

SECOND REGULAR SESSION

# HOUSE BILL NO. 2385

## 103RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE DEAN.

5570H.01I

JOSEPH ENGLER, Chief Clerk

### AN ACT

To amend chapter 389, RSMo, by adding thereto four new sections relating to railroad safety, 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 four new sections, to be known as sections 389.611, 389.1100, 389.1200, and 389.1220, to read as follows:

**389.611. 1. No railroad train shall prevent the use of a public roadway or highway crossing for more than fifteen consecutive minutes, except when:**

**(1) Such train is continuously moving; or**

**(2) The train is stopped due to an emergency, mechanical failure, or a situation beyond the control of the railroad operator that prevents safe movement.**

**2. Each instance of a violation shall constitute a separate offense for each blocked crossing.**

**3. A railroad found in violation of this section shall be subject to a civil penalty not to exceed one thousand five hundred dollars per violation, to be enforced by the department of transportation.**

**4. Nothing in this section shall be construed to conflict with or preempt federal railroad safety regulations.**

**389.1100. 1. No railroad operating within this state shall operate, or permit to be operated, any train exceeding eight thousand five hundred feet in total length on any main track or branch line.**

**2. The department of transportation shall have authority to adopt rules and standards to implement and enforce this section, including procedures for**

EXPLANATION — Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

6 measurement, exemptions for specific routes, and penalties for violations. Any rule or  
7 portion of a rule, as that term is defined in section 536.010, that is created under the  
8 authority delegated in this section shall become effective only if it complies with and is  
9 subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This  
10 section and chapter 536 are nonseverable and if any of the powers vested with the  
11 general assembly pursuant to chapter 536 to review, to delay the effective date, or to  
12 disapprove and annul a rule are subsequently held unconstitutional, then the grant of  
13 rulemaking authority and any rule proposed or adopted after August 28, 2026, shall be  
14 invalid and void.

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

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

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

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

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

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

14 (1) Helper services;

15 (2) Hostler services; or

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

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

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

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

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

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

25 6. The department of transportation shall have authority to enforce this section  
26 and may promulgate rules to carry out its provisions. Any rule or portion of a rule, as  
27 that term is defined in section 536.010, that is created under the authority delegated in  
28 this section shall become effective only if it complies with and is subject to all of the

29 provisions of chapter 536 and, if applicable, section 536.028. This section and chapter  
30 536 are nonseverable and if any of the powers vested with the general assembly  
31 pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul  
32 a rule are subsequently held unconstitutional, then the grant of rulemaking authority  
33 and any rule proposed or adopted after August 28, 2026, shall be invalid and void.

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

389.1220. 1. For purposes of this section, "personally identifying information"  
2 includes a crew member's or engineer's name, home address, personal telephone  
3 number, driver's license number, social security number, or other information that  
4 could reasonably be used to identify or locate such individual.

5 2. Personally identifying information of train crew members and engineers  
6 contained in reports or communications related to railroad incidents involving motor  
7 vehicles shall be redacted from any publicly released records.

8 3. Unredacted copies of such records shall be accessible only:

- 9 (1) To the employing railroad or its authorized representatives;  
10 (2) By court order, and to others specifically authorized by such order; or  
11 (3) To law enforcement agencies, the attorney general's office, or the department  
12 of transportation if the information is necessary to perform their official duties.

13 4. If a court determines that a crew member or engineer was not at fault in a  
14 railroad incident involving a motor vehicle, such person's identifying information shall  
15 remain confidential in all public records.

16 5. The department of transportation shall enforce this section and may  
17 promulgate rules to ensure compliance and confidentiality. Any rule or portion of a  
18 rule, as that term is defined in section 536.010, that is created under the authority  
19 delegated in this section shall become effective only if it complies with and is subject to  
20 all of the provisions of chapter 536 and, if applicable, section 536.028. This section and  
21 chapter 536 are nonseverable and if any of the powers vested with the general assembly  
22 pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul  
23 a rule are subsequently held unconstitutional, then the grant of rulemaking authority  
24 and any rule proposed or adopted after August 28, 2026, shall be invalid and void.

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