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Bill Analysis
Legislative Service Commission

H.B. 516

123rd General Assembly
(As Introduced)

Reps. Damschroder, Gardner, Hollister, Hood, Perry, Logan, Vesper, Krebs, Redfern, Flannery, Sullivan, Taylor, Pringle, Bender, Jolivette, Young, Distel, Hoops, Sykes, Brading, Olman, Buehrer, Patton

BILL SUMMARY

- Permits a sheriff and the chief of police or other chief law enforcement officer of a municipal corporation to designate a railroad grade crossing as a "no stop" emergency crossing.
- Prohibits a railroad company and the conductor or other person in charge of a train from obstructing, or permitting or causing to be obstructed, a public street, road, or highway that is designated and properly identified as an emergency crossing.

CONTENT AND OPERATION

Blocking of roads by railroad companies; current law

Current law generally prohibits a railroad company from obstructing or allowing the obstruction of a public thoroughfare by permitting a train or other obstruction to remain across it for longer than five minutes while travelers are waiting to proceed. No railroad company, at the end of each five-minute period of obstruction of a public thoroughfare may fail to remove the obstruction for sufficient time, not less than three minutes, to allow the passage of persons and vehicles waiting to cross. This prohibition specifically does not apply to an obstruction caused by a continuously moving through train or caused by circumstances wholly beyond the control of the railroad company, but it does apply to obstructions caused by stopped trains and trains engaged in switching, loading, or unloading operations.

Upon the filing of an affidavit or complaint for a violation of this prohibition, a summons must be served on the regular ticket or freight agent of the company in the county where the offense occurred. (R.C. 5589.21.)

A violation of this prohibition is a minor misdemeanor, which under the law governing organizational penalties is punishable by a fine of not more than \$1,000 (R.C. 2929.31, not in the bill).

All penalties collected for violations of this prohibition must be paid to the township clerk of the township in which the offense was committed and be applied by the board of township trustees to the improvement of roads and highways in that township (R.C. 5589.24).

Operation of the bill

Designation of no stop emergency crossings

The bill provides that in order to reduce threats to public safety from the inability of public safety vehicles to respond to emergencies caused by obstructed railroad grade crossings, a sheriff and the chief of police or other chief law enforcement officer of any municipal corporation cooperatively may designate "no stop" emergency crossings within the sheriff's or chief's respective territorial jurisdiction (R.C. 5589.26(A)).

In designating such an emergency crossing, the sheriff and any chief must do all of the following:

(1) Consider public safety to be primary and the convenience of the public and a railroad company to be secondary (R.C. 5589.26(B)(1));

(2) Consult with any fire department, emergency medical service organization, or other appropriate persons operating a public safety vehicle or providing emergency medical services within the county or municipal corporation and with any railroad company operating trains within the county (R.C. 5589.26(B)(2));

(3) When practical, locate an emergency crossing no more than five miles away from another emergency crossing, as measured by public streets, roads, or highways, and no less than two miles away from another emergency crossing, as measured by rail line (R.C. 5589.26(B)(3)).

A designated emergency crossing becomes effective only when signs giving notice of the emergency crossing are erected at the crossing on the public street, road, or highway and on the rail line (R.C. 5589.26(C)).

Posting of signs at no stop emergency crossings

The Department of Transportation must develop the signs the bill requires to be posted giving notice of no stop emergency crossings, and must determine the

standards for posting them. The signs must comply with any applicable restrictions in the federal Manual of Uniform Traffic Control Devices and any applicable restrictions governing the posting of signs along railways. The signs must include a toll-free telephone number for the appropriate local law enforcement agency and also a toll-free telephone number for the Public Utilities Commission. (R.C. 5589.27.)

Prohibitions applicable to no stop emergency crossings

The bill prohibits a railroad company and a conductor or other person in charge of a train from obstructing, or allowing obstruction of a public street, road, or highway that is designated and properly identified as an emergency crossing under the bill by doing either of the following:

(1) Permitting a railroad car, locomotive, or other obstruction to remain stationary upon or across the emergency crossing for *any* period of time (R.C. 5589.25(A)(1));

(2) Permitting a continuously moving train to obstruct the emergency crossing for *longer than five minutes* (R.C. 5589.25(A)(2)).

These two prohibitions do not apply to the obstruction of a public street, road, or highway that is caused by circumstances wholly beyond the control of the railroad company. Both of them specifically apply, however, to obstructions caused by stopped trains or by trains engaged in routine maintenance, safety checks, switching, or loading or unloading operations. (R.C. 5589.25(B).)

Penalties

The bill provides that whoever violates either of the prohibitions contained in the bill is guilty of obstructing an emergency crossing, and must be punished as follows:

(1) If the offender is a railroad company, the court must impose upon the offender a fine of not less than \$10,000. If, within five years of the offense, the railroad company previously has been convicted of or pleaded guilty to two violations of either of the prohibitions contained in the bill, the court must impose a fine of not less than \$50,000 upon the offender. (R.C. 5589.99(D)(1).)

(2) If the offender is a conductor or other person in charge of a train, obstructing an emergency crossing is a minor misdemeanor, which is punishable by a fine of not more than \$100. If, within five years of the offense, the conductor or other person previously has been convicted of or pleaded guilty to two violations of either of the prohibitions contained in the bill, the court, in addition

to any other sanction imposed on the offender, must issue an order prohibiting the offender from being in charge of a train within this state for one year from the date of the conviction or guilty plea. (R.C. 5589.99(D)(2).)

HISTORY

ACTION	DATE	JOURNAL ENTRY
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