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OHIO LEGISLATIVE SERVICE COMMISSION

Office of Research
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Legislative Budget
Office

H.B. 226
133rd General Assembly

Fiscal Note & Local Impact Statement

[Click here for H.B. 226's Bill Analysis](#)

Version: As Introduced

Primary Sponsors: Reps. Lepore-Hagan and Cross

Local Impact Statement Procedure Required: No

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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. These costs are likely to be absorbed by the Patrol using existing appropriated funds.
- 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).
- 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 annual costs to adjudicate, prosecute, and sanction violators will not be significant. Revenues from fines and court costs and fees may offset those costs to some degree.

Detailed 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) 2017, there were a total of 492 convictions statewide for various railroad crossing violations. The table below lists the counties with the most railroad crossing violation convictions. These counties accounted for 301, or 61%, of the total number of such convictions in CY 2017.

County	Number of Convictions	County	Number of Convictions
Huron	54	Marion	22
Lucas	43	Crawford	18
Butler	42	Cuyahoga	17
Auglaize	36	Ashtabula	15
Franklin	26	Seneca/Summit*	14

*Seneca and Summit counties recorded 14 violation convictions each.

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 not be significant.

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 credited to 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 using existing appropriated funds.

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 misdemeanor 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.

Offense Level	Fine	Possible Term of Incarceration
Misdemeanor 3 rd degree	Up to \$500	Jail, not more than 60 days
Misdemeanor 2 nd 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.