

FEB 26 2001
TRANSPORTATION

HOUSE FILE 407
BY HUSER and T. TAYLOR

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

A BILL FOR

1 An Act requiring a minimum number of persons on a train crew and
2 providing a penalty.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HC 407

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. "Cab" means the crew compartment of the engine of a
5 railroad train or locomotive.

6 b. "Department" means the state department of
7 transportation.

8 c. "Director" means the director of transportation or the
9 director's designee.

10 d. "Qualified railroad locomotive engineer" means a person
11 who has successfully completed a railroad carrier's training
12 program for a train service engineer, locomotive servicing
13 engineer, or student engineer and passed an examination on
14 railroad operation rules.

15 e. "Qualified railroad trainperson" means a person who has
16 successfully completed a railroad carrier's training program
17 and passed an examination on railroad operation rules.

18 2. Any person operating or controlling a railroad in this
19 state shall not allow the operation of any railroad train or
20 locomotive in this state unless the railroad train or
21 locomotive has a crew of at least two individuals. One of the
22 individuals shall be a qualified railroad locomotive engineer.
23 The other individual shall be either a qualified railroad
24 locomotive engineer or a qualified railroad trainperson. The
25 qualified railroad locomotive engineer shall be present in the
26 cab and operate the control locomotive at all times that the
27 railroad train or locomotive is in motion. The other crew
28 member shall be present in the cab at all times the railroad
29 train or locomotive is in motion, but may dismount the
30 railroad train or locomotive when necessary to perform
31 switching activities and other job-related duties. However,
32 this subsection shall not apply to the extent that it is
33 contrary to or inconsistent with a regulation or order of the
34 federal railroad administration.

35 3. The director may, pursuant to rules adopted by the

1 department, grant an exception to the requirements of
2 subsection 2 if the director determines that the exception
3 will not endanger the life or property of any person.

4 4. A person who violates this section is, upon conviction
5 for a first offense, subject to a schedule "one" penalty as
6 provided under section 327C.5. A person who violates this
7 section is, upon conviction for a second offense committed
8 within three years of the first offense, subject to a schedule
9 "two" penalty as provided under section 327C.5. A person who
10 violates this section is, upon conviction for a third or
11 subsequent offense committed within three years of the first
12 offense, subject to a schedule "three" penalty as provided
13 under section 327C.5.

14 EXPLANATION

15 This bill provides that a person shall not operate a
16 railroad in this state unless the railroad train or locomotive
17 has a crew of at least two individuals. The two individuals
18 shall consist of two qualified railroad locomotive engineers
19 or a qualified railroad locomotive engineer and a qualified
20 railroad trainperson. The bill provides that the director of
21 transportation, or the director's designee, may allow an
22 exception to the requirements under certain circumstances.
23 The bill provides that a first violation of this new Code
24 section is subject to a penalty of \$100, a second violation
25 within three years is subject to a penalty of between \$100 and
26 \$500, and a third or subsequent violation within three years
27 of the first violation is subject to a penalty of between \$500
28 and \$1,000.

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