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FISCAL IMPACT REPORT

SPONSOR Tallman/Padilla ORIGINAL DATE 3/09/17
LAST UPDATED _____ HB _____

SHORT TITLE Railroad Property Safety Inspections SB 421

ANALYST Martinez

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY17	FY18		
NFI	NFI	NFI	NFI

(Parenthesis () Indicate Expenditure Decreases)

Companion to Senate Bill 422.

SOURCES OF INFORMATION

LFC Files

Responses Received From

Department of Transportation (DOT)

Public Regulation Commission (PRC)

SUMMARY

Synopsis of Bill

Senate Bill 421 (SB 421) authorizes the collective bargaining representative for each craft of railroad worker, and the state director for each craft, to monitor the public safety practices and operations inspections of each railroad operating in New Mexico. Inspections may include taking photos and conducting examinations and investigations on railroad property to determine compliance with safety laws and rules and the presence of any safety hazard that may result in injury or death to a railroad employee. Noncompliance with safety laws and rules or the presence of a safety hazard shall be reported to the railroad and the Public Regulation Commission (PRC).

FISCAL IMPLICATIONS

SB 421 carries no appropriation. There are no fiscal implications for the Department of Transportation or the Public Regulation Commission.

SIGNIFICANT ISSUES

The PRC is a participant in the Federal Railroad Administration (“FRA”) - State Safety Participation Program. That program allows the State Agency having railroad safety jurisdiction under state law to participate in investigative and surveillance activities with respect to federal railroad safety laws, rules, orders, or standards. The FRA recognizes the PRC as the state agency in New Mexico having railroad safety jurisdiction. The PRC currently has two trainees in the program.

The PRC states that it is unclear whether federal railroad safety law allows railroad employees to conduct examinations and investigations on railroad property as SB 421 would allow.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

Companion to Senate Bill 422.

ALTERNATIVES

The Department of Transportation provided the following alternatives:

SB 421 could be modified to expressly limit the authority of collective bargaining units to monitor, inspect, and report on compliance with safety laws and regulations solely to the railroad the collective bargaining unit has an agreement with.

SB 421 could also be modified to expressly state the collective bargaining unit cannot make a final determination of compliance with safety laws and rules, e.g., (1) revise line 23 on page 1 of the bill by replacing the word “determine” with the word “document”; and (2) revise line 1 on page 2 of the bill by replacing the word “noncompliance” with the phrase “documentation of suspected noncompliance.”

Finally, SB 421 could also be modified to more clearly define what “examinations and investigations on railroad property” are permitted. This could include limitations on physical interference with railroad operations by collective bargaining unit representatives and protections against involuntary examinations of railroad documents by collective bargaining unit representatives that would ordinarily require a judge’s order.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Railroad operations and railroad safety enforcement in New Mexico would continue as they do presently.

JM/sb