

SENATE BILL 908

R1

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By: **Senator Salling**

Introduced and read first time: February 3, 2020

Assigned to: Finance

A BILL ENTITLED

1 AN ACT concerning

2 **Transportation – Railroad Grade Crossing Over Private Road – Stop Sign**

3 FOR the purpose of requiring the State Highway Administration to install a stop sign at
4 each railroad grade crossing over a private road; making a stylistic change; and
5 generally relating to railroad crossings.

6 BY repealing and reenacting, with amendments,
7 Article – Transportation
8 Section 8–639 and 8–640
9 Annotated Code of Maryland
10 (2015 Replacement Volume and 2019 Supplement)

11 BY repealing and reenacting, without amendments,
12 Article – Transportation
13 Section 8–643
14 Annotated Code of Maryland
15 (2015 Replacement Volume and 2019 Supplement)

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

18 **Article – Transportation**

19 8–639.

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

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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 the crossing protection equipment at such a crossing;
5 and

6 (2) A person may not:

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

10 (ii) Change the crossing protection equipment at such a crossing.

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

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

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

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

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

23 (3) The proposed change would diminish or discontinue any crossing
24 protection.

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

27 (1) Approve or disapprove the application; and

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

32 (e) For purposes of this section, the conversion of a private road grade crossing
33 into a public highway grade crossing is a projection of a public highway over the railroad

1 by the public authority taking jurisdiction of the private road.

2 8-640.

3 (a) At each grade crossing of a highway and a railroad, the railroad shall:

4 (1) Keep its roadbed and the highway in proper repair so as to provide
5 absolutely safe and easy approach to and crossing of the tracks; or

6 (2) Subject to approval by the Administration, construct a railroad grade
7 separation.

8 (b) (1) The Administration may abandon, relocate, construct, or reconstruct
9 any railroad grade crossing or railroad grade separation that is dangerous or inconvenient
10 for public travel.

11 (2) If a railroad grade crossing is dangerous or inconvenient for public
12 travel, the Administration may construct a railroad grade separation.

13 **(3) THE ADMINISTRATION SHALL INSTALL A STOP SIGN AT EACH**
14 **RAILROAD GRADE CROSSING OVER A PRIVATE ROAD.**

15 (c) (1) The Administration may require the railroad to do any of the work
16 needed under this section, on the terms and conditions that the Administration specifies.

17 (2) If the railroad fails to do any work required of it under this section, the
18 Administration may perform the work itself and collect the railroad's share of the cost from
19 the railroad.

20 8-643.

21 (a) If any railroad does not comply with an order of the Administration under this
22 part to do work on a railroad grade crossing or railroad grade separation or to pay its share
23 of the costs of any railroad grade crossing or railroad grade separation project or
24 maintenance, the railroad is guilty of a misdemeanor and on conviction is subject to a fine
25 not exceeding \$100 for each day that the order is not complied with.

26 (b) The penalty provided for in this section is in addition to any other remedies
27 available to the Administration.

28 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
29 October 1, 2020.