
By: **Delegate Giannetti**

Introduced and read first time: February 11, 2000

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Railroads - At-Grade Highway Crossings - Safety Equipment**

3 FOR the purpose of requiring a Class 1 railroad company that operates across a
4 public highway to erect at the crossing certain warning devices and safety gates;
5 establishing the fine for each day that certain railroad companies fail to comply
6 with certain requirements relating to the placement of certain safety devices at
7 certain railroad crossings; clarifying that a railroad company is not required to
8 obtain the approval of the Secretary of Transportation to change the safety
9 equipment at an at-grade railroad crossing as necessary to comply with this Act;
10 making technical and stylistic changes; clarifying language; and generally
11 relating to the required safety equipment at certain railroad crossings.

12 BY repealing and reenacting, with amendments,
13 Article - Public Utility Companies
14 Section 9-311
15 Annotated Code of Maryland
16 (1998 Volume and 1999 Supplement)

17 BY repealing and reenacting, without amendments,
18 Article - Public Utility Companies
19 Section 9-312 and 9-313
20 Annotated Code of Maryland
21 (1998 Volume and 1999 Supplement)

22 BY repealing and reenacting, with amendments,
23 Article - Transportation
24 Section 8-639
25 Annotated Code of Maryland
26 (1993 Replacement Volume and 1999 Supplement)

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

1 **Article - Public Utility Companies**

2 9-311.

3 (a) (1) [At] EXCEPT AS PROVIDED IN SUBSECTION (D) OF THIS SECTION, AT
4 least 30 days before making a determination, the local governing body of a county
5 shall notify a railroad company that the county will consider the need to protect a
6 railroad crossing over a public highway if:

7 (i) the crossing is in the county but outside of a municipal
8 corporation;

9 (ii) the crossing is at grade; and

10 (iii) the highway is believed to be of a character as to render
11 dangerous the passage of locomotives and trains on it.

12 (2) A county shall give the notice by serving written notice on the
13 superintendent or other agent of the railroad company in the county.

14 (3) After the 30-day period, the local governing body of a county may
15 determine that protection is necessary at the crossing.

16 (4) The county shall notify the railroad company through its
17 superintendent or ticket agent in the county that, within 60 days, the railroad
18 company shall:

19 (i) place a flagman or a system of electric alarm bells at the
20 crossing to give timely notice to all persons using the crossing of the approach of
21 trains;

22 (ii) erect safety gates at the crossing that shall be closed not less
23 than one-half minute before the passage and during the passage of a train; or

24 (iii) change the at grade crossing to an undergrade or overgrade
25 crossing.

26 (b) If a railroad company does not comply with the requirements of a county
27 under subsection (a)(4) of this section, the railroad company is subject to a fine of \$25
28 per day for each day that the company is not in compliance.

29 (c) (1) As other fines are collected, the local governing body of a county shall
30 enforce the payment of fines imposed by subsection (b) of this section in the circuit
31 court for the county.

32 (2) The State's Attorney of the county shall prosecute VIOLATIONS under
33 this subsection when the local governing body of the county so directs.

34 (D) (1) AT EACH AT-GRADE RAILROAD CROSSING OF A CLASS 1 RAILROAD
35 ACROSS A PUBLIC HIGHWAY, THE RAILROAD COMPANY SHALL:

1 (A) PLACE A SYSTEM OF FLASHING LIGHTS AND ALARM BELLS TO
2 GIVE TIMELY NOTICE TO ALL PERSONS USING THE CROSSING OF THE APPROACH OF
3 TRAINS; AND

4 (B) ERECT SAFETY GATES AT THE CROSSING THAT SHALL BE
5 CLOSED NOT LESS THAN ONE-HALF MINUTE BEFORE THE PASSAGE AND DURING
6 THE PASSAGE OF THE TRAIN.

7 (2) A CLASS 1 RAILROAD COMPANY THAT DOES NOT COMPLY WITH
8 REQUIREMENTS OF SUBSECTION (D)(1) OF THIS SECTION IS SUBJECT TO A FINE OF
9 \$100 PER DAY FOR EACH DAY THE COMPANY IS NOT IN COMPLIANCE.

10 (3) AS OTHER FINES ARE COLLECTED, THE LOCAL GOVERNING BODY OF
11 A COUNTY SHALL ENFORCE THE PAYMENT OF FINES IMPOSED BY SUBSECTION (D)(2)
12 OF THIS SECTION THE CIRCUIT COURT FOR THE COUNTY.

13 (4) THE STATE'S ATTORNEY OF THE COUNTY SHALL PROSECUTE
14 VIOLATIONS UNDER THIS SUBSECTION.

15 9-312.

16 (a) Each safety gate at a grade crossing in the State shall have reflectors of
17 sufficient size to ensure visibility at night.

18 (b) The Secretary of Transportation shall adopt regulations to carry out this
19 section.

20 (c) A railroad company that does not comply with an order of the Secretary of
21 Transportation to provide or maintain reflectors under this section is subject to a fine
22 of \$100 per day for each day that the company is not in compliance.

23 9-313.

24 (a) At each place where its tracks cross a public highway, a Maryland railroad
25 company shall erect signs high enough to allow all vehicles to pass and with large and
26 distinct letters that warn of the proximity of the railroad crossing and of the necessity
27 to look for trains.

28 (b) A Maryland railroad company that neglects or refuses to comply with the
29 requirements of this section is liable for any resulting injuries to individuals or
30 damages to property.

31 **Article - Transportation**

32 8-639.

33 (a) Unless approved by the Secretary on application to [him] THE
34 SECRETARY, and notwithstanding any other statute to the contrary:

35 (1) Except for an industrial track spur or siding, a railroad may not:

1 (i) Construct, reconstruct, improve, widen, relocate, or otherwise
2 alter a railroad grade crossing over a State, county, or municipal highway, except in
3 Baltimore City, or over a private road; or

4 (ii) [Change] EXCEPT AS NECESSARY TO COMPLY WITH § 9-311 OF
5 THE PUBLIC UTILITY COMPANIES ARTICLE, CHANGE the crossing protection
6 equipment at such a crossing; and

7 (2) A person may not:

8 (i) Construct, reconstruct, improve, widen, relocate, or otherwise
9 alter either a railroad grade crossing over a public highway or a private road over a
10 railroad; or

11 (ii) [Change] EXCEPT AS NECESSARY TO COMPLY WITH § 9-311 OF
12 THE PUBLIC UTILITY COMPANIES ARTICLE, CHANGE the crossing protection
13 equipment at such a crossing.

14 (b) (1) The Secretary has authority, subject to the provisions of Division II of
15 the State Finance and Procurement Article, to approve the construction or
16 modification of a railroad grade crossing or a change of crossing protection equipment
17 and to impose conditions necessary to insure public safety at the crossing.

18 (2) No other approval, safety condition, or protective measure may be
19 required by any public authority.

20 (c) When an application is made to the Secretary for approval of the
21 construction or modification of a railroad grade crossing or a change of crossing
22 protection equipment, the Secretary, after notice to all parties in interest, including
23 adjacent property owners, shall hold a hearing on the matter if:

24 (1) The Secretary considers a hearing to be necessary;

25 (2) A hearing is requested by any party in interest; or

26 (3) The proposed change would diminish or discontinue any crossing
27 protection.

28 (d) With any technical advice from the Administration that the Secretary
29 considers necessary, the Secretary may:

30 (1) Approve or disapprove the application; and

31 (2) Impose on the person initiating the crossing project, under uniform
32 standards and regulations, any condition necessary to insure public safety at the
33 crossing, including a requirement for the installation of, payment for, and
34 maintenance of crossing protection equipment.

1 (e) For purposes of this section, the conversion of a private road grade crossing
2 into a public highway grade crossing is a projection of a public highway over the
3 railroad by the public authority taking jurisdiction of the private road.

4 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
5 October 1, 2000.