

HOUSE BILL NO. 3349

103RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE JOBE.

7246H.011

JOSEPH ENGLER, Chief Clerk

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 one new section, to be
2 known as section 389.1200, to read as follows:

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.

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.

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.**

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