

HOUSE BILL 180

K3, C5

(8lr0699)

ENROLLED BILL

— *Environment and Transportation/Finance* —

Introduced by **Delegate Stein**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

_____ day of _____ at _____ o'clock, _____ M.

Speaker.

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 termination of
10 this Act under certain circumstances; *defining a certain term*; and generally relating
11 to the crew for a train or light engine used in connection with the movement of
12 freight.

13 BY adding to
14 Article – Labor and Employment

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.

Italics indicate opposite chamber / conference committee amendments.



1 Section 5.5–110(e)
 2 Annotated Code of Maryland
 3 (2016 Replacement Volume and 2017 Supplement)

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

6 **Article – Labor and Employment**

7 5.5–110.

8 **(E) (1) IN THIS SUBSECTION, “HIGH-SPEED PASSENGER OR COMMUTER**
 9 **TRAIN” DOES NOT INCLUDE A SEASONAL PASSENGER EXCURSION TRAIN.**

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

13 ~~(2)~~ **(3) THIS SUBSECTION DOES NOT APPLY TO A TRAIN OR LIGHT**
 14 **ENGINE USED IN CONNECTION WITH THE MOVEMENT OF RAILROAD FREIGHT**
 15 **INVOLVING:**

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

17 **(II) UTILITY EMPLOYEES IN YARD SERVICE.**

18 ~~(3)~~ **(4) A TRAIN OR LIGHT ENGINE USED IN CONNECTION WITH THE**
 19 **MOVEMENT OF RAILROAD FREIGHT MAY NOT BE OPERATED IN THE STATE UNLESS**
 20 **THE TRAIN OR LIGHT ENGINE HAS A CREW OF AT LEAST TWO INDIVIDUALS.**

21 ~~(4)~~ **(5) (I) A PERSON WHO WILLFULLY VIOLATES THIS**
 22 **SUBSECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO:**

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

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

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

1 ~~(5)~~ (6) A COUNTY OR MUNICIPAL CORPORATION MAY NOT ENACT
2 AND ENFORCE MORE STRINGENT MEASURES REGARDING THE CREW
3 REQUIREMENTS AUTHORIZED UNDER THIS SUBSECTION.

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

11 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
12 October 1, 2018.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.