

By: Furniss

To: Highways and
Transportation

SENATE BILL NO. 2773

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

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

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

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

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

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

25 (3) (a) The Mississippi Department of Transportation, by
26 rule, may grant an exception to subsection (2) of this section if

27 the department determines that the exception will not endanger the
28 life or property of any person.

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

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

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