

1 STATE OF OKLAHOMA

2 1st Session of the 59th Legislature (2023)

3 SENATE BILL 258

By: Rogers

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5
6 AS INTRODUCED

7 An Act relating to railroads; defining terms;
8 requiring certain documents and identification to
9 operate a train; mandating penalties; allowing
10 certain department to assess penalties; directing all
11 monies collected to be deposited in certain fund;
12 providing for codification; and providing an
13 effective date.

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

15 SECTION 1. NEW LAW A new section of law to be codified
16 in the Oklahoma Statutes as Section 342 of Title 66, unless there is
17 created a duplication in numbering, reads as follows:

18 A. As used in this section:

19 1. "Branch line" means a secondary railroad track that branches
20 off from a main railroad line;

21 2. "Conductor" means a conductor, switchman, brakeman,
22 trainman, or fireman, who is licensed and certified by the Federal
23 Railroad Administration;

24 3. "Engineer" means an engineer who is licensed and certified
25 by the Federal Railroad Administration;

1 4. "Main line" shall mean a Class I railroad, as documented in
2 current timetables filed by the Class I railroad with the Federal
3 Railroad Administration, over which five million or more gross tons
4 of railroad traffic are transported annually or used for regularly
5 scheduled intercity or commuter rail passenger service, or both;

6 5. "Physical manifest document" means tangible paper
7 documentation of railroad train freight inventory and any applicable
8 train engine data;

9 6. "Railroad management" means a rail employee overseeing and
10 assisting in rail transit operation; and

11 7. "Tangible railroad identification" means physical railroad
12 identification that is not electronic with Federal Railroad
13 Administration conductor or engineer certification.

14 B. 1. No railroad operating inside this state on any main
15 track or branch line shall run, or permit to be run, any train which
16 is not traveling with at least two (2) copies of the physical
17 manifest documents.

18 2. No conductor, engineer, railroad management, or railroad or
19 public transit employee operating in this state on any main track or
20 branch line, shall run or permit to be run, any train which is not
21 traveling with tangible railroad identification.

22 3. Any person or railroad corporation that violates any
23 provisions of this act shall be liable for a civil penalty of at
24 least Two Thousand Five Hundred Dollars (\$2,500.00) but not more

1 than Ten Thousand Dollars (\$10,000.00). A separate violation of
2 this section shall occur each day a railroad is not in compliance.
3 When a grossly negligent violation or pattern of repeated violations
4 has occurred which results in an imminent hazard of death or injury
5 to individuals or has caused a death or injury, a one-time fine up
6 to Two Hundred Fifty Thousand Dollars (\$250,000.00) may be imposed.
7 The Department of Transportation may assess penalties for any
8 violation of this section. All amounts collected shall be deposited
9 in the Oklahoma Railroad Maintenance Revolving Fund established
10 pursuant to Section 309 of Title 66 of the Oklahoma Statutes.

11 SECTION 2. This act shall become effective November 1, 2023.

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