
ASSEMBLY BILL NO. 140—ASSEMBLYMEN ANDERSON, SMITH,
PARKS, GIUNCHIGLIANI, OHRENSCHALL, ALLEN,
ARBERRY JR., ATKINSON, CARPENTER, CHRISTENSEN,
CLABORN, CONKLIN, GERHARDT, HOLCOMB,
KIRKPATRICK, KOIVISTO, LESLIE, MANENDO, MORTENSON,
OCEGUERA, PARNELL AND PIERCE

FEBRUARY 25, 2005

Referred to Committee on Transportation

SUMMARY—Enacts provisions relating to railroad accidents,
safety violations and injuries. (BDR 58-299)

FISCAL NOTE: Effect on Local Government: Increases or Newly
Provides for Term of Imprisonment in County or City
Jail or Detention Facility.
Effect on the State: No.

~

EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to railroads; requiring railroads to submit certain reports concerning railroad accidents; authorizing persons employed by railroads to report certain railroad accidents, safety violations and injuries; protecting those persons from harassment, intimidation and retaliatory actions for reporting such accidents, violations and injuries; prohibiting officers, managers, employees and agents of railroads from engaging in certain unlawful conduct relating to such accidents, violations and injuries; providing remedies and penalties; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Under existing state law, a railroad must report certain railroad accidents
2 occurring in this State to the Public Utilities Commission of Nevada. (NRS
3 704.190; NAC 704.235) Under the Federal Railroad Safety Act, a railroad must
4 also report certain railroad accidents occurring in this State and any injury or illness
5 related to such an accident to the Federal Railroad Administration. (49 U.S.C.
6 § 20901; 49 C.F.R. Part 225)

7 This bill requires a railroad to submit to the Commission a copy of any report
8 that it files with the Federal Railroad Administration concerning any railroad



9 accident which occurs in this State and any injury or illness related to such a
10 railroad accident.

11 This bill also permits a person employed by a railroad to report a railroad
12 accident, a violation of railroad safety or an injury related to railroad operations to
13 the Commission or to any other state or local officer or agency. If the railroad, or
14 any officer, manager, employee or agent of the railroad, discharges or in any way
15 retaliates or discriminates against the person for making such a report, this bill
16 allows the person to bring a civil action for damages and other legal and equitable
17 relief against the railroad and each responsible officer, manager, employee or agent.

18 Finally, this bill makes it unlawful for an officer, manager, employee or agent
19 of a railroad to: (1) harass or intimidate another person employed by the railroad
20 with the intent to discourage or prevent the person from reporting railroad
21 accidents, safety violations or injuries; (2) conceal, suppress or destroy evidence
22 with the intent to hinder, obstruct or prevent investigations concerning railroad
23 accidents, safety violations or injuries; or (3) discharge or in any way retaliate or
24 discriminate against another person employed by the railroad for reporting railroad
25 accidents, safety violations or injuries. This bill makes the penalty for such
26 unlawful acts a misdemeanor.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** Chapter 705 of NRS is hereby amended by adding
2 thereto a new section to read as follows:

3 *1. In addition to the reporting requirements set forth in NRS*
4 *704.190, any railroad company operating within this State shall*
5 *submit to the Public Utilities Commission of Nevada a copy of any*
6 *report that it files with the Federal Railroad Administration of the*
7 *United States Department of Transportation pursuant to the*
8 *Federal Railroad Safety Act, as amended, 49 U.S.C. §§ 20101 et*
9 *seq., concerning any railroad accident which occurs in this State*
10 *and any injury or illness related to such a railroad accident.*

11 *2. If a person employed by a railroad company operating*
12 *within this State is involved in, witnesses or has knowledge of a*
13 *railroad accident, a violation of railroad safety or an injury related*
14 *to railroad operations which occurs in this State, the person may*
15 *report the accident, violation or injury or otherwise furnish*
16 *information concerning the accident, violation or injury to the*
17 *Public Utilities Commission of Nevada or any other state or local*
18 *officer or agency.*

19 *3. In addition to any other remedy or penalty, if a railroad*
20 *company operating within this State, or any officer, manager,*
21 *employee or agent thereof, discharges or in any way retaliates or*
22 *discriminates against another person employed by the railroad*
23 *company because the person reported a railroad accident, a*
24 *violation of railroad safety or an injury related to railroad*



1 *operations which occurred in this State or otherwise furnished*
2 *information concerning the accident, violation or injury to any*
3 *federal, state or local officer or agency, the person may bring a*
4 *civil action against the railroad company, and each responsible*
5 *officer, manager, employee or agent thereof, for any or all of the*
6 *following relief:*

7 *(a) Any lost wages and benefits;*

8 *(b) An order of reinstatement without loss of position, seniority*
9 *or benefits;*

10 *(c) An additional amount, as statutory damages, which is*
11 *equal to the amount of any lost wages and benefits;*

12 *(d) Reasonable attorney's fees and costs; and*

13 *(e) Any other legal or equitable relief that the court deems*
14 *appropriate.*

15 *4. An officer, manager, employee or agent of a railroad*
16 *company operating within this State shall not knowingly:*

17 *(a) Harass or intimidate, or order, cause or aid in the*
18 *harassment or intimidation of, another person employed by*
19 *the railroad company with the intent to discourage or prevent the*
20 *person from reporting a railroad accident, a violation of railroad*
21 *safety or an injury related to railroad operations which occurs in*
22 *this State or from otherwise furnishing information concerning*
23 *the accident, violation or injury to any federal, state or local*
24 *officer or agency;*

25 *(b) Conceal, suppress or destroy, or order, cause or aid in the*
26 *concealment, suppression or destruction of, evidence concerning a*
27 *railroad accident, a violation of railroad safety or an injury related*
28 *to railroad operations which occurs in this State with the intent to*
29 *hinder, obstruct or prevent the investigation of the accident,*
30 *violation or injury by any federal, state or local officer or agency;*
31 *or*

32 *(c) Discharge or in any way retaliate or discriminate against*
33 *another person employed by the railroad company because the*
34 *person reported a railroad accident, a violation of railroad safety*
35 *or an injury related to railroad operations which occurred in this*
36 *State or otherwise furnished information concerning the accident,*
37 *violation or injury to any federal, state or local officer or agency.*

38 *5. An officer, manager, employee or agent of a railroad*
39 *company operating within this State who violates any provision of*
40 *subsection 4 is guilty of a misdemeanor.*

41 *6. The Public Utilities Commission of Nevada may adopt any*
42 *regulations necessary for the administration and enforcement of*
43 *this section.*



1 7. *As used in this section, "railroad accident" has the*
2 *meaning ascribed to the term "accident/incident" in 49 C.F.R.*
3 *§ 225.5.*

Ⓢ



* A B 1 4 0 *