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HOUSE BILL

**57TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2025**

INTRODUCED BY

DISCUSSION DRAFT

AN ACT

RELATING TO RAILROADS; ENACTING THE RAILWAY SAFETY ACT;  
LIMITING THE LENGTH OF TRAINS TO EIGHT THOUSAND FIVE HUNDRED  
FEET; LIMITING A TRAIN'S OBSTRUCTION OF A ROADWAY; MANDATING  
THE USE OF WAYSIDE DETECTOR SYSTEMS; REQUIRING THE REPORTING OF  
RAILWAY SAFETY VIOLATIONS AND PROHIBITING RETALIATORY ACTION;  
PROVIDING ADMINISTRATIVE PENALTIES FOR RAILWAY SAFETY  
VIOLATIONS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. [NEW MATERIAL] SHORT TITLE.--This act may be  
cited as the "Railway Safety Act".

SECTION 2. [NEW MATERIAL] DEFINITIONS.--As used in the  
Railway Safety Act:

A. "active emergency vehicle" means an emergency  
vehicle designated as an authorized emergency vehicle by the

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1 chief of the New Mexico state police or the appropriate local  
2 agency that is responding to an emergency call or fire alarm or  
3 in pursuit of an actual or suspected violator of the law,  
4 sounding an audible signal by bell, siren or exhaust whistle  
5 and displaying a red light;

6 B. "crew member" means a person employed by or  
7 contracted with a railroad corporation to assist with the  
8 operation of a railroad or train;

9 C. "department" means the department of  
10 transportation;

11 D. "dragging equipment detector" means an  
12 electronic device or other technology that monitors a passing  
13 train to detect and alert operators of the train of the  
14 existence of an object dragging from the train;

15 E. "hot bearings detector" means an infrared  
16 detector located along railroad tracks that monitors a passing  
17 train to detect and alert operators of the train to any  
18 overheating of a train's bearings, axles or wheels;

19 F. "on-track equipment" means any car, rolling  
20 stock or other device that alone or coupled to another  
21 device is operated on stationary rails;

22 G. "railroad corporation" means a corporation  
23 incorporated under Chapter 63 NMSA 1978 or a corporation  
24 incorporated under the laws of any other state that owns or  
25 operates a railroad or train in the state of New Mexico;

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1           H. "railway safety violation" means a violation of  
2 a provision of Sections 3 through 5 of the Railway Safety Act;

3           I. "roadway" means every way, place, highway or  
4 street that is improved, designed or ordinarily used for  
5 vehicular traffic and generally open to public use as a matter  
6 of right for the purpose of vehicular travel; and

7           J. "wayside detector system" means an electronic  
8 device or a series of connected devices that monitor a passing  
9 train to determine whether the train has a defect and includes  
10 a hot bearings detector and a dragging equipment detector.

11           SECTION 3. [NEW MATERIAL] MAXIMUM TRAIN LENGTH.--A  
12 railroad corporation shall not operate a train that has a  
13 length greater than eight thousand five hundred feet on a line  
14 of railroad in the state.

15           SECTION 4. [NEW MATERIAL] WAYSIDE DETECTOR SYSTEMS--  
16 DEFECT MESSAGE--SAFETY PROCEDURES--REPORT.--

17           A. A railroad corporation operating a train on a  
18 line of railroad in the state shall install and maintain a  
19 wayside detector system with a hot bearings detector and a  
20 dragging equipment detector installed at least every ten miles.

21           B. If a train receives a defect message from a  
22 wayside detector system, the railroad corporation operating the  
23 train shall:

24                   (1) stop the train as soon as is practicable  
25 without obstructing a roadway and in accordance with applicable

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1 safety procedures;

2 (2) inspect the defect from a position on the  
3 ground;

4 (3) remedy the defect immediately if  
5 practicable or if the train is not safe for movement;

6 (4) if the inspection indicates that the  
7 defect cannot be immediately remedied and the train is safe for  
8 movement, proceed along the train's route at a speed not  
9 greater than:

10 (a) ten miles per hour if the train is  
11 carrying a hazardous material or dangerous good; or

12 (b) thirty miles per hour if the train  
13 is not carrying a hazardous material or dangerous good;

14 (5) remove and set out any defective car at  
15 the earliest opportunity;

16 (6) resume authorized speed only after the  
17 defect has been remedied and the next wayside detector  
18 indicates that there is no longer a defect; and

19 (7) prepare and submit a written inspection  
20 report to the appropriate railroad corporation official.

21 C. On or before January 1, 2026, and on or before  
22 January 1 of each year thereafter, a railroad corporation  
23 operating a train on a line of railroad in the state shall  
24 submit to the department a report that discloses at minimum the  
25 following:

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1 (1) the location of each installed wayside  
2 detector system;

3 (2) the type and characteristic of each  
4 installed wayside detector system;

5 (3) the operational status of the wayside  
6 detector system and all installed hot bearings detectors and  
7 dragging equipment detectors; and

8 (4) the details of all defect messages  
9 received from a wayside detector system and the corresponding  
10 inspection report prepared for each defect message.

11 SECTION 5. [NEW MATERIAL] OBSTRUCTION OF ROADWAY.--

12 A. Except for a train or on-track equipment stopped  
13 due to mechanical failure where separation or movement is not  
14 possible, a train or on-track equipment operating on a railroad  
15 in the state shall be operated in such a manner so that it does  
16 not obstruct a roadway for more than ten minutes.

17 B. If a train or on-track equipment obstructs a  
18 roadway and an active emergency vehicle approaches the roadway,  
19 the train's crew members shall take action, consistent with  
20 safe operating procedures, necessary to clear the obstruction  
21 with all possible haste in order to allow the active emergency  
22 vehicle to pass.

23 SECTION 6. [NEW MATERIAL] RAILWAY SAFETY VIOLATIONS--  
24 REPORTING--RETALIATION.--

25 A. A crew member of a railroad corporation shall

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1 report to the department if the crew member observes a railway  
2 safety violation.

3 B. The department shall create a uniform protocol  
4 for reporting railway safety violations and shall allow for  
5 anonymous reporting.

6 C. A railroad corporation and its agents shall not  
7 take, encourage or provoke direct or indirect retaliatory  
8 action against a crew member because the crew member:

9 (1) reports a railway safety violation;

10 (2) provides information to, or testifies  
11 before, a public body as part of an investigation, hearing or  
12 inquiry into a railway safety violation; or

13 (3) objects to or refuses to participate in an  
14 activity, policy or practice that constitutes a railway safety  
15 violation.

16 D. The department shall promulgate rules to  
17 implement the provisions of this section and establish  
18 procedures for reporting and investigating alleged retaliation.

19 SECTION 7. [NEW MATERIAL] RAILWAY SAFETY VIOLATIONS--  
20 INVESTIGATION--ADMINISTRATIVE PENALTY--APPEAL.--

21 A. The department, after receiving a report  
22 alleging a railway safety violation, is authorized to enter  
23 a railroad corporation's lands to investigate the alleged  
24 violation. Prior to entering, the department shall give due  
25 notice to the railroad corporation. A railroad corporation

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1 shall not prohibit entry to the department after receiving due  
2 notice.

3 B. If the department finds that a railroad  
4 corporation or an officer, agent or employee of a railroad  
5 corporation commits a railway safety violation, the department  
6 may assess a fine of not less than five thousand dollars  
7 (\$5,000) but not more than twenty-five thousand dollars  
8 (\$25,000) on the railroad corporation.

9 C. In addition to the remedies provided in this  
10 section, the department may apply to a district court for an  
11 injunction restraining a person or railroad corporation from:

- 12 (1) committing a railway safety violation;  
13 (2) prohibiting entry onto lands pursuant to  
14 Subsection A of this section; or  
15 (3) failing or refusing to comply with a rule  
16 promulgated pursuant to this section.

17 D. The department shall, after public notice and a  
18 public hearing, establish a system of administrative penalties  
19 on a scale in relation to the severity and frequency of the  
20 railway safety violation.

21 E. A person or railroad corporation aggrieved by a  
22 decision of the department made under the provisions of this  
23 section may appeal to the administrative hearings office for a  
24 hearing. A person or railroad corporation that continues to be  
25 aggrieved after the decision made by a hearing officer may

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1 appeal that decision to district court pursuant to the  
2 provisions of Section 39-3-1.1 NMSA 1978.

3 F. The department shall promulgate rules to  
4 implement the provisions of this section.

5 SECTION 8. EFFECTIVE DATE.--The effective date of the  
6 provisions of this act is January 1, 2026.