

Reprinted 3/88

Senate File 450 B. Wells 2/11/88 (p. 450)

FILED MAR 18 1988

SENATE FILE 450

BY WELLS and SOORHOLTZ

Passed Senate, Date 2/22/88 (p. 450) Passed House, Date _____

Vote: Ayes 40 Nays 6 Vote: Ayes _____ Nays _____

Approved _____

Reprinted 3/18

Senate File 450 B. Wells 2/11/88 (p. 450)
A BILL FOR
40-3

1 An Act relating to the safety of transportation of railroad
2 company workers and providing a penalty and effective date.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25

SF 450

1 Section 1. NEW SECTION. 327F.39 TRANSPORTATION OF
2 RAILROAD EMPLOYEES.

3 1. DEFINITIONS. As used in this section, unless the
4 context otherwise requires:

5 a. "Department" means the state department of
6 transportation.

7 b. "Director" means the director of transportation.

8 c. "Administrator" means the department's administrator
9 for rail and water, or the administrator's designee.

10 d. "Motor vehicle" means a vehicle which is self-propelled
11 and designed primarily for highway use, and which may or may
12 not be equipped with retractably flanged wheels for operation
13 on railroad tracks.

14 e. "Owner" means a person having the lawful use or control
15 of a motor vehicle as holder of the legal title of the motor
16 vehicle or under contract or lease or otherwise.

17 f. "Place of employment" means that location where one or
18 more workers are actually performing the labor incident to
19 their employment.

20 g. "Worker" means an individual employed for any period in
21 work for which the individual is compensated, whether full-
22 time or part-time.

23 2. MOTOR VEHICLE MAINTAINED IN SAFE MANNER. A motor
24 vehicle provided by a railroad company and used to transport
25 one or more workers to and from their places of employment or
26 during the course of their employment shall be maintained in a
27 safe manner at all times, whether or not used upon a public
28 highway.

29 3. RULES -- ENFORCEMENT.

30 a. The director shall adopt pursuant to chapter 17A and
31 the administrator shall enforce reasonable rules relating to
32 motor vehicles used to transport workers to and from their
33 places of employment or during the course of their employment.
34 The rules shall provide:

35 (1) For the safe construction and maintenance of

1 mechanical equipment of a motor vehicle, including its
2 coupling devices, lighting devices and reflectors, motor
3 exhaust system, rear-vision mirrors, service and parking
4 brakes, steering mechanism, tires, warning and signaling
5 devices, and windshield wipers. The rules shall also require
6 that the motor vehicle be equipped with a safe and adequate
7 space heating device or appliance capable of maintaining a
8 temperature of at least sixty degrees Fahrenheit in those
9 areas of the vehicle where workers will be required to ride.

10 (2) For the safe operation of a motor vehicle including
11 driving, loading and carrying freight and employees, road
12 warning devices, and the transportation of flammable and
13 inflammable materials.

14 (3) For the safety of employees in a motor vehicle,
15 including emergency exits, fire extinguishers, first-aid kits,
16 facilities for communication between cab and rear compartment,
17 and sidewalls, canopy, and a tailgate, or other means of
18 retaining freight safely.

19 b. Before formulating the rules, the director shall
20 conduct hearings and invite the participation of interested
21 groups. These groups may make suggestions relating to the
22 minimum standards to be embodied in the rules. The director
23 shall consider the suggestions prior to the issuance of the
24 rules adopted pursuant to this section.

25 c. The director may amend the rules at any time at the
26 director's discretion or upon complaint by an individual or
27 group, in the same manner as other rules are amended pursuant
28 to chapter 17A.

29 d. The administrator may, in enforcing the rules, inspect
30 any motor vehicle used to transport workers to and from their
31 places of employment or during the course of their employment.

32 4. RULE VIOLATIONS. When the administrator finds that a
33 motor vehicle used to transport workers to and from their
34 places of employment or during the course of their employment
35 violates a rule adopted under this section, the administrator

1 shall make, enter, and serve upon the owner of the motor
2 vehicle an order as necessary to protect the safety of workers
3 transported in the motor vehicle. The administrator may
4 direct in the order, as a condition to the continued use of
5 the motor vehicle for transporting workers to and from their
6 places of employment or during the course of their employment,
7 that additions, repairs, improvements, or changes be made and
8 that safety devices and safeguards be furnished and used as
9 required to satisfy the rules in the manner and within the
10 time specified in the order. The order may also require that
11 any driver of the motor vehicle satisfy the minimum standards
12 for a driver under the rules.

13 5. PENALTY. Violation by the owner of a motor vehicle of
14 this section, a rule adopted under this section, or an order
15 issued under subsection 4, or willful failure to comply with
16 such an order is, upon conviction, subject to a schedule "two"
17 penalty as provided under section 327C.5.

18 Sec. 2. This Act, being deemed of immediate importance,
19 takes effect upon its enactment.

20

EXPLANATION

21 This bill requires motor vehicles provided by railroad
22 companies for transportation of their employees to and from
23 their places of employment to be maintained in a safe manner.
24 The director of transportation is to adopt rules relating to
25 the safety of transported railroad employees.

26 A violation is a schedule "two" penalty, which, under
27 section 327C.5, is a fine of not less than one hundred dollars
28 nor more than five hundred dollars.

29 The bill takes effect upon enactment.

30

31

32

33

34

35

SENATE FILE 450

S-5230

1 Amend Senate File 450 as follows:
2 1. Page 1, by inserting after line 22 the
3 following:
4 "2. COMPLIANCE WITH REGULATIONS. Motor vehicles,
5 as defined in section 321.1, which are subject to
6 registration and which are provided by a railroad
7 company and used to transport railroad workers to and
8 from their places of employment or during the course
9 of their employment shall:
10 a. Meet all state and federal regulations
11 pertaining to safe construction and maintenance of
12 motor vehicles, including their coupling devices,
13 lighting devices and reflectors, motor exhaust
14 systems, rear-vision mirrors, service and parking
15 brakes, steering mechanisms, tires, warning and
16 signaling devices, and windshield wipers.
17 b. Meet all state and federal requirements for
18 safety devices, first-aid kits, and sidewalls,
19 canopies, tailgates, or other means of retaining
20 freight safely.
21 c. Be operated in compliance with all state and
22 federal regulations pertaining to driving, loading,
23 carrying freight and employees, road warning devices,
24 and the transportation of flammable and inflammable
25 material."
26 2. Page 1, line 23, by striking the figure "2"
27 and inserting the following: "3".
28 3. By striking page 1, line 29 through page 2,
29 line 31 and inserting the following:
30 "4. The director shall adopt rules requiring a
31 motor vehicle, as defined in section 321.1, which is
32 subject to registration and which is provided by a
33 railroad company and used to transport railroad
34 workers to and from their places of employment or
35 during the course of their employment to be provided
36 with a safe heating system to maintain a reasonable
37 comfort level in those spaces of the vehicle where the
38 workers are required to ride."
39 4. Page 2, line 32, by striking the figure "4"
40 and inserting the following: "5".
41 5. Page 3, line 13, by striking the figure "5"
42 and inserting the following: "6".
43 6. Page 3, line 15, by striking the figure "4"
44 and inserting the following: "5".
45 7. Page 3, line 16, by striking the word "two"
46 and inserting the following: "one".
47 8. Title page, line 1, by inserting after the
48 word "relating" the following: "to the regulation of
49 the operation of trains and".
50

S-5230

Filed March 4, 1988

Adopted 3/5/88 (p. 904)

BY JAMES WELLS
CALVIN HULTMAN

SENATE FILE 450

S-5090

- 1 Amend Senate File 450 as follows:
- 2 1. Page 1, line 2, by inserting after the word
- 3 "EMPLOYEES" the following: "AND EQUIPMENT".
- 4 2. Title page, line 2, by inserting after the
- 5 word "workers" the following: "and equipment".

S-5090

Filed February 17, 1988

Adopted 2/22 (p. 444)

BY COMMITTEE ON BUSINESS AND
LABOR RELATIONS
JAMES D. WELLS, Chairperson

SENATE FILE 450

S-5095

- 1 Amend Senate File 450 as follows:
- 2 1. Page 1, by inserting before line 1 the
- 3 following:
- 4 "Sec. ____ . NEW SECTION. 327F.31 POLITICAL
- 5 SUBDIVISION ORDINANCES.
- 6 An ordinance or resolution adopted by a political
- 7 subdivision of this state which relates to the speed
- 8 of a train in an area within the jurisdiction of the
- 9 political subdivision is subject to approval by the
- 10 state department of transportation. Any speed
- 11 ordinance or resolution adopted by a political
- 12 subdivision of the state prior to July 1, 1988, which
- 13 has not been approved by the department shall be
- 14 referred to the department by the political
- 15 subdivision and shall be in full force and effect upon
- 16 approval of the ordinance or resolution by the
- 17 department. This subsection does not abrogate,
- 18 modify, or alter any historical or contractual
- 19 agreement between a political subdivision of the state
- 20 and a railroad corporation in existence on July 1,
- 21 1975."
- 22 2. Renumber as necessary.

S-5095

Filed February 18, 1988

Adopted 2/22 (p. 444)

BY JOE WELSH

*See Manufacturing file
H. Res 3/23/88 (p. 1027)*

SENATE FILE 450

BY WELLS and SOORHOLTZ

(AS AMENDED AND PASSED BY THE SENATE MARCH 15, 1988)

 - New Language by the Senate

Passed Senate, Date 3/15/88 (p. 804) Passed House, Date 3/28/88 (p. 1117)
Vote: Ayes 40 Nays 3 Vote: Ayes 86 Nays 10
Approved April 14, 1988 (p. 1012)

A BILL FOR

1 An Act relating to the regulation of the operation of trains and
2 to the safety of transportation of railroad company workers
3 and equipment and providing a penalty and effective date.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23

1 Section 1. NEW SECTION. 327F.31 POLITICAL SUBDIVISION
2 ORDINANCES.

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

16 Sec. 2. NEW SECTION. 327F.39 TRANSPORTATION OF RAILROAD
17 EMPLOYEES AND EQUIPMENT.

18 1. DEFINITIONS. As used in this section, unless the
19 context otherwise requires:

20 a. "Department" means the state department of
21 transportation.

22 b. "Director" means the director of transportation.

23 c. "Administrator" means the department's administrator
24 for rail and water, or the administrator's designee.

25 d. "Motor vehicle" means a vehicle which is self-propelled
26 and designed primarily for highway use, and which may or may
27 not be equipped with retractably flanged wheels for operation
28 on railroad tracks.

29 e. "Owner" means a person having the lawful use or control
30 of a motor vehicle as holder of the legal title of the motor
31 vehicle or under contract or lease or otherwise.

32 f. "Place of employment" means that location where one or
33 more workers are actually performing the labor incident to
34 their employment.

35 g. "Worker" means an individual employed for any period in

1 work for which the individual is compensated, whether full-
2 time or part-time.

3 2. COMPLIANCE WITH REGULATIONS. Motor vehicles, as
4 defined in section 321.1, which are subject to registration
5 and which are provided by a railroad company and used to
6 transport railroad workers to and from their places of
7 employment or during the course of their employment shall:

8 a. Meet all state and federal regulations pertaining to
9 safe construction and maintenance of motor vehicles, including
10 their coupling devices, lighting devices and reflectors, motor
11 exhaust systems, rear-vision mirrors, service and parking
12 brakes, steering mechanisms, tires, warning and signaling
13 devices, and windshield wipers.

14 b. Meet all state and federal requirements for safety
15 devices, first-aid kits, and sidewalls, canopies, tailgates,
16 or other means of retaining freight safely.

17 c. Be operated in compliance with all state and federal
18 regulations pertaining to driving, loading, carrying freight
19 and employees, road warning devices, and the transportation of
20 flammable and inflammable material.

21 3. MOTOR VEHICLE MAINTAINED IN SAFE MANNER. A motor
22 vehicle provided by a railroad company and used to transport
23 one or more workers to and from their places of employment or
24 during the course of their employment shall be maintained in a
25 safe manner at all times, whether or not used upon a public
26 highway.

27 4. The director shall adopt rules requiring a motor
28 vehicle, as defined in section 321.1, which is subject to
29 registration and which is provided by a railroad company and
30 used to transport railroad workers to and from their places of
31 employment or during the course of their employment to be
32 provided with a safe heating system to maintain a reasonable
33 comfort level in those spaces of the vehicle where the workers
34 are required to ride.

35 5. RULE VIOLATIONS. When the administrator finds that a

1 motor vehicle used to transport workers to and from their
2 places of employment or during the course of their employment
3 violates a rule adopted under this section, the administrator
4 shall make, enter, and serve upon the owner of the motor
5 vehicle an order as necessary to protect the safety of workers
6 transported in the motor vehicle. The administrator may
7 direct in the order, as a condition to the continued use of
8 the motor vehicle for transporting workers to and from their
9 places of employment or during the course of their employment,
10 that additions, repairs, improvements, or changes be made and
11 that safety devices and safeguards be furnished and used as
12 required to satisfy the rules in the manner and within the
13 time specified in the order. The order may also require that
14 any driver of the motor vehicle satisfy the minimum standards
15 for a driver under the rules.

16 6. PENALTY. Violation by the owner of a motor vehicle of
17 this section, a rule adopted under this section, or an order
18 issued under subsection 5, or willful failure to comply with
19 such an order is, upon conviction, subject to a schedule "one"
20 penalty as provided under section 327C.5.

21 Sec. 3. This Act, being deemed of immediate importance,
22 takes effect upon its enactment.

23
24
25
26
27
28
29
30
31
32
33
34
35

SENATE FILE 450

AN ACT
RELATING TO THE REGULATION OF THE OPERATION OF TRAINS AND
TO THE SAFETY OF TRANSPORTATION OF RAILROAD COMPANY
WORKERS AND EQUIPMENT AND PROVIDING A PENALTY AND
EFFECTIVE DATE.

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

Section 1. NEW SECTION. 327F.11 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.

Sec. 2. NEW SECTION. 127F.39 TRANSPORTATION OF RAILROAD
EMPLOYEES AND EQUIPMENT.

1. DEFINITIONS. As used in this section, unless the context otherwise requires:

- a. "Department" means the state department of transportation.
- b. "Director" means the director of transportation.
- c. "Administrator" means the department's administrator for rail and water, or the administrator's designee.
- d. "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.
- e. "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.
- f. "Place of employment" means that location where one or more workers are actually performing the labor incident to their employment.
- g. "Worker" means an individual employed for any period of 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 and inflammable 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. 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. 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.

6. PENALTY. Violation by the owner of a motor vehicle of this section, a rule adopted under this section, or an order issued under subsection 5, or willful failure to comply with such an order is, upon conviction, subject to a schedule "one" penalty as provided under section 327C.5.

Sec. 3. This Act, being deemed of immediate importance, takes effect upon its enactment.

JO ANN ZIMMERMAN
President of the Senate

DONALD D. AVENSON
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 450, Seventy-second General Assembly.

JOHN P. DWYER
Secretary of the Senate

Approved *April 14* 1988

TERRY E. BRANSTAD
Governor