

FEB 8 2002
TRANSPORTATION

HOUSE FILE 2275
BY LARKIN

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

A BILL FOR

1 An Act prohibiting trains from blocking private roads and
2 driveways and providing a penalty.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 2275

1 Section 1. NEW SECTION. 327G.33 BLOCKING PRIVATE
2 DRIVEWAY.

3 1. A railway corporation or its employees shall not
4 operate a train in such a manner as to prevent use of a
5 private road or driveway for a period of time in excess of
6 twenty minutes except in any of the following circumstances:

7 a. When necessary to comply with signals affecting the
8 safety of the movement of trains.

9 b. When necessary to avoid striking an object or person on
10 the track.

11 c. When the train is disabled.

12 d. When necessary to comply with governmental safety
13 regulations including, but not limited, to speed ordinances
14 and speed regulations.

15 2. An officer or employee of a railway corporation who
16 violates this section shall, upon conviction, be subject to a
17 schedule "one" penalty. An employee is not guilty of a
18 violation of this section if the employee's action was
19 necessary to comply with the direct order or instructions of
20 the railway corporation employing the employee or a supervisor
21 of the corporation. Such violation shall be attributed to the
22 railway corporation employing the employee.

23 EXPLANATION

24 This bill prohibits a railway corporation or its employees
25 from operating a train in a manner that prevents use of a
26 private road or driveway for more than 20 minutes. The bill
27 provides exceptions for circumstances when a train must comply
28 with signals, when a train must avoid striking an object or
29 person on the track, when the train is disabled, and when a
30 train must comply with certain safety regulations.

31 The bill provides that a railway corporation employee's
32 actions in violation of the new prohibition shall be
33 attributed to the railway corporation if the employee's
34 actions were at the direct order or instructions of the
35 corporation or one of its supervisors. A violation of the

1 prohibition subjects the violator to a schedule "one" penalty,
2 punishable by a fine of \$100.

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