As Passed by the House

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Representatives Lepore-Hagan, Cross

Cosponsors: Representatives O'Brien, Galonski, Upchurch, Miranda, Smith, K., Skindell, Weinstein, Crawley, Blair, Boggs, Brent, Brown, Clites, Crossman, Denson, Ginter, Green, Hicks-Hudson, Hillyer, Kelly, Lanese, Leland, Lightbody, Liston, Miller, A., Miller, J., Patterson, Riedel, Rogers, Russo, Sheehy, Sobecki, Sweeney, Sykes, West

A BILL

To amend sections 4511.62, 4511.63, 4511.64, and 4511.712 of the Revised Code to require vehicle operators to watch, listen, and stop for on-track equipment that may be approaching a railroad crossing.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 4511.62, 4511.63, 4511.64, and 4511.712 of the Revised Code be amended to read as follows:

Sec. 4511.62. (A)(1) Whenever any person driving a vehicle or trackless trolley approaches a railroad grade crossing, the person shall stop within fifty feet, but not less than fifteen feet from the nearest rail of the railroad if any of the following circumstances exist at the crossing:

(a) A clearly visible electric or mechanical signal device gives warning of the immediate approach of a train or other on-track equipment.
(b) A crossing gate is lowered.

(c) A flagperson gives or continues to give a signal of the approach or passage of a train or other on-track equipment.

(d) There is insufficient space on the other side of the railroad grade crossing to accommodate the vehicle or trackless trolley the person is operating without obstructing the passage of other vehicles, trackless trolleys, pedestrians, or railroad trains, or other on-track equipment, notwithstanding any traffic control signal indication to proceed.

(e) An approaching train or other on-track equipment is emitting an audible signal or is plainly visible and is in hazardous proximity to the crossing.

(f) There is insufficient undercarriage clearance to safely negotiate the crossing.

(2) A person who is driving a vehicle or trackless trolley and who approaches a railroad grade crossing shall not proceed as long as any of the circumstances described in divisions (A)(1)(a) to (f) of this section exist at the crossing.

(B) No person shall drive any vehicle through, around, or under any crossing gate or barrier at a railroad crossing while the gate or barrier is closed or is being opened or closed unless the person is signaled by a law enforcement officer or flagperson that it is permissible to do so.

(C) Whoever violates this section is guilty of a misdemeanor of the fourth degree.

Sec. 4511.63. (A) Except as provided in division (B) of this section, the operator of any bus, any school vehicle, or any vehicle transporting a material or materials required to be
placarded under 49 C.F.R. Parts 100-185, before crossing at
grade any track of a railroad, shall stop the vehicle and, while
so stopped, shall listen through an open door or open window and
look in both directions along the track for any approaching
train or other on-track equipment, and for signals indicating
the approach of a train or other on-track equipment, and shall
proceed only upon exercising due care after stopping, looking,
and listening as required by this section. Upon proceeding, the
operator of such a vehicle shall cross only in a gear that will
ensure there will be no necessity for changing gears while
traversing the crossing and shall not shift gears while crossing
the tracks.

(B) This section does not apply at grade crossings when
the public utilities commission has authorized and approved an
exempt crossing as provided in this division.

(1) Any local authority may file an application with the
commission requesting the approval of an exempt crossing. Upon
receipt of such a request, the commission shall authorize a
limited period for the filing of comments by any party regarding
the application and then shall conduct a public hearing in the
community seeking the exempt crossing designation. The
commission shall provide appropriate prior public notice of the
comment period and the public hearing. By registered mail, the
commission shall notify each railroad operating over the
crossing of the comment period.

(2) After considering any comments or other information
received, the commission may approve or reject the application.
By order, the commission may establish conditions for the exempt
crossing designation, including compliance with division (b) of
49 C.F.R. Part 392.10, when applicable. An exempt crossing
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designation becomes effective only when appropriate signs giving notice of the exempt designation are erected at the crossing as ordered by the commission and any other conditions ordered by the commission are satisfied.

(3) By order, the commission may rescind any exempt crossing designation made under this section if the commission finds that a condition at the exempt crossing has changed to such an extent that the continuation of the exempt crossing designation compromises public safety. The commission may conduct a public hearing to investigate and determine whether to rescind the exempt crossing designation. If the commission rescinds the designation, it shall order the removal of any exempt crossing signs and may make any other necessary order.

(C) As used in this section:

(1) "School vehicle" means any vehicle used for the transportation of pupils to and from a school or school-related function if the vehicle is owned or operated by, or operated under contract with, a public or nonpublic school.

(2) "Bus" means any vehicle originally designed by its manufacturer to transport sixteen or more passengers, including the driver, or carries sixteen or more passengers, including the driver.

(3) "Exempt crossing" means a highway rail grade crossing authorized and approved by the public utilities commission under division (B) of this section at which vehicles may cross without making the stop otherwise required by this section.

(D) Except as otherwise provided in this division, whoever violates this section is guilty of a minor misdemeanor. If the offender previously has been convicted of or pleaded guilty to
one or more violations of this section or section 4511.76, 4511.761, 4511.762, 4511.764, 4511.77, or 4511.79 of the Revised Code or a municipal ordinance that is substantially similar to any of those sections, whoever violates this section is guilty of a misdemeanor of the fourth degree.

Sec. 4511.64. (A) No person shall operate or move any 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, upon or across any tracks at a railroad grade crossing without first complying with divisions (A)(1) and (2) of this section.

(1) Before making any such crossing, the person operating or moving any such vehicle or equipment shall first stop the same, and while stopped the person shall listen and look in both directions along such track for any approaching train or other on-track equipment and for signals indicating the approach of a train or other on-track equipment, and shall proceed only upon exercising due care.

(2) No such crossing shall be made when warning is given by automatic signal or crossing gates or a flagperson or otherwise of the immediate approach of a railroad train or car or other on-track equipment.

(B) If the normal sustained speed of such vehicle, equipment, or structure is not more than three miles per hour, the person owning, operating, or moving the same shall also give notice of such intended crossing to a station agent or superintendent of the railroad, and a reasonable time shall be given to such railroad to provide proper protection for such crossing. Where such vehicles or equipment are being used in
constructing or repairing a section of highway lying on both sides of a railroad grade crossing, and in such construction or repair it is necessary to repeatedly move such vehicles or equipment over such crossing, one daily notice specifying when such work will start and stating the hours during which it will be prosecuted is sufficient.

(C) Except as otherwise provided in this division, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.

If the offender commits the offense while distracted and the distracting activity is a contributing factor to the commission of the offense, the offender is subject to the additional fine established under section 4511.991 of the Revised Code.

Sec. 4511.712. (A) No driver shall enter an intersection or marked crosswalk or drive onto any railroad grade crossing unless there is sufficient space on the other side of the intersection, crosswalk, or grade crossing to accommodate the vehicle, streetcar, or trackless trolley the driver is operating without obstructing the passage of other vehicles, streetcars, trackless trolleys, pedestrians, railroad trains, or other on-track equipment notwithstanding any traffic control signal indication to proceed.
(B) Except as otherwise provided in this division, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.

If the offender commits the offense while distracted and the distracting activity is a contributing factor to the commission of the offense, the offender is subject to the additional fine established under section 4511.991 of the Revised Code.

Section 2. That existing sections 4511.62, 4511.63, 4511.64, and 4511.712 of the Revised Code are hereby repealed.