

Senate Bill No. 730

Passed the Senate May 7, 2015

Secretary of the Senate

Passed the Assembly August 20, 2015

Chief Clerk of the Assembly

This bill was received by the Governor this _____ day
of _____, 2015, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

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

LEGISLATIVE COUNSEL'S DIGEST

SB 730, Wolk. Railroads: movement of freight: trains or light engines: crew size.

The existing Federal Railroad Safety Act (FRSA) authorizes the Secretary of Transportation to prescribe regulations and issue orders for railroad safety and requires the Secretary of Homeland Security, when prescribing a security regulation or issuing a security order that affects the safety of railroad operations, to consult with the Secretary of Transportation. The FRSA provides that to the extent practicable, laws, regulations, and orders related to railroad safety and security are required to be nationally uniform, but authorizes a state to adopt or continue in force a law, regulation, or order related to railroad safety or security until the Secretary of Transportation (with respect to railroad safety matters), or the Secretary of Homeland Security (with respect to railroad security matters), prescribes a regulation or issues an order covering the subject matter of the state requirement.

Under existing law, the Public Utilities Commission has enforcement authority over specified provisions relating to safeguards on railroads. Under existing law, a violation of those specified provisions is a crime.

This bill would prohibit, on and after February 1, 2016, a train or light engine used in connection with the movement of freight, as specified, from being operated unless it has a crew consisting of at least 2 individuals. The bill would authorize the Public Utilities Commission to assess civil penalties against any person who willfully violates this provision, as specified.

Because a violation of these provisions would be a crime, the bill 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.

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

SECTION 1. Section 6903 is added to the Labor Code, to read:

6903. (a) Effective February 1, 2016, a train or light engine used in connection with the movement of freight shall not be operated unless it has a crew consisting of at least two individuals.

(b) For purposes of this section, the term “train or light engine used in connection with the movement of freight” shall not include hostler service or utility employees.

(c) The Public Utilities Commission may assess civil penalties against any person who willfully violates this section, according to the following schedule:

(1) A civil penalty of two hundred fifty dollars (\$250) to one thousand dollars (\$1,000) for the first violation.

(2) A civil penalty of one thousand dollars (\$1,000) to five thousand dollars (\$5,000) for the second violation within a three-year period.

(3) A civil penalty of five thousand dollars (\$5,000) to ten thousand dollars (\$10,000) for the third violation and each subsequent violation within a three-year period.

(d) The remedies available to the commission pursuant to this section are nonexclusive and do not limit the remedies available under all other laws or pursuant to contract.

SEC. 2. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

Approved _____, 2015

Governor