

1 HB484
2 199626-1
3 By Representative Bracy
4 RFD: Transportation, Utilities and Infrastructure
5 First Read: 23-APR-19

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8 SYNOPSIS: This bill would establish the Safe Freight
9 Act to prohibit the operation of a train unless the
10 train has a crew consisting of at least two
11 individuals.

12 This bill would provide criminal penalties
13 for a violation.

14 This bill would provide exceptions for the
15 prohibition under certain circumstances.

16 This bill would authorize the President of
17 the Public Service Commission to provide an
18 exemption to certain trains under certain
19 circumstances.

20 Amendment 621 of the Constitution of Alabama
21 of 1901, now appearing as Section 111.05 of the
22 Official Recompilation of the Constitution of
23 Alabama of 1901, as amended, prohibits a general
24 law whose purpose or effect would be to require a
25 new or increased expenditure of local funds from
26 becoming effective with regard to a local
27 governmental entity without enactment by a 2/3 vote

1 unless: it comes within one of a number of
2 specified exceptions; it is approved by the
3 affected entity; or the Legislature appropriates
4 funds, or provides a local source of revenue, to
5 the entity for the purpose.

6 The purpose or effect of this bill would be
7 to require a new or increased expenditure of local
8 funds within the meaning of the amendment. However,
9 the bill does not require approval of a local
10 governmental entity or enactment by a 2/3 vote to
11 become effective because it comes within one of the
12 specified exceptions contained in the amendment.

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14 A BILL
15 TO BE ENTITLED
16 AN ACT

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18 Relating to trains; to provide for the Safe Freight
19 Act, to provide minimum crew requirements for the operation of
20 a train, with exceptions; to provide criminal penalties for a
21 violation; and in connection therewith would have as its
22 purpose or effect the requirement of a new or increased
23 expenditure of local funds within the meaning of Amendment 621
24 of the Constitution of Alabama of 1901, now appearing as
25 Section 111.05 of the Official Recompilation of the
26 Constitution of Alabama of 1901, as amended.
27 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

1 Section 1. This act shall be known and may be cited
2 as the Safe Freight Act.

3 Section 2. (a) Except as provided in subsection (b)
4 and subsection (c), a train may not be operated unless the
5 train has a crew consisting of at least two individuals, one
6 of whom shall be certified by the Federal Railroad
7 Administration as a locomotive operator and the other as a
8 train conductor. Any individual who violates this section, on
9 conviction, shall be guilty of a Class C misdemeanor and shall
10 be fined as follows:

11 (1) On a first conviction, the individual shall be
12 subject to a fine of not less than two hundred fifty dollars
13 (\$250) nor more than five hundred dollars (\$500).

14 (2) On a second conviction within three years of the
15 first conviction, the individual shall be subject to a fine of
16 not less than five hundred dollars (\$500) nor more than two
17 thousand five hundred dollars (\$2,500).

18 (3) On a third or subsequent conviction within three
19 years of the first conviction, the individual shall be subject
20 to a fine of not less than two thousand five hundred dollars
21 (\$2,500) nor more than five thousand dollars (\$5,000).

22 (b) A freight train may be operated with a crew of
23 less than two individuals under the following conditions:

24 (1) The train is performing helper service by using
25 a locomotive or group of locomotives to assist another train
26 that has incurred mechanical failure or lacks the power to

1 traverse difficult terrain. Helper service includes traveling
2 to or from a location where assistance is provided.

3 (2) The train is a tourist, scenic, historic, or
4 excursion operation that is not part of the general railroad
5 system of transportation.

6 (3) The train is a lite locomotive, which is a
7 locomotive or consist of locomotives not attached to any piece
8 of equipment or attached only to a caboose and not traveling
9 more than 30 miles outside of a rail yard.

10 (4) The train is inside a rail yard, not attached to
11 railcars, and being operated by or under the supervision of a
12 hostler.

13 (5) The train is being loaded or unloaded in an
14 assembly line manner at an industry while the train moves at
15 10 miles per hour or less.

16 (c) (1) The President of the Alabama Public Service
17 Commission may exempt from the two-person crew requirement a
18 railroad carrier having not more than 15 employees covered by
19 this section from the limitations imposed by this section when
20 a train is being operated under the following conditions:

21 a. The maximum authorized speed of the train is
22 limited to 15 miles per hour or less.

23 b. The average grade of any segment of the track
24 operated over is less than one percent over three continuous
25 miles or two percent over two continuous miles.

26 (2) The President of the Alabama Public Service
27 Commission may allow the exemption in subdivision (1) after a

1 full hearing, for good cause shown, and on deciding that the
2 exemption is in the public interest and will not adversely
3 affect safety. The exemption shall be for a specific period of
4 time and is subject to review at least annually.

5 (d) Notwithstanding subsection (b) or (c), a minimum
6 of two crew members is required when any train is transporting
7 either of the following:

8 (1) One or more loaded freight cars containing
9 materials poisonous by inhalation as defined in 49 CFR §171.8,
10 including anhydrous ammonia (UN 1005) and ammonia solutions
11 (UN 3318).

12 (2) Twenty or more loaded freight cars or freight
13 cars loaded with bulk packages as defined in 49 CFR §171.8 or
14 intermodal portable tanks containing any combination of these
15 materials or any Division 2.1 flammable gases, Class 3
16 flammable liquids, Class 1.1 or 1.2 explosives, or hazardous
17 substances listed in 49 CFR §173.31(f) (2).

18 Section 3. Although this bill would have as its
19 purpose or effect the requirement of a new or increased
20 expenditure of local funds, the bill is excluded from further
21 requirements and application under Amendment 621, now
22 appearing as Section 111.05 of the Official Recompilation of
23 the Constitution of Alabama of 1901, as amended, because the
24 bill defines a new crime or amends the definition of an
25 existing crime.

1 Section 4. This act shall become effective on the
2 first day of the third month following its passage and
3 approval by the Governor, or its otherwise becoming law.