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S.B. 250
135th General Assembly

Bill Analysis

Version: As Introduced

Primary Sponsor: Sen. Reineke

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SUMMARY

- Creates separate spacing requirements for wayside detector system (WDS) installation based on the type of railroad carrier, as defined in federal regulation, as follows:
 - For a Class I Carrier railroad, the spacing requirement is not more than ten miles (the same as the distance in current law for all railroads);
 - For a Class II Carrier railroad, the spacing requirement is not more than 25 miles;
 - For a Class III Carrier railroad, the spacing requirement is not more than 35 miles.
- Allows, under certain circumstances, for each railroad carrier class to place the next adjacent WDS up to five miles outside the applicable WDS spacing requirement.
- Requires Class II and Class III Carriers, prior to deviation, to submit a written explanation to the Public Utilities Commission (PUCO) for the deviation.
- Exempts any railroad track owned or leased by a Class II or Class III Carrier that has a speed limit of ten miles per hour or less from the WDS spacing requirements.
- Requires PUCO, not later than December 31, 2028, to complete a review of train derailments in Ohio using certain statistics over the course of three years proceeding the bill's effective date, a copy of which must be sent to the Governor, President of the Senate, Speaker of the House, and the Minority leaders of both Chambers.
- Recodifies other WDS provisions of current law.

DETAILED ANALYSIS

Positioning wayside detector systems

Railroad carrier classifications

The bill uses the following classifications from federal regulations to separate categories of railroad carrier based on operating revenue after applying a deflator formula provided in the regulations:

- Class I: carriers having an operating revenue of \$900 million or more;
- Class II: carriers having an operating revenue in excess of \$40.4 million but less than \$900 million;
- Class III: carriers having an operating revenue of \$40.4 million or less.¹

Spacing requirements

The bill creates separate spacing requirements for each railroad carrier class for the placement of each adjacent wayside detector system (WDS). Under the bill, any person responsible for WDS installation alongside, or on, a railroad must ensure that each WDS is the following distance from each adjacent WDS location:

- For a Class I Carrier railroad, the spacing requirement is not more than ten miles;
- For a Class II Carrier railroad, the spacing requirement is not more than 25 miles;
- For a Class III Carrier railroad, the spacing requirement is not more than 35 miles.

Under current law, the spacing requirement is not more than ten miles for all railroads, regardless of class.²

Exemptions to WDS spacing requirements

Five-mile allowance

The bill allows all railroad carrier classes to extend the spacing requirement described immediately above not more than five miles if the natural terrain or any other reason exists that does not allow for the placement of the next adjacent WDS to be within the required parameters. Under current law, spacing could be extended not more than 15 miles (ten miles more than the bill provides).³

¹ R.C. 4955.50(A)(3); 49 Code of Federal Regulations (C.F.R.) Part 1201 1-1 (A technical amendment is needed to correct a mistaken cross reference to the federal regulation, which the bill refers to as 49 C.F.R. Part 1204 1-1.)

² R.C. 4955.51.

³ R.C. 4955.55(A).

The bill, however, requires Class II and Class III Carriers, “prior to the installation of a (WDS) outside the spacing requirements as described in (the provision creating the five-mile allowance)” to submit a written explanation for the deviation to the Public Utilities Commission (PUCO). It is somewhat ambiguous as to whether the bill requires the explanation for deviation from (1) the five-mile allowance or (2) the spacing requirements. Because the bill does not expressly provide for deviation from the five-mile allowance as it does for the spacing requirements, the explanation probably applies to use of the five-mile allowance and not deviation from it. This ambiguity could be easily clarified with a corrective amendment.⁴

Railroad tracks with low speed limit

The bill exempts any railroad track owned or leased by a Class II or Class III Carrier that has a speed limit of ten miles per hour or less from the WDS spacing requirements.⁵

Three-year review

The bill requires PUCO, not later than December 31, 2028, to complete a review of train derailments in Ohio using statistics from the Federal Railroad Administration to identify derailments due to bearing or axle failure over the three years “proceeding”⁶ the bill’s effective date. PUCO must then send a copy of the review to the following:

- The Governor;
- The President of the Senate;
- The Speaker of the House of Representatives;
- The Minority Leaders of both the Senate and the House.⁷

Recodification

The bill recodifies two provisions of current law (one regarding receiving messages from a WDS and the other regarding the Department of Transportation and PUCO ensuring the WDS spacing requirements and the WDS messaging provisions are being complied with) without making any substantive changes.⁸

⁴ R.C. 4955.55(B).

⁵ R.C. 4955.57.

⁶ The bill requires review of derailments “over the three years proceeding the effective date” of the bill. This phrasing may be construed as ambiguous. A corrective amendment is needed to change this to “proceeding from” or “following” if the intention is to review three years following the bill’s effective date.

⁷ Section 3.

⁸ R.C. 4955.52 and 4955.53, recodified from R.C. 4955.51(B) and (C), respectively, with appropriate cross-reference changes.

HISTORY

Action	Date
Introduced	04-23-24
