

As Introduced

**135th General Assembly
Regular Session
2023-2024**

S. B. No. 250

Senator Reineke

A BILL

To amend sections 4955.50 and 4955.51 and to enact 1
sections 4955.52, 4955.53, 4955.55, and 4955.57 2
of the Revised Code to create separate 3
requirements for the installation of wayside 4
detector systems for certain railroad companies. 5

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

Section 1. That sections 4955.50 and 4955.51 be amended 6
and sections 4955.52, 4955.53, 4955.55, and 4955.57 of the 7
Revised Code be enacted to read as follows: 8

Sec. 4955.50. (A) As used in this section and ~~section~~ 9
sections 4955.51 to 4955.57 of the Revised Code: 10

(1) "Wayside detector system" means an electronic device 11
or a series of connected devices that scan passing trains, 12
rolling stock, on-track equipment, and their component equipment 13
and parts for defects. 14

(2) "Defects" include hot wheel bearings, hot wheels, 15
defective bearings that are detected through acoustics, dragging 16
equipment, excessive height or weight, shifted loads, low hoses, 17
rail temperature, and wheel condition. 18

(3) "Class I carrier," "class II carrier," and "class III carrier" have the same meanings as defined in 49 C.F.R. Part 1204 1-1. 19
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(B) The public utilities commission in conjunction with 22
the department of transportation shall work with each railroad 23
company that does business in this state to ensure that wayside 24
detector systems are installed and are operating along railroad 25
tracks on which the railroad operates and to ensure that such 26
systems meet all of following standards: 27

(1) The systems are properly installed, maintained, 28
repaired, and operational in accordance with ~~section~~sections 29
4955.51 to 4955.57 of the Revised Code and the latest guidelines 30
issued by the United States department of transportation, the 31
federal railroad administration, and the association of American 32
railroads. 33

(2) Any expired, nonworking, or outdated wayside detector 34
system or component parts of a system are removed and replaced 35
with new parts or an entirely new system that reflects the 36
current best practices and standards of the industry. 37

(3) The distance between wayside detector systems is 38
appropriate when accounting for the requirements of ~~section~~sections 39
4955.51 to 4955.57 of the Revised Code, the natural 40
terrain surrounding the railroad track on which the railroad 41
operates, and the safety of the trains, rolling stock, on-track 42
equipment, their operators, their passengers, and the persons 43
and property in the vicinity of such railroad track so that if 44
defects are detected operators have sufficient time to do the 45
following: 46

(a) Respond to the alerts projected by the wayside 47

detector system; 48

(b) Stop the train, rolling stock, or on-track equipment, 49
if necessary; 50

(c) Make all necessary repairs or, if repair is impossible 51
at the location, to remove the component parts or equipment that 52
is defective. 53

(4) The railroad company has defined, written standards 54
and training for its employees pertaining to wayside detector 55
system defect alerts, the course of action that employees are 56
required to take to respond to an alert, and appropriate 57
monitoring and responses by the company if employees fail to 58
take the required course of action. 59

(C) If a railroad company refuses to work or otherwise 60
cooperate with the public utilities commission and the 61
department of transportation in good faith in accordance with 62
this section, the commission and department shall investigate 63
that railroad company's safety practices and standards in 64
accordance with 49 C.F.R. Part 212. The commission and 65
department shall determine whether the company appears to be in 66
compliance with federal railroad safety laws, as defined in 49 67
C.F.R. Part 209. 68

(D) (1) If a railroad company does not appear to be in 69
compliance with the applicable federal standards based on an 70
investigation conducted under division (C) of this section, not 71
later than sixty days after the conclusion of the investigation, 72
the commission and department shall make a report to the federal 73
railroad administration. The report shall detail the results of 74
the investigation and recommend that the administration take 75
enforcement action in accordance with its authority against the 76

railroad company for the safety violations discovered through 77
that investigation. 78

(2) The commission and department shall send a copy of the 79
report to the governor, the president of the senate, the speaker 80
of the house of representatives, and the minority leaders of 81
both the senate and the house of representatives. 82

Sec. 4955.51. ~~(A) (1)~~ Except as otherwise provided in 83
~~division (A) (2) of this section~~ sections 4955.55 and 4955.57 of 84
the Revised Code, any person responsible for the installation of 85
wayside detector systems alongside or on a railroad shall ensure 86
that each system location is ~~not more than ten miles~~ the 87
following distance from the adjacent system location: 88

(A) For a class I carrier railroad, not more than ten 89
miles; 90

(B) For a class II carrier railroad, not more than twenty- 91
five miles; 92

(C) For a class III carrier railroad, not more than 93
thirty-five miles. 94

~~(2) If the natural terrain does not allow for the~~ 95
~~placement of the next adjacent system location within ten miles~~ 96
~~from the prior system location, the next adjacent system~~ 97
~~location shall be installed not more than fifteen miles from the~~ 98
~~prior system location.~~ 99

~~(B) When a wayside detector system detects a defect in a~~ 100
~~passing train, rolling stock, on track equipment, or its~~ 101
~~component equipment and parts, if the message regarding the~~ 102
~~defect is not immediately sent to the operator of that train,~~ 103
~~rolling stock, or on track equipment, the person that receives~~ 104
~~the message shall immediately notify the operator of the defect.~~ 105

~~(C) The department of transportation and the public utilities commission, as part of their work with each railroad company under division (B) of section 4955.50 of the Revised Code, shall ensure both of the following:~~ 106
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~~(1) The manner in which wayside detector systems are installed and placed complies with division (A) of this section;~~ 110
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~~(2) The manner in which wayside detector system messages are sent and received complies with division (B) of this section.~~ 112
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Sec. 4955.52. When a wayside detector system detects a defect in a passing train, rolling stock, on-track equipment, or its component equipment and parts, if the message regarding the defect is not immediately sent to the operator of that train, rolling stock, or on-track equipment, the person that receives the message shall immediately notify the operator of the defect. 115
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Sec. 4955.53. The department of transportation and the public utilities commission, as part of their work with each railroad company under division (B) of section 4955.50 of the Revised Code, shall ensure both of the following: 121
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(A) The manner in which wayside detector systems are installed and placed complies with section 4955.51 of the Revised Code; 125
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(B) The manner in which wayside detector system messages are sent and received complies with section 4955.52 of the Revised Code. 128
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Sec. 4955.55. (A) If the natural terrain or any other reason does not allow for the placement of the next adjacent wayside detector system location to be within the spacing requirements described in section 4955.51 of the Revised Code, 131
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the next adjacent system location shall be not more than five 135
miles from the maximum spacing allowed in that section. 136

(B) For class II carriers and class III carriers, prior to 137
the installation of a wayside detector system outside the 138
spacing requirements as described in division (A) of this 139
section, the carrier shall submit to the public utilities 140
commission a written explanation for the deviation. 141

Sec. 4955.57. Any railroad track owned or leased by a 142
class II carrier or class III carrier that has a speed limit of 143
ten miles per hour or less is exempt from the requirements 144
stated in sections 4955.50 to 4955.52 of the Revised Code. 145

Section 2. That existing sections 4955.50 and 4955.51 of 146
the Revised Code are hereby repealed. 147

Section 3. (A) Not later than December 31, 2028, the 148
Public Utilities Commission shall complete a review of train 149
derailments in Ohio using statistics from the Federal Railroad 150
Administration to identify derailments due to bearing or axle 151
failure over the three years proceeding the effective date of 152
this section. 153

(B) The commission shall send a copy of the review 154
described in division (A) of this section to the following: 155

(1) The Governor; 156

(2) The President of the Senate; 157

(3) The Speaker of the House of Representatives; 158

(4) The minority leaders of both the Senate and the House 159
of Representatives. 160