



Ohio Legislative Service Commission

Russ Keller

Fiscal Note & Local Impact Statement

Bill: H.B. 371 of the 131st G.A.

Date: May 23, 2016

Status: As Introduced

Sponsor: Reps. Lepore-Hagan and Sheehy

Local Impact Statement Procedure Required: No

Contents: To require the crews of freight trains to consist of at least two individuals

State Fiscal Highlights

- Authorizing civil penalties that must be deposited in the Public Utilities Fund (Fund 5F60) may increase revenues for the Public Utilities Commission. The revenue increase depends on the incidence of crew staffing violations by freight train operators.

Local Fiscal Highlights

- No direct fiscal effect on political subdivisions.

Detailed Fiscal Analysis

H.B. 371 requires a train or light engine used in connection with the movement of freight to have a crew that consists of at least two individuals. Under the bill, no railroad superintendent, trainmaster, or other railroad employee may order or "otherwise require" a train or light engine that is used in connection with the movement of freight to be operated unless it has at least a two-person crew.

The bill requires the Attorney General, upon the request of the Public Utilities Commission (PUCO), to bring a civil action to collect the penalties that the bill establishes. Under the bill, whoever violates the minimum crew requirement is liable for a civil penalty as follows:

Violation	Penalty Range
First violation	Not less than \$250 but not more than \$1,000
Second violation committed within three years of the first violation	Not less than \$1,000 but not more than \$5,000
Third or subsequent violation committed within three years of the first violation	Not less than \$5,000 but not more than \$10,000

Penalties collected under the bill are deposited to the credit of the Public Utilities Fund (Fund 5F60). Fund 5F60 is used for the administration of PUCO and its supervision and jurisdiction over the state's railroads and public utilities. The revenue increase to Fund 5F60 depends on the incidence of crew staffing violations by freight train operators.

Related federal rulemaking

The Federal Railroad Administration (FRA) is considering similar regulations, but the proposed FRA rules do grant some exceptions "for those operations that FRA believes do not pose significant safety risks to railroad employees, the general public, and the environment by using fewer than two-person crews."

Potential FRA rulemaking (and H.B. 371) would impact freight operations rather than passenger trains because the FRA notes that its "rare for passenger train operations to have less than a two-person crew, largely because emergency preparedness plans would be ineffectual without at least two persons to execute it."

The FRA does not have comprehensive statistics on the prevalence of one-person train crews. However, industry feedback provided to the agency leads the FRA to believe crew sizes will be impacted by future progressions in train control technology. Within a notice¹ of proposed rulemaking regarding train crew staffing issued on March 8, 2016, the FRA states:

"Based on information orally provided by the Association of American Railroads regarding the major railroads current train crew size practices, it appears that the proposed rule would not have a substantial impact on the current operation of the major railroads. Each major railroad appears more concerned about how a crew size regulation would impact the railroad's possible future plans to reduce train crew size to less than the general current industry standard of at least two crewmembers. It appears that the major railroads and some passenger railroads are eager to use positive train control² alone, or with other technologies, to reduce train crew size to one person."

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¹ Docket No. FRA-2014-0033, Notice No. 1.

² Positive Train Control (PTC) is a processor-based/communication-based train control system designed to prevent train accidents. PTC technology is capable of automatically controlling train speeds and movements should a train operator fail to take appropriate action for the conditions at hand.