

As Introduced

130th General Assembly
Regular Session
2013-2014

H. B. No. 528

Representative Hagan, R.

Cosponsor: Representative Pillich

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A BILL

To enact sections 4963.30 and 4999.07 of the Revised Code to provide that if a train will be carrying 80,000 pounds or more of hazardous materials, the railroad company must provide the train crew with notification of that fact at least ten hours prior to the train's scheduled departure time and to require the crews of such trains to consist of not less than two qualified railroad employees and the crews of other freight trains to consist of not less than one engineer and one conductor.

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

Section 1. That sections 4963.30 and 4999.07 of the Revised Code be enacted to read as follows:

Sec. 4963.30. (A) If a train that will be departing from any location within this state will be transporting eighty thousand pounds or more of hazardous materials, the railroad company that owns or leases the train shall notify each member of the crew who will be on that train that the train they will be operating will contain bulk quantities of hazardous materials. The railroad company shall provide the notice not later than ten hours prior to the train's scheduled departure time for the purpose of ensuring

that the crew will receive adequate rest prior to departure. 21

A railroad company shall ensure that a crew of not less than 22
two qualified railroad employees is present on every such train 23
while it is operated outside of railroad yards, except when 24
railroad operations require that one train crew member dismount 25
the train to perform authorized railroad duties. 26

(B) A railroad company that fails to comply with the 27
requirements contained in division (A) of this section is liable 28
for a civil penalty of one thousand dollars per occurrence. The 29
failure of a member of a train crew to receive the advanced 30
notification described in division (A) of this section in a timely 31
manner as prescribed in that division constitutes such an 32
occurrence. The attorney general, upon the request of the public 33
utilities commission, shall bring a civil action to collect 34
penalties described in this division. All penalties collected 35
under this division shall be deposited into the state treasury to 36
the credit of the public utilities fund created in section 4905.10 37
of the Revised Code. 38

Sec. 4999.07. (A) No superintendent, trainmaster, or other 39
employee of a railroad shall send or cause to be sent outside of a 40
railroad yard a freight train if the crew of the freight train 41
consists of less than one engineer and one conductor. 42

(B) Whoever violates division (A) of this section is liable 43
for a civil penalty of one thousand dollars. The attorney general, 44
upon the request of the public utilities commission, shall bring a 45
civil action to collect penalties described in this division. All 46
penalties collected under this division shall be deposited into 47
the state treasury to the credit of the public utilities fund 48
created in section 4905.10 of the Revised Code. 49