

1 IN THE SENATE

BY SENATOR RYAN BY REQUEST

2 SENATE BILL NO.65

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIRST LEGISLATURE- FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act to promote the safety of employees  
7 of and travelers upon railroads by making  
8 certain requirements as to competency and  
9 number of personnel; prescribing duties of  
10 the intra-state commerce commission and  
11 attorney general in connection therewith;  
12 providing for penalties; and providing for  
13 an effective date."

14 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

15 Section 1. When used in this act and for the purpose of this  
16 act:

17 (1) The term "carrier" shall mean any railroad carrier,  
18 and any receiver of or any other individual or body, judicial or  
19 otherwise, when in possession of the business of a carrier or car-  
20 riers covered by this act, excluding street, suburban and inter-  
21 urban electric railways, unless operated as a part of a general  
22 railroad system of transportation.

23 (2) The term "locomotive" means any self-propelled unit  
24 operated by any form of energy or power, whether produced thereon  
25 or furnished from any outside source, and adapted for use in mov-  
26 ing cars upon rails or for the transportation of passengers and/or  
27 freight or property, except locomotive cranes, pile-drivers, weed-  
28 burners, and other self-propelled engines or machines not used for  
29 the transportation of passengers and/or freight or property for

1 hire.

2 (3) The term "light engine" means any locomotive op-  
3 erated without cars and not transporting passengers, freight or  
4 property..

5 (4) The term "passenger train" means any self-propelled  
6 unit while transporting passengers or any locomotive with one or  
7 more cars constructed for the purpose of transporting passengers,  
8 baggage, mail, express or combination of either or any.

9 (5) The term " freight train" means any train composed  
10 of one or more locomotives with one or more cars or other vehicles  
11 constructed for the purpose of transporting freight or other  
12 property not specifically referred to in the above definition of  
13 a passenger train.

14 (6) The term "engineer" means a person who operates a  
15 locomotive and performs related work.

16 (7) The term "fireman" means a person who fires a  
17 locomotive and/or assists an engineer in the performance of his  
18 duties as such.

19 (8) The term "conductor" means a person having charge  
20 of the operation of the train enroute, at stations and between  
21 stations, and who performs related work.

22 (9) The term "flagman" means a person whose duties  
23 are to furnish flag protection to the train to which he is assign-  
24 ed as prescribed by the rules of the carrier.

25 (10) The term "brakeman" means a person who assists a  
26 conductor in the operation and protection of a train and who per-  
27 forms related work.

28 (11) The term "yard conductor" or "foreman" means a  
29 person whose duties are to supervise and assist in the work of

1 switching and yard work train service, including supervision of  
2 the breaking up and the making up of trains, and to perform  
3 related work.

4 (12) The term "yard brakeman" or "helper" means a  
5 person whose duties are to couple, uncouple and ride cars in  
6 connection with the breaking up and the making up of trains; to  
7 handle switches; and to perform related work in connection with  
8 yard switching service.

9 (13) The term "main track" means any continuous track  
10 over which trains operate through and between stations.

11 (14) The term "competent employee" means:

12 (a) One who is able to read and understand the  
13 time tables of the carrier by whom he is employed, and to  
14 read ordinary handwriting in the English language, and who  
15 is able to speak, hear and understand the English language,  
16 and to see, distinguish and understand the signals required  
17 by the book of rules of the carrier governing the operation  
18 of the locomotives and trains of such carrier. When defec-  
19 tive sight can be remedied by the use of glasses or other  
20 means, such defective sight shall not thereby render an em-  
21 ployee incompetent under this act.

22 (b) As applied to an engineer, one who, in addi-  
23 tion to being possessed of the qualifications prescribed in  
24 paragraph (a) of sub-section (14) hereof, shall have passed  
25 the regular examination prescribed by the carrier concerning  
26 rules and regulations governing the position of an engineer.

27 (c) As applied to a conductor, one who, in addi-  
28 tion to being possessed of the qualifications prescribed in  
29 paragraph (a) of sub-section (14) hereof, shall have passed

1 the regular examination prescribed by the carrier concerning  
2 rules and regulations governing conductors.

3 (d) As applied to a flagman, one who, in addition  
4 to being possessed of the qualifications prescribed in para-  
5 graph (a) of sub-section (14) hereof, shall have had at least  
6 one year's experience in train service and shall have passed  
7 the regular examination prescribed by the carrier concerning  
8 rules and regulations governing brakemen.

9 (e) As applied to a fireman, a brakeman, a yard  
10 brakeman or helper, or a yard conductor or foreman, one who,  
11 in addition to being possessed of the qualifications pre-  
12 scribed in paragraph (a) of sub-section (14) hereof, shall  
13 have passed the regular examination prescribed by the carrier  
14 concerning the rules and regulations governing firemen, brake-  
15 men, yard brakemen or helpers, yard conductors or foremen.

16 Sec. 2. It shall be unlawful for any carrier, in the State  
17 of Alaska, to operate, or permit to be operated, any passenger  
18 train consisting of less than three cars, unless such train shall  
19 be manned by a crew of competent employees, which crew shall con-  
20 sist of not less than one engineer, one fireman, one conductor,  
21 and one flagman, except that any passenger train consisting of  
22 one Budd type car, shall be manned by a crew of one engineer and  
23 one conductor. When any passenger train consists of three cars  
24 or more, any one or more of which is carrying passengers, such  
25 passenger train shall be manned by one brakeman, in addition to  
26 the crew prescribed for a passenger train of less than three cars.  
27 No member of the crew shall be permitted or required to perform  
28 the duties of a baggageman and/or express messenger.

29 Sec. 3. It shall be unlawful for any carrier, in the State

1 of Alaska, to operate, or permit to be operated, any freight train  
2 consisting of less than sixty-five cars without a crew of compe-  
3 tent employees, which crew shall consist of not less than one en-  
4 gineer, one fireman, one conductor, one flagman, and one brakeman.

5 Sec. 4. It shall be unlawful for any carrier, in the State  
6 of Alaska, to operate, or permit to be operated, any freight train  
7 consisting of sixty-five cars or more, without a crew of competent  
8 employees, which crew shall consist of not less than one engineer,  
9 one fireman, one conductor, one flagman, and two brakemen.

10 Sec. 5. It shall be unlawful for any carrier to use, operate  
11 or permit any locomotive to be used or operated in any railroad  
12 yard, or on any railroad track, to handle or switch cars, or to  
13 transfer cars from one railroad to another, or from one railroad  
14 yard to another railroad yard, unless each and every locomotive,  
15 while handling or switching cars shall be manned by a crew of com-  
16 petent employees, which crew shall consist of not less than one  
17 engineer, one fireman, one yard conductor or foreman, and two yard  
18 brakemen or helpers. No such employee shall be detailed to more  
19 than one locomotive at the same time, or be assigned to any other  
20 service unless his place is filled by another competent employee,  
21 or the locomotive laid up during the period such employees are  
22 otherwise used, except that in case of sudden disability of a mem-  
23 ber of such crew through sickness, accident or death the carrier  
24 shall have three hours to replace such member, during which time  
25 such locomotive may be operated by a less number of employees than  
26 is provided herein.

27 Sec. 6. It shall be unlawful for any carrier to operate, in  
28 the State of Alaska, or permit to be operated, any other train not  
29 specifically referred to hereinbefore, without a crew of competent

1 employees, which crew shall consist of not less than one engineer,  
2 one fireman, one conductor, one flagman, and one brakeman.

3 Sec. 7. It shall be unlawful for any carrier, in the State of  
4 Alaska, to operate, or permit to be operated any fuel-electric  
5 locomotive, unless said locomotive shall be manned with a crew of  
6 not less than one engineer and one fireman or helper. Each day  
7 that any locomotive shall run in violation of the provisions of  
8 this section shall be deemed to be a separate offense.

9 Sec. 8. It shall be unlawful for any carrier to operate, or  
10 permit to be operated, on its main track, any single locomotive,  
11 unless such locomotive is manned by a crew of competent employees,  
12 which crew shall consist of not less than one engineer, one fire-  
13 man, one flagman or conductor; Provided, however, that where two  
14 or more locomotives are operated under their own power on any main  
15 track, and coupled together, there shall be provided a crew of  
16 competent employees consisting of not less than one engineer, and  
17 one fireman, for each locomotive, and, in addition thereto, one  
18 conductor or flagman.

19 Sec. 9. It shall be unlawful for any carrier to operate as  
20 a locomotive or permit to be operated as a locomotive, on its main  
21 track, in the State of Alaska, any self-propelled crane, weedburner,  
22 or other self-propelled engine or machine not used for the trans-  
23 portation of passengers and/or freight or property for hire, which  
24 has sufficient power to draw or propel itself and one or more  
25 standard railroad cars, unless such engine or machine shall be  
26 manned by a crew of competent employees consisting of not less than  
27 one engineer and one conductor, except when any of the aforemen-  
28 tioned self-propelled engines or machines draw or propel more than  
29 one standard railroad car, excluding caboose, the crew shall

1 consist of one engineer, one conductor, and one flagman.

2       Sec. 10. In the case of disability of a member of a crew  
3 between terminals, the carrier shall have the right to operate the  
4 locomotive or train with a less number of employees than is pro-  
5 vided therein until such locomotive or train arrives at the next  
6 terminal, or other intermediate place on the road where employees  
7 of the same class as the disabled employee are available, when  
8 such carrier shall fill the vacancy on such crew. This act shall  
9 not apply to relief or wrecking trains where sufficient employees  
10 are not available.

11       Sec. 11. It shall be the duty of the intra-state commerce  
12 commission of Alaska to enforce the provisions of this act.

13       Sec. 12. Any carrier operating in or through the State of  
14 Alaska, who shall wilfully violate any of the provisions of this  
15 act, shall be liable to the State of Alaska for a penalty of not  
16 less than three hundred dollars, nor more than one thousand dollars,  
17 for each offense, and such penalty shall be recovered, and suits  
18 therefor brought by the attorney general, or under his direction,  
19 in the name of the State of Alaska, on relation of the intra-state  
20 commerce commission of Alaska, in the circuit or superior court in  
21 any borough through which such railroad may be run or operated.

22       Sec. 13. If any section, sub-section, sentence, clause, or  
23 phrase of this act is for any reason held to be unconstitutional,  
24 such decision shall not effect the validity of the remaining por-  
25 tions of this act. The legislature declares that it would have  
26 passed this act, and each section, sub-section, sentence, clause,  
27 and phrase hereof, irrespective of the fact that any one or more  
28 sections, sub-sections, sentences, clauses or phrases be declared  
29 unconstitutional.

1           Sec. 14. In so far as any other law or part of a law is in  
2 conflict with any of the provisions of this act, such law or part  
3 of a law is hereby repealed, but no law and no part of any law  
4 which is not in conflict with any of the provisions of this act  
5 shall be repealed hereby.

6           Sec. 15. This act shall be in full force and effect thirty  
7 days after its passage.

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