

GENERAL ASSEMBLY OF NORTH CAROLINA
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HOUSE BILL DRH30257-MH-89

Short Title: Railroad Safety Omnibus Act. (Public)

Sponsors: Representative Penny.

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO INCREASE RAILROAD SAFETY BY REQUIRING 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
6 RAILROAD TRACKS FOR SCHOOL BUS DRIVERS, TO REGULATE THE
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
12 **REQUIRE DRIVER INSTRUCTION ON THE EMERGENCY NOTIFICATION**
13 **SYSTEMS FOR RAILROAD TRAIN EMERGENCIES AND CREATE A CRIMINAL**
14 **OFFENSE FOR THE MISUSE OF THE EMERGENCY NOTIFICATION SYSTEMS**

15 **SECTION 1.(a)** G.S. 20-88.1(d) reads as rewritten:

16 "(d) The Division shall prepare a driver license handbook that explains the traffic laws of
17 the State and shall periodically revise the handbook to reflect changes in these laws. ~~The~~
18 ~~Division, in consultation with the State Highway Patrol, the North Carolina Sheriff's Association,~~
19 ~~and the North Carolina Association of Chiefs of Police, shall include in the driver license~~
20 ~~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 the
22 actions that a motorist should take during a traffic stop, including appropriate
23 interactions with law enforcement ~~officers.~~ officers, developed by the
24 Division in consultation with the State Highway Patrol, the North Carolina
25 Sheriffs' Association, and the North Carolina Association of Chiefs of Police.

26 (2) A section on Emergency Notification Systems (ENS) for telephonic reporting
27 of unsafe conditions at highway-rail and pathway grade crossings. The section
28 shall alert the public that highway-rail and pathway grade crossings have
29 unique United States Department of Transportation National Crossing
30 Inventory numbers and a posted telephone number to contact the dispatching
31 railroad in accordance with 49 C.F.R. Part 234. The handbook shall advise the
32 public to call the telephone number if an emergency condition exists at the
33 highway-rail or pathway grade crossing, including the following:

34 a. If there is an unsafe condition at highway-rail and pathway grade
35 crossings.

36 b. If the highway-rail or pathway grade crossing is obstructed.



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- 1 c. If the highway-rail or pathway grade crossing warning devices, if
2 present, are malfunctioning.
3 d. If the ENS sign is discovered to be missing, damaged, or in any other
4 way unusable.

5 At the request of the Department of Public Instruction, the Division shall provide free copies
6 of the handbook to that Department for use in the program of driver education offered at public
7 high schools."

8 **SECTION 1.(b)** G.S. 115C-215(b) reads as rewritten:

9 "(b) The driver education curriculum shall include the following:

- 10 (1) Instruction on the rights and privileges of the handicapped and the signs and
11 symbols used to assist the handicapped relative to motor vehicles, including
12 the "international symbol of accessibility" and other symbols and devices as
13 provided in Article 2A of Chapter 20 of the General Statutes.
14 (2) At least six hours of instruction on the offense of driving while impaired and
15 related subjects.
16 (3) At least six hours of actual driving experience. To the extent practicable, this
17 experience may include at least one hour of instruction on the techniques of
18 defensive driving.
19 (4) At least one hour of motorcycle safety awareness training.
20 (5) Instruction on law enforcement procedures for traffic stops that is developed
21 in consultation with the State Highway Patrol, the North Carolina Sheriff's
22 Association, and the North Carolina Association of Chiefs of Police. The
23 instruction shall provide a description of the actions that a motorist should
24 take during a traffic stop, including appropriate interactions with law
25 enforcement officers.
26 (6) Instruction on the Emergency Notification Systems (ENS) for telephonic
27 reporting of unsafe conditions at highway-rail and pathway grade crossings.
28 Instruction shall include that highway-rail and pathway grade crossings have
29 unique United States Department of Transportation National Crossing
30 Inventory numbers and a posted telephone number to contact the dispatching
31 railroad in accordance with 49 C.F.R. Part 234. Instruction shall also include
32 information on when to call the telephone number if an emergency condition
33 exists at the highway-rail or pathway grade crossing, including the following:
34 a. If there is an unsafe condition at highway-rail and pathway grade
35 crossings.
36 b. If the highway-rail or pathway grade crossing is obstructed.
37 c. If the highway-rail or pathway grade crossing warning devices, if
38 present, are malfunctioning.
39 d. If the ENS sign is discovered to be missing, damaged, or in any other
40 way unusable."

41 **SECTION 1.(c)** Article 19 of Chapter 14 of the General Statutes is amended by
42 adding a new section to read:

43 "**§ 14-111.5. Misuse of the Emergency Notification Systems (ENS) for telephonic reporting**
44 **of unsafe conditions at highway-rail and pathway grade crossings.**

45 It is unlawful for an individual who is not reporting unsafe conditions at highway-rail or
46 pathway grade crossings, is not providing ENS services, or is not responding to reports made
47 through ENS, as defined at 49 C.F.R. § 234.301, to call, attempt to call, access, or attempt to
48 access ENS for purposes other than emergency communications. A person who knowingly
49 violates this section commits a Class 1 misdemeanor."

50 **SECTION 1.(d)** Subsection (a) of this section becomes effective January 1, 2024.
51 Subsection (c) of this section becomes effective December 1, 2023, and applies to offenses

1 committed on or after that date. The remainder of this section is effective when it becomes law
2 and applies beginning with the 2023-2024 school year.

3 4 **BUS DRIVER HANDBOOK REVISIONS**

5 **SECTION 2.(a)** Article 3 of Chapter 20 of the General Statutes is amended by adding
6 a new section to read:

7 **"§ 20-142.3A. School buses stalled on railroad tracks.**

8 If a school bus stalls on railroad tracks, the driver of the bus shall first evacuate all passengers
9 to a safe location and then report the location of the stalled bus to both of the following:

10 (1) The dispatching railroad using the Emergency Notifications Systems.

11 (2) The school bus transportation system that employs the driver."

12 **SECTION 2.(b)** G.S. 20-218 reads as rewritten:

13 **"§ 20-218. Standard qualifications for school bus drivers; speed limit for school buses and**
14 **school activity buses.**

15 ...

16 (a1) Handbook. – The Division shall prepare a school bus driver handbook that explains
17 the rules and laws governing school bus drivers and shall periodically revise the handbook to
18 reflect changes in those rules and laws. The handbook shall include instruction on the
19 requirements of G.S. 20-142.3 and G.S. 20-142.3A.

20"

21 22 **REGULATE THE LENGTH OF RAILROAD TRAINS OPERATING ON A MAIN LINE** 23 **OR BRANCH LINE**

24 **SECTION 3.** Part 2 of Article 15 of Chapter 136 of the General Statutes, as enacted
25 by Section 5 of this act, is amended by adding a new section to read:

26 **"§ 136-208. Maximum freight train length.**

27 (a) No railroad operating within this State on any main line or any other line shall operate,
28 or permit to be operated, any train that exceeds 8,500 feet in length.

29 (b) Any person who violates any requirement of this section shall be guilty of a Class 1
30 misdemeanor and assessed a fine as follows:

31 (1) For the first offense, a fine of not less than two hundred fifty dollars (\$250.00)
32 nor more than one thousand dollars (\$1,000).

33 (2) For the second offense committed within three years of the first offense, a fine
34 of not less than one thousand dollars (\$1,000) nor more than five thousand
35 dollars (\$5,000).

36 (3) For the third and subsequent offenses committed within a three-year period, a
37 fine of not less than five thousand dollars (\$5,000) nor more than ten thousand
38 dollars (\$10,000).

39 (c) As used in this section, "main line" means any railroad, subject to the requirements
40 of 49 C.F.R. § 217.7, over which 5,000,000 or more gross tons of goods are transported annually.
41 Railroads operating only tourist, scenic, or historic excursions are not subject to the requirements
42 of this section. "Train" means one or more locomotives coupled with or without cars requiring
43 an air brake test as set forth in 49 C.F.R. §§ 232 and 238."

44 45 **REGULATION OF RAILROAD CREWS**

46 **SECTION 4.** Part 2 of Article 15 of Chapter 136 of the General Statutes, as enacted
47 by Section 5 of this act, is amended by adding a new section to read:

48 **"§ 136-209. Train crew staffing.**

49 (a) No railroad train or light engine used in a Class I railroad, as defined by the Federal
50 Surface Transportation Board, in connection with the movement of freight shall be operated in
51 the State unless the train has a crew of at least two persons.

(b) Any person who willfully violates any requirement of this section shall be guilty of a Class 1 misdemeanor and assessed a fine as follows:

(1) For the first offense, a fine of not less than two hundred fifty dollars (\$250.00) nor more than one thousand dollars (\$1,000).

(2) For a second offense committed within three years of the first offense, a fine of not less than one thousand dollars (\$1,000) nor more than five thousand dollars (\$5,000).

(3) For a third and subsequent offense committed within a three-year period, a fine of not less than five thousand dollars (\$5,000) nor more than ten thousand dollars (\$10,000).

(c) This section does not apply to:

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

(2) An employee who is temporarily assigned to work with train or yard crews consistent with 49 C.F.R. § 218.22.

(d) As used in this section, "light engine" means a locomotive or a consist of locomotives that (i) is not attached to any other piece of equipment other than a caboose and (ii) does not travel more than 30 miles from a rail yard."

RAIL SAFETY IMPROVEMENT

SECTION 5.(a) G.S. 136-190 through G.S. 136-198 of Article 15 of Chapter 136 of the General Statutes are recodified as Part 1 of that Article, entitled "General Provisions."

SECTION 5.(b) Article 15 of Chapter 136 of the General Statutes is amended by adding a new Part to read:

"Part 2. Railroad Safety.

§ 136-200. Title.

This Part may be cited as the North Carolina Rail Safety Improvement Act.

§ 136-201. Definitions.

The following definitions apply in this Part:

(1) Defects. – Includes hot wheel bearings, hot wheels, defective bearings detected through acoustics, dragging equipment, excessive height or weight, shifted loads, loose hose, hazardously high or low rail temperature, and unsafe wheel condition.

(2) Main line. – Any rail line used to transport more than 5,000,000 gross tons of freight annually.

(3) Railroad. – Any form of non-highway ground transportation that runs on rails. A rapid transit system in an urban area that is not connected to the general railroad system is not considered a railroad.

(4) Train. – One or more locomotives coupled with or without cars.

(5) Wayside detector system. – An electronic device or series of connected devices that scan passing trains for defects.

§ 136-202. Wayside detector systems.

(a) Railroads operating within the State shall have an operational and properly maintained wayside detector system on every main line at an interval not greater than every 10 miles or every 15 miles if the terrain adjacent to the line does not permit a 10-mile interval.

(b) A train crew receiving a defect message from a wayside detector system shall take all of the following actions:

(1) Stop the train in accordance with the safety procedures of the railroad carrier managing that line.

(2) Inspect the location of the defect reported by the wayside detector system from a position on the ground.

1 (3) Document and report inspection results to the appropriate officer of the
2 railroad company, railroad dispatcher, or another qualified official of the
3 railroad.

4 (4) Based on the inspection, and a determination by the crew of the train that it is
5 safe for movement, proceed along the line at a speed not exceeding 10 miles
6 per hour if the train includes hazardous, explosive, or flammable materials or
7 not exceeding 30 miles per hour otherwise.

8 (5) Set out all defected cars from the train at the nearest point where it is possible
9 to do so.

10 **"§ 136-203. Obstruction of public travel.**

11 It is unlawful for any railroad operating in the State to permit any train, railroad car, or engine
12 to obstruct public travel at a grade crossing of a railroad by a public highway for a period in
13 excess of 10 minutes, except where (i) the train is continuously moving during the 10-minute
14 period or (ii) the blockage is caused by events or circumstances over which the rail carrier
15 reasonably has no control. The prohibition of this section is in addition to applicable provisions
16 of Part 1 of this Article, as interpreted by the courts of this State.

17 **"§ 136-204. Safe access.**

18 Railroads operating in the State shall provide suitable walkways adjacent to portions of yard
19 tracks, main line switching tracks, sidings, or industrial access tracks maintained by a railroad.
20 For purposes of this section, a suitable walkway meets all of the following requirements:

21 (1) The walkway is reasonably uniform, has a minimum width of 2 feet and is
22 kept clear of spilled fuel or other petroleum products, sand or sediment, debris,
23 and other hazards or obstructions.

24 (2) If crushed material is used for the walkway, it shall be less than 3/4 inch in
25 size for yard tracks and, for all other tracks, one hundred percent (100%) of
26 the material must pass through a 1 1/2 inch sieve and no less than ninety
27 percent (90%) must pass through a 1 inch sieve.

28 (3) Cross slopes for walkways shall not exceed 1 inch of elevation for each 8
29 inches of horizontal length in any direction.

30 **"§ 136-205. Right of entry for investigation.**

31 A designated representative of the union to which a railroad crew member belongs may enter
32 railroad property at a reasonable time and upon notification to the appropriate officer of the
33 railroad company in order to investigate any complaint, violation, incident, injury, or fatality
34 reported by the crew member to the designated representative.

35 **"§ 136-206. Civil penalties.**

36 (a) A violation of this Part is punishable by a civil penalty of not less than five hundred
37 dollars (\$500.00) or more than twenty-five thousand dollars (\$25,000) per violation, and each
38 day that a continuing violation occurs is a separate violation.

39 (b) A grossly negligent violation or a pattern of repeated violations shall be punishable
40 by a civil penalty of up to one hundred thousand dollars (\$100,000)."

41 **SECTION 6.** Except as otherwise provided, this act becomes effective January 1,
42 2024.