

Introduced by Senator O'Connell
(Coauthor: Assembly Member Lempert)

January 19, 1999

An act to add Section 6903 to the Labor Code, relating to employment.

LEGISLATIVE COUNSEL'S DIGEST

SB 200, as introduced, O'Connell. Employment: railroad train crews.

Existing law provides that a common carrier, as defined, may run on a main track or branch line within this state a passenger, mail, or express train only if it employs on that train the prescribed crew members, except as otherwise provided.

This bill would provide, in addition, that the common carrier may run on a main track or branch line within this state a freight, mixed, or work train only if it employs on that train at least 2 persons, one of whom is a railroad trainman, as defined. The bill would also provide that violation of its provisions would be a misdemeanor, that the Public Utilities Commission may grant an exemption from the bill's requirements as specified, and that it would not apply to any train regulated by existing law. Because this bill would create new crimes, it would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature hereby finds and
2 declares all of the following:

3 (a) Railroad companies have been attempting to
4 shrink the size of crews that operate their trains and
5 locomotives.

6 (b) Certain railroad companies have begun to use
7 one-person crews in moving trains between terminals or
8 between terminals and customer facilities.

9 (c) The Federal Railroad Administration has yet to
10 rule on whether the use of one-person crews is consistent
11 with federal regulations.

12 (d) The United States District Court for the Eastern
13 District of Wisconsin in the case of The Burlington
14 Northern and Santa Fe Railroad Co., et al. v. Doyle, et al.
15 has held that a Wisconsin statute that requires a crew of
16 two individuals on a railroad train or locomotive is not
17 preempted by federal law or regulations.

18 SEC. 2. Section 6903 is added to the Labor Code, to
19 read:

20 6903. (a) (1) No common carrier operating more
21 than four trains each way per day of 24 hours on any main
22 track or branch line of railroad within this state, or on any
23 part of a main track or branch line, shall run or permit to
24 be run, on any part of a main track or branch line, any
25 freight, mixed, or work train on which there is not
26 employed at least two persons, one of whom is a railroad
27 trainman.

28 (2) For purposes of this section, "railroad trainman"
29 means a person who has successfully completed a railroad
30 carrier's training program and passed an examination on
31 railroad operating rules.

32 (3) A railroad trainman may dismount from the
33 railroad train or locomotive that is in motion when
34 necessary to perform switching activities or other duties.



1 (b) Any person who violates this section is guilty of a
2 misdemeanor punishable by a fine of not less than one
3 hundred dollars (\$100) and not more than two hundred
4 dollars (\$200) for a first offense, not less than two hundred
5 dollars (\$200) and not more than five hundred dollars
6 (\$500) for a second offense, and not less than five hundred
7 dollars (\$500) and not more than one thousand dollars
8 (\$1,000) for a third offense within a three-year period.

9 (c) The Public Utilities Commission may grant an
10 exemption from the requirements of subdivision (a) if it
11 determines that the exemption will not endanger the life
12 or property of any person.

13 (d) This section does not apply to any train regulated
14 by Section 6901 or Section 6902.

15 SEC. 3. No reimbursement is required by this act
16 pursuant to Section 6 of Article XIII B of the California
17 Constitution because the only costs that may be incurred
18 by a local agency or school district will be incurred
19 because this act creates a new crime or infraction,
20 eliminates a crime or infraction, or changes the penalty
21 for a crime or infraction, within the meaning of Section
22 17556 of the Government Code, or changes the definition
23 of a crime within the meaning of Section 6 of Article
24 XIII B of the California Constitution.

25 Notwithstanding Section 17580 of the Government
26 Code, unless otherwise specified, the provisions of this act
27 shall become operative on the same date that the act
28 takes effect pursuant to the California Constitution.

