

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2021

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HOUSE BILL 438

Short Title: Maximum Freight Train Length. (Public)

Sponsors: Representatives Penny, Carter, and Clappitt (Primary Sponsors).  
*For a complete list of sponsors, refer to the North Carolina General Assembly web site.*

Referred to: Transportation, if favorable, Rules, Calendar, and Operations of the House

March 30, 2021

1 A BILL TO BE ENTITLED  
2 AN ACT TO REGULATE THE LENGTH OF RAILROAD TRAINS OPERATING ON A  
3 MAIN LINE OR BRANCH LINE.

4 The General Assembly of North Carolina enacts:

5 **SECTION 1.** Article 15 of Chapter 136 of the General Statutes is amended by adding  
6 a new section to read:

7 "**§ 136-199. Maximum freight train length.**

8 (a) No railroad operating within this State on any main line or any other line shall operate,  
9 or permit to be operated, any train that exceeds 8,500 feet in length.

10 (b) Any person who violates any requirement of this section shall be guilty of a Class I  
11 misdemeanor and assessed a fine as follows:

12 (1) For the first offense, a fine of not less than two hundred fifty dollars (\$250.00),  
13 nor more than one thousand dollars (\$1,000).

14 (2) For the second offense committed within three years of the first offense, a fine  
15 of not less than one thousand dollars (\$1,000), nor more than five thousand  
16 dollars (\$5,000).

17 (3) For the third and subsequent offenses committed within a three-year period, a  
18 fine of not less than five thousand dollars (\$5,000), nor more than ten thousand  
19 dollars (\$10,000).

20 (c) As used in this section, "main line" means any railroad, subject to the requirements  
21 of 49 C.F.R. § 217.7, over which 5,000,000 or more gross tons of goods are transported annually.  
22 Railroads operating only tourist, scenic, or historic excursions are not subject to the requirements  
23 of this section. "Train" means one or more locomotives coupled with or without cars requiring  
24 an air brake test as set forth in 49 C.F.R. §§ 232 and 238."

25 **SECTION 2.** This act becomes effective October 1, 2021.

