

SENATE BILL NO. 427—COMMITTEE ON TRANSPORTATION

MARCH 23, 2017

Referred to Committee on Transportation

SUMMARY—Revises provisions governing the crew of certain freight trains. (BDR 58-1014)

FISCAL NOTE: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility.
Effect on the State: Yes.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to railroads; requiring certain trains and locomotives which are transporting freight in this State to contain a crew of not less than two persons; providing civil penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 Existing law provides certain employment protections for certain railroad
2 employees who were employed by any railroad in this State on April 1, 1963, or
3 July 1, 1985, to address provisions concerning the size of a train crew that were
4 removed from the Nevada Revised Statutes by the Legislature in 1963 and 1985,
5 respectively. (NRS 705.390; chapter 176, Statutes of Nevada 1963, p. 281, chapter
6 358, Statutes of Nevada 1985, p. 1014) **Section 3** of this bill repeals that provision.
7 **Section 1** of this bill requires any Class I freight railroad, Class I railroad or Class
8 II railroad for transporting freight which operates a train or locomotive in this State,
9 and any officer of such a railroad, to ensure that the train or locomotive contains a
10 crew of not less than two persons, with certain exceptions. **Section 2** of this bill
11 provides that a railroad or officer of a railroad who violates the provisions of
12 **section 1** is liable to the Public Utilities Commission of Nevada for certain civil
13 penalties. (NRS 705.420)



THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** Chapter 705 of NRS is hereby amended by adding
2 thereto a new section to read as follows:

3 1. *Except as otherwise provided in subsection 2, any Class I*
4 *freight railroad, Class I railroad or Class II railroad for*
5 *transporting freight which operates a train or locomotive in this*
6 *State, and any officer of such a railroad, shall ensure that the*
7 *train or locomotive contains a crew of not less than two persons.*

8 2. *The provisions of subsection 1 do not apply to a train or*
9 *locomotive engaged in helper or hostling services.*

10 3. *As used in this section:*

11 (a) *“Class I freight railroad” has the meaning ascribed to it in*
12 *40 C.F.R. § 1033.901.*

13 (b) *“Class I railroad” has the meaning ascribed to it in 40*
14 *C.F.R. § 1033.901.*

15 (c) *“Class II railroad” has the meaning ascribed to it in 40*
16 *C.F.R. § 1033.901.*

17 (d) *“Helper services” includes connecting a locomotive to the*
18 *front or back of a train to assist the train in ascending or*
19 *descending a grade.*

20 (e) *“Hostling services” includes moving a train or locomotive*
21 *a short distance in a railroad yard.*

22 **Sec. 2.** NRS 705.420 is hereby amended to read as follows:

23 705.420 Any railroad ~~company or receiver of any railroad~~
24 ~~company, and any person engaged in the business of common~~
25 ~~carrier doing business in the State of Nevada, which} or officer of a~~
26 ~~railroad who~~ violates ~~any of~~ the provisions of ~~NRS 705.390 is~~
27 ~~liable} section 1 of this act is liable~~ to the Public Utilities
28 Commission of Nevada for a *civil* penalty of ~~1500~~ :

29 1. *Not less than \$1,000 for each the first violation* ; and

30 2. *Not more than \$5,000 for the second and any subsequent*
31 *violation within 3 years of the first violation.*

32 **Sec. 3.** NRS 705.390 is hereby repealed.

TEXT OF REPEALED SECTION

705.390 Protection of flagger and trainman employed on certain dates from discharge or loss of employment. No person employed as a flagger on any railroad in this State on April 1, 1963, may be discharged or lose such employment by reason of the provisions of chapter 176, Statutes of Nevada 1963. No person



holding seniority as a trainman on any railroad in this State on July 1, 1985, may be discharged or lose such employment by reason of the provisions of chapter 358, Statutes of Nevada 1985. But if a flagger or a trainman retires, terminates or voluntarily leaves such employment, the railroad company need not replace the position so vacated.

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