

By: Gibbs, Broomfield, Green, Harrison,
Huddleston, Middleton, Thomas, Wallace, West

To: Transportation

HOUSE BILL NO. 818

1 AN ACT TO ESTABLISH A MINIMUM NUMBER OF CREW REQUIRED ON
2 TRAINS; TO PRESCRIBE THE QUALIFICATIONS FOR SUCH CREW MEMBERS; TO
3 PROVIDE PENALTIES FOR VIOLATIONS; AND FOR RELATED PURPOSES.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

5 SECTION 1. (1) For the purposes of this section, the
6 following terms shall have the meanings ascribed in this
7 subsection unless the context otherwise requires:

8 (a) "Certified railroad locomotive engineer" means a
9 person certified under Title 49 Code of Federal Regulations
10 Section 240 as a train service engineer, locomotive servicing
11 engineer or student engineer.

12 (b) "Qualified railroad trainman" means a person who
13 has successfully completed a railroad carrier's training program
14 and passed an examination on railroad operation rules.

15 (2) Except when the life or property of any person is
16 endangered, no person operating or controlling any railroad, as
17 defined in Section 77-9-5, may allow the operation of any railroad
18 train or locomotive in this state unless the railroad train or
19 locomotive has a crew of at least two (2) individuals. One (1) of
20 the individuals shall be a certified railroad locomotive engineer.

21 The other individual shall be either a certified railroad

22 locomotive engineer or a qualified railroad trainman. A certified
23 railroad locomotive engineer shall operate the control of the
24 locomotive at all times that the railroad train or locomotive is
25 in motion. The other crew member may dismount the railroad train
26 or locomotive when necessary to perform switching activities and
27 other duties in the course of his or her job.

28 (3) Subsection (2) of this section does not apply to the
29 extent that it is contrary to or inconsistent with a regulation or
30 order of the Federal Railroad Administration.

31 (4) Any person who violates subsection (2) of this section
32 may be fined not less than Twenty-five Dollars (\$25.00) nor more
33 than One Hundred Dollars (\$100.00) for a first offense, not less
34 than One Hundred Dollars (\$100.00) nor more than Five Hundred
35 Dollars(\$500.00) for a second offense committed within three (3)
36 years, and not less than Five Hundred Dollars (\$500.00) nor more
37 than One Thousand Dollars (\$1,000.00) for a third offense
38 committed within three (3) years.

39 SECTION 2. Section 1 of this act shall be codified in
40 Chapter 9, Title 77, Mississippi Code of 1972.

41 SECTION 3. This act shall take effect and be in force from
42 and after July 1, 2000.