

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 53

BY GANNON

AN ACT

RELATING TO RAILROADS; AMENDING CHAPTER 4, TITLE 62, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 62-425, IDAHO CODE, TO ESTABLISH PROVISIONS REGARDING CREW REQUIREMENTS FOR TRAINS OR LOCOMOTIVES.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Chapter 4, Title 62, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 62-425, Idaho Code, and to read as follows:

62-425. CREW REQUIREMENTS. (1) Except as provided in subsection (2) of this section, a railroad that operates a train or locomotive in this state, and any officer of such railroad, shall ensure that the train or locomotive contains a crew of not less than two (2) persons.

(2) The provisions of subsection (1) of this section do not apply to a train or locomotive engaged in helper or hostling services.

(3) A railroad or railroad officer who violates subsection (1) of this section is liable to the public utilities commission for a civil penalty of:

(a) Not less than one thousand dollars (\$1,000) for the first violation; and

(b) Not more than five thousand dollars (\$5,000) for the second and any subsequent violation within three (3) years of the first violation.

(4) As used in this section:

(a) "Helper services" means connecting a locomotive to the front or back of a train to assist the train in ascending or descending a grade.

(b) "Hostling services" means moving a train or locomotive a short distance in a railroad yard.

(c) "Railroad" means a class I freight railroad, class I railroad or class II railroad as those terms are defined in 40 CFR 1033.901.