

As Introduced

**128th General Assembly
Regular Session
2009-2010**

S. B. No. 72

Senator Patton

Cosponsor: Senator Hughes

—

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 4121.01 of the Revised Code. 19
20

(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 this state that are operated by that railroad company. Each room shall contain all of the following: 21
22
23
24
25

(1) A washbasin, determined by the director of health to be adequate; 26
27

(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
31

(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
33
34
35
36

(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
38
39

(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
42

(3) Lockers for the clothing and personal belongings of maintenance of way employees, determined by the director to be adequate in number; 43
44
45

(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
47
48

(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)(3) 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 may investigate any railroad company that 78
allegedly has violated this section. If after the investigation, 79

the director determines that reasonable evidence exists that a 80
railroad company has violated this section, within seven days 81
after that determination, the director shall send a written notice 82
to the railroad company and the company's maintenance of way 83
employees in the same manner as prescribed in section 119.07 of 84
the Revised Code, except that the notice shall specify that a 85
hearing will be held and specify the date, time, and place of the 86
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 rule specifying a fee for inspection pursuant to 121
division (F) of this section and an additional fee for any mobile 122
camp that houses more than fifty occupants. The additional fee 123
shall be incrementally increased for each additional group of 124
fifty occupants. For purposes of calculating the additional fee 125
when the number of occupants is not evenly divisible by fifty, the 126
number of occupants shall be rounded up to the next higher 127
increment of fifty. 128

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