



Ohio Legislative Service Commission

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Fiscal Note & Local Impact Statement

Bill: S.B. 116 of the 128th G.A.

Date: June 23, 2009

Status: As Introduced

Sponsor: Sen. Buehrer

Local Impact Statement Procedure Required: No — No local cost

Contents: To authorize the Public Utilities Commission to hear complaints regarding a railroad's failure to properly sustain certain areas near its tracks and to authorize forfeiture for noncompliance in the amount of \$10,000 for violating the requirements imposed by the bill

State Fiscal Highlights

STATE FUND	FY 2010	FY 2011	FUTURE YEARS
General Revenue Fund			
Revenues	Potential Gain	Potential Gain	Potential Gain
Expenditures	- 0 -	- 0 -	- 0 -

Note: The state fiscal year is July 1 through June 30. For example, FY 2010 is July 1, 2009 – June 30, 2010.

- Authorizes local governments to file a complaint with the Public Utilities Commission of Ohio (PUCO) against a railroad for failure to maintain railroad highway crossings and authorizes PUCO to order compliance.
- The bill provides that for each \$10,000 forfeiture collected or recovered due to violations pertaining to railroad highway crossings, obstructive vegetation at crossings, and railroad crossings at grade, half must be credited to the General Revenue Fund (GRF) and the other half must be credited to the general fund of the municipal corporation, township, or county most directly affected by the violation.

Local Fiscal Highlights

LOCAL GOVERNMENT	FY 2010	FY 2011	FUTURE YEARS
Counties, Townships, and Municipalities			
Revenues	Potential Gain	Potential Gain	Potential Gain
Expenditures	- 0 -	- 0 -	- 0 -

Note: For most local governments, the fiscal year is the calendar year. The school district fiscal year is July 1 through June 30.

- The bill provides that for each \$10,000 forfeiture collected or recovered due to violations pertaining to railroad highway crossings, obstructive vegetation at crossings, and railroad crossings at grade, half must be credited to the GRF and the other half must be credited to the general fund of the municipal corporation, township, or county most directly affected by the violation.

Detailed Fiscal Analysis

Authorizes local governments to file a complaint with the Public Utilities Commission of Ohio (PUCO) against a railroad for failure to maintain railroad highway crossings, remove obstructive vegetation at crossings, and maintain and improve railroad crossings at grade and authorizes PUCO to order compliance.

Repeals the option giving local governments authority to maintain railroad highway crossings, remove obstructive vegetation at crossings, and maintain and improve railroad crossings at grade on behalf of railroads, to recover costs of doing so, and in the case of maintaining railroad highway crossings, to seek damages for the railroad's failure to comply with the requirements.

Authorizes the assessment of forfeitures by PUCO, and their recovery, in the amount of \$10,000 per day for violating the requirements imposed on railroads for maintaining railroad highway crossings, removing obstructive vegetation at crossings, and maintaining and improving railroad crossings at grade and provides for the distribution of such moneys.

Fiscal effect

Under current law, certain forfeitures assessed on railroads and moneys recovered in actions to recover forfeitures must be credited to the GRF in the state treasury. The bill provides that for each forfeiture collected or recovered due to violations pertaining to railroad highway crossings, obstructive vegetation at crossings, and railroad crossings at grade, half must be credited to the GRF and the other half must be credited to the general fund of the municipal corporation, township, or county most directly affected by the violation. If the forfeiture is collected or recovered for a violation of the requirements pertaining to a railroad crossing at grade at a state highway or extension thereof, the entire amount must be credited to the GRF.

The amount of revenue to the GRF and the municipal corporation, township, or county most directly affected by the violation is dependent on railroad compliance with these laws, and thus the amount of forfeitures authorized by PUCO.

PUCO will evaluate the level of rail complaints and workloads during the next budget cycle to determine whether the bill's provision will affect the Commission's funding needs. If there were an increase in PUCO expenditures, they would be paid from the Public Utilities Fund (Fund 5F60). Initially, PUCO officials report that they do not anticipate that the bill's requirements will necessitate additional funding.