

HOUSE BILL 1446

K3

4lr3071
CF SB 1060

By: **Delegate Stein**

Introduced and read first time: February 9, 2024

Assigned to: Environment and Transportation

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

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

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

17 **Article – Labor and Employment**

18 5.5–110.

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

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

23 **(I) HOSTLER SERVICE; OR**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



(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 MATERIALS AND HAZARDOUS WASTE; AND

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

5.5-111.1.

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

(2) "EQUIPMENT DEFECT" MEANS:

(I) A HOT WHEEL;

(II) A HOT WHEEL BEARING;

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

(IV) DRAGGING EQUIPMENT;

(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 WAYSIDE DETECTOR SYSTEM.

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

1. RESPOND TO AN ALERT RECEIVED FROM THE WAYSIDE DETECTOR SYSTEM;
2. IF NECESSARY, STOP THE TRAIN, ROLLING STOCK, OR ON-TRACK EQUIPMENT; AND
3. IF NECESSARY, MAKE REPAIRS OR REMOVE EQUIPMENT THAT IS FOUND BY THE TRAIN OPERATOR TO BE DEFECTIVE.

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

1 1. MONITORING FOR ALERTS FROM WAYSIDE DETECTOR
2 SYSTEMS;

3 2. RESPONDING TO ALERTS RECEIVED FROM WAYSIDE
4 DETECTOR SYSTEMS; AND

5 3. ADDRESSING DEFECTS.

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

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

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

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

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

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

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

27 (F) (1) A RAILROAD COMPANY THAT FAILS TO CORRECT A VIOLATION
28 WITHIN 60 DAYS AFTER ISSUANCE OF A REPORT BY THE COMMISSIONER UNDER
29 SUBSECTION (E) OF THIS SECTION IS SUBJECT TO A CIVIL FINE NOT EXCEEDING
30 \$10,000 TO BE ASSESSED BY THE COMMISSIONER.

31 (2) EACH DAY THAT THE PERSON FAILS TO CORRECT A VIOLATION

1 AFTER THE 60-DAY PERIOD SHALL CONSTITUTE A SEPARATE VIOLATION.

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

4 5.5-113.1.

5 (A) IN THIS SECTION, "AUTHORIZED RAILROAD UNION REPRESENTATIVE"
6 MEANS AN INDIVIDUAL SELECTED BY THE HEAD OF A LABOR UNION WHOSE
7 MEMBERS ARE EMPLOYED TO WORK IN THE STATE BY A RAILROAD COMPANY.

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

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

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

16 (2) IF AN AUTHORIZED RAILROAD UNION REPRESENTATIVE IS
17 CONDUCTING AN INVESTIGATION DESCRIBED UNDER PARAGRAPH (1) OF THIS
18 SUBSECTION, THE RAILROAD COMPANY:

19 (I) SHALL ALLOW THE AUTHORIZED RAILROAD UNION
20 REPRESENTATIVE TO TAKE PHOTOGRAPHS AND INVESTIGATE RAILROAD PROPERTY
21 TO THE EXTENT NECESSARY TO ENSURE COMPLIANCE WITH FEDERAL AND STATE
22 LAWS AND REGULATIONS; AND

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

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

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