



TO: The Honorable Members of the Pennsylvania House of Representatives

FROM: Kevin Sunday, Director, Government Affairs

DATE: May 24, 2023

RE: Support Amendments to HB 1028

On behalf of the Pennsylvania Chamber of Business and Industry, the largest, broad-based business advocacy organization in the Commonwealth, representing nearly 10,000 member companies of all sizes from across all commercial and industrial sectors, I write to respectfully encourage you to **vote yes** on several amendments to HB 1028, which left unamended may disrupt the efficient movement of goods and products by freight in Pennsylvania.

We urge your support for:

A00381 and **A00663**, which address concerns about impacts of the proposed requirements on regional and short-line railroads;

A00671 and **A00672**, which address some concerns about requirements regarding train length and railway crossings that are likely pre-empted under federal law; and

A00673, which strikes from the bill novel and expansive language affording unfettered access to private property by collective bargaining representatives. We are unaware of any other industry that would be coerced in such a manner under state or federal law.

The PA Chamber strongly supports a safe, efficient and modernized system of infrastructure, including with respect to rail freight, so as to move our economy forward while protecting consumers and workers. However, it is vital that significant legislation impacting a cornerstone of the state's economy – in this case, the movement of freight cargoes over rail – be fully vetted, with the concerns of stakeholders outlined and addressed, prior to passage.

Without these amendments, we remain concerned that many of the provisions of this proposed legislation regarding operational, staffing, and safety requirements, as well as their enforcement, are pre-empted by the Federal Rail Safety Act and the Interstate Commerce Commission Termination Act. While state appellate courts have found past expansions of state-level rail safety regulation to be pre-empted under these statutes, left unresolved, the potential conflicts between HB 1028 and these federal statutes could result in disruptions to operations in the state for the movement of goods and products necessary to sustain the economy.

In addition, even with these amendments adopted, several of the provisions of HB 1028 remain in conflict with last fall's agreement to avert a labor strike and should be negotiated as part of bargaining agreements between the carriers and labor.

Nevertheless, we encourage your votes on these key amendments to position the bill into a more durable and workable bill.

For any questions, please contact Kevin Sunday, Director of Government Affairs, at ksunday@pachamber.org or 717 645-2071.