

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1126 Session of  
2023

INTRODUCED BY SCHMITT, R. MACKENZIE, M. MACKENZIE, PICKETT,  
MARSHALL, CABELL, NEILSON AND O'MARA, MAY 5, 2023

REFERRED TO COMMITTEE ON CONSUMER PROTECTION, TECHNOLOGY AND  
UTILITIES, MAY 5, 2023

AN ACT

1 Amending Title 66 (Public Utilities) of the Pennsylvania  
2 Consolidated Statutes, in railroads, providing for crew  
3 requirement; and imposing penalties.

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

6 Section 1. Title 66 of the Pennsylvania Consolidated  
7 Statutes is amended by adding a section to read:

8 § 2710. Crew requirement.

9 (a) General rule.--Except as provided in subsection (b), a  
10 freight train in this Commonwealth shall be operated with a crew  
11 of at least two individuals, one of whom must be a conductor and  
12 one of whom must be a locomotive engineer.

13 (b) Exceptions.--Subsection (a) does not apply to any of the  
14 following:

15 (1) A freight train operated within a repair, mechanical  
16 or servicing facility and yard connected to the facility.

17 (2) Any other freight train described by the commission  
18 in accordance with subsection (c).

1 (c) Consistency with Federal law and regulations.--The  
2 commission may promulgate rules and regulations providing an  
3 additional exception to subsection (a), if the exception is  
4 required by Federal law or regulation and the commission's rule  
5 or regulation is consistent with the Federal law or regulation.

6 (d) Penalties.--A railroad that violates subsection (a)  
7 shall be assessed a civil penalty in the following amounts:

8 (1) A fine of not less than \$5,000 nor more than \$10,000  
9 for a first offense.

10 (2) A fine of not less than \$10,000 nor more than  
11 \$15,000 for a second offense committed within three years of  
12 the first offense.

13 (3) A fine of not less than \$15,000 nor more than  
14 \$20,000 for a third offense and subsequent offenses committed  
15 within three years of the first offense.

16 (e) Deposit of penalties.--Notwithstanding section 3315  
17 (relating to disposition of fines and penalties), a penalty  
18 collected under this section shall be deposited into the General  
19 Fund, deemed an augmentation to any appropriation to the  
20 commission and used to administer and enforce this chapter.

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

24 "Freight locomotive." A railroad locomotive used exclusively  
25 for the conveyance of property.

26 "Freight train." One or more freight locomotives coupled to  
27 rail cars.

28 Section 2. This act shall take effect in 60 days.