

FEB 20 1997
TRANSPORTATION

HOUSE FILE 311
BY BUKTA

(COMPANION TO LSB 2301SS
BY HANSEN)

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to transporting railroad employees and equipment
2 and making penalties applicable.

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

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HF 311

1 Section 1. Section 88.5, Code 1997, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 13. TRANSPORTATION OF RAILROAD EMPLOYEES
4 AND EQUIPMENT.

5 a. DEFINITIONS. As used in this subsection, unless the
6 context otherwise requires:

7 (1) "Motor vehicle" means those vehicles as defined in
8 section 321.1 which are subject to registration and which are
9 provided by a railroad company and used to transport railroad
10 workers to and from their places of employment or during the
11 course of their employment.

12 (2) "Place of employment" means that location where one or
13 more workers are actually performing the labor incident to
14 their employment.

15 (3) "Worker" means an individual employed for any period
16 in work for which the individual is compensated, whether full-
17 time or part-time.

18 b. COMPLIANCE WITH REGULATIONS. Motor vehicles shall
19 comply with all of the following:

20 (1) Meet all state and federal regulations pertaining to
21 safe construction and maintenance including their coupling
22 devices, lighting devices and reflectors, motor exhaust
23 systems, rear-vision mirrors, service and parking brakes,
24 steering mechanisms, tires, warning and signaling devices, and
25 windshield wipers.

26 (2) Meet all state and federal requirements for safety
27 devices, first-aid kits, and sidewalls, canopies, tailgates,
28 or other means of retaining freight safely.

29 (3) Be operated in compliance with all state and federal
30 regulations pertaining to driving, loading, carrying freight
31 and employees, road warning devices, and the transportation of
32 flammable material.

33 c. MOTOR VEHICLE MAINTAINED IN SAFE MANNER. A motor
34 vehicle shall be maintained in a safe manner at all times,
35 whether or not used upon a public highway.

1 d. HEATING SYSTEM. Motor vehicles shall have a safe
2 heating system to maintain a reasonable comfort level in those
3 spaces of the vehicle where the workers are required to ride.

4 e. RULE VIOLATIONS. If the commissioner finds that a
5 motor vehicle is in violation of a rule adopted pursuant to
6 this subsection, the commissioner shall enter against the
7 owner of the motor vehicle an order as necessary to protect
8 the safety of workers transported in the motor vehicle. The
9 commissioner may direct in the order, as a condition to the
10 continued use of the motor vehicle, that additions, repairs,
11 improvements, or changes be made and that safety devices and
12 safeguards be furnished and used as required to satisfy the
13 rules in the manner and within the time specified in the
14 order. The order may also require that any driver of the
15 motor vehicle satisfy the minimum standards for a driver under
16 the rules.

17 f. HOURS OF SERVICE. A person who transports workers in
18 Iowa on behalf of a railroad company shall not perform the
19 transportation service in excess of twelve hours in any
20 twenty-four-hour period.

21 g. INSURANCE. A person who transports workers in Iowa on
22 behalf of a railroad company shall be insured by an insurance
23 company licensed to do business in this state, with a minimum
24 liability of five hundred thousand dollars for damage to
25 property of others, including baggage but excluding property
26 of the insured, or to property hired or leased by the insured,
27 and for the bodily injury or death of others, excluding
28 employees of the insured engaged in the course of their
29 employment, resulting from accident or collision for which the
30 owner railroad company or the railroad company's agents or
31 servants may be liable, due to negligent operation.

32 h. PENALTY. The owner of a motor vehicle violating this
33 subsection, a rule adopted pursuant to this subsection, or an
34 order issued pursuant to this subsection, or willfully failing
35 to comply with such an order is, upon conviction, subject to a

1 penalty of one hundred dollars.

2 i. ENFORCEMENT. This section shall be enforced by the
3 commissioner upon receipt of a written complaint.

4 Sec. 2. Section 327F.39, Code 1997, is repealed.

5 EXPLANATION

6 This bill provides that the transportation of railroad
7 employees and equipment shall be regulated by the labor
8 commissioner under chapter 88 (occupational safety and health)
9 rather than by the administrator for rail and water of the
10 state department of transportation under chapter 327F
11 (construction and operation of railways). The bill adds to
12 the current provisions regulating the transportation of
13 railroad workers and equipment the following:

14 1. That motor vehicles used for transportation have a safe
15 and effective heating system.

16 2. That a person performing a railroad transportation
17 service not do so for more than 12 hours in any 24-hour
18 period.

19 3. That a person transporting railroad workers in Iowa be
20 insured in the amount of \$500,000 for property damage, and
21 bodily injury or death.

22 The penalty for a violation of the provisions governing the
23 transportation of railroad workers and equipment continues to
24 be a penalty of \$100.

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