



# OHIO LEGISLATIVE SERVICE COMMISSION

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## Bill Analysis

Margaret E. Marcy

### **H.B. 107**

132nd General Assembly  
(As Introduced)

**Reps.** Sheehy and Lepore-Hagan, Antonio, Bishoff, Boyd, Cera, Fedor, Hughes, Howse, G. Johnson, Kelly, Leland, Miller, O'Brien, Patton, Riedel, Rogers, Ramos, K. Smith, Sykes, Sweeney, West

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## **BILL SUMMARY**

- Requires a train or light engine used in connection with the movement of freight to have at least a two-person crew.
- Prohibits a railroad superintendent, trainmaster, or other railroad employee from requiring operation of a train or light engine unless it has at least a two-person crew.
- Establishes civil penalties ranging from \$250 to \$1,000 for a first violation within a three-year period, \$1,000 to \$5,000 for a second violation within a three-year period, and \$5,000 to \$10,000 for a third or subsequent violation within a three-year period.
- Requires the Attorney General, at the request of the Public Utilities Commission, to bring a civil action to collect the penalties.
- Specifies that the penalties collected be deposited to the credit of the Public Utilities Fund.

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## **CONTENT AND OPERATION**

### **Train or light engine crew requirement for movement of freight**

The bill requires a train or light engine used in connection with the movement of freight to have a crew that consists of at least two individuals. Under the bill, no railroad superintendent, trainmaster, or other railroad employee may order or "otherwise require" a train or light engine that is used in connection with the movement of freight to be operated unless it has at least a two-person crew.

Under the bill, "hostler service" (which, according to railroad industry usage, involves moving locomotives within a railroad yard to various locations for fuel, cleaning, service, and repair) and "utility employees" (defined under federal regulations as railroad employees who are temporarily part of a train or yard crew to help the crew assemble, disassemble, or classify rail cars or operate trains<sup>1</sup>) are not subject to the minimum crew requirement. Neither term is defined in the bill.<sup>2</sup>

## Civil penalties

The bill requires the Attorney General, upon the request of the Public Utilities Commission (PUCO), to bring a civil action to collect the penalties that the bill establishes. Under the bill, whoever violates the minimum crew requirement is liable for a civil penalty as follows:

Violation	Penalty Range
First violation within a three-year period	Not less than \$250 but not more than \$1,000
Second violation within a three-year period	Not less than \$1,000 but not more than \$5,000
Third or subsequent violation within a three-year period	Not less than \$5,000 but not more than \$10,000

Penalties collected under the bill are deposited to the credit of the Public Utilities Fund. The Fund is used for the administration of the PUCO and its supervision and jurisdiction over the state's railroads and public utilities.<sup>3</sup>

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## COMMENT

Federal law requires laws, regulations, and orders regarding railroad safety and railroad security to be nationally uniform to the extent practicable. States may adopt or continue laws, regulations, or orders regarding railroad safety or security until the Secretary of Transportation (with respect to railroad safety matters) or the Secretary of Homeland Security (with respect to railroad security matters) prescribes a regulation or issues an order on that subject matter. Federal law permits states to adopt or continue an additional or more stringent law, regulation, or order if it (1) is necessary to eliminate or reduce an essentially local safety or security hazard, (2) is not incompatible

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<sup>1</sup> 49 C.F.R. 218.5.

<sup>2</sup> R.C. 4999.09(A).

<sup>3</sup> R.C. 4999.09(B); R.C. 4905.10, not in the bill.

with a federal law, regulation, or United States Government order, and (3) does not unreasonably burden interstate commerce.<sup>4</sup>

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## HISTORY

ACTION	DATE
Introduced	03-07-17

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<sup>4</sup> 49 U.S.C. 20106.

