



# OHIO LEGISLATIVE SERVICE COMMISSION

Maggie Wolniewicz

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## Fiscal Note & Local Impact Statement

**Bill:** H.B. 190 of the 132nd G.A.

**Status:** As Reported by House Transportation and Public Safety

**Sponsor:** Reps. Lepore-Hagan and Schuring

**Local Impact Statement Procedure Required:** No

**Subject:** Stopping for on-track equipment at a railroad crossing

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### State Fiscal Highlights

- There may be a minimal at most gain in annual fine revenue collected from drivers cited for failure to watch, listen, and stop for on-track equipment at a railroad crossing by the Ohio State Highway Patrol and credited to the Security, Investigations, and Policing Fund (Fund 8400). There may also be some increase in operational costs for the Patrol if a charge is contested and the trooper who issued the citation has to appear in court.
- The state may gain, at most, a minimal annual amount of court cost revenue allocated between the Indigent Defense Support Fund (Fund 5DY0), the Victims of Crime/Reparations Fund (Fund 4020), the Drug Law Enforcement Fund (Fund 5ET0), and the Justice Program Services Fund (Fund 4P60).

### Local Fiscal Highlights

- For any given local jurisdiction, there is not expected to be a significant increase in the number of motor vehicle operators cited for failing to watch, listen, and stop for on-track equipment. Thus, any additional costs to adjudicate, prosecute, and sanction violators will be minimal annually. Revenues from fines, and court costs and fees will be minimal at most annually.

### Detailed Fiscal Analysis

The bill requires a vehicle operator to watch, listen, and stop for on-track equipment that may be approaching a railroad crossing in the same manner as they are required to watch, listen, and stop for a train under current law. Failure of a vehicle operator to stop for on-track equipment at a railroad crossing under certain conditions is a fourth degree misdemeanor. Failure of certain vehicle operators (the operator of a bus, school vehicle, any vehicle carrying hazardous materials, and slow-moving or low-clearance vehicles) to stop at a railroad crossing before proceeding with due caution and obstruction of a railroad crossing are separate motor vehicle offenses that apply to on-track equipment under the bill. A violation of these provisions is generally

a minor misdemeanor, and elevates under certain circumstances to a fourth or third degree misdemeanor.

### **Railroad crossing violations**

The state Bureau of Motor Vehicles reports that, in calendar year (CY) 2016, there were a total of 599 convictions statewide for various railroad crossing violations. The table below lists the top ten counties for railroad crossing violation convictions. These ten counties accounted for 381, or close to 64%, of the total number of such convictions in CY 2016.

<b>Top Ten Counties for Railroad Crossing Violation Convictions, CY 2016</b>			
<b>County</b>	<b>Number of Convictions</b>	<b>County</b>	<b>Number of Convictions</b>
Auglaize	125	Summit	31
Crawford	45	Marion	24
Lucas	38	Wood	20
Butler	32	Franklin	18
Hamilton	31	Cuyahoga	17

The bill's application of current law's railroad crossing requirements and prohibitions to "on-track equipment" is not expected to result in a significant increase in the number of violation convictions either statewide or in any given county. There is however likely to be some increase in motor vehicle operators being cited for such violations and subsequently convicted. This means that there may be a minimal, at most, amount of additional court cost, fee, and fine revenue collected from violators annually and subsequently allocated between the state, counties, municipalities, and townships, as applicable. The additional local costs to adjudicate these violations, including a possible jail stay, will be minimal at most annually. The bill's state and local fiscal effects are described in further detail below.

### **State fiscal effects**

#### **Ohio State Highway Patrol**

Under current law, if a Highway Patrol trooper cites a driver for a violation of a traffic law, the resulting fine is credited to the Security, Investigations, and Policing Fund (Fund 8400). As a result of the bill, there may be a slight increase in the number of such citations issued, with any resulting gain in fine revenue deposited to the credit of Fund 8400 likely to be minimal at most annually. In the event that a charge is contested, there may be some increase in operational costs for the Patrol to have the trooper who issued the citation to appear in court; these costs are likely to be absorbed by the Patrol.

#### **Revenues**

With the possibility of what is likely to be a relatively small increase in the number of railroad crossing violation convictions statewide, the state may gain, at most, a minimal amount of court cost revenue. Under the bill, a conviction constitutes a

misconduct moving violation in which the court generally is required to assess state court costs totaling \$37.50, which is allocated as follows: \$25 to the Indigent Defense Support Fund (Fund 5DY0), \$9 to the Victims of Crime/Reparations Fund (Fund 4020), \$3.40 to the Drug Law Enforcement Fund (Fund 5ET0), and \$0.10 to the Justice Program Services Fund (Fund 4P60).

**Local fiscal effects**

**Penalties for violations**

As noted, a violation of the bill's "on-track equipment" requirements and prohibitions is, depending upon the circumstances present, either a minor misdemeanor, a fourth degree misdemeanor, or a third degree misdemeanor. The table below shows those three offense levels, the maximum possible fine (retained by appropriate local jurisdiction), and the maximum possible term of incarceration in a local jail.

<b>Existing Sentences and Fines for Certain Misdemeanor Offenses Generally</b>		
<b>Offense Level</b>	<b>Fine</b>	<b>Possible Term of Incarceration</b>
Misdemeanor 3rd degree	Up to \$500	Jail, not more than 60 days
Misdemeanor 4th degree	Up to \$250	Jail, not more than 30 days
Minor misdemeanor	Up to \$150	Citation issued; no arrest

**Revenues and expenditures**

Railroad crossing violations fall under the subject matter jurisdiction of municipal, county, and mayor's courts. As noted, for any given local jurisdiction, there is not expected to be a significant increase in the number of motor vehicle operators cited for failing to watch, listen, and stop with regard to "on-track equipment." Thus, any additional costs to adjudicate and prosecute violators will be minimal annually. The imposition of a jail stay is likely to be infrequent and short in duration, which suggests any additional sanctioning costs will not be significant. Revenues from fines, and court costs and fees will be minimal at most annually.