AN ACT TO REQUIRE A MINIMUM NUMBER OF PERSONS ON TRAIN CREWS; TO PROVIDE A PENALTY FOR VIOLATIONS OF THIS ACT; AND FOR RELATED PURPOSES.

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

SECTION 1. (1) In this section, unless the context clearly requires otherwise:

(a) "Certified railroad locomotive engineer" means a person certified under 49 CFR 240 as a train service engineer, locomotive servicing engineer or student engineer.

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

(2) No person operating or controlling any railroad may allow the operation of any railroad train or locomotive in this state unless the railroad train or locomotive has a crew of at least two (2) individuals. One (1) of the individuals shall be a certified railroad locomotive engineer. The other individual shall be either a certified railroad locomotive engineer or a qualified railroad trainman. A certified railroad locomotive engineer shall operate the control locomotive at all times that the railroad train or locomotive is in motion. The other crew member may dismount the railroad train or locomotive when necessary to perform switching activities and other duties in the course of his or her job.

(3) (a) The Mississippi Department of Transportation, by rule, may grant an exception to subsection (2) of this section if
the department determines that the exception will not endanger the
life or property of any person.

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

(4) Any person who violates subsection (2) of this section
may be required to forfeit not less than Twenty-five Dollars
($25.00) nor more than One Hundred Dollars ($100.00) for a first
offense, not less than One Hundred Dollars ($100.00) nor more than
Five Hundred Dollars ($500.00) for a second offense committed
within three (3) years, and not less than Five Hundred Dollars
($500.00) nor more than One Thousand Dollars ($1,000.00) for a
third offense committed within three (3) years.

SECTION 2. This act shall take effect and be in force from
and after July 1, 2000.