STATE OF NEW YORK

8083

IN SENATE

January 5, 2024

Introduced by Sen. KENNEDY -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

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. Subdivision 1 of section 63-a of the railroad law, as added by a chapter of the laws of 2023 amending the railroad law relating to requiring certain trains and locomotives to have a crew size of not less than two persons, as proposed in legislative bills numbers S. 5775 and A. 5639, is amended to read as follows:

1. Except as otherwise provided in subdivision two of this section, no person operating or controlling any Class I or Class II railroad shall allow the operation of any railroad train or locomotive for the movement of [~~freight~~] **hazardous material** in this state unless such railroad train or locomotive has a crew of not less than two individuals.

§ 2. Subdivision 3 of section 63-a of the railroad law, as added by a chapter of the laws of 2023 amending the railroad law relating to requiring certain trains and locomotives to have a crew size of not less than two persons, as proposed in legislative bills numbers S. 5775 and A. 5639, is amended by adding a new paragraph (g) to read as follows:

(g) "Hazardous material" means material designated as hazardous by the United States secretary of transportation pursuant to subsection (a) of section fifty-one hundred three of title forty-nine of the United States code.

§ 3. Severability. If any clause, sentence, subdivision, paragraph, section or part of this act be adjudged by any court of competent jurisdiction to be invalid, or if any federal agency determines in writing that this act would render New York state ineligible for the receipt of federal funds, such judgment or written determination shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, subdivision, paragraph, section or

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

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part thereof directly involved in the controversy in which such judgment or written determination shall have been rendered.

§ 4. This act shall take effect on the same date and in the same manner as a chapter of the laws of 2023 amending the railroad law relating to requiring certain trains and locomotives to have a crew size of not less than two persons, as proposed in legislative bills numbers S. 5775 and A. 5639, takes effect, provided, however, that the amendments to section 63-a of the railroad law made by sections one and two of this act shall be subject to the expiration of such section and shall expire and be deemed repealed therewith.