87R6138 DRS-F

By:  Raymond H.B. No. 3954

A BILL TO BE ENTITLED

AN ACT

relating to the safety standards of certain rail employees; requiring an occupational permit.

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

SECTION 1.  Chapter 199, Transportation Code, is amended by adding Section 199.004 to read as follows:

Sec. 199.004.  SAFETY STANDARDS FOR CERTAIN RAIL EMPLOYEES. (a) In this section, "covered rail employee" means a railroad employee whose primary reporting point is in the United Mexican States.

(b)  A railroad may not employ a covered rail employee to perform a railroad service in this state unless the railroad:

(1)  obtains from the department a permit that authorizes covered rail employees to perform those services; and

(2)  certifies to the department as part of the permitting process that each covered rail employee is in compliance with the safety standards applicable to a railroad employee whose primary reporting point is in the United States.

(c)  The department shall publish in the Texas Register notice of an application for a permit to employ covered rail employees not later than the fifth day after the department receives the application. The notice must contain:

(1)  the application; and

(2)  any supporting documentation.

(d)  For each application for a permit under this section, the department shall:

(1)  hold a public hearing;

(2)  allow public comment for at least 30 days before making a decision on the permit;

(3)  publish in the Texas Register the department's decision on the application; and

(4)  notify each standing committee of the legislature with jurisdiction over railroad safety of the department's decision on the application.

(e)  In making a decision on an application for a permit under this section, the department may:

(1)  inspect a railroad's safety training of covered rail employees; and

(2)  access any rail facility where safety training is conducted, including a rail facility from which trains are dispatched to the border with the United Mexican States.

(f)  The commission shall adopt rules necessary to implement this section.

SECTION 2.  This Act takes effect September 1, 2021.