

By: Davis of Dallas

H.B. No. 3745

A BILL TO BE ENTITLED

AN ACT

relating to railroad crew requirements; providing a civil penalty.

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

SECTION 1. Subchapter C, Chapter 112, Transportation Code, is amended by adding Section 112.104 to read as follows:

Sec. 112.104. FULL CREW. (a) In this section, "road" does not include a designated service or repair track where the service or repair track is:

(1) protected by:

(A) switch locks;

(B) blue flags; and

(C) derails; and

(2) not a main track.

(b) A railroad company or receiver of a railroad company may not run over its road, or part of its road, outside of the yard limits:

(1) a freight train, gravel train, mixed train, work train, or construction train with less than a full train crew consisting of one conductor and one engineer; or

(2) any light engine with less than a full train crew consisting of one engineer and one conductor.

(c) This section does not prohibit a railroad company or receiver from operating a train or light engine with a crew larger than that prescribed by Subsection (b), except that the number of

1 crew persons in the cab of a locomotive may not exceed five.

2 (d) The control locomotive of a train described by
3 Subsection (b)(1) shall be operated by an engineer at any time the
4 locomotive is in motion. A conductor on a train described by
5 Subsection (b)(1) may dismount the train to perform necessary job
6 duties, including rail switching activities.

7 (e) This section applies to all trains operated in this
8 state to the extent that it does not conflict with federal law or
9 regulation or a court decision.

10 (f) This section does not apply to or include any railroad
11 company or receiver of any line of railroad in this state shorter
12 than 40 miles in length.

13 (g) Subsection (b)(1) does not apply in case of disability
14 of one or more members of:

15 (1) a train crew while out on the road between division
16 terminals;

17 (2) a switching crew in charge of yard engines; or

18 (3) a crew required to push trains out of the yard
19 limits.

20 (h) A railroad company or receiver that violates this
21 section is liable to the state for a penalty of not less than \$100 or
22 more than \$1,000 for each offense. Suit for the penalty may be
23 brought in Travis County or in any county in or through which the
24 line of railroad runs, by:

25 (1) the attorney general or under the attorney
26 general's direction; or

27 (2) the county or district attorney in any county in or

1 through which the railroad is operated.

2 (i) A suit under Subsection (h) is subject to the provisions
3 of Section [111.058](#).

4 SECTION 2. This Act takes effect September 1, 2015.