

1 SB239
2 172943-2
3 By Senator Reed
4 RFD: Transportation and Energy
5 First Read: 16-FEB-16

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8 SYNOPSIS: This bill would provide that no railroad
9 train may be operated in this state unless the
10 train has a crew of at least two qualified
11 employees and would provide criminal penalties.

12 The bill would exempt certain railroads
13 operating on an excepted track from the bill.

14 Amendment 621 of the Constitution of Alabama
15 of 1901, now appearing as Section 111.05 of the
16 Official Recompilation of the Constitution of
17 Alabama of 1901, as amended, prohibits a general
18 law whose purpose or effect would be to require a
19 new or increased expenditure of local funds from
20 becoming effective with regard to a local
21 governmental entity without enactment by a 2/3 vote
22 unless: it comes within one of a number of
23 specified exceptions; it is approved by the
24 affected entity; or the Legislature appropriates
25 funds, or provides a local source of revenue, to
26 the entity for the purpose.

1 The purpose or effect of this bill would be
2 to require a new or increased expenditure of local
3 funds within the meaning of the amendment. However,
4 the bill does not require approval of a local
5 governmental entity or enactment by a 2/3 vote to
6 become effective because it comes within one of the
7 specified exceptions contained in the amendment.

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9 A BILL
10 TO BE ENTITLED
11 AN ACT

12
13 Relating to railroads; to provide for the number of
14 qualified employees necessary to operate a railroad train in
15 this state; to provide criminal penalties; to exempt railroads
16 operating an excepted track, under certain conditions; and in
17 connection therewith to have as its purpose or effect the
18 requirement of a new or increased expenditure of local funds
19 within the meaning of Amendment 621 of the Constitution of
20 Alabama of 1901, now appearing as Section 111.05 of the
21 Official Recompilation of the Constitution of Alabama of 1901,
22 as amended.

23 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

24 Section 1. (a) For the purposes of this section, the
25 term "qualified employee" means a person who has passed all
26 appropriate training and testing programs as required by the

1 railroad and by Part 240, Chapter II, Subtitle B, of Title 49
2 of the Code of Federal Regulations.

3 (b) Except as otherwise provided in this section, no
4 railroad train may be operated in this state unless the train
5 has a crew which includes at least two qualified employees.

6 (c) Any person who willfully violates this section
7 shall be fined not less than two hundred fifty dollars (\$250)
8 nor more than one thousand dollars (\$1,000).

9 (d) This section may not apply to the extent it is
10 contrary to or inconsistent with a regulation or order of the
11 Federal Railroad Administration of the United States
12 Department of Transportation.

13 (e) A railroad that is not subject to a collective
14 bargaining agreement and operates an excepted track as
15 described by 49 C.F.R. Section 213.9, with speeds of 10 miles
16 per hour or less is exempt from this act for operating on the
17 excepted track.

18 Section 2. Although this bill would have as its
19 purpose or effect the requirement of a new or increased
20 expenditure of local funds, the bill is excluded from further
21 requirements and application under Amendment 621, now
22 appearing as Section 111.05 of the Official Recompilation of
23 the Constitution of Alabama of 1901, as amended, because the
24 bill defines a new crime or amends the definition of an
25 existing crime.

1 Section 3. This act shall become effective 30 days
2 following its passage and approval by the Governor, or its
3 otherwise becoming law.