To: Transportation

MISSISSIPPI LEGISLATURE REGULAR SESSION 2001
By: Representative Evans

HOUSE BILL NO. 1098

AN ACT TO REQUIRE A MINIMUM NUMBER OF QUALIFIED RAILROAD EMPLOYEES ON TRAIN CREWS OPERATING IN THIS STATE; 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) The following words and phrases shall have the meaning ascribed in this section unless the context clearly states 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 conductor" means a person who has successfully completed a railroad carrier's training program and passed an examination on railroad operation rules.

(2) (a) No person operating or controlling any railroad may allow the operation of any railroad train or locomotive in this state that does not have a minimum of two (2) qualified railroad employees. One (1) employee shall be a certified railroad locomotive engineer and the other employee shall be a certified railroad conductor. A certified railroad locomotive engineer shall operate the control of the 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 job.

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

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(3) Any person, company or corporation violating the provisions of this section shall be guilty of a misdemeanor and, upon conviction, shall be fined 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. Section 1 of this act shall be codified in Title 77, Chapter 9, Mississippi Code of 1972.

SECTION 3. This act shall take effect and be in force from and after July 1, 2001.