

SENATE BILL 1060

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CF 4lr3071

By: **Senators Ellis and Augustine**

Introduced and read first time: February 2, 2024

Assigned to: Finance

A BILL ENTITLED

1 AN ACT concerning

2 **Railroads – Safety Requirements**
3 **(Maryland Railway Safety Act of 2024)**

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, the
6 blocking of highway grade crossings, wayside detectors, and investigations by
7 railroad labor union representatives; requiring the Commission of Labor and
8 Industry to establish and maintain a database regarding the transportation of
9 hazardous materials and waste by rail in the State; and generally relating to safety
10 requirements for railroads.

11 BY adding to
12 Article – Labor and Employment
13 Section 5.5–110(e), 5.5–110.1, 5.5–110.2, 5.5–111.1, and 5.5–113.1
14 Annotated Code of Maryland
15 (2016 Replacement Volume and 2023 Supplement)

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

18 **Article – Labor and Employment**

19 5.5–110.

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

22 **(2) THIS SUBSECTION DOES NOT APPLY TO A TRAIN OR LIGHT ENGINE**
23 **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.



(I) HOSTLER SERVICE; OR

(II) UTILITY EMPLOYEES IN YARD SERVICE.

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

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

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

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

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

5.5-110.1.

(A) THE COMMISSIONER SHALL ESTABLISH AND MAINTAIN A DATABASE REGARDING THE TRANSPORTATION OF HAZARDOUS MATERIALS AND WASTE BY RAIL IN THE STATE.

(B) (1) INFORMATION IN THE DATABASE MAY NOT BE PROVIDED TO THE PUBLIC AND IS NOT SUBJECT TO DISCLOSURE UNDER THE PUBLIC INFORMATION ACT.

(2) THE COMMISSIONER SHALL MAKE INFORMATION CONTAINED IN THE DATABASE AVAILABLE TO:

(I) THE MARYLAND DEPARTMENT OF EMERGENCY MANAGEMENT; AND

(II) THE FEDERAL EMERGENCY MANAGEMENT AGENCY.

(C) THE COMMISSIONER SHALL ADOPT REGULATIONS TO CARRY OUT THIS SECTION, INCLUDING REGULATIONS:

(1) DEFINING THE SUBSTANCES THAT CONSTITUTE HAZARDOUS

1 MATERIALS AND HAZARDOUS WASTE; AND

2 (2) ESTABLISHING THE MANNER IN WHICH RAILROAD COMPANIES
3 ARE REQUIRED TO REPORT INFORMATION REGARDING THE TRANSPORT OF
4 HAZARDOUS MATERIALS AND HAZARDOUS WASTE TO THE COMMISSIONER FOR
5 INCLUSION IN THE DATABASE UNDER THIS SECTION.

6 5.5-110.2.

7 (A) (1) AN OPERATOR OF A TRAIN MAY NOT BLOCK A HIGHWAY GRADE
8 CROSSING FOR MORE THAN 5 MINUTES WHILE THE TRAIN IS STANDING, UNLESS THE
9 TRAIN IS A PASSENGER TRAIN AND IS BOARDING OR DISCHARGING PASSENGERS.

10 (2) A PERSON WHO VIOLATES PARAGRAPH (1) OF THIS SUBSECTION
11 IS SUBJECT TO A CIVIL FINE NOT EXCEEDING \$5,000 PER VIOLATION TO BE
12 ASSESSED BY THE COMMISSIONER.

13 (B) (1) A RAILROAD COMPANY MAY NOT OPERATE A TRAIN THAT IS A
14 FREIGHT TRAIN OR A WORK TRAIN THAT EXCEEDS 8,500 FEET IN LENGTH ON ANY
15 PART OF A MAIN TRACK OR A BRANCH LINE.

16 (2) A PERSON WHO VIOLATES PARAGRAPH (1) OF THIS SUBSECTION
17 IS SUBJECT TO A CIVIL FINE NOT EXCEEDING \$10,000 PER VIOLATION TO BE
18 ASSESSED BY THE COMMISSIONER.

19 5.5-111.1.

20 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
21 INDICATED.

22 (2) "EQUIPMENT DEFECT" MEANS:

23 (I) A HOT WHEEL;

24 (II) A HOT WHEEL BEARING;

25 (III) A WHEEL BEARING THAT SHOWS OR OTHERWISE INDICATES
26 SIGNS OF FAILING;

27 (IV) DRAGGING EQUIPMENT;

28 (V) EXCESSIVE TRAIN CAR HEIGHT OR WEIGHT;

(VI) A SHIFTED LOAD;

(VII) A LOW AIR HOSE;

(VIII) A RAIL TEMPERATURE DEFECT; OR

(IX) A WHEEL CONDITION DEFECT.

(3) (I) "WAYSIDE DETECTOR SYSTEM" MEANS AN ELECTRONIC DEVICE OR A SERIES OF CONNECTED OR NETWORKED DEVICES THAT SCAN PASSING TRAINS, ROLLING STOCK, AND ON-TRACK EQUIPMENT FOR DEFECTS AND IMMEDIATELY TRANSMIT AN ALERT INDICATING THE DETECTION OF THE DEFECT TO THE OPERATOR OF THE TRAIN, ROLLING STOCK, OR ON-TRACK EQUIPMENT.

(II) "WAYSIDE DETECTOR SYSTEM" INCLUDES DEVICES CAPABLE OF:

1. TEMPERATURE DETECTION;
2. ACOUSTIC DETECTION;
3. DRAGGING EQUIPMENT DETECTION;
4. IMPACT DETECTION; AND
5. OPTICAL MONITORING.

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

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

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

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

1 WAYSIDE DETECTOR SYSTEM.

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

6 1. RESPOND TO AN ALERT RECEIVED FROM THE
7 WAYSIDE DETECTOR SYSTEM;

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

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

12 (3) (I) EACH RAILROAD COMPANY SHALL ESTABLISH WRITTEN
13 POLICIES AND TRAINING REQUIREMENTS FOR THE RAILROAD COMPANY'S
14 EMPLOYEES FOR:

15 1. MONITORING FOR ALERTS FROM WAYSIDE DETECTOR
16 SYSTEMS;

17 2. RESPONDING TO ALERTS RECEIVED FROM WAYSIDE
18 DETECTOR SYSTEMS; AND

19 3. ADDRESSING DEFECTS.

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

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

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

29 (2) (I) IF THE COMMISSIONER DETERMINES THAT A RAILROAD
30 COMPANY HAS VIOLATED THIS SECTION OR VIOLATED REGULATIONS ADOPTED BY
31 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" MEANS AN INDIVIDUAL SELECTED BY THE HEAD OF A LABOR UNION WHOSE MEMBERS ARE EMPLOYED TO WORK IN THE STATE BY A RAILROAD COMPANY.

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

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

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

(2) IF AN AUTHORIZED RAILROAD UNION REPRESENTATIVE IS CONDUCTING AN INVESTIGATION DESCRIBED UNDER PARAGRAPH (1) OF THIS

1 SUBSECTION, THE RAILROAD COMPANY:

2 (I) SHALL ALLOW THE AUTHORIZED RAILROAD UNION
3 REPRESENTATIVE TO TAKE PHOTOGRAPHS AND INVESTIGATE RAILROAD PROPERTY
4 TO THE EXTENT NECESSARY TO ENSURE COMPLIANCE WITH FEDERAL AND STATE
5 LAWS AND REGULATIONS; AND

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

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

10 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
11 October 1, 2024.