

FISCAL NOTE

June 2, 2023

Bill No:	HB 1028	Printer's No:	1361	Sponsor:	Matzie
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COST / (SAVINGS)

Fund (s)	2022-23	2023-24
General Fund	See Fiscal Impact	See Fiscal Impact

SUMMARY: HB 1028 amends Title 66 (Public Utilities) to further provide for rail safety.

ANALYSIS: HB 1028 prohibits railroad owners or operators from blocking crossings that result in the delay of emergency vehicles. The Public Utility Commission (PUC) shall assess a civil penalty of \$10 thousand for each violation. Trains may not exceed 8,500 feet in length. Representatives of railroad unions may monitor rail safety and accompany PUC on inspections.

This bill also provides for safe staffing levels for trains (at least two individuals) and for penalties assessed by PUC for staffing violations (first offense \$1 to \$5 thousand, second offense \$5 to \$10 thousand, and third offense \$10 to 25 thousand). The Attorney General (AG), upon request of PUC, shall bring a civil action to collect penalties. The State Treasurer shall deposit all money collected into the General Fund.

PUC, in consultation with the Department of Transportation (PennDOT), shall work with railroads to certify wayside detector systems are in use and functional. Also provides for wayside detector system requirements for railroads.

PUC shall investigate railroads that refuse to cooperate to see if they are in compliance with federal standards. If a railroad does not appear to be in compliance with federal standards, PUC, no later than 60 days after the investigation, shall make a report to the Federal Railroad Administration. The report shall be sent to the Governor and legislature. PUC, in consultation with PennDOT, shall examine federal and state laws on rail safety and make recommendations to enhance them. This report shall be sent to the legislature.

PUC shall promulgate regulations to create a reporting system for the transportation of hazardous material and waste by railroads within Pennsylvania. This information shall only be accessible via a secure online database and by the Federal Emergency Management Agency, the Pennsylvania Emergency Management Agency, and county emergency management agencies.

This act shall take effect in 180 days.

FISCAL IMPACT: AG can absorb costs if the number of referrals from PUC is minimal, but if referrals are more than five to eight per year, they would require an additional attorney at \$123,224 annually. PUC estimates six additional positions would be needed at a cost of \$880 thousand annually. Also costs to develop a database that cannot be estimated at this time. This

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will not have an impact on GF as the railroad industry would pay via PUC's assessment process on utilities and operators. PennDOT will be able to absorb costs (approximately \$13,855 annually) to work in consultation with PUC on wayside detector certification and examining federal and state rail safety.