

HOUSE BILL 1610

By Turner M

AN ACT to amend Tennessee Code Annotated, Title 65
and Title 68, relative to railroad maintenance.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 65, Chapter 3, Part 1, is amended by adding new, appropriately designated sections thereto, as follows:

Section 65-3-124.

(a). As used in this section, "mobile camp" means a temporary location where at least two (2) railroad maintenance of way employees or contractors are housed in camp cars, bunk cars, sleeping cars, outfit cars or trailers.

(b) Every railroad company within this state shall provide and adequately maintain a heated room or rooms at all terminals and headquarters in the operation of the railroad company for the use of its employees.

(c) Each room required by subsection (b) must contain adequate wash basins, shower-baths, inside toilets, and sufficient lockers for checking employees' clothing.

(d) Every railroad shall maintain at all permanent assembly points and mobile camps a supply of drinking water dispensed in a sanitary manner. A permanent assembly point under this section is a location where at least two (2) maintenance employees or contractors meet at the beginning and end of each work day.

(e) A railroad company that houses maintenance of way employees or contractors in a mobile camp shall provide and adequately maintain for the employees' use camp cars, sleeping cars, outfit cars, or trailers.

(f) Camp cars, sleeping cars, outfit cars, or trailers used for the purpose of housing maintenance of way employees or contractors shall contain the following:

(1) Heat and air conditioning;

(2) An adequate number wash basins, showers, and toilets;

(3) An adequate number of lockers for storing employees' clothing and personal belongings;

(4) An adequate supply of potable water dispensed in a sanitary manner for drinking, bathing, cooking, and cleaning cooking utensils; and

(5) A minimum floor space of eighty square feet (80 sq. ft.) per occupant containing single beds with a maximum of four (4) occupants per car.

(g) A railroad company that houses maintenance of way employees shall:

(1) Install and permanently wire, with battery back up, an emergency alert weather radio, smoke detector, and carbon monoxide detector into each camp car;

(2) Install and display emergency evacuation instructions in each camp car pertinent to the community where the camp is located; and.

(3) Install and display in each camp car emergency medical instructions apprising of the closest medical facility pertinent to the community where the camp is located.

(h) A railroad company that operates a commissary car or cook car within the confines of a mobile camp, or alone, that prepares or serves food to maintenance of way employees shall:

(1) Ensure the food preparer is certified according to state standards in food handling;

(2) Ensure that food is served according to food handling guidelines;

(3) Ensure that food which is not immediately served after being prepared is properly contained and stored according to food handling guidelines; and

(4) Ensure that food, if transported to a location other than the preparation site, is transported within food handling guidelines and other applicable state or local law, codes and regulations.

(i) A railroad company that houses maintenance of way employees in a mobile camp shall:

(1) Not later than two (2) business days after employees arrive at the location, notify the local health department with jurisdiction in the area in which the mobile camp is located of the existence of the mobile camp;

(2) Request and permit inspection by an authorized representative of the local health department to ensure that the conditions of the camp and camp cars are sanitary for the:

(A) Maintenance of way employees; and

(B) Local community;

(3) Immediately notify state and local health authorities in the event of an out break or report of any communicable or contagious disease, sickness or illness of an employee or the release of any hazardous material or substance occurring within the camp.

(j) A railroad company shall locate and maintain a mobile camp as required by subsection (e) in a safe and healthy environment.

Section 65-3-125.

(a) Whenever the department of transportation secures reliable information, receives a complaint, or because of reports made by the department's inspectors, has reason to believe that a railroad company in this state does not provide and adequately maintain the sanitary facilities provided for in § 65-3-124., the department shall make an investigation as necessary. The department of transportation shall conduct a hearing at

which both the railroad company and the employees affected will be given a full opportunity to present evidence as to the necessity and reasonableness of the proposed changes or improvements.

(b) When the investigation required under subsection (a) is made, the department of transportation shall report to the manager or superintendent of the railroad company. In the report and recommendations, the department shall make an accurate statement of the time the examination was made, the exact location, character, and extent of the defects or omission, if any have been found, and shall recommend reasonable changes and improvements, additions, buildings, and accommodations, as are, in the opinion of the department necessary to remedy the faults, neglect, requirements, or defects. The recommendations must specifically cite a reasonable time in which such improvements, changes or additions shall be made by the railroad company.

(c) If the recommendations under subsection (b) are not carried out within the time specified, the department of transportation may commence proceedings by mandamus or other remedy in circuit or superior court having jurisdiction to enforce compliance with its order. All courts having jurisdiction in these cases shall give preference to the cases and shall hear and determine the case speedily to the end that the employees' interest and public interest may not suffer.

SECTION 2. Tennessee Code Annotated, Title 68, Chapter 1, Part 1, is amended by adding a new, appropriately designated section thereto:

Section 68-1-1__.

(a) The department of health shall adopt reasonable rules to regulate the sanitary conditions, operation, and facilities of mobile camps as defined in § 65-3-124.

(b) The rules adopted under subsection (a) shall be enforced by local health department officials.

(c) The rules adopted by the department must include the following:

(1) A requirement for an inspection fee necessary to cover all expenses incurred in the process of conducting inspections of a mobile camp that is based on an occupant capacity of every fifty (50) occupants;

(2) A provision allowing a separate fee for each inspection to be charged in addition to a provision that an additional and equal fee may be charged for additional occupants in increments of every fifty (50) occupants;

(3) A provision directing that the inspection fee shall be paid to the:

(A) Local health department; or

(B) Municipal corporation before initiation of the inspection;

(4) A provision directing that the inspection fee shall be deposited in the general fund of the local health department or the municipal corporation; and

(5) A provision allowing the official of the local health department or municipal corporation referenced in subdivision (c)(3) to conduct a joint inspection of mobile camps with:

(A) An authorized state official;

(B) A union representative of each craft of employees working for the railroad company that is the subject of the inspection; and

(C) A representative of the railroad company.

SECTION 3. The department of transportation, in consultation with the department of health, is authorized to promulgate rules and regulations to effectuate the purposes of this act. All such rules and regulations shall be promulgated in accordance with the provisions of Tennessee Code Annotated, Title 4, Chapter 5.

SECTION 4. For the purposes of promulgating rules and regulations, this act shall take effect upon becoming a law, and for all other purposes, this act shall take effect July 1, 2009, the public welfare requiring it.