



## **Brotherhood of Maintenance of Way Employes Division of the International Brotherhood of Teamsters**

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### **State Statutes RE: Motorists Responsibilities When Approaching A Railroad Crossing Testimony**

Thankyou Mr. Chairman Green Vice Chair Greenspan, and ranking member Sheehy for taking the time to hold this hearing to address a serious public safety issue. And thankyou Speaker Pro Tem Schuring and Representative Lepore-Hagan for cosponsoring HB 190 to address motorist safety at railroad crossings.

My name is Charlie Hogue and I am currently the national legislative director for the Brotherhood of Maintenance Way Employees Division of the International Brotherhood of Teamsters. We are the men and women who build and maintain railroad infrastructure in the United States and Canada. I hired into the railroad in 1995 and have held numerous job titles and performed numerous functions including “On-Track Equipment Operator” wherein I operated various types of self propelled on-track equipment. On-Track Equipment can be defined as “any car, rolling stock, or other device that, alone or coupled to another device, is operated on permanent stationary rails”. I’ve provided two examples of on-track equipment to give you an idea of how advanced on-track equipment has become.

For the last seven years I have been working on getting language inserted into the respective state railroad crossing laws pertaining to motorist’s responsibilities at railroad crossings. I started by discussing this initiative with the Association of American Railroads and they have been supportive from the beginning. It’s a very bi-partisan effort and we have been successful so far in Illinois, Indiana, Iowa, Massachusetts, Montana Tennessee, Virginia, Wisconsin, Washington State, South Dakota and Wyoming. In fact, the law was changed about 4 years ago in Wyoming and there have been only positive results.

The issue is that maintenance of way on-track equipment, operated primarily by BMWED members and railroad contractors is not included in the Ohio Statute that mandates a motorist’s responsibilities when approaching a crossing. In other words, when the gates are down, or when there is a train approaching or a flagman or stop sign present a motorist is responsible to stop so many feet away from a crossing.

On-track maintenance equipment has evolved into “train like” machines that present the same dangers to the motoring public as a train engine/train with cars.

On-Track maintenance equipment, like trains, are unable to stop on a dime; however on-track equipment is not identified in current statute.

Approaching trains are currently included in the statute in addition to gates being down, or there is a stop sign or flagman. In other words when a train is visibly approaching a motorist is required to stop, with or without any of the other conditions. In addition, crossing gates are mechanical and do occasionally fail to activate when a train or other on track equipment is approaching. And, not every piece of on-track equipment activates the crossing gates where crossing gates are installed. NOTE: we are working with the FRA for a technological solution to activating mechanical gates.

The fix is easy and is supported by rail labor, the railroads themselves, railroad contractors, and in fact I have found no real opposition thus far because it's truly a public safety issue and the fix is simple language "or other on-track equipment" being inserted into current law anywhere it states: "when a train is approaching".

There is no cost to the state or the railroads associated with this proposed legislation.

I'd like to note here that the states have authority and jurisdiction on the roadways and the Federal Railroad Administration which is a United States Department of Transportation entity has authority and jurisdiction on railroad tracks, between the tracks and on railroad right of way. This proposed legislation does not undermine or change any on track operating rules and procedures nor should it. For example, whatever the FRA mandates regarding railroad crossing safety such as providing a flagman in certain situations for equipment or trains to cross, is unaffected by this proposed legislation.

This is truly a public safety initiative. The public is aware that trains occupy the tracks in their respective neighborhoods but not everyone is aware of the on-track maintenance and construction machines that travel on the track infrastructure in our country. Clarifying with legislation that there are other pieces of equipment that travel on tracks and present the same dangers to motorists as trains will help to educate the public of this fact and improve railroad crossing safety in Ohio.

Again, thank you for this opportunity to testify and I'm happy to answer any questions you might have.

Charlie Hogue

National Director of Government Affairs

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