

- The legislative authority of the municipal corporation, or board of county commissioners, may also use the funds for discretionary spending related to other grade crossing improvements. The monetary extent of the expenditures depends upon the number of citations issued and fine revenue collected.
- If a railroad car or locomotive blockage *obstructs* the public streets of unincorporated areas in one or more counties, or in one or more municipal corporations, the county or municipality may charge the railroad only once for each affected area violation \$1,000, in accordance with Section 5589.21. For *abandoned* cars, except for cases of emergency that warrant such action, railroad companies will be fined \$5,000 in accordance with Section 5589.211.

Detailed Fiscal Analysis

The provisions of this bill increase the penalty for the obstruction of a street, road, or highway by a railroad, and require that the fines paid to the municipal corporation in which the violation occurred, be used for railroad highway grade crossing improvements. The maximum fine amount increases from \$1,000 for a minor misdemeanor, to \$5,000 for a misdemeanor of the first degree for each separate violation, regardless of the time of road blockage per violation.

The fine revenue will be deposited into the new railroad grade crossing improvement fund in each county and municipal corporation. Monies from this fund will be used to pay for grade crossing protective devices as assigned by the Public Utilities Commission. Other related grade crossing improvements will be paid for from this fund at the discretion of the legislative authority of the municipal corporation, or the board of county commissioners.

This bill will address violations on the heavily traveled rail lines of Northern Ohio from Cuyahoga County to the Indiana border. Information with regard to the actual number of citations issued is inconclusive. The Norwalk Municipal Court in Huron County has recorded 27 citations for this offense since June 1999. During the same timeframe, the Lorain County Sheriff's Office has recorded one such citation and at least eight complaints of road blockage by a train. It is clear, from conversations with other law enforcement officials, that the majority of localities do not keep track of this offense. The increase in the amount of the fine, however, will provide an indeterminate amount of increased revenue to the newly created funds.

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