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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 2229 Session of  
2003

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INTRODUCED BY VEON, DeWEESE, BELFANTI, ROONEY, KENNEY, HERSHEY,  
BUNT, HASAY, GOOD, SCAVELLO, LaGROTTA, CALTAGIRONE,  
WOJNAROSKI, CRUZ, COHEN, HARHAI, RIEGER, GRUITZA, LEACH,  
BUXTON, STURLA, THOMAS, FABRIZIO, EACHUS, CAWLEY, BELARDI,  
WANSACZ, SHANER, MANN, YOUNGBLOOD, LAUGHLIN, WASHINGTON,  
WALKO, GEORGE, PISTELLA, CASORIO, COSTA, GOODMAN, CURRY,  
LESCOVITZ, LEDERER, MUNDY, BIANCUCCI, BEBKO-JONES, DERMODY,  
READSHAW, DALEY, SANTONI, McGEEHAN, JOSEPHS, BISHOP AND  
JAMES, DECEMBER 8, 2003

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REFERRED TO COMMITTEE ON JUDICIARY, DECEMBER 8, 2003

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AN ACT

1 Providing for safety and security measures on railroads  
2 operating within this Commonwealth and for penalties.

3 The General Assembly of the Commonwealth of Pennsylvania  
4 hereby enacts as follows:

5 Section 1. Short title.

6 This act shall be known and may be cited as the  
7 Transportation Rail Antiterrorism Interstate Notification  
8 Security Act.

9 Section 2. Declaration of policy.

10 The General Assembly finds and declares as follows:

11 (1) The railroad system in the United States is vital to  
12 the nation's economy, national defense and public health,  
13 with 40% of all intercity freight being transported by rail,  
14 including 67% of the coal used by electric companies to

1 produce power.

2 (2) A significant amount of rail cargo being transported  
3 through this Commonwealth consists of hazardous materials.

4 (3) Railroads operate within the geographic boundaries  
5 of this Commonwealth over public and private highway rail  
6 crossings and on property accessible to persons of all ages  
7 and abilities.

8 (4) Railroad equipment may present a significant danger  
9 to persons and property from collision, derailment and  
10 release of hazardous materials, and this danger may be caused  
11 intentionally through deliberate acts.

12 (5) Railroads have safety and security concerns,  
13 especially when crossing highways, going over or around  
14 rivers or other public water supplies or traveling through  
15 densely populated areas.

16 (6) Since the terrorist attacks of September 11, 2001,  
17 heightened safety and security measures have been implemented  
18 in the airline industry, while the railroad industry remains  
19 vulnerable.

20 (7) The Commonwealth has a duty to provide protective  
21 measures for railroad employees by prohibiting any railroad  
22 operating procedures that pose a danger to railroad  
23 employees, as well as provide measures to protect railroad  
24 employees and the public from future acts of terrorism that  
25 may target our railway system.

### 26 Section 3. Definitions.

27 The following words and phrases when used in this act shall  
28 have the meanings given to them in this section unless the  
29 context clearly indicates otherwise:

30 "Amtrak." The National Railroad Passenger Corporation.

1 "Class I railroad." As defined under 49 CFR Pt. 1201  
2 (relating to railroad companies).

3 "Class II railroad." As defined under 49 CFR Pt. 1201  
4 (relating to railroad companies).

5 "Class III railroad." As defined under 49 CFR Pt. 1201  
6 (relating to railroad companies).

7 "Director." The Director of Homeland Security of the  
8 Commonwealth.

9 "Operate a railroad locomotive in reverse or backup  
10 position." Operating a railroad locomotive such that the  
11 smokestack or diesel vent is in front of the operator when the  
12 operator faces the track ahead.

13 Section 4. Rail transportation security risk assessment.

14 (a) Assessment.--The director, in consultation with the  
15 Secretary of Transportation, shall assess the security risks  
16 associated with freight and intercity passenger rail  
17 transportation and develop prioritized recommendations for:

18 (1) Improving the security of rail infrastructure and  
19 facilities, terminals, tunnels, rail bridges, rail switching  
20 areas and other areas identified by the director as posing  
21 significant rail-related risks to public safety and the  
22 movement of interstate commerce, taking into account the  
23 impact that any proposed security measure might have on the  
24 provision of rail service.

25 (2) Deploying chemical and biological weapon detection  
26 equipment.

27 (3) Training railroad employees in terrorism response  
28 activities.

29 (4) Identifying the immediate and long-term economic  
30 impact of proposed security measures.

1 (b) Existing private and public sector efforts.--The  
2 assessment shall include a review of actions already taken by  
3 public and private entities and actions necessary to address  
4 identified security issues.

5 (c) Railroad crossing delays.--The assessment shall include  
6 an analysis of the risks to public safety and to the security of  
7 rail transportation that are associated with delays in the  
8 movement of trains stopped on railroad grade crossings of  
9 highways, streets and other thoroughfares, particularly in major  
10 metropolitan areas.

11 (d) Consultation.--In conducting the assessment, the  
12 director shall consult with rail management, rail labor  
13 officials, facility owners and operators and public safety  
14 officials.

15 Section 5. Passenger, baggage and cargo screening study.

16 The director shall study the cost and feasibility of  
17 requiring security screening for all passengers, baggage, mail  
18 and other cargo on Amtrak trains. The director shall report the  
19 results of the study and recommendations for implementing a rail  
20 security screening program to the Governor and the General  
21 Assembly.

22 Section 6. Safety and security measures.

23 (a) Operation in reverse prohibited.--No Class I railroad  
24 operating in this Commonwealth may operate a railroad locomotive  
25 in reverse or backup position on any main line or secondary  
26 line, except when:

- 27 (1) an emergency exists;
- 28 (2) performing switching operations; or
- 29 (3) the railroad locomotive is engaged in the  
30 transportation of passengers.

1 (b) Remote control operation prohibited.--No railroad  
2 operating in this Commonwealth shall operate a railroad  
3 locomotive by remote control unless all of the following safety  
4 requirements are met:

5 (1) The railroad shall notify the mayors of any city the  
6 locomotive will travel through before implementing the remote  
7 operation.

8 (2) The locomotive shall not be used to transport  
9 hazardous materials nor operate on or near tracks occupied by  
10 rail cars containing hazardous materials.

11 (3) The locomotive shall not be used in any switching  
12 yard or on tracks adjacent to or connected with tracks used  
13 for the transport of Amtrak high-speed passenger trains or  
14 commuter rail passenger trains.

15 (4) The locomotive shall not be operated over a public  
16 or private highway rail crossing without a person occupying  
17 the cab of the locomotive who has the required skills to stop  
18 the locomotive and its attached equipment.

19 (5) The railroad shall provide effective and reliable  
20 protection at the point of movement in any location  
21 accessible to the general public.

22 (6) A locomotive within a consist of one or more remote  
23 controlled locomotives shall be equipped with devices to  
24 secure the operating cab and its controls against terrorists,  
25 vandals and other unauthorized persons.

26 (c) Crew.--

27 (1) No railroad operating in this Commonwealth shall  
28 operate a railroad locomotive unless the railroad locomotive  
29 has a crew of at least two individuals, one of whom shall be  
30 present at all times in the crew compartment and shall

1 operate the unit that controls the movement of multiple  
2 units. The other crew member shall be present in the crew  
3 compartment at all times the railroad locomotive is in motion  
4 but may dismount the railroad locomotive when necessary to  
5 perform switching activities or other duties in the course of  
6 his job.

7 (2) Passenger trains operated within this Commonwealth  
8 shall be exempt from the requirements of subsection (a).

9 (d) Emergency response training.--Each Class I railroad,  
10 Class II railroad and Class III railroad operating in this  
11 Commonwealth shall implement an emergency response program to  
12 provide emergency response training and certification for their  
13 employees. Participation in the program by railroad employees  
14 shall be mandatory. Each railroad shall develop and approve a  
15 standard course and curriculum that would include instruction in  
16 rail safety and security, emergency response and surveillance  
17 for suspicious activities taking place on a locomotive or  
18 freight train and around railroad stops, bridges and tunnels.  
19 Upon completion of the training program, the railroad employee  
20 shall receive a certificate verifying his completion of the  
21 program and certification to respond to emergencies. For the  
22 purpose of program development, each railroad shall consult with  
23 labor organizations representing rail employees, the Department  
24 of Transportation and emergency response agencies such as the  
25 Department of Homeland Security, the Federal Emergency  
26 Management Agency, the Pennsylvania Emergency Management Agency  
27 and the Pennsylvania State Police. The costs involved to  
28 implement this training program shall be borne by the railroad.

29 (e) Crew identification.--In the event that an emergency or  
30 accident occurs involving a locomotive or freight train, the

1 engineer, conductor, brakeman or any other member of the crew of  
2 a locomotive or freight train operated upon rails, including  
3 operation on a railroad crossing over a highway, street or other  
4 thoroughfare, shall be required to present photo identification  
5 or other credentials verifying that the operator of the  
6 locomotive or freight train is an official crew member.

7 (f) Installation of closed circuit television security  
8 cameras.--Notwithstanding any other provisions of law, the  
9 Pennsylvania Public Utility Commission shall provide for the  
10 installation, continuous operation, monitoring and maintenance  
11 of closed circuit television security systems, including two-way  
12 intercoms, at all unmanned passages and railroad stations.

13 Section 7. Penalties.

14 A railroad that violates any provision of this act shall be  
15 subject to a fine of not more than \$1,000 for each violation.

16 Section 8. Regulations.

17 The Pennsylvania Public Utility Commission may promulgate  
18 rules and regulations to administer and enforce this act.

19 Section 9. Enforcement.

20 The Pennsylvania Public Utility Commission shall enforce this  
21 act and may issue orders as appropriate to require compliance  
22 with this act.

23 Section 10. Effective date.

24 This act shall take effect in 60 days.