

**H. B. 2883**

(By Delegates Boggs, Manchin, Longstreth, Folk, Canterbury,  
Rowan, Perry, Pethtel, Ferro, Lane and A. Evans)

[Introduced February 23, 2015; referred to the  
Committee on Industry and Labor then the Judiciary.]

A BILL to amend and reenact §24-3-1b of the Code of West Virginia, 1931, as amended, relating  
to requiring, for safety reasons, minimum personnel of two on certain trains.

*Be it enacted by the Legislature of West Virginia:*

That §24-3-1b of the Code of West Virginia, 1931, as amended, be amended and reenacted  
to read as follows:

**ARTICLE 3. DUTIES AND PRIVILEGES OF PUBLIC UTILITIES SUBJECT TO  
REGULATIONS OF COMMISSION.**

**§24-3-1b. Locomotive power units; helper units; one person crew prohibited; engineer  
requirement; restrictions on selection of crew; definitions; promulgation of  
rules.**

(a) The legislature finds that the increasing transportation of hazardous and volatile materials  
on the railroads operating within our state, as well as significantly longer trains operating over the  
unique and widely varying geographical terrain existing in our state coupled with decreasing train  
crew size, creates a significant localized safety hazard to the public and the environment. Adequate

1 personnel is critical to insuring railroad operational safety, security, and in the event of a hazardous  
2 material incident, support of first responder activities. Therefore, the Legislature declares that this  
3 act regulating minimum railroad crew staffing to reduce risk to localities constitutes an exercise of  
4 the state's power to protect and promote the health, safety, security and welfare of the residents of  
5 the state by reducing the risk exposure to local communities and protecting environmentally sensitive  
6 or pristine lands and waterways.

7       (b) Except for helper units and operation in its yards or terminals ~~and except where a train~~  
8 ~~is being moved as an actual movement into or from another state not having a requirement of at least~~  
9 ~~two persons controlling a locomotive as is required in this state pursuant to this section, no railroad~~  
10 may permit or require any crew-controlled locomotive power unit ~~including helper units~~ that is not  
11 attached to a train to be operated by a crew of fewer than two persons. ~~At least one crew member~~  
12 ~~shall be a Federal Railroad Administration certified and licensed locomotive engineer within the~~  
13 ~~meaning of applicable federal statutes and regulations. The second crew member shall be selected~~  
14 ~~from either train service or engine service personnel. *Provided*, That the selection does not violate~~  
15 ~~federal statutes or regulations or local collective bargaining agreements.~~

16       ~~(b)~~ (c) As used in this section:

17       (1) "Crew-controlled locomotive" means a locomotive power unit, single or in multiple,  
18 which is operated by on-board personnel, but does not include units controlled by radio or other  
19 remote control by a crew on another locomotive power unit.

20       (2) "Helper unit" means a locomotive power unit placed at some point in a train for the  
21 purpose of supplementing the power available from the locomotive power unit controlling a train.

22       ~~(c)~~ (d) It is unlawful to institute any disciplinary action or other adverse administrative action

1 against any person who reports a violation of or acts to enforce the provisions of this section or this  
2 article. The person's remedies under this section are in addition to any other remedies that may be  
3 otherwise available.

4 ~~(d)~~ (e) The Public Service Commission shall, on or before ~~July 1, 1993~~ September 1, 2015,  
5 promulgate rules to implement the provisions of this section.

NOTE: The purpose of this bill is to require, for safety reasons, a minimum personnel of two on certain trains.

Strike-throughs indicate language that would be stricken from the present law, and underscoring indicates new language that would be added.