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# OHIO LEGISLATIVE SERVICE COMMISSION

Office of Research  
and Drafting

Legislative Budget  
Office

H.B. 194  
134<sup>th</sup> General Assembly

## Bill Analysis

**Version:** As Introduced

**Primary Sponsors:** Reps. Sheehy and Lepore-Hagan

Chenwei Zhang, Attorney

### SUMMARY

- Requires a train or light engine used in connection with the movement of freight to have at least a two-person crew; establishes civil penalties for violations.

### DETAILED ANALYSIS

#### **Train or light engine crew requirement for movement of freight**

The bill requires a train or light engine that moves freight to have a crew that consists of at least two individuals. No railroad superintendent, trainmaster, or other railroad employee may order or “otherwise require” such a train or light engine to be operated unless it has at least a two-person crew. (Hostler service<sup>1</sup> and utility employees<sup>2</sup> are not subject to the minimum crew requirement; neither term is defined in the bill).<sup>3</sup>

#### **Civil penalties**

Under the bill, the Public Utilities Commission of Ohio (PUCO) may assess a civil penalty against a person who has willfully violated the minimum crew requirement as follows:

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<sup>1</sup> According to railroad industry usage, “hostler service” involves moving locomotives within a railroad yard to various locations for fuel, cleaning, service, and repair.

<sup>2</sup> Federal regulations define “utility employees” as railroad employees that are temporarily part of a train or yard crew to help the crew assemble, disassemble, or classify rail cars or operate trains. 49 Code of Federal Regulations (C.F.R.) 218.5.

<sup>3</sup> R.C. 4999.09(A).

Violation	Penalty Range
If, within three years of the violation, PUCO has not assessed a civil penalty	\$250 - \$1,000
If, within three years of the violation, PUCO has assessed one civil penalty	\$1,000 - \$5,000
If, within three years of the violation, PUCO has assessed two or more civil penalties	\$5,000 - \$10,000

The bill requires the Attorney General, upon PUCO's request, to bring a civil action to collect these penalties. Penalties collected under the bill are deposited to the credit of the Public Utilities Fund. The fund is used for PUCO's administration and its supervision and jurisdiction over the state's railroads and public utilities.<sup>4</sup>

## COMMENT

Federal law requires railroad safety and security laws, regulations, and orders to be nationally uniform to the extent practicable. The Federal Railroad Safety Act (FRSA) contains an express preemption provision that allows states to adopt or continue railroad safety and security requirements until the Secretary of Transportation or the Secretary of Homeland Security prescribes a regulation or issues an order on that subject matter.<sup>5</sup> In May of 1995, the Department of Transportation – Federal Railroad Administration (FRA) rule providing for one-person train crews became effective and was also suspended.<sup>6</sup> Currently there are no train crew rules under federal law, but with the advent of [positive train control](#) systems, the issue might be revisited by the FRA.

## HISTORY

Action	Date
Introduced	03-09-21

H0194-I-134/ar

<sup>4</sup> R.C. 4999.09(B); R.C. 4905.10, not in the bill.

<sup>5</sup> 49 United States Code 20106.

<sup>6</sup> See, 49 C.F.R. 218.24, suspended at 60 Federal Register 30469.