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**SENATE BILL NO. 33**

Offered January 13, 2010

Prefiled January 4, 2010

A *BILL to amend the Code of Virginia by adding in Chapter 6 of Title 32.1 an article numbered 6.1, consisting of sections numbered 32.1-211.1, 32.1-211.2, and 32.1-211.3, and by adding a section numbered 56-129.2, relating to the health and safety of railroad maintenance-of-way employees and contractors; regulation of mobile camps and other facilities.*

Patron—Lucas

Referred to Committee on Commerce and Labor

**Be it enacted by the General Assembly of Virginia:**

**1. That the Code of Virginia is amended by adding in Chapter 6 of Title 32.1 an article numbered 6.1, consisting of sections numbered 32.1-211.1, 32.1-211.2, and 32.1-211.3, and by adding a section numbered 56-129.2 as follows:**

*Article 6.1.**Mobile Camps and Other Railway Work Facilities.**§ 32.1-211.1. Definitions.**As used in this article:*

*"Mobile camp" means a temporary location where railroad maintenance-of-way employees or contractors are housed in camp cars, sleeping cars, outfit cars, or trailers.*

*"Permanent assembly point" means a location where maintenance employees or contractors meet at the beginning and end of each work day.*

*§ 32.1-211.2. Duties of railroad companies.*

*A. Every railroad company operating within the Commonwealth shall provide and adequately maintain, for use by its employees, a heated room or rooms at all terminals and headquarters within the operating area of the railroad company. Every such room shall contain adequate wash basins, shower-baths, and inside toilets, and an adequate number of lockers for checking employees' clothing.*

*B. Every railroad company shall maintain at all permanent assembly points a supply of drinking water dispensed in a sanitary manner.*

*C. Every railroad company that houses maintenance-of-way employees or contractors in a mobile camp shall provide and adequately maintain camp cars, sleeping cars, outfit cars, or trailers for their use. Each camp car, sleeping car, outfit car, or trailer provided by the railroad company to house maintenance-of-way employees or contractors shall contain:*

*1. Heat and air conditioning;*

*2. An adequate number of wash basins, showers, and toilets;*

*3. An adequate number of lockers for checking employees' clothing and personal belongings;*

*4. An adequate supply of potable water dispensed in a sanitary manner for drinking, bathing, cooking, and cleaning cooking utensils;*

*5. Floor space of at least 80 square feet per occupant using single beds; and*

*6. A maximum of four occupants.*

*D. Every railroad company that houses maintenance-of-way employees or contractors shall:*

*1. Install and permanently wire, with battery backup, an emergency alert weather radio, smoke detector, and carbon monoxide detector in each camp car, sleeping car, outfit car, or trailer;*

*2. Install and display emergency evacuation instructions pertinent to the community where the mobile camp is located in each camp car, sleeping car, outfit car, or trailer; and*

*3. Install and display in each camp car, sleeping car, outfit car, or trailer emergency medical instructions apprising of the nearest medical facility to the community where the mobile camp is located.*

*E. Every railroad company that operates a commissary car or cook car, either at a mobile camp or alone, to prepare food for, or serve food to, maintenance-of-way employees or contractors shall ensure that:*

*1. The food handler is certified on any statewide standards applicable to the handling of food;*

*2. Food is served in accordance with applicable food handling guidelines;*

*3. Food that is not served immediately after being prepared is contained and stored in accordance with applicable food handling guidelines; and*

*4. Food that is transported to a location away from its place of preparation is transported in accordance with applicable food handling guidelines and other applicable state and local laws, codes, and regulations.*

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59 F. Every railroad company that houses maintenance-of-way employees or contractors in a mobile  
60 camp shall:

61 1. Notify the local health department with jurisdiction for the area in which the mobile camp is  
62 located of the existence of the mobile camp not later than two business days after employees arrive at  
63 the mobile camp;

64 2. Request and permit inspection by an authorized representative of the local health department to  
65 ensure the conditions of the mobile camp and camp cars are sanitary and healthful for the  
66 maintenance-of-way employees or contractors and the local community; and

67 3. Notify state and local health authorities immediately in the event of an outbreak or any report of  
68 a communicable or contagious disease, sickness, or illness, or of the release of any hazardous material  
69 or substance, occurring within the mobile camp or afflicting an employee or contractor at the mobile  
70 camp.

71 G. Every railroad company shall locate and maintain each of its mobile camps in a manner that  
72 provides a safe and healthy environment.

73 § 32.1-211.3. Regulations governing mobile camps; inspection fee.

74 A. The Board shall adopt regulations governing the sanitary conditions, operation, and facilities of  
75 mobile camps.

76 B. The regulations adopted under subsection A shall be enforced by the applicable local health  
77 department.

78 C. The regulations adopted under subsection A shall include:

79 1. A requirement for an inspection fee of \$75 for an occupant capacity of 50 individuals for an  
80 inspection of the sanitary conditions, operation, and facilities of a mobile camp;

81 2. A provision allowing a separate fee to be charged for each inspection, with an additional and  
82 equal fee being charged for additional occupants in increments of 50 occupants;

83 3. A provision that the inspection fee shall be paid to the local health department before initiation of  
84 the inspection; and

85 4. A provision authorizing officials of the local health department to conduct joint inspections of the  
86 mobile camp with the State Health Commissioner or a union representative of each craft of employees  
87 working for the railroad company that is the subject of the inspection, and a representative of the  
88 railroad company.

89 § 56-129.2. Enforcement of railroad facility health requirements.

90 A. Whenever the Commission obtains reliable information, receives a complaint, or as a result of  
91 reports made by the Commission's inspectors has reason to believe that a railroad company in the  
92 Commonwealth does not provide and adequately maintain facilities as required by § 32.1-211.2, the  
93 Commission shall investigate as it deems necessary. In conducting its investigation, the Commission  
94 shall conduct a hearing at which the railroad company and the employees affected shall be given the  
95 opportunity to present evidence regarding the provision and maintenance of required facilities, including  
96 the necessity and reasonableness of proposed changes or improvements to the facilities.

97 B. When an investigation required by subsection A is completed, the Commission shall report its  
98 findings to the manager or superintendent of the railroad company. The Commission's report shall state  
99 the time of any inspection made of the facilities and the location, character, and extent of any defects or  
100 omissions, if any are found, and shall include an order directing the railroad company to make  
101 reasonable changes and improvements, including any additions, buildings, and accommodations, that in  
102 the opinion of the Commission are necessary to remedy any failure by the railroad company to provide  
103 and adequately maintain facilities required by § 32.1-211.2. The order shall specify a reasonable time  
104 within which any recommended changes and improvements shall be made by the railroad company.

105 C. If any changes and improvements set forth in an order issued by the Commission under  
106 subsection B are not carried out within the time specified, then the Commission shall be authorized to  
107 commence proceedings pursuant to the Commission's Rules of Practice and Procedure to enforce  
108 compliance with its order. The Commission shall give priority to such proceedings and shall hear and  
109 determine such proceedings speedily to the end that the interests of the railroad company's employees  
110 and the public interest may not suffer.

111 2. That the Board of Health shall adopt regulations to implement the provisions of this act by  
112 January 1, 2011. Prior to the effective date of such regulations, the State Corporation Commission  
113 shall carry out the duties imposed upon it pursuant to this act under interim written guidelines  
114 approved by the State Health Commissioner. The authorization granted to the State Corporation  
115 Commission pursuant to this enactment shall expire upon the first to occur of (i) the effective date  
116 of the regulations adopted by the Board of Health or (ii) January 1, 2011.