

HOUSE BILL 492

K3
HB 66/19 – ENT

1lr1974

By: **Delegate Stein**

Introduced and read first time: January 15, 2021

Assigned to: Environment and Transportation

Committee Report: Favorable

House action: Adopted

Read second time: February 11, 2021

CHAPTER _____

1 AN ACT concerning

2 **Railroad Company – Movement of Freight – Required Crew**

3 FOR the purpose of prohibiting a train or light engine used in connection with the
4 movement of freight from being operated in the State unless it has a certain number
5 of crew members; establishing certain penalties; prohibiting a county or municipal
6 corporation from enacting and enforcing more stringent measures regarding certain
7 crew requirements; requiring the Commissioner of Labor and Industry to provide
8 certain notice to the Department of Legislative Services under certain
9 circumstances; providing for the application of this Act; providing for the termination
10 of this Act under certain circumstances; and generally relating to the crew for a train
11 or light engine used in connection with the movement of freight.

12 BY adding to

13 Article – Labor and Employment

14 Section 5.5–110(e)

15 Annotated Code of Maryland

16 (2016 Replacement Volume and 2020 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.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



(E) (1) THIS SUBSECTION APPLIES TO A TRAIN OR LIGHT ENGINE USED IN CONNECTION WITH THE MOVEMENT OF RAILROAD FREIGHT THAT SHARES THE SAME RAIL CORRIDOR AS A HIGH-SPEED PASSENGER OR COMMUTER TRAIN.

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

(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 GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO:

1. FOR A FIRST OFFENSE, A FINE OF \$500; AND

2. FOR A SECOND OFFENSE AND ANY SUBSEQUENT OFFENSE COMMITTED WITHIN A PERIOD OF 3 YEARS OF THE SECOND OFFENSE, A FINE OF \$1,000 FOR EACH OFFENSE.

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

(5) A COUNTY OR MUNICIPAL CORPORATION MAY NOT ENACT AND ENFORCE MORE STRINGENT MEASURES REGARDING THE CREW REQUIREMENTS AUTHORIZED UNDER THIS SUBSECTION.

SECTION 2. AND BE IT FURTHER ENACTED, That, if the Federal Railroad Administration issues a rule requiring two-person train crews on crude oil trains and establishing minimum crew size standards for most main-line freight and passenger rail operations, within 5 days after the issuance of the rule, the Commissioner of Labor and Industry shall notify the Department of Legislative Services. On the date the Department of Legislative Services receives the notification, this Act shall be abrogated and of no further force and effect.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2021.