

**As Introduced**

**132nd General Assembly**

**Regular Session**

**2017-2018**

**S. B. No. 74**

**Senators Yuko, Skindell**

**Cosponsors: Senators Brown, O'Brien, Williams, Oelslager, Schiavoni, Tavares**

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**A BILL**

To enact section 4999.09 of the Revised Code to 1  
require the crews of freight trains to consist 2  
of at least two individuals. 3

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

**Section 1.** That section 4999.09 of the Revised Code be 4  
enacted to read as follows: 5

**Sec. 4999.09.** (A) A train or light engine used in 6  
connection with the movement of freight shall have a crew that 7  
consists of at least two individuals. No superintendent, 8  
trainmaster, or other employee of a railroad shall order or 9  
otherwise require a train or light engine used in connection 10  
with the movement of freight to be operated unless it has a crew 11  
that consists of at least two individuals. 12

As used in this division, "train or light engine used in 13  
connection with the movement of freight" does not include 14  
hostler service or utility employees. 15

(B) (1) The public utilities commission may assess a civil 16  
penalty against a person who purposely has violated division (A) 17  
of this section. If the commission assesses a civil penalty, the 18

commission shall do so as follows: 19

(a) If, within three years of the violation, the 20  
commission has not previously assessed a civil penalty against 21  
the person under this section, in an amount not less than two 22  
hundred fifty, but not more than one thousand dollars; 23

(b) If, within three years of the violation, the 24  
commission has previously assessed one civil penalty against the 25  
person under this section, in an amount not less than one 26  
thousand, but not more than five thousand dollars; 27

(c) If, within three years of the violation, the 28  
commission has previously assessed two or more civil penalties 29  
against the person under this section, in an amount not less 30  
than five thousand, but not more than ten thousand dollars. 31

(2) The attorney general, upon the request of the public 32  
utilities commission, shall bring a civil action to collect the 33  
penalties described in this division. All penalties collected 34  
under this division shall be deposited into the state treasury 35  
to the credit of the public utilities fund created in section 36  
4905.10 of the Revised Code. 37