GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2023

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HOUSE BILL 639

Short Title:	Railroad Safety Omnibus Act.	(Public)
Sponsors:	Representatives Penny and Clampitt (Primary Sponsors). For a complete list of sponsors, refer to the North Carolina General Assembly we	b site.
Referred to:	Transportation, if favorable, Rules, Calendar, and Operations of the Hou	ise
Am: 119, 2022		

April 18, 2023

A BILL TO BE ENTITLED

2 AN ACT TO INCREASE RAILROAD SAFETY BY REOUIRING DRIVER INSTRUCTION 3 ON THE RAILROAD EMERGENCY NOTIFICATION SYSTEM, TO CREATE A 4 CRIMINAL PENALTY FOR MISUSE OF THAT SYSTEM, TO REQUIRE ADDITIONAL 5 TRAINING AND SAFETY MEASURES RELATED TO SCHOOL BUSES AND RAILROAD TRACKS FOR SCHOOL BUS DRIVERS, TO REGULATE THE 6 7 MAXIMUM LENGTH OF FREIGHT TRAINS AND THE MINIMUM SIZE OF 8 RAILROAD CREWS, AND TO ENACT OTHER MEASURES TO IMPROVE AND 9 INCENTIVIZE RAILROAD SAFETY.

- 10 The General Assembly of North Carolina enacts:
- 11

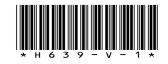
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REQUIRE DRIVER INSTRUCTION ON THE EMERGENCY NOTIFICATION SYSTEMS FOR RAILROAD TRAIN EMERGENCIES AND CREATE A CRIMINAL OFFENSE FOR THE MISUSE OF THE EMERGENCY NOTIFICATION SYSTEMS SECTION 1.(a) G.S. 20-88.1(d) reads as rewritten:

"(d) The Division shall prepare a driver license handbook that explains the traffic laws of
the State and shall periodically revise the handbook to reflect changes in these laws. The
Division, in consultation with the State Highway Patrol, the North Carolina Sheriff's Association,
and the North Carolina Association of Chiefs of Police, shall include in the driver license
handbook a The driver license handbook shall include at least the following information:

- 21(1)A description of law enforcement procedures during traffic stops and the22actions that a motorist should take during a traffic stop, including appropriate23interactions with law enforcement officers. officers, developed by the24Division in consultation with the State Highway Patrol, the North Carolina25Sheriffs' Association, and the North Carolina Association of Chiefs of Police.
- 26 (2)A section on Emergency Notification Systems (ENS) for telephonic reporting of unsafe conditions at highway-rail and pathway grade crossings. The section 27 28 shall alert the public that highway-rail and pathway grade crossings have 29 unique United States Department of Transportation National Crossing Inventory numbers and a posted telephone number to contact the dispatching 30 railroad in accordance with 49 C.F.R. Part 234. The handbook shall advise the 31 32 public to call the telephone number if an emergency condition exists at the highway-rail or pathway grade crossing, including the following: 33 34
 - a. If there is an unsafe condition at highway-rail and pathway grade crossings.



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1			<u>b.</u>	If the highway-rail or pathway grade crossing is obs	structed.
2			<u>c.</u>	If the highway-rail or pathway grade crossing w	
3			<u></u>	present, are malfunctioning.	<u></u>
4			<u>d.</u>	If the ENS sign is discovered to be missing, damage	ed, or in any other
5			<u></u>	way unusable.	
6	At the	e reques	t of the	Department of Public Instruction, the Division shall p	provide free copies
7		-		Department for use in the program of driver education	-
8	high scho				
9			TION 1	(b) G.S. 115C-215(b) reads as rewritten:	
10	"(b)			lucation curriculum shall include the following:	
11	(-)	(1)		iction on the rights and privileges of the handicapped	and the signs and
12		(-)		ols used to assist the handicapped relative to motor v	-
13			•	nternational symbol of accessibility" and other symbol	
14				ded in Article 2A of Chapter 20 of the General Statute	
15		(2)	-	ast six hours of instruction on the offense of driving w	
16		(-)		d subjects.	
17		(3)		ast six hours of actual driving experience. To the extended	nt practicable, this
18		(-)		ience may include at least one hour of instruction on	-
19			-	sive driving.	1
20		(4)		ast one hour of motorcycle safety awareness training.	
21		(5)		ction on law enforcement procedures for traffic stops	that is developed
22		~ /		nsultation with the State Highway Patrol, the North	-
23				ciation, and the North Carolina Association of Chie	
24				ction shall provide a description of the actions that	
25				during a traffic stop, including appropriate inter	
26				cement officers.	
27		<u>(6)</u>	Instru	ction on the Emergency Notification Systems (EN	(S) for telephonic
28		<u> </u>		ting of unsafe conditions at highway-rail and pathwa	
29			-	ction shall include that highway-rail and pathway gra	
30			<u>uniqu</u>	e United States Department of Transportation N	National Crossing
31			Inven	tory numbers and a posted telephone number to conta	act the dispatching
32			railro	ad in accordance with 49 C.F.R. Part 234. Instruction	shall also include
33			inforr	nation on when to call the telephone number if an em	ergency condition
34			exists	at the highway-rail or pathway grade crossing, include	ling the following:
35			<u>a.</u>	If there is an unsafe condition at highway-rail an	<u>nd pathway grade</u>
36				<u>crossings.</u>	
37			<u>b.</u>	If the highway-rail or pathway grade crossing is obs	
38			<u>c.</u>	If the highway-rail or pathway grade crossing w	arning devices, if
39				present, are malfunctioning.	
40			<u>d.</u>	If the ENS sign is discovered to be missing, damage	ed, or in any other
41				way unusable."	
42				.(c) Article 19 of Chapter 14 of the General Statut	es is amended by
43	adding a				
44	" <u>§ 14-111</u>			the Emergency Notification Systems (ENS) for tele	
45				nditions at highway-rail and pathway grade crossing	
46				individual who is not reporting unsafe conditions	
47		-		s, is not providing ENS services, or is not respondin	
48				d at 49 C.F.R. § 234.301, to call, attempt to call, acc	· · · · ·
49				es other than emergency communications. A person	<u>n who knowingly</u>
50	violates tl	his secti	on com	mits a Class 1 misdemeanor."	

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Subsection (c) of committed on of	TION 1.(d) Subsection (a) of this section becomes of this section becomes effective December 1, 2023 after that date. The remainder of this section is effective nning with the 2023-2024 school year.	3, and applies to offenses
	HANDBOOK REVISIONS TION 2.(a) Article 3 of Chapter 20 of the General Stat	tutes is amended by adding
a new section to		
	School buses stalled on railroad tracks.	
to a safe location (1) (2)	us stalls on railroad tracks, the driver of the bus shall find and then report the location of the stalled bus to both The dispatching railroad using the Emergency Noti The school bus transportation system that employs TION 2.(b) G.S. 20-218 reads as rewritten:	n of the following: fications Systems.
	dard qualifications for school bus drivers; speed li	imit for school buses and
	ol activity buses.	mit for school buses and
the rules and later the rules and later the rules and later the reflect changes requirements of	book. – The Division shall prepare a school bus driv ws governing school bus drivers and shall periodical in those rules and laws. The handbook shall in G.S. 20-142.3 and G.S. 20-142.3A.	ly revise the handbook to
"		
	HE LENGTH OF RAILROAD TRAINS OPERAT	TING ON A MAIN LINE
OR BRANCH		
	TION 3. Part 2 of Article 15 of Chapter 136 of the G	eneral Statutes, as enacted
•	his act, is amended by adding a new section to read:	
	ximum freight train length.	
	ailroad operating within this State on any main line or a	iny other line shall operate,
-	pperated, any train that exceeds 8,500 feet in length.	
	person who violates any requirement of this section s	shall be guilty of a Class 1
	d assessed a fine as follows:	
<u>(1)</u>	For the first offense, a fine of not less than two hund	<u>ired fifty dollars (\$250.00)</u>
	nor more than one thousand dollars (\$1,000).	
<u>(2)</u>	For the second offense committed within three years	
	of not less than one thousand dollars (\$1,000) nor	r more than five thousand
	dollars (\$5,000).	
<u>(3)</u>	For the third and subsequent offenses committed w	• 1
	fine of not less than five thousand dollars (\$5,000) n	or more than ten thousand
	<u>dollars (\$10,000).</u>	•••••
	sed in this section, "main line" means any railroad, s	· ·
	17.7, over which 5,000,000 or more gross tons of good	
	ing only tourist, scenic, or historic excursions are not s	
	Train" means one or more locomotives coupled with	or without cars requiring
an air brake test	as set forth in 49 C.F.R. §§ 232 and 238."	
	NOF RAILROAD CREWS	1.0.
	TION 4. Part 2 of Article 15 of Chapter 136 of the G	eneral Statutes, as enacted
by Section 5 of	his act, is amended by adding a new section to read:	

50 "<u>§ 136-209. Train crew staffing.</u>

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1	(a)	No ra	ilroad train or light engine used in a Class I railroad, as de	fined by the Federal
2			rtation Board, in connection with the movement of freight	
3			he train has a crew of at least two persons.	*
4	<u>(b)</u>	<u>Any p</u>	person who willfully violates any requirement of this section	n shall be guilty of a
5	Class 1 m		anor and assessed a fine as follows:	
6		(1)	For the first offense, a fine of not less than two hundred fin	fty dollars (\$250.00)
7			nor more than one thousand dollars (\$1,000).	-
8		(2)	For a second offense committed within three years of the	e first offense, a fine
9			of not less than one thousand dollars (\$1,000) nor more	e than five thousand
10			<u>dollars (\$5,000).</u>	
11		<u>(3)</u>	For a third and subsequent offense committed within a	three-year period, a
12			fine of not less than five thousand dollars (\$5,000) nor mo	bre than ten thousand
13			dollars (\$10,000).	
14	<u>(c)</u>	This s	section does not apply to:	
15		(1)	A person who moves locomotives unattached to railcars	within a rail yard.
16		(2)	An employee who is temporarily assigned to work with	train or yard crews
17			consistent with 49 C.F.R. § 218.22.	
18	<u>(d)</u>	<u>As us</u>	ed in this section, "light engine" means a locomotive or a co	nsist of locomotives
19	that (i) is	not att	ached to any other piece of equipment other than a caboo	se and (ii) does not
20			30 miles from a rail yard."	
21			•	
22	RAIL SA	FETY	IMPROVEMENT	
23		SEC	FION 5.(a) G.S. 136-190 through G.S. 136-198 of Article	15 of Chapter 136 of
24	the Gener	ral Statu	ites are recodified as Part 1 of that Article, entitled "Genera	l Provisions."
25		SEC	FION 5.(b) Article 15 of Chapter 136 of the General Sta	tutes is amended by
26	adding a	new Par	t to read:	·
27			"Part 2. Railroad Safety.	
28	" <u>§ 136-2(</u>)0. Titl	<u>e.</u>	
29	This I	Part ma	y be cited as the North Carolina Rail Safety Improvement A	Act.
30	" <u>§ 136-2(</u>)1. Def	initions.	
31	The f	ollowin	g definitions apply in this Part:	
32		(1)	Defects Includes hot wheel bearings, hot wheels,	defective bearings
33			detected through acoustics, dragging equipment, excessi	ve height or weight,
34			shifted loads, loose hose, hazardously high or low rail tem	perature, and unsafe
35			wheel condition.	
36		(2)	Main line. – Any rail line used to transport more than 5,0	00,000 gross tons of
37			freight annually.	-
38		<u>(3)</u>	Railroad Any form of non-highway ground transportati	on that runs on rails.
39			A rapid transit system in an urban area that is not conn	ected to the general
40			railroad system is not considered a railroad.	•
41		<u>(4)</u>	Train. – One or more locomotives coupled with or without	ut cars.
42		(5)	Wayside detector system An electronic device or	
43		<u> </u>	devices that scan passing trains for defects.	
44	"§ 136-2()2. Wa	yside detector systems.	
45	(a)	Railro	pads operating within the State shall have an operat	ional and properly
46	maintaine		ide detector system on every main line at an interval not g	
47			5 miles if the terrain adjacent to the line does not permit a 1	
48	(b)		n crew receiving a defect message from a wayside detector	
49	of the fol			
50		(1)	Stop the train in accordance with the safety procedures o	f the railroad carrier
51		<u>, , , , , , , , , , , , , , , , , , , </u>	managing that line.	······································

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(2)	Inspect the location of the defect reported by the wayside detector system from
	a position on the ground.
<u>(3)</u>	Document and report inspection results to the appropriate officer of the
	railroad company, railroad dispatcher, or another qualified official of th
	<u>railroad.</u>
<u>(4)</u>	Based on the inspection, and a determination by the crew of the train that it
	safe for movement, proceed along the line at a speed not exceeding 10 mile
	per hour if the train includes hazardous, explosive, or flammable materials of
	not exceeding 30 miles per hour otherwise.
<u>(5)</u>	Set out all defected cars from the train at the nearest point where it is possible
	to do so.
	struction of public travel.
	for any railroad operating in the State to permit any train, railroad car, or engin
•	c travel at a grade crossing of a railroad by a public highway for a period i
	nutes, except where (i) the train is continuously moving during the 10-minu
	e blockage is caused by events or circumstances over which the rail carrie
	o control. The prohibition of this section is in addition to applicable provision
	Article, as interpreted by the courts of this State.
" <u>§ 136-204. Safe</u>	
	erating in the State shall provide suitable walkways adjacent to portions of yar
	switching tracks, sidings, or industrial access tracks maintained by a railroad
	his section, a suitable walkway meets all of the following requirements:
<u>(1)</u>	The walkway is reasonably uniform, has a minimum width of 2 feet and
	kept clear of spilled fuel or other petroleum products, sand or sediment, debri
	and other hazards or obstructions.
<u>(2)</u>	If crushed material is used for the walkway, it shall be less than 3/4 inch
	size for yard tracks and, for all other tracks, one hundred percent (100%) of
	the material must pass through a 1 1/2 inch sieve and no less than nine
	percent (90%) must pass through a 1 inch sieve.
<u>(3)</u>	Cross slopes for walkways shall not exceed 1 inch of elevation for each
18 10 005 D. 1	inches of horizontal length in any direction.
	ht of entry for investigation.
	representative of the union to which a railroad crew member belongs may enter
	at a reasonable time and upon notification to the appropriate officer of the
	y in order to investigate any complaint, violation, incident, injury, or fatality
· ·	rew member to the designated representative.
" <u>§ 136-206. Civi</u>	
	lation of this Part is punishable by a civil penalty of not less than five hundre
) or more than twenty-five thousand dollars (\$25,000) per violation, and each
•	uing violation occurs is a separate violation.
	ssly negligent violation or a pattern of repeated violations shall be punishably of up to one hundred thousand dollars (\$100,000)."
DV a CIVIL DenalfV	or up to one nundred thousand donars (\$100,000).
	FION 6. Except as otherwise provided, this act becomes effective January