

# STATE OF NEW YORK

1287

2021-2022 Regular Sessions

## IN ASSEMBLY

January 8, 2021

Introduced by M. of A. MAGNARELLI, HUNTER, STIRPE, WOERNER -- read once  
and referred to the Committee on Transportation

AN ACT to amend the railroad law, in relation to requiring certain  
trains and locomotives to have a crew size of not less than two  
persons

The People of the State of New York, represented in Senate and Assem-  
bly, do enact as follows:

1 Section 1. The railroad law is amended by adding a new section 63-a to  
2 read as follows:

3 § 63-a. Minimum crew size. 1. Except as otherwise provided in subdivi-  
4 sion two of this section, any Class I freight railroad, Class I railroad  
5 or Class II railroad for transporting freight which operates a train or  
6 locomotive in this state, and any officer of such a railroad, shall  
7 ensure that the train or locomotive contains a crew of not less than two  
8 persons.

9 2. The provisions of subdivision one of this section do not apply to a  
10 train or locomotive engaged in helper or hostling services.

11 3. As used in this section:

12 (a) "Class I freight railroad" has the meaning ascribed to it in 40  
13 C.F.R. § 1033.901.

14 (b) "Class I railroad" has the meaning ascribed to it in 40 C.F.R. §  
15 1033.901.

16 (c) "Class II railroad" has the meaning ascribed to it in 40 C.F.R. §  
17 1033.901.

18 (d) "Helper services" includes connecting a locomotive to the front or  
19 back of a train to assist the train in ascending or descending a grade.

20 (e) "Hostling services" includes moving a train or locomotive a short  
21 distance in a railroad yard or mechanical facility.

22 4. A person who violates the provisions of this section shall be  
23 liable to the people of the state for a civil penalty in an amount of  
24 not less than two hundred fifty dollars nor more than one thousand

EXPLANATION--Matter in italics (underscored) is new; matter in brackets  
[-] is old law to be omitted.

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1 dollars for a first offense, not less than one thousand dollars nor more  
2 than five thousand dollars for a second offense committed within three  
3 years, and not less than five thousand dollars nor more than ten thou-  
4 sand dollars for a third offense and any subsequent offenses committed  
5 within three years.

6 § 2. This act shall take effect on the thirtieth day after it shall  
7 have become a law.