



Sub. H.B. 516

123rd General Assembly

(As Reported by H. Transportation & Public Safety)

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

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 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 if a sheriff or the chief of police or other chief law enforcement officer of any municipal corporation determines that a "local safety problem" exists due to the inability of public safety vehicles to respond to emergencies because of obstructed railroad grade crossings, the sheriff and the chief of police or other chief law enforcement officer of the 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, so as to reduce the threat to public safety, 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 all fire departments, emergency medical service organizations, and other appropriate persons operating a public safety vehicle or providing emergency medical services within the county or municipal corporation and with all railroad companies operating trains within the county (R.C. 5589.26(B)(2));

(3) When practical and when necessary to permit public safety vehicles to respond to emergencies, 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)).

Nothing in the bill may be construed as *requiring* the designation of any no stop emergency crossings under its provisions (R.C. 5589.26(D)).

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 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 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 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)).

This prohibition does not apply to an obstruction caused by circumstances wholly beyond the control of the railroad company. It does 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).)

Reevaluation of a no stop emergency crossing designation

The bill provides that if a sheriff or chief of police or other chief law enforcement officer of a municipal corporation who has designated a railroad grade crossing as a no stop emergency crossing has reasonable cause to believe that circumstances have changed since the designation so that the local safety problem no longer exists at that crossing, the sheriff or chief of police or other chief law enforcement officer must evaluate the circumstances present at that crossing and determine whether or not the crossing should retain the no stop designation (R.C. 5589.26(E)).

Appeal of a no stop emergency crossing designation

Under the bill, if a railroad company disagrees with the decision to designate a railroad grade crossing a no stop emergency crossing, the railroad company may file a written objection with the Public Utilities Commission at any time before the effective date of the designation and not later than three days after

the effective date of the designation. The filing of the petition stays the designation from taking effect or suspends the designation, as the case may be, pending the decision of the Commission.

The designation takes effect if the Commission determines that the local conditions present are such that the designation is necessary to prevent an unreasonable hazard to the public safety. The Commission must adopt any procedural rules necessary to implement these provisions.

Penalties

The bill provides that whoever violates either of the prohibitions contained in the bill is guilty of obstructing an emergency crossing, and the court must impose upon the offending railroad company 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 the new prohibition contained in the bill, the court must impose a fine of not less than \$50,000 upon the railroad company. (R.C. 5589.99(D).)

HISTORY

ACTION	DATE	JOURNAL ENTRY
Introduced	12-07-99	p. 1379
Reported, H. Transportation & Public Safety	05-23-00	p. 2059

H0516-RH.123/jc