



*BEFORE THE HOUSE TRANSPORTATION & PUBLIC SAFETY COMMITTEE
OPPONENT TESTIMONY ON HOUSE BILL 186*

Chairman Green, Vice Chair McClain, Ranking Member Sheehy, and members of the House Transportation and Public Safety Committee, thank you for the opportunity to provide testimony on House Bill 186 (HB 186). My name is Kevin Shimp and I am the Director of Labor and Legal Affairs for the Ohio Chamber of Commerce.

The Ohio Chamber is the state's leading business advocate, and we represent over 8,000 companies that do business in Ohio. Our mission is to aggressively champion free enterprise, economic competitiveness and growth for the benefit of all Ohioans.

In our efforts to champion economic competitiveness and to defend against onerous government mandates on employment practices, the Ohio Chamber opposes HB 186.

Under HB 186, regulations would be put in place that dictate to railroad companies the design, construction, and maintenance of rail yard walkways, the size of freight train crews, and the illumination standards at rail yards. Additionally, HB 186 includes an unworkable and excessive financial penalty for the obstruction of roadways by locomotives or rail cars.

The Ohio rail industry is an integral part of this state's infrastructure with 36 freight railroad companies operating on over 5,000 miles of track. These numbers put Ohio in the top five states with most rail traffic in the country according to the PUCO.

This robust industry provides transportation services for countless businesses in our state by carrying goods such as coal and other natural resources, automobiles, chemical products, consumer goods, and food products. Likewise, rail transportation leads to safer and longer lasting roads throughout the Buckeye State because it has the direct effect of reducing the number of large trucks on Ohio's roadways.

The Ohio Chamber of Commerce opposes HB 186 because the legislation would likely increase shipping costs on many Ohio businesses that rely on rail to ship their products to consumers by adding additional costs for rail companies. The legislation also proposes to enact new burdensome government

regulations on the rail industry that could threaten the innovation, investment, and use of rails in this state.

Specifically, under HB 186, the detailed specifications for the size of crushed material that can be used for walkways creates a high likelihood that rail operators who seek to comply with the law would still fail to meet the standard that one hundred percent of the material can pass through a one and one-half inch square sieve opening. Moreover, the requirement of two man crews, ignores the technological advancements that exist and that are being developed that allow for safer and more efficient rail operations.

While we share the common goal of making Ohio's rail system safe for employees and the general public, the Ohio Chamber believes the employment provisions contained in HB 186 are best addressed in labor negotiations between individual companies and their workers. Additionally, many of the employment provisions in the bill are addressed by federal law, so there is a question as to whether any state law would be pre-empted by the Railway Safety Improvement Act or the Federal Railroad Safety Act.

Also, the complete prohibition of obstructing public roads for emergency vehicles is problematic. In Ohio, there are approximately 5,700 public grade crossings over which trains travel as they head to their destination. At these public at grade crossings, pedestrian and emergency vehicles can be stopped momentarily as the train passes through, but it is impossible to schedule a train's itinerary to avoid blocking an emergency vehicle due to the unplanned nature of emergencies. Despite this reality, HB 186 would levy a fine of five thousand dollars per occurrence against rail companies that through no fault of their own have obstructed for any amount of time an emergency vehicle that is assisting a person or property in danger.

In closing, the Ohio Chamber of Commerce opposes HB 186 because the bill is likely to increase shipping costs for those businesses that rely on rail to transport their product to consumers, and the added government regulation that this bill seeks to implement would have a negative impact on Ohio's infrastructure and rail companies.

Thank you for the opportunity to provide testimony today and I will be happy to answer any questions from the committee.