

HOUSE BILL NO. HB0204

Allowable train lengths.

Sponsored by: Representative(s) Chestek, Berger and Newsome  
and Senator(s) Gierau and Rothfuss

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; providing a civil penalty; providing  
4 definitions; and providing for an effective date.

5

6 *Be It Enacted by the Legislature of the State of Wyoming:*

7

8 **Section 1.** W.S. 37-9-1401 and 37-9-1402 are created  
9 to read:

10

11

ARTICLE 14

12

RAILROAD TRAINS

13

14 **37-9-1401. Definitions.**

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1           (a) As used in this article:

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

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6           (ii) "Director" means the director of the  
7 department of transportation;

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9           (iii) "Mainline" means a class I railroad as  
10 documented in current timetables filed by the class I  
11 railroad with the federal railroad administration under 49  
12 C.F.R. 217.7 when the railroad has five million (5,000,000)  
13 or more gross tons of railroad traffic transported  
14 annually;

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16           (iv) "Railroad" means any form of non-highway  
17 ground transportation that runs on rails or electromagnetic  
18 guideways;

19

20           (v) "Train" means one or more locomotives,  
21 coupled with or without cars, that require an air brake  
22 test in accordance with 49 C.F.R. part 232 or part 238;

23

1           (vi) "Siding" or "passing track" means a  
2 sidetrack with switches at both ends.

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

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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 be run any train that  
14 exceeds eight thousand five hundred (8,500) feet in length  
15 or exceeds the length of the shortest passing track or  
16 siding on which it travels on any mainline or branch line,  
17 or that routinely or repeatedly blocks any intersection for  
18 periods exceeding ten (10) minutes at one (1) time.

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20           (c) Except as provided in subsection (d) any railroad  
21 company who willfully violates subsection (b) of this  
22 section shall be subject to a civil penalty in an amount  
23 not less than five hundred dollars (\$500.00) per foot nor

1 more than one thousand dollars (\$1,000.00) per foot of the  
2 amount of a train exceeding the limitation set forth in  
3 subsection (a) of this section.

4

5 (d) Any railroad company who commits a grossly  
6 negligent violation or who has a pattern of repeated  
7 violations of subsection (b) of this section which  
8 violation caused an imminent threat of death or injury to  
9 another person or that caused death or injury to another  
10 person shall be subject to a one (1) time fine not to  
11 exceed two hundred fifty thousand dollars (\$250,000.00).

12

13 (e) In determining the amount of any civil penalty  
14 under this section the director shall consider:

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16 (i) The nature, circumstances, extent and  
17 gravity of the violation;

18

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

22

23 (iii) Any other matters that justice requires.

1

2 (f) At the request of the director, the attorney  
3 general may initiate a civil action to collect any civil  
4 penalty imposed pursuant to this section. The attorney  
5 general may bring a civil action in any court of competent  
6 jurisdiction. A civil action under this section shall be  
7 commenced within three (3) years of the date of the  
8 violation or within three (3) years of the latest violation  
9 if a repeated offense is alleged.

10

11 (g) Any civil penalty received under this section  
12 shall be deposited in the state highway fund.

13

14 **Section 2.** This act is effective July 1, 2023.

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16

(END)