

ASSEMBLY BILL NO. 456—COMMITTEE
ON GROWTH AND INFRASTRUCTURE

MARCH 27, 2023

Referred to Committee on Growth and Infrastructure

SUMMARY—Revises provisions relating to railroads.
(BDR 58-974)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
Effect on the State: Yes.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to railroads; establishing requirements for the installation and operation of wayside detector systems; requiring a stopped train or other equipment to be cut, separated or moved to clear a railroad grade crossing upon the approach of an emergency vehicle; providing a civil penalty; prohibiting the operation in this State of certain trains that are more than 7,500 feet long on certain railroad tracks; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law establishes provisions governing the operation of railroads in this
2 State. (Chapter 705 of NRS) **Section 1.18** of this bill prohibits a person from
3 installing a wayside detector system in this State unless the wayside detector
4 system has certain features. **Section 1.18** requires a person who installs a wayside
5 detector system alongside or on a railroad to ensure such systems are located within
6 a certain distance of each other and requires the operator of any train, rolling stock
7 or on-track equipment to take certain actions when passing wayside detector
8 systems which are not located in this manner. **Section 1.2** of this bill establishes
9 requirements for the alarm on a wayside detector system. **Section 1.22** of this bill
10 requires the operator of any train, rolling stock or on-track equipment to take
11 certain action when notified by a wayside detector system of a defect or that the
12 number of axles on a train is more or less than the reported number. **Sections 1.1-**
13 **1.16** of this bill define terms related to wayside detector systems. **Section 1.24** of
14 this bill requires a railroad company to ensure the employees of the company are
15 aware of and understand the provisions of **sections 1.1-1.22** of this bill and imposes
16 a penalty for the knowing violation of those provisions.

17 **Section 1.26** of this bill requires, except in the case of a mechanical failure, a
18 train, rolling stock or other on-track equipment which has come to a complete stop



19 and is blocking a railroad grade crossing to be cut, separated or moved upon the
20 approach of an authorized emergency vehicle.

21 **Section 1.28** of this bill: (1) prohibits a railroad doing business in this State
22 from running or allowing to be run on certain railroad tracks a work or freight train
23 that exceeds 7,500 feet in length; and (2) provides that a person who violates this
24 prohibition is liable to the Public Utilities Commission of Nevada for a civil
25 penalty.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** Chapter 705 of NRS is hereby amended by adding
2 thereto the provisions set forth as sections 1.1 to 1.28, inclusive, of
3 this act.

4 **Sec. 1.1.** *As used in sections 1.1 to 1.24, inclusive, of this act,*
5 *unless the context otherwise requires, the words and terms defined*
6 *in sections 1.12, 1.14 and 1.16 of this act have the meanings*
7 *ascribed to them in those sections.*

8 **Sec. 1.12.** *“Defect” includes, without limitation, hot wheel*
9 *bearings, hot wheels, defective bearings that are detected through*
10 *acoustics, dragging equipment, excessive height or weight, shifted*
11 *loads, low hose, rail temperature and wheel condition.*

12 **Sec. 1.14.** *“Wayside detector communications system” means*
13 *technology that uses wireless communications systems or*
14 *algorithms to allow communication between one wayside detector*
15 *system with another wayside detector system in order to predict*
16 *and detect defects.*

17 **Sec. 1.16.** *“Wayside detector system” means an electronic*
18 *device or a series of connected devices that scan passing trains,*
19 *rolling stock, on-track equipment and their component equipment*
20 *and parts for defects.*

21 **Sec. 1.18.** *1. No person shall install or operate a wayside*
22 *detector system in this State unless it is equipped with:*

- 23 (a) *A hot box detector;*
24 (b) *A hot wheel detector;*
25 (c) *A dragging equipment detector;*
26 (d) *An audible alarm that operates in accordance with section*
27 *1.2 of this act.*

28 *2. Except as otherwise provided in this subsection, any person*
29 *responsible for the installation of a wayside detector system*
30 *alongside or on a railroad shall ensure that each wayside detector*
31 *system location is not more than 10 miles from the adjacent*
32 *wayside detector system location. If the natural terrain does not*
33 *allow for the placement of the next adjacent wayside detector*
34 *system location within 10 miles from the prior wayside detector*
35 *system location, the next adjacent wayside detector system location*



1 shall be installed not more than 15 miles from the prior wayside
2 detector system location.

3 3. If the wayside detector systems installed on or alongside a
4 railroad do not comply with the requirements of subsection 2 and
5 are further than 15 miles apart, the operator of any train, rolling
6 stock or on-track equipment passing between the noncompliant
7 wayside detector systems shall reduce speed to not more than
8 10 miles per hour until the train, rolling stock or on-track
9 equipment passes the next available wayside detector system and is
10 issued a "no defects" message from the wayside detector system.

11 **Sec. 1.2.** 1. No person shall install or operate a wayside
12 detector system in this State unless the audible alarm for the
13 system:

14 (a) Is assigned to the "AAR Frequency" that is assigned to the
15 specific territory in which the wayside detector system is located;
16 and

17 (b) In the event of a defect, sounds over the assigned radio
18 channel or frequency not less than three consecutive times with
19 each audible signal lasting not less than 5 seconds and with not
20 less than 5 seconds of silence between each audible alarm.

21 2. No person shall install or operate a wayside detector
22 system in this State unless:

23 (a) The inspection results generated by the wayside detector
24 system provide an audible message, delivered over the applicable
25 radio channel or frequency that contains the following
26 information delivered to the operator of the train, rolling stock or
27 on-track equipment:

28 (1) The wayside detector system location milepost and
29 name;

30 (2) The track number, if applicable;

31 (3) The total number of axles on the train, including,
32 without limitation, motive power;

33 (4) If a defect is found, the location of the defect within the
34 train, rolling stock or on-track equipment or the component parts
35 or equipment of the train, rolling stock or on-track equipment;
36 and

37 (5) If no defect is found, the speed of the train, rolling stock
38 or on-track equipment and a message that no defects were found.

39 (b) If a defect is found by the wayside detector system, in
40 addition to the audible alarm signal required pursuant to
41 paragraph (b) of subsection 1, the audible message required to be
42 provided pursuant to paragraph (a) is repeated not less than three
43 times over the applicable radio channel or frequency with 20
44 seconds of silence between each iteration of the audible message.



1 **Sec. 1.22. 1.** *If the operator of a train, rolling stock or*
2 *other on-track equipment receives a message pursuant to section*
3 *1.2 of this act indicating that a defect was found, the operator*
4 *shall:*

5 *(a) Stop the train, rolling stock or other on-track equipment in*
6 *accordance with the safety procedures issued by the managing*
7 *railroad company;*

8 *(b) Inspect the location of the defect from a position on the*
9 *ground;*

10 *(c) Note and present all inspection results to the appropriate*
11 *officer of the railroad company, a local dispatcher or another*
12 *qualified person based on company protocol; and*

13 *(d) Based on the inspection results:*

14 *(1) If the operator believes it is safe to do so, proceed along*
15 *the route at a speed not exceeding 10 miles per hour if carrying*
16 *hazardous materials or 30 miles per hour if not carrying*
17 *hazardous materials; and*

18 *(2) If the operator believes continued operation is not safe,*
19 *have the train, rolling stock or on-track equipment, or the*
20 *applicable component or equipment of the train, rolling stock or*
21 *on-track equipment, fully inspected by a qualified person to make*
22 *a determination of whether it is safe to proceed.*

23 **2.** *If the operator of a train, rolling stock or other on-track*
24 *equipment receives a message from a wayside detector system*
25 *pursuant to section 1.2 of this act indicating that a defect was*
26 *found and that defect was previously detected by a prior wayside*
27 *detector system, the operator shall:*

28 *(a) Stop the train, rolling stock or on-track equipment in*
29 *accordance with the safety procedures issued by the managing*
30 *railroad company;*

31 *(b) Have the train, rolling stock or on-track equipment, or the*
32 *applicable component or equipment of the train, rolling stock or*
33 *on-track equipment, fully inspected by a qualified person to make*
34 *a determination of whether it is safe to proceed; and*

35 *(c) Not allow the train, rolling stock or on-track equipment to*
36 *proceed unless and until a qualified person has thoroughly*
37 *inspected the defect, made any necessary repairs and declared it*
38 *safe to proceed.*

39 **3.** *All inspections performed pursuant to this section must be*
40 *performed on the ground. A person must not perform any*
41 *inspection pursuant to this section from within or on a vehicle or*
42 *any other mode of transportation.*

43 **4.** *If the operator of a train receives a message pursuant to*
44 *section 1.2 of this act indicating that the number of axles on a*
45 *train is less than the reported number of axles for that train, the*



1 operator shall report the discrepancy to the proper railroad
2 authority.

3 5. If the operator of a train receives a message pursuant to
4 section 1.2 of this act indicating that the number of axles on a
5 train is more than the reported number of axles for that train, the
6 operator shall report the discrepancy to the proper railroad
7 authority. If the discrepancy is not resolved within 5 miles of
8 receiving the message pursuant to section 1.2 of this act the
9 operator shall stop the train. The operator shall not proceed until
10 the discrepancy is resolved, all extra equipment or cars are
11 identified and any necessary documentation is issued.

12 **Sec. 1.24.** 1. Any railroad company doing business in this
13 State shall ensure that its employees are aware of and understand
14 the requirements of sections 1.1 to 1.24, inclusive, of this act.

15 2. Any person who knowingly violates a provision of sections
16 1.1 to 1.24, inclusive, of this act is liable for a civil penalty of not
17 more than \$25,000 for each violation.

18 **Sec. 1.26.** 1. Except for a train, rolling stock or other on-
19 track equipment that is stopped due to mechanical failure where
20 separation or movement is not possible, any train, rolling stock or
21 other on-track equipment that has come to a complete stop and is
22 blocking a railroad grade crossing must be cut, separated or
23 moved to clear the crossing upon the approach of an authorized
24 emergency vehicle.

25 2. As used in this section, "authorized emergency vehicle"
26 has the meaning ascribed to it in NRS 484A.020.

27 **Sec. 1.28.** 1. It shall be unlawful for any railroad doing
28 business in this State to run or allow to be run on any part of a
29 main line or branch line a work or freight train that exceeds 7,500
30 feet in length.

31 2. Any railroad doing business in this State which violates the
32 provisions of this section is liable to the Public Utilities
33 Commission of Nevada for a penalty of:

34 (a) Not less than \$5,000 for the first violation;

35 (b) Not more than \$10,000 for the second violation within 3
36 years after the first violation; and

37 (c) Not more than \$25,000 for a third and any subsequent
38 violation within 3 years after the first violation.

39 3. As used in this section:

40 (a) "Branch line" means a secondary railroad track that
41 branches off from a main line.

42 (b) "Main line" means:

43 (1) A segment or route of railroad tracks over which
44 5,000,000 gross tons or more of freight railroad traffic is
45 transported annually; and



1 (2) *Such other tracks as the Commission may prescribe by*
2 *regulation.*

3 (c) *“Railroad” has the meaning ascribed to it in*
4 *NRS 484A.200.*

5 **Sec. 2.** (Deleted by amendment.)

6 **Sec. 3.** (Deleted by amendment.)

7 **Sec. 4.** (Deleted by amendment.)

8 **Sec. 5.** (Deleted by amendment.)

9 **Sec. 6.** (Deleted by amendment.)

10 **Sec. 7.** (Deleted by amendment.)

11 **Sec. 8.** (Deleted by amendment.)

12 **Sec. 9.** This act becomes effective on July 1, 2023.

