

FILED FEB 17 1938

TRANSPORTATION

SENATE FILE 2234

BY DEARDEN, FINK, HORN,  
GETTINGS, PALMER, and  
GRONSTAL

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_

Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

Approved \_\_\_\_\_

**A BILL FOR**

1 An Act relating to railroad safety by providing for a minimum  
2 number of persons on a train crew and providing a penalty.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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S.F. 2234

1 Section 1. NEW SECTION. 327F.21 RAILROAD TRAIN CREWS.

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

4 a. "Administrator" means the department's administrator  
5 for rail and water, or the administrator's designee.

6 b. "Certified railroad locomotive engineer" means a person  
7 certified under 49 C.F.R. 240 as a train service engineer,  
8 locomotive servicing engineer, or student engineer.

9 c. "Department" means the state department of  
10 transportation.

11 d. "Director" means the director of transportation.

12 e. "Qualified railroad trainperson" means a person who has  
13 successfully completed a railroad carrier's training program  
14 and passed an examination on railroad operation rules.

15 2. Any person operating or controlling a railroad in this  
16 state shall not allow the operation of any railroad train or  
17 locomotive in this state unless the railroad train or  
18 locomotive has a crew of at least two individuals. One of the  
19 individuals shall be a certified railroad locomotive engineer.  
20 The other individual shall be either a certified railroad  
21 locomotive engineer or a qualified railroad trainperson. A  
22 certified railroad locomotive engineer shall operate the  
23 control locomotive at all times that the railroad train or  
24 locomotive is in motion. The other crew member may dismount  
25 the railroad train or locomotive when necessary to perform  
26 switching activities and other job-related duties. However,  
27 this subsection shall not apply to the extent that it is  
28 contrary to or inconsistent with a regulation or order of the  
29 federal railroad administration.

30 3. The administrator may, pursuant to rules adopted by the  
31 department, grant an exception to the requirements of  
32 subsection 2 if the administrator determines that the  
33 exception will not endanger the life or property of any  
34 person.

35 4. A person who violates this section is, upon conviction

1 for a first offense, subject to a "schedule one" penalty as  
2 provided under section 327C.5. A person who violates this  
3 section is, upon conviction for a second offense committed  
4 within three years of the first offense, subject to a  
5 "schedule two" penalty as provided under section 327C.5. A  
6 person who violates this section is, upon conviction for a  
7 third or subsequent offense committed within three years of  
8 the first offense, subject to a "schedule three" penalty as  
9 provided under section 327C.5.

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EXPLANATION

This bill provides that a person shall not operate a  
railroad in this state unless the railroad train or locomotive  
has a crew of at least two individuals. The two individuals  
shall consist of two certified railroad engineers or a  
certified railroad engineer and a qualified railroad  
trainperson. The bill provides that the state department of  
transportation's administrator for rail and water, or the  
administrator's designee, may allow an exception to the  
requirements of this section under certain circumstances. The  
bill provides that a first violation of this new Code section  
is subject to a penalty of \$100, a second violation within  
three years is subject to a penalty of between \$100 and \$500,  
and a third or subsequent violation within three years of the  
first violation is subject to a penalty of between \$500 and  
\$1,000.