

As Introduced

**128th General Assembly
Regular Session
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H. B. No. 200

Representative Yuko

**Cosponsors: Representatives Murray, Ujvagi, Foley, Letson, Luckie, Boyd,
Brown**

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A BILL

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 or contractors are housed in camp 9
cars, bunk cars, sleeping cars, outfit cars, or trailers. 10

(2) "Maintenance of way employee or contractor" means a 11
person who is employed or contracted to maintain railroad 12
rights-of-way. 13

(3) "Permanent assembly point" means a location where 14
maintenance of way employees or contractors meet for work at the 15
beginning and end of each work day. 16

(4) "Board of health" means a board of health of a city or 17

general health district or the authority having the duties of a 18
board of health under section 3709.05 of the Revised Code. 19

(B) Any railroad company that operates in this state shall 20
provide and adequately maintain for the use of its employees and 21
contractors at least one heated room at all terminals and 22
headquarters located in this state that are operated by that 23
railroad company. Each room shall contain all of the following: 24

(1) At least one washbasin, with the number determined by the 25
director of health to be adequate; 26

(2) At least one shower or bath; 27

(3) At least one indoor toilet; 28

(4) Sufficient lockers to store the employees' and 29
contractors' clothing. 30

(C) Any railroad company that operates in this state shall 31
maintain at all permanent assembly points located in this state a 32
supply of drinking water that is determined by the director of 33
health to be sufficient for all employees and contractors and that 34
is dispensed in a sanitary manner. 35

(D) Any railroad company that houses maintenance of way 36
employees or contractors in a mobile camp in this state shall 37
maintain the mobile camp in a safe and healthy environment and 38
shall provide and adequately maintain that mobile camp with all of 39
the following: 40

(1) Heat and air conditioning in each car or trailer; 41

(2) Washbasins, showers, and indoor toilets determined by the 42
director of health to be adequate in number; 43

(3) Lockers for the clothing and personal belongings of 44
maintenance of way employees and contractors, determined by the 45
director of health to be adequate in number; 46

(4) A supply of potable water dispensed in a sanitary manner 47

for drinking, bathing, cooking, and cleaning cooking utensils that 48
is determined by the director of health to be adequate; 49

(5) Minimum floor space of eighty square feet per occupant 50
using single beds with a maximum of four occupants per car. 51

(E) Any railroad company that houses maintenance of way 52
employees or contractors in this state shall install and 53
permanently wire, with battery backup, an emergency alert weather 54
radio, a smoke detector, and a carbon monoxide detector in each 55
car and shall post in each car emergency evacuation instructions 56
specific to the housing location and emergency medical 57
instructions that include the location of the closest medical 58
facility. 59

(F)(1) Any railroad company that houses maintenance of way 60
employees or contractors in mobile camps in this state shall 61
notify the board of health with jurisdiction in the area where the 62
mobile camp is located of the existence of the mobile camp within 63
two business days after the employees or contractors arrive at the 64
mobile camp. In addition, the railroad company shall request and 65
permit inspection of the camp and the cars by an authorized 66
representative of the board of health to ensure that the camp and 67
cars are sanitary and healthful for the maintenance of way 68
employees and contractors and for the local community. 69

(2) Prior to any inspection, the railroad company shall pay 71
to the board of health the fee prescribed by division (L)(3) of 72
this section. The board of health shall deposit the fee in the 73
district health fund of the board of health. 74

(3) Any railroad company that houses maintenance of way 75
employees or contractors in mobile camps in this state shall 76
immediately notify the board of health with jurisdiction in the 77
area where the mobile camp is located in the event of an outbreak 78

or report of any serious communicable and contagious disease, 79
sickness, or illness of an employee or contractor or of the 80
release of any hazardous material or substance occurring within 81
the camp. 82

(G) Notwithstanding section 3717.42 of the Revised Code, no 83
railroad company shall operate any commissary car or cook car, 84
alone or in conjunction with a mobile camp, for the preparation 85
and service of food for maintenance of way employees or 86
contractors, without a mobile food service operation license 87
issued under section 3717.43 of the Revised Code. 88

(H) No railroad company shall fail to comply with this 89
section. 90

(I) The director of transportation may investigate any 91
railroad company that allegedly has violated this section. If 92
after the investigation, the director of transportation determines 93
that reasonable evidence exists that a railroad company has 94
violated this section, within seven days after that determination, 95
the director of transportation shall send written notice to the 96
railroad company and the company's maintenance of way employees 97
and contractors in the same manner as prescribed in section 119.07 98
of the Revised Code, except that the notice shall specify that a 99
hearing will be held and specify the date, time, and place of the 100
hearing. 101

(J) The director of transportation shall hold a hearing 102
regarding an alleged violation of this section in the same manner 103
prescribed for an adjudication hearing under section 119.09 of the 104
Revised Code. If the director of transportation determines after 105
the hearing that a violation has occurred, the director of 106
transportation shall issue a report and recommendations to the 107
railroad company that includes all of the following information: 108

(1) The time any examination regarding the alleged violation 109

was made by a local department of health or by the director of transportation; 110
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(2) The exact location, character, and extent of the violation; 112
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(3) Reasonable changes, improvements, additions, buildings, or accommodations necessary to remedy the violation; 114
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(4) A reasonable time within which the changes, improvements, additions, buildings, or accommodations must be completed. 116
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(K) If the railroad company does not complete the recommendations issued to the railroad company pursuant to division (J) of this section, the director of transportation, through the attorney general or an appropriate prosecuting attorney, may apply to an appropriate court for an order enjoining the violation of this section. On the filing of a verified petition, the court shall conduct a hearing on the petition and give the same preference to the proceeding as is given to all proceedings under Chapter 119. of the Revised Code, irrespective of the position of the proceeding on the court's calendar. On a showing that the railroad company violated this section, the court shall grant an injunction or other order as appropriate. 118
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(L) The director of health shall adopt rules to administer this section, including all of the following rules: 131
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(1) Rules regulating the sanitary conditions, operation, and facilities of mobile camps; 133
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(2) Rules determining standards of adequacy or sufficiency for the purposes of divisions (B), (C), and (D) of this section; 135
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(3) A rule specifying a fee for inspection pursuant to division (F) of this section and an additional fee for any mobile camp that houses more than fifty occupants. The additional fee 137
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shall be incrementally increased for each additional group of 140
fifty occupants. For purposes of calculating the additional fee 141
when the number of occupants is not evenly divisible by fifty, the 142
number of occupants shall be rounded up to the next higher 143
increment of fifty. 144

(4) Rules allowing a board of health to conduct an inspection 145
pursuant to division (F) of this section along with the director 146
of health, a representative of the appropriate employee or 147
contractor organization, or a representative of the railroad 148
company. 149