

1999 DRAFTING REQUEST

Bill

Received: **02/04/2000**

Received By: **nilsepe**

Wanted: **As time permits**

Identical to LRB:

For: **Eugene Hahn (608) 266-3404**

By/Representing: **Tom Dwire (UTU)**

This file may be shown to any legislator: **NO**

Drafter: **nilsepe**

May Contact:

Alt. Drafters:

Subject: **Transportation - railroads**

Extra Copies:

Pre Topic:

No specific pre topic given

Topic:

Two-person crews located in controlling locomotive cab

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
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				_____	lrb-docadmin 02/17/2000		
/2	nilsepe 02/28/2000	chanaman 02/29/2000	kfollet 02/17/2000	_____	lrb-docadmin 02/18/2000	lrb_docadminState 02/18/2000	

Vers. Drafted Reviewed Typed Proofed Submitted Jacketed Required

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			02/29/2000 _____		02/29/2000		02/29/2000

FE Sent For:

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Received: 02/04/2000

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Identical to LRB:

For: ~~Steven Foti (608) 266-2401~~ Hahn

By/Representing: Tom Dwire (UTU)

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May Contact:

Ah. Drafters:

Subject: Transportation - railroads

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~~Two-person~~ crews located in controlling locomotive cab

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				_____	lrb-docadmin 02/17/2000		
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FE Sent For:

02/29 Jb/Hpd 2/29

please jacket /3 - PEN

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Wanted: **As time permits**

Identical to LRB:

For: **Steven Foti (608) 266-2401**

By/Representing: **Tom Dwire (UTU)**

This file may be shown to any legislator: NO

Drafter: **nilsepe**

May Contact:

Alt. Drafters:

Subject: **Transportation - railroads**

Extra Copies:

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2-man crews located in controlling locomotive cab

Instructions:

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FE Sent For:				<END>			

4488/1

1999 BILL

Revised

1 **AN ACT to amend** 192.25 (2) of the statutes; **relating to:** the minimum number
 2 of railroad employees required to be present in the locomotive cab when the
 3 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.

This bill requires that the two qualified crew members be present in the cab of the 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.

For further information **see** the **state** fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

4 **SECTION 1.** 192.25 (2) of the statutes is amended to read:

BILL

1 192.25 (2) No person operating or controlling any railroad, as 'defined in s.
2 85.01 (5), may allow the operation of any railroad train or locomotive in this state
3 unless the railroad train or locomotive has a crew of at least 2 individuals present
4 in the compartment of the locomotive from which the propelling power and power
5 brakes of the train or locomotive are manually controlled. One of the individuals
6 shall be a certified railroad locomotive engineer. The other individual shall be either
7 a certified railroad locomotive engineer or a qualified railroad trainman. A certified
8 railroad locomotive engineer shall operate the control locomotive at all times that the
9 railroad train or locomotive is in motion. The other crew member shall be nresent
10 in the compartment at all times that the railroad train or locomotive is in motion. but
11 may dismount the railroad train or locomotive when necessary to perform switching
12 activities and other duties in the course of his or her job.

SECTION 2. Initial applicability.

13 (1) This act first applies to railroad trains or locomotives operated on July 1,
14 2000.
15

16 **(END)**



State of Wisconsin
1999 - 2000 LEGISLATURE

LRB-4488/1
PEN:cmh:hmh

5004

1999 BILL

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cat

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

Analysis by the Legislative Reference Bureau

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 5 brakes of the train or locomotive are manually controlled. i d u a l s
 6 shall be a certified railroad locomotive engineer. The other individual shall be either
 7 a certified railroad locomotive engineer or a qualified railroad trainman. A certified
 8 railroad locomotive engineer shall operate the control locomotive at all times that the
 9 railroad train or locomotive is in motion. The other crew member shall be present
 10 in the compartment at all times that the railroad train or locomotive is in motion, but
 11 may dismount the railroad train or locomotive when necessary to perform switching
 12 activities and other duties in the course of his or her job.

SECTION 2. Initial applicability.

(1) This act ~~first~~ applies to railroad trains or locomotives operated on ~~any~~

Y

14
15

over

(END)

the effective date of this subsection.

16



5006

3

1999 ASSEMBLY BILL

WFO - please fix topic lines on request sheet

1 use

refer to cat

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

of the lead control locomotive

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.

USE A

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

lead

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

For further information see the **state** fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

USE 1-41 4

SECTION 1. 192.25 (2) of the statutes is amended to read:

TURN OVER

ASSEMBLY BILL

1 192.25 (2) No person operating or controlling any railroad, as defined in s.
2 85.01 (5), may allow the operation of any railroad train or locomotive in this state
3 unless the railroad train or locomotive has a crew of at least 2 individuals present
4 in the compartment of the locomotive from which the propelling power and power
5 brakes of the train or locomotive are manually controlled. One of the individuals
6 shall be a certified railroad locomotive engineer. The other individual shall be either
7 a certified railroad locomotive engineer or a qualified railroad trainman. A certified
8 railroad locomotive engineer shall operate the control locomotive at all times that the
9 railroad train or locomotive is in motion. The other crew member shall be present
10 in the compartment at all times that the railroad train or locomotive is in motion, but
11 may dismount the railroad train or locomotive when necessary to perform switching
12 activities and other duties in the course of his or her job.

SECTION 2. Initial applicability. .

14 (1) This act first applies to railroad trains or locomotives operated on the
15 effective date of this subsection.

16 (END)

15.9

plain text

two persons

insert A

These requirements are preempted by federal law except to the extent that ~~such~~ they prohibit over-the-road train operation unless ~~there is~~ a train crew of at least ~~two~~ ~~however~~ over-the-road operations may also be exempted 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).

, however,

the train or locomotive has railroad

IV

from this two-person train crew requirement

(end insert)

1999-2000 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-4488/3ins
PEN.....

insert
1-4

1 SECTION 1. 192.25 (2) of the statutes is amended to read:

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3 85.01 (5), may allow the operation of any railroad train or locomotive in this state
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5 the individuals shall be a certified railroad locomotive engineer. The other
6 individual shall be either a certified railroad locomotive engineer or a qualified
7 railroad trainman. A certified railroad locomotive engineer shall be nresent in the
8 cab and shall operate the lead control locomotive at all times that the railroad train
9 or locomotive is in motion. The other crew member shall be nresent in the cab of the
10 lead control locomotive at all times that the railroad train or locomotive is in motion.
11 but may dismount the railroad train or locomotive when necessary to perform
12 switching activities and other duties in the course of his or her job.

History: 1997 a. 42.

(end insert)