

H-5824

1 Amend House File 2216 as follows:  
2 1. Page 1, line 34, by inserting after the period  
3 the following: "Notwithstanding the provisions of  
4 chapter twenty-five A (25A) of the Code, the state  
5 shall not be held liable for damages for any act or  
6 failure to act under the provisions of this section."

H-5824 FILED *Adopted 3/24* BY BENNETT of Ida  
MARCH 29, 1978 (*p. 1245*) KRAUSE of Kossuth

HOUSE FILE 2216

H-5810

1 Amend House File 2216 as follows:  
2 1. Page 10, lines 23 and 24, by striking the  
3 following: "three hundred twenty-seven D point one  
4 hundred eighty-nine (327D.189),".

H-5810 FILED *Adopted* BY SCHROEDER of Pottawattamie  
MARCH 28, 1978 (*3/24 p 1242*)

1 Section 1. Section three hundred seven point twenty-six  
2 (307.26), Code 1977, is amended by adding the following new  
3 subsection:

4 NEW SUBSECTION. Identify those segments of railroad  
5 trackage which, if improved, may provide increased  
6 transportation services for the citizens of this state. The  
7 department shall develop and implement programs to encourage  
8 the improvement of rail freight services on such railroad  
9 trackage.

10 Sec. 2. Section three hundred twenty-seven C point four  
11 (327C.4), Code 1977, is amended to read as follows:

12 327C.4 INSPECTION--NOTICE TO REPAIR. The department shall  
13 inspect the condition of each railroad, its rail facilities,  
14 equipment, rolling stock, operations and pertinent records  
15 at reasonable times and in a reasonable manner to insure  
16 proper operations. Employees of the department shall have  
17 proper identification which shall be displayed upon request.  
18 If found unsafe, the department shall immediately notify the  
19 railroad corporation whose duty it is to put the same in re-  
20 pair, which shall be done by it within such time as the de-  
21 partment shall fix. If any corporation fails to perform this  
22 duty the department may forbid and prevent it from running  
23 trains over the defective portion while unsafe or may regu-  
24 late the speed and operation of trains moving over the defec-  
25 tive portion of the railroad. If the railroad corporation  
26 violates any requirement provided by the department, the  
27 railroad corporation shall be subject to a ~~fine-of-not-more~~  
28 ~~than-one-hundred-dollars~~ schedule two penalty for each day  
29 the repairs have not been made from the date the department  
30 set for repairs to be completed. The court may consider the  
31 willingness and ability of the railroad corporation to  
32 cooperate in removing the safety hazard. ~~Moneys-received~~  
33 ~~from-the-assessment-of-any-fine-shall-be-credited-to-the-rail~~  
34 ~~assistance-fund.~~

35 Sec. 3. Chapter three hundred twenty-seven C (327C), Code

1 1977, is amended by adding the following new section as sec-  
 2 tion three hundred twenty-seven C point five (327C.5):

3 NEW SECTION. SCHEDULE VIOLATIONS--PENALTIES. Violations  
 4 of the provisions of chapters three hundred twenty-seven C  
 5 (327C) through three hundred twenty-seven G (327G) of the  
 6 Code, shall be punished as a schedule one penalty unless  
 7 otherwise indicated. Violations of a continuing nature shall  
 8 constitute a separate offense for each violation unless  
 9 otherwise provided. The schedule of violations shall be:

10 1. "Schedule one" means a penalty of one hundred dollars  
 11 per violation.

12 2. "Schedule two" means a penalty of not less than one  
 13 hundred dollars nor more than five hundred dollars per  
 14 violation.

15 3. "Schedule three" means a penalty of not less than five  
 16 hundred dollars nor more than one thousand dollars per  
 17 violation.

18 4. "Schedule four" means a penalty of not less than five  
 19 hundred dollars nor more than five thousand dollars per viola-  
 20 tion.

21 5. "Schedule five" means a penalty of not less than five  
 22 hundred dollars nor more than five thousand dollars for the  
 23 first violation and not less than five thousand dollars nor  
 24 more than ten thousand dollars for each subsequent violation.

25 Sec. 4. Section three hundred twenty-seven C point six  
 26 (327C.6), Code 1977, is amended to read as follows:

27 327C.6 CHANCES IN OPERATION AND IMPROVEMENTS. ~~When--in~~  
 28 ~~the-judgment-of-the-department, any-railroad-corporation-fails~~  
 29 ~~in-any-respect-to-comply-with-the-terms-of-its-charter-or~~  
 30 ~~articles-of-incorporation-or-the-laws-of-the-state, or-if~~  
 31 if any railroad corporation fails to operate its railroad  
 32 and business in a reasonable and expedient manner which is  
 33 safe and convenient to the public, the department may order  
 34 such changes as it finds to be proper and shall serve an order  
 35 upon such corporation. Nothing in this section or section

1 327C.4 shall be construed as to nullify responsibility or  
2 liability for damage to person or property by any railroad  
3 corporation.

4 Sec. 5. Section three hundred twenty-seven C point seven  
5 (327C.7), Code 1977, is amended to read as follows:

6 327C.7 ABANDONING STATION. It shall be unlawful for any  
7 railroad corporation owning or operating any railroad ~~in-whole~~  
8 ~~or-in-part~~ in this state, ~~to-abandon-any-station-on-its-line~~  
9 ~~of-railroad,-within-this-state,-or-to-remove-the-depot,-or~~  
10 to withdraw agency service, unless it shall first have filed  
11 notice of its intention with the department and otherwise  
12 complied with the provisions of this section and sections  
13 327C.8 and 327C.9. Upon the receipt of such notice the  
14 department shall specify a notice be published and the railroad  
15 corporation shall, at its own expense, cause such notice to  
16 be published at least fifteen days in advance of the action  
17 to ~~abandon-or~~ discontinue such ~~station-or~~ agency, ~~or-remove~~  
18 ~~such-depot,~~ and shall file proof of publication with the  
19 department. The notice shall be in such form as prescribed  
20 by the department and shall be published in a newspaper  
21 published in the county in which the station is located.  
22 An alternative notice procedure giving comparable public  
23 notice by registered mail to affected shippers may be  
24 prescribed by the department according to rules promulgated  
25 under chapter 17A.

26 Sec. 6. Section three hundred twenty-seven C point eight  
27 (327C.8), Code 1977, is amended to read as follows:

28 327C.8 OBJECTIONS--HEARING. Any person directly affected  
29 by the proposed ~~abandonment-or~~ discontinuance of any ~~station~~  
30 ~~or~~ agency, ~~or-removal-of-any-depot,~~ may file written objections  
31 with the department, stating the grounds for such objections,  
32 within fifteen days from the time of the publication of the  
33 notice as provided in section 327C.7. Upon the filing of  
34 such objections the board shall fix the time and place for  
35 a hearing, which shall be held within sixty days from the

1 filing of such objections. Written notice of the time and  
 2 place of such hearing shall be mailed by the board to the  
 3 railroad corporation and the person filing objections at least  
 4 ten days prior to the date fixed for such hearing.

5 Sec. 7. Section three hundred twenty-seven C point nine  
 6 (327C.9), Code 1977, is amended to read as follows:

7 327C.9 ORDER OF BOARD. Upon said hearing the board may  
 8 prohibit the ~~abandonment-or~~ discontinuance of such ~~station~~  
 9 ~~or agency, or the removal of the depot,~~ or may make such other  
 10 order as is warranted by the evidence produced at such hearing.  
 11 But if no objections are filed the board may make an order  
 12 permitting the railroad corporation to proceed with such  
 13 ~~abandonment-or~~ discontinuance, ~~or removal of the depot.~~

14 Sec. 8. Section three hundred twenty-seven C point thir-  
 15 teen (327C.13), Code 1977 Supplement, is amended to read as  
 16 follows:

17 327C.13 HINDERING OR OBSTRUCTING DEPARTMENT. Any person  
 18 who shall willfully obstruct the department or board in the  
 19 performance of their duties, or who shall refuse to give any  
 20 information within that person's possession that may be re-  
 21 quired by the department or board within the line of their  
 22 duty, shall, upon conviction, be ~~guilty of a simple misdemeanor~~  
 23 subject to a schedule two penalty.

24 Sec. 9. Section three hundred twenty-seven C point seven-  
 25 teen (327C.17), Code 1977, is amended to read as follows:

26 327C.17 WHEN ORDER EFFECTIVE--VIOLATION. ~~All rules and~~  
 27 ~~orders affecting public rights, made by the department or~~  
 28 ~~board, as now or may hereafter be authorized for the direction~~  
 29 ~~and observance of railroads in this state, shall be in full~~  
 30 ~~force and effect from and after the date fixed by the~~  
 31 ~~department or board.~~ If any railroad fails, neglects, or  
 32 refuses to comply with any rule or order made by the department  
 33 or board within the time specified, it shall, for each day  
 34 of such failure, pay a penalty of one hundred dollars ~~be~~  
 35 subject to a schedule two penalty. ~~Such moneys shall be~~

1 ~~credited-to-the-railroad-assistance-fund-~~

2 Sec. 10. Section three hundred twenty-seven C point forty-  
3 three (327C.43), Code 1977, is amended to read as follows:

4 327C.43 VIOLATIONS. Any corporation, company, or  
5 individual owning or operating a railway within the state,  
6 neglecting or refusing to make the required reports by the  
7 date fixed, ~~or fixed~~ by rule of the department, shall, upon  
8 conviction, be subject to a schedule one penalty ~~of one hundred~~  
9 ~~dollars~~ for each and every day of delay in making the same  
10 after the date thus fixed.

11 Sec. 11. Section three hundred twenty-seven D point seven-  
12 teen (327D.17), Code 1977, is amended to read as follows:

13 327D.17 CRIMINAL LIABILITY. Except as otherwise specially  
14 provided for in this chapter, and unless relieved from the  
15 consequences of a violation of the law as provided herein,  
16 any common carrier subject to the provisions hereof, or, when  
17 such common carrier is a corporation, any director or officer  
18 thereof, or any receiver, trustee, lessee, agent, or person  
19 acting for or employed by such corporation, who, alone or  
20 with any other corporation, company, person, or party shall  
21 willfully do or cause to be done, or shall willfully suffer  
22 or permit to be done any act, matter, or thing in this chapter  
23 prohibited or declared to be unlawful, or who shall aid or  
24 abet therein, or shall willfully omit or fail to do any act,  
25 matter, or thing in this chapter required to be done, or shall  
26 cause or willingly suffer or permit any act, matter, or thing,  
27 so directed or required by the provisions of this chapter  
28 to be done, not to be so done; or shall aid or abet any such  
29 omission or failure, or shall be guilty of any infraction  
30 of the provisions of this chapter, or shall aid or abet  
31 therein, shall be guilty of a misdemeanor, and shall, upon  
32 conviction thereof, be ~~finned-not-more-than-five-thousand-ner~~  
33 ~~less-than-five-hundred-dollars-for-each-offense~~ subject to  
34 a schedule four penalty.

35 Sec. 12. Section three hundred twenty-seven D point twenty-

1 seven (327D.27), Code 1977 Supplement, is amended to read  
2 as follows:

3 327D.27 PENALTY FOR DISCRIMINATION. Any corporation  
4 making any unjust discrimination as to freight rates, or the  
5 rates for the use and transportation of railway cars, or in  
6 receiving, handling, or delivering freight, shall, upon  
7 conviction, be ~~guilty-of-an-aggravated-misdemeanor~~ subject  
8 to a schedule four penalty; or shall be subject to the  
9 liability prescribed in section 327D.28, to be recovered as  
10 therein provided.

11 Sec. 13. Section three hundred twenty-seven D point twenty-  
12 eight (327D.28), Code 1977 Supplement, is amended to read  
13 as follows:

14 327D.28 CIVIL FORFEITURE. Any railway corporation making  
15 any unjust discrimination as to passenger or freight rates,  
16 or the rates for the use and transportation of railway cars,  
17 or in receiving, handling, or delivering freight, shall be  
18 ~~guilty-of-a-fraudulent-practice~~, upon conviction, forfeit  
19 and pay to the state an amount within the limits of a schedule  
20 five penalty. Money collected shall be deposited in the  
21 general fund of the state.

22 Sec. 14. Section three hundred twenty-seven D point twenty-  
23 nine (327D.29), Code 1977, is amended to read as follows:

24 327D.29 FREE OR REDUCED FREIGHT RATES PERMITTED. Nothing  
25 in this chapter shall apply to free or reduced rates for the  
26 transportation, storage or handling of:

27 1. Property for the United States, this state, or ~~muni-~~  
28 ~~pal-governments~~ political subdivisions of this state.

29 2. Materials to be used by public authorities in construct-  
30 ing or maintaining public ~~highways-outside-of-the-corporate~~  
31 ~~limits-of-cities~~ facilities.

32 3. Property for charitable purposes.

33 4. Property for exhibition at fairs or expositions.

34 5. Private property or goods for the family use of such  
35 employees as are entitled to free passenger transportation.

1 6. Private property in less than carload lots.

2 7. Coal.

3 8. Products transported to be recycled.

4 Sec. 15. Section three hundred twenty-seven D point forty-  
5 five (327D.45), Code 1977, is amended to read as follows:

6 327D.45 SCHEDULES OF JOINT RATES. The ~~department shall~~  
7 ~~make and publish~~ board may order a schedule of joint through  
8 railway rates for such traffic and on such routes as in its  
9 judgment the fair and reasonable conduct of business requires  
10 ~~shall be done by carriage over two or more lines of railway,~~  
11 ~~and will promote the interests of the people of the state.~~

12 Sec. 16. Section three hundred twenty-seven D point one  
13 hundred thirty-two (327D.132), Code 1977 Supplement, is amended  
14 to read as follows:

15 327D.132 VIOLATION--PENALTY. Any common carrier opera-  
16 ting in this state violating any of the provisions of sections  
17 327D.127 to 327D.131 by neglecting or refusing to weigh cars  
18 or to furnish certificates of weights as therein provided  
19 shall, upon conviction, be ~~guilty of a simple misdemeanor~~  
20 subject to a schedule one penalty.

21 Sec. 17. Section three hundred twenty-seven F point four-  
22 teen (327F.14), Code 1977, is amended by striking the section  
23 and inserting in lieu thereof the following:

24 327F.14 LIGHTS ON TRACK POWER CARS. Any person, firm,  
25 or corporation owning or operating a track power car in this  
26 state shall insure that such track power car is equipped with  
27 an electric headlight that will enable the operator to see  
28 an unlighted obstruction on the track at a distance of three  
29 hundred feet in clear weather. A track power car shall also  
30 be equipped with two rear electric red lights of such  
31 construction to be plainly visible during hours of darkness  
32 on a clear night at a distance of three hundred feet.

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

35 These lighting requirements shall not be construed to pen-

1 alize any person, firm or corporation if it can be shown that  
2 such lighting equipment was present in good and sufficient  
3 working order at the beginning of a trip and became disabled  
4 during the trip.

5 A violation of this section shall, upon conviction, be  
6 subject to a schedule one penalty.

7 Sec. 18. Section three hundred twenty-seven F point twenty  
8 (327F.20), Code 1977 Supplement, is amended to read as follows:

9 327F.20 VIOLATIONS. Any common carrier as provided in  
10 section 327F.18 violating any of the provisions of section  
11 327F.19 shall, upon conviction, be deemed-guilty-of-a-simple  
12 misdemeanor subject to a schedule two penalty.

13 Sec. 19. Section three hundred twenty-seven F point twenty-  
14 eight (327F.28), Code 1977 Supplement, is amended to read  
15 as follows:

16 327F.28 VIOLATIONS. Any failure to comply with the provi-  
17 sions of section 327F.27 shall, upon conviction, be deemed  
18 a-simple-misdemeanor subject to a schedule one penalty.

19 Sec. 20. Section three hundred twenty-seven F point thirty-  
20 five (327F.35), Code 1977 Supplement, is amended to read as  
21 follows:

22 327F.35 PENALTY. Any railroad corporation found guilty  
23 of violating the provisions of section 327F.34 shall, upon  
24 conviction, be guilty-of-a-simple-misdemeanor subject to a  
25 schedule one penalty.

26 Sec. 21. Section three hundred twenty-seven F point thirty-  
27 six (327F.36), Code 1977 Supplement, is amended to read as  
28 follows:

29 327F.36 SCREEN EXHAUST FIRE CONTROLS. No locomotive or  
30 other rolling stock shall be operated unless it is equipped  
31 with proper deflector and screen exhaust fire controls and  
32 uses adequate devices to prevent the escape of blowing or  
33 burning materials or substances and is maintained in good  
34 working order to protect against the start and spread of fires  
35 along the right of way. A violation of this section shall,

1 upon conviction, be ~~a-simple-misdemeanor~~ subject to a schedule  
2 one penalty. The railroad corporation, and any ~~officers~~  
3 officer, agent, lessee or independent contractor found guilty  
4 of a violation of this section shall, upon conviction, be  
5 ~~guilty-of-a-simple-misdemeanor~~ subject to a schedule one  
6 penalty.

7 Sec. 22. Section three hundred twenty-seven G point nine  
8 (327G.9), Code 1977 Supplement, is amended to read as follows:

9 327G.9 FAILURE TO FENCE--GENERAL PENALTY. If the railroad  
10 corporation refuses or neglects to comply with any provision  
11 of this chapter relating to the fencing of the tracts, such  
12 railroad corporation shall, upon conviction, be ~~guilty-of~~  
13 ~~a-simple-misdemeanor~~ subject to a schedule two penalty and  
14 every thirty days' continuance of such refusal or neglect  
15 shall constitute a separate and distinct offense.

16 Sec. 23. Section three hundred twenty-seven G point four-  
17 teen (327G.14), Code 1977 Supplement, is amended to read as  
18 follows:

19 327G.14 VIOLATIONS. Any officer or employee of any rail-  
20 way corporation violating any of the provisions of section  
21 327G.13 shall, upon conviction, be ~~guilty-of-a-simple~~  
22 ~~misdemeanor~~ subject to a schedule two penalty.

23 Sec. 24. Section three hundred twenty-seven G point fif-  
24 teen (327G.15), Code 1977, as amended by Acts of the Sixty-  
25 seventh General Assembly, 1977 Session, chapter forty-eight  
26 (48), section thirty-three (33), is amended to read as follows:

27 327G.15 RAILWAY AND HIGHWAY CROSSING AT GRADE. Wherever  
28 a railway track crosses or shall hereafter cross a highway,  
29 street or alley, the railway corporation owning such track  
30 and the department, in the case of primary highways, the board  
31 of supervisors of the county in which such crossing is located,  
32 in the case of secondary roads, or the council of the city,  
33 in the case of streets and alleys located within a city, may  
34 agree upon the location, manner, vacation, physical structure,  
35 characteristics and maintenance of flasher lights or gate

1 arm signals at the crossing and allocation of costs thereof.  
 2 The department shall become a party to the agreement if grade  
 3 crossing safety funds are to be used. Up to seventy-five  
 4 percent of the maintenance cost of flasher lights or gate  
 5 arm signals at the crossing and an unlimited portion of the  
 6 cost of installing flasher lights or gate arm signals at the  
 7 crossing may be paid from the grade crossing safety fund.

8 Notwithstanding other provisions of this section, main-  
 9 tenance of flasher lights or gate signals installed or ordered  
 10 to be installed before July 1, 1973, shall be assumed wholly  
 11 by the railroad corporation.

12 Payments from the grade crossing safety fund shall be made  
 13 by the treasurer of state upon certification by the department  
 14 that the terms of the agreement have been followed.

15 The department shall promulgate rules according to chap-  
 16 ter 17A for processing claims to the grade crossing safety  
 17 funds.

18 The provisions of this section shall not apply to the  
 19 repair of the grade crossing surface.

20 Sec. 25. Sections three hundred twenty-seven C point  
 21 eleven (327C.11), three hundred twenty-seven C point thirty-  
 22 five (327C.35), three hundred twenty-seven C point thirty-  
 23 nine (327C.39), three hundred twenty-seven D point one hundred  
 24 eighty-nine (327D.189), three hundred twenty-seven F point  
 25 six (327F.6), three hundred twenty-seven F point seven  
 26 (327F.7), three hundred twenty-seven F point ten (327F.10),  
 27 three hundred twenty-seven F point eleven (327F.11), three  
 28 hundred twenty-seven F point twelve (327F.12), three hundred  
 29 twenty-seven F point fifteen (327F.15), three hundred twenty-  
 30 seven F point seventeen (327F.17), three hundred twenty-seven  
 31 G point twenty-four (327G.24), three hundred twenty-seven  
 32 G point twenty-five (327G.25), three hundred twenty-seven  
 33 G point twenty-six (327G.26), three hundred twenty-seven G  
 34 point twenty-seven (327G.27), three hundred twenty-seven H  
 35 point one (327H.1), three hundred twenty-seven H point two

1 (327H.2), three hundred twenty-seven H point three (327H.3),  
2 three hundred twenty-seven H point four (327H.4), three hundred  
3 twenty-seven H point five (327H.5), three hundred twenty-seven  
4 H point six (327H.6), three hundred twenty-seven H point seven  
5 (327H.7), three hundred twenty-seven H point eight (327H.8),  
6 three hundred twenty-seven H point nine (327H.9), three hundred  
7 twenty-seven H point ten (327H.10), three hundred twenty-seven  
8 H point eleven (327H.11), three hundred twenty-seven H point  
9 twelve (327H.12), three hundred twenty-seven H point thirteen  
10 (327H.13), three hundred twenty-seven H point fourteen  
11 (327H.14), three hundred twenty-seven H point fifteen  
12 (327H.15), three hundred twenty-seven H point sixteen  
13 (327H.16), three hundred twenty-seven H point seventeen  
14 (327H.17), and three hundred twenty-seven H point nineteen  
15 (327H.19), Code 1977, are repealed.

16 Sec. 26. Sections three hundred twenty-seven F point nine  
17 (327F.9), three hundred twenty-seven F point thirteen  
18 (327F.13), and three hundred twenty-seven F point sixteen  
19 (327F.16), Code 1977 Supplement, are repealed.

20 EXPLANATION

21 This bill specifies new duties for the railroad division  
22 of the department of transportation to evaluate railroad  
23 trackage. It replaces the penalty provisions of the railroad  
24 laws with a uniform schedule of violations. This bill modifies  
25 the procedure to eliminate rail agency service and authorizes  
26 reduced rates for certain rail shipped products. It provides  
27 for the use of the grade crossing safety funds to construct  
28 flasher lights or gate arm signals at railroad crossings and  
29 it repeals certain sections of the railroad law.

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*Sen. Transportation 4/3 Do you see 5493 4/5 (p. 791)*

HOUSE FILE 2216

Transportation  
Robinson, Chairperson  
Coleman  
Drake

HOUSE FILE 2216

By COMMITTEE ON TRANSPORTATION

(As Amended and Passed by the House)

Passed House, Date 5-2-78 (p. 2206) Passed Senate, Date 4-26-78 (p. 1041)

Vote: Ayes 88 Nays 0 Vote: Ayes 48 Nays 0

Approved: June 26, 1978

*Motion to Amend 1044-1070  
Referred to Finance 5-2-78 (p. 1188)  
45-1*

## A BILL FOR

1 An Act relating to railroad laws providing for schedule penal-  
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House Amendments \_\_\_\_\_

Language Stricken \*

1 Section 1. Section three hundred seven point twenty-six  
2 (307.26), Code 1977, is amended by adding the following new  
3 subsection:

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 20 violation.

21 4. "Schedule four" means a penalty of not less than five  
 22 hundred dollars nor more than five thousand dollars per viola-  
 23 tion.

24 5. "Schedule five" means a penalty of not less than five  
 25 hundred dollars nor more than five thousand dollars for the  
 26 first violation and not less than five thousand dollars nor  
 27 more than ten thousand dollars for each subsequent violation.

28 Sec. 4. Section three hundred twenty-seven C point six  
 29 (327C.6), Code 1977, is amended to read as follows:

30 327C.6 CHANGES IN OPERATION AND IMPROVEMENTS. ~~When~~  
 31 ~~the judgment of the department, any railroad corporation fails~~  
 32 ~~in any respect to comply with the terms of its charter or~~  
 33 ~~articles of incorporation or the laws of the state, or if~~  
 34 If any railroad corporation fails to operate its railroad  
 35 and business in a reasonable and expedient manner which is

1 safe and convenient to the public, the department may order  
2 such changes as it finds to be proper and shall serve an order  
3 upon such corporation. Nothing in this section or section  
4 327C.4 shall be construed as to nullify responsibility or  
5 liability for damage to person or property by any railroad  
6 corporation.

7 Sec. 5. Section three hundred twenty-seven C point seven  
8 (327C.7), Code 1977, is amended to read as follows:

9 327C.7 ABANDONING STATION. It shall be unlawful for any  
10 railroad corporation owning or operating any railroad ~~in-whole~~  
11 ~~or-in-part~~ in this state, ~~to-abandon-any-station-on-its-line~~  
12 ~~of-railroad,-within-this-state,-or-to-remove-the-depot,-or~~  
13 to withdraw agency service, unless it shall first have filed  
14 notice of its intention with the department and otherwise  
15 complied with the provisions of this section and sections  
16 327C.8 and 327C.9. Upon the receipt of such notice the  
17 department shall specify a notice be published and the railroad  
18 corporation shall, at its own expense, cause such notice to  
19 be published at least fifteen days in advance of the action  
20 to ~~abandon-or~~ discontinue such ~~station-or~~ agency, ~~or-remove~~  
21 ~~such-depot,~~ and shall file proof of publication with the  
22 department. The notice shall be in such form as prescribed  
23 by the department and shall be published in a newspaper  
24 published in the county in which the station is located.  
25 An alternative notice procedure giving comparable public  
26 notice by registered mail to affected shippers may be  
27 prescribed by the department according to rules promulgated  
28 under chapter 17A.

29 Sec. 6. Section three hundred twenty-seven C point eight  
30 (327C.8), Code 1977, is amended to read as follows:

31 327C.8 OBJECTIONS--HEARING. Any person directly affected  
32 by the proposed ~~abandonment-or~~ discontinuance of any ~~station~~  
33 ~~or~~ agency, ~~or-removal-of-any-depot,~~ may file written objections  
34 with the department, stating the grounds for such objections,  
35 within fifteen days from the time of the publication of the

1 notice as provided in section 327C.7. Upon the filing of  
 2 such objections the board shall fix the time and place for  
 3 a hearing, which shall be held within sixty days from the  
 4 filing of such objections. Written notice of the time and  
 5 place of such hearing shall be mailed by the board to the  
 6 railroad corporation and the person filing objections at least  
 7 ten days prior to the date fixed for such hearing.

8 Sec. 7. Section three hundred twenty-seven C point nine  
 9 (327C.9), Code 1977, is amended to read as follows:

10 327C.9 ORDER OF BOARD. Upon said hearing the board may  
 11 prohibit the ~~abandonment-or~~ discontinuance of such station  
 12 ~~or agency, or the removal of the depot,~~ or may make such other  
 13 order as is warranted by the evidence produced at such hearing.  
 14 But if no objections are filed the board may make an order  
 15 permitting the railroad corporation to proceed with such  
 16 ~~abandonment-or~~ discontinuance, ~~or removal of the depot.~~

17 Sec. 8. Section three hundred twenty-seven C point thir-  
 18 teen (327C.13), Code 1977 Supplement, is amended to read as  
 19 follows:

20 327C.13 HINDERING OR OBSTRUCTING DEPARTMENT. Any person  
 21 who shall willfully obstruct the department or board in the  
 22 performance of their duties, or who shall refuse to give any  
 23 information within that person's possession that may be re-  
 24 quired by the department or board within the line of their  
 25 duty, shall, upon conviction, be guilty of a simple misdemeanor  
 26 subject to a schedule two penalty.

27 Sec. 9. Section three hundred twenty-seven C point seven-  
 28 teen (327C.17), Code 1977, is amended to read as follows:

29 327C.17 WHEN ORDER EFFECTIVE--VIOLATION. ~~All rules and~~  
 30 ~~orders affecting public rights, made by the department or~~  
 31 ~~board, as now or may hereafter be authorized for the direction~~  
 32 ~~and observance of railroads in this state, shall be in full~~  
 33 ~~force and effect from and after the date fixed by the~~  
 34 ~~department or board.~~ If any railroad fails, neglects, or  
 35 refuses to comply with any rule or order made by the department

1 or board within the time specified, it shall, for each day  
2 of such failure, ~~pay a penalty of one hundred dollars be~~  
3 subject to a schedule two penalty. ~~Such moneys shall be~~  
4 ~~credited to the railroad assistance fund.~~

5 Sec. 10. Section three hundred twenty-seven C point forty-  
6 three (327C.43), Code 1977, is amended to read as follows:

7 327C.43 VIOLATIONS. Any corporation, company, or  
8 individual owning or operating a railway within the state,  
9 neglecting or refusing to make the required reports by the  
10 date fixed, ~~or fixed~~ by rule of the department, shall, upon  
11 conviction, be subject to a schedule one penalty ~~of one hundred~~  
12 ~~dollars~~ for each and every day of delay in making the same  
13 after the date thus fixed.

14 Sec. 11. Section three hundred twenty-seven D point seven-  
15 teen (327D.17), Code 1977, is amended to read as follows:

16 327D.17 CRIMINAL LIABILITY. Except as otherwise specially  
17 provided for in this chapter, and unless relieved from the  
18 consequences of a violation of the law as provided herein,  
19 any common carrier subject to the provisions hereof, or, when  
20 such common carrier is a corporation, any director or officer  
21 thereof, or any receiver, trustee, lessee, agent, or person  
22 acting for or employed by such corporation, who, alone or  
23 with any other corporation, company, person, or party shall  
24 willfully do or cause to be done, or shall willfully suffer  
25 or permit to be done any act, matter, or thing in this chapter  
26 prohibited or declared to be unlawful, or who shall aid or  
27 abet therein, or shall willfully omit or fail to do any act,  
28 matter, or thing in this chapter required to be done, or shall  
29 cause or willingly suffer or permit any act, matter, or thing,  
30 so directed or required by the provisions of this chapter  
31 to be done, not to be so done; or shall aid or abet any such  
32 omission or failure, or shall be guilty of any infraction  
33 of the provisions of this chapter, or shall aid or abet  
34 therein, shall be guilty of a misdemeanor, and shall, upon  
35 conviction thereof, be ~~finned not more than five thousand nor~~

1 ~~less-than-five-hundred-dollars-for-each-offense~~ subject to  
2 a schedule four penalty.

3 Sec. 12. Section three hundred twenty-seven D point twenty-  
4 seven (327D.27), Code 1977 Supplement, is amended to read  
5 as follows:

6 327D.27 PENALTY FOR DISCRIMINATION. Any corporation  
7 making any unjust discrimination as to freight rates, or the  
8 rates for the use and transportation of railway cars, or in  
9 receiving, handling, or delivering freight, shall, upon  
10 conviction, be ~~guilty-of-an-aggravated-misdemeanor~~ subject  
11 to a schedule four penalty; or shall be subject to the  
12 liability prescribed in section 327D.28, to be recovered as  
13 therein provided.

14 Sec. 13. Section three hundred twenty-seven D point twenty-  
15 eight (327D.28), Code 1977 Supplement, is amended to read  
16 as follows:

17 327D.28 CIVIL FORFEITURE. Any railway corporation making  
18 any unjust discrimination as to passenger or freight rates,  
19 or the rates for the use and transportation of railway cars,  
20 or in receiving, handling, or delivering freight, shall be  
21 ~~guilty-of-a-fraudulent-practice~~, upon conviction, forfeit  
22 and pay to the state an amount within the limits of a schedule  
23 five penalty. Money collected shall be deposited in the  
24 general fund of the state.

25 Sec. 14. Section three hundred twenty-seven D point twenty-  
26 nine (327D.29), Code 1977, is amended to read as follows:

27 327D.29 FREE OR REDUCED FREIGHT RATES PERMITTED. Nothing  
28 in this chapter shall apply to free or reduced rates for the  
29 transportation, storage or handling of:

30 1. Property for the United States, this state, or ~~muni-~~  
31 ~~ci-~~ pal-governments political subdivisions of this state.

32 2. Materials to be used by public authorities in construct-  
33 ing or maintaining public ~~highways-outside-of-the-corporate~~  
34 ~~limits-of-cities~~ facilities.

35 3. Property for charitable purposes.

- 1 4. Property for exhibition at fairs or expositions.
- 2 5. Private property or goods for the family use of such
- 3 employees as are entitled to free passenger transportation.
- 4 6. Private property in less than carload lots.
- 5 7. Coal.
- 6 8. Products transported to be recycled.

7 Sec. 15. Section three hundred twenty-seven D point forty-  
8 five (327D.45), Code 1977, is amended to read as follows:

9 327D.45 SCHEDULES OF JOINT RATES. ~~The department shall~~  
10 ~~make and publish~~ board may order a schedule of joint through  
11 railway rates for such traffic and on such routes as in its  
12 judgment the fair and reasonable conduct of business requires  
13 ~~shall be done by carriage over two or more lines of railway~~  
14 ~~and will promote the interests of the people of this state.~~

15 Sec. 16. Section three hundred twenty-seven D point one  
16 hundred thirty-two (327D.132), Code 1977 Supplement, is amended  
17 to read as follows:

18 327D.132 VIOLATION--PENALTY. Any common carrier opera-  
19 ting in this state violating any of the provisions of sections  
20 327D.127 to 327D.131 by neglecting or refusing to weigh cars  
21 or to furnish certificates of weights as therein provided  
22 shall, upon conviction, be guilty of a simple misdemeanor  
23 subject to a schedule one penalty.

24 Sec. 17. Section three hundred twenty-seven F point four-  
25 teen (327F.14), Code 1977, is amended by striking the section  
26 and inserting in lieu thereof the following:

27 327F.14 LIGHTS ON TRACK POWER CARS. Any person, firm,  
28 or corporation owning or operating a track power car in this  
29 state shall insure that such track power car is equipped with  
30 an electric headlight that will enable the operator to see  
31 an unlighted obstruction on the track at a distance of three  
32 hundred feet in clear weather. A track power car shall also  
33 be equipped with two rear electric red lights of such  
34 construction to be plainly visible during hours of darkness  
35 on a clear night at a distance of three hundred feet.

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

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

8 A violation of this section shall, upon conviction, be  
9 subject to a schedule one penalty.

10 Sec. 18. Section three hundred twenty-seven F point twenty  
11 (327F.20), Code 1977 Supplement, is amended to read as follows:

12 327F.20 VIOLATIONS. Any common carrier as provided in  
13 section 327F.18 violating any of the provisions of section  
14 327F.19 shall, upon conviction, be deemed-guilty-of-a-simple  
15 misdemeanor subject to a schedule two penalty.

16 Sec. 19. Section three hundred twenty-seven F point twenty-  
17 eight (327F.28), Code 1977 Supplement, is amended to read  
18 as follows:

19 327F.28 VIOLATIONS. Any failure to comply with the provi-  
20 sions of section 327F.27 shall, upon conviction, be deemed  
21 a-simple-misdemeanor subject to a schedule one penalty.

22 Sec. 20. Section three hundred twenty-seven F point thirty-  
23 five (327F.35), Code 1977 Supplement, is amended to read as  
24 follows:

25 327F.35 PENALTY. Any railroad corporation found guilty  
26 of violating the provisions of section 327F.34 shall, upon  
27 conviction, be guilty-of-a-simple-misdemeanor subject to a  
28 schedule one penalty.

29 Sec. 21. Section three hundred twenty-seven F point thirty-  
30 six (327F.36), Code 1977 Supplement, is amended to read as  
31 follows:

32 327F.36 SCREEN EXHAUST FIRE CONTROLS. No locomotive or  
33 other rolling stock shall be operated unless it is equipped  
34 with proper deflector and screen exhaust fire controls and  
35 uses adequate devices to prevent the escape of blowing or

1 burning materials or substances and is maintained in good  
 2 working order to protect against the start and spread of fires  
 3 along the right of way. A violation of this section shall,  
 4 upon conviction, be a-simple-misdemeanor subject to a schedule  
 5 one penalty. The railroad corporation, and any ~~officers~~  
 6 officer, agent, lessee or independent contractor found guilty  
 7 of a violation of this section shall, upon conviction, be  
 8 guilty-of-a-simple-misdemeanor subject to a schedule one  
 9 penalty.

10 Sec. 22. Section three hundred twenty-seven G point nine  
 11 (327G.9), Code 1977 Supplement, is amended to read as follows:

12 327G.9 FAILURE TO FENCE--GENERAL PENALTY. If the railroad  
 13 corporation refuses or neglects to comply with any provision  
 14 of this chapter relating to the fencing of the tracts, such  
 15 railroad corporation shall, upon conviction, be guilty-of  
 16 a-simple-misdemeanor subject to a schedule two penalty and  
 17 every thirty days' continuance of such refusal or neglect  
 18 shall constitute a separate and distinct offense.

19 Sec. 23. Section three hundred twenty-seven G point four-  
 20 teen (327G.14), Code 1977 Supplement, is amended to read as  
 21 follows:

22 327G.14 VIOLATIONS. Any officer or employee of any rail-  
 23 way corporation violating any of the provisions of section  
 24 327G.13 shall, upon conviction, be guilty-of-a-simple  
 25 misdemeanor subject to a schedule two penalty.

26 Sec. 24. Section three hundred twenty-seven G point fif-  
 27 teen (327G.15), Code 1977, as amended by Acts of the Sixty-  
 28 seventh General Assembly, 1977 Session, chapter forty-eight  
 29 (48), section thirty-three (33), is amended to read as follows:

30 327G.15 RAILWAY AND HIGHWAY CROSSING AT GRADE. Wherever  
 31 a railway track crosses or shall hereafter cross a highway,  
 32 street or alley, the railway corporation owning such track  
 33 and the department, in the case of primary highways, the board  
 34 of supervisors of the county in which such crossing is located,  
 35 in the case of secondary roads, or the council of the city,

1 in the case of streets and alleys located within a city, may  
2 agree upon the location, manner, vacation, physical structure,  
3 characteristics and maintenance of flasher lights or gate  
4 arm signals at the crossing and allocation of costs thereof.  
5 The department shall become a party to the agreement if grade  
6 crossing safety funds are to be used. Up to seventy-five  
7 percent of the maintenance cost of flasher lights or gate  
8 arm signals at the crossing and an unlimited portion of the  
9 cost of installing flasher lights or gate arm signals at the  
10 crossing may be paid from the grade crossing safety fund.

11 Notwithstanding other provisions of this section, main-  
12 tenance of flasher lights or gate signals installed or ordered  
13 to be installed before July 1, 1973, shall be assumed wholly  
14 by the railroad corporation.

15 Payments from the grade crossing safety fund shall be made  
16 by the treasurer of state upon certification by the department  
17 that the terms of the agreement have been followed.

18 The department shall promulgate rules according to chap-  
19 ter 17A for processing claims to the grade crossing safety  
20 funds.

21 The provisions of this section shall not apply to the  
22 repair of the grade crossing surface.

23 Sec. 25. Sections three hundred twenty-seven C point  
24 eleven (327C.11), three hundred twenty-seven C point thirty-  
25 five (327C.35), three hundred twenty-seven C point thirty-  
26 nine (327C.39), three hundred twenty-seven F point six  
27 (327F.6), three hundred twenty-seven F point seven (327F.7),  
28 three hundred twenty-seven F point ten (327F.10), three hundred  
29 twenty-seven F point eleven (327F.11), three hundred twenty-  
30 seven F point twelve (327F.12), three hundred twenty-seven  
31 F point fifteen (327F.15), three hundred twenty-seven F point  
32 seventeen (327F.17), three hundred twenty-seven G point twenty-  
33 four (327G.24), three hundred twenty-seven G point twenty-  
34 five (327G.25), three hundred twenty-seven G point twenty-  
35 six (327G.26), three hundred twenty-seven G point twenty-seven

1 (327G.27), three hundred twenty-seven H point one (327H.1),  
2 three hundred twenty-seven H point two (327H.2), three hundred  
3 twenty-seven H point three (327H.3), three hundred twenty-  
4 seven H point four (327H.4), three hundred twenty-seven H  
5 point five (327H.5), three hundred twenty-seven H point six  
6 (327H.6), three hundred twenty-seven H point seven (327H.7),  
7 three hundred twenty-seven H point eight (327H.8), three  
8 hundred twenty-seven H point nine (327H.9), three hundred  
9 twenty-seven H point ten (327H.10), three hundred twenty-seven  
10 H point eleven (327H.11), three hundred twenty-seven H point  
11 twelve (327H.12), three hundred twenty-seven H point thirteen  
12 (327H.13), three hundred twenty-seven H point fourteen  
13 (327H.14), three hundred twenty-seven H point fifteen  
14 (327H.15), three hundred twenty-seven H point sixteen  
15 (327H.16), three hundred twenty-seven H point seventeen  
16 (327H.17), and three hundred twenty-seven H point nineteen  
17 (327H.19), Code 1977, are repealed.

18 Sec. 26. Sections three hundred twenty-seven F point nine  
19 (327F.9), three hundred twenty-seven F point thirteen  
20 (327F.13), and three hundred twenty-seven F point sixteen  
21 (327F.16), Code 1977 Supplement, are repealed.

22 EXPLANATION

23 This bill specifies new duties for the railroad division  
24 of the department of transportation to evaluate railroad  
25 trackage. It replaces the penalty provisions of the railroad  
26 laws with a uniform schedule of violations. This bill modifies  
27 the procedure to eliminate rail agency service and authorizes  
28 reduced rates for certain rail shipped products. It provides  
29 for the use of the grade crossing safety funds to construct  
30 flasher lights or gate arm signals at railroad crossings and  
31 it repeals certain sections of the railroad law.

HOUSE FILE 2216

S-5493

1 Amend House File 2216, as amended, passed and reprinted  
 2 by the House as follows:  
 3 1. Page 2, by striking lines 30 through 33 and inserting  
 4 in lieu thereof the following:  
 5 "327C.6 CHANGES IN OPERATION AND IMPROVEMENTS. When,  
 6 in the judgment of the department, any railroad corporation  
 7 fails in any respect to comply with the ~~terms of its charter~~  
 8 ~~or articles of incorporation or the laws of the state; or if~~"  
 9 2. Page 2, line 34, by striking the word "If"  
 10 3. Page 9, line 9, by inserting after the word "penalty"  
 11 the words "In the event a right of way fire can be attributed  
 12 to faulty screen exhaust fire control equipment, a local  
 13 fire department may collect hourly charges not to exceed two  
 14 hundred fifty (250) dollars for one (1) call from the railroad  
 15 corporation."

5697  
5180

S-5493 FILED *Adopted 4/28/78* BY COMMITTEE ON TRANSPORTATION  
 APRIL 5, 1978 *Referred to subcommittee* CLOYD ROBINSON, CHAIRPERSON  
*Amended by S-5730*  
*Adopted 5/2/78*

HOUSE FILE 2216

S-5675

1 Amend House File 2216 as amended, passed and reprinted  
 2 by the House, as follows:  
 3 1. Page 10, line 3, by inserting after the word  
 4 "of" the words "the crossing and".

S-5675 FILED & ADOPTED BY CLOYD ROBINSON  
 APRIL 26, 1978 RICHARD F. DRAKE

HOUSE FILE 2216

S-5697

1 Amend the Committee on Transportation amendment,  
 2 S-5493, to House File 2216 as amended, passed and  
 3 reprinted by the House as follows:  
 4 1. Page 1, line 13, by inserting after the word  
 5 "exceed" the words "a total of".  
 6 2. Page 1, line 14, by striking the word and  
 7 figure "one (1)" and inserting in lieu thereof the  
 8 word "each".

S-5697 FILED BY CLOYD E. ROBINSON  
 APRIL 27, 1978

HOUSE FILE 2216

S-5730

1 Amend the Committee on Transportation amendment,  
 2 S-5493, to House File 2216 as amended, passed and  
 3 reprinted by the House as follows:  
 4 1. Page 1, by striking lines 13 through 15 and  
 5 inserting in lieu thereof the words "fire department  
 6 may collect reasonable hourly charges, not to exceed  
 7 a total of two hundred fifty (250) dollars for each  
 8 call from the railroad corporation."

S-5730 FILED BY RICHARD F. DRAKE  
 MAY 1, 1978 CLOYD ROBINSON  
 LUCAS J. DE KOSTER

HOUSE FILE 2216

S-5754

- 1 Amend House File 2216 as amended, passed and  
2 reprinted by the House as follows:  
3 1. Page 10, by inserting after line 22 the follow-  
4 ing:  
5 "Sec. \_\_\_\_ . Section six hundred fourteen point  
6 seventecn (614.17), Code 1977, is amended by adding  
7 the following new paragraph:  
8 NEW PARAGRAPH. Beginning January 1, 1979, the  
9 provisions of this section shall not apply to  
10 reversions of railroad property under the provisions  
11 of sections three hundred twenty-seven G point seventy-  
12 six (327G.76) and three hundred twenty-seven G point  
13 seventy-seven (327G.77) of the Code."  
14 2. Renumber as necessary in conformance with this  
15 amendment.

S-5754 FILED *not germane 5/2 (4.11.55)* BY RAY TAYLOR  
MAY 2, 1978 JAMES V. GALLAGHER

SENATE AMENDMENT TO  
HOUSE FILE 2216

H-6475

- 1 Amend House File 2216 as amended, passed and  
2 reprinted by the House as follows:  
3 1. Page 2, by striking lines 30 through 33 and  
4 inserting in lieu thereof the following:  
5 "327C.6 CHANGES IN OPERATION AND IMPROVEMENTS.  
6 When, in the judgment of the department, any railroad  
7 corporation fails in any respect to comply with the  
8 ~~terms of its charter or articles of incorporation~~  
9 ~~or the laws of the state; or if~~".  
10 2. Page 2, line 34, by striking the word "If".  
11 3. Page 9, line 9, by inserting after the word  
12 "penalty." the words "In the event a right of way  
13 fire can be attributed to faulty screen exhaust fire  
14 control equipment, a local fire department may collect  
15 reasonable hourly charges, not to exceed a total of  
16 two hundred fifty (250) dollars for each call from  
17 the railroad corporation."  
18 4. Page 10, line 3, by inserting after the word  
19 "of" the words "the crossing and".

H-6475 FILED  
RECEIVED FROM SENATE  
MAY 3, 1978

*House Amendment to 2216*

## HOUSE FILE 2216

## AN ACT

RELATING TO RAILROAD LAWS PROVIDING FOR SCHEDULE PENALTIES FOR VIOLATIONS OF RAILROAD LAWS, FOR THE AUTHORITY FOR THE STATE DEPARTMENT OF TRANSPORTATION TO EVALUATE RAILROAD TRACKAGE, FOR NEW PROCEDURES FOR CHANGING RAILROAD AGENCY SERVICE, FOR REDUCED RAIL RATES FOR TRANSPORTATION OF CERTAIN GOODS, FOR OPERATION REQUIREMENTS FOR LIGHTS ON TRACK POWER CARS, FOR UTILIZATION OF THE GRADE CROSSING SAFETY FUND FOR THE INSTALLATION OF FLASHER LIGHTS OR GATE ARM SIGNALS, AND FOR THE REPEAL OF CERTAIN OBSOLETE OR PREEMPTED SECTIONS OF THE RAILROAD LAW.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section three hundred seven point twenty-six (307.26), Code 1977, is amended by adding the following new subsection:

NEW SUBSECTION. Identify those segments of railroad trackage which, if improved, may provide increased transportation services for the citizens of this state. The department shall develop and implement programs to encourage the improvement of rail freight services on such railroad trackage.

Sec. 2. Section three hundred twenty-seven C point four (327C.4), Code 1977, is amended to read as follows:

327C.4 INSPECTION--NOTICE TO REPAIR. The department shall inspect the condition of each railroad, its rail facilities, equipment, rolling stock, operations and pertinent records at reasonable times and in a reasonable manner to insure proper operations. Employees of the department shall have proper identification which shall be displayed upon request. If found unsafe, the department shall immediately notify the railroad corporation whose duty it is to put the same in re-

pair, which shall be done by it within such time as the department shall fix. If any corporation fails to perform this duty the department may forbid and prevent it from running trains over the defective portion while unsafe or may regulate the speed and operation of trains moving over the defective portion of the railroad. If the railroad corporation violates any requirement provided by the department, the railroad corporation shall be subject to a ~~fine of not more than one hundred dollars~~ schedule two penalty for each day the repairs have not been made from the date the department set for repairs to be completed. The court may consider the willingness and ability of the railroad corporation to cooperate in removing the safety hazard. ~~Moneys received from the assessment of any fine shall be credited to the rail assistance fund.~~ Notwithstanding the provisions of chapter twenty-five A (25A) of the Code, the state shall not be held liable for damages for any act or failure to act under the provisions of this section.

Sec. 3. Chapter three hundred twenty-seven C (327C), Code 1977, is amended by adding the following new section as section three hundred twenty-seven C point five (327C.5):

NEW SECTION. SCHEDULE VIOLATIONS--PENALTIES. Violations of the provisions of chapters three hundred twenty-seven C (327C) through three hundred twenty-seven G (327G) of the Code, shall be punished as a schedule one penalty unless otherwise indicated. Violations of a continuing nature shall constitute a separate offense for each violation unless otherwise provided. The schedule of violations shall be:

1. "Schedule one" means a penalty of one hundred dollars per violation.
2. "Schedule two" means a penalty of not less than one hundred dollars nor more than five hundred dollars per violation.
3. "Schedule three" means a penalty of not less than five hundred dollars nor more than one thousand dollars per

327C.13 HINDERING OR OBSTRUCTING DEPARTMENT. Any person who shall willfully obstruct the department or board in the performance of their duties, or who shall refuse to give any information within that person's possession that may be required by the department or board within the line of their duty, shall, upon conviction, be guilty of a simple misdemeanor subject to a schedule two penalty.

Sec. 9. Section three hundred twenty-seven C point seven-teen (327C.17), Code 1977, is amended to read as follows:

327C.17 WHEN ORDER EFFECTIVE--VIOLATION. ~~All rules and orders affecting public rights, made by the department or board, as now or may hereafter be authorized for the direction and observance of railroads in this state, shall be in full force and effect from and after the date fixed by the department or board.~~ If any railroad fails, neglects, or refuses to comply with any rule or order made by the department or board within the time specified, it shall, for each day of such failure, pay a penalty of one hundred dollars be subject to a schedule two penalty. ~~Such moneys shall be credited to the railroad assistance fund.~~

Sec. 10. Section three hundred twenty-seven C point forty-three (327C.43), Code 1977, is amended to read as follows:

327C.43 VIOLATIONS. Any corporation, company, or individual owning or operating a railway within the state, neglecting or refusing to make the required reports by the date fixed, ~~or fixed~~ by rule of the department, shall, upon conviction, be subject to a schedule one penalty of one hundred dollars for each and every day of delay in making the same after the date thus fixed.

Sec. 11. Section three hundred twenty-seven D point seven-teen (327D.17), Code 1977, is amended to read as follows:

327D.17 CRIMINAL LIABILITY. Except as otherwise specially provided for in this chapter, and unless relieved from the consequences of a violation of the law as provided herein, any common carrier subject to the provisions hereof, or, when

such common carrier is a corporation, any director or officer thereof, or any receiver, trustee, lessee, agent, or person acting for or employed by such corporation, who, alone or with any other corporation, company, person, or party shall willfully do or cause to be done, or shall willfully suffer or permit to be done any act, matter, or thing in this chapter prohibited or declared to be unlawful, or who shall aid or abet therein, or shall willfully omit or fail to do any act, matter, or thing in this chapter required to be done, or shall cause or willingly suffer or permit any act, matter, or thing, so directed or required by the provisions of this chapter to be done, not to be so done; or shall aid or abet any such omission or failure, or shall be guilty of any infraction of the provisions of this chapter, or shall aid or abet therein, shall be guilty of a misdemeanor, and shall, upon conviction thereof, be fined not more than five thousand nor less than five hundred dollars for each offense subject to a schedule four penalty.

Sec. 12. Section three hundred twenty-seven D point twenty-seven (327D.27), Code 1977 Supplement, is amended to read as follows:

327D.27 PENALTY FOR DISCRIMINATION. Any corporation making any unjust discrimination as to freight rates, or the rates for the use and transportation of railway cars, or in receiving, handling, or delivering freight, shall, upon conviction, be guilty of an aggravated misdemeanor subject to a schedule four penalty; or shall be subject to the liability prescribed in section 327D.28, to be recovered as therein provided.

Sec. 13. Section three hundred twenty-seven D point twenty-eight (327D.28), Code 1977 Supplement, is amended to read as follows:

327D.28 CIVIL FORFEITURE. Any railway corporation making any unjust discrimination as to passenger or freight rates, or the rates for the use and transportation of railway cars,

sions of section 327F.27 shall, upon conviction, be deemed a-simple-misdemeanor subject to a schedule one penalty.

Sec. 20. Section three hundred twenty-seven F point thirty-five (327F.35), Code 1977 Supplement, is amended to read as follows:

327F.35 PENALTY. Any railroad corporation found guilty of violating the provisions of section 327F.34 shall, upon conviction, be guilty-of-a-simple-misdemeanor subject to a schedule one penalty.

Sec. 21. Section three hundred twenty-seven F point thirty-six (327F.36), Code 1977 Supplement, is amended to read as follows:

327F.36 SCREEN EXHAUST FIRE CONTROLS. 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. A violation of this section shall, upon conviction, be a-simple-misdemeanor subject to a schedule one penalty. The railroad corporation, and any officers officer, agent, lessee or independent contractor found guilty of a violation of this section shall, upon conviction, be guilty-of-a-simple-misdemeanor subject to a schedule one penalty. 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 (250) dollars for each call from the railroad corporation.

Sec. 22. Section three hundred twenty-seven G point nine (327G.9), Code 1977 Supplement, is amended to read as follows:

327G.9 FAILURE TO FENCE--GENERAL PENALTY. If the railroad corporation refuses or neglects to comply with any provision of this chapter relating to the fencing of the tracts, such railroad corporation shall, upon conviction, be guilty-of

a-simple-misdemeanor subject to a schedule two penalty and every thirty days' continuance of such refusal or neglect shall constitute a separate and distinct offense.

Sec. 23. Section three hundred twenty-seven G point fourteen (327G.14), Code 1977 Supplement, is amended to read as follows:

327G.14 VIOLATIONS. Any officer or employee of any railway corporation violating any of the provisions of section 327G.13 shall, upon conviction, be guilty-of-a-simple misdemeanor subject to a schedule two penalty.

Sec. 24. Section three hundred twenty-seven G point fifteen (327G.15), Code 1977, as amended by Acts of the Sixty-seventh General Assembly, 1977 Session, chapter forty-eight (48), section thirty-three (33), is amended to read as follows:

327G.15 RAILWAY AND HIGHWAY CROSSING AT GRADE. Wherever a railway track crosses or shall hereafter cross a highway, street or alley, the railway corporation owning such track and the department, in the case of primary highways, the board of supervisors of the county in which such crossing is located, in the case of secondary roads, or the council of the city, in the case of streets and alleys located within a city, may agree upon the location, manner, vacation, physical structure, characteristics and maintenance of the crossing and flasher lights or gate arm signals at the crossing and allocation of costs thereof. The department shall become a party to the agreement if grade crossing safety funds are to be used. Up to seventy-five percent of the maintenance cost of flasher lights or gate arm signals at the crossing and an unlimited portion of the cost of installing flasher lights or gate arm signals at the crossing may be paid from the grade crossing safety fund.

Notwithstanding other provisions of this section, maintenance of flasher lights or gate signals installed or ordered to be installed before July 1, 1973, shall be assumed wholly by the railroad corporation.