

JAN 28 2004
TRANSPORTATION

HOUSE FILE 2096
BY HUSER and T. TAYLOR

(COMPANION TO LSB 5700SS
BY WARNSTADT)

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

A BILL FOR

1 An Act requiring the posting of close-clearance warning devices
2 by railroads and providing a penalty.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 2096

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 EXPLANATION

21 This bill requires a railroad company to place warning
22 devices at locations along its railways where there is close
23 clearance between the railway and any object such that the
24 object physically impedes the clearance of a person lawfully
25 riding the side of a train in the course of the person's
26 duties in service to the railroad. Placement of a warning
27 device does not relieve a railroad company from its duties
28 concerning control of vegetation and weeds along a railroad
29 right-of-way.

30 A violation of the bill is punishable as a schedule "one"
31 penalty, which carries a monetary penalty of \$100 per
32 violation.

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