



TO: The Honorable Members of the Pennsylvania House of Representatives

FROM: Kevin Sunday, Director, Government Affairs

DATE: June 5, 2023

RE: Oppose Burdensome Mandates on Rail Freight and Logistics – Vote No on HB 1028

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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 no on HB 1028**, which will impose significant burdens on the rail freight and logistics sector.

The PA Chamber strongly supports a safe, efficient and modernized system of infrastructure, including with respect to rail freight, and shares the goal of moving our economy forward while protecting consumers and workers. Unfortunately, while HB 1028 was amended on the floor in May to address some concerns with respect to cost on certain types of rail, we believe it to be inequitable for Class I rail to be burdened with this legislation's operational, staffing, and safety requirements, as well as their enforcement – all of which are likely pre-empted by the Federal Rail Safety Act and the Interstate Commerce Commission Termination Act. Further, several outstanding issues remain unaddressed – notably, unprecedented and expansive new powers granted to organized labor representatives for access to private property – after key amendments failed on the floor.

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, several of the provisions of HB 1028 are also 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.

As such, we respectfully request a no vote on this bill.

For any questions, please contact Kevin Sunday, Director of Government Affairs, at [ksunday@pachamber.org](mailto:ksunday@pachamber.org) or 717 645-2071.