

**As Introduced**

**127th General Assembly  
Regular Session  
2007-2008**

**H. B. No. 400**

**Representative Patton**

**Cosponsors: Representatives Hagan, R., Brown, Yuko**

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**A B I L L**

To enact section 3733.60 of the Revised Code to 1  
require railroad companies to maintain certain 2  
meeting, housing, and food service facilities 3  
according to certain specifications. 4

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

**Section 1.** That section 3733.60 of the Revised Code be 5  
enacted to read as follows: 6

**Sec. 3733.60.** (A) As used in this section: 7

(1) "Mobile camp" means a temporary location where 8  
maintenance of way employees are housed in camp cars, bunk cars, 9  
sleeping cars, outfit cars, or trailers. 10

(2) "Maintenance of way employee" means a person who is 11  
employed to maintain railroad rights-of-way. 12

(3) "Permanent assembly point" means a location where 13  
maintenance of way employees meet for work at the beginning and 14  
end of each work day. 15

(4) "Board of health" means a board of health of a city or 16  
general health district or the authority having the duties of a 17  
board of health under section 3709.05 of the Revised Code. 18

(5) "Employee organization" has the same meaning as in section 4117.01 of the Revised Code. 19  
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(B) Any railroad company that operates in this state shall provide and adequately maintain for the use of its employees at least one heated room at all terminals and headquarters located in Ohio that are operated by that railroad company. Each room shall contain all of the following: 21  
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(1) A washbasin, determined by the director of health to be adequate; 26  
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(2) A shower or bath; 28

(3) An indoor toilet; 29

(4) A minimum of one locker for each employee of sufficient size to store the employee's clothing. 30  
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(C) Any railroad company that operates in this state shall maintain at all permanent assembly points located in this state a supply of drinking water that is determined by the director to be sufficient for all employees and that is dispensed in a sanitary manner. 32  
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(D) Any railroad company that houses maintenance of way employees in a mobile camp in this state shall provide and adequately maintain that mobile camp with all of the following: 37  
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(1) Heat and air conditioning in each car; 40

(2) Washbasins, showers, and indoor toilets determined by the director to be adequate in number; 41  
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(3) Lockers for the clothing and personal belongings of maintenance of way employees, determined by the director to be adequate in number; 43  
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(4) A supply of potable water dispensed in a sanitary manner for drinking, bathing, cooking, and cleaning cooking utensils that is determined by the director to be adequate; 46  
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(5) Minimum floor space of eighty square feet per occupant 49  
using single beds with a maximum of four occupants per car. 50

(E) Any railroad company that houses maintenance of way 51  
employees in this state shall install and permanently wire, with 52  
battery backup, an emergency alert weather radio, a smoke 53  
detector, and a carbon monoxide detector and shall post emergency 54  
evacuation instructions specific to the housing location in each 55  
car. 56

(F)(1) Any railroad company that houses maintenance of way 57  
employees in mobile camps in this state shall notify the board of 58  
health with jurisdiction in the area where the mobile camp is 59  
located of the existence of the mobile camp within two business 60  
days after the employees arrive at the mobile camp. In addition, 61  
the railroad company shall request and permit inspection of the 62  
camp and the cars by an authorized representative of the board of 63  
health to ensure that the camp and cars are sanitary and healthful 64  
for the maintenance of way employees and for the local community. 65

(2) Prior to any inspection, the railroad company shall pay 66  
to the board of health the fee prescribed by division (L)(2) of 67  
this section. The board of health shall deposit the fee in the 68  
district health fund of the board of health. 69

(G) Notwithstanding section 3717.42 of the Revised Code, no 70  
railroad company shall operate any commissary car or cook car, 71  
alone or in conjunction with a mobile camp, for the preparation 72  
and service of food for maintenance of way employees, without a 73  
mobile food service operation license issued under section 3717.43 74  
of the Revised Code. 75

(H) No railroad company shall fail to comply with this 76  
section. 77

(I) The director of health may investigate any railroad 78  
company that allegedly has violated this section. If after the 79

investigation, the director determines that reasonable evidence 80  
exists that a railroad company has violated this section, within 81  
seven days after that determination, the director shall send a 82  
written notice to the railroad company and the company's 83  
maintenance of way employees in the same manner as prescribed in 84  
section 119.07 of the Revised Code, except that the notice shall 85  
specify that a hearing will be held and specify the date, time, 86  
and place of the hearing. 87

(J) The director shall hold a hearing regarding an alleged 88  
violation of this section in the same manner prescribed for an 89  
adjudication hearing under section 119.09 of the Revised Code. If 90  
the director determines after the hearing that a violation has 91  
occurred, the director shall issue a report and recommendations to 92  
the railroad company that includes all of the following 93  
information: 94

(1) The time any examination regarding the alleged violation 95  
was made by a local department of health or by the director; 96

(2) The exact location, character, and extent of the 97  
violation; 98

(3) Reasonable changes, improvements, additions, buildings, 99  
or accommodations necessary to remedy the violation; 100

(4) A reasonable time within which the changes, improvements, 101  
additions, buildings, or accommodations must be completed. 102

(K) If the railroad company does not complete the 103  
recommendations issued to the railroad company pursuant to 104  
division (J) of this section, the director, through the attorney 105  
general or an appropriate prosecuting attorney, may apply to an 106  
appropriate court for an order enjoining the violation of this 107  
section. On the filing of a verified petition, the court shall 108  
conduct a hearing on the petition and give the same preference to 109  
the proceeding as is given to all proceedings under Chapter 119. 110

of the Revised Code, irrespective of the position of the 111  
proceeding on the court's calendar. On a showing that the railroad 112  
company violated this section, the court shall grant an injunction 113  
or other order as appropriate. 114

(L) The director shall adopt rules to administer this 115  
section, including all of the following rules: 116

(1) Rules regulating the sanitary conditions, operation, and 117  
facilities of mobile camps; 118

(2) Rules determining standards of adequacy or sufficiency 119  
for the purposes of divisions (B), (C), and (D) of this section; 120

(3) A fee for inspection pursuant to division (F) of this 121  
section and an additional fee for any mobile camp that houses more 122  
than fifty occupants. The additional fee shall be incrementally 123  
increased for each additional group of fifty occupants. For 124  
purposes of calculating the additional fee when the number of 125  
occupants is not evenly divisible by fifty, the number of 126  
occupants shall be rounded up to the next higher increment of 127  
fifty. 128

(4) Rules allowing a board of health to conduct an 129  
investigation pursuant to division (F) of this section with the 130  
director, a representative of the appropriate employee 131  
organization, or a representative of the railroad company. 132