(123rd General Assembly)
(Amended House Bill Number 607)

AN ACT

To amend section 4955.32 and to enact section 4955.321 of the Revised Code to allow the use of an alternative audible warning system signaling the approach of a locomotive engine, subject to approval by the Public Utilities Commission.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 4955.32 be amended and section 4955.321 of the Revised Code be enacted to read as follows:

Sec. 4955.32. (A) Every company shall attach to each locomotive engine passing upon its railroad a bell of the ordinary size in use on such engines and a steam or compressed air whistle. ~~When~~

(B) When an engine in motion and approaching a turnpike, highway, or street crossing or private crossing where the view of such crossing is obstructed by embankment, trees, curve, or other obstruction to view, upon the same line with the crossing, and in like manner where the railroad crosses any other traveled place, by bridge or otherwise, ~~the~~ either of the following shall occur:

(1) The engineer or person in charge of such engine shall sound such whistle at a distance of at least eighty and not further than one hundred rods from such crossing and ring such bell continuously until the engine passes the crossing;

(2) An alternative audible warning system approved by the public utilities commission under section 4955.321 of the Revised Code shall be activated in accordance with guidelines established by the public utilities commission.

(C) This section shall not interfere with the proper observance of an ordinance passed by the legislative authority of a municipal corporation regulating the management of railroads, locomotives, and steam whistles on locomotives, within the limits of such municipal corporation.

(D) The establishment of an alternative audible warning system does not preclude the sounding of a whistle by an engineer or other person in charge of an engine in an emergency situation, as determined by the sole judgment

of the engineer or other person.

Sec. 4955.321. The public utilities commission may evaluate alternative systems for providing an audible warning of an approaching locomotive engine. The commission may approve the use of an audible warning system as an alternative to the whistle and bell required under division (B)(1) of section 4955.32 of the Revised Code only if it determines that the alternative audible warning system complies with applicable federal requirements for an audible warning of an approaching train and only if train-activated warning devices also are present at any crossing at which the alternative audible warning system is installed. The commission shall establish guidelines for the use and operation of any alternative audible warning system it approves.

SECTION 2. That existing section 4955.32 of the Revised Code is hereby repealed.

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Speaker _____ of the House of Representatives.

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President _____ of the Senate.

Passed _____, 20____

Approved _____, 20____

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Governor.

The section numbering of law of a general and permanent nature is complete and in conformity with the Revised Code.

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Director, Legislative Service Commission.

Filed in the office of the Secretary of State at Columbus, Ohio, on the ____ day of _____, A. D. 20____.

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Secretary of State.

File No. _____ Effective Date _____