

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

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HOUSE BILL 155*

Short Title: Transfer Rail Safety.

(Public)

Sponsors: Representatives Stamey, Bowie, Fussell, H. Hunter, Luebke, Robinson, Daughtry; Bowman and McLawhorn.

Referred to: Public Utilities.

February 15, 1993

A BILL TO BE ENTITLED

AN ACT TO TRANSFER THE RAIL SAFETY SECTION FROM THE UTILITIES COMMISSION TO THE DEPARTMENT OF TRANSPORTATION.

The General Assembly of North Carolina enacts:

Section 1. The statutory authority, powers, duties, and functions, records, personnel, and property, including the functions of budgeting and purchasing, of the Rail Safety Section of the Transportation Division of the North Carolina Utilities Commission, is transferred to the Department of Transportation.

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

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

The Commission may conduct a program of accident prevention and public safety covering all public utilities with special emphasis on highway safety and transport safety and may investigate the causes of any accident on a ~~railroad or~~ highway involving a ~~public utility, or any accident in connection with any other~~ public utility. Any information obtained upon such investigation shall be reduced to writing and a report thereof filed in the office of the Commission, which shall be subject to public inspection but such report shall not be admissible in evidence in any civil or criminal proceeding arising from such accident. The Commission may adopt reasonable rules and regulations for the safety of the public as affected by public utilities and the safety of public utility employees. The Commission shall cooperate with and coordinate its activities for public utilities with similar programs of the Division of Motor Vehicles, the Insurance

1 Department, the Industrial Commission and other organizations engaged in the
2 promotion of highway safety and employee safety."

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 G.S. 62-235 is repealed.

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

5 "(30) The Department of Transportation is empowered and directed, from
6 time to time, to carefully examine into and inspect the condition of
7 each railroad, its equipment and facilities, in regard to the safety and
8 convenience of the public and the railroad employees. If the
9 Department finds any equipment or facilities to be unsafe, it shall at
10 once notify the railroad company and require the company to repair the
11 equipment or facilities.

12 (31) The Department of Transportation may conduct a program of accident
13 prevention and public safety covering all railroads and may investigate
14 the cause of any railroad accident. In order to facilitate this program,
15 any railroad involved in an accident that must be reported to the
16 Federal Railroad Administration shall also notify the Department of
17 Transportation of the occurrence of the accident."

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

19 **"§ 62.1 of block system and safety devices; automatic signals at railroad**
20 **intersections.**

21 (a) ~~The Commission is empowered and directed to~~ Department of Transportation
22 may require any railroad company to install and put in operation and maintain upon the
23 whole or any part of its road an appropriate system of railroad signals and controls, a
24 block signal system system of telegraphy or any other reasonable safety device, but no
25 railroad company shall be required to install a block system upon any part of its road
26 unless at least eight trains each way per day are operated on that part.

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

34 Sec. 6. The Department of Transportation shall implement the provisions of
35 this act within funds available.

36 Sec. 7. This act becomes effective July 1, 1993.