

JAN 25 2000
TRANSPORTATION

HOUSE FILE 2072
BY T. TAYLOR
Sponsor Added - Doria
1-26-2000

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

A BILL FOR

1 An Act relating to railroads by providing for a minimum number of
2 persons on a train crew, requiring trauma counseling and leave
3 for railroad employees involved in certain railroad accidents,
4 providing for close clearance warning devices and hours of
5 service for drivers, and providing penalties.

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

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HF 2072

1 Section 1. NEW SECTION. 327F.8 CLOSE CLEARANCE WARNING
2 DEVICES.

3 1. A railroad company shall place a warning device at a
4 location where the close clearance between a railway owned by
5 the railroad company and a building, machinery, trees, brush,
6 or other object is such that the building, machinery, trees,
7 brush, or other object physically impedes a person who is
8 lawfully riding the side of the train in the course of the
9 person's duties in service to the railroad company from
10 clearing the building, machinery, trees, brush, or other
11 object.

12 2. The warning device shall be placed in a location which
13 provides adequate notice to a person riding the side of a
14 train so that the person may prepare for the close clearance.

15 3. Placement of a warning device pursuant to this section
16 does not relieve a railroad company from any duties required
17 under chapter 317 or section 327F.27.

18 4. A violation of this section is punishable as a schedule
19 "one" penalty under section 327C.5.

20 Sec. 2. NEW SECTION. 327F.21 RAILROAD TRAIN CREWS.

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

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

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

28 c. "Department" means the state department of
29 transportation.

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

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

34 2. Any person operating or controlling a railroad in this
35 state shall not allow the operation of any railroad train or

1 locomotive in this state unless the railroad train or
2 locomotive has a crew of at least two individuals. One of the
3 individuals shall be a certified railroad locomotive engineer.
4 The other individual shall be either a certified railroad
5 locomotive engineer or a qualified railroad trainperson. A
6 certified railroad locomotive engineer shall operate the
7 control locomotive at all times that the railroad train or
8 locomotive is in motion. The other crew member may dismount
9 the railroad train or locomotive when necessary to perform
10 switching activities and other job-related duties. However,
11 this subsection shall not apply to the extent that it is
12 contrary to or inconsistent with a regulation or order of the
13 federal railroad administration.

14 3. The administrator may, pursuant to rules adopted by the
15 department, grant an exception to the requirements of
16 subsection 2 if the administrator determines that the
17 exception will not endanger the life or property of any
18 person.

19 4. A person who violates this section is, upon conviction
20 for a first offense, subject to a schedule "one" penalty as
21 provided under section 327C.5. A person who violates this
22 section is, upon conviction for a second offense committed
23 within three years of the first offense, subject to a schedule
24 "two" penalty as provided under section 327C.5. A person who
25 violates this section is, upon conviction for a third or
26 subsequent offense committed within three years of the first
27 offense, subject to a schedule "three" penalty as provided
28 under section 327C.5.

29 Sec. 3. NEW SECTION. 327F.32 RAILROAD ACCIDENTS --
30 EMPLOYEE LEAVE AND TRAUMA COUNSELING.

31 1. A railroad company shall make trauma counseling
32 available to an employee of the railroad company involved in
33 an accident on a railway or right-of-way under the control of
34 the company if the accident results in the death of or serious
35 bodily injury to a person. The counseling shall be made

1 available to the employee within forty-eight hours of the
2 accident.

3 2. An employee involved in an accident described in
4 subsection 1 shall be given leave from duty with compensation
5 and applicable benefits for a minimum of three days following
6 the accident. If the railroad company makes an affirmative
7 showing that the accident was due to the negligence or willful
8 act of an employee involved in an accident described in
9 subsection 1, the leave provided to the employee who acted
10 negligently or willfully may be provided without compensation
11 and benefits.

12 3. An engineer returning to duty following leave provided
13 pursuant to subsection 2 shall, upon request, be assigned an
14 assistant engineer or other qualified person to accompany the
15 engineer for such time as may be necessary to guarantee the
16 public safety or until a qualified medical practitioner
17 determines that the engineer does not suffer from a
18 posttraumatic stress disorder.

19 4. The director shall adopt rules for administration and
20 enforcement of this section.

21 Sec. 4. Section 327F.39, Code 1999, is amended by adding
22 the following new subsection:

23 NEW SUBSECTION. 5A. HOURS OF SERVICE FOR DRIVERS. The
24 director shall adopt rules relating to the maximum number of
25 hours of service which can be provided by persons who are
26 employed by or under contract with a railroad company to
27 provide transportation for railroad workers to and from their
28 places of employment or during the course of their employment.

29 EXPLANATION

30 This bill makes several Code changes relating to railroads.
31 It creates new Code section 327F.8, requiring railroads to
32 place warning devices at locations where there is close
33 clearance between an object and a railway which physically
34 impedes a person lawfully riding the side of a train in the
35 course of the person's duties in service to the railroad from

1 clearing the object. Failure to place such a warning device
2 is punishable by a schedule "one" penalty of \$100 pursuant to
3 Code section 327C.5.

4 The bill also creates new Code section 327F.21, which
5 provides that a person shall not operate a railroad in this
6 state unless the railroad train or locomotive has a crew of at
7 least two individuals. The two individuals shall consist of
8 two certified railroad engineers or a certified railroad
9 engineer and a qualified railroad trainperson. The bill
10 provides that the state department of transportation's
11 administrator for rail and water, or the administrator's
12 designee, may allow an exception to the requirements of this
13 section under certain circumstances. The bill provides that a
14 first violation of this new Code section is subject to a
15 penalty of \$100, a second violation within three years is
16 subject to a penalty of between \$100 and \$500, and a third or
17 subsequent violation within three years of the first violation
18 is subject to a penalty of between \$500 and \$1,000.

19 The bill creates new Code section 327F.32, which requires a
20 railroad company to provide trauma counseling and leave to
21 railroad employees involved in an accident on a railway or
22 railroad right of way if the accident involved the death of or
23 serious bodily injury to a person. The counseling shall be
24 made available within 48 hours of an accident. The leave
25 shall be for a minimum of three days following the accident
26 and shall be provided with compensation and benefits unless
27 the railroad company shows that the accident was due to the
28 negligence or willful act of the employee.

29 New Code section 327F.32 also provides that an engineer to
30 whom leave was provided under the bill shall, upon returning
31 to duty, be assigned an assistant engineer or other qualified
32 person to accompany the engineer if the engineer so requests.
33 The assistant engineer or other qualified person shall
34 accompany the engineer for such time as may be necessary to
35 guarantee the public safety or until a qualified medical

1 practitioner determines that the engineer does not suffer from
2 a posttraumatic stress disorder.

3 The bill also requires the director of transportation to
4 adopt rules relating to the maximum number of hours of service
5 which can be provided by persons employed by or under contract
6 with a railroad to provide transportation for railroad workers
7 to and from their places of employment or during the course of
8 their employment.

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