

SENATE BILL 855

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5lr2861
CF HB 958

By: **Senators Ellis, Muse, Augustine, and Lam**

Introduced and read first time: January 28, 2025

Assigned to: Finance

A BILL ENTITLED

1 AN ACT concerning

2 **Railroads – Safety Requirements**
3 **(Maryland Railway Safety Act of 2025)**

4 FOR the purpose of establishing requirements and prohibitions related to the operation of
5 railroads in the State, including provisions related to the size of the crew, blocking
6 of railroad and highway grade crossings, the length of trains operating on a main or
7 branch line, wayside detectors, and investigations by railroad labor union
8 representatives; requiring the Commissioner of Labor and Industry to establish and
9 maintain a reporting system regarding the transportation of hazardous materials
10 and waste by rail in the State; and generally relating to safety requirements for
11 railroads.

12 BY adding to
13 Article – Labor and Employment
14 Section 5.5–110(e), (f), and (g), 5.5–110.1, 5.5–111.1, and 5.5–113.1
15 Annotated Code of Maryland
16 (2016 Replacement Volume and 2024 Supplement)

17 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
18 That the Laws of Maryland read as follows:

19 **Article – Labor and Employment**

20 5.5–110.

21 **(E) (1) THIS SUBSECTION APPLIES TO A TRAIN OR LIGHT ENGINE USED IN**
22 **CONNECTION WITH THE MOVEMENT OF RAILROAD FREIGHT.**

23 **(2) THIS SUBSECTION DOES NOT APPLY TO A TRAIN OR LIGHT ENGINE**
24 **USED IN CONNECTION WITH THE MOVEMENT OF RAILROAD FREIGHT INVOLVING:**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (I) HOSTLER SERVICE; OR

2 (II) UTILITY EMPLOYEES IN YARD SERVICE.

3 (3) A TRAIN OR LIGHT ENGINE USED IN CONNECTION WITH THE
4 MOVEMENT OF RAILROAD FREIGHT MAY NOT BE OPERATED IN THE STATE UNLESS
5 THE TRAIN OR LIGHT ENGINE HAS A CREW OF AT LEAST TWO INDIVIDUALS.

6 (4) (I) A PERSON WHO WILLFULLY VIOLATES THIS SUBSECTION IS
7 SUBJECT TO A CIVIL PENALTY ASSESSED BY THE COMMISSIONER OF:

8 1. EXCEPT AS PROVIDED IN ITEM 2 OF THIS
9 SUBPARAGRAPH, A FINE NOT TO EXCEED \$10,000; OR

10 2. IF THE PERSON PREVIOUSLY COMMITTED A WILLFUL
11 VIOLATION WITHIN THE IMMEDIATELY PRECEDING 3 YEARS, A FINE NOT TO EXCEED
12 \$25,000.

13 (II) NOTWITHSTANDING SUBPARAGRAPH (I) OF THIS
14 PARAGRAPH, A RAILROAD COMPANY SHALL BE SOLELY RESPONSIBLE FOR THE
15 ACTIONS OF ITS AGENTS OR EMPLOYEES WHO VIOLATE THIS SUBSECTION.

16 (F) (1) THIS SUBSECTION DOES NOT APPLY WITH RESPECT TO A
17 PASSENGER TRAIN WHILE THE TRAIN IS BOARDING OR DISCHARGING PASSENGERS.

18 (2) A RAILROAD COMPANY MAY NOT BLOCK A RAILROAD GRADE
19 CROSSING OR HIGHWAY GRADE CROSSING WITH A STANDING TRAIN FOR MORE THAN
20 5 MINUTES.

21 (3) A RAILROAD COMPANY THAT VIOLATES THIS SUBSECTION IS
22 SUBJECT TO A CIVIL FINE NOT EXCEEDING \$5,000 FOR EACH VIOLATION TO BE
23 ASSESSED BY THE COMMISSIONER.

24 (G) (1) A RAILROAD COMPANY MAY NOT OPERATE A FREIGHT OR WORK
25 TRAIN THAT EXCEEDS 8,500 FEET IN LENGTH ON A MAIN TRACK OR BRANCH LINE.

26 (2) A RAILROAD COMPANY THAT VIOLATES THIS SUBSECTION IS
27 SUBJECT TO A CIVIL FINE NOT EXCEEDING \$10,000 FOR EACH VIOLATION TO BE
28 ASSESSED BY THE COMMISSIONER.

29 5.5-110.1.

30 (A) THE COMMISSIONER SHALL ESTABLISH AND MAINTAIN A REPORTING

1 SYSTEM REGARDING THE TRANSPORTATION OF HAZARDOUS MATERIALS AND WASTE
2 BY RAIL IN THE STATE.

3 (B) (1) INFORMATION IN THE REPORTING SYSTEM MAY NOT BE
4 PROVIDED TO THE PUBLIC AND IS NOT SUBJECT TO DISCLOSURE UNDER THE
5 PUBLIC INFORMATION ACT.

6 (2) THE COMMISSIONER SHALL MAKE INFORMATION CONTAINED IN
7 THE REPORTING SYSTEM AVAILABLE TO:

8 (I) THE MARYLAND DEPARTMENT OF EMERGENCY
9 MANAGEMENT; AND

10 (II) THE FEDERAL EMERGENCY MANAGEMENT AGENCY.

11 5.5-111.1.

12 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
13 INDICATED.

14 (2) "EQUIPMENT DEFECT" MEANS:

15 (I) A HOT WHEEL;

16 (II) A HOT WHEEL BEARING;

17 (III) A DEFECTIVE WHEEL BEARING DETECTED THROUGH
18 ACOUSTICS;

19 (IV) DRAGGING EQUIPMENT;

20 (V) EXCESSIVE TRAIN CAR HEIGHT OR WEIGHT;

21 (VI) A SHIFTED LOAD;

22 (VII) A LOW AIR HOSE;

23 (VIII) A RAIL TEMPERATURE DEFECT; OR

24 (IX) A WHEEL CONDITION DEFECT.

25 (3) "WAYSIDE DETECTOR SYSTEM" MEANS AN ELECTRONIC DEVICE
26 OR A SERIES OF CONNECTED OR NETWORKED DEVICES THAT SCAN PASSING TRAINS,

1 ROLLING STOCK, AND ON-TRACK EQUIPMENT FOR DEFECTS.

2 (B) THIS SECTION APPLIES ONLY TO A RAILROAD COMPANY THAT OWNS OR
3 IS OTHERWISE RESPONSIBLE FOR A RAILROAD TRACK THAT THE FEDERAL
4 RAILROAD ADMINISTRATION HAS DESIGNATED CLASS IV OR GREATER.

5 (C) (1) EACH RAILROAD COMPANY SHALL INSTALL A WAYSIDE DETECTOR
6 SYSTEM ON RAILROAD TRACKS OWNED OR OTHERWISE UNDER THE RESPONSIBILITY
7 OF THE RAILROAD COMPANY THAT THE FEDERAL RAILROAD ADMINISTRATION HAS
8 DESIGNATED CLASS IV OR GREATER.

9 (2) (I) EACH RAILROAD COMPANY SHALL INSTALL, MAINTAIN,
10 REPAIR, AND OPERATE EACH WAYSIDE DETECTOR SYSTEM IN ACCORDANCE WITH
11 ALL APPLICABLE GUIDELINES AND REGULATIONS ADOPTED BY THE FEDERAL
12 DEPARTMENT OF TRANSPORTATION.

13 (II) A RAILROAD COMPANY SHALL REMOVE AND REPLACE AN
14 EXPIRED, BROKEN, OR OBSOLETE WAYSIDE DETECTOR SYSTEM OR PART OF A
15 WAYSIDE DETECTOR SYSTEM.

16 (III) A RAILROAD COMPANY SHALL PLACE EACH WAYSIDE
17 DETECTOR SYSTEM AT AN APPROPRIATE DISTANCE, AS DETERMINED BY THE
18 COMMISSIONER, FROM OTHER WAYSIDE DETECTOR SYSTEMS AND AT A LOCATION
19 THAT WILL ALLOW A TRAIN OPERATOR SUFFICIENT TIME TO:

20 1. RESPOND TO AN ALERT RECEIVED FROM THE
21 WAYSIDE DETECTOR SYSTEM;

22 2. IF NECESSARY, STOP THE TRAIN, ROLLING STOCK, OR
23 ON-TRACK EQUIPMENT; AND

24 3. IF NECESSARY, MAKE REPAIRS OR REMOVE
25 EQUIPMENT THAT IS FOUND BY THE TRAIN OPERATOR TO BE DEFECTIVE.

26 (3) (I) EACH RAILROAD COMPANY SHALL ESTABLISH WRITTEN
27 POLICIES AND TRAINING REQUIREMENTS FOR THE RAILROAD COMPANY'S
28 EMPLOYEES FOR:

29 1. MONITORING FOR ALERTS FROM WAYSIDE DETECTOR
30 SYSTEMS; AND

31 2. RESPONDING TO ALERTS RECEIVED FROM WAYSIDE
32 DETECTOR SYSTEMS.

(II) A RAILROAD COMPANY SHALL MONITOR THE RESPONSE OF THE RAILROAD COMPANY'S EMPLOYEES TO ALERTS RECEIVED FROM WAYSIDE DETECTOR SYSTEMS AND TAKE APPROPRIATE ACTIONS IF AN EMPLOYEE FAILS TO TAKE THE REQUIRED COURSE OF ACTION.

(D) THE COMMISSIONER SHALL ESTABLISH A PROCESS FOR CERTIFYING THAT EACH RAILROAD COMPANY HAS INSTALLED WAYSIDE DETECTOR SYSTEMS ON TRACKS IN THE STATE AS REQUIRED UNDER SUBSECTION (C) OF THIS SECTION.

(E) (1) THE COMMISSIONER SHALL INVESTIGATE ALLEGED VIOLATIONS OF THIS SECTION.

(2) (I) IF THE COMMISSIONER DETERMINES THAT A RAILROAD COMPANY HAS VIOLATED THIS SECTION OR VIOLATED REGULATIONS ADOPTED BY THE COMMISSIONER UNDER THIS SECTION, THE COMMISSIONER SHALL ISSUE A WRITTEN REPORT TO THE RAILROAD COMPANY:

1. DETAILING THE REASONS FOR FINDING THAT A VIOLATION HAS OCCURRED; AND

2. ORDERING THE RAILROAD COMPANY TO CORRECT THE VIOLATION WITHIN 60 DAYS AFTER THE REPORT IS ISSUED.

(II) IF THE COMMISSIONER ISSUES A REPORT UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH, THE COMMISSIONER SHALL SUBMIT THE REPORT TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2-1257 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY.

(F) (1) A RAILROAD COMPANY THAT FAILS TO CORRECT A VIOLATION WITHIN 60 DAYS AFTER ISSUANCE OF A REPORT BY THE COMMISSIONER UNDER SUBSECTION (E) OF THIS SECTION IS SUBJECT TO A CIVIL FINE NOT EXCEEDING \$10,000 TO BE ASSESSED BY THE COMMISSIONER.

(2) EACH DAY THAT THE PERSON FAILS TO CORRECT A VIOLATION AFTER THE 60-DAY PERIOD SHALL CONSTITUTE A SEPARATE VIOLATION.

(G) THE COMMISSIONER SHALL ADOPT REGULATIONS TO CARRY OUT THIS SECTION.

5.5-113.1.

(A) IN THIS SECTION, "AUTHORIZED RAILROAD UNION REPRESENTATIVE"

1 MEANS AN INDIVIDUAL SELECTED BY THE HEAD OF A LABOR UNION WHOSE
2 MEMBERS ARE EMPLOYED TO WORK IN THE STATE BY A RAILROAD COMPANY.

3 (B) (1) A RAILROAD COMPANY SHALL ALLOW AUTHORIZED RAILROAD
4 UNION REPRESENTATIVES FOR EACH UNION REPRESENTING THE RAILROAD
5 COMPANY'S EMPLOYEES REASONABLE ACCESS TO ALL PROPERTY OWNED OR
6 LEASED BY THE RAILROAD COMPANY FOR THE PURPOSE OF INVESTIGATING:

7 (I) VIOLATIONS OF FEDERAL OR STATE LAWS AND
8 REGULATIONS; AND

9 (II) SAFETY HAZARDS THAT MAY RESULT IN INJURY OR DEATH
10 TO A RAILROAD EMPLOYEE OR BE CONSIDERED A THREAT TO PUBLIC SAFETY.

11 (2) IF AN AUTHORIZED RAILROAD UNION REPRESENTATIVE IS
12 CONDUCTING AN INVESTIGATION DESCRIBED UNDER PARAGRAPH (1) OF THIS
13 SUBSECTION, THE RAILROAD COMPANY:

14 (I) SHALL ALLOW THE AUTHORIZED RAILROAD UNION
15 REPRESENTATIVE TO TAKE PHOTOGRAPHS AND INVESTIGATE RAILROAD PROPERTY
16 TO THE EXTENT NECESSARY TO ENSURE COMPLIANCE WITH FEDERAL AND STATE
17 LAWS AND REGULATIONS; AND

18 (II) MAY NOT ALLEGE THAT THE AUTHORIZED RAILROAD UNION
19 REPRESENTATIVE IS TRESPASSING ON RAILROAD PROPERTY.

20 (3) A RAILROAD COMPANY SHALL BE SOLELY RESPONSIBLE FOR THE
21 ACTIONS OF ITS AGENTS OR EMPLOYEES WHO VIOLATE THIS SUBSECTION.

22 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
23 October 1, 2025.