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**H.B. 851**
**136th General Assembly**

# Bill Analysis

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**Version**: As Introduced

**Primary Sponsors**: Reps. Grim and Pizzulli

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## SUMMARY


- Establishes "safe zones" around railroad tracks for the safety of railroad employees.
- Accordingly, requires a railroad to ensure that each safe zone under its control remains clear of obstruction.
- Requires a railroad to install a sign, with approval from the Public Utilities Commission (PUCO), to warn railroad employees of an obstruction if the obstruction cannot reasonably be removed.
- Requires PUCO to conduct periodic inspections of safe zones.
- Requires individuals to wear personal protective equipment and follow railroad safety rules at an inspection.
- Names the bill the "Paul Payne Safe Zone Act."


## DETAILED ANALYSIS

### Railroad track safe zones

The bill establishes "safe zones" around railroad tracks for the safety of railroad employees. A safe zone is the immediate area surrounding railroad tracks with the following parameters:

1. A vertical distance of 22.5 feet from the top of the rounded uppermost part of a rail ("railhead");
2. A horizontal distance of 15 feet in either direction from the center line of the railroad track;

3. When occupied by railroad equipment in motion, a horizontal distance of at least 30 feet in either direction from the center line of the railroad track when the track speed is 10 miles per hour or less; and
4. When occupied by railroad equipment in motion, a horizontal distance of at least 50 feet in either direction from the center line of the railroad track that includes a direct means of evacuating the area when the track speed is greater than 10 miles per hour.[1]

Under the bill, a railroad must ensure that each safe zone under its control remains clear of obstructions to ensure the safety of any person that is actively operating, conducting maintenance, or performing any other task within the scope of that person's duties within the safe zone. If the railroad cannot reasonably remove that obstruction, the railroad, with permission from the Public Utilities Commission (PUCO), must install a sign that warns railroad employees of an obstruction within the safe zone.[2] An obstruction includes scrap, lumber, debris, vegetation that exceeds four inches in height, marked unevenness of terrain, buildings, structures, or any other material or condition which endangers a railroad employee.[3]

The bill imposes a fine between $100 and $500 for each violation. Each day of a continued violation is a separate offense.[4]

## PUCO inspections

The bill requires PUCO to conduct periodic inspections of safe zones to ensure the railroad's compliance with the safe zone requirements. It also requires personal protective equipment to be worn during all inspections and railroad safety rules to be followed by all parties at the inspection. PUCO may conduct these inspections unannounced.

PUCO also may conduct inspections after receiving a safe zone violation complaint. In the event of a complaint, a representative of the person who made the complaint and a representative of the railroad that controls the safe zone in the complaint may attend the inspection with PUCO.[5]

Additionally, PUCO may adopt rules to implement and administer the bill's provisions.[6]

## "Paul Payne Safe Zone Act"

The bill is named the "Paul Payne Safe Zone Act" in memory of Paul M. Payne, who passed away on November 22, 2020, from injuries sustained in a railroad workplace accident.

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[1] R.C. 4955.37(A)(4).

[2] R.C. 4955.37(B).

[3] R.C. 4955.37(A)(1).

[4] R.C. 4955.37(E).

[5] R.C. 4955.37(C) and (D).

[6] R.C. 4955.37(F).

# HISTORY

| Action | Date |
|---|---|
| Introduced | 05-12-26 |

ANHB0851IN-136/sb