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SENATE FILE 385

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FLYNN, and JUDGE

(COMPANION TO LSB 2652HH BY TAYLOR)

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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SF 385
TRANSPORTATION

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

11 This bill provides that a person shall not operate a
12 railroad in this state unless the railroad train or locomotive
13 has a crew of at least two individuals. The two individuals
14 shall consist of two certified railroad engineers or a
15 certified railroad engineer and a qualified railroad
16 trainperson. The bill provides that the state department of
17 transportation's administrator for rail and water, or the
18 administrator's designee, may allow an exception to the
19 requirements of this section under certain circumstances. The
20 bill provides that a first violation of this new Code section
21 is subject to a penalty of \$100, a second violation within
22 three years is subject to a penalty of between \$100 and \$500,
23 and a third or subsequent violation within three years of the
24 first violation is subject to a penalty of between \$500 and
25 \$1,000.

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