

MAINE STATE LEGISLATURE

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EIGHTY - EIGHTH LEGISLATURE

Legislative Document

No. 688

H. P. 1564

House of Representatives, February 16, 1937.

Referred to Committee on Public Utilities. Sent up for concurrence and 1000 copies ordered printed.

HARVEY R. PEASE, Clerk.

Presented by Mr. Davis of Brownville.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
THIRTY-SEVEN

AN ACT to Promote the Safety of Railway Travel.

Be it enacted by the People of the State of Maine, as follows:

Sec. 1. Definitions. When used in this act and for the purposes of this act

The term "carrier" shall mean a common carrier by railroad, or partly by railroad and partly by water, and any receiver or any other individual or body, judicial or otherwise, when in possession of the business of carriers covered by this act, excluding street, suburban and interurban electric railways, unless operated as a part of a general railroad system of transportation.

The term "locomotive" means any self-propelled unit operated by any form of energy or power, whether produced thereon or furnished from any outside source, and adapted for use in moving cars upon rails or for the transportation of passengers and/or freight or property, except locomotive cranes, pile drivers, weed burners, and other self-propelled engines or machines not used for the transportation of passengers and/or freight or property for hire.

The term "light engine" means any locomotive operated without cars and not transporting passengers, freight or property.

The term "passenger train" means any self-propelled unit while transporting passengers or any locomotive with 1 or more cars constructed for the purpose of transporting passengers, baggage, mail, express or combination of either or any.

The term "freight train" means any train composed of 1 or more locomotives with 1 or more cars or other vehicles constructed for the purpose of transporting freight or other property not specifically referred to in the above definition of a passenger train.

The term "engineer" means a person who operates a locomotive and performs related work.

The term "fireman" means a person who fires a locomotive and/or assists an engineer in the performance of his duties as such.

The term "conductor" means a person having charge of the operation of a train en route, at stations and between stations; and who performs related work.

The term "brakeman" means a person who assists a conductor in the operation and protection of a train, and who performs related work.

The term "yard conductor" or "foreman" means a person whose duties are to supervise and assist in the work of switching and yard work train service, including supervision of the breaking up and making up of trains, and to perform related work.

The term "yard brakeman" or "helper" means a person whose duties are to couple, uncouple, and ride cars in connection with the breaking up and making up of trains; to handle switches; and to perform related work in connection with yard switching service.

The term "main track" means any continuous track over which trains operate through and between stations.

The term "competent employe" means;

(A) One who is able to read and understand the time tables of the carrier by whom he is employed, and read ordinary hand writing in the English language, and who is able to speak, hear and understand the English language, and to see, distinguish and understand the signals required by the book of rules of the carrier governing the operation of the locomotives and trains of such carrier. When defective sight can be remedied by the use of glasses or other means, such defective sight shall not thereby render an employe incompetent under this act.

(B) As applied to an engineer, one who in addition to being possessed of the qualifications prescribed in paragraph (A) hereof, shall have passed the regular examination prescribed by the carrier concerning rules and regulations governing the position of an engineer.

(C) As applied to a conductor, one who in addition to being possessed of the qualifications prescribed in paragraph (A) hereof, shall have passed the regular examination prescribed by the carrier concerning rules and regulations governing conductors.

(D) As applied to a fireman, a brakeman, or a yard brakeman or helper, one who, in addition to being possessed of the qualifications prescribed in paragraph (A) hereof, shall have passed the regular examination prescribed by the carrier concerning rules and regulations governing firemen, brakemen or yard brakemen or helpers.

(E) As applied to a yard conductor or foreman, one who, in addition to being possessed of the qualifications prescribed in paragraph (A) hereof, shall have passed a regular examination prescribed by the carrier concerning rules and regulations governing yard conductors or foremen.

Sec. 2. Number of employes. It shall be unlawful for any carrier to operate, or permit to be operated, any passenger train in the state of Maine consisting of less than 5 cars, unless said train shall be manned by a full crew of competent employes, which crew shall consist of not less than 1 engineer, 1 fireman, 1 conductor, and 1 brakeman. When any passenger train consists of 5 cars or more, any 1 or more of which carries passengers, or consisting of 10 or more cars none of which is carrying passengers, such passenger train shall be manned by 1 additional brakeman. No member of the crew shall be permitted or required to perform the duties of baggage-man and/or express messenger.

Sec. 3. Crew required for freight trains of less than 50 cars. It shall be unlawful for any carrier to operate, or permit to be operated, in the state of Maine, any freight train consisting of less than 50 cars, without a full crew of competent employes which crew shall consist of not less than 1 engineer, 1 fireman, 1 conductor and 2 brakemen.

Sec. 4. Requirements to operate a freight train of 50 cars or more. It shall be unlawful for any carrier to operate, or permit to be operated, in the state of Maine, any freight train consisting of 50 cars or more, without a full crew of competent employes, which crew shall consist of not less than 1 engineer, 1 fireman, 1 conductor, and 3 brakemen.

Sec. 5. Operation of local freight trains, regulated. It shall be unlawful for any carrier to operate, or permit to be operated, in the state of Maine, any local freight train doing any switching or unloading of any freight of any nature whatever, without a full crew of competent employes, which crew shall consist of not less than 1 engineer, 1 fireman, 1 conductor, and 3 brakemen.

Sec. 6. General provisions. All other trains not specifically referred to hereinbefore, shall be manned by a crew of not less than 1 engineer, 1 fireman, 1 conductor and 2 brakemen.

Sec. 7. Operation of locomotives, regulated. It shall be unlawful for any carrier to use, operate or permit any locomotive to be used or operated in any railroad yard, or on any railroad track, to handle or switch cars, or to transfer cars from one railroad to another, or from one railroad yard to another railroad yard, unless each and every such locomotive, while handling or switching cars shall be manned by a full crew of competent employes, which crew shall consist of not less than 1 engineer, 1 fireman, 1 yard conductor or foreman, and 2 brakemen or helpers. When any such locomotive is to be used or operated over or upon a highway or street within the corporate limits of a municipality, such locomotive shall be manned by 1 additional yard brakeman or helper. No such employe shall be detailed to more than 1 locomotive at the same time, or be assigned to any other service unless his place be filled by another competent employe, or the locomotive laid up while short-handed, except that in case of the sudden disability of a member of such crew through sickness, accident, or death, the carrier shall have 3 hours to replace such member, during which time such locomotive may be operated shorthanded.

Sec. 8. Operation of single locomotive. It shall be unlawful for any carrier to operate, or permit to be operated, on its main track, any single locomotive, unless said locomotive is manned by a full crew of competent employes, which crew shall consist of not less than 1 engineer, 1 fireman, 1 conductor or brakeman; provided, however, that where 2 or more locomotives are operated under their own power on any main track, and coupled together, there shall be provided a crew of 1 engineer and 1 fireman, for each locomotive, and in addition thereto, 1 conductor or brakeman.

Sec. 9. Operation of self-propelled engine or machine. It shall be unlawful for any carrier to operate as a locomotive or permit to be operated as a locomotive, on its main track, any self-propelled crane, pile-driver, wood-burner, or other self-propelled engine or machine not used for the transportation of passengers and/or freight or property for hire, which has sufficient power to draw or propel itself and 1 or more standard railroad cars, unless such engine or machine shall be manned by a full crew of competent employes consisting of not less than 1 engineer, 1 conductor and 1 brakeman.

Sec. 10. When member of crew disabled. In the case of the disability of a member of a full crew between terminals, the carrier shall have the right

to operate the locomotive or train short-handed until such locomotive or train arrives at the next terminal or other intermediate place on the line, where men of the same class as the person disabled are available, when such carrier shall fill the vacancy on such crew. This act shall not apply to relief or wrecking trains where sufficient men are not available.

Sec. 11. Penalty. Whoever violates any provision of this act shall be punished by a fine of not less than \$100, nor more than \$500.

Sec. 12. Public utilities commission to have power. It shall be the duty of the public utilities commission to execute and enforce the provisions of this act and all powers granted to such commission are hereby extended to it in the execution of this act.