

S05775 Text:

STATE OF NEW YORK

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5775

2023-2024 Regular Sessions

IN SENATE

March 15, 2023

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Introduced by Sen. KENNEDY -- read twice and ordered printed, and when printed to be committed 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 expiration thereof

The People of the State of New York, represented in Senate and Assembly, 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.