
Detailed Fiscal Analysis

Authority of the Public Utilities Commission of Ohio

This bill gives the Public Utilities Commission of Ohio (PUCO) the authority to investigate and enforce the statutory obligations of Chapter 4959, which defines a railroad company's duty of right-of-way maintenance. Right-of-way maintenance includes providing and maintaining open drainage, constructing and maintaining stock fences along railroad property line, providing and maintaining crossings, and destroying brush and noxious weeds that are growing in the right-of-way.

Currently, Chapter 4507 specifies PUCO's power of regulation and enforcement over railroad companies, but it leaves out the enforcement of Chapter 4959. However, PUCO has already voluntarily been working with railroad companies to ensure that the railroad companies are in compliance with Chapter 4959. PUCO receives about 25 complaints each year that it voluntarily investigates and works with the railroad companies to rectify. According to a spokesperson at PUCO, because PUCO has already been voluntarily enforcing Chapter 4959, PUCO will not incur any additional expenditure with this bill.

Recovery of Forfeiture

If a railroad company fails to comply with the right-of-way maintenance required in Chapter 4959, under this bill the Attorney General has authority to bring the action in the court of common pleas of any county that has jurisdiction of the railroad company. This may impose litigation costs on the Attorney General. However, in its history, PUCO has only experienced one isolated case where a railroad company did not voluntarily comply with Chapter 4959, so the potential litigation costs are expected to be minimal.

□ *LBO staff: Erica Burnett, Budget/Policy Analyst*

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