

Committee Action:  
Do Pass \_\_\_\_\_  
Amend & Do Pass \_\_\_\_\_  
Other \_\_\_\_\_

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**Assembly Committee on Growth and Infrastructure**

This measure may be considered for action during today's work session.

**ASSEMBLY BILL 456**

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

**Sponsored By:** Assembly Committee on Growth and Infrastructure  
**Date Heard:** April 4, 2023  
**Fiscal Notes:** Effect on Local Government: May have Fiscal Impact.  
Effect on the State: Yes.  
CONTAINS UNFUNDED MANDATE

Assembly Bill 456 prohibits the operation of work or freight trains that exceed 7,500 feet in length on certain railroad tracks in this State. The bill also restricts the duty hours of yardmasters. Lastly, the bill requires a local authority or Nevada's Department of Transportation to install traffic-control devices and automated traffic enforcement systems at certain railroad grade crossings.

**Amendments:** Assemblyman Carter:

- Provides certain requirements for the operation of wayside detector systems on railroads in this State; and
- Deletes Sections 2 through 8 of the bill.

Jason Doering:

- Requires, except for trains or equipment stopped due to mechanical failure where separation or movement is not possible, any train or equipment that has come to a complete stop and is blocking a railroad-highway grade crossing to be cut, separated, or moved to clear the crossing upon the approach of any emergency vehicle.

City of Henderson:

- Defines "railroad" as a carrier of persons or property upon cars, other than streetcars, operated upon stationary rails for the purposes of Section 1 of the bill.

PROPOSED LANGUAGE FOR AMENDING AB 456

\*legal has this language and is working to reflect State of Nevada

\_\_\_\_\_ moved to amend as follows:

In line 3 of the title, delete the first "and"; after "746.07" 1  
insert ", 4955.50, 4955.51, 4955.52, 4955.53, 4955.54, and 4955.99" 2

In line 12, delete "and"; after "746.07" insert ", 4955.50, 4955.51, 3  
4955.52, 4955.53, 4955.54, and 4955.99" 4

After line 320, insert: 5

"Sec. 4955.50. As used in sections 4955.50 to 4955.54 of 6  
the Revised Code: 7

"Wayside detector system" means an electronic device or a 8  
series of connected devices that scan passing trains, rolling 9  
stock, on-track equipment, and their component equipment and 10  
parts for defects. 11

"Defects" include hot wheel bearings, hot wheels, 12  
defective bearings that are detected through acoustics, dragging 13  
equipment, excessive height or weight, shifted loads, low hose, 14  
rail temperature, and wheel condition. 15

"Wayside detector communications systems" means technology 16  
that uses wireless communications systems or algorithms to allow 17



communication between one wayside detector system with another 18  
wayside detector system in order to better predict and detect 19  
defects. 20

**Sec. 4955.51.** (A) No person shall install or operate a 21  
wayside detector system in this state unless it is equipped, at 22  
minimum, with the following technology: 23

(1) A hot box detector; 24

(2) A hot wheel detector; 25

(3) A dragging equipment detector; 26

(4) An audible alarm that operates in accordance with 27  
section 4955.52 of the Revised Code. 28

(B) (1) Except as otherwise provided in division (B) (2) of 29  
this section, any person responsible for the installation of 30  
wayside detector systems alongside or on a railroad shall ensure 31  
that each system location is not more than ten miles from the 32  
adjacent system location. 33

(2) If the natural terrain does not allow for the 34  
placement of the next adjacent system location within ten miles 35  
from the prior system location, the next adjacent system 36  
location shall be installed not more than fifteen miles from the 37  
prior system location. 38

(C) If the wayside detector systems installed on or 39  
alongside a railroad do not comply with the requirements of 40  
division (B) of this section and are further than fifteen miles 41  
apart, the operator of any train, rolling stock, or on-track 42  
equipment passing between the noncompliant systems shall reduce 43  
speed to not more than ten miles per hour until the train, 44  
rolling stock, or on-track equipment passes the next available 45

wayside detector system and is issued a "no defects" message 46  
from the system. 47

**Sec. 4955.52.** (A) No person shall install or operate a 48  
wayside detector system in this state unless the audible alarm 49  
for the system meets both of the following requirements: 50

(1) The alarm is assigned to the "AAR Frequency" that is 51  
assigned to the specific territory in which the system is 52  
located; 53

(2) In the event of a defect, the alarm sounds over the 54  
assigned radio channel or frequency not less than three 55  
consecutive times with each audible signal lasting not less than 56  
five seconds and with not less than five seconds of silence 57  
between each audible signal. 58

(B) No person shall install or operate a wayside detector 59  
system in this state unless the system complies with both of the 60  
following: 61

(1) The inspection results generated by the wayside 62  
detector system provide an audible message, delivered over the 63  
applicable radio channel or frequency that contains the 64  
following information delivered to the operator of the train, 65  
rolling stock, or on-track equipment: 66

(a) The system location milepost and name; 67

(b) The track number, if applicable; 68

(c) The total number of axles on the train, including 69  
motive power; 70

(d) If a defect is found, the location of that defect 71  
within the train, rolling stock, on-track equipment, or its 72  
component parts or equipment; 73

(e) If no defect is found, the train, rolling stock, or on-track equipment speed and a message that no defects were found. 74  
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(2) If a defect is found by the wayside detector system, in addition to the audible alarm signal given in accordance with division (A) of this section, the information generated by the system under division (B) (1) of this section shall be repeated not less than three times over the radio channel or frequency. There shall be twenty seconds of silence between those information messages. 77  
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**Sec. 4955.53.** (A) The operator of a train, rolling stock, or on-track equipment that receives a defect message from a wayside detector system based on either a defect detected by that system or through the operation of wayside detector communications systems shall do all of the following: 84  
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(1) Stop the train, rolling stock, or on-track equipment in accordance with the safety procedures issued by the managing railroad company; 89  
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(2) Inspect the location of the defect from a position on the ground; 92  
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(3) Note and present all inspection results to the appropriate officer of the railroad company, a local dispatcher, or another qualified person based on company protocol; 94  
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(4) Based on the inspection results, and if the operator believes it is safe, proceed along the route at a speed not exceeding ten miles per hour if carrying hazardous materials or thirty miles per hour if not carrying hazardous materials; 97  
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(5) Based on the inspection results, and if the operator 101

believes continued operation is not safe, the operator shall 102  
proceed in accordance with the procedures specified in division 103  
(B)(2) of this section. 104

(B) If the operator receives a defect message from a 105  
wayside detector system and that defect was previously detected 106  
by a prior wayside detector system or wayside detector 107  
communications system along the route, the operator shall do 108  
both of the following: 109

(1) Stop the train, rolling stock, or on-track equipment 110  
in accordance with the safety procedures issued by the managing 111  
railroad company; 112

(2) Have the train, rolling stock, on-track equipment, or 113  
applicable component or equipment fully inspected by a qualified 114  
person to make a determination of whether it is safe to proceed. 115

(C) The operator shall not allow the train, rolling stock, 116  
or on-track equipment to proceed after a defect message under 117  
division (B) of this section unless and until the qualified 118  
person has thoroughly inspected the defect, made any necessary 119  
repairs, and declared it safe to proceed. 120

(D) All inspections performed under this section shall be 121  
made on the ground. No person shall perform an inspection under 122  
this section from within or on a vehicle or any other mode of 123  
transportation. 124

(E) (1) If the wayside detector system indicates that the 125  
number of axles on a train is less than the reported number of 126  
axles for that train, the operator shall report the discrepancy 127  
to the proper railroad authority. 128

(2) If the wayside detector system indicates that the 129

number of axles on a train is more than the reported number of 130  
axles for that train, the operator shall report the discrepancy 131  
to the proper railroad authority. If the discrepancy is not 132  
resolved within five miles of receiving the report by the system 133  
by identifying the extra equipment or cars, the operator shall 134  
stop the train. The operator shall not proceed until the 135  
discrepancy is resolved, all extra equipment or cars are 136  
identified, and any necessary documentation is issued. 137

**Sec. 4955.54.** Any railroad company doing business in this 138  
state shall ensure that its employees are aware of and 139  
understand the requirements of sections 4955.50 to 4955.53 of 140  
the Revised Code. 141

**Sec. 4955.99.** Whoever knowingly violates section 4955.51, 142  
4955.52, 4955.53, or 4955.54 of the Revised Code shall be fined 143  
not less than twenty-five thousand dollars for each violation." 144

The motion was \_\_\_\_\_ agreed to.

SYNOPSIS 145

**Wayside detector system regulations** 146

**R.C. 4955.50, 4955.51, 4955.52, 4955.53, 4955.54, and** 147  
**4955.99** 148

Prohibits the installation or operation of wayside 149  
detector systems in Ohio that do not meet specific equipment and 150  
installation regulations. 151

Requires all wayside detector systems to be installed 152  
generally 10 miles apart, but at most not more than 15 miles 153

apart if the natural terrain requires a greater distance.	154
Requires the operator of a train, rolling stock, or on-track equipment to slow down to 10 miles per hour or less if travelling between systems that do not meet the distance requirements.	155 156 157 158
Specifies procedures that the operator of a train, rolling stock, or on-track equipment must follow if a wayside detector system indicates a defect or axle discrepancy.	159 160 161
Requires all railroad companies to ensure that their employees know the state laws and statutes pertaining to the wayside detector systems.	162 163 164
Fines any person or railroad company that violates the amendment's provisions not less than \$25,000 for each violation.	165 166



## **PROPOSED AMENDMENT AB 456**

**Prepared by: City of Henderson**

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Would you consider adding the statutory definition of railroad to section 1 of AB456? Here is the reference:

NRS 484A.200 "Railroad" defined. "Railroad" means a carrier of persons or property upon cars, other than streetcars, operated upon stationary rails. (Added to NRS by 1969, 1480)