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HOUSE BILL 146

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

INTRODUCED BY

Dayan Hochman-Vigil

AN ACT

RELATING TO RAILROADS; ENACTING THE RAILWAY SAFETY ACT;
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. "crew member" means a person employed by or
contracted with a railroad corporation to assist with the
operation of a railroad or train;

B. "department" means the department of

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1 transportation;

2 C. "dragging equipment detector" means an
3 electronic device or other technology that monitors a passing
4 train to detect and alert operators of the train of the
5 existence of an object dragging from the train;

6 D. "hot bearings detector" means an infrared
7 detector located along railroad tracks that monitors a passing
8 train to detect and alert operators of the train to any
9 overheating of a train's bearings, axles or wheels;

10 E. "railroad corporation" means a corporation
11 incorporated under Chapter 63 NMSA 1978 or a corporation
12 incorporated under the laws of any other state that owns or
13 operates a railroad or train in the state of New Mexico;

14 F. "railway safety violation" means a violation of
15 a provision of Section 3 of the Railway Safety Act;

16 G. "roadway" means every way, place, highway or
17 street that is improved, designed or ordinarily used for
18 vehicular traffic and generally open to public use as a matter
19 of right for the purpose of vehicular travel; and

20 H. "wayside detector system" means an electronic
21 device or a series of connected devices that monitor a passing
22 train to determine whether the train has a defect and includes
23 a hot bearings detector and a dragging equipment detector.

24 SECTION 3. [NEW MATERIAL] WAYSIDE DETECTOR SYSTEMS--
25 DEFECT MESSAGE--SAFETY PROCEDURES--REPORT.--

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1 A. A railroad corporation operating a train on a
2 line of railroad in the state shall install and maintain a
3 wayside detector system with a hot bearings detector and a
4 dragging equipment detector installed at least every ten miles.

5 B. If a train receives a defect message from a
6 wayside detector system, the railroad corporation operating the
7 train shall:

8 (1) stop the train as soon as is practicable
9 without obstructing a roadway and in accordance with applicable
10 safety procedures;

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

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

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

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

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

23 (5) remove and set out any defective car at
24 the earliest opportunity;

25 (6) resume authorized speed only after the

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1 defect has been remedied and the next wayside detector
2 indicates that there is no longer a defect; and

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

5 C. By January 1, 2027, and by January 1 of each
6 year thereafter, a railroad corporation operating a train on a
7 line of railroad in the state shall submit to the department a
8 report that discloses at minimum the following:

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

11 (2) the type and characteristic of each
12 installed wayside detector system;

13 (3) the operational status of the wayside
14 detector system and all installed hot bearings detectors and
15 dragging equipment detectors; and

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

19 SECTION 4. [NEW MATERIAL] RAILWAY SAFETY VIOLATIONS--
20 REPORTING--RETALIATION.--

21 A. A crew member of a railroad corporation shall
22 report to the department if the crew member observes a railway
23 safety violation.

24 B. The department shall create a uniform protocol
25 for reporting railway safety violations and shall allow for

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1 anonymous reporting.

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

5 (1) reports a railway safety violation;

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

9 (3) objects to or refuses to participate in an
10 activity, policy or practice that constitutes a railway safety
11 violation.

12 D. The department shall promulgate rules to
13 implement the provisions of this section and establish
14 procedures for reporting and investigating alleged retaliation.

15 SECTION 5. [NEW MATERIAL] RAILWAY SAFETY VIOLATIONS--
16 INVESTIGATION--ADMINISTRATIVE PENALTY--APPEAL.--

17 A. The department, after receiving a report
18 alleging a railway safety violation, is authorized to enter
19 a railroad corporation's lands to investigate the alleged
20 violation. Prior to entering, the department shall give due
21 notice to the railroad corporation. A railroad corporation
22 shall not prohibit entry to the department after receiving due
23 notice.

24 B. If the department finds that a railroad
25 corporation or an officer, agent or employee of a railroad

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1 corporation commits a railway safety violation, the department
2 may assess a fine of not less than five thousand dollars
3 (\$5,000) but not more than twenty-five thousand dollars
4 (\$25,000) on the railroad corporation.

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

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

13 D. The department shall, after public notice and a
14 public hearing, establish a system of administrative penalties
15 on a scale in relation to the severity and frequency of the
16 railway safety violation.

17 E. A person or railroad corporation aggrieved by a
18 decision of the department made under the provisions of this
19 section may appeal to the administrative hearings office for a
20 hearing. A person or railroad corporation that continues to be
21 aggrieved after the decision made by a hearing officer may
22 appeal that decision to district court pursuant to the
23 provisions of Section 39-3-1.1 NMSA 1978.

24 F. The department shall promulgate rules to
25 implement the provisions of this section.

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