

By: Barrientos

S.B. No. 1795

A BILL TO BE ENTITLED

AN ACT

relating to the operation of remote control locomotives.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 11, Title 112, Revised Statutes, is amended by adding Article 6448c to read as follows:

Art. 6448c. OPERATION OF REMOTE CONTROL LOCOMOTIVES. (a) A railroad that proposes to operate a remote control locomotive in this state shall:

(1) before beginning operation:

(A) file a report with the Railroad Commission of Texas detailing the location and nature of the operation; and

(B) notify the governing body of each municipality in which the remote control locomotive will be operated;

(2) record and maintain appropriate risk exposure measures, including total number of labor hours and total number of employees by location for:

(A) remote control locomotive operations of the railroad; and

(B) manual locomotive operations of the railroad;

(3) continually solicit and consider input of the individuals who operate remote control locomotives of the railroad to ensure that ergonomic issues and operating concerns of those

1 individuals are properly identified and fully addressed;

2 (4) establish formal communication procedures to
3 enable appropriate railroad officials to receive and respond to
4 information pertaining to a remote control locomotive system
5 failure or safety problem;

6 (5) in each area where a remote control locomotive is
7 operated, post signs stating that an operator is not present in the
8 control compartment of the locomotive that are:

9 (A) highly visible;

10 (B) posted at conspicuous locations so as to
11 maximize the signs' exposure to those persons most likely to
12 encounter a remote control locomotive; and

13 (C) written in a language other than English
14 where appropriate; and

15 (6) equip each remote control locomotive operator with
16 a remote control transmitter capable of:

17 (A) automatically notifying the railroad if a
18 remote control locomotive operator becomes incapacitated; and

19 (B) determining a nonresponsive remote control
20 locomotive operator's location to ensure that emergency help can
21 respond effectively.

22 (b) A railroad that owns or controls a remote control
23 locomotive may not:

24 (1) operate a passenger train using a remote control
25 locomotive or allow a remote control locomotive to be operated on or
26 near a railroad track occupied or being used by a passenger train;

27 (2) allow:

1 (A) the operator of a remote control locomotive,
2 while operating that locomotive, to:

- 3 (i) ride on a freight car;
4 (ii) mount or dismount moving equipment;
5 (iii) operate another remote control
6 locomotive or any other type of machinery; or
7 (iv) stand or walk between the rails of the
8 railroad track or foul the track on which the locomotive is moving
9 while physically located in front of the moving locomotive;

10 (B) a remote control locomotive handling a
11 railcar containing hazardous material to cross a public road at
12 grade unless a person who has the required skills and training to
13 apply an emergency brake in the event of collision occupies the
14 operating compartment of the remote control locomotive; or

15 (C) a worker other than a member of the crew
16 assigned to the remote control locomotive to work on a remote
17 control locomotive or attached equipment, except for a worker
18 entering the operating compartment of the locomotive to supply,
19 inspect, or repair the locomotive, unless:

- 20 (i) the remote control locomotive is placed
21 in manual mode and properly secured; and
22 (ii) appropriate blue signal protection, as
23 defined by 49 C.F.R. Section 218.5, is provided; or

24 (3) allow a remote control locomotive to be operated:

25 (A) unless the operator of that locomotive
26 assures that the movement is protected and the railroad track is
27 clear and properly aligned ahead of that locomotive while it is

1 underway; or

2 (B) at a speed exceeding:

3 (i) a speed that would enable the
4 locomotive to stop within one-half the range of vision; or

5 (ii) 20 miles per hour.

6 (c) A railroad shall provide for the security of remote
7 control locomotives owned or controlled by the railroad. At a
8 minimum, the railroad must:

9 (1) require:

10 (A) each remote control locomotive operator,
11 when the operator goes off duty, to place the remote control
12 locomotive in manual operation mode and properly secure the remote
13 control locomotive, unless control of the remote control locomotive
14 is directly given to another remote control operator;

15 (B) each operation control handle in the remote
16 control locomotive operating compartment to be removed or pinned in
17 place to prevent accidental or intentional movement while the
18 remote control locomotive is being operated in remote control mode;
19 and

20 (C) each remote control locomotive to have a tag
21 placed on the control stand throttle indicating the locomotive is
22 being used in remote control mode and requiring the tag be removed
23 when the locomotive is returned to manual operation mode;

24 (2) issue instructions for the proper storing and
25 handling of a remote control transmitter when not in use or in the
26 possession of a remote control operator;

27 (3) implement strict procedures to ensure that only

1 the intended remote control transmitter is assigned to the
2 appropriate remote control locomotive; and

3 (4) equip each remote control locomotive with a device
4 to secure the operating compartment and its controls against
5 unauthorized entry.

6 (d) The Railroad Commission of Texas by rule shall enforce
7 the requirements of this article.

8 SECTION 2. Not later than January 1, 2004, the Railroad
9 Commission of Texas shall adopt rules relating to the operation of
10 remote control locomotives as required by Article 6448c, Revised
11 Statutes, as added by this Act.

12 SECTION 3. This Act takes effect immediately if it receives
13 a vote of two-thirds of all the members elected to each house, as
14 provided by Section 39, Article III, Texas Constitution. If this
15 Act does not receive the vote necessary for immediate effect, this
16 Act takes effect September 1, 2003.