

1 A bill to be entitled
 2 An act relating to train crew requirements; creating
 3 s. 341.3023, F.S.; providing minimum crew requirements
 4 for a freight or passenger train; providing
 5 exceptions; providing minimum crew requirements for a
 6 train that is transporting certain hazardous
 7 materials; providing penalties; providing an effective
 8 date.

9
 10 Be It Enacted by the Legislature of the State of Florida:

11
 12 Section 1. Section 341.3023, Florida Statutes, is created
 13 to read:

14 341.3023 Train crew requirements.-

15 (1) As a condition of operation in this state, a train
 16 engaged in the movement of freight or passengers must have a
 17 crew that consists of at least two qualified persons occupying
 18 the cab of the leading locomotive, except that:

19 (a) A passenger or commuter train engaged in the movement
 20 of passengers may operate with at least one qualified person
 21 occupying the cab of the leading locomotive and at least one
 22 qualified person occupying the body of the train. However, in a
 23 rail corridor in which a positive train control system is not
 24 deployed, is inoperable, or is known to be failing, such train
 25 must operate with at least two qualified persons occupying the

26 | cab of the leading locomotive.

27 | (b) A train that is engaged in a tourist, historic, or
28 | excursion operation and is not part of the general railroad
29 | system is exempt from such requirement unless such train
30 | operates for 1.5 hours or more between the hours of 11:00 p.m.
31 | and 5:30 a.m., in which case such train must have at least two
32 | qualified persons occupying the cab of the leading locomotive
33 | for the duration of such operation within that time period.

34 | (c) A train engaged in switching movements, whether at a
35 | railyard, line of road, or customer facility, may operate with
36 | at least one qualified person occupying the cab of the leading
37 | locomotive and at least one qualified person operating the train
38 | from the ground.

39 | (d)1. The Secretary of Transportation may exempt a
40 | railroad carrier with 15 or fewer employees from such
41 | requirement when the railroad carrier operates a train under the
42 | following conditions:

43 | a. The maximum speed of the train is 15 miles per hour or
44 | less.

45 | b. The average grade of any segment of the track upon
46 | which the train is operated is less than 1 percent over three
47 | continuous miles or 2 percent over two continuous miles.

48 | 2. The secretary may grant such exemption after a hearing,
49 | for good cause shown, if the secretary determines that the
50 | exemption is in the public interest and will not adversely

51 affect public safety. The secretary shall determine the duration
52 of the exemption and shall review the exemption at least
53 annually.

54 (2) The train crew requirements provided in subsection (1)
55 do not apply to:

56 (a) A light locomotive. For purposes of this paragraph,
57 the term "light locomotive" means a locomotive or locomotives
58 not attached to any other piece of equipment, or attached only
59 to a caboose, which do not travel more than 30 miles outside a
60 railyard.

61 (b) A train that is providing helper service by using a
62 locomotive or locomotives to assist another train that has
63 experienced a mechanical failure or lacks the power to traverse
64 difficult terrain. Helper service includes traveling to or from
65 the location where assistance is provided.

66 (c) The movement of a locomotive or locomotives not
67 attached to rail cars inside a railyard, otherwise known as
68 hostler service.

69 (d) A freight train engaged in mine loadout, plant
70 dumping, or a similar operation in which the train is being
71 loaded or unloaded in an assembly-line manner at an industrial
72 site while traveling at a speed of 10 miles per hour or less.

73 (3) Notwithstanding subsections (1) and (2), a crew that
74 consists of at least two qualified persons is required for a
75 train that is transporting:

76 (a) One or more loaded freight cars containing materials
77 poisonous by inhalation as defined in 49 C.F.R. s. 171.8,
78 including anhydrous ammonia and ammonia solutions; or

79 (b) Ten or more loaded freight cars, or freight cars
80 loaded with bulk packaging or intermodal portable tanks as
81 defined in 49 C.F.R. s. 171.8, containing any combination of:

82 1. Materials poisonous by inhalation as defined in 49
83 C.F.R. s. 171.8;

84 2. Division 2.1 flammable gases as defined in 49 C.F.R. s.
85 173.115(a);

86 3. Class 3 flammable liquids as defined in 49 C.F.R. s.
87 173.120(a);

88 4. Division 1.1 or Division 1.2 explosives as defined in
89 49 C.F.R. s. 173.50(b); or

90 5. Hazardous substances listed in 49 C.F.R. s.
91 173.31(f)(2).

92 (4) A violation of this section is punishable by a fine of
93 at least \$2,500 but not more than \$10,000 per incident to be
94 imposed on the operating railroad carrier or contractor railroad
95 carrier, as applicable. If the Secretary of Transportation finds
96 that such violation was willful, a fine of up to \$100,000 per
97 incident may be imposed.

98 Section 2. This act shall take effect July 1, 2020.