

As Introduced

132nd General Assembly

Regular Session

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S. B. No. 90

Senators Skindell, Yuko

Cosponsors: Senators Brown, Thomas, Williams, Schiavoni

A BILL

To amend sections 4907.01 and 4907.99 and to enact 1
sections 4907.70 and 4907.71 of the Revised Code 2
to establish standards for walkways in a rail 3
yard and to establish penalties for railroad 4
companies that are in violation of those 5
standards. 6

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 4907.01 and 4907.99 be amended 7
and sections 4907.70 and 4907.71 of the Revised Code be enacted 8
to read as follows: 9

Sec. 4907.01. As used in sections 4907.01 to ~~4907.63~~ 10
4907.71 of the Revised Code: 11

(A) "Public utility" has the same meaning as in section 12
4905.02 of the Revised Code. 13

(B) "Telephone company," "street railway company," and 14
"interurban railroad company" have the same meanings as in 15
section 4905.03 of the Revised Code. 16

(C) "Railroad" has the same meaning as in section 4907.02 17

of the Revised Code. 18

(D) "Public highway" has the same meaning as in section 19
4921.01 of the Revised Code. 20

Sec. 4907.70. (A) As used in this section: 21

(1) "Walkway" means any walkway used in a rail yard. 22
"Walkway" does not include tracks constructed in industry yards 23
owned by an entity other than a railroad company. 24

(2) "Frequently" means at least one shift per day, five or 25
more days a week. 26

(3) "Good cause" includes a showing that compliance with 27
this section will impose an undue hardship on the railroad 28
company. 29

(B) On and after the effective date of this section, a 30
railroad company that is constructing a track within a rail yard 31
owned or operated by the company shall construct a walkway 32
adjacent to that track in areas where railroad company employees 33
frequently perform switching activities. The railroad company 34
shall construct the walkway in accordance with the standards 35
established in division (D) of this section. This division does 36
not apply to a railroad company if both of the following apply: 37

(1) The area adjacent to the track in which the walkway is 38
otherwise required to be constructed is necessary, under federal 39
law, for track stability or track support. 40

(2) The construction of the walkway in accordance with 41
division (D) of this section will prevent the railroad company 42
from complying with federal law governing track stability or 43
track support. 44

(C) If the public utilities commission finds, after a 45

hearing held in accordance with Chapter 119. of the Revised 46
Code, that railroad company employees who frequently perform 47
switching activities adjacent to a portion of track within a 48
rail yard are exposed to safety hazards due to the absence of a 49
walkway or due to the condition of a walkway constructed before 50
the effective date of this section, the commission may order a 51
railroad company to construct a walkway adjacent to that portion 52
of track, or require a railroad company to modify an existing 53
walkway. If so ordered, the railroad company shall construct or 54
modify the walkway in accordance with the standards set forth in 55
division (D) of this section within a reasonable period of time. 56
The commission shall not issue an order under this division if 57
both of the following apply: 58

(1) The area adjacent to the track in which the walkway is 59
otherwise required to be constructed or modified is necessary, 60
under federal law, for track stability or track support. 61

(2) The construction or modification of the walkway in 62
accordance with division (D) of this section will prevent the 63
railroad company from complying with federal law governing track 64
stability or track support. 65

(D) With respect to walkways constructed or modified under 66
this section, a railroad company shall ensure all of the 67
following: 68

(1) Walkways have a reasonably uniform surface. 69

(2) Cross slopes for walkways do not exceed one inch of 70
elevation for each eight inches of horizontal length in any 71
direction. 72

(3) Walkways are a minimum width of two feet. 73

(4) Walkways are surfaced with asphalt, concrete, 74

planking, grating, native material, crushed material, or other 75
similar material. 76

When crushed material is used, the railroad company shall 77
ensure that one hundred per cent of the material is capable of 78
passing through a one and one-half inch square sieve opening and 79
between ninety to one hundred per cent of the material is 80
capable of passing through a one inch square sieve opening. 81
However, with respect to crushed material, a de minimis 82
variation from such percentages is not a violation of this 83
section if the railroad company has made a good faith effort to 84
comply with the requirements governing crushed material. 85

(E) (1) A railroad company shall keep a walkway that is 86
constructed or modified in accordance with this section in a 87
safe condition and free of spilled oil, sand, posts, vegetation, 88
nonballast rocks, debris, and other hazards and obstructions. 89

(2) Division (E) (1) of this section does not apply to a 90
railroad company during maintenance activities or any period of 91
heavy rain or snow, derailments, rock and earth slides, washouts 92
and similar weather or seismic conditions, and during a 93
reasonable period after such events. 94

(F) A railroad company may petition the commission for a 95
waiver from any of the requirements of this section for good 96
cause. 97

Sec. 4907.71. A railroad company employee or a 98
representative of a railroad company employee may file a 99
complaint with the public utilities commission alleging a 100
violation of section 4907.70 of the Revised Code. The railroad 101
company employee or representative of the employee shall submit 102
along with the complaint written evidence that, prior to the 103

filing of the complaint, the employee or representative 104
requested the railroad company to address the circumstances that 105
gave rise to the complaint. The commission shall establish 106
procedures for the filing of such a complaint. 107

Sec. 4907.99. (A) Whoever violates section 4907.21 of the 108
Revised Code shall be fined not less than one hundred nor more 109
than one thousand dollars. 110

(B) Whoever violates section 4907.22 of the Revised Code 111
shall be fined not less than five hundred nor more than one 112
thousand dollars. 113

(C) Whoever violates section 4907.32 of the Revised Code 114
shall be fined not less than fifty nor more than five hundred 115
dollars. 116

(D) Whoever violates section 4907.35 or 4907.38 of the 117
Revised Code shall be fined not less than fifty nor more than 118
one thousand dollars. 119

(E) Whoever violates section 4907.45 of the Revised Code 120
shall be fined not more than five hundred dollars, imprisoned 121
not more than one year, or both. 122

(F) Whoever violates section 4907.473 of the Revised Code 123
is guilty of a minor misdemeanor. 124

(G) Whoever violates section 4907.63 of the Revised Code 125
is guilty of a felony of the fifth degree. 126

(H) Whoever recklessly violates section 4907.70 of the 127
Revised Code shall be fined not more than one hundred dollars. 128
Each day a violation exists constitutes a separate offense. 129

Section 2. That existing sections 4907.01 and 4907.99 of 130
the Revised Code are hereby repealed. 131