

SENATE BILL 275

C5

6lr2142
CF HB 92

By: **Senators Feldman, Astle, Kelley, ~~and Klausmeier~~ Klausmeier, Middleton, and Mathias**

Introduced and read first time: January 22, 2016

Assigned to: Finance

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 10, 2016

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; providing for the application of this Act; establishing certain
6 penalties; prohibiting a county or municipal corporation from enacting and enforcing
7 more stringent measures regarding certain crew requirements; requiring the
8 Commissioner of Labor and Industry to provide certain notice to the Department of
9 Legislative Services under certain circumstances; providing for the abrogation of this
10 Act under certain circumstances; and generally relating to the crew for a train or
11 light engine used in connection with the movement of freight.

12 ~~BY adding to~~
13 ~~Article – Public Utilities~~
14 ~~Section 9-404~~
15 ~~Annotated Code of Maryland~~
16 ~~(2010 Replacement Volume and 2015 Supplement)~~

17 BY adding to
18 Article – Labor and Employment
19 Section 5.5-110(e)
20 Annotated Code of Maryland
21 (2008 Replacement Volume and 2015 Supplement)

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.



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

Article – ~~Public Utilities~~ Labor and Employment

~~9-404.~~ 5.5-110.

~~(A)~~ **(E) (1) THIS SECTION 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 SECTION DOES NOT APPLY TO A TRAIN OR LIGHT ENGINE USED IN CONNECTION WITH THE MOVEMENT OF RAILROAD FREIGHT INVOLVING:

~~(1)~~ **(I) HOSTLER SERVICE; OR**

~~(2)~~ **(II) UTILITY EMPLOYEES IN YARD SERVICE.**

~~(B)~~ **(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.**

~~(C)~~ **(4) A PERSON WHO WILLFULLY VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO:**

~~(1)~~ **(I) FOR A FIRST OFFENSE, A FINE OF \$500; AND**

~~(2)~~ **(II) 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.**

(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 such notification, this Act shall be abrogated and of no further force and effect.

SECTION ~~2.~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2016.