

By: Raymond

H.B. No. 3954

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the safety standards of certain rail employees;
3 requiring an occupational permit.

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

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

7 Sec. 199.004. SAFETY STANDARDS FOR CERTAIN RAIL EMPLOYEES.

8 (a) In this section, "covered rail employee" means a railroad
9 employee whose primary reporting point is in the United Mexican
10 States.

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

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

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

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

23 (1) the application; and

24 (2) any supporting documentation.

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

3 (1) hold a public hearing;

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

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

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

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

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

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

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

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