

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 808 Session of 2023

INTRODUCED BY MUTH, L. WILLIAMS, KANE AND BROWN, JUNE 23, 2023

REFERRED TO CONSUMER PROTECTION AND PROFESSIONAL LICENSURE,  
JUNE 23, 2023

AN ACT

1 Amending Title 66 (Public Utilities) of the Pennsylvania  
2 Consolidated Statutes, in railroads, providing for  
3 prohibition on blocking of crossings, for limitation on  
4 length of freight or work trains, for authorization to  
5 monitor safety practices and operations by collective  
6 bargaining representatives, for safe staffing levels for  
7 trains or light engines, for wayside detector systems, for  
8 study of transportation of hazardous materials or waste and  
9 for reporting system for transportation of hazardous  
10 materials or waste; and imposing penalties.

11 The General Assembly of the Commonwealth of Pennsylvania  
12 hereby enacts as follows:

13 Section 1. Title 66 of the Pennsylvania Consolidated  
14 Statutes is amended by adding sections to read:

15 § 2710. Prohibition on blocking of crossings.

16 A railroad owner or operator may not allow for the blocking  
17 of a railroad/highway grade crossing that results in the delay  
18 of an emergency vehicle from assisting a person or property in  
19 distress for more than five minutes. The commission shall assess  
20 a civil penalty of \$10,000 for each violation of this section.

21 § 2711. Limitation on length of freight or work trains.

22 A railroad operating on a main track or branch line in this

1 Commonwealth may not run, or permit to be run, a freight or work  
2 train which exceeds 8,500 feet in length on any part of the main  
3 track or branch line.

4 § 2712. Authorization to monitor safety practices and  
5 operations by collective bargaining representatives.

6 The collective bargaining representative for each craft of  
7 railroad employee and the State director or representative for  
8 each craft of railroad employee shall be permitted to monitor  
9 the safety practices and operations of a railroad operating in  
10 this Commonwealth. The collective bargaining representative or  
11 State director or representative may accompany the commission  
12 during an investigation or inspection of a railroad safety  
13 matter. In monitoring the safety practices and operations of a  
14 railroad under this section, the collective bargaining  
15 representative or State director or representative may take  
16 photographs and conduct an investigation on railroad property as  
17 may be necessary for the purpose of ensuring compliance with  
18 Federal or State laws and regulations, as well as take  
19 photographs and conduct an investigation of a safety hazard that  
20 may result in injury or death to a railroad employee. Any  
21 information, data, evidence or photographs collected by the  
22 monitoring of the safety practices and operations of a railroad  
23 under this section may not be disseminated except in furtherance  
24 of an official investigation related to a potential violation of  
25 Federal or State laws and regulations. A railroad may not assert  
26 that the collective bargaining representative or State director  
27 or representative is trespassing on railroad property during an  
28 investigation authorized under this section.

29 § 2713. Safe staffing levels for trains or light engines.

30 (a) Staffing levels.--A train or light engine used in

1 connection with the movement of freight in this Commonwealth  
2 shall have a crew that consists of at least two individuals. A  
3 superintendent, trainmaster or other employee of a railroad may  
4 not order or otherwise require a train or light engine used in  
5 connection with the movement of freight to be operated unless  
6 the train or light engine has a crew that consists of at least  
7 two individuals.

8 (b) Construction.--Subsection (a) shall not apply to a Class  
9 II or III railroad as defined by the United States Surface  
10 Transportation Board on the effective date of this subsection  
11 and shall be construed to relate only to safety, including  
12 ensuring that no train or light engine used in connection with  
13 the movement of freight is left without a functional crew member  
14 as a result of a medical emergency.

15 (c) Penalties.--The commission may assess a civil penalty  
16 against a person who willfully violates subsection (a) in  
17 accordance with the following:

18 (1) If, within three years of the violation, the  
19 commission has not previously assessed a civil penalty  
20 against the person under this subsection, the commission may  
21 impose a civil penalty of not less than \$1,000, but not more  
22 than \$5,000.

23 (2) If, within three years of the violation, the  
24 commission has previously assessed one civil penalty against  
25 the person under this subsection, the commission may impose a  
26 civil penalty of not less than \$5,000, but not more than  
27 \$10,000.

28 (3) If, within three years of the violation, the  
29 commission has previously assessed two or more civil  
30 penalties against the person under this subsection, the

1 commission may impose a civil penalty of not less than  
2 \$10,000, but not more than \$25,000.

3 (d) Enforcement.--The Attorney General, upon the request of  
4 the commission, shall bring a civil action to collect the  
5 penalties specified under subsection (c). The State Treasurer  
6 shall deposit all of the money collected from the civil  
7 penalties imposed under this section into the General Fund.

8 (e) Definitions.--As used in this section, the term "train  
9 or light engine used in connection with the movement of freight"  
10 does not include hostler service or utility employees.

11 § 2714. Wayside detector systems.

12 (a) System requirements.--The commission, in consultation  
13 with the department, shall work with a railroad operating in  
14 this Commonwealth to certify that wayside detector systems are  
15 located and functional on tracks where the railroad operates  
16 that are classified as Class IV or greater by the Federal  
17 Railroad Administration on the effective date of this  
18 subsection. The railroad shall ensure that the following  
19 requirements are met:

20 (1) The wayside detector systems shall be properly  
21 installed, maintained, repaired and operational in accordance  
22 with the guidelines issued by the United States Department of  
23 Transportation and the Federal Railroad Administration.

24 (2) Any expired, nonworking or outdated wayside detector  
25 system or its component parts shall be removed and replaced  
26 with new parts or an entirely new wayside detector system.

27 (3) The distance between wayside detector systems shall  
28 be appropriate, when accounting for the natural terrain  
29 surrounding a track where the railroad operates and the  
30 safety of the trains, rolling stock, on-track equipment,

1 their operators, their passengers and the persons and  
2 property in the vicinity of the track, to provide an operator  
3 of a train with sufficient time to do any of the following if  
4 a defect is detected:

5 (i) Respond to an alert projected by a wayside  
6 detector system.

7 (ii) Stop the train, rolling stock or on-track  
8 equipment, if necessary.

9 (iii) Make necessary repairs or, if a repair is  
10 impossible at the location, remove the component parts or  
11 equipment that is defective.

12 (4) The railroad shall have defined, written standards  
13 and training for railroad employees pertaining to wayside  
14 detector system defect alerts, the course of action that  
15 railroad employees are required to take to respond to the  
16 alerts and appropriate monitoring and responses by the  
17 railroad if railroad employees fail to take the required  
18 course of action.

19 (b) Refusal to cooperate.--If a railroad refuses to work or  
20 otherwise cooperate with the commission in good faith under  
21 subsection (a), the commission shall investigate the railroad's  
22 safety practices and standards in accordance with 49 CFR Pt. 212  
23 (relating to State safety participation regulations). The  
24 commission shall determine whether the railroad appears to be in  
25 compliance with Federal railroad safety laws as defined in 49  
26 CFR 209.3 (relating to definitions).

27 (c) Noncompliance.--If a railroad does not appear to be in  
28 compliance with Federal railroad safety laws based on an  
29 investigation conducted under subsection (b), no later than 60  
30 days after the conclusion of the investigation, the commission

1 shall make a report to the Federal Railroad Administration. The  
2 report shall detail the results of the investigation and  
3 recommend that the Federal Railroad Administration take  
4 enforcement action within the Federal Railroad Administration's  
5 authority against the railroad for the safety violations  
6 discovered through the investigation. The commission shall send  
7 a copy of the report to the following:

8 (1) The Governor.

9 (2) The President pro tempore of the Senate.

10 (3) The Minority Leader of the Senate.

11 (4) The Speaker of the House of Representatives.

12 (5) The Minority Leader of the House of Representatives.

13 (d) Notice of defects.--When a wayside detector system  
14 detects a defect in a passing train, rolling stock, on-track  
15 equipment or its component equipment and parts, if the message  
16 regarding the defect is not immediately sent to the operator of  
17 the train, rolling stock or on-track equipment, the person who  
18 receives the message shall immediately notify the operator of  
19 the train, rolling stock or on-track equipment of the defect.  
20 The commission shall ensure that the manner in which a wayside  
21 detector system message is sent and received complies with this  
22 subsection.

23 (e) Definitions.--As used in this section, the following  
24 words and phrases shall have the meanings given to them in this  
25 subsection unless the context clearly indicates otherwise:

26 "Defect." Any of the following:

27 (1) A hot wheel bearing.

28 (2) A hot wheel.

29 (3) A defective bearing that is detected through  
30 acoustics.

- 1           (4) Dragging equipment.
- 2           (5) Excessive height or weight.
- 3           (6) A shifted load.
- 4           (7) A low hose.
- 5           (8) A rail temperature defect.
- 6           (9) A wheel condition defect.

7           "Department." The Department of Transportation of the  
8 Commonwealth.

9           "Wayside detector system." An electronic device or a series  
10 of connected devices that scan passing trains, rolling stock,  
11 on-track equipment and their component equipment and parts for  
12 defects.

13 § 2715. Study of transportation of hazardous materials or  
14 waste.

15           (a) Examination of Federal and State laws.--The commission,  
16 in consultation with the department, shall examine current  
17 Federal and State laws regarding the following:

18           (1) The regulations and protocols pertaining to the  
19 transportation of hazardous materials and hazardous waste by  
20 railroads.

21           (2) The requirements pertaining to when, how and to whom  
22 the transportation of hazardous materials and hazardous waste  
23 by railroads shall be disclosed.

24           (b) Report.--The commission, in consultation with the  
25 department, shall compile the information examined under  
26 subsection (a) into a report. The report shall include  
27 recommendations regarding the following:

28           (1) Methods to strengthen the Commonwealth's safety  
29 requirements for the transportation of hazardous materials  
30 and hazardous waste by railroads.

1           (2) Appropriate enhancements to current civil and  
2 criminal penalties relating to the transportation of  
3 hazardous materials and hazardous waste by railroads,  
4 including penalties for the following:

5           (i) The mishandling of hazardous materials and  
6 hazardous waste.

7           (ii) Failing to disclose or failing to meet all  
8 disclosure requirements relating to the transportation of  
9 hazardous materials and hazardous waste.

10       (c) Submission.--No later than 90 days after the effective  
11 date of this subsection, the commission, in consultation with  
12 the department, shall submit the report required under  
13 subsection (b) to all of the following:

14           (1) The President pro tempore of the Senate.

15           (2) The Minority Leader of the Senate.

16           (3) The Speaker of the House of Representatives.

17           (4) The Minority Leader of the House of Representatives.

18       (d) Definitions.--As used in this section, the following  
19 words and phrases shall have the meanings given to them in this  
20 subsection unless the context clearly indicates otherwise:

21       "Department." The Department of Transportation of the  
22 Commonwealth.

23       § 2716. Reporting system for transportation of hazardous  
24 materials or waste.

25       The commission shall promulgate regulations to create a  
26 reporting system for the transportation of hazardous materials  
27 and waste by railroads within this Commonwealth. The information  
28 contained in the reporting system shall not be made public or  
29 otherwise be accessible under the act of February 14, 2008  
30 (P.L.6, No.3), known as the Right-to-Know Law, but the



1 commission shall make the information available via a secure  
2 online database accessible only to the Federal Emergency  
3 Management Agency, the Pennsylvania Emergency Management Agency  
4 and county emergency management agencies.

5 Section 2. The provisions of this act are severable. If any  
6 provision of this act or its application to any person or  
7 circumstance is held invalid, the invalidity shall not affect  
8 other provisions or applications of this act which can be given  
9 effect without the invalid provision or application.

10 Section 3. This act shall take effect in 180 days.