

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE RESOLUTIONNo. 824 Session of  
2006

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INTRODUCED BY GANNON, B. SMITH, PHILLIPS, CRAHALLA, DERMODY,  
GEORGE, FREEMAN, WANSACZ, MUSTIO, PISTELLA, SATHER, JAMES,  
SAYLOR, BEBKO-JONES, PETRONE, RAPP, SIPTROTH, FAIRCHILD,  
SAINATO, CRUZ, BEYER, CAPPELLI, CLYMER, HESS, MAJOR,  
READSHAW, VEON, TIGUE, SOLOBAY, COHEN, CALTAGIRONE, LEDERER,  
LEACH, GOODMAN, ADOLPH, YUDICHAK, SONNEY, HERSHEY, BOYD,  
PALLONE, MUNDY, FRANKEL, E. Z. TAYLOR, HARHAI AND GINGRICH,  
JUNE 30, 2006

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AS AMENDED, HOUSE OF REPRESENTATIVES, OCTOBER 24, 2006

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## A RESOLUTION

1 Directing the Legislative Budget and Finance Committee to  
2 undertake a review of the existing Federal and State  
3 statutory and regulatory authority as it relates to the  
4 oversight of freight and passenger rail transportation  
5 systems in this Commonwealth.

6 WHEREAS, The House of Representatives recognizes the need for  
7 a safe and secure network of passenger and freight rail in this  
8 Commonwealth and the need to prepare for, prevent and respond to  
9 natural disasters, terrorist attacks or hazardous materials  
10 incidents associated with our passenger and freight  
11 transportation systems; and

12 WHEREAS, This Commonwealth's extensive rail transportation  
13 infrastructure is essential to the flow of goods and people  
14 across this Commonwealth and the nation, and interference with  
15 that flow of commerce and people could have serious national  
16 repercussions; and

1       WHEREAS, Pennsylvania's government is a leader among the  
2 states in investing in railroad development; and

3       WHEREAS, The Commonwealth contributes to the economic  
4 vitality of passenger and freight railroads through the Rail  
5 Freight Assistance Program, and by providing funding through the  
6 General Fund appropriation to the Department of Transportation,  
7 grant assistance in the State capital budget and low-interest  
8 loans through State infrastructure banks; and

9       WHEREAS, The residents of this Commonwealth depend on  
10 railroads to deliver goods, provide employment, stimulate the  
11 economy and provide a means of passenger transportation; and

12       WHEREAS, In the case of any disaster, attack or incident, the  
13 prepared responsiveness of the transportation industry and its  
14 employees will be of the utmost importance; and

15       WHEREAS, It is acknowledged that the freight and passenger  
16 rail transportation systems and those industries utilizing  
17 freight rail have worked and continue to work with the Federal  
18 and State governments to enhance existing safety and security  
19 measures and systems and continue to implement new procedures  
20 ~~and systems; and~~

<—

21       ~~WHEREAS, It is understood that the Commonwealth is federally~~  
22 ~~preempted from taking actions that would interfere with certain~~  
23 ~~activities of the rail transportation system and is preempted~~  
24 ~~from interfering with the free flow of commerce; therefore be it~~

25 AND SYSTEMS; THEREFORE BE IT

<—

26       RESOLVED, That the House of Representatives direct the  
27 Legislative Budget and Finance Committee to undertake a review  
28 of the existing Federal and State statutory and regulatory  
29 authority as it relates to the oversight of freight and  
30 passenger rail transportation systems in this Commonwealth; and

1 be it further

2 RESOLVED, That, during the course of the review of relevant  
3 Federal and State statutes and regulations, the Legislative  
4 Budget and Finance Committee contact the appropriate Federal and  
5 State agencies which have oversight for the safety and security  
6 of passenger and freight rail; and be it further

7 RESOLVED, That the review include the following:

8 (1) The need, if any, to improve the security of rail  
9 infrastructure and facilities, terminals, tunnels, rail  
10 bridges, rail switching areas and other rail-related areas.

11 (2) The status of implementation of technology to reduce  
12 the incidents of human error in rail accidents and  
13 ~~derailments which have proven to be the largest cause of rail~~ <—  
14 ~~accidents and derailments.~~ DERAILMENTS. <—

15 (3) Training of railroad employees in safety and  
16 security measures. <—

17 (4) THE CONTINUING SAFETY AND SECURITY OF CARGO IMPORTED <—  
18 INTO AND THROUGH THIS COMMONWEALTH ON RAILROADS, INCLUDING  
19 THE DISTRIBUTION CHAIN OF FREIGHT FROM PORTS TO TRUCKING TO  
20 RAILROADS AND BACKUP SYSTEMS REQUIRED TO ENSURE THE SAFE  
21 OPERATION OF CRITICAL ELEMENTS IN THE EVENT OF AN INCIDENT.

22 (5) THE TRAINING OF RAILROAD EMPLOYEES IN TERRORISM  
23 RESPONSE ACTIVITIES.

24 (6) PASSENGER AND CARGO SECURITY PROTECTION SYSTEMS;

25 and be it further

26 RESOLVED, That the Legislative Budget and Finance Committee  
27 make a report of its review to the Speaker of the House of  
28 Representatives and to the Transportation Committee and the  
29 Veterans Affairs and Emergency Preparedness Committee within two  
30 years of the adoption of this resolution.