

# SENATE BILL No. 144

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 8-3.

**Synopsis:** Minimum crew size. Provides that the crew of a freight train must consist of at least two individuals. Imposes penalties for violations of the minimum crew requirement. Deposits the penalties in the industrial rail service fund.

**Effective:** July 1, 2015.

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January 6, 2015, read first time and referred to Committee on Homeland Security & Transportation.

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First Regular Session 119th General Assembly (2015)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2014 Regular Session and 2014 Second Regular Technical Session of the General Assembly.

## SENATE BILL No. 144



A BILL FOR AN ACT to amend the Indiana Code concerning transportation.

*Be it enacted by the General Assembly of the State of Indiana:*

- 1 SECTION 1. IC 8-3-1.7-2 IS AMENDED TO READ AS
- 2 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 2. (a) There is created
- 3 a fund known as the industrial rail service fund. The fund shall consist
- 4 of money distributed to the fund by IC 6-2.5-10-1, ~~and~~ IC 8-3-1.5-20,
- 5 **and IC 8-3-2-17**. Amounts held in the fund may only be used to do the
- 6 following:
- 7 (1) Provide loans to railroads that will be used to purchase or
- 8 rehabilitate real or personal property that will be used by the
- 9 railroad in providing railroad transportation services.
- 10 (2) Pay operating expenses of the Indiana department of
- 11 transportation, subject to appropriation by the general assembly.
- 12 (3) Provide fifty thousand dollars (\$50,000) annually to the
- 13 Indiana department of transportation for rail planning activities.
- 14 Money distributed under this subdivision does not revert back to
- 15 the state general fund at the end of a state fiscal year.
- 16 (4) Provide money for the high speed rail development fund under



- 1 IC 8-23-25.
- 2 (5) Provide grants to a railroad owned or operated by a port  
3 authority established under IC 8-10-5.
- 4 (6) Make grants to a Class II or a Class III railroad for the  
5 rehabilitation of railroad infrastructure or railroad construction.
- 6 (b) A grant made under subsection (a)(5) may not exceed twenty  
7 percent (20%) of the gross sales and use tax receipts deposited in the  
8 fund under IC 6-2.5-10-1 during the fiscal year preceding the fiscal  
9 year in which the grant is made.
- 10 (c) A grant program under subsection (a)(6) must:
- 11 (1) provide a grant to a recipient of not more than seventy-five  
12 percent (75%) of the cost of the project; and
- 13 (2) require a grant recipient to pay for not more than twenty-five  
14 percent (25%) of the cost of a project.
- 15 SECTION 2. IC 8-3-2-17 IS ADDED TO THE INDIANA CODE  
16 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
17 1, 2015]: **Sec. 17. (a) This section does not apply to the operation of  
18 a train or light engine by engine hostlers or utility employees.**
- 19 **(b) A carrier subject to this chapter may not operate a train or  
20 light engine to transport freight unless the train or light engine has  
21 a crew that consists of at least two (2) individuals who satisfy the  
22 requirements of all applicable state and federal laws and  
23 regulations concerning the operation of a train or light engine.**
- 24 **(c) A carrier that violates subsection (b) is subject to a civil  
25 penalty as follows:**
- 26 **(1) For a first violation, five hundred dollars (\$500).**
- 27 **(2) For a second violation that occurs not more than three (3)  
28 years after a first violation, two thousand dollars (\$2,000).**
- 29 **(3) For a third or subsequent violation that occurs not more  
30 than three (3) years after the immediately preceding violation,  
31 seven thousand five hundred dollars (\$7,500).**
- 32 **(d) A civil penalty imposed under this section shall be deposited  
33 in the industrial rail service fund created by IC 8-3-1.7-2.**

