

By: Gallegos

S.B. No. 1420

A BILL TO BE ENTITLED

AN ACT

relating to prohibiting the use of remote control locomotives to carry hazardous materials; providing penalties.

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) For purposes of this subsection:

(1) the term "hazardous material" has the meaning given that term in 49 USC Section 5102(2);

(2) the term "railroad carrier" has the meaning given that term in 49 USC Section 20102;

(3) the term "remote control locomotive" means a locomotive which, through use of a radio transmitter and receiver system, can be operated by a person not physically located at the controls within the confines of the locomotive cab, but does not include a locomotive that is remotely controlled from the lead locomotive of the same train; and

(4) The term "remote control transmitter" means the transmitter component of a remote control locomotive system.

(b) A railroad carrier may not operate or cause to be operated on the general system of railroad transportation a remote control locomotive to carry hazardous materials.

(c) A railroad carrier acts knowingly when:

1 (1) the railroad carrier has actual knowledge of the
2 facts giving rise to a violation; or

3 (2) a reasonable railroad carrier acting in the
4 circumstances and exercising reasonable care would have that
5 knowledge.

6 SECTION 2. Not later than January 1, 2006, the Railroad
7 Commission of Texas shall adopt rules relating to the operation of
8 remote control locomotives as required by Article 6448c, Revised
9 Statutes, as added by this Act.

10 SECTION 3. This Act takes effect immediately if it receives
11 a vote of two-thirds of all the members elected to each house, as
12 provided by Section 39, Article III, Texas Constitution. If this
13 Act does not receive the vote necessary for immediate effect, this
14 Act takes effect September 1, 2005.