

RAILROAD WORKER SAFETY AMENDMENTS

2018 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Elizabeth Weight

Senate Sponsor: _____

LONG TITLE

General Description:

This bill modifies the Railroads code by amending provisions relating to safety standards for railroad walkways.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ requires a railroad to:
 - provide a walkway adjacent to tracks in all areas where railroad or industrial employees are required to perform trackside duties;
 - keep each walkway clean and free of weeds, debris, and other materials, equipment, and other hazards, that might tend to interfere with the footing of railroad or industrial employees performing trackside duties; and
 - construct and maintain each walkway to insure proper drainage and prevent pooling of water, oil, or other liquids;
- ▶ specifies standards for the construction and maintenance of railroad walkways;
- ▶ specifies exceptions to the railroad walkway construction and maintenance standards;
- ▶ grants the Public Service Commission rulemaking authority to establish additional construction and maintenance standards;
- ▶ requires a railroad to furnish the Public Service Commission with any necessary



28 information and allow inspections by the commission for the enforcement of the railroad
 29 walkway standards; and
 30 ▶ specifies procedures and penalties for the enforcement of the railroad walkway
 31 construction and maintenance standards.

32 **Money Appropriated in this Bill:**

33 None

34 **Other Special Clauses:**

35 None

36 **Utah Code Sections Affected:**

37 ENACTS:

- 38 **56-4-101**, Utah Code Annotated 1953
- 39 **56-4-102**, Utah Code Annotated 1953
- 40 **56-4-103**, Utah Code Annotated 1953
- 41 **56-4-104**, Utah Code Annotated 1953
- 42 **56-4-105**, Utah Code Annotated 1953
- 43 **56-4-106**, Utah Code Annotated 1953
- 44 **56-4-107**, Utah Code Annotated 1953



46 *Be it enacted by the Legislature of the state of Utah:*

47 Section 1. Section **56-4-101** is enacted to read:

48 **CHAPTER 4. RAILROAD WORKER SAFETY ACT**

49 **56-4-101. Title.**

50 This chapter is known as the "Railroad Worker Safety Act."

51 Section 2. Section **56-4-102** is enacted to read:

52 **56-4-102. Definitions.**

53 As used in this chapter:

- 54 (1) "Commission" means the Public Service Commission established in Section
- 55 54-1-1.
- 56 (2) "Railroad" means the same as that term is defined in 49 U.S.C. Sec. 20102.
- 57 (3) "Trackside duties" means:
- 58 (a) switching or inspecting trains stopped by trackside detectors;

- 59 (b) performing air tests; or
- 60 (c) performing train inspections.
- 61 (4) "Walkway" means an area located alongside or in the vicinity of a railroad track, or
- 62 on a trestle or bridge, that provides space so a railroad employee can perform duties associated
- 63 with the track, trestle, or bridge.

64 Section 3. Section **56-4-103** is enacted to read:

65 **56-4-103. Railroad walkway safety requirements.**

66 (1) A railroad shall:

- 67 (a) provide a walkway adjacent to tracks in all areas where railroad or industrial
- 68 employees are required to perform trackside duties;
- 69 (b) keep each walkway clean and free of weeds, debris, and other materials, equipment,
- 70 and other hazards, that might tend to interfere with the footing of railroad or industrial
- 71 employees performing trackside duties; and

72 (c) construct and maintain each walkway in accordance with the requirements of this

73 section to insure proper drainage and prevent pooling of water, oil, or other liquids.

74 (2) A walkway shall:

- 75 (a) be a minimum width of two feet; and
- 76 (b) have a uniform regular surface with a gradual slope not to exceed one inch of
- 77 elevation for each eight inches of horizontal length in any direction.

78 (3) (a) A walkway may be surfaced with:

- 79 (i) asphalt;
- 80 (ii) concrete;
- 81 (iii) planking;
- 82 (iv) grating;
- 83 (v) native material;
- 84 (vi) crushed material; or
- 85 (vii) other similar material.

86 (b) If crushed material is used under Subsection (3)(a)(vi):

- 87 (i) 100% of the material shall be capable of passing through a 1-½ inches square sieve
- 88 opening;
- 89 (ii) 90% of the material shall be capable of passing through a one inch square sieve

90 opening; and

91 (iii) smaller crushed material is preferable, where drainage and durability issues do not
92 arise.

93 (c) If a walkway is located in an area where heavy foot traffic exists, including
94 walkways near train yards and manually operated switches, the uniform surface material used
95 shall be no larger than 3/8 inch fine.

96 (4) The center of tracks shall be kept clean and free from all foreign materials that tend
97 to build up between rails causing poor footing and deterioration of track components.

98 (5) (a) Walkway standards described in this section do not apply to a walkway adjacent
99 to:

100 (i) tracks in a street or tunnel;

101 (ii) an existing bridge;

102 (iii) a grade separation structure;

103 (iv) a railroad-highway crossing;

104 (v) an existing trestle;

105 (vi) a cattle guard;

106 (vii) tracks adjacent to a walk, abutment, platform, pillar, or structure where minimum
107 widths are otherwise provided;

108 (viii) tracks where there is insufficient width of right-of-way, except that standards in
109 this section shall apply to the full width of right-of-way available; or

110 (ix) tracks during periods of damage or obstruction due to heavy rain or snow,
111 derailments, rock and earth slides, and other abnormal periods.

112 (b) A walkway described in Subsection (5)(a)(ix) shall be brought back into
113 compliance with this section within 30 days after the damage or obstruction occurred.

114 (6) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
115 commission may adopt rules governing safe walkways for railroad workers in areas where
116 work is regularly performed on the ground.

117 Section 4. Section **56-4-104** is enacted to read:

118 **56-4-104. Duty of railroads to comply -- Inspection by commission.**

119 (1) A railroad or a person engaged in the operation of a railroad shall:

120 (a) comply with any regulation or order of the commission issued under the provisions

121 of this chapter; and

122 (b) furnish any information required by the commission for purposes of this chapter.

123 (2) The commission or its authorized agent may, during reasonable hours, enter the
124 place of operation of a railroad to determine whether a railroad is complying with the standards
125 prescribed by this chapter.

126 Section 5. Section **56-4-105** is enacted to read:

127 **56-4-105. Agency actions.**

128 (1) An employee may file a request for agency action with the commission charging a
129 violation of:

130 (a) this chapter; or

131 (b) a commission rule prescribed in accordance with Subsection [56-4-103\(6\)](#).

132 (2) The commission may initiate an action by filing a notice of agency action.

133 Section 6. Section **56-4-106** is enacted to read:

134 **56-4-106. Judicial review.**

135 (1) A party aggrieved by an order of the commission may obtain judicial review.

136 (2) Venue for judicial review of informal adjudicative proceedings under this chapter is
137 in the district court of the county in which the place of employment is located.

138 Section 7. Section **56-4-107** is enacted to read:

139 **56-4-107. Failure to comply with order or regulation -- Penalty.**

140 (1) A person failing to comply with an order or regulation of the commission
141 authorized by this chapter shall be liable for a penalty of \$25 for each day of noncompliance.

142 (2) The attorney general shall file suit on behalf of the state for any unpaid penalty
143 within one year after the penalty accrues.