**1841 AMS KUDE S4140.1 - NOT FOR FLOOR USE**

**HB 1841** - S AMD TO LBRC COMM AMD (S-3299.1/19) **623**

By Senator Kuderer

**PULLED 04/13/2019**

On page 1, line 8, after "public" insert ", railroad employees,"

On page 1, line 9, after "personnel" strike "is" and insert "are"

On page 1, line 11, after "activities" insert ", as well as in the interest of the safety of passengers and the public"

On page 1, at the beginning of line 13, strike "crew" and insert "employee"

On page 2, line 11, after "transportation" insert "in 49 C.F.R. Sec. 174.310"

On page 2, line 24, after "Except" strike all material through "and"

On page 2, line 25, after "minimum" strike "crew" and insert "employee"

On page 2, line 30, after "operate" insert "and manage"

Beginning on page 2, line 32, after "(2)" strike all material through "movement" on page 3, line 5 and insert "Railroad carriers shall operate all hazardous material trains over its road with crews consisting of no less than two qualified crew members or as ordered by the commission"

On page 3, line 11, after "Class" strike "II" and insert "III"

On page 3, beginning on line 15, after "act." strike all material through "issues." on line 29 and insert the following:

"(3)(a) The commission may grant exemptions to the minimum crew size requirements specified in section 3(1) of this act to:

(i) Class III railroad carriers exclusively transporting agricultural commodities;

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

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

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

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

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

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

On page 4, line 5, after "offense" insert ", as determined by the 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.