

By: Representative Evans

To: Transportation

HOUSE BILL NO. 1098

1 AN ACT TO REQUIRE A MINIMUM NUMBER OF QUALIFIED RAILROAD
2 EMPLOYEES ON TRAIN CREWS OPERATING IN THIS STATE; TO PROVIDE A
3 PENALTY FOR VIOLATIONS OF THIS ACT; AND FOR RELATED PURPOSES.

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

5 SECTION 1. (1) The following words and phrases shall have
6 the meaning ascribed in this section unless the context clearly
7 states otherwise:

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

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

14 (2) (a) No person operating or controlling any railroad may
15 allow the operation of any railroad train or locomotive in this
16 state that does not have a minimum of two (2) qualified railroad
17 employees. One (1) employee shall be a certified railroad
18 locomotive engineer and the other employee shall be a certified
19 railroad conductor. A certified railroad locomotive engineer
20 shall operate the control of the locomotive at all times that the
21 railroad train or locomotive is in motion. The other crew member
22 may dismount the railroad train or locomotive when necessary to
23 perform switching activities and other duties in the course of his
24 job.

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

28 (3) Any person, company or corporation violating the
29 provisions of this section shall be guilty of a misdemeanor and,
30 upon conviction, shall be fined not less than Twenty-five Dollars
31 (\$25.00) nor more than One Hundred Dollars (\$100.00) for a first
32 offense, not less than One Hundred Dollars (\$100.00) nor more than
33 Five Hundred Dollars (\$500.00) for a second offense committed
34 within three (3) years, and not less than Five Hundred Dollars
35 (\$500.00) nor more than One Thousand Dollars (\$1,000.00) for a
36 third offense committed within three (3) years.

37 SECTION 2. Section 1 of this act shall be codified in Title
38 77, Chapter 9, Mississippi Code of 1972.

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