

By: Davis

H.B. No. 3662

A BILL TO BE ENTITLED

AN ACT

relating to railroad crew size requirements; imposing a civil penalty.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter C, Chapter 112, Transportation Code, is amended by adding Section 112.104 to read as follows:

Sec. 112.104. MINIMUM CREW REQUIREMENTS. (a) A railroad company may not operate in connection with the movement of freight a train or light engine with fewer than two crew members. For the purposes of this subsection, a railroad utility employee is not considered a crew member.

(b) Subsection (a) does not apply to the operation of a train or light engine for hostler service.

(c) A railroad company that violates this section is liable to the state for a civil penalty of:

(1) not less than \$250 or more than \$1,000 for a first violation;

(2) not less than \$1,000 or more than \$5,000 for a second violation in a period of three years or less; or

(3) not less than \$5,000 or more than \$10,000 for a third or subsequent violation in a period of three years or less.

(d) Suit for a civil penalty under Subsection (c) may be brought in Travis County or in any county in or through which the railroad is operated, by:

1           (1) the attorney general or an attorney acting under  
2 the direction of the attorney general; or

3           (2) the county or district attorney in any county in or  
4 through which the railroad is operated.

5           SECTION 2. This Act takes effect immediately if it receives  
6 a vote of two-thirds of all the members elected to each house, as  
7 provided by Section 39, Article III, Texas Constitution. If this  
8 Act does not receive the vote necessary for immediate effect, this  
9 Act takes effect September 1, 2023.