86R3356 JTS-F

By:  Davis of Dallas H.B. No. 742

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 civil 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 civil penalty under Subsection (c) may be brought in Travis County or in any county in or through which the railroad is operated, by:

(1)  the attorney general or an attorney acting under the direction of the attorney general; or

(2)  the county or district attorney in any county in or through which the railroad is operated.

SECTION 2.  This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2019.