

1 STATE OF OKLAHOMA

2 1st Session of the 56th Legislature (2017)

3 HOUSE BILL 1195

By: West (Rick)

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6 AS INTRODUCED

7 An Act relating to railroads; defining terms;
8 providing train crew size minimum requirements;
9 providing criteria; providing exceptions; providing
10 powers and duties to the Corporation Commission;
11 allowing Commission to require crew sizes in excess
12 of minimums in certain circumstances; allowing for
13 the promulgation of rules; making each violation a
14 separate offense; describing circumstances not to be
15 considered violations; establishing violations as
16 misdemeanors; providing minimum and maximum fines;
17 placing enforcement authority with the Commission;
18 providing for codification; and providing an
19 effective date.

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BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. NEW LAW A new section of law to be codified
in the Oklahoma Statutes as Section 191 of Title 66, unless there is
created a duplication in numbering, reads as follows:

As used in this act:

1. "Class I railroad", "Class II railroad" and "Class III
railroad" means a railroad defined as such by the federal Surface
Transportation Board;

2. "Commission" means the Corporation Commission;

1 3. "Qualified engineer" means a railroad employee who has been
2 trained and completed certification programs meeting the minimum
3 requirements as determined by the federal Railroad Administration
4 for a locomotive engineer; and

5 4. "Railroad carrier" means a carrier of persons or property
6 upon vehicles, other than streetcars, operated upon stationary
7 rails, the route of which is principally outside incorporated cities
8 and towns. "Railroad carrier" includes the officers and agents of
9 the railroad carrier.

10 SECTION 2. NEW LAW A new section of law to be codified
11 in the Oklahoma Statutes as Section 192 of Title 66, unless there is
12 created a duplication in numbering, reads as follows:

13 Except as provided in Section 3 of this act, any person,
14 corporation, company or officer of the court operating any railroad
15 or part of any railroad or railway in the State of Oklahoma and
16 engaged, as a common carrier, in the transportation of freight or
17 passengers shall operate all trains and switching assignments over
18 its road with crews consisting of no less than two qualified
19 engineers.

20 SECTION 3. NEW LAW A new section of law to be codified
21 in the Oklahoma Statutes as Section 193 of Title 66, unless there is
22 created a duplication in numbering, reads as follows:

23 With regard to the minimum crew required by Section 2 of this
24 act:

1 1. The Corporation Commission may grant exemptions to Class III
2 railroad carriers that are not transporting hazardous materials on
3 their road;

4 2. a. the Commission may order Class I or Class II railroad
5 carriers to exceed the minimum crew size and operate
6 specific trains, routes or switching assignments on
7 their road with additional numbers of qualified crew
8 members if it is determined that such an increase in
9 crew size is necessary to protect the safety, health
10 and welfare of the public and railroad employees, to
11 prevent harm to the environment and to address local
12 safety and security hazards, and

13 b. in issuing such an order, the Commission may consider
14 relevant factors including, but not limited to, the
15 volatility of the commodities being transported,
16 vulnerabilities, risk exposure to localities along the
17 train route, security risks including sabotage or
18 terrorism threat levels and a railroad carrier's prior
19 history of accidents, compliance violations and track
20 and equipment maintenance issues.

21 SECTION 4. NEW LAW A new section of law to be codified
22 in the Oklahoma Statutes as Section 194 of Title 66, unless there is
23 created a duplication in numbering, reads as follows:

1 A. Each train or engine run in violation of the provisions of
2 Section 2 of this act constitutes a separate offense; however, a
3 violation shall not be considered to have occurred if the event is
4 the result of disability of one or more members of any train crew
5 while out on the road between division terminals or assigned to
6 wrecking trains.

7 B. Any person, corporation, company or officer of the court
8 operating any railroad or part of any railroad or railway within the
9 State of Oklahoma and engaged, as a common carrier, in the
10 transportation of freight or passengers who violates any of the
11 provisions of Section 2 of this act is guilty of a misdemeanor and,
12 upon conviction, shall be fined not less than One Thousand Dollars
13 (\$1,000.00) and not more than One Hundred Thousand Dollars
14 (\$100,000.00) for each offense.

15 C. The Commission shall have the power and duty to promulgate
16 rules and enforce the provisions of this act.

17 SECTION 5. This act shall become effective November 1, 2017.

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19 56-1-5959 JM 01/12/17

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