

1 HB426  
2 116421-1  
3 By Representatives Hall, Rogers, Gordon, Todd, Grantland,  
4 McClammy, Moore (P), Ford, Robinson (O), Boyd, Irons and  
5 Howard  
6 RFD: Government Operations  
7 First Read: 26-JAN-10

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8 SYNOPSIS: This bill would establish standards for  
9 stationary assembly points and for mobile labor  
10 camps provided by a railroad company for  
11 maintenance-of-way employees. This bill would  
12 require a railroad company to provide drinking  
13 water at assembly points where maintenance-of-way  
14 employees meet. This bill would require the State  
15 Board of Health to adopt rules concerning mobile  
16 camps. This bill would provide for an inspection  
17 fee and for distribution of the fee in the State  
18 General Fund.

19  
20 A BILL  
21 TO BE ENTITLED  
22 AN ACT

23  
24 Relating to railroads; to establish standards for  
25 stationary assembly points and for mobile labor camps by a  
26 railroad company for maintenance-of-way employees and provide  
27 for drinking water; to provide for the promulgation of rules;

1 to provide for investigations; provide for inspection fees;  
2 and to provide for distribution of the fee.

3 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

4 Section 1. (a) As used in this section, "mobile  
5 camp" means a temporary location where railroad  
6 maintenance-of-way employees are housed in camp cars, bunk  
7 cars, sleeping cars, outfit cars, and trailers.

8 (b) Every railroad company within the State of  
9 Alabama shall provide and adequately maintain a heated room or  
10 rooms at all terminals and headquarters in the operation of  
11 the railroad company for the use of its employees.

12 (c) Each room required by subsection (b) shall  
13 contain adequate wash basins, shower-baths, inside toilets,  
14 and sufficient lockers for checking employees' clothing.

15 (d) Every railroad shall maintain at all permanent  
16 assembly points a supply of drinking water dispensed in a  
17 sanitary manner. A permanent assembly point under this act is  
18 a location where maintenance employees meet at the beginning  
19 and end of each work day.

20 (e) A railroad company that houses  
21 maintenance-of-way employees in a mobile camp shall provide  
22 and adequately maintain for the use of the employees camp  
23 cars, sleeping cars, outfit cars, or trailers with all of the  
24 following:

25 (1) Heat and air conditioning.

26 (2) An adequate number of wash basins, showers, and  
27 inside toilets.

1                   (3) An adequate number of lockers for checking  
2 clothing and personal belongings of employees.

3                   (4) An adequate supply of potable water dispensed in  
4 a sanitary manner for drinking, bathing, cooking, and cleaning  
5 cooking utensils.

6                   (5) A minimum floor space of:

7                   a. Eighty square feet per occupant using single  
8 beds; and

9                   b. With a maximum of four occupants per car.

10                  (f) A railroad company that houses  
11 maintenance-of-way employees shall do all of the following:

12                  (1) Install and permanently wire, with battery  
13 backup, an emergency alert weather radio, smoke detector, and  
14 carbon monoxide detector in each camp car.

15                  (2) Install and display emergency evacuation  
16 instructions in each camp car pertinent to the community where  
17 the camp is located.

18                  (g) A railroad company that operates a commissary  
19 car or cook car within a mobile camp that prepares or serves  
20 food, or both, to maintenance-of-way employees shall do all of  
21 the following:

22                  (1) Ensure the food preparer to be certified on  
23 state standards in food handling.

24                  (2) Ensure that food is served within food handling  
25 guidelines.

1 (h) A railroad company that houses  
2 maintenance-of-way employees in a mobile camp shall do all of  
3 the following:

4 (1) No later than two business days after employees  
5 arrive at the location, notify the local health department  
6 with jurisdiction in the area in which the mobile camp is  
7 located of the existence of the mobile camp.

8 (2) Request and permit inspection by an authorized  
9 representative of the local health department to ensure the  
10 conditions of the camp and camp cars are sanitary and  
11 healthful for the maintenance-of-way employees and the local  
12 community.

13 (i) A railroad company shall locate and maintain a  
14 mobile camp as provided in a safe and healthy environment.

15 Section 2. (a) Whenever the Alabama Public Service  
16 Commission secures reliable information, receives a complaint,  
17 or because of reports made by the commission's inspectors, has  
18 reason to believe that a railroad company in this state does  
19 not provide and adequately maintain the sanitary facilities  
20 provided for in Section 1, the commission shall make an  
21 investigation. The commission shall conduct a hearing and the  
22 railroad company and the employees affected shall be given a  
23 full opportunity to present evidence as to the necessity and  
24 reasonableness of the proposed changes or improvements.

25 (b) When the investigation required under subsection  
26 (a) is complete, the commission shall report to the manager or  
27 superintendent of the railroad company. In the report and

1 recommendations, the commission shall make an accurate  
2 statement of the time the examination was made, of the exact  
3 location, character, and extent of the defects or omission, if  
4 any have been found, and shall recommend reasonable changes  
5 and improvements, additions, buildings, and accommodations, as  
6 are, in the opinion of the commission necessary to remedy the  
7 faults, neglect, requirements, or defects. The recommendations  
8 shall set out specifically a reasonable time within which the  
9 improvements, change, or additions shall be made by the  
10 railroad company.

11 (c) If the recommendations under subsection (b) are  
12 not carried out within the time specified, the commission may  
13 commence proceedings by mandamus or other remedy in circuit  
14 court having jurisdiction to enforce compliance with its  
15 order. All courts having jurisdiction in these cases shall  
16 give preference to the cases and shall hear and determine the  
17 case speedily to the end that the employees' interest and  
18 public interest may not suffer.

19 Section 3. (a) The State Board of Health shall adopt  
20 reasonable rules pursuant to the Administrative Procedure Act  
21 to regulate the sanitary conditions, operation, and facilities  
22 of mobile camps and to set the fees for inspections.

23 (b) The rules adopted pursuant to subsection (a)  
24 shall be enforced by local health officers.

25 (c) The rules shall include all of the following:

26 (1) A requirement for an inspection fee based on an  
27 occupant capacity of each 50 individuals for an inspection of

1 the sanitary conditions, operation, and facilities of a mobile  
2 camp.

3 (2) A separate fee for each inspection may be  
4 charged and an additional and equal fee may be charged for  
5 additional occupants in increments of 50 occupants.

6 (3) A provision that the inspection fee shall be  
7 paid to the local health department. The fee shall be  
8 deposited in the General Fund of the State Treasury for the  
9 Department of Public Health.

10 (4) A provision that the officials of the local  
11 health department may conduct its inspection of the mobile  
12 camp with the authorized state director or union  
13 representative of each craft of employees working for the  
14 railroad company that is the subject of the inspection and a  
15 representative of the railroad company present.

16 Section 4. The State Department of Public Health  
17 shall carry out the duties imposed by this act under interim  
18 written guidelines approved by the State Health Officer.

19 Section 5. This act shall become effective on the  
20 first day of the third month following its passage and  
21 approval by the Governor, or its otherwise becoming law.