

FIRST REGULAR SESSION

HOUSE BILL NO. 1117

103RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE DEAN.

2193H.011

JOSEPH ENGLER, Chief Clerk

AN ACT

To amend chapter 389, RSMo, by adding thereto four new sections relating to railroad safety, with penalty provisions.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Chapter 389, RSMo, is amended by adding thereto four new sections, to
2 be known as sections 389.611, 389.1100, 389.1200, and 389.1220, to read as follows:

2 **389.611. It shall be unlawful for the directing officer or the operator of any**
3 **railroad train to direct the operation of or to operate the same in such a manner as to**
4 **prevent the use of any street for purposes of travel for a period of time longer than**
5 **fifteen minutes, provided that this section shall not apply to a moving train or to one**
6 **stopped because of an emergency or for repairs necessary before it can proceed safely.**

2 **389.1100. No railroad operating on any main track or branch line shall operate,**
3 **or permit to be operated, any railroad train that exceeds eight thousand five hundred**
4 **feet in length on any part of a main track or branch line.**

2 **389.1200. 1. For purposes of this section, the following terms mean:**

2 **(1) "Crew member", an employee of the common carrier involved in the**
3 **operation of a railroad train or light engine; "crew member" does not include a hostler**
4 **service or utility employee or contractor of the carrier;**

5 **(2) "Helper service", the use of a locomotive or a group of locomotives to assist**
6 **another train that is experiencing mechanical failure or lacks the power to traverse**
7 **difficult terrain; "helper service" includes the travel to or from a location where the**
8 **assistance is provided;**

EXPLANATION — Matter enclosed in bold-faced brackets ~~thus~~ in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

9 (3) "Hostler service", the movement of locomotives that are not attached to rail
10 cars within a rail yard.

11 2. A railroad train or light engine operated in connection with carrying freight
12 shall have at least two qualified crew members.

13 3. Subsection 2 of this section does not apply to:

14 (1) Helper services;

15 (2) Hostler services; and

16 (3) The movement of a train for the purpose of loading or unloading freight so
17 long as the train is moving no more than ten miles per hour.

18 4. A person who willfully violates the provisions of subsection 2 of this section is
19 guilty of a:

20 (1) Class D misdemeanor for a first offense and shall be punished by a fine not to
21 exceed five hundred dollars;

22 (2) Class C misdemeanor for a second offense and shall be punished by a fine not
23 to exceed seven hundred dollars; and

24 (3) Class B misdemeanor for a third or subsequent offense and shall be punished
25 by a fine not to exceed one thousand dollars.

389.1220. 1. Personally identifying information of train crew members and
2 engineers contained in reports relating to railroad incidents involving motor vehicles
3 and contained in communications between law enforcement and train crew members
4 and engineers involved in those occurrences shall be redacted from any public reports
5 and shall be maintained by the law enforcement departments and any persons in
6 subsequent possession in a manner that ensures the confidentiality of the train crew's
7 and engineer's personally identifying information. Unredacted copies of such reports
8 and communications containing personally identifying information shall be accessible:

9 (1) To the host or employing railroad;

10 (2) By court order, and to others specifically authorized by court order to obtain
11 the information if the access is necessary in the performance of their duties; and

12 (3) To law enforcement officers, the attorney general's office, and department of
13 transportation staff if the access is necessary in the performance of their duties.

14 2. If a crew member or engineer is found by a court to be not at fault in a
15 railroad incident involving a motor vehicle, such person's personally identifying
16 information shall remain redacted from any public reports.

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