

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2681 Session of
2008

INTRODUCED BY PETRARCA, WALKO, GEORGE, MELIO, BELFANTI,
BIANCUCCI, CARROLL, COHEN, DALEY, DePASQUALE, DONATUCCI,
EACHUS, GRUCELA, HANNA, HARHAI, HARRIS, HENNESSEY, HORNAMAN,
JOSEPHS, KOTIK, KULA, MAHONEY, MANDERINO, McGEEHAN, MOYER,
MYERS, RAMALEY, READSHAW, REICHLEY, SABATINA, SIPTROTH,
K. SMITH, SOLOBAY, STURLA, WANSACZ, WATSON AND YOUNGBLOOD,
JUNE 27, 2008

REFERRED TO COMMITTEE ON CONSUMER AFFAIRS, JUNE 27, 2008

AN ACT

1 Amending Title 66 (Public Utilities) of the Pennsylvania
2 Consolidated Statutes, further providing for definitions;
3 prohibiting railroads from operating railroad locomotives in
4 reverse in certain instances; and providing for provisions of
5 counseling services and trauma leave after railroad
6 accidents.

7 The General Assembly of the Commonwealth of Pennsylvania
8 hereby enacts as follows:

9 Section 1. Section 102 of Title 66 of the Pennsylvania
10 Consolidated Statutes is amended by adding definitions to read:

11 § 102. Definitions.

12 Subject to additional definitions contained in subsequent
13 provisions of this part which are applicable to specific
14 provisions of this part, the following words and phrases when
15 used in this part shall have, unless the context clearly
16 indicates otherwise, the meanings given to them in this section:

17 * * *

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 * * *

8 Section 2. Title 66 is amended by adding sections to read:
9 § 2710. Operating railroad locomotives in reverse.

10 (a) General rule.--No Class I railroad operating in this
11 Commonwealth may operate a railroad locomotive in reverse or
12 backup position on any main line or secondary line, unless one
13 of the following applies:

14 (1) When an emergency exists.

15 (2) While performing switching operations.

16 (3) Where the railroad locomotive is engaged in the
17 transportation of passengers.

18 (b) Penalty.--Any railroad that violates this section shall
19 be subject to a fine of \$1,000 for each violation.

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

23 (d) Enforcement.--The commission shall enforce this section
24 and may issue orders as may be proper to require compliance with
25 this section.

26 (e) Definitions.--As used in this section, the following
27 words and phrases shall have the meanings given to them in this
28 subsection:

29 "Operate a railroad locomotive in reverse or backup
30 position." To operate a railroad locomotive such that the

1 smokestack or diesel vent is in front of the operator when the
2 operator faces the track ahead.

3 § 2711. Provisions of counseling service and trauma leave.

4 (a) General rule.--Every railroad operating in this
5 Commonwealth shall make available counseling services or other
6 critical incident stress debriefing services within 24 hours to
7 every member of an operating crew involved in an accident that
8 results in loss of life or serious bodily injury on its main
9 line or lateral line. The engineer or other operating crew
10 member involved in an accident that results in loss of life or
11 serious bodily injury shall be relieved from duty with
12 compensation and applicable benefits at the site of the accident
13 for a period of at least three days.

14 (b) Minimum standards.--The provisions of this section are
15 intended to be a minimum standard to protect public safety, and
16 are not intended to restrict any railroad from exceeding these
17 conditions to guarantee public safety.

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

20 (d) Penalty.--Every person who violates or who procures,
21 aids or abets in the violation of this section shall incur a
22 penalty of not more than \$1,000 for every such violation.

23 Section 3. This act shall take effect in 60 days.