

HOUSE BILL NO. HB0114

Railroad safety.

Sponsored by: Representative(s) Chestek, Posey and Styvar

A BILL

for

1 AN ACT relating to public utilities; requiring trains to be
2 not more than a specified length; providing operational
3 requirements; requiring the implementation of wayside
4 detection systems; requiring visual inspections; providing
5 civil penalties; requiring a report; providing definitions;
6 authorizing positions; providing an appropriation and
7 providing for an effective date.

8

9 Be It Enacted by the Legislature of the State of Wyoming:

10

11 **Section 1.** W.S. 37-9-1401 through 37-9-1404 are
12 created to read:

13

14 ARTICLE 14

15 RAILROAD SAFETY

16

1 **37-9-1401. Definitions**

2

3 (a) As used in this article:

4

5 (i) "Branch line" means a secondary railroad
6 track that branches off from a main line;

7

8 (ii) "Defect" includes, but is not limited to,
9 hot wheel bearings, hot wheels, deficient bearings detected
10 through acoustic means, dragging of equipment, excessive
11 height, excessive weight, a shifted load, a loose hose,
12 improper rail temperature or a deficient wheel condition;

13

14 (iii) "Director" means the director of the
15 department of transportation;

16

17 (iv) "Dragging equipment detector" means an
18 electronic device or other technology that monitors a
19 passing train to actively detect and alert operators of the
20 train of the existence of any objects dragging from the
21 train;

22

1 (v) "Hot bearings detector" means an infrared
2 detector located along railroad tracks that is designed to
3 detect and alert the operators of a passing train about any
4 overheating of a train's bearings, axles or wheels;

5

6 (vi) "Main line" means as defined by 49 C.F.R.
7 part 236 or a successor regulation;

8

9 (vii) "Railroad" means any form of nonhighway
10 ground transportation that runs on rails or electromagnetic
11 guideways;

12

13 (viii) "Siding" or "passing track" means a
14 sidetrack with switches at both ends;

15

16 (ix) "Train" means one (1) or more locomotives,
17 coupled with or without cars, that require an air brake
18 test in accordance with 49 C.F.R. part 232 or part 238;

19

20 (x) "Wayside detector" or "wayside detector
21 system" means an electronic device or a series of connected
22 devices that scans passing trains, rolling stock and

1 on-track equipment, and their component equipment and
2 parts, for defects.

3

4 **37-9-1402. Train length; penalties.**

5

6 (a) In addition to other administrative or criminal
7 remedies authorized by law, the director, after notice and
8 opportunity for hearing, shall assess a civil penalty
9 against a railroad company, corporation or employer as
10 provided in this section.

11

12 (b) No railroad company operating in the state of
13 Wyoming shall run or permit to run any train that:

14

15 (i) Exceeds eight thousand five hundred (8,500)
16 feet in length;

17

18 (ii) Exceeds the length of the shortest passing
19 track or siding on which it travels on any main line or
20 branch line; or

21

4

5 (c) Except as provided in subsection (d) of this
6 section, any railroad company who willfully violates
7 paragraph (b)(i) or (ii) of this section shall be subject
8 to a civil penalty in an amount not less than five hundred
9 dollars (\$500.00) per foot nor more than one thousand
10 dollars (\$1,000.00) per foot of the amount of a train
11 exceeding the limitation set forth in paragraph (b)(i) or
12 (ii) of this section.

13

14 (d) Any railroad company who violates paragraph
15 (b) (iii) of this section shall be subject to a civil
16 penalty of not less than one thousand dollars (\$1,000.00)
17 and not more than five thousand dollars (\$5,000.00) per
18 violation. In assessing a penalty under this subsection,
19 the director shall consider the factors specified in
20 subsection (f) of this section.

21

22 (e) Any railroad company that commits a grossly
23 negligent violation of subsection (b) of this section or

1 that has a pattern of repeated violations of subsection (b)
2 of this section and the violation caused an imminent threat
3 of death or injury to any person or caused death or injury
4 to any person shall be subject to a one (1) time civil
5 penalty not to exceed two hundred fifty thousand dollars
6 (\$250,000.00).

7

8 (f) In determining the amount of any civil penalty
9 under this section the director shall consider:

10

11 (i) The nature, circumstances, extent and
12 gravity of the violation;

13

14 (ii) The degree of culpability, history of
15 violations, ability to pay and any effect on the violator's
16 ability to continue to do business;

17

18 (iii) Any other matters that justice requires.

19

20 (g) At the request of the director, the attorney
21 general may initiate a civil action to collect any civil
22 penalty imposed pursuant to this section. The attorney
23 general may bring a civil action in any court of competent

1 jurisdiction. A civil action under this section shall be
2 commenced within three (3) years of the date of the
3 violation or within three (3) years of the latest violation
4 if a repeated offense is alleged.

5

6 **37-9-1403. Wayside detection systems; report.**

7

8 (a) A railroad company operating a train in Wyoming
9 shall install and maintain wayside detectors at intervals
10 of not less than every ten (10) miles on every main line it
11 operates in Wyoming. The wayside detectors shall be capable
12 of detecting defects as defined in W.S. 37-9-1401(a)(ii)
13 and of providing alerts directly to the cab of the train as
14 it passes the detector. Each wayside detector shall provide
15 a signal to the operator of a passing train that either no
16 defect was found or a report of any defect that was found.
17 The wayside detector system shall be fully operational at
18 all times when trains are being operated on the line.

19

20 (b) Each railroad company operating trains in Wyoming
21 shall provide adequate training for all train operators on
22 the proper use of wayside detectors, including remediation
23 procedures to be followed when a wayside detector sends an

1 alert to the cab of a train they are operating. The
2 remediation procedures shall be specified in the railroad
3 company's instruction manual.

4

5 (c) At the end of the shift of any train operator in
6 Wyoming, the train operator shall file a report with the
7 railroad company and with a local labor safety
8 representative describing any of the following that
9 occurred during the shift of the train operator:

10

11 (i) Each alert received from a wayside detector
12 during the shift, including the nature of the alert and how
13 the operator responded to the alert;

14

15 (ii) If the train passed a wayside detector that
16 was not operational, the location of the wayside detector
17 that was not operational.

18

19 (d) On or before January 31, 2027, and on or before
20 January 31 of each year thereafter, a railroad operating a
21 main line in Wyoming and a person recognized by a labor
22 organization representing employees of the railroad as a
23 local labor safety representative shall submit a report to

1 the department that includes, at minimum, the following
2 information:

3

4 (i) An overview of the types of, general
5 locations of and spacing between wayside detectors on main
6 lines in Wyoming;

7

8 (ii) Any improvements or upgrades to the wayside
9 detector system that the railroad implemented during the
10 year covered by the report;

11

12 (iii) A summary of:

13

14 (A) The number of alerts reported by train
15 operators during the year, categorized by the type of alert
16 reported;

17

18 (B) The responses to the alerts,
19 categorized by the type of response;

20

21 (C) The number of reports of wayside
22 detectors that were not operational at the time the train
23 passed the detector; and

1

2 (D) The number of derailments that occurred
3 on the main line of the railroad company, categorized by
4 the cause of the derailment.

5

8

9 37-9-1404. Visual track inspections.

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20 (b) Any defect or unsafe condition on a main line
21 track that is identified by an inspection under subsection
22 (a) of this section or by any other inspection, detection
23 or monitoring method shall be corrected, protected or

1 removed from service immediately upon detection, consistent
2 with the requirements of 49 C.F.R. part 213.

3

4 (c) If a person conducting an inspection under
5 subsection (a) of this section finds any deviation from the
6 requirements of 49 C.F.R. part 213, the person shall:

7

8 (i) Immediately initiate remedial action; and

9

10 (ii) Have sole authority to authorize any
11 subsequent movements to facilitate repairs on track that is
12 out of service.

13

14 (d) Any railroad company who violates subsection (a)
15 of this section shall be subject to a civil penalty of not
16 less than ten thousand dollars (\$10,000.00) and not more
17 than fifty thousand dollars (\$50,000.00) for each week in
18 which the required visual inspections did not occur.

19

20 **Section 2.**

21

22 (a) The department of transportation is authorized up
23 to two (2) full-time positions for the period beginning

1 July 1, 2026 and ending June 30, 2028 for the purposes of
2 implementing this act. It is the intent of the legislature
3 that the department of transportation include these
4 full-time positions in its standard budget for the
5 immediately succeeding fiscal biennium.

6

7 (b) There is appropriated three hundred thousand
8 dollars (\$300,000.00) from the general fund to the
9 department of transportation to be expended only for the
10 purpose of funding the positions authorized in subsection
11 (a) of this section. This appropriation shall not be
12 transferred or expended for any other purpose and any
13 unexpended, unobligated funds remaining from this
14 appropriation shall revert as provided by law on June 30,
15 2028. It is the intent of the legislature that this
16 appropriation be included in the standard budget for the
17 department of transportation for the immediately succeeding
18 fiscal biennium.

19

20 **Section 3.** This act is effective July 1, 2026.

21

22 (END)