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SENATE FILE 220
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ANGELO, and RITTMER

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

A BILL FOR

1 An Act relating to safe transportation for railway employees and
2 making penalties applicable.

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

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SF 220
BUSINESS & LABOR

1 Section 1. Section 88.5, Code 2001, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 13. TRANSPORTATION OF RAILWAY EMPLOYEES.

4 a. A railway corporation in this state shall not transport
5 railway employees in a locomotive that is not the lead
6 locomotive engine unless that locomotive contains adequate air
7 conditioning and ventilation to ensure the safety and health
8 of the employees. If railway employees are transported in the
9 lead locomotive engine, the railway corporation shall provide
10 the employees with adequate seating and baggage storage.

11 b. If adequate transportation as required in paragraph "a"
12 cannot be provided, the railway corporation shall provide
13 alternative transportation to railway employees within a
14 reasonable period of time. The commissioner shall adopt rules
15 in conformity with this subsection to ensure the safety of
16 transported railway employees and shall enforce the
17 requirements of this subsection upon the receipt of a written
18 complaint.

19 EXPLANATION

20 This bill requires the labor commissioner to adopt rules
21 concerning the transportation of railway employees on
22 locomotive engines as part of the state's occupational safety
23 and health (OSHA) standards. The bill provides that railway
24 employees shall not be transported in a locomotive that is not
25 the lead locomotive unless the nonlead locomotive is
26 adequately air conditioned and ventilated. The bill requires
27 that the transportation of employees in the lead locomotive be
28 adequate for the employees and that alternative transportation
29 be provided by the railway corporation if adequate locomotive
30 transportation is not available. A violation of the rules
31 adopted pursuant to this bill shall be dealt with in the same
32 manner as other OSHA complaints. Persons violating OSHA
33 provisions under Code chapter 88 may be subject to civil
34 penalties under Code section 88.14 of up to \$70,000 per
35 violation, assessed by the labor commissioner or the

1 employment appeal board. In addition, a railroad corporation
2 who willfully violates the provisions of the bill, which
3 violation caused an employee's death, shall be guilty of a
4 serious misdemeanor upon a first conviction and of an
5 aggravated misdemeanor upon a second conviction.

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