

House File 2208 - Introduced

HOUSE FILE 2208

BY THOMPSON

(COMPANION TO SF 2051 BY GREEN)

A BILL FOR

1 An Act relating to railroad trains, including train length
2 limits and the operation of trains by a crew of two or more
3 persons, providing penalties, making penalties applicable,
4 and including effective date provisions.

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

1 Section 1. Section 327D.3, Code 2022, is amended to read as
2 follows:

3 **327D.3 Duty to furnish cars and transport freight — railroad**
4 **train length limit.**

5 1. Every railway corporation shall upon receiving
6 reasonable notice, and within a reasonable time, furnish shall
7 do all of the following:

8 a. Furnish suitable cars to ~~any and~~ all persons who may
9 apply ~~therefor,~~ for use of such cars for the transportation of
10 any ~~and all kinds of~~ freight, ~~and receive.~~

11 b. Receive and transport such freight with all reasonable
12 dispatch, ~~and provide.~~

13 c. Provide and keep suitable facilities for the receiving
14 and handling ~~thereof~~ of all freight at any depot on the line of
15 its road.

16 2. A railway corporation shall not operate, or permit to be
17 operated, any freight or work railroad train that exceeds eight
18 thousand five hundred feet in length on any part of a railroad.

19 **Sec. 2. NEW SECTION. 327F.33 Crew size — penalties.**

20 1. A locomotive or railroad train operating on a railroad
21 track in connection with the movement of freight shall be
22 operated by a crew consisting of at least two qualified
23 railroad employees. This section does not apply to the
24 operation of a locomotive or railroad train in connection with
25 a hostler service or utility service.

26 2. a. A railroad company found guilty of violating
27 subsection 1 shall, upon conviction, be subject to one of the
28 following penalties:

29 (1) For a first offense, a schedule "three" penalty as
30 provided in section 327C.5.

31 (2) For a second or subsequent offense, a schedule "five"
32 penalty as provided in section 327C.5. A second offense under
33 this section shall be a first violation for the purposes of
34 calculating the schedule "five" penalty.

35 b. For purposes of determining whether a conviction is a

1 first, second, or subsequent offense, only offenses committed
2 within the three-year period prior to the most recent offense
3 shall be considered.

4 Sec. 3. EFFECTIVE DATE. This Act takes effect thirty days
5 after enactment.

6

EXPLANATION

7 The inclusion of this explanation does not constitute agreement with
8 the explanation's substance by the members of the general assembly.

9 This bill limits the length of any freight or work railroad
10 train operated or permitted to be operated by a railway
11 corporation to 8,500 feet. Pursuant to Code section 327D.17, a
12 violation of the bill results in a schedule four penalty under
13 Code section 327C.5, a fine of not less than \$500 nor more
14 than \$5,000 per violation. The bill makes organizational and
15 conforming changes to Code section 327D.3.

16 The bill requires a locomotive or railroad train operating
17 on a railroad track in connection with the movement of freight
18 to be operated by a crew consisting of at least two qualified
19 railroad employees. This requirement does not apply to the
20 operation of a locomotive or railroad train in connection with
21 a hostler service or utility service. The bill provides that
22 a railroad company found guilty of violating this requirement
23 is subject to a penalty of not less than \$500 and not more than
24 \$1,000 for a first offense, not less than \$500 and not more
25 than \$5,000 for a second offense, and not less than \$5,000
26 and not more than \$10,000 for a third or subsequent offense.
27 For purposes of determining whether a conviction is a first,
28 second, or subsequent offense, the bill provides that only
29 offenses committed within the three-year period prior to the
30 most recent offense shall be considered.

31 The bill takes effect 30 days after enactment.