STATE OF NEW YORK

3953

2021-2022 Regular Sessions

IN SENATE

February 1, 2021

Introduced by Sens. KENNEDY, BORRELLO -- read twice and ordered printed, and when printed to be committed 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 Assembly, do enact as follows:

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

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

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

3. As used in this section:

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

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

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

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

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

4. A person who violates the provisions of this section shall be liable to the people of the state for a civil penalty in an amount of 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.

LBD01826-01-1

dollars for a first offense, not less than one thousand dollars nor more than five thousand dollars for a second offense committed within three years, and not less than five thousand dollars nor more than ten thousand dollars for a third offense and any subsequent offenses committed within three years.

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