

# HOUSE BILL NO. 3462

## 103RD GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE JORDAN.

7420H.011

JOSEPH ENGLER, Chief Clerk

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### 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.

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*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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