

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021

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HOUSE BILL 408

Short Title: Regulation of Railroad Crews. (Public)

Sponsors: Representatives Logan, Graham, Insko, and Sasser (Primary Sponsors).
For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: Transportation, if favorable, Rules, Calendar, and Operations of the House

March 29, 2021

1 A BILL TO BE ENTITLED
2 AN ACT TO PROHIBIT A TRAIN OR LIGHT ENGINE USED IN CONNECTION WITH
3 THE MOVEMENT OF FREIGHT FROM BEING OPERATED IN THIS STATE UNLESS
4 IT HAS A CERTAIN NUMBER OF CREW MEMBERS.

5 The General Assembly of North Carolina enacts:

6 **SECTION 1.** Article 15 of Chapter 136 of the General Statutes is amended by adding
7 a new section to read:

8 **"§ 136-199. Train crew staffing.**

9 (a) No railroad train or light engine used in a Class I railroad, as defined by the Federal
10 Surface Transportation Board, in connection with the movement of freight shall be operated in
11 the State unless the train has a crew of at least two persons.

12 (b) Any person who willfully violates any requirement of this section shall be guilty of a
13 Class 1 misdemeanor and assessed a fine as follows:

14 (1) For the first offense, a fine of not less than two hundred fifty dollars (\$250.00)
15 nor more than one thousand dollars (\$1,000).

16 (2) For a second offense committed within three years of the first offense, a fine
17 of not less than one thousand dollars (\$1,000) nor more than five thousand
18 dollars (\$5,000).

19 (3) For a third and subsequent offense committed within a three-year period, a
20 fine of not less than five thousand dollars (\$5,000) nor more than ten thousand
21 dollars (\$10,000).

22 (c) This section does not apply to:

23 (1) A person who moves locomotives unattached to railcars within a rail yard.

24 (2) An employee who is temporarily assigned to work with train or yard crews
25 consistent with 49 C.F.R. § 218.22.

26 (d) As used in this section, "light engine" means a locomotive or a consist of locomotives
27 not attached to any piece of equipment or attached only to a caboose, not traveling more than 30
28 miles outside of a rail yard."

29 **SECTION 2.** This act becomes effective January 1, 2022.

