

# STATE OF NEW YORK

8491

## IN ASSEMBLY

January 4, 2024

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

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

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

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

20 § 3. Severability. If any clause, sentence, subdivision, paragraph,  
21 section or part of this act be adjudged by any court of competent juris-  
22 diction to be invalid, or if any federal agency determines in writing  
23 that this act would render New York state ineligible for the receipt of  
24 federal funds, such judgment or written determination shall not affect,  
25 impair or invalidate the remainder thereof, but shall be confined in its  
26 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.

LBD10265-02-4

1 part thereof directly involved in the controversy in which such judgment  
2 or written determination shall have been rendered.  
3 § 4. This act shall take effect on the same date and in the same  
4 manner as a chapter of the laws of 2023 amending the railroad law relat-  
5 ing to requiring certain trains and locomotives to have a crew size of  
6 not less than two persons, as proposed in legislative bills numbers S.  
7 5775 and A. 5639, takes effect, provided, however, that the amendments  
8 to section 63-a of the railroad law made by sections one and two of this  
9 act shall be subject to the expiration of such section and shall expire  
10 and be deemed repealed therewith.