

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 508 Session of
2023

INTRODUCED BY MASTRIANO, MARCH 6, 2023

REFERRED TO VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS,
MARCH 6, 2023

AN ACT

1 Amending Title 35 (Health and Safety) of the Pennsylvania
2 Consolidated Statutes, establishing the Train Derailment
3 Emergency Grant Program and the Train Derailment Emergency
4 Grant Fund.

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

7 Section 1. Title 35 of the Pennsylvania Consolidated
8 Statutes is amended by adding a chapter to read:

9 CHAPTER 59

10 TRAIN DERAILMENT EMERGENCY GRANT PROGRAM

11 Sec.

12 5901. Definitions.

13 5902. Train Derailment Emergency Grant Program.

14 5903. Train Derailment Emergency Grant Fund.

15 § 5901. Definitions.

16 The following words and phrases when used in this chapter
17 shall have the meanings given to them in this section unless the
18 context clearly indicates otherwise:

19 "Actual proof." A preponderance of evidence, whether

1 medical, lab testing results, business records, documentary
2 material and testimonial, that a reasonable person would
3 understand to consist of, more likely than not, contamination
4 evidence.

5 "Agency." The Pennsylvania Emergency Management Agency.

6 "Disaster zone." Any of the following:

7 (1) An area located within this Commonwealth that is
8 within 15 miles of the site of the derailment of a train at
9 East Palestine, Ohio, on February 3, 2023.

10 (2) An area located in this Commonwealth where an
11 applicant demonstrates actual proof of contamination of a
12 premises or of a person due to the presence of chemicals
13 released or burned at the area under paragraph (1) or because
14 of travel in or through the area under paragraph (1).

15 "Eligible person." Any of the following that has been
16 negatively impacted by the train derailment and has been
17 approved by the agency under section 5902(b) (relating to Train
18 Derailment Emergency Grant Program):

19 (1) An individual who is a resident of this Commonwealth
20 and who lives or works in the disaster zone and who provides
21 actual proof of being negatively impacted.

22 (2) A small business that is located in the disaster
23 zone and which provides actual proof of being negatively
24 impacted.

25 "Fund." The Train Derailment Emergency Grant Fund
26 established under section 5903 (relating to Train Derailment
27 Emergency Grant Fund).

28 "Grant." An award of money by the agency under the program.

29 "Homeowner." An individual that owns a home in the disaster
30 zone.

1 "Negatively impacted." The incurring of any of the items
2 under section 5902(d) as a direct result of the effects of the
3 train derailment.

4 "Program." The Train Derailment Emergency Grant Program
5 established under section 5902.

6 "Small business." A business located in the disaster zone
7 that employs fewer than 100 employees. The term includes a farm
8 located in the disaster zone.

9 "Train derailment." The derailment of a train which occurred
10 at East Palestine, Ohio, on February 3, 2023. The term includes
11 the chemical release due to the train derailment.

12 § 5902. Train Derailment Emergency Grant Program.

13 (a) Establishment.--The Train Derailment Emergency Grant
14 Program is established to provide grants to eligible persons.

15 (b) Administration.--

16 (1) The agency shall administer the program.

17 (2) The agency shall establish a grant application and
18 evaluation process. The agency shall provide notice of the
19 application process on the agency's publicly accessible
20 Internet website.

21 (3) The agency may contract with a third party to
22 administer the program.

23 (c) Expenses.--The agency may expend not more than 2% of the
24 money in the fund for costs incurred in the administration of
25 the program. Except if an expiration date is enacted for this
26 chapter, the agency may not establish a deadline for submission
27 of applications.

28 (d) Grants.--

29 (1) A grant may be awarded for any of the following
30 which were a direct result of the train derailment:

1 (i) Medical expenses.

2 (ii) Loss of income and value of a small business.

3 (iii) Loss of real or personal property value of a
4 small business.

5 (iv) Expenses of a small business.

6 (v) Loss of real property value of a homeowner.

7 (vi) Expenses related to repair, cleaning and
8 decontamination of real property of a homeowner and any
9 other related expense, as reasonably determined by a
10 homeowner.

11 (vii) Relocation expenses, including travel, food
12 and housing for individuals who do any of the following:

13 (A) Permanently move out of the disaster zone.

14 (B) Temporarily relocate during or after the
15 evacuation period as determined by the individual to
16 be necessary because of the disaster without
17 limitation as to the area of the disaster zone if the
18 individual has a personal reason to believe they need
19 to relocate from the disaster area.

20 (2) If an eligible person knowingly submits a grant
21 application with materially false information, the eligible
22 person shall repay the amount of the grant to the agency,
23 including interest of 8%.

24 (3) The agency shall review completed applications and
25 award pro rata grants to persons deemed eligible. If a grant
26 award is denied in whole or in part, the agency shall provide
27 the applicant with the reason for the full or partial denial.

28 (e) Award.--An application may be filed at any time but may
29 not include an award for expenses or losses occurring prior to
30 February 3, 2023.

1 § 5903. Train Derailment Emergency Grant Fund.

2 (a) Establishment.--The Train Derailment Emergency Grant
3 Fund is established as a fund within the State Treasury. The use
4 of money in the fund is restricted to the purposes under this
5 chapter. The money in the fund is appropriated on a continuing
6 basis to the agency for the purposes stated under this chapter.

7 (b) Sources of funding.--Sources of the fund may be any of
8 the following:

9 (1) Money appropriated for purposes of the program.

10 (2) Federal money appropriated or authorized for
11 purposes of the program.

12 (3) Money received from another governmental agency
13 through an interagency agreement or memorandum of
14 understanding.

15 (4) A gift or other contribution from a public or
16 private source.

17 (5) Monetary damages and settlements paid to the
18 Commonwealth from an individual or entity responsible for the
19 train derailment.

20 (6) Penalties or fines imposed as a result of the train
21 derailment.

22 Section 2. This act shall take effect immediately.