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Bill Analysis

Version: As Introduced

Primary Sponsors: Reps. Lepore-Hagan and Hoops

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SUMMARY

- Requires a vehicle operator to watch, listen, and stop for on-track equipment that may be approaching a railroad crossing.
- Applies the current penalties for failing to watch, listen, and stop for trains to failing to watch, listen, and stop for on-track equipment.

DETAILED ANALYSIS

Stopping for on-track equipment at a railroad crossing

The bill requires a vehicle¹ operator to watch, listen, and potentially stop for on-track equipment (see “**On-track equipment**,” below) that may be approaching a railroad crossing, in the same way that an operator is required to watch, listen, and stop for a train under current law. Thus, under the bill, a vehicle operator must watch, listen, and stop between 15 and 50 feet away from the tracks of a railroad crossing under any of the following circumstances:

1. A clearly visible electric or mechanical signal device gives off its warning for an approaching or passing train or other on-track equipment;
2. A crossing gate is lowered;

¹ “Vehicle” means every device, including a motorized bicycle and an electric bicycle, in, upon, or by which any person or property may be transported or drawn upon a highway, except that “vehicle” does not include any motorized wheelchair, any electric personal assistive mobility device, any low-speed micromobility device, any personal delivery device, any device that is moved by power collected from overhead electric trolley wires or that is used exclusively upon stationary rails or tracks, or any device, other than a bicycle, that is moved by human power. R.C. 4511.01(A), not in the bill.

3. A flag person gives off a warning for an approaching or passing train or other on-track equipment;
4. There is insufficient space on the other side of the railroad crossing so that the vehicle would block the tracks and obstruct other vehicles, pedestrians, trains, or other on-track equipment from passing;
5. An approaching train or other on-track equipment is emitting an audible signal or is plainly visible, thus, making it hazardous to cross; and
6. There is insufficient undercarriage clearance on the vehicle to safely negotiate the crossing.²

Vehicles required to stop every time

Certain motor vehicle operators are required to watch, listen, and stop at railroad crossings every time they approach such a crossing, including an operator of a school bus, school vehicle, or vehicle transporting a material or materials required to be placarded as hazardous material under federal law.³ Additionally, an operator of a construction vehicle is also required to stop every time at a railroad crossing.⁴ Under the bill, such operators are required to watch and listen for on-track equipment, in addition to watching and listening for trains, as under current law.

Penalties

The penalties that apply under current law related to failure to watch, listen, and stop for a train, the bill also applies to failure to watch, listen, and stop for on-track equipment. Those penalties are as follows:

1. Failure to watch, listen, and stop under any of the circumstances listed in 1 to 6 above: fourth degree misdemeanor;
2. An operator of a vehicle blocking the tracks (#4 above): minor misdemeanor/predicate motor vehicle offense;
3. An operator of a school bus, school vehicle, or vehicle carrying hazardous material that is required to watch, listen, and stop *every* time that operator approaches a railroad crossing: minor misdemeanor for first offense and fourth degree misdemeanor if it is the second offense or the offender previously was convicted of or pled guilty to another specified school bus-related offense; and

² R.C. 4511.62(A) and 4511.712(A).

³ R.C. 4511.63(A); 49 Code of Federal Regulations (C.F.R.) Parts 100-185.

⁴ R.C. 4511.64(A). Examples of construction vehicles include a crawler-type tractor, steam shovel, derrick, roller, or any equipment or structure having a normal operating speed of six or less miles per hour or a vertical body or load clearance of less than nine inches above the level surface of a roadway.

4. An operator of a construction vehicle that is required to watch, listen, and stop *every* time that operator approaches a railroad crossing: minor misdemeanor/predicate motor vehicle offense.⁵

On-track equipment

On-track equipment generally includes the large and heavy construction, repair, and cleaning equipment used on railroads. This type of equipment is used for tasks such as repairing the tracks, clearing snow, additional construction, and other activities needed to keep railroad tracks clean, clear, and safe for trains. The equipment is often as big as a locomotive and, thus, can be as dangerous around railroad crossings as a train.

HISTORY

Action	Date
Introduced	05-12-22

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⁵ R.C. 4511.62(C), 4511.63(D), 4511.64(C), and 4511.712(B). A predicate motor vehicle offense is a specified group of traffic offenses in which an offender is guilty of a minor misdemeanor for the first violation of any of the offenses within one year, a fourth degree misdemeanor for the second violation of any of the offenses within one year, and a third degree misdemeanor for a third or subsequent violation of any of the offenses within one year. R.C. 4511.01(III).