



Ohio Legislative Service Commission

Bill Analysis

Joseph G. Aninao

H.B. 200

128th General Assembly
(As Introduced)

Reps. Yuko, Murray, Ujvagi, Foley, Letson, Luckie, Boyd, Brown

BILL SUMMARY

- Specifies health and safety requirements for employees and contractors of a railroad company operating in Ohio, particularly those who maintain railroad rights-of-way, and provides for the enforcement of the requirements.

CONTENT AND OPERATION

Duties of railroad companies toward their employees and contractors

Terminals and headquarters

The bill requires any railroad company that operates in Ohio to provide and adequately maintain for the use of its employees and contractors at least one heated room at all terminals and headquarters located in Ohio that are operated by that railroad company. Each room must contain (1) at least one washbasin, with the number determined by the Director of Health to be adequate, (2) at least one shower or bath, (3) at least one indoor toilet, and (4) sufficient lockers to store the employees' and contractors' clothing. (Sec. 3733.60(B).)

Permanent assembly points

Any railroad company that operates in Ohio must maintain at all permanent assembly points located in Ohio a supply of drinking water that the Director of Health determines to be sufficient for all employees and contractors and that is dispensed in a sanitary manner. Under the bill, "permanent assembly point" means a location where maintenance of way employees or contractors meet for work at the beginning and end of each work day. A "maintenance of way employee or contractor" is a person who is employed or contracted to maintain railroad rights-of-way. (Sec. 3733.60(A)(3) and (C).)

Mobile camps

The bill requires any railroad company that houses maintenance of way employees or contractors in a mobile camp in Ohio to provide and adequately maintain that mobile camp in a safe and healthy environment and provide and adequately maintain the camp with all of the following:

- Heat and air conditioning in each car or trailer;
- Lockers for the clothing and personal belongings of maintenance of way employees and contractors, washbasins, showers, and indoor toilets determined by the Director to be adequate in number;
- A supply of potable water dispensed in a sanitary manner for drinking, bathing, cooking, and cleaning cooking utensils that the Director determines to be adequate;
- Minimum floor space of 80 square feet per occupant using single beds with a maximum of four occupants per car. (Sec. 3733.60(D).)

As used in the bill, a "mobile camp" refers to "a temporary location where maintenance of way employees or contractors are housed in camp cars, bunk cars, sleeping cars, outfit cars, or trailers" (sec. 3733.60(A)(1)).

Notifications and inspections

The bill requires the Director of Health to adopt rules (1) determining standards of adequacy or sufficiency for the purposes of all the provisions described above and (2) allowing a board of health to conduct an inspection of a mobile camp with the Director, a representative of the appropriate employee organization or contractor organization, or a representative of the railroad company (sec. 3733.60(L)).

Under the bill, any railroad company that houses maintenance of way employees or contractors in mobile camps in Ohio must notify the board of health with jurisdiction in the area where the mobile camp is located of the existence of the mobile camp within two business days after the employees or contractors arrive at the mobile camp. In addition, the railroad company must request and permit inspection of the camp and the cars by an authorized representative of the board to ensure that the camp and cars are sanitary and healthful for the maintenance of way employees and contractors and for the local community.

Prior to any inspection, the railroad company must pay to the board of health an inspection fee and, if the camp houses more than 50 occupants, an additional fee,

prescribed in rules adopted by the Director. The additional fee must be incrementally increased for each additional group of 50 occupants. For purposes of calculating the additional fee when the number of occupants is not evenly divisible by 50, the number of occupants must be rounded up to the next higher increment of 50. The board must deposit the fees in the board's district health fund.

Any railroad company that houses maintenance of way employees or contractors in mobile camps in Ohio immediately must notify the board with jurisdiction in the area where the mobile camp is located in the event of an outbreak or report of any serious communicable and contagious disease, sickness, or illness of an employee or contractor or of the release of any hazardous material or substance occurring within the camp. (Sec. 3733.60(F) and (L)(3).)

Safety requirements

Under the bill, any railroad company that houses maintenance of way employees or contractors in Ohio must install and permanently wire, with battery backup, an emergency alert weather radio, a smoke detector, and a carbon monoxide detector in each car and must post in each car emergency evacuation instructions specific to the housing location and emergency medical instructions that include the location of the closest medical facility (sec. 3733.60(E)).

Prohibitions

The bill prohibits any railroad company from failing to comply with the bill (sec. 3733.60(H)). The bill also prohibits any railroad company from operating any commissary car or cook car, alone or in conjunction with a mobile camp, for the preparation and service of food for maintenance of way employees or contractors, without a mobile food service operation license (sec. 3733.60(G)). Under existing law, a person or government entity that operates a food service operation without a required license is guilty of a third degree misdemeanor on a first offense, and for a second offense or subsequent offense, is guilty of a second degree misdemeanor. Each day the violation continues is a separate offense. (Secs. 3717.41 and 3717.99, not in the bill.)

Investigations and disciplinary actions

The bill permits the Director of Transportation to investigate any railroad company that allegedly has violated the bill. If, after the investigation, the Director determines that reasonable evidence exists that a railroad company has violated the bill, within seven days after that determination, the Director must send a written notice to the railroad company and the company's maintenance of way employees and contractors in the same manner as prescribed in the Administrative Procedure Act (R.C.

Chapter 119.), except that the notice must specify that a hearing will be held and specify the date, time, and place of the hearing. (Sec. 3733.60(I).)

The Director of Transportation must hold a hearing regarding an alleged violation of the bill in the same manner prescribed for an adjudication hearing under the Administrative Procedure Act. If the Director determines after the hearing that a violation has occurred, the Director must issue a report and recommendations to the railroad company that includes all of the following information:

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

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

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

(4) A reasonable time within which the changes, improvements, additions, buildings, or accommodations must be completed. (Sec. 3733.60(J).)

If the railroad company does not complete the recommended remedies issued to the railroad company, the Director, through the Attorney General or an appropriate prosecuting attorney, may apply to an appropriate court for an order enjoining the violation. On the filing of a verified petition, the court must conduct a hearing on the petition and give the same preference to the proceeding as is given to all proceedings under the Administrative Procedure Act, irrespective of the position of the proceeding on the court's calendar. On a showing that the railroad company violated the bill, the court must grant an injunction or other order as appropriate. (Sec. 3733.60(K).)

HISTORY

ACTION	DATE
Introduced	06-02-09

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