1   A BILL TO BE ENTITLED

2 AN ACT TO PROHIBIT A TRAIN OR LIGHT ENGINE USED IN CONNECTION WITH

3   THE MOVEMENT OF FREIGHT FROM BEING OPERATED IN THIS STATE UNLESS

4   IT HAS A CERTAIN NUMBER OF CREW MEMBERS.

5 The General Assembly of North Carolina enacts:

6   **SECTION 1.** Article 15 of Chapter 136 of the General Statutes is amended by adding

7 a new section to read:

8 "**§ 136-199. Train crew staffing.**

9   (a)   No railroad train or light engine used in a Class I railroad, as defined by the Federal

10 Surface Transportation Board, in connection with the movement of freight shall be operated in

11 the State unless the train has a crew of at least two persons.

12   (b)   Any person who willfully violates any requirement of this section shall be guilty of a

13 Class 1 misdemeanor and assessed a fine as follows:

14   (1)   For the first offense, a fine of not less than two hundred fifty dollars ($250.00)

15   nor more than one thousand dollars ($1,000).

16   (2)   For a second offense committed within three years of the first offense, a fine

17   of not less than one thousand dollars ($1,000) nor more than five thousand

18   dollars ($5,000).

19   (3)   For a third and subsequent offense committed within a three-year period, a

20   fine of not less than five thousand dollars ($5,000) nor more than ten thousand

21   dollars ($10,000).

22   (c)   This section does not apply to:

23   (1)   A person who moves locomotives unattached to railcars within a rail yard.

24   (2)   An employee who is temporarily assigned to work with train or yard crews

25   consistent with 49 C.F.R. § 218.22.

26   (d)   As used in this section, "light engine" means a locomotive that has no cars attached."

27   **SECTION 2.** This act becomes effective January 1, 2022.

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