

**Senate File 38 - Introduced**

SENATE FILE 38  
BY SHIPLEY

**A BILL FOR**

1 An Act relating to the operation of railroad trains by a crew  
2 of two or more persons, and providing penalties.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. 327F.33 Crew size — penalties.

2 1. A locomotive or railroad train operated by a class I rail  
3 carrier or class II rail carrier, as those terms are defined by  
4 the federal surface transportation board, when operating on a  
5 railroad track in connection with the movement of passengers or  
6 freight, shall be operated by a crew consisting of at least two  
7 qualified railroad employees.

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

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

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

17 b. For purposes of determining whether a conviction is a  
18 first, second, or subsequent offense, only offenses committed  
19 within the three-year period prior to the most recent offense  
20 shall be considered.

21 EXPLANATION

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

24 This bill requires a locomotive or railroad train operated  
25 by a class I rail carrier or class II rail carrier, when  
26 operating on a railroad track in connection with the movement  
27 of passengers or freight, to be operated by a crew consisting  
28 of at least two qualified railroad employees. The federal  
29 surface transportation board (STB) is an independent federal  
30 agency that is charged with the economic regulation of various  
31 modes of surface transportation including primarily freight  
32 rail. The STB has defined three classes of railway carriers,  
33 designated as class I, class II, and class III, respectively,  
34 according to annual revenue criteria. The STB threshold for  
35 a class I carrier includes a carrier earning revenue greater

1 than \$1,053,709,560. A class II carrier is a carrier earning  
2 revenue between \$47,299,851 and \$1,053,709,560.

3 The bill provides that a railroad company found guilty of  
4 violating this requirement is subject to a penalty of not less  
5 than \$500 and not more than \$1,000 for a first offense, not  
6 less than \$500 and not more than \$5,000 for a second offense,  
7 and not less than \$5,000 and not more than \$10,000 for a third  
8 or subsequent offense. For purposes of determining whether a  
9 conviction is a first, second, or subsequent offense, the bill  
10 provides that only offenses committed within the three-year  
11 period prior to the most recent offense shall be considered.