

IC 8-9-10

Chapter 10. Railroad Employee Sanitary Facilities

IC 8-9-10-1

Duty to provide; terminals; mobile camps for maintenance of way employees

Sec. 1. (a) As used in this section, "mobile camp" means a temporary location where at least two (2) railroad maintenance of way employees are housed.

(b) Every railroad company within the state of Indiana shall provide and adequately maintain a heated room or rooms at all terminals, headquarters, and mobile camps in the operation of the railroad company, for the use of its employees.

(c) Each room required by subsection (b) must contain adequate wash basins, shower-baths, inside toilets, and sufficient lockers for checking employees' clothing.

(d) Every railroad shall maintain at all permanent assembly points and mobile camps a supply of drinking water dispensed in a sanitary manner. A permanent assembly point under this chapter is a location where a minimum of two (2) maintenance of way employees meet for not less than six (6) months of each year.

(e) A railroad company that houses maintenance of way employees in a mobile camp shall provide and adequately maintain for the employees' use outfit cars, camp cars, or trailers in compliance with the rules adopted under IC 16-19-3-4.4.

(f) A railroad company that houses maintenance of way employees in a mobile camp shall:

(1) not later than two (2) business days after employees arrive at that location, notify the local health department with jurisdiction in the area in which the mobile camp is located of the existence of the mobile camp; and

(2) request and permit inspection by an authorized representative of the local health department to ensure the conditions of the outfit cars, camp cars, or trailers are sanitary and healthful for the:

(A) maintenance of way employees; and

(B) local community.

(g) A railroad company shall locate and maintain a mobile camp described in subsection (e) in a safe and healthy environment.

(Formerly: Acts 1965, c.154, s.1.) As amended by P.L.62-1984, SEC.138; P.L.83-2007, SEC.1.

IC 8-9-10-2

Hearings; investigations; mandamus; preference to cases

Sec. 2. (a) Whenever the Indiana department of transportation secures reliable information, receives a complaint, or, because of reports made by the department's inspectors, has reason to believe that a railroad company in this state does not provide and adequately maintain the sanitary facilities provided for in section 1(b) through 1(e) of this chapter, the department shall make an investigation as

necessary. The department shall conduct a hearing at which both the railroad company and the employees affected will be given a full opportunity to present evidence as to the necessity and reasonableness of the proposed changes or improvements.

(b) When the investigation required under subsection (a) is made, the Indiana department of transportation shall report to the manager or superintendent of the railroad company. In the report and recommendations, the department shall make an accurate statement of the time the examination was made, of the exact location, character, and extent of defects or omissions, if any have been found, and shall recommend reasonable changes and improvements, additions, buildings, and accommodations, as are, in the opinion of the department, necessary to remedy the faults, neglect, requirements, or defects. The recommendations must set out specifically a reasonable time within which such improvements or changes or additions shall be made by the railroad company.

(c) If the recommendations under subsection (b) are not carried out within the time specified, then the Indiana department of transportation may commence proceedings by mandamus or other remedy in a circuit or superior court having jurisdiction to enforce compliance with its order. All courts having jurisdiction in these cases shall give preference to the cases and shall hear and determine the case speedily to the end that the employees' interests and the public interests may not suffer.

(Formerly: Acts 1965, c.154, s.2.) As amended by P.L.62-1984, SEC.139; P.L.384-1987(ss), SEC.93; P.L.18-1990, SEC.102; P.L.83-2007, SEC.2.

IC 8-9-10-3

Railroad company also subject to health rules

Sec. 3. In addition to this chapter, the railroad company is subject to a rule adopted under IC 16-19-3-4.4.

As added by P.L.83-2007, SEC.3.