

Senate File 228 - Introduced

SENATE FILE _____
BY BEALL

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

A BILL FOR

1 An Act relating to the construction and maintenance of walkways
2 in rail yards and providing a penalty.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
4 TLSB 2163XS 83
5 dea/nh/5

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1 1 Section 1. NEW SECTION. 327F.1A DEFINITIONS.
1 2 As used in this chapter, unless the context otherwise
1 3 requires:
1 4 1. "Department" means the department of transportation.
1 5 2. "Director" means the director of transportation.
1 6 Sec. 2. NEW SECTION. 327F.37 RAIL YARD WALKWAYS.
1 7 1. SCOPE. This section applies to all walkways in rail
1 8 yards in this state. This section does not apply to tracks
1 9 constructed in industry yards owned by an entity other than a
1 10 rail carrier.
1 11 2. DEFINITIONS. For purposes of this section, unless the
1 12 context otherwise requires:
1 13 a. "Frequently" means at least five days per week, one
1 14 shift per day.
1 15 b. "Good cause" includes but is not limited to a showing
1 16 that compliance will impose an undue hardship on the rail
1 17 carrier.
1 18 3. GENERAL REQUIREMENTS AND RECOMMENDATIONS.
1 19 a. (1) Walkways may be surfaced with asphalt, concrete,
1 20 planking, grating, native material, crushed material, or other
1 21 similar material. When crushed material is used, one hundred
1 22 percent of the material must be capable of passing through a
1 23 one and one-half inch square sieve opening, and not less than
1 24 ninety percent of the material must be capable of passing
1 25 through a one-inch square sieve opening; provided that a de
1 26 minimus variation shall not be a violation of this section in
1 27 an instance where the rail carrier has made a good faith
1 28 effort to comply with the percentage requirements of this
1 29 subparagraph.
1 30 (2) Crushed material smaller than that described in
1 31 subparagraph (1) should be used whenever practicable,
1 32 especially in places where drainage and durability issues do
1 33 not exist. Material that is three-fourths inch or smaller in
1 34 size is recommended for switching lead tracks.
1 35 b. Walkways shall have a reasonably uniform surface and be
2 1 maintained in a safe condition without compromising track
2 2 drainage.
2 3 c. Cross slopes for walkways shall not exceed one inch of
2 4 elevation for each eight inches of horizontal length in any
2 5 direction.
2 6 d. Walkways shall be at least two feet wide.
2 7 e. Walkways shall be kept reasonably free of spilled fuel
2 8 oil, sand, posts, vegetation, nonballast rocks, and other
2 9 hazards or obstructions.
2 10 4. STANDARD. A rail carrier shall provide walkways
2 11 adjacent to those portions of yard tracks where rail carrier
2 12 employees frequently work on the ground performing switching
2 13 activities.
2 14 5. OTHER TRACKS.
2 15 a. If the department finds, after notice and hearing, that
2 16 rail carrier employees who frequently work adjacent to a
2 17 portion of track performing switching activities are exposed
2 18 to safety hazards due to the lack of a walkway or due to the

2 19 condition of a walkway constructed before July 1, 2009, the
2 20 department may order a rail carrier to construct a walkway
2 21 adjacent to a portion of track where employees perform
2 22 switching activities or require a rail carrier to modify an
2 23 existing walkway in conformance with subsection 4 within a
2 24 reasonable period of time.

2 25 b. For purposes of this subsection, "frequently" means at
2 26 least five days per week, one shift per day, or any other
2 27 period the department deems frequent enough to warrant an
2 28 order pursuant to this subsection.

2 29 6. COMPLIANCE. A rail carrier is excused from complying
2 30 with this section during maintenance activities and during any
2 31 period of heavy rain or snow, derailment, rock and earth
2 32 slides, washouts, or similar weather or seismic conditions,
2 33 and for a reasonable period after such conditions to allow a
2 34 return to compliance.

2 35 7. WAIVERS. A rail carrier may petition the department
3 1 for a waiver of any provision of this section for good cause
3 2 shown.

3 3 8. ENFORCEMENT. A formal complaint of an alleged
3 4 violation of this section shall not be filed with the
3 5 department until the filing party has attempted to address the
3 6 allegations with the rail carrier. A complaint of an alleged
3 7 violation of this part shall contain a written statement that
3 8 the filing party has made a reasonable, good faith attempt to
3 9 address the alleged violation with the rail carrier.

3 10 9. PENALTIES. A rail carrier who violates this section
3 11 commits a "schedule one" violation. Each day a violation
3 12 exists shall be considered a separate violation.

3 13 Sec. 3. Section 327F.39, subsection 1, paragraphs a and b,
3 14 Code 2009, are amended by striking the paragraphs.

3 15 EXPLANATION

3 16 This bill establishes standards and requirements for the
3 17 construction and maintenance of walkways in rail yards. The
3 18 provisions of the bill apply to all walkways in rail yards in
3 19 this state, but do not apply to tracks in industry yards owned
3 20 by an entity other than a rail carrier.

3 21 The bill specifies that walkways may be surfaced with
3 22 asphalt, concrete, planking, grating, native material, crushed
3 23 material, or other similar material. If crushed material is
3 24 used, 100 percent of the material must be able to pass through
3 25 a one and one-half inch sieve opening, and at least 90 percent
3 26 of the material must be able to pass through a one-inch sieve
3 27 opening, with allowance for a de minimus variation. The bill
3 28 contains general recommendations for the use of crushed
3 29 material. In addition, the bill requires that walkways be at
3 30 least two feet wide, with cross slopes of not more than one
3 31 inch of elevation for each eight inches of length in any
3 32 direction. Walkways must have a reasonably uniform surface,
3 33 be maintained in safe condition without compromising track
3 34 drainage, and be kept reasonably free of spilled fuel oil,
3 35 sand, posts, vegetation, nonballast rocks, and other hazards
4 1 and obstructions.

4 2 The bill establishes a standard requirement for rail
4 3 carriers to provide walkways adjacent to portions of yard
4 4 tracks where rail carrier employees work on the ground
4 5 performing switching activities at least five days per week,
4 6 one shift per day. However, following an administrative
4 7 hearing, the department of transportation may order a rail
4 8 carrier to construct a walkway or conform a preexisting
4 9 walkway to the new standards along any portion of track where
4 10 the lack of a walkway or condition of a walkway poses a safety
4 11 hazard to employees performing switching activities for any
4 12 period of time.

4 13 The bill excuses a rail carrier from compliance with
4 14 walkway requirements during maintenance activities and during
4 15 periods of heavy rain or snow, derailment, rock and earth
4 16 slides, washouts, or other weather or seismic conditions, and
4 17 for a reasonable period following such an occurrence.

4 18 The department of transportation may grant a waiver of any
4 19 provision of the bill to a rail carrier upon a showing of good
4 20 cause, including but not limited to a showing that compliance
4 21 will impose an undue hardship on the rail carrier.

4 22 A party who alleges a violation of the requirements of the
4 23 bill may not file a formal complaint until the filing party
4 24 has made a good faith attempt to address the alleged violation
4 25 with the rail carrier. A violation of the bill's provisions
4 26 is a "schedule one" violation, punishable by a \$100 fine for
4 27 each day a violation exists.

4 28 The bill makes technical changes to Code chapter 327F to
4 29 codify definitions applicable to the bill and to the entire

4 30 Code chapter.
4 31 LSB 2163XS 83
4 32 dea/nh/5