

1 HB279
2 165154-1
3 By Representative Ford
4 RFD: Transportation, Utilities and Infrastructure
5 First Read: 12-MAR-15

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8 SYNOPSIS: This bill would provide that no railroad
9 train may be operated in this state unless the
10 train has a crew of at least two qualified
11 employees, including an engineer and a conductor
12 and would provide criminal penalties.

13 Amendment 621 of the Constitution of Alabama
14 of 1901, now appearing as Section 111.05 of the
15 Official Recompilation of the Constitution of
16 Alabama of 1901, as amended, prohibits a general
17 law whose purpose or effect would be to require a
18 new or increased expenditure of local funds from
19 becoming effective with regard to a local
20 governmental entity without enactment by a 2/3 vote
21 unless: it comes within one of a number of
22 specified exceptions; it is approved by the
23 affected entity; or the Legislature appropriates
24 funds, or provides a local source of revenue, to
25 the entity for the purpose.

26 The purpose or effect of this bill would be
27 to require a new or increased expenditure of local

1 funds within the meaning of the amendment. However,
2 the bill does not require approval of a local
3 governmental entity or enactment by a 2/3 vote to
4 become effective because it comes within one of the
5 specified exceptions contained in the amendment.

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7 A BILL
8 TO BE ENTITLED
9 AN ACT

10
11 Relating to railroads; to provide for the number of
12 qualified employees necessary to operate a railroad train in
13 this state; to provide criminal penalties; and in connection
14 therewith to have as its purpose or effect the requirement of
15 a new or increased expenditure of local funds within the
16 meaning of Amendment 621 of the Constitution of Alabama of
17 1901, now appearing as Section 111.05 of the Official
18 Recompilation of the Constitution of Alabama of 1901, as
19 amended.

20 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

21 Section 1. (a) For the purposes of this section, the
22 term "qualified employee" means a person who has passed all
23 appropriate training and testing programs as required by the
24 railroad and by Part 240, Chapter II, Subtitle B, of Title 49
25 of the Code of Federal Regulations.

26 (b) Except as otherwise provided in this section, no
27 railroad train may be operated in this state unless the train

1 has a crew which includes a qualified employee who is an
2 engineer and a qualified employee who is a conductor.

3 (c) Any person who willfully violates this section
4 shall be fined not less than two hundred fifty dollars (\$250)
5 nor more than one thousand dollars (\$1,000).

6 (d) This section may not apply to the extent it is
7 contrary to or inconsistent with a regulation or order of the
8 Federal Railroad Administration of the United States
9 Department of Transportation.

10 Section 2. Although this bill would have as its
11 purpose or effect the requirement of a new or increased
12 expenditure of local funds, the bill is excluded from further
13 requirements and application under Amendment 621, now
14 appearing as Section 111.05 of the Official Recompilation of
15 the Constitution of Alabama of 1901, as amended, because the
16 bill defines a new crime or amends the definition of an
17 existing crime.

18 Section 3. This act shall become effective 30 days
19 following its passage and approval by the Governor, or its
20 otherwise becoming law.