

**As Introduced**

**136th General Assembly**

**Regular Session**

**2025-2026**

**H. B. No. 973**

**Representatives Pizzulli, Hall, T.**

**Cosponsors: Representatives Johnson, Lorenz, Williams, Salvo, Deeter, Ritter,  
Robb Blasdel, Brennan, Rader, Miller, J., Baker**

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To amend sections 307.203, 5589.20, 5589.22, 1  
5589.23, 5589.24, and 5589.99; to amend, for the 2  
purpose of adopting new section numbers as 3  
indicated in parentheses, sections 5589.20 4  
(5589.40), 5589.22 (5589.42), 5589.23 (5589.43), 5  
and 5589.24 (5589.44); to enact section 5589.41; 6  
and to repeal sections 5589.21 and 5589.211 of 7  
the Revised Code to create designated access 8  
routes across railroads for emergency vehicles. 9

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

**Section 1.** That sections 307.203, 5589.20, 5589.22, 10  
5589.23, 5589.24, and 5589.99 be amended; sections 5589.20 11  
(5589.40), 5589.22 (5589.42), 5589.23 (5589.43), and 5589.24 12  
(5589.44) be amended for the purpose of adopting new section 13  
numbers as indicated in parentheses; and section 5589.41 of the 14  
Revised Code be enacted to read as follows: 15

**Sec. 307.203.** A board of county commissioners may 16  
appropriate moneys from the general fund for any purposes for 17  
which moneys in the railroad grade crossing improvement fund of 18  
the county created pursuant to section ~~5589.24~~ 5589.44 of the 19

Revised Code may be used. After appropriation, such moneys may  
be transferred to that fund.

**Sec. ~~5589.20~~ 5589.40.** The general assembly finds that the  
improper obstruction of railroad grade crossings by trains is a  
direct threat to the health, safety, and welfare of the citizens  
of this state and to the safety of railroad workers inasmuch as  
improper obstructions create uniquely different local safety  
~~problems or security hazards~~ by preventing the timely movement  
of ambulances, the vehicles of law enforcement officers and  
firefighters, and official and unofficial vehicles transporting  
health care officials and professionals. It is the intent of the  
general assembly in amending and enacting sections ~~5589.21,~~  
~~5589.24,~~ 5589.40 to 5589.44 and 5589.99 of the Revised Code that  
the health, safety, and welfare of the citizens of this state  
and the safety of railroad workers be enhanced through those  
~~amendments~~ without unreasonably burdening interstate commerce.

**Sec. 5589.41.** (A) As used in sections 5589.41 to 5589.44  
of the Revised Code:

(1) "Designated access route" means any public street,  
road, or highway that is designated by the legislative authority  
of a political subdivision to ensure safe and timely movement of  
emergency service vehicles that are responding to an emergency.

(2) "Political subdivision" means a county, township, or  
municipal corporation.

(B) Every political subdivision, in consultation with the  
department of transportation and local emergency service  
providers, may establish designated access routes within the  
applicable boundaries of the political subdivision. A designated  
access route shall be located not less than seven thousand five

hundred feet from another designated access route. 49

(C) Except as provided in division (D) of this section, no 50  
railroad company shall recklessly allow a stationary railroad 51  
car, locomotive, or any other equipment under the control of 52  
that railroad company to obstruct a designated access route. 53

(D) Division (C) of this section does not apply to the 54  
obstruction of a designated access route caused by any of the 55  
following: 56

(1) Circumstances beyond the control of the railroad 57  
company, including a mechanical failure or an emergency 58  
affecting railroad operations; 59

(2) Railroad cars, locomotives, or other equipment that 60  
are continuously moving; 61

(3) Railroad cars, locomotives, or other equipment that 62  
are engaged in normal switching operations for periods of not 63  
more than five minutes; 64

(4) Other applicable federal laws or regulations. 65

(E) A railroad company shall ensure that any stationary 66  
railroad car, locomotive, equipment, or other obstruction is 67  
moved so as to not obstruct the designated access route for at 68  
least three minutes after each five-minute period of obstruction 69  
to allow persons and vehicles to cross the railroad tracks and 70  
continue along the applicable public street, road, or highway. 71

(F) Upon the filing of an affidavit or complaint for a 72  
violation of this section, a summons shall be issued to the 73  
railroad company pursuant to division (B) of section 2935.10 of 74  
the Revised Code and be served on the regular ticket or freight 75  
agent of the company in the county where the offense occurred. 76

(G) If a railroad car, locomotive, or other equipment is 77  
obstructing a designated access route in violation of division 78  
(C) of this section and the violation crosses over into multiple 79  
political subdivisions, the officers or employees of the 80  
political subdivisions may only charge the railroad company with 81  
one violation of this section if it arises from the same facts, 82  
circumstances, and act on the part of the railroad company. 83

**Sec. ~~5589.22~~ 5589.42.** A ~~corporation or person~~ railroad 84  
company shall be liable for all damages arising to a any person 85  
that arise from an obstruction ~~or injury to a road or highway as~~ 86  
~~provided by section 5589.21 of a designated access route under~~ 87  
section 5589.41 of the Revised Code, which damage shall be 88  
recovered by an action ~~at the suit of the board of township~~ 89  
~~trustees of the township in which the offense is committed, or~~ 90  
~~of any person suing therefor before a judge of a county court of~~ 91  
common pleas or ~~judge of a~~ municipal court having jurisdiction 92  
where the offense is committed, or by indictment in the court of 93  
common pleas in the proper county. ~~Each twenty-four hours the~~ 94  
~~person or corporation, after being notified, permits such~~ 95  
~~obstruction to remain, shall be an additional offense against~~ 96  
~~such section.~~ 97

**Sec. ~~5589.23~~ 5589.43.** (A) A railroad company or other 98  
corporation, the servant, agent, or employee of which, in any 99  
manner, obstructs a ~~public road or highway~~ designated access 100  
route, shall pay all penalties which may be assessed against 101  
such servant, agent, or employee for obstructing it. The 102  
penalties may be enforced by execution issued against such 103  
corporation on the judgment rendered against the servant, agent, 104  
or employee. 105

(B) A railroad company or other related defendant may 106

respond to a criminal action for a violation of section 5589.41 107  
of the Revised Code or a civil action for damages pursuant to 108  
section 5589.42 of the Revised Code by proving, with clear and 109  
convincing evidence, that the obstruction at issue was required 110  
either by operation of a federal law or regulation or by one of 111  
the other reasons specified in division (D) of section 5589.41 112  
of the Revised Code. 113

**Sec. ~~5589.24~~ 5589.44.** (A) All fines collected for a 114  
violation of ~~division (A) of section 5589.21 or 5589.211~~ 5589.41 115  
of the Revised Code shall be paid as follows: 116

(1) To the railroad grade crossing improvement fund of the 117  
county if the violation occurred in an unincorporated area of 118  
the county; 119

(2) To the railroad grade crossing improvement fund of the 120  
municipal corporation in which the violation occurred if the 121  
violation occurred in a municipal corporation. 122

(B) The board of county commissioners of each county and 123  
the legislative authority of each municipal corporation shall 124  
establish a railroad grade crossing improvement fund. The fund 125  
shall consist of fines paid to the county or municipal 126  
corporation under division (A) of this section and any other 127  
moneys allocated to the fund by the county or municipal 128  
corporation. Except as otherwise provided in this division, a 129  
county or municipal corporation shall use its railroad grade 130  
crossing improvement fund to pay any part of the cost assigned 131  
by the public utilities commission to the county or municipal 132  
corporation under section 4907.471 of the Revised Code. The 133  
county or municipal corporation also may use its railroad grade 134  
crossing improvement fund for other improvements to railroad 135  
grade crossings, including signs, signals, gates, or other 136

protective devices, as the board of county commissioners or 137  
legislative authority of a municipal corporation determines to 138  
be appropriate. 139

If, during any fiscal year, the fines a county collects 140  
for violations of ~~division (A) of section 5589.21 and section~~ 141  
~~5589.211-5589.41~~ of the Revised Code equal three thousand 142  
dollars or less, during the subsequent fiscal year the county 143  
may use that amount of money in its railroad grade crossing 144  
improvement fund for any purpose that the board of county 145  
commissioners determines to be appropriate. 146

If, during any fiscal year, the fines a county collects 147  
for violations of ~~division (A) of section 5589.21 and section~~ 148  
~~5589.211-5589.41~~ of the Revised Code exceed three thousand 149  
dollars, during the subsequent two fiscal years the county shall 150  
use all the money in its railroad grade crossing improvement 151  
fund only for those purposes described in this division. In such 152  
a case, the amount of money the county collects for violations 153  
of ~~division (A) of section 5589.21 and section 5589.211-5589.41~~ 154  
of the Revised Code during the fiscal year immediately following 155  
the second of those two fiscal years shall determine the 156  
disposition under this division of the money the county collects 157  
during that fiscal year. 158

**Sec. 5589.99.** (A) Whoever violates section 5589.01 of the 159  
Revised Code is guilty of a misdemeanor of the third degree. 160

(B) Whoever violates section 5589.02, 5589.03, 5589.05, 161  
5589.06, 5589.08, 5589.081, 5589.09, 5589.11, 5589.12, 5589.32, 162  
or 5589.33 of the Revised Code is guilty of a minor misdemeanor. 163

(C) Whoever violates section 5589.07 or 5589.10 of the 164  
Revised Code is guilty of a misdemeanor of the fourth degree. 165

(D) Whoever violates ~~division (A) of section 5589.21~~ 166  
5589.41 of the Revised Code is guilty of a misdemeanor of the 167  
first degree and shall be fined one thousand dollars. Each day 168  
of violation constitutes a separate offense. 169

~~(E) Whoever violates section 5589.211 of the Revised Code~~ 170  
~~is guilty of a misdemeanor of the first degree and shall be~~ 171  
~~fined five thousand dollars.~~ 172

**Section 2.** That existing sections 307.203, 5589.20, 173  
5589.22, 5589.23, 5589.24, and 5589.99 of the Revised Code are 174  
hereby repealed. 175

**Section 3.** That sections 5589.21 and 5589.211 of the 176  
Revised Code are hereby repealed. 177