

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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HOUSE BILL 1172*
Committee Substitute Favorable 6/12/96

Short Title: Transfer Rail Safety.

(Public)

Sponsors:

Referred to:

May 15, 1996

A BILL TO BE ENTITLED

1 AN ACT TO TRANSFER THE RAIL SAFETY SECTION FROM THE UTILITIES
2 COMMISSION TO THE DEPARTMENT OF TRANSPORTATION AND TO
3 DIRECT THE SECRETARY OF TRANSPORTATION TO STUDY THE NEED
4 FOR CONTINUATION OF THE RAIL SAFETY INSPECTION PROGRAM.
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6 The General Assembly of North Carolina enacts:

7 Section 1. The statutory authority, powers, duties, and functions, records,
8 personnel, property, unexpended balances of appropriations, allocations or other funds,
9 including the functions of budgeting and purchasing, of the Rail Safety Section of the
10 Transportation Division of the North Carolina Utilities Commission, is transferred to the
11 Department of Transportation.

12 Sec. 2. G.S. 62-41 reads as rewritten:

13 **"§ 62-41. To investigate accidents involving public utilities; to promote general**
14 **safety program.**

15 The Commission may conduct a program of accident prevention and public safety
16 covering all public utilities with special emphasis on highway safety and transport safety
17 and may investigate the causes of any accident on a ~~railroad or~~ highway involving a ~~public~~
18 ~~utility, or any accident in connection with any other~~ public utility. Any information obtained
19 upon such investigation shall be reduced to writing and a report thereof filed in the office

1 of the Commission, which shall be subject to public inspection but such report shall not
2 be admissible in evidence in any civil or criminal proceeding arising from such accident.
3 The Commission may adopt reasonable rules and regulations for the safety of the public
4 as affected by public utilities and the safety of public utility employees. The Commission
5 shall cooperate with and coordinate its activities for public utilities with similar programs
6 of the Division of Motor Vehicles, the Insurance Department, the Industrial Commission
7 and other organizations engaged in the promotion of highway safety and employee
8 safety."

9 Sec. 3. G.S. 62-235 is repealed.

10 Sec. 4. G.S. 136-18 is amended by adding two new subdivisions to read:

11 "(33) The Department of Transportation is empowered and directed, from
12 time to time, to carefully examine into and inspect the condition of each
13 railroad, its equipment and facilities, in regard to the safety and
14 convenience of the public and the railroad employees. If the
15 Department finds any equipment or facilities to be unsafe, it shall at
16 once notify the railroad company and require the company to repair the
17 equipment or facilities.

18 (34) The Department of Transportation may conduct, in a manner consistent
19 with federal law, a program of accident prevention and public safety
20 covering all railroads and may investigate the cause of any railroad
21 accident. In order to facilitate this program, any railroad involved in an
22 accident that must be reported to the Federal Railroad Administration
23 shall also notify the Department of Transportation of the occurrence of
24 the accident."

25 Sec. 5. G.S. 62-236 is recodified as G.S. 136-20.1 and reads as rewritten:

26 **"§ ~~62-236.~~ 136-20.1. To require installation and maintenance of block system and**
27 **safety devices; automatic signals at railroad intersections.**

28 (a) ~~The Commission~~ Department of Transportation is empowered and directed to
29 require any railroad company to install and put in operation and maintain upon the whole
30 or any part of its road a block system of telegraphy or any other reasonable safety device,
31 but no railroad company shall be required to install a block system upon any part of its
32 road unless at least eight trains each way per day are operated on that part.

33 (b) ~~The Commission~~ Department of Transportation is empowered and directed to
34 require, when public safety demands, where two or more railroads cross each other at a
35 common grade, or any railroad crosses any stream or harbor by means of a bridge, to
36 install and maintain such a system of interlocking or automatic signals as will render it
37 safe for engines and trains to pass over such crossings or bridge without stopping, and to
38 apportion the cost of installation and maintenance between said railroads as may be just
39 and proper."

40 Sec. 6. The Secretary of Transportation shall study the provision of rail safety
41 inspection services in North Carolina by the State and the Federal Railroad
42 Administration and shall recommend to the General Assembly no later than June 1, 1997,
43 whether the State should continue to perform this service. The recommendation shall be

1 contained in a report filed with the President Pro Tempore of the Senate and the Speaker
2 of the House of Representatives.

3 Sec. 7. The Department of Transportation shall implement this act within
4 available funds.

5 Sec. 8. This act becomes effective July 1, 1996.