

Economic Impact Statement
LSA Document #07-490

IC 4-22-2.1-5 Statement Concerning Rules Affecting Small Businesses**Description of Rule**

This rule is proposed to protect the health, safety, and welfare of persons living in mobile railroad camps, including provisions relating to sanitary conditions, light, air, safety protection from fire hazards, equipment, maintenance, and operation of the camp, sewage disposal through septic tank absorption fields, and other matters appropriate for the security of the life and health of occupants. The statute defines a mobile camp as a temporary location where at least two maintenance of way railroad employees are housed. The proposed rule, as required by [IC 16-19-3-4.4](#), includes the following:

- (1) A requirement for an inspection fee necessary to cover all the expenses incurred in the process of conducting inspections of a mobile camp, to be paid by the railroad company operating the mobile camp.
- (2) A provision that the inspection fee shall be paid to the:
 - (A) local health department under [IC 16-20-1-2](#); or
 - (B) municipal corporation created under [IC 16-22-8-6](#); before initiation of the inspection.
- (3) A requirement that the railroad company, after the departure of the mobile camp, restore the property upon which the mobile camp existed to its condition before the arrival of the mobile camp.
- (4) A provision that officials of the local health department or the municipal corporation may conduct either:
 - (A) independent inspections of the mobile camp without the presence of the railroad company or a union representative; or
 - (B) joint inspections of the mobile camp with the presence of the railroad company and a union representative of each craft of employees working for the railroad company.

The proposed rule is consistent with 49 CFR Part 228, Appendix C, the federal rule covering mobile railroad camps.

Economic Impact on Small Businesses**1. Estimate of the number of small businesses, classified by industry sector, that will be subject to the proposed rule.**

[IC 4-22-2.1-4](#) defines a small business as any person, firm, corporation, limited liability company, partnership, or association that:

- (1) is actively engaged in business in Indiana and maintains its principal place of business in Indiana;
- (2) is independently owned and operated;
- (3) employs one hundred (100) or fewer full-time employees; and
- (4) has gross annual receipts of five million dollars (\$5,000,000) or less.

According to the Brotherhood of Maintenance of Way Employees Division of the International Brotherhood of Teamsters, only one railroad company that operates in Indiana and uses mobile camps and therefore is impacted by this rule. The railroad company is Norfolk Southern Corporation. This company does not meet the definition of a small business as defined by [IC 4-22-2.1-4](#).

2. Estimate of the average annual reporting, record keeping, and other administrative costs that small businesses will incur to comply with the proposed rule.

There are no impacted entities that meet the definition of a small business.

3. Estimate of the total annual economic impact that compliance with the proposed rule will have on all small businesses subject to the rule.

There are no impacted entities that meet the definition of a small business.

4. Statement justifying any requirement or cost that is imposed on small businesses by the rule; and not expressly required by the statute authorizing the agency to adopt the rule; or any other state or federal law.

There are no impacted entities that meet the definition of a small business.

5. Regulatory Flexibility Analysis

There are no impacted entities that meet the definition of a small business.

Conclusion

The proposed rule does not impact small businesses as defined by [IC 4-22-2.1-4](#).

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