

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1249 Session of
2001

INTRODUCED BY VEON, GEIST, LAUGHLIN, CALTAGIRONE, GEORGE,
THOMAS, McCALL, SOLOBAY, WOJNAROSKI, WILT, WALKO,
CAPPABIANCA, BELARDI, EACHUS, YOUNGBLOOD, M. COHEN, DeLUCA,
MUNDY, STABACK, JOSEPHS, KIRKLAND, J. WILLIAMS, ROONEY,
MELIO, WANSACZ, GRUCELA, C. WILLIAMS, STEELMAN, BASTIAN,
DIVEN, HARHAI AND SHANER, APRIL 2, 2001

REFERRED TO COMMITTEE ON CONSUMER AFFAIRS, APRIL 2, 2001

AN ACT

1 Amending Title 66 (Public Utilities) of the Pennsylvania
2 Consolidated Statutes, providing for the provision of
3 counseling services and trauma leave after railroad
4 accidents.

5 The General Assembly of the Commonwealth of Pennsylvania
6 hereby enacts as follows:

7 Section 1. Title 66 of the Pennsylvania Consolidated
8 Statutes is amended by adding a section to read:

9 § 2710. Provision of counseling service and trauma leave.

10 (a) General rule.--Every railroad operating in this
11 Commonwealth shall provide counseling services or other critical
12 incident stress debriefing services within 48 hours to every
13 member of an operating crew involved in an accident that results
14 in loss of life or serious bodily injury on its main line or
15 lateral line. The engineer or other operating crew member
16 involved in an accident that results in loss of life or serious
17 bodily injury shall be relieved from duty with compensation and

1 applicable benefits at the site of the accident for a period of
2 at least three days unless the railroad shows that the accident
3 was due to the negligence of the engineer or other operating
4 crew member in which case the leave may be without benefits or
5 applicable compensation. Any person who is otherwise eligible
6 for applicable benefits shall not be denied such benefits based
7 on the negligence of a fellow crew member if the person was
8 found to not have acted negligently.

9 (b) Return to duty.--Any engineer returning to duty
10 following leave shall, if requested, be assigned an assistant
11 engineer or other qualified person who shall accompany him for
12 such reasonable time as may be necessary to guarantee the public
13 safety. At the discretion of the employer, any engineer or crew
14 member may be subject to an examination pertaining to any mental
15 or emotional impairment caused by the accident during the period
16 of leave or upon return to duty by a qualified medical
17 practitioner designated by the employer.

18 (c) Regulation.--The commission shall promulgate rules and
19 regulations necessary for the implementation of this section.

20 Section 2. This act shall take effect in 60 days.