

By: Davis of Dallas

H.B. No. 977

A BILL TO BE ENTITLED

AN ACT

relating to railroad crew size requirements; imposing 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. MINIMUM CREW REQUIREMENTS. (a) A railroad company may not operate in connection with the movement of freight a train or light engine with fewer than two crew members. For the purposes of this subsection, a railroad utility employee is not considered a crew member.

(b) Subsection (a) does not apply to the operation of a train or light engine for hostler service.

(c) A railroad company that violates this section is liable to the state for a penalty of:

(1) not less than \$250 or more than \$1,000 for a first violation;

(2) not less than \$1,000 or more than \$5,000 for a second violation in a period of three years or less; or

(3) not less than \$5,000 or more than \$10,000 for a third or subsequent violation in a period of three years or less.

(d) Suit for a penalty under Subsection (c) may be brought:

(1) in:

(A) Travis County; or

1 (B) any county in or through which the railroad
2 is operated; and

3 (2) by the attorney general or under the attorney
4 general's direction or by the county or district attorney in any
5 county in or through which the railroad is operated.

6 SECTION 2. This Act takes effect immediately if it receives
7 a vote of two-thirds of all the members elected to each house, as
8 provided by Section 39, Article III, Texas Constitution. If this
9 Act does not receive the vote necessary for immediate effect, this
10 Act takes effect September 1, 2017.