

HB 1841 - S AMD TO LBRC COMM AMD (S-3299.1/19) 649  
By Senator Kuderer

NOT CONSIDERED 12/23/2019

- 1 On page 1, line 8, after "public" insert ", railroad employees,"
- 2 On page 1, line 9, after "personnel" strike "is" and insert "are"
- 3 On page 1, line 11, after "activities" insert ", as well as in  
4 the interest of the safety of passengers and the public"
- 5 On page 1, at the beginning of line 13, strike "crew" and insert  
6 "employee"
- 7 On page 2, line 11, after "transportation" insert "in 49 C.F.R.  
8 Sec. 174.310"
- 9 On page 2, line 24, after "Except" strike all material through  
10 "and"
- 11 On page 2, line 25, after "minimum" strike "crew" and insert  
12 "employee"
- 13 On page 2, line 30, after "operate" insert "and manage"
- 14 Beginning on page 2, line 32, after "(2)" strike all material  
15 through "movement" on page 3, line 5 and insert "Railroad carriers  
16 shall operate all hazardous material trains over its road with crews  
17 consisting of no less than two qualified crew members or as ordered  
18 by the commission"
- 19 On page 3, line 11, after "Class" strike "II" and insert "III"
- 20 On page 3, beginning on line 15, after "act." strike all material  
21 through "issues." on line 29 and insert the following:  
22 "(3)(a) The commission may grant exemptions to the minimum crew  
23 size requirements specified in section 3(1) of this act to:  
24 (i) Class III railroad carriers exclusively transporting  
25 agricultural commodities;

1 (ii) Class III railroad corporations having not more than nine  
2 employees that do not transport loaded railcars containing dangerous  
3 commodities on their road; or

4 (iii) Class III railroad carriers meeting conditions consistent  
5 with the intent of this statute as ordered by the commission.

6 (b) Exemptions must be issued for a specific period of time and  
7 subject to regular review by the commission.

8 (4) (a) The commission may order railroad carriers to increase the  
9 number of railroad employees in areas of increased risk to the  
10 public, railroad employees, or the environment, or on specific  
11 trains, routes, or to switch assignments on their road with  
12 additional numbers of qualified crew members, or direct the placement  
13 of additional crew members, if it is determined that such an increase  
14 in staffing or the placement of additional crew members is necessary  
15 to protect the safety, health, and welfare of the public, passengers,  
16 or railroad employees, to prevent harm to the environment, or to  
17 address local safety and security hazards.

18 (b) In issuing such an order, the commission may consider  
19 relevant factors including, but not limited to, the volatility of the  
20 commodities being transported, train volume, risk mitigation  
21 measures, environmental and operating factors that impact railroad  
22 employees, vulnerabilities, risk exposure to localities along the  
23 train route, security risks including sabotage or terrorism threat  
24 levels, a railroad carriers prior history of accidents, compliance  
25 violations, operating practices, infrastructure investments, track  
26 and equipment maintenance issues, employee training and support  
27 programs, first responder access, and any other relevant factors in  
28 the interest of safety."

29 On page 4, line 3, after "act" strike "must be fined" and insert  
30 "may be subject to fines of"

31 On page 4, line 5, after "offense" insert ", as determined by the  
32 commission through an order"

EFFECT: (1) Removes the exception for all class III railroad  
carriers for certain crew sizes.

(2) Changes the crew requirements for hazardous material trains  
to no less than two qualified crew members or as ordered by the  
commission, rather than no less than three or four qualified crew  
members depending on the circumstances; and changes the exemption to  
this requirement for carriers transporting fewer than 20 loaded

hazardous material cars at a speed of 25 miles per hour or less to Class III carriers, rather than Class II.

(3) Allows the commission to grant exemptions in certain circumstances.

(4) Modifies the circumstances and carriers for the commission to order increases in the number of railroad employees.

(5) Makes the fines discretionary rather than mandatory.

(6) Modifies the legislative findings; makes technical changes; and changes the term "crew" to "employee" in several places.

--- END ---