

A05639 Text:

STATE OF NEW YORK

5639

2023-2024 Regular Sessions

IN ASSEMBLY

March 20, 2023

Introduced by M. of A. MAGNARELLI -- read
once and referred to the
Committee on Transportation

AN ACT to amend the railroad law, in relation
to requiring certain
trains and locomotives to have a crew size
of not less than two
persons; and providing for the repeal of such
provisions upon expira-
tion thereof

The People of the State of New York, represented
in Senate and Assem-
bly, do enact as follows:

1 Section 1. The railroad law is amended by adding
a new section 63-a to

2 read as follows:

3 § 63-a. Minimum crew size. 1. Except as otherwise
provided in subdivi-

4 sion two of this section, no person operating or
controlling any Class I

5 or Class II railroad shall allow the operation of
6 any railroad train or

7 locomotive for the movement of freight in this
8 state unless such rail-

9 road train or locomotive has a crew of not less
10 than two individuals.

11 2. The provisions of subdivision one of this
12 section shall not apply

13 to a railroad train or locomotive engaged in
14 switching service.

15 3. As used in this section, the following terms
16 shall have the follow-

17 ing meanings:

18 (a) "Class I railroad" means a railroad that has
19 been classified as a

20 Class I railroad by the federal surface
21 transportation board in accord-

22 ance with 49 C.F.R. part 1201 section 1-1.

23 (b) "Class II railroad" means a railroad that has
24 been classified as a

25 Class II railroad by the federal surface
26 transportation board in accord-

27 ance with 49 C.F.R. part 1201 section 1-1.

28 (c) "Locomotive" means a self-propelled piece
29 of on-track equipment

30 designed for moving or propelling cars that are
31 designed to carry

32 freight, passengers, or other equipment, but
33 which itself is not

34 designed or intended to carry freight, passengers
35 (other than those

36 operating the locomotive) or other equipment.

EXPLANATION--Matter in italics (underscored) is
new; matter in brackets

[~~-~~] is old law to be omitted.

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1 (d) "Railroad" means a commercial entity that
2 operates locomotives to

3 transport passengers or freight.

3 (e) "Switching service" means the classification
4 of rail cars accord-
5 ing to commodity or destination; assembly of rail
6 cars for train move-
7 ments; changing the position of rail cars for
8 purposes of loading,
9 unloading or weighing; placing of locomotives and
10 rail cars for repair
11 or storage; or moving of rail equipment in
12 connection with work service
13 that does not constitute train movement.

14 (f) "Train" means one or more locomotives,
15 coupled with or without
16 cars.

17 4. A violation of the provisions of
18 subdivision one of this section
19 shall be punishable by a civil penalty in an amount
20 of not less than two
21 hundred fifty dollars nor more than one thousand
22 dollars for a first
23 violation; for a second violation both of which
24 were committed within a
25 period of three years by a civil penalty of not
26 less than one thousand
27 dollars nor more than five thousand dollars; and
28 for a third or subse-
29 quent violation all of which were committed within
30 a period of three
31 years, by a civil penalty of not less than five
32 thousand dollars nor
33 more than ten thousand dollars.

34 § 2. Severability. If any clause, sentence,
35 subdivision, paragraph,
36 section or part of this act be adjudged by any
37 court of competent juris-
38 diction to be invalid, or if any federal agency
39 determines in writing
40 that this act would render New York state
41 ineligible for the receipt of
42 federal funds, such judgment or written
43 determination shall not
44 affect, impair or invalidate the remainder
45 thereof, but shall be

26 confined in its operation to the clause,
sentence, subdivision, para-
27 graph, section or part thereof directly involved in
the controversy in
28 which such judgment or written determination shall
have been rendered.

29 § 3. This act shall take effect on the
thirtieth day after it shall
30 have become a law; provided, however, that this act
shall expire and be
31 deemed repealed if any federal agency determines
in writing that this
32 act would render New York state ineligible for the
receipt of federal
33 funds or any court of competent jurisdiction
finally determines that
34 this act would render New York state out of
compliance with federal law
35 or regulation; provided, further, that the
commissioner of transporta-
36 tion shall notify the legislative bill drafting
commission upon the
37 occurrence of the provisions of section two of
this act in order that
38 the commission may maintain an accurate and timely
effective data base
39 of the official text of the laws of the state of
New York in furtherance
40 of effectuating the provisions of section 44 of
the legislative law and
41 section 70-b of the public officers law.
Effective immediately, the
42 addition, amendment and/or repeal of any rule or
regulation necessary
43 for the implementation of this act on its effective
date are authorized
44 to be made and completed on or before such
effective date.