

Ohio House of Representatives



ANNOUNCEMENT OF COMMITTEE MEETING

1st Revision

COMMITTEE: Finance
CHAIR: Jay Edwards
DATE: Tuesday, February 21, 2023
TIME: **10:00 AM**
ROOM: Room 313
NOTATION: Location change

AGENDA

<u>BILL</u>	<u>SPONSOR</u>	<u>TITLE</u>	<u>STATUS</u>
H. B. No. 23	Rep. Edwards	Enact FY 2024-2025 transportation budget	1st Hearing Poss. Sub. Bill Prop/Opp/IP

Cc: House Clerk
Committee Clerk
Assistant Majority Floor Leader's Office
Bill Sponsor
LSC
Minority Leader's Office
Committee Members
Speaker's Office
Caucus Staff
Legislative Information Systems
Press Room

Reviewed As To Form By
Legislative Service Commission

I_135_0002-2

135th General Assembly
Regular Session
2023-2024

Sub. H. B. No. 23

A BILL

To amend sections 124.152, 303.02, 306.353, 311.30, 1
505.541, 509.04, 519.02, 3501.29, 3781.111, 2
4503.10, 4503.103, 4503.11, 4503.12, 4503.191, 3
4503.44, 4506.01, 4506.11, 4507.01, 4507.061, 4
4507.13, 4507.52, 4511.092, 4511.093, 4511.69, 5
4513.241, 4513.34, 4517.01, 4517.12, 4521.01, 6
4521.02, 4731.481, 4734.161, 4981.02, 4981.04, 7
5501.31, 5503.031, 5531.09, 5531.10, 5540.01, 8
5540.02, 5540.03, 5540.06, 5577.044, 5589.99, 9
and 5747.502; to enact sections 746.01, 746.02, 10
746.03, 746.04, 746.05, 746.06, 746.07, 11
4503.107, 4503.441, 4503.442, 4503.443, 12
4503.444, 4503.445, 4503.446, 4503.447, 13
4503.448, 4505.131, 4506.072, 4507.021, 14
4507.063, 4507.511, 4511.691, 4511.692, 15
4511.693, 4511.694, 4511.695, 4511.696, 16
4511.697, 4955.50, 4999.09, 5501.60, and 17
5589.25; and to repeal section 5501.09 of the 18
Revised Code and to amend Section 265.325 of 19
H.B. 110 of the 134th General Assembly and 20
Section 223.15 of H.B. 687 of the 134th General 21
Assembly to make appropriations for programs 22



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accessible parking certification form in order to enable ~~the a~~ 4735
person to be issued an accessible license plate, a removable 4736
windshield placard, or a temporary removable windshield placard 4737
~~or license plates~~ under either section 4503.444503.441 or 4738
4503.442 of the Revised Code, knowing that the person does not 4739
meet any of the criteria contained in division ~~(A) (1)~~ (A) of 4740
~~that section 4503.44~~ of the Revised Code; 4741

(B) ~~Furnish a person with a prescription~~ Complete the 4742
accessible parking certification form described in division (A) 4743
of this section and knowingly misstate on the ~~prescription form~~ 4744
the length of time the chiropractor expects the person to have 4745
the disability that limits or impairs the person's ability to 4746
walk in order to enable the person to retain a removable 4747
windshield placard issued under section ~~4503.44~~ 4503.442 of the 4748
Revised Code for a period of time longer than that which would 4749
be estimated by a similar practitioner under the same or similar 4750
circumstances; 4751

(C) Fail to retain information sufficient to substantiate 4752
that the person is eligible for accessible parking privileges. 4753

Sec. 4955.50. (A) As used in this section: 4754

(1) "Wayside detector system" means an electronic device 4755
or a series of connected devices that scan passing trains, 4756
rolling stock, on-track equipment, and their component equipment 4757
and parts for defects. 4758

(2) "Defects" include hot wheel bearings, hot wheels, 4759
defective bearings that are detected through acoustics, dragging 4760
equipment, excessive height or weight, shifted loads, low hoses, 4761
rail temperature, and wheel condition. 4762

(B) The public utilities commission in conjunction with 4763

the department of transportation shall work with each railroad company that does business in this state to ensure that wayside detector systems are installed and are operating along railroad tracks on which the railroad operates and to ensure that such systems meet all of following standards: 4764
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(1) The systems are properly installed, maintained, repaired, and operational in accordance with the latest guidelines issued by the United States department of transportation, the federal railroad administration, and the association of American railroads. 4769
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(2) Any expired, nonworking, or outdated wayside detector system or component parts of a system are removed and replaced with new parts or an entirely new system that reflects the current best practices and standards of the industry. 4774
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(3) The distance between wayside detector systems is appropriate when accounting for the natural terrain surrounding the railroad track on which the railroad operates and the safety of the trains, rolling stock, on-track equipment, their operators, their passengers, and the persons and property in the vicinity of such railroad track so that if defects are detected operators have sufficient time to do the following: 4778
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(a) Respond to the alerts projected by the wayside detector system; 4785
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(b) Stop the train, rolling stock, or on-track equipment, if necessary; 4787
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(c) Make all necessary repairs or, if repair is impossible at the location, to remove the component parts or equipment that is defective. 4789
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(4) The railroad company has defined, written standards 4792

and training for its employees pertaining to wayside detector 4793
system defect alerts, the course of action that employees are 4794
required to take to respond to an alert, and appropriate 4795
monitoring and responses by the company if employees fail to 4796
take the required course of action. 4797

(C) If a railroad company refuses to work or otherwise 4798
cooperate with the public utilities commission and the 4799
department of transportation in good faith in accordance with 4800
this section, the commission and department shall investigate 4801
that railroad company's safety practices and standards. The 4802
commission and department shall determine whether the company 4803
appears to be in compliance with federal railroad safety 4804
standards, as defined in 49 C.F.R. Part 209. 4805

(D)(1) If a railroad company does not appear to be in 4806
compliance with the applicable federal standards based on an 4807
investigation conducted under division (C) of this section, not 4808
later than sixty days after the conclusion of the investigation, 4809
the commission and department shall make a report to the federal 4810
railroad administration. The report shall detail the results of 4811
the investigation and recommend that the administration take 4812
enforcement action in accordance with its authority against the 4813
railroad company for the safety violations discovered through 4814
that investigation. 4815

(2) The commission and department shall send a copy of the 4816
report to the governor, the president of the senate, the speaker 4817
of the house of representatives, and the minority leaders of 4818
both the senate and the house of representatives. 4819

Sec. 4981.02. (A) There is hereby created the Ohio rail 4820
development commission, as an independent agency of the state 4821
within the department of transportation, consisting of ~~seven~~ 4822

Sec. 4999.09. (A) A train or light engine used in 4967
connection with the movement of freight shall have a crew that 4968
consists of at least two individuals. No superintendent, 4969
trainmaster, or other employee of a railroad shall order or 4970
otherwise require a train or light engine used in connection 4971
with the movement of freight to be operated unless it has a crew 4972
that consists of at least two individuals. 4973

As used in this division, "train or light engine used in 4974
connection with the movement of freight" does not include 4975
hostler service or utility employees. 4976

(B)(1) The public utilities commission may assess a civil 4977
penalty against a person who willfully violates division (A) of 4978
this section. If the commission assesses a civil penalty, the 4979
commission shall do so as follows: 4980

(a) If, within three years of the violation, the 4981
commission has not previously assessed a civil penalty against 4982
the person under this section, in an amount not less than two 4983
hundred fifty, but not more than one thousand dollars; 4984

(b) If, within three years of the violation, the 4985
commission has previously assessed one civil penalty against the 4986
person under this section, in an amount not less than one 4987
thousand, but not more than five thousand dollars; 4988

(c) If, within three years of the violation, the 4989
commission has previously assessed two or more civil penalties 4990
against the person under this section, in an amount not less 4991
than five thousand, but not more than ten thousand dollars. 4992

(2) The attorney general, upon the request of the public 4993
utilities commission, shall bring a civil action to collect the 4994
penalties described in division (B)(1) of this section. All 4995

penalties collected under the division shall be deposited into 4996
the state treasury to the credit of the public utilities fund 4997
created in section 4905.10 of the Revised Code. 4998

Sec. 5501.31. (A) The director of transportation shall 4999
have general supervision of all roads comprising the state 5000
highway system. The director may alter, widen, straighten, 5001
realign, relocate, establish, construct, reconstruct, improve, 5002
maintain, repair, and preserve any road or highway on the state 5003
highway system, and, in connection therewith, relocate, alter, 5004
widen, deepen, clean out, or straighten the channel of any 5005
watercourse as the director considers necessary, and purchase or 5006
appropriate property for the disposal of surplus materials or 5007
borrow pits, and, where an established road has been relocated, 5008
establish, construct, and maintain such connecting roads between 5009
the old and new location as will provide reasonable access 5010
thereto. 5011

The director may purchase or appropriate property 5012
necessary for the location or construction of any culvert, 5013
bridge, or viaduct, or the approaches thereto, including any 5014
property needed to extend, widen, or alter any feeder or outlet 5015
road, street, or way adjacent to or under the bridge or viaduct 5016
when the extension, widening, or alteration of the feeder road, 5017
street, or way is necessary for the full utilization of the 5018
bridge or viaduct, or for any other highway improvement. The 5019
director may purchase or appropriate, for such length of time as 5020
is necessary and desirable, any additional property required for 5021
the construction and maintenance of slopes, detour roads, 5022
sewers, roadside parks, rest areas, recreational park areas, 5023
park and ride facilities, and park and carpool or vanpool 5024
facilities, scenic view areas, drainage systems, or land to 5025
replace wetlands, incident to any highway improvement, that the 5026

exceeds the weight provisions of sections 5577.01 to 5577.09 of 6279
the Revised Code by more than the allowance provided for in 6280
division (A) of this section, both of the following apply: 6281

(1) The applicable penalty prescribed in section 5577.99 6282
of the Revised Code; 6283

(2) The civil liability imposed by section 5577.12 of the 6284
Revised Code. 6285

(C) Division (A) of this section does not apply to the 6286
operation of a vehicle on a highway, road, or bridge that is 6287
subject to reduced maximum weights under section 4513.33, 6288
5577.07, 5577.071, 5577.08, 5577.09, or 5591.42 of the Revised 6289
Code. 6290

Sec. 5589.25. (A)(1) A railroad company that violates 6291
division (A) of section 5589.21 of the Revised Code shall submit 6292
to the public utilities commission an incident report of the 6293
violation within a time and in a manner determined in rules 6294
established by the commission in accordance with division (B) of 6295
this section. A railroad company shall comply with this division 6296
even if the company is not charged or cited with the violation. 6297

(2) By the first day of July each year, the public 6298
utilities commission shall compile all incident reports 6299
submitted during the prior calendar year and submit an annual 6300
report to the president and minority leader of the senate and 6301
the speaker and minority leader of the house of representatives. 6302
The annual report shall consist of aggregated incident 6303
information and shall be presented in a manner that depicts the 6304
number of incident reports attributable to each railroad company 6305
and the aggregate amount of time that each railroad company 6306
blocked railroad crossings during the year in violation of 6307

<u>division (A) of section 5589.21 of the Revised Code.</u>	6308
<u>(B) The public utilities commission shall adopt rules in accordance with Chapter 119. of the Revised Code that specify all of the following:</u>	6309 6310 6311
<u>(1) The time period after an incident by which a railroad company must submit an incident report in accordance with division (A) of this section;</u>	6312 6313 6314
<u>(2) The manner in which the railroad company must submit the incident report;</u>	6315 6316
<u>(3) The information that a railroad company must include in each incident report, including all of the following:</u>	6317 6318
<u>(a) The date on which the incident occurred;</u>	6319
<u>(b) The railroad crossing that was blocked by the railroad company during the incident;</u>	6320 6321
<u>(c) The duration of the blocked railroad crossing and the time the blocking began and the time the blocking concluded.</u>	6322 6323
<u>(C) A railroad company that submits an incident report in accordance with division (A) of this section regarding a blocked railroad crossing for which no charges, citations, or complaints have been made or filed is not subject to the penalty established in division (D) of section 5589.99 of the Revised Code solely as a result of the submission of the report.</u>	6324 6325 6326 6327 6328 6329
<u>(D) Notwithstanding any provision of section 121.95 of the Revised Code to the contrary, a regulatory restriction contained in a rule adopted under this section is not subject to sections 121.95 to 121.953 of the Revised Code.</u>	6330 6331 6332 6333
Sec. 5589.99. (A) Whoever violates section 5589.01 of the	6334