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SENATE BILL NO. 143

Offered January 10, 2024

Prefiled January 5, 2024

A BILL to amend and reenact § 56-412.1 of the Code of Virginia and to amend the Code of Virginia by adding in Article 7 of Chapter 13 of Title 56 sections numbered 56-425.1, 56-425.2, and 56-425.3, relating to railroad safety; civil penalties.

Patrons—Carroll Foy; Delegate: Simonds

Referred to Committee on Commerce and Labor

Be it enacted by the General Assembly of Virginia:

1. That § 56-412.1 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding in Article 7 of Chapter 13 of Title 56 sections numbered 56-425.1, 56-425.2, and 56-425.3 as follows:

§ 56-412.1. Railroad cars obstructing street or road; standing vehicle on railroad track; civil penalties.

A. It shall be unlawful for any railroad company, or any receiver or trustee operating a railroad, to obstruct for a longer period than five minutes the free passage on any street or road by standing cars or trains across the same, except a passenger train while receiving or discharging passengers, but a passway shall be kept open to allow normal flow of traffic; nor shall it be lawful to stand any wagon or other vehicle on the track of any railroad which will hinder or endanger a moving train; provided that when a train has been uncoupled, so as to make a passway, the time necessarily required, not exceeding three minutes, to pump up the air after the train has been recoupled shall not be included in considering the time such cars or trains were standing across such street or road. Any such railroad company, receiver, or trustee, violating any of the provisions of this ~~section~~ subsection shall be fined not less than \$100 nor more than \$500, provided that the fine may be \$100 for each minute beyond the permitted time but the total fine shall not exceed \$500.

B. It is unlawful for any railroad company, or any receiver or trustee operating a railroad, to place stationary cars or trains on its track within a distance of 1,500 feet on both sides of any crossing of a railroad with a highway. Any such railroad company, receiver, or trustee violating any of the provisions of this subsection shall be fined not less than \$500.

C. This section shall not apply when the train is stopped due to breakdown, mechanical failure, or emergency.

§ 56-425.1. Maximum train length; civil penalties.

A. No railroad company shall run or permit to be run any train that exceeds 8,500 feet in length on any mainline or branch line.

B. Any railroad company in violation of this section shall be fined not less than \$500 but not more than \$1,000 for each foot by which the train exceeds the limitation in subsection A.

C. If the Commission determines, sua sponte or upon petition or complaint, that a railroad company committed a grossly negligent violation or a pattern of repeated violations that caused an imminent threat of death or injury to individuals or has caused such death or injury, the railroad company shall be fined not more than \$250,000 in addition to any fine imposed pursuant to subsection B.

D. Any fine collected pursuant to this section shall be remitted to the State Treasurer and deposited in the Shortline Railway Preservation and Development Fund established pursuant to § 33.2-1602. Such funds shall be used for railway safety projects and projects that increase railway crossing safety shall be prioritized.

§ 56-425.2. Minimum train crew; movement of freight; civil penalties.

No railroad company shall use or allow the use of any train, locomotive, or light engine in connection with the movement of freight unless it has a crew consisting of at least two qualified individuals. The provisions of this section shall not apply to the use of a train, locomotive, or light engine for hostler or utility service. Any railroad company violating the provisions of this section shall be fined not less than \$500 nor more than \$2,000. For a second violation within three years, such railroad company shall be fined not less than \$1,000 nor more than \$5,000. For a third or subsequent violation within three years of the first violation, such railroad company shall be fined not less than \$5,000 nor more than \$10,000. The number of violations within three years shall be measured by the dates that the violations occur.

§ 56-425.3. Obstructions and walkways.

A. A warning sign or device is required if any scrap iron, lumber, debris, or vegetation exceeding a

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59 *height of four inches, any marked unevenness of the terrain, or any material or condition that endangers*
60 *any employee of the railroad company is located in the area over which the railroad has control within*
61 *eight feet on both sides of the perpendicular from the centerline of the railroad and from the actual*
62 *grade level to a distance of 14 feet about the top of the trailhead.*

63 *B. Railroad companies shall provide walkways adjacent to those portions of yard tracks where*
64 *employees regularly work performing switching service. Such walkways may be surfaced with reasonably*
65 *uniform asphalt, concrete, planking, grating, native material, crushed material, or other similar*
66 *material. Such walkways shall be maintained in a safe condition without compromising track drainage.*
67 *Such walkways shall be a minimum of two feet in width and shall be kept reasonably free of spilled fuel*
68 *oil, sand, posts, rocks, and other hazards or obstructions. For the purposes of this subsection, "yard*
69 *tracks" means any system of tracks, other than main tracks or sidings, used for making up trains,*
70 *storing cars, or other similar purposes.*

71 *C. The Commission, after due notice and hearing upon the company or the employee so offending,*
72 *may order a railroad company to comply with the requirements of this section.*