

FILED MAR 1 2005

SENATE FILE 232  
BY WARNSTADT

TRANSPORTATION

Passed Senate, Date \_\_\_\_\_ Passed House, 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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SF 232 TRANSPORTATION

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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