

Ohio Railroad Association

Testimony on Ohio House Bill 190

Ohio House Transportation and Public Safety Committee

June 7, 2017

Good morning, Chairman Green, Vice Chair Greenspan, Ranking Member Sheehy, and members of the House Transportation and Public Safety Committee.

I am Art Arnold, and I am the Executive Director of the Ohio Railroad Association. The Association includes nearly every freight railroad operating in Ohio. Our members are both quite large and very small. They provide freight service to major cities and small towns, serving a broad array of businesses including energy, agriculture, manufacturing, construction and consumer goods. More efficient and often less expensive than trucking, freight railroads are irreplaceable economic assets and help to both retain and grow jobs in many communities around the state. In Ohio, freight railroads operate almost 5,000 miles of track and employ nearly 8,000. In most cases, railroads own their infrastructure, and maintain operations by charging their customers the costs of running the railroad. That premise has created the greatest freight railroad system in the world right here in the USA, and Ohio lies nearly at the center of several of America's most important rail corridors.

House Bill 190 addresses a nearly invisible but critical aspect of railroading: track maintenance and inspection equipment. House Bill 190 requires motorists approaching a highway-rail grade crossing to exercise the same caution, respect, and duties for on track equipment as current law requires for locomotives and trains. It is that simple.

Today, the Ohio Revised Code is silent on the subject of on track equipment. It is our opinion if an accident were to occur between a motorist and on track equipment today, the outcome of any lawsuit would be unpredictable. Fortunately, adherence by railroad employees to operating rules have helped to prevent such accidents occurring in Ohio, based on my knowledge of such incidents.

On track equipment could be hi-rail vehicles (vehicles equipped to travel on both road and rail), rail repair equipment, or another self-powered piece of equipment. There is no definition included in the proposed legislation. On track equipment is not an ATV, snowmobiles, jeeps, farm tractors, or any other vehicle that may be illegally traveling upon or fouling the railroad tracks.

Some on track equipment electrically activates the warning gates and/or lights on its approach to a grade crossing. Some do not. Some have switches that allow the railroad company employee or contractor to manually turn off or on the activator. And some grade crossings do not have electrically activated gates and/or lights. At these crossings, a crossbuck (and possibly a stop sign) identifies the highway-rail crossing and provides a warning to the approaching motorist.

Our hope that Ohio motorists will respect the law being proposed here is somewhat dampened by the fact that over 80% of highway-rail collisions in 2015 occurred where there are active warning devices. That is, where lights are flashing, bells are clanging, and gates are being lowered. These locations are where most of the collisions take place.

Because of these statistics, Ohio railroads will continue to direct employees to adhere to specific rules for on track equipment operations. It is our hope that the combination of clear and specific responsibilities for motorists and the existing clear and specific operating rules for on track equipment will add up to improved safety for both the railroad employees and the motoring public.