

# STATE OF NEW YORK

1287--A

2021-2022 Regular Sessions

## IN ASSEMBLY

January 8, 2021

Introduced by M. of A. MAGNARELLI, HUNTER, STIRPE, WOERNER, CONRAD, WALLACE, McMAHON -- read once and referred to the Committee on Transportation -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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 Assembly, 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, no person operating or controlling any Class I  
5 or Class II railroad shall allow the operation of any railroad train or  
6 locomotive for the movement of freight in this state unless such rail-  
7 road train or locomotive has a crew of not less than two individuals.

8 2. The provisions of subdivision one of this section shall not apply  
9 to a railroad train or locomotive engaged in switching service.

10 3. As used in this section, the following terms shall have the follow-  
11 ing meanings:

12 (a) "Class I railroad" means a railroad that has been classified as a  
13 Class I railroad by the federal surface transportation board in accord-  
14 ance with 49 C.F.R. part 1201 section 1-1.

15 (b) "Class II railroad" means a railroad that has been classified as a  
16 Class II railroad by the federal surface transportation board in accord-  
17 ance with 49 C.F.R. part 1201 section 1-1.

18 (c) "Locomotive" means a self-propelled piece of on-track equipment  
19 designed for moving or propelling cars that are designed to carry  
20 freight, passengers, or other equipment, but which itself is not  
21 designed or intended to carry freight, passengers (other than those  
22 operating the locomotive) or other equipment.

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

LBD01826-02-1

1 (d) "Railroad" means a commercial entity that operates locomotives to  
2 transport passengers or freight.

3 (e) "Switching service" means the classification of rail cars accord-  
4 ing to commodity or destination; assembly of rail cars for train move-  
5 ments; changing the position of rail cars for purposes of loading,  
6 unloading or weighing; placing of locomotives and rail cars for repair  
7 or storage; or moving of rail equipment in connection with work service  
8 that does not constitute train movement.

9 (f) "Train" means one or more locomotives, coupled with or without  
10 cars.

11 4. A violation of the provisions of subdivision one of this section  
12 shall be punishable by a civil penalty in an amount of not less than two  
13 hundred fifty dollars nor more than one thousand dollars for a first  
14 violation; for a second violation both of which were committed within a  
15 period of three years by a civil penalty of not less than one thousand  
16 dollars nor more than five thousand dollars; and for a third or subse-  
17 quent violation all of which were committed within a period of three  
18 years, by a civil penalty of not less than five thousand dollars nor  
19 more than ten thousand dollars.

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