



**MEMORANDUM**

**Brett Hudson Hillyer**

State Representative, 98<sup>th</sup> House District

Chairman Green, Vice Chairman McClain, and members of the House Transportation and Public Safety Committee, thank you for the opportunity for Representative Sheehy and me to provide sponsor testimony on House Bill 186.

House Bill 186 is a comprehensive omnibus bill that encompasses four different railroad safety measures that are long overdue and critical not only for industry safety, but for the communities impacted by the railroads.

As previously mentioned, this legislation focuses on four safety measures:

- Two-Person Freight Train Crews
- Public Roadway Blocked Crossings
- Rail Yard Illumination
- Rail Yard Walkway Safety

Two-Person Freight Train Crews

This bill requires a train or light engine used in connection with the movement of freight to have at least a two-person crew. 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.

The language 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.

House Bill 186 requires the Attorney General, at the request of the Public Utilities Commission of Ohio (PUCO), to bring a civil action to collect penalties which will then be deposited to the credit of the Public Utilities Fund.

Public Roadway Blocked Crossings

House Bill 186 prohibits a railroad company from obstructing a public street, road, or highway by permitting a railroad car, locomotive, or other obstruction to remain upon or across it for any amount of time if the obstruction causes the delay of an emergency vehicle that is assisting or attempting to assist a person or property in danger.

Furthermore, this bill specifies that whoever violates the previously mentioned prohibition must pay a civil penalty of \$5,000 and that all fines collected are credited to the existing railroad grade crossing improvement fund of the appropriate county or municipal corporation.

#### Rail Yard Illumination

House Bill 186 requires a railroad company to illuminate each rail yard in accordance with the illumination standards established by the Illuminating Engineering Society of North America.

The legislation permits a railroad company employee or representative of that employee to file a complaint with PUCO to address a violation of the illumination requirement.

The bill requires a complaint alleging a violation to also include written evidence that the employee or representative previously requested the railroad company to address the issue.

The language also provides that whoever recklessly violates the illumination standards must be fined at most \$100 and that each day a violation exists is a separate offense.

#### Rail Yard Walkway Safety

House Bill 186 requires a railroad company to construct a walkway adjacent to the track in areas where company employees frequently perform switching activities if the company is constructing a track with a rail yard that it owns or operates.

The legislation outlines that after a hearing finding that railroad company employees who frequently perform switching activities adjacent to a track in a rail yard are exposed to safety hazards due to the absence or condition of a walkway, permits the PUCO to order a company to:

- Construct a walkway adjacent to that portion of track; or
- Modify an existing walkway constructed before the bill's effective date.

The bill establishes standards that ensure walkways have a reasonably uniform surface, are at least two feet in width, are surfaced with asphalt, concrete, planking, grating, native material, crushed material of a specified size, or other similar material and have a cross slope that does not exceed a 1:8 elevation to horizontal length ratio.

A railroad company is required to keep walkways safe and free of hazards and obstructions, except during maintenance or any period of heavy rain or snow, derailments, rock and earth slides, washouts, and similar weather or seismic conditions.

House bill 186 does permit a railroad company employee or representative of the employee to file a complaint alleging a violation of the walkway requirements and requires PUCO to establish complaint procedures. Complaints are required to include written evidence that a railroad company employee or the employee's representative requested the company to address the circumstances for the complaint.

The bill established a penalty for recklessly violating the walkway requirements and sets a \$100 fine for each day of the violation.

A railroad company is permitted to petition the PUCO for a waiver from the bill's walkway requirements for good cause, including a showing that compliance would impose an undue hardship on the company.

Lastly, there is language that specifies that the bill does not apply to the construction or modification of a walkway if the area adjacent to the track is necessary, under federal law, for track stability or support or the construction or modification will prevent company compliance with federal law governing track stability or support.

Chairman Green, Vice Chairman McClain, and members of the House Transportation and Public Safety Committee, thank you again for the opportunity to share sponsor testimony with Representative Sheehy on House Bill 186. We are happy to answer any questions you may have.