

# SENATE BILL NO. 1742

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR LEWIS.

7417S.011

KRISTINA MARTIN, Secretary

## AN ACT

To amend chapter 389, RSMo, by adding thereto one new section relating to crew member requirements for certain rail operations, 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  
2 one new section, to be known as section 389.1200, to read as  
3 follows:

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

3 (1) "Crew member", an employee of the railroad carrier  
4 involved in the operation of a railroad train or light  
5 engine. The term does not include hostler service, helper  
6 service, or utility employees or contractors;

7 (2) "Helper service", the use of one or more  
8 locomotives to assist another train experiencing mechanical  
9 failure or lacking sufficient power to traverse difficult  
10 terrain, including travel to and from the point of  
11 assistance;

12 (3) "Hostler service", the movement of locomotives not  
13 attached to rail cars within a rail yard.

14 2. Except as provided in subsection 3 of this section,  
15 a railroad train or light engine used in connection with the  
16 movement of freight shall be operated by a crew consisting  
17 of not fewer than two qualified crew members.

18           3. The two-person crew requirement shall not apply to:

19           (1) Helper services;

20           (2) Hostler services; or

21           (3) The movement of a train for the purpose of loading  
22 or unloading freight, provided the train is operated at a  
23 speed not exceeding ten miles per hour.

24           4. Any person or railroad carrier who willfully  
25 violates subsection 2 of this section shall be subject to  
26 the following penalties:

27           (1) For a first offense, a fine not to exceed one  
28 thousand five hundred dollars;

29           (2) For a second offense, a fine not to exceed five  
30 thousand dollars;

31           (3) For a third or subsequent offense, a fine not to  
32 exceed ten thousand dollars.

33           5. This section shall not be construed to conflict  
34 with federal regulations governing railroad crew staffing.

35           6. The department of transportation shall have  
36 authority to enforce this section and may promulgate rules  
37 to carry out its provisions. Any rule or portion of a rule,  
38 as that term is defined in section 536.010, that is created  
39 under the authority delegated in this section shall become  
40 effective only if it complies with and is subject to all of  
41 the provisions of chapter 536 and, if applicable, section  
42 536.028. This section and chapter 536 are nonseverable and  
43 if any of the powers vested with the general assembly  
44 pursuant to chapter 536 to review, to delay the effective  
45 date, or to disapprove and annul a rule are subsequently  
46 held unconstitutional, then the grant of rulemaking  
47 authority and any rule proposed or adopted after August 28,  
48 2026, shall be invalid and void.

49           7. The enactment of this section shall become  
50 effective only upon notification to the revisor of statutes  
51 by the attorney general of Missouri that a final judgment  
52 that affirms the validity of the Federal Railroad  
53 Administration's two-person crew rule has been entered.

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