

House File 399 - Introduced

HOUSE FILE 399

BY T. TAYLOR

A BILL FOR

1 An Act relating to close clearances and safe spaces around
2 railroad tracks and railroad facilities, and providing
3 penalties and including effective date provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. 327F.10 Minimum clear space
2 requirements for bridges, structures, poles, and other
3 obstructions.

4 1. *Overhead clearances.*

5 a. The minimum overhead clearance above a railroad track
6 that is used or proposed to be used for transporting freight
7 cars shall be twenty-two feet, except as otherwise provided in
8 this subsection.

9 b. The overhead clearance above the top rail of tracks
10 located at the entrance to or inside a building may be
11 less than twenty-two feet but not less than eighteen feet.
12 However, if an overhead clearance of less than twenty-two
13 feet exists above tracks inside a building, the movement of
14 railway equipment shall be brought to a stop before entering
15 the building. In switching movements requiring a number of
16 entries, stopping is required only upon initial entry.

17 c. This subsection does not apply to electric wires or
18 equipment required above tracks for the operation of trains by
19 electric energy, provided that a carrier that conducts such an
20 operation adopts and enforces rules which prohibit an employee
21 from being on top of a rail car while the car is being operated
22 under lower clearances than those provided in this subsection.

23 d. The overhead clearances provided in this subsection do
24 not apply to engine houses, engine house facilities, tipples,
25 or facilities used for servicing rail cars or for loading or
26 unloading bulk commodities if compliance is not reasonably
27 practicable.

28 e. The department of transportation may waive the
29 requirements of this subsection for structures constructed
30 before January 1, 2012, if the waiver will not adversely affect
31 the safety of the public or employees of the railroad.

32 2. *Side clearances.*

33 a. The minimum side clearance from the center line of
34 tangent railroad tracks that are used or proposed to be
35 used for transporting freight cars shall conform with the

1 requirements of this subsection, except that structures,
2 including platforms and tracks, constructed or under
3 construction prior to January 1, 2012, may be maintained at
4 clearances existing prior to that date, and may be extended at
5 existing clearances unless such an extension is in connection
6 with reconstruction of the original platform.

7 *b.* The minimum side clearance between the center line of
8 the track and any structure or obstruction above the top of the
9 rail, except structures or obstructions specifically exempted
10 under this subsection, shall be twelve feet.

11 *c.* (1) A platform that is four feet or less above the top
12 of the rail, except a platform adjacent to main or passing
13 tracks, may be less than eight feet six inches from the center
14 line of the track on one side of such track if a full clearance
15 of at least eight feet six inches is maintained on the opposite
16 side of the track or the distance from the center of the track
17 to the center of the adjacent track is not less than fourteen
18 feet.

19 (2) A platform that is four feet six inches or less above
20 the top of the rail, if used principally for loading or
21 unloading refrigerator cars, shall not be less than eight feet
22 from the center line of the track.

23 (3) A low passenger platform that is eight inches or less
24 above the top rail shall not be less than five feet one inch
25 from the center line of the track. A high passenger platform
26 that is four feet or less above the top rail shall not be less
27 than five feet seven inches from the center line of the track.

28 (4) Platforms constructed before January 1, 2012, with less
29 than the clearances prescribed in this paragraph "*c*" may be
30 extended at such lesser clearances unless the extension is in
31 connection with reconstruction of the original platform.

32 *d.* The side clearance, other than for platforms, on sidings
33 only, at an entrance to a building or inside a building shall
34 not be less than eight feet from the center line of the track.

35 *e.* Switchboxes, switch-operating mechanisms, and

1 accessories necessary for the control or operation of signals
2 or interlockers projecting four inches or less above the top
3 rail shall not be less than three feet from the center line of
4 the track.

5 *f.* The center spindle of signal and switch stands three
6 feet or less above the top of the rail and located between
7 tracks, if not practicable to provide the clearances otherwise
8 prescribed in this subsection, shall not be less than six feet
9 from the center line of the track.

10 *g.* Through bridges supporting affected track, tunnels, water
11 columns, or oil columns shall not be less than eight feet from
12 the center line of the track, except where special protection
13 is required for unusual commodities.

14 *h.* (1) The clearance for through bridges supporting
15 affected track, water barrel platforms or refuge platforms on
16 bridges or trestles not provided with walkways, handrails,
17 water barrels, water columns, block signals, cattle guards,
18 and stock chutes, if all or portions thereof are four feet or
19 less above the top of the rail, may be decreased to the extent
20 defined by a line extending diagonally upward from a point
21 level with the top of the rail and five feet distant laterally
22 from the center line of the track to a point four feet above
23 the top of the rail and eight feet distant laterally from the
24 center line of the track. However, the minimum clearance for
25 handrails or water barrels on bridges with walkways shall be
26 seven feet nine inches, and the minimum clearance for fences
27 for cattle guards shall be six feet nine inches.

28 (2) The lesser clearances authorized in subparagraph (1)
29 for handrails and water barrels do not apply to through bridges
30 if the work of train workers or yard workers requires the
31 workers to be on the decks of such bridges for the purpose of
32 coupling or uncoupling cars in the performance of switching
33 service on a switching lead.

34 *i.* The side clearances specified in this subsection do
35 not apply to mail cranes when the arms of the mail cranes are

1 supporting mail sacks for delivery, if the top arm is not
2 higher than ten feet eight inches above the top of the rail and
3 neither arm extends within six feet five inches from the center
4 line of the track.

5 *j.* Icing platforms and supports shall have a minimum side
6 clearance of eight feet. Except in emergencies, operations
7 over portions of track adjacent to icing platforms constructed
8 before January 1, 2012, with a side clearance of less than
9 eight feet shall be restricted to the movement or switching
10 of trains containing refrigerator cars to be iced and to the
11 necessary use of such tracks for the unloading of supplies
12 required for the operation of an icing dock.

13 *k.* The side clearances specified in this section do not
14 apply to the following:

15 (1) Intertrack fences located on the center line between
16 tracks.

17 (2) Engine houses, engine house facilities, tipples, or
18 facilities used for servicing rail cars or for loading or
19 unloading bulk commodities if compliance is not reasonably
20 practicable.

21 (3) Car retarders, derails, switch point protectors,
22 guardrails, and similar appurtenances projecting three inches
23 or less above the top of the rail.

24 *l.* The minimum side clearances prescribed in this subsection
25 are for tangent tracks. Structures adjacent to curve tracks
26 shall have additional minimum side clearances compensating for
27 curvature.

28 *3. Overhead and side clearances.*

29 *a.* The overhead and side clearances prescribed in
30 subsections 1 and 2 may be decreased to the extent of a line
31 extending diagonally downward from a point four feet from the
32 center line of the track and twenty-two feet above the top of
33 the rail to a point eight feet from the center line of the track
34 and sixteen feet above the top of the rail.

35 *b.* For tracks located at an entrance to or inside a

1 building with an overhead clearance of eighteen feet and a side
2 clearance of eight feet, as prescribed in this section, the
3 overhead and side clearances may be decreased to the extent of
4 a line extending diagonally downward from a point four feet
5 from the center line of the track and eighteen feet above the
6 top of the rail to a point eight feet from the center line of
7 the track and fourteen feet above the top of the rail.

8 *c.* A canopy at one side of the track at a freight platform
9 may not be less than four feet from the center line of the
10 track if the height of the canopy is at least seventeen feet
11 six inches above the top of the rail and if the full clearance
12 of eight feet six inches is maintained on the opposite side of
13 the track or the distance from the center of the track to the
14 center of the adjacent track is not less than fourteen feet.

15 *d.* A shelter over a platform used for passenger car
16 operation may not be less than four feet six inches from the
17 center line of the track if the height is not less than fifteen
18 feet above the top of the rail, provided that a carrier that
19 conducts such an operation adopts and enforces rules which
20 prohibit an employee from riding on the side of equipment if
21 standing above car floor height.

22 4. *Clearances between parallel tracks.*

23 *a.* The minimum distance between the center lines of parallel
24 tracks shall be thirteen feet six inches for main tracks and
25 thirteen feet six inches for yard and side tracks, except as
26 otherwise provided in this subsection.

27 *b.* The center line of any track except a main track or a
28 passing track, which is parallel and adjacent to a main track
29 or a passing track, shall be fifteen feet from the center line
30 of such main track or passing track, except that if a passing
31 track is adjacent to and at least fifteen feet from the main
32 track, such other track may be constructed adjacent to the
33 passing track with a clearance of not less than thirteen feet
34 six inches.

35 *c.* The center line of any ladder track which is parallel to

1 another adjacent track shall have a clearance of not less than
2 eighteen feet from the center line of such other track, except
3 that parallel ladder tracks shall have a clearance of not less
4 than nineteen feet from center line to center line.

5 *d.* The minimum distance between the center line of parallel
6 team and house tracks shall be thirteen feet six inches.

7 *e.* Tracks constructed or under construction prior to January
8 1, 2012, may be extended without increasing the distances
9 between tracks.

10 5. *Other conditions and obstructions adjacent to tracks.*

11 *a.* A railroad shall not knowingly permit merchandise,
12 material, or other articles to remain piled or assembled on
13 ground or platforms adjacent to any track at a distance of less
14 than eight feet six inches from the center line of the track. A
15 suitable line or other marker may be maintained at a distance
16 of eight feet six inches from the center line of the track on
17 all platforms, excluding passenger platforms, to indicate the
18 space along the edge of the platform which must be kept clear
19 of merchandise, material, or other articles.

20 *b.* The space between tracks ordinarily used by train
21 workers, yard workers, and other employees as a walkway in
22 the discharge of their duties, and the space beside such
23 tracks within eight feet six inches of the center line of the
24 tracks, shall be kept in reasonably suitable condition for such
25 purpose.

26 6. *Preexisting clearances.* Except as otherwise provided
27 in this section, if an overhead or side clearance between a
28 track and any building, structure, or facility is less than the
29 minimum prescribed in this section but existed prior to January
30 1, 2012, the minimum clearances prescribed by this section
31 shall be required when the building, structure, or facility is
32 relocated or reconstructed. However, the department may grant
33 specific requests for the continuance of prior clearances at
34 reconstructed buildings, structures, or facilities as provided
35 in subsection 7.

1 7. *Waivers.*

2 *a.* Nothing in this section shall be construed to restrict
3 the temporary distribution of materials or the performance of
4 work on, over, or adjacent to tracks if the distribution or
5 performance is necessary in the construction or maintenance
6 of facilities or equipment, provided that the distribution
7 or performance is carried out within a reasonable time under
8 conditions reasonably necessary to provide for the safety of
9 all concerned, including proper notice by train order, message,
10 or bulletin.

11 *b.* If, in any particular case, a waiver from any of the
12 requirements of this section is deemed necessary by a carrier,
13 the department, upon good cause shown, may grant an application
14 by the carrier for a waiver. The request for the waiver shall
15 be accompanied by a full statement of conditions existing and
16 the reason why the waiver is necessary.

17 8. *Application of terms.* Wherever the terms "*railroad*",
18 "*railroad track*", "*track*", "*building*", "*entrance to or inside*
19 *a building*", "*structure*", "*facility*", "*platform*", or other
20 similar terms are used in this section, the terms apply only to
21 property owned by or leased to a common carrier railroad.

22 9. *Application of section.* This section shall not be
23 construed as limiting the authority or jurisdiction of the
24 department of transportation.

25 Sec. 2. NEW SECTION. 327F.11 **Safe space along railroad**
26 **rights-of-way.**

27 1. For purposes of this section, "*safe space*" means the area
28 encompassed within the following distances:

29 *a.* From the actual grade level to a distance of twenty-two
30 feet six inches above the top of the rail head.

31 *b.* A distance of eight feet six inches on both sides of a
32 perpendicular from the center line of a railroad track with a
33 radius of not less than four hundred feet lateral curvature.

34 *c.* A distance of nine feet on both sides of a perpendicular
35 from the center line of a railroad track with a radius of less

1 than four hundred feet curvature.

2 2. A person shall not permit scrap iron, lumber, debris,
3 vegetation exceeding a height of four inches, marked unevenness
4 of terrain, or any other material or condition which endangers
5 a railroad employee to remain or continue in the safe space
6 over which the person has control.

7 Sec. 3. NEW SECTION. **327F.12 Close clearance warnings.**

8 1. The owner of a railroad track shall place a warning
9 device at a location where the close clearance between the
10 track and a building, machinery, trees, brush, or other object
11 is such that the building, machinery, trees, brush, or other
12 object physically impedes a person who is lawfully riding the
13 side of a train in the course of the person's duties in service
14 to a railroad company from clearing the building, machinery,
15 trees, brush, or other object.

16 2. The warning device shall be placed in a location which
17 provides adequate notice to a person riding the side of a train
18 so that the person may prepare for the close clearance. Any
19 signs posted shall not be a danger to other persons working on
20 the property.

21 3. Placement of a warning device pursuant to this section
22 does not relieve the owner of a railroad track from any duties
23 required under chapter 317 or section 327F.27.

24 Sec. 4. Section 327F.13, Code 2011, is amended by striking
25 the section and inserting in lieu thereof the following:

26 **327F.13 Close clearances and safe spaces — enforcement.**

27 1. *Applicability of provisions.* The provisions of sections
28 327F.10, 327F.11, and 327F.12 apply to matters under the
29 purview of the state and enforceable by the department of
30 transportation. Sections 327F.10, 327F.11, and 327F.12 do not
31 apply to the exercise of authority which a federal agency has
32 delegated to state enforcement personnel under section 206 of
33 the federal Railroad Safety Act of 1970, 49 U.S.C. § 20106, or
34 any other regulation or requirement preempted by federal law.

35 2. *Emergency orders.* If an inspector authorized by

1 the department determines through testing, inspection,
2 investigation, or research that a locomotive, car, or other
3 facility or equipment of a railroad is in a condition that
4 violates a law, regulation, or order which the department is
5 authorized to enforce, and the condition is so hazardous as to
6 present an imminent danger or potential danger likely to result
7 in injury to a person, damage to property, or a breakdown of
8 equipment, the inspector shall declare such locomotive, car, or
9 other facility "out of service".

10 3. *Action by inspector.* When an inspector authorized by
11 the department declares a locomotive, car, or other facility
12 to be "out of service", the inspector shall affix an "out of
13 service" notice in a prominent place on the locomotive, car,
14 or other facility. The affixing of an "out of service" notice
15 shall constitute legal notice that the locomotive, car, or
16 facility shall not be used or operated until all defects noted
17 on the "out of service" notice have been repaired. Such notice
18 shall not be removed until the defects noted by the inspector
19 have been corrected by the railroad company and the locomotive,
20 car, or other facility is in full compliance with applicable
21 regulations. In the case of a track or other facility for
22 which it is not practical to affix an "out of service" notice,
23 the inspector shall furnish immediate telephone or telegraphic
24 notification to the owner of the track or facility in lieu of
25 affixing an "out of service" notice, describing the specific
26 location of the affected track or other facility, the nature of
27 the defect, and related conditions. When an "out of service"
28 notice has been affixed or the owner of the track has been
29 notified, the inspector shall furnish notice by the most
30 expeditious manner to the railroad immediately responsible for
31 the operation of the defective locomotive, car, track, or other
32 facility. The notice shall indicate the nature of the defects
33 involved which caused the equipment or other facility to be
34 placed "out of service". The inspector shall retain one copy
35 of the notice and immediately forward one copy of the notice

1 to the department.

2 4. *Reduction in maximum speed of track.* When an inspector
3 authorized by the department determines the existence of a
4 hazardous local track condition, the inspector shall furnish
5 immediate telephone or telegraphic notification to the owner
6 of the track that movements within defined limits of the track
7 must be made at a reduced maximum speed, which shall be the
8 speed applicable to the highest federal railroad administration
9 class designation that the inspector determines is appropriate.
10 Within forty-eight hours following the notification, the
11 inspector shall furnish notice in duplicate to the owner of the
12 track or to the owner's agent immediately responsible for the
13 affected track. The notice shall indicate the full particulars
14 of the conditions and the violations which create the local
15 safety hazard. Such conditions or violations shall be fully
16 repaired or otherwise brought into compliance with the highest
17 federal railroad administration designation applicable to the
18 speed at which trains will operate on the track in question.

19 5. *Action by railroad.* When a locomotive, car, or other
20 facility of a railroad has been declared "out of service", the
21 locomotive, car, or facility shall be removed from service
22 until the defect or defects are corrected. In the case of
23 track which is reduced in class as provided in subsection
24 4, the railroad shall take the steps necessary to insure
25 compliance with the findings of the inspector. For the purpose
26 of making necessary corrections, defective locomotive units,
27 freight cars, cabin cars, or passenger carrying cars may
28 be moved to the nearest available point where the unit can
29 be repaired, provided that other similar units in suitable
30 operating condition are also a part of the consist. When the
31 defects noted on the notice have been corrected, the railroad
32 shall notify the inspector issuing the notice and the inspector
33 shall inspect the locomotive, car, or other facility. If the
34 repairs or corrections have been satisfactorily completed, the
35 inspector shall remove the "out of service" notice.

1 6. *Reinspection — review by department.*

2 a. Upon issuance of an "out of service" notice, the
3 railroad involved may request a second inspection of the
4 locomotive, car, or other facility. An engineer designated
5 by the department shall arrange for an immediate reinspection
6 by a second authorized inspector. If, on reinspection, the
7 decision of the original inspector is affirmed or modified
8 by an engineer designated by the department, the engineer
9 shall notify the railroad in writing that the original finding
10 is affirmed or modified. If the decision of the original
11 inspector is not affirmed or modified, the inspector shall
12 immediately remove the "out of service" notice and enter an
13 appropriate notation on the related notice to the railroad, and
14 the restrictions of the notice shall cease to be effective.

15 b. If, upon reinspection, an engineer designated by the
16 department affirms or modifies the findings of the original
17 inspection, the railroad may, within thirty days of the
18 affirmation or modification, request the department to conduct
19 a hearing at which interested parties may be present and
20 testify for the purpose of reviewing the inspections. As a
21 result of the hearing, the department may modify in whole
22 or in part the findings of the inspections and the actions
23 taken by the inspectors. Actions on review may be undertaken
24 on an expedited basis in relation to other business of the
25 department.

26 c. The requirements of an "out of service" notice shall be
27 effective pending action by the department.

28 d. Upon petition of a carrier based upon good cause, the
29 department may grant a request for an extension of time for
30 compliance with an "out of service" notice issued or modified
31 as provided under this subsection.

32 7. *Penalties.*

33 a. A violation of section 327F.10, 327F.11, or 327F.12 is
34 punishable as a schedule "one" penalty under section 327C.5.

35 b. A violation of this section shall subject the violator to

1 such civil or criminal penalties as may be provided by law.

2 c. Each day of noncompliance constitutes a separate
3 violation. If a locomotive or car which was properly equipped
4 by a carrier subsequently becomes defective or insecure while
5 in use by the carrier, the car or locomotive may be hauled as
6 necessary from the place where it is in use to the nearest
7 available point where the equipment can be repaired, and the
8 penalties imposed under this subsection shall not apply.

9 Sec. 5. RULES. The department of transportation shall adopt
10 rules it deems necessary to implement this Act.

11 Sec. 6. EFFECTIVE DATE. This Act takes effect January 1,
12 2012.

13 EXPLANATION

14 This bill concerns requirements and enforcement provisions
15 for minimum clearances along railroad tracks and safe spaces
16 along railroad rights-of-way.

17 CLEARANCE REQUIREMENTS. The bill establishes that the
18 minimum clearance above a railroad track used for transporting
19 freight is 22 feet. Exceptions are specified for tracks at
20 the entrance to or inside a building, tracks for the operation
21 of trains by electricity, and engine houses and certain other
22 facilities where compliance is not reasonably practicable.
23 The department of transportation is authorized to waive the
24 overhead clearance requirements for structures constructed
25 prior to January 1, 2012.

26 The bill establishes a minimum side clearance of 12 feet from
27 the center line of the track for structures and obstructions
28 above the top of the rail. Exceptions are specified for
29 platforms; sidings at entrances to or inside buildings;
30 switchboxes, switch-operating mechanisms, and accessories
31 for control or operation of signals or interlockers; center
32 spindles of signal and switch stands; through bridges; mail
33 cranes; icing platforms and supports; intertrack fences;
34 engine houses and certain other facilities where compliance
35 is not reasonably practicable; car retarders, derails, switch

1 point projectors, guardrails, or similar appurtenances; and
2 curve tracks. Structures constructed or under construction
3 prior to January 1, 2012, may be maintained and extended at
4 existing clearances, except in connection with reconstruction
5 of the original platform.

6 The bill provides specific formulas for the modification of
7 overhead and side clearances in relation to one another.

8 The bill establishes a minimum distance of 13 feet six
9 inches between the center lines of parallel tracks, and the
10 same required distance for yard and side tracks. Specific
11 requirements for main tracks and passing tracks, ladder tracks,
12 and parallel team and house tracks are detailed in the bill.
13 However, tracks constructed or under construction prior to
14 January 1, 2012, may be extended with the existing distances
15 between tracks.

16 The department of transportation is authorized to grant
17 waivers from any of the clearance requirements upon the request
18 of a carrier and upon a showing of good cause.

19 SAFE SPACES. The bill defines "safe space" as the area from
20 the grade level to a distance of 22 feet six inches above the
21 top of the head rail; a distance of eight feet six inches on
22 both sides of a perpendicular from the center line of a track
23 with a radius of not less than 400 feet lateral curvature; and
24 a distance of nine feet on both sides of a perpendicular from
25 the center line of a track with a radius of less than 400 feet
26 lateral curvature. Safe spaces are required to be kept free of
27 scrap iron, lumber, debris, vegetation higher than four inches,
28 markedly uneven terrain, or any other material or condition
29 which endangers employees.

30 CLOSE CLEARANCE WARNING DEVICES. The bill retains current
31 requirements for the owner of a railroad track to place a
32 warning device at a location where a close clearance between
33 a train and a building or other object might physically
34 impede a person lawfully riding on the side of a train from
35 clearing the building or object. The bill applies the close

1 clearance warning requirements to situations where a person is
2 lawfully riding on the side of a cut of cars. Under current
3 law, requirements for close clearance warning devices only
4 apply to locations specified in rules by the department of
5 transportation when funds are available to reimburse the owner
6 of a railroad track for the cost of the close clearance warning
7 device. The bill strikes that applicability provision.

8 ENFORCEMENT. The bill states that the close clearance
9 and safe spaces requirements in the bill apply only to
10 matters under the purview of the state and enforceable by the
11 department of transportation, and do not apply to the exercise
12 of the authority delegated to state enforcement personnel
13 pursuant to federal law.

14 The bill provides that an inspector authorized by the
15 department may declare a locomotive, car, or other facility
16 to be "out of service" if it is found to be in a condition
17 that poses a danger to a person or property or might cause
18 a breakdown of equipment. In the case of a track or other
19 facility where it is not practical to post a notice, a
20 telephone or telegraphic notification to the owner of
21 the affected track or facility may be substituted. The
22 inspector must also furnish notice to the railroad immediately
23 responsible for operation of the defective locomotive, car,
24 track, or other facility, send a copy of the notice to the
25 department, and retain one copy.

26 If an inspector determines the existence of a hazardous
27 local track condition, the inspector is required to order a
28 reduction in the maximum speed of a track, with notice to the
29 owner of the track or the owner's agent.

30 The bill outlines the process for a railroad to make
31 required repairs to defective track, locomotives, cars, or
32 other facilities, bringing them into compliance with applicable
33 regulations and resulting in removal of an "out of service"
34 notice or a restriction on maximum speed imposed by an
35 inspector.

1 When an "out of service" notice is issued, a railroad may
2 request a second inspection and, if the second inspection
3 does not affirm or modify the findings of the original
4 investigation, the second inspector must immediately remove
5 the "out of service" notice, which ceases to be effective.
6 If the findings of the original inspection are affirmed or
7 modified, the railroad may, within 30 days, request a hearing
8 with the department. The bill specifies that actions on review
9 may be prioritized by the department according to the needs
10 of the department's schedule. However, the requirements of
11 an "out of service" notice remain effective pending action
12 by the department. The department is authorized to grant a
13 request for an extension of time for compliance with an "out of
14 service" order upon petition of a carrier based on good cause.

15 The bill provides that violations of close clearance,
16 safe space, and close clearance warning requirements are
17 punishable by a schedule "one" penalty under the penalty
18 schedule applicable to carriers. A schedule "one" penalty is a
19 \$100 fine. Violations of enforcement provisions may subject
20 the violator to such penalties as may be provided by other
21 law. Each day of noncompliance with the requirements of the
22 bill constitutes a separate violation. If a locomotive or car
23 which was properly equipped by a carrier subsequently becomes
24 defective or insecure, it may be hauled to a nearby location
25 for repair, and the penalties imposed by the bill do not apply.

26 The bill requires the department of transportation to adopt
27 rules it deems necessary for implementation of the bill.

28 The bill takes effect January 1, 2012.