

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

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SENATE BILL 62\*

Short Title: Transfer Rail Safety.

(Public)

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Sponsors: Senators Lee, Martin of Pitt, Winner of Buncombe; Gulley and Seymour.

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Referred to: State Personnel and State Government.

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February 4, 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 Department, the Industrial Commission and other organizations engaged in the promotion of highway safety and employee safety."

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 G.S. 62-235 is repealed.

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

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

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

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

17       "~~§ 62~~**tof block system and safety devices; automatic signals at railroad**  
18       **intersections.**

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

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

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

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