



# OHIO LEGISLATIVE SERVICE COMMISSION

## Bill Analysis

Carlen Zhang-D'Souza

### H.B. 190

132nd General Assembly

(As Reported by H. Transportation and Public Safety)

**Reps.** Lepore-Hagan and Schuring, Antonio, Ashford, Bishoff, Boccieri, Boggs, Boyd, Celebrezze, Cera, Fedor, Holmes, Howse, Ingram, Kelly, Kent, Leland, Miller, O'Brien, Patterson, Ramos, Reece, Riedel, Rogers, Seitz, Sheehy, K Smith, Strahorn, Sykes, West, Young, Green, Greenspan, Johnson, Manning

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## BILL 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.

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## CONTENT AND OPERATION

### Stopping for on-track equipment at a railroad crossing

The bill requires a vehicle<sup>1</sup> 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 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;

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<sup>1</sup> "Vehicle" means every device, including a motorized 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 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.

(2) A crossing gate is lowered;

(3) A flagperson 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.<sup>2</sup>

It is a fourth degree misdemeanor to fail to stop for a train, or under the bill, for on-track equipment, under any of the above circumstances.<sup>3</sup> The prohibition against blocking a railroad crossing ((4) above) is also repeated as a separate motor vehicle offense (and applied to on-track equipment under the bill) in another provision of the Revised Code. Under that provision, a violation of the prohibition is a minor misdemeanor for the first violation, a fourth degree misdemeanor for a second violation within one year of the first predicate motor vehicle offense, and a third degree misdemeanor for a third or additional violation within one year of the first predicate motor vehicle offense.<sup>4</sup>

### **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.<sup>5</sup> Additionally, an operator of a construction vehicle such as 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 is also required to stop every time at a railroad crossing.<sup>6</sup> Under the bill, such

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<sup>2</sup> R.C. 4511.62(A) and 4511.712(A).

<sup>3</sup> R.C. 4511.62(C).

<sup>4</sup> R.C. 4511.712(B).

<sup>5</sup> R.C. 4511.63(A); 49 C.F.R. Parts 100-185.

<sup>6</sup> R.C. 4511.64(A).



operators are required to watch and listen for on-track equipment, in addition to watching and listening for trains as under current law. For an operator of a school bus, school vehicle, or vehicle carrying hazardous materials, failure to do so is a minor misdemeanor for the first violation and a fourth degree misdemeanor for a subsequent violation or if the operator has previously been convicted of or pleaded guilty to certain offenses governing school busses.<sup>7</sup> For an operator of a construction vehicle, failure to watch, listen, and stop is a minor misdemeanor. However, if, within one year of the offense, the operator has previously been convicted of or pleaded guilty to one predicate motor vehicle offense, a violation is a fourth degree misdemeanor. If, within one year of the offense, the operator of the construction vehicle has previously been convicted of or pleaded guilty to two or more predicate motor vehicle offenses, a violation is a third degree misdemeanor.<sup>8</sup>

### **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.

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## **HISTORY**

<b>ACTION</b>	<b>DATE</b>
Introduced	04-24-17
Reported, H. Transportation & Public Safety	12-14-17

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<sup>7</sup> R.C. 4511.63(D).

<sup>8</sup> R.C. 4511.64(C).

