

1 STATE OF OKLAHOMA

2 2nd Session of the 55th Legislature (2016)

3 HOUSE BILL 2734

By: Lockhart

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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; providing an effective
19 date; and declaring an emergency.

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

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

29 As used in this act:

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

1 2. "Commission" means the Corporation Commission;

2 3. "Hazardous material" means a substance or material the
3 federal Secretary of Transportation has determined to be capable of
4 posing a significant risk to health, safety or property when
5 transported in commerce. "Hazardous material" includes hazardous
6 substances, hazardous wastes, elevated temperature materials, such
7 as hot or molten materials, and marine pollutants;

8 4. "Hazardous material train" means any train containing any of
9 the following:

- 10 a. one or more tank car loads of poison inhalation hazard
11 or toxic inhalation hazard, hazard zone "A", "B", "C"
12 or "D" or anhydrous ammonia, UN1005,
13 b. twenty or more carloads or intermodal portable
14 tankloads of any combination of hazardous material, or
15 c. one or more carloads of spent nuclear fuel or high
16 level nuclear waste;

17 5. "Qualified crew member" means a railroad operating craft
18 employee who has been trained and meets the requirements and
19 qualifications as determined by the federal Railroad Administration
20 for a railroad operating service employee; and

21 6. "Railroad carrier" means a carrier of persons or property
22 upon vehicles, other than streetcars, operated upon stationary
23 rails, the route of which is principally outside incorporated cities
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1 and towns. "Railroad carrier" includes the officers and agents of
2 the railroad carrier.

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

6 Except as provided in Section 3 of this act, the following
7 minimum crew requirements apply:

8 1. Any person, corporation, company or officer of the court
9 operating any railroad or part of any railroad or railway in the
10 State of Oklahoma and engaged, as a common carrier, in the
11 transportation of freight or passengers shall operate all trains and
12 switching assignments over its road with crews consisting of no less
13 than two qualified crew members.

14 2. A railroad carrier shall operate all hazardous material
15 trains:

16 a. over its road with crews consisting of no less than
17 three qualified crew members. One qualified train
18 crew member shall be assigned to a position located on
19 the rear of the train and within rolling equipment,
20 situated to safely observe and monitor the train's
21 contents and movement,

22 b. consisting of fifty-one or more carloads of any
23 combination of hazardous materials over its road with
24 crews consisting of no less than four qualified crew

1 members. Two qualified crew members shall be assigned
2 to a position on the rear of the train and within
3 rolling equipment, situated to safely observe and
4 monitor the train's contents and movement.

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

8 With regard to the minimum crew required by Section 2 of this
9 act:

10 1. Trains transporting hazardous material shipments a distance
11 of five (5) miles or less may operate the train with the required
12 crew members positioned on the lead locomotive;

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

16 3. a. The Commission may order Class I or Class II railroad
17 carriers to exceed the minimum crew size and operate
18 specific trains, routes or switching assignments on
19 their road with additional numbers of qualified crew
20 members if it is determined that such an increase in
21 crew size is necessary to protect the safety, health
22 and welfare of the public and railroad employees, to
23 prevent harm to the environment and to address local
24 safety and security hazards, and

1 b. In issuing such an order, the Commission may consider
2 relevant factors including, but not limited to, the
3 volatility of the commodities being transported,
4 vulnerabilities, risk exposure to localities along the
5 train route, security risks including sabotage or
6 terrorism threat levels and a railroad carrier's prior
7 history of accidents, compliance violations and track
8 and equipment maintenance issues.

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

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

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

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

5 SECTION 5. This act shall become effective July 1, 2016.

6 SECTION 6. It being immediately necessary for the preservation
7 of the public peace, health and safety, an emergency is hereby
8 declared to exist, by reason whereof this act shall take effect and
9 be in full force from and after its passage and approval.

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