

1999 ASSEMBLY BILL 827

March 7, 2000 – Introduced by Representatives HAHN, BRANDEMUEHL, HUEBSCH, TURNER, LA FAVE, MUSSER, JOHNSRUD, SUDER, BLACK, PLALE, ALBERS, SINICKI, SERATTI, TRAVIS, YOUNG, PORTER, FREESE, POCAN, GRONEMUS, SYKORA, BOYLE and ZIEGELBAUER, cosponsored by Senators BRESKE, RISSER, DRZEWIECKI, ROSENZWEIG, RUDE, ERPENBACH, SCHULTZ, COWLES, JAUCH, WIRCH, PLACHE and GROBSCHMIDT. Referred to Committee on Transportation.

1 **AN ACT to amend** 192.25 (2) of the statutes; **relating to:** the minimum number
2 of railroad employes required to be present in the cab of the lead control
3 locomotive when the railroad train or locomotive is in motion.

Analysis by the Legislative Reference Bureau

Current law prohibits any railroad train or locomotive from operating in this state unless the crew consists of at least two qualified persons. A locomotive engineer must operate the control locomotive at all times that the railroad train or locomotive is in motion. The other crew member may dismount the railroad train or locomotive when necessary to perform switching activities and other duties in the course of his or her job. These requirements are preempted by federal law except to the extent that they prohibit over-the-road train operation unless the railroad train or locomotive has a train crew of at least two persons. Over-the-road operations, however, may also be exempted from this two-person train crew requirement by specific agreement between the Federal Railway Administration and an individual railroad. *Burlington Northern and Santa Fe Railway Co. v. Doyle*, 186 F3d 446 (1999).

This bill requires that the two crew members be present in the cab of the lead control locomotive at all times that the railroad train or locomotive is in motion.

The commissioner of railroads may grant exceptions to these requirements, if the exceptions will not endanger life or property.

