

PENNSYLVANIA PROFESSIONAL FIRE FIGHTERS ASSOCIATION

240 North Third Street – Suite 403 – Harrisburg, PA 17101



Affiliated with: – International Association of Fire Fighters, American Federation of Labor, Congress of Industrial Organizations, Pennsylvania AFL-CIO, Local Labor Union

ART MARTYNUSKA

President

333 Meadow Drive
Johnstown, PA 15905
Office (717) 221-8800 ext 203
FAX (717) 221-8488
Mobile (814) 525-0536
amartynuska@ppffa.org

February 4, 2016

Pennsylvania State House Transportation Committee

DAVID W. SCHMIDT

Secretary Treasurer

220 South 16th Street
Allentown, PA 18102
Office (717) 221-8800 ext 204
dschmidt@ppffa.org

Dear Committee Member:

As the primary fire and emergency service providers for over 30 percent of Pennsylvania's residents, the 10,000 members of the Pennsylvania Professional Fire Fighters Association (PPFFA) is in a unique position to provide insight on House Bill 1742, PN 2621.

DAVE CHIARAMONTE

Recording Secretary

31 Fairfield Avenue
Erie, PA 16509
Office (717) 221-8800 ext 205
dchiaramonte@ppffa.org

Fire fighters, paramedics and EMT's respond all too frequently to rail emergencies. Railway life safety for civilians and emergency responders may be made exponentially worse or exponentially better via emergency responders' interactions with train crewmembers.

PETER F. HUF

Vice President

1224 Edmonds Avenue
Drexel Hill, PA 19026
Office (717) 221-8800 ext 206
phuf@ppffa.org

The knowledge, skills and abilities of a well-trained, professional railroad employee can be invaluable in the event of a railway emergency.

GERALD TEDESCO

Vice President

520 Beckman Drive
McKeesport, PA 15132
Office (717) 221-8800 ext 207
jtedesco@ppffa.org

Even the best-trained fire fighter can be hindered in the performance of their duties when there is no or limited interaction with railway personnel on the scene of a railway emergency.

RUSSELL P. CERAMI

BARRY J. BUSKEY

President, Emeritus

Maintaining a minimum crew size would help insure safety for the citizens of Pennsylvania, the crewmembers and the emergency responders.

JOSEPH MATTA

Vice President, Emeritus

There has been a significant increase in rail traffic over the past several years.

EDMUND HAHN

JOHN J. MCCORMICK

BARRY A. HALPIN

WILLIAM MURTHA

CHRIS DANIELSON

Trustees, Emeritus

According to the Association of American Railroads there were approximately 500,000 carloads of crude oil transported in 2014, this was up from about 9,800 in 2008. Additionally the same group reported that for the first three weeks of 2016 United States railroads reported a cumulative volume of 719,081 carloads.

STEPHEN RICHMAN

General Counsel

Based on 2012 data there were 57 freight railroads operating in Pennsylvania running on 5,000 miles of railroad tracks. Pennsylvania ranked 1st in the nation for the number of freight railroads operating and 5th for the number of railroad miles traversing the state.

RICHARD POULSON

Legislative Counsel

The same years' data reveals that Pennsylvania had over 106 million tons of freight carried across the state. This tonnage was transported in over two million rail cars.

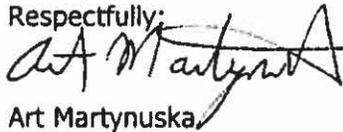
The amount, frequency and distance freight is carried makes Pennsylvania vulnerable to railway incidents, accidental or otherwise.

Since 9/11, a growing source of concern for emergency responders has been actions targeted against railroads. The degree of harm that can be inflicted by compromising a rail freight carrier would be staggering. The safety net provided by having adequate rail crewmembers cannot be understated.

Brevity does not allow me to expound further on the value to first responder and the public that this legislation would provide.

I would humbly ask that you support this legislation in its current form.

Respectfully:

A handwritten signature in black ink, appearing to read "Art Martynuska", with a long horizontal line extending to the right.

Art Martynuska



SENATE BILL**No. 730**

Introduced by Senator Wolk**February 27, 2015**

An act to add Section 6903 to the Labor Code, relating to railroads.

LEGISLATIVE COUNSEL'S DIGEST

SB 730, as introduced, Wolk. Railroads: movement of freight: trains or light engines: crew size.

The existing Federal Railroad Safety Act (FRSA) authorizes the Secretary of Transportation to prescribe regulations and issue orders for railroad safety and requires the Secretary of Homeland Security, when prescribing a security regulation or issuing a security order that affects the safety of railroad operations, to consult with the Secretary of Transportation. The FRSA provides that to the extent practicable, laws, regulations, and orders related to railroad safety and security are required to be nationally uniform, but authorizes a state to adopt or continue in force a law, regulation, or order related to railroad safety or security until the Secretary of Transportation (with respect to railroad safety matters), or the Secretary of Homeland Security (with respect to railroad security matters), prescribes a regulation or issues an order covering the subject matter of the state requirement.

Under existing law, the Public Utilities Commission has enforcement authority over specified provisions relating to safeguards on railroads. Under existing law, a violation of those specified provisions is a crime.

This bill would prohibit, on and after February 1, 2016, a train or light engine used in connection with the movement of freight, as specified, from being operated unless it has a crew consisting of at least 2 individuals. The bill would authorize the Public Utilities Commission to assess civil penalties against any person who willfully violates this provision, as specified.

SB 730

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Because a violation of these provisions would be a crime, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 6903 is added to the Labor Code, to read:
2 6903. (a) Effective February 1, 2016, a train or light engine
3 used in connection with the movement of freight shall not be
4 operated unless it has a crew consisting of at least two individuals.
5 (b) For purposes of this section, the term "train or light engine
6 used in connection with the movement of freight" shall not include
7 hostler service or utility employees.
8 (c) The Public Utilities Commission may assess civil penalties
9 against any person who willfully violates this section, according
10 to the following schedule:
11 (1) A civil penalty of two hundred fifty dollars (\$250) to one
12 thousand dollars (\$1,000) for the first violation.
13 (2) A civil penalty of one thousand dollars (\$1,000) to five
14 thousand dollars (\$5,000) for the second violation within a
15 three-year period.
16 (3) A civil penalty of five thousand dollars (\$5,000) to ten
17 thousand dollars (\$10,000) for the third violation and each
18 subsequent violation within a three-year period.
19 (d) The remedies available to the commission pursuant to this
20 section are nonexclusive and do not limit the remedies available
21 under all other laws or pursuant to contract.
22 SEC. 2. No reimbursement is required by this act pursuant to
23 Section 6 of Article XIII B of the California Constitution because
24 the only costs that may be incurred by a local agency or school
25 district will be incurred because this act creates a new crime or
26 infraction, eliminates a crime or infraction, or changes the penalty
27 for a crime or infraction, within the meaning of Section 17556 of
28 the Government Code, or changes the definition of a crime within