

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2199 Session of 2010

INTRODUCED BY MCGEEHAN, MATZIE, BARBIN, BELFANTI, BISHOP, BOYLE, BRENNAN, BURNS, CARROLL, D. COSTA, DIGIROLAMO, DONATUCCI, ELLIS, J. EVANS, FABRIZIO, FARRY, GIBBONS, GOODMAN, HORNAMAN, HOUGHTON, JOSEPHS, W. KELLER, KOTIK, KULA, MAHONEY, MARSHALL, MURPHY, SABATINA, SEIP, THOMAS AND YUDICHAK, JANUARY 11, 2010

REFERRED TO COMMITTEE ON LABOR RELATIONS, JANUARY 11, 2010

AN ACT

1 Establishing general requirements for mobile railroad camps; and
2 providing for safety, health, emergency information and food
3 handling standards for maintenance of way employees and
4 contractors, for regulation of camp cars and remote worksites
5 and for duties of the Department of Labor and Industry.

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

8 Section 1. Short title.

9 This act shall be known and may be cited as the Camp Car
10 Safety Standards Act.

11 Section 2. Definitions.

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

15 "Camp car." A railroad car as defined in 49 CFR Pt. 228,
16 App. C (relating to guidelines for clean, safe, and sanitary
17 railroad provided camp cars) and regulated under 49 CFR
18 (relating to transportation). The term includes a bunk car,

1 outfit car and sleep car.

2 "Close proximity." Within a distance of one-quarter mile.

3 "Commissary car" or "cook car." A railroad car or similar
4 facility that prepares or serves food to maintenance of way
5 employees located in or near a mobile camp.

6 "Department." The Department of Labor and Industry of the
7 Commonwealth.

8 "Employee." A maintenance of way worker permanently employed
9 by a railroad company or a contractor in the service of a
10 railroad company.

11 "Mobile camp." Any location where a railroad employee is
12 temporarily housed by the employer in one or more camp cars as a
13 result of, or in conjunction with, work-related activities
14 required by the employer. The term includes any terminal,
15 headquarters or permanent assembly point where employees meet at
16 the beginning and end of each work day.

17 "Trailer." A temporary dwelling place for employees located
18 in or near a mobile camp.

19 "Worksite." Any remote location on a railroad line away from
20 a mobile camp where employees are either transported or required
21 to report in order to perform their duties.

22 Section 2. General requirements.

23 (a) Heated rooms.--A railroad company within this
24 Commonwealth shall provide and adequately maintain a heated room
25 or rooms at all terminals and headquarters in the operation of
26 the railroad company for the use of its employees.

27 (b) Facilities.--Each room required by subsection (a) must
28 contain adequate wash basins, shower/baths, inside toilets and
29 sufficient lockers for checking employees' clothing.

30 (c) Drinking water.--A railroad shall maintain at all mobile

1 camps a supply of drinking water dispensed in a sanitary manner.

2 Section 3. Mobile camps.

3 (a) Safety.--In addition to safety requirements and related
4 provisions required by Federal and State law, a railroad company
5 which creates, maintains or otherwise makes available a mobile
6 camp within this Commonwealth shall be responsible for the
7 following:

8 (1) Locating and maintaining the mobile camp in a safe
9 and healthy environment.

10 (2) Adequately maintaining all camp cars or trailers
11 including the following:

12 (i) The installation and permanent wiring of an
13 emergency alert weather radio, smoke detector and carbon
14 monoxide detector into each camp car or trailer.

15 (ii) Battery backup in each camp car or trailer for
16 all wired devices required in subparagraph (i).

17 (iii) One or more first aid kits.

18 (iv) Displaying in a prominent location within each
19 mobile camp emergency medical information, including the
20 name, address and telephone number of and driving
21 directions to the medical facility closest to the mobile
22 camp.

23 (v) Displaying in a prominent location within each
24 mobile camp emergency evacuation instructions, including
25 a map of the community where the mobile camp is located
26 and directions to all identified evacuation destination
27 sites or public shelters.

28 (3) Notifying the department of the existence of the
29 mobile camp no later than two business days after employees
30 arrive at the mobile camp.

1 (4) Requesting and permitting inspection by an
2 authorized representative of the department to ensure the
3 camp and camp cars are in sanitary and healthy condition for:

4 (i) The maintenance of way employees.

5 (ii) The local community.

6 (5) Immediately notifying the department in the event of
7 an outbreak or report of any communicable or contagious
8 disease, sickness or serious illness of an employee or the
9 release of any hazardous material or substance occurring
10 within the mobile camp.

11 (b) Commissary or cook cars.--In addition to health
12 requirements and related provisions required by Federal and
13 State law, a railroad company which creates, maintains or
14 otherwise makes available a mobile camp within this Commonwealth
15 and that either operates or provides for the operation of a
16 commissary car or cook car connected with or adjacent to the
17 mobile camp shall ensure that:

18 (1) The food preparer is properly licensed to engage in
19 the food service industry or is otherwise appropriately
20 certified in food handling.

21 (2) All food service is performed consistent with food
22 handling guidelines as required by the laws of Pennsylvania
23 or regulations promulgated by the Department of Health.

24 (3) Food which is not immediately served after being
25 prepared is contained and stored within appropriate food
26 handling guidelines.

27 Section 4. Camp cars and trailers.

28 (a) General rule.--In addition to health and safety
29 requirements and related provisions required by Federal and
30 State law, a railroad company which creates, maintains or

otherwise makes available a mobile camp within this Commonwealth shall ensure that each camp car and trailer within the mobile camp is equipped with the following:

(1) Heat and air conditioning.

(2) An adequate number of wash basins, showers and toilets to accommodate persons housed in the facility.

(3) An adequate number of lockers for checking employees' clothing and personal belongings.

(4) An adequate supply of potable water dispensed in a sanitary manner for drinking, bathing, cooking and cleaning cooking utensils.

(b) Floor space.--In addition to the requirements of subsection (a), each camp car shall have a minimum floor space of 80 square feet per occupant using single beds, with a maximum of four occupants per car.

Section 5. Worksite provisions.

In addition to health and safety requirements and related provisions required by Federal and State law, a railroad company which creates, maintains or otherwise makes available a mobile camp within this Commonwealth shall provide for:

(1) Adequate, safe transportation for all employees between the mobile camp and the site or sites where employees are required to work while stationed at the mobile camp.

(2) Portable toilet facilities at the site or sites where employees are required to work while stationed at the mobile camp, unless adequate toilet facilities are available to employees within a distance of one-quarter of a mile from the worksite.

(3) Either transportation of employees to the mobile camp site for meal breaks or for the delivery of meals or

1 food service to the worksite for each employee within a
2 distance of one-quarter of a mile from the worksite. If the
3 employer opts to transport meals or food service to the
4 worksite or to any other location away from the initial food
5 preparation site, the meals or food service shall be
6 transported in covered containers and within food handling
7 guidelines and other applicable State and local law, codes
8 and regulations to ensure that the food reaches the employees
9 in an unadulterated fashion. Meals or food services so
10 delivered shall be accompanied by an adequate supply of
11 potable water dispensed in a sanitary manner for drinking and
12 washing up.

13 Section 6. Duties of department.

14 (a) Investigation.--Whenever the department secures reliable
15 information, receives a complaint or, because of reports made by
16 the department's inspectors, has reason to believe that a
17 railroad company has not provided and adequately maintained the
18 sanitary facilities provided for in this act, the department
19 shall make an investigation as necessary. The department shall
20 conduct a hearing at which the railroad company, the employees
21 affected and the appropriate union representative shall be given
22 a full opportunity to present evidence as to the necessity and
23 reasonableness of the proposed changes or improvements.

24 (b) Report.--When an investigation under subsection (a) is
25 made, the department shall report to the employees affected, the
26 manager or superintendent of the railroad company and the
27 appropriate union representative. In the report and
28 recommendations, the department shall make an accurate statement
29 of the time the examination was made and of the exact location,
30 character and extent of the defects or omissions, if any have

1 been found, and shall recommend reasonable changes and
2 improvements, additions, buildings and accommodations as are, in
3 the opinion of the department, necessary to remedy the faults,
4 neglect, omissions or defects. The recommendations must set out
5 specifically a reasonable time within which the improvements,
6 changes or additions shall be made by the railroad company.

7 (c) Court action.--If the recommendations under subsection
8 (b) are not carried out within the time specified, the
9 department may commence proceedings by mandamus or other remedy
10 in a court of competent jurisdiction to enforce compliance with
11 its order. The court shall give preference to the case and shall
12 hear and determine the case speedily to the end that the
13 employees' interest and public interest may not suffer.

14 Section 7. Regulations.

15 (a) Regulations.--The department, in consultation with the
16 Pennsylvania Public Utility Commission and the Department of
17 Health, shall promulgate regulations to ensure adequate sanitary
18 conditions and safe operation of mobile camps. Regulations at a
19 minimum shall include the following:

20 (1) A requirement of an inspection fee for an occupant
21 capacity of 50 individuals for an inspection of the sanitary
22 conditions, operation and facilities of a mobile camp.

23 (2) A provision for a separate fee for each inspection
24 to be charged and an additional and equal fee which may be
25 charged for additional occupants in increments of 50
26 occupants.

27 (3) An inspection fee which shall be paid to the
28 department before initiation of the inspection.

29 (4) That the inspection fee be deposited in the General
30 Fund.

1 (5) A provision that the officials of a local health
2 department or municipal corporation may conduct a joint
3 inspection of the mobile camp with a representative of the
4 railroad company and:

5 (i) an authorized State official; or

6 (ii) a union representative of each craft of
7 employees working for the railroad company that is the
8 subject of the inspection.

9 (b) Guidelines.--Within 180 days after passage of this act,
10 the department, in consultation with the Department of Health,
11 shall develop an interim policy with guidelines to carry out the
12 duties imposed upon it as added by this act. The interim policy
13 shall expire on the date on which permanent regulations become
14 effective.

15 Section 8. Enforcement.

16 (a) General rule.--In addition to any other remedy available
17 at law or in equity for a violation of a provision of this act
18 or a regulation adopted under this act:

19 (1) The department may assess a civil penalty of not
20 more than \$10,000 upon a railroad for each offense for each
21 day the violation is found.

22 (2) No civil penalty shall be assessed unless the person
23 charged shall have been given notice and opportunity for a
24 hearing on the charge in accordance with law.

25 (3) In determining the amount of the penalty, the
26 department shall consider the gravity of the violation. The
27 department may issue a warning in lieu of assessing a
28 penalty.

29 (4) In cases of inability to collect the civil penalty
30 or failure of any person to pay all or a portion of the

1 penalty as the department may determine, the department may
2 refer the matter to the Office of Attorney General, which
3 shall recover the amount by action in the appropriate court.

4 (b) Whistleblower provisions.--An employee of a railroad
5 covered by this act shall be deemed to be an employee under the
6 act of December 12, 1986 (P.L.1559, No.169), known as the
7 Whistleblower Law, in regard to good faith reports of potential
8 violations of this act. A railroad company covered by this act
9 shall be deemed to be an employer under the Whistleblower Law in
10 regard to good faith reports of potential violations of this
11 act. The remedies, penalties and enforcement procedures for
12 violations of this act shall be as provided in the Whistleblower
13 Law.

14 Section 9. Effective date.

15 This act shall take effect as follows:

16 (1) The following provisions shall take effect
17 immediately:

18 (i) This section.

19 (ii) Section 7(b).

20 (2) The remainder of this act shall take effect in six
21 months.