

**As Introduced**

**133rd General Assembly**

**Regular Session**

**2019-2020**

**H. B. No. 226**

**Representatives Lepore-Hagan, Cross**

**Cosponsors: Representatives O'Brien, Galonski, Upchurch, Miranda, Smith, K.,  
Skindell, Weinstein, Crawley**

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**A BILL**

To amend sections 4511.62, 4511.63, 4511.64, and 1  
4511.712 of the Revised Code to require vehicle 2  
operators to watch, listen, and stop for on- 3  
track equipment that may be approaching a 4  
railroad crossing. 5

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

**Section 1.** That sections 4511.62, 4511.63, 4511.64, and 6  
4511.712 of the Revised Code be amended to read as follows: 7

**Sec. 4511.62.** (A) (1) Whenever any person driving a vehicle 8  
or trackless trolley approaches a railroad grade crossing, the 9  
person shall stop within fifty feet, but not less than fifteen 10  
feet from the nearest rail of the railroad if any of the 11  
following circumstances exist at the crossing: 12

(a) A clearly visible electric or mechanical signal device 13  
gives warning of the immediate approach of a train or other on- 14  
track equipment. 15

(b) A crossing gate is lowered. 16

(c) A flagperson gives or continues to give a signal of 17  
the approach or passage of a train or other on-track equipment. 18

(d) There is insufficient space on the other side of the 19  
railroad grade crossing to accommodate the vehicle or trackless 20  
trolley the person is operating without obstructing the passage 21  
of other vehicles, trackless trolleys, pedestrians, ~~or~~ railroad 22  
trains, or other on-track equipment, notwithstanding any traffic 23  
control signal indication to proceed. 24

(e) An approaching train or other on-track equipment is 25  
emitting an audible signal or is plainly visible and is in 26  
hazardous proximity to the crossing. 27

(f) There is insufficient undercarriage clearance to 28  
safely negotiate the crossing. 29

(2) A person who is driving a vehicle or trackless trolley 30  
and who approaches a railroad grade crossing shall not proceed 31  
as long as any of the circumstances described in divisions (A) 32  
(1) (a) to (f) of this section exist at the crossing. 33

(B) No person shall drive any vehicle through, around, or 34  
under any crossing gate or barrier at a railroad crossing while 35  
the gate or barrier is closed or is being opened or closed 36  
unless the person is signaled by a law enforcement officer or 37  
flagperson that it is permissible to do so. 38

(C) Whoever violates this section is guilty of a 39  
misdemeanor of the fourth degree. 40

**Sec. 4511.63.** (A) Except as provided in division (B) of 41  
this section, the operator of any bus, any school vehicle, or 42  
any vehicle transporting a material or materials required to be 43  
placarded under 49 C.F.R. Parts 100-185, before crossing at 44  
grade any track of a railroad, shall stop the vehicle and, while 45

so stopped, shall listen through an open door or open window and 46  
look in both directions along the track for any approaching 47  
train or other on-track equipment, and for signals indicating 48  
the approach of a train or other on-track equipment, and shall 49  
proceed only upon exercising due care after stopping, looking, 50  
and listening as required by this section. Upon proceeding, the 51  
operator of such a vehicle shall cross only in a gear that will 52  
ensure there will be no necessity for changing gears while 53  
traversing the crossing and shall not shift gears while crossing 54  
the tracks. 55

(B) This section does not apply at grade crossings when 56  
the public utilities commission has authorized and approved an 57  
exempt crossing as provided in this division. 58

(1) Any local authority may file an application with the 59  
commission requesting the approval of an exempt crossing. Upon 60  
receipt of such a request, the commission shall authorize a 61  
limited period for the filing of comments by any party regarding 62  
the application and then shall conduct a public hearing in the 63  
community seeking the exempt crossing designation. The 64  
commission shall provide appropriate prior public notice of the 65  
comment period and the public hearing. By registered mail, the 66  
commission shall notify each railroad operating over the 67  
crossing of the comment period. 68

(2) After considering any comments or other information 69  
received, the commission may approve or reject the application. 70  
By order, the commission may establish conditions for the exempt 71  
crossing designation, including compliance with division (b) of 72  
49 C.F.R. Part 392.10, when applicable. An exempt crossing 73  
designation becomes effective only when appropriate signs giving 74  
notice of the exempt designation are erected at the crossing as 75

ordered by the commission and any other conditions ordered by 76  
the commission are satisfied. 77

(3) By order, the commission may rescind any exempt 78  
crossing designation made under this section if the commission 79  
finds that a condition at the exempt crossing has changed to 80  
such an extent that the continuation of the exempt crossing 81  
designation compromises public safety. The commission may 82  
conduct a public hearing to investigate and determine whether to 83  
rescind the exempt crossing designation. If the commission 84  
rescinds the designation, it shall order the removal of any 85  
exempt crossing signs and may make any other necessary order. 86

(C) As used in this section: 87

(1) "School vehicle" means any vehicle used for the 88  
transportation of pupils to and from a school or school-related 89  
function if the vehicle is owned or operated by, or operated 90  
under contract with, a public or nonpublic school. 91

(2) "Bus" means any vehicle originally designed by its 92  
manufacturer to transport sixteen or more passengers, including 93  
the driver, or carries sixteen or more passengers, including the 94  
driver. 95

(3) "Exempt crossing" means a highway rail grade crossing 96  
authorized and approved by the public utilities commission under 97  
division (B) of this section at which vehicles may cross without 98  
making the stop otherwise required by this section. 99

(D) Except as otherwise provided in this division, whoever 100  
violates this section is guilty of a minor misdemeanor. If the 101  
offender previously has been convicted of or pleaded guilty to 102  
one or more violations of this section or section 4511.76, 103  
4511.761, 4511.762, 4511.764, 4511.77, or 4511.79 of the Revised 104

Code or a municipal ordinance that is substantially similar to 105  
any of those sections, whoever violates this section is guilty 106  
of a misdemeanor of the fourth degree. 107

**Sec. 4511.64.** (A) No person shall operate or move any 108  
crawler-type tractor, steam shovel, derrick, roller, or any 109  
equipment or structure having a normal operating speed of six or 110  
less miles per hour or a vertical body or load clearance of less 111  
than nine inches above the level surface of a roadway, upon or 112  
across any tracks at a railroad grade crossing without first 113  
complying with divisions (A) (1) and (2) of this section. 114

(1) Before making any such crossing, the person operating 115  
or moving any such vehicle or equipment shall first stop the 116  
same, and while stopped the person shall listen and look in both 117  
directions along such track for any approaching train or other 118  
on-track equipment and for signals indicating the approach of a 119  
train or other on-track equipment, and shall proceed only upon 120  
exercising due care. 121

(2) No such crossing shall be made when warning is given 122  
by automatic signal or crossing gates or a flagperson or 123  
otherwise of the immediate approach of a railroad train or car 124  
or other on-track equipment. 125

(B) If the normal sustained speed of such vehicle, 126  
equipment, or structure is not more than three miles per hour, 127  
the person owning, operating, or moving the same shall also give 128  
notice of such intended crossing to a station agent or 129  
superintendent of the railroad, and a reasonable time shall be 130  
given to such railroad to provide proper protection for such 131  
crossing. Where such vehicles or equipment are being used in 132  
constructing or repairing a section of highway lying on both 133  
sides of a railroad grade crossing, and in such construction or 134

repair it is necessary to repeatedly move such vehicles or 135  
equipment over such crossing, one daily notice specifying when 136  
such work will start and stating the hours during which it will 137  
be prosecuted is sufficient. 138

(C) Except as otherwise provided in this division, whoever 139  
violates this section is guilty of a minor misdemeanor. If, 140  
within one year of the offense, the offender previously has been 141  
convicted of or pleaded guilty to one predicate motor vehicle or 142  
traffic offense, whoever violates this section is guilty of a 143  
misdemeanor of the fourth degree. If, within one year of the 144  
offense, the offender previously has been convicted of two or 145  
more predicate motor vehicle or traffic offenses, whoever 146  
violates this section is guilty of a misdemeanor of the third 147  
degree. 148

If the offender commits the offense while distracted and 149  
the distracting activity is a contributing factor to the 150  
commission of the offense, the offender is subject to the 151  
additional fine established under section 4511.991 of the 152  
Revised Code. 153

**Sec. 4511.712.** (A) No driver shall enter an intersection 154  
or marked crosswalk or drive onto any railroad grade crossing 155  
unless there is sufficient space on the other side of the 156  
intersection, crosswalk, or grade crossing to accommodate the 157  
vehicle, streetcar, or trackless trolley the driver is operating 158  
without obstructing the passage of other vehicles, streetcars, 159  
trackless trolleys, pedestrians, ~~or~~ or other 160  
on-track equipment notwithstanding any traffic control signal 161  
indication to proceed. 162

(B) Except as otherwise provided in this division, whoever 163  
violates this section is guilty of a minor misdemeanor. If, 164

within one year of the offense, the offender previously has been 165  
convicted of or pleaded guilty to one predicate motor vehicle or 166  
traffic offense, whoever violates this section is guilty of a 167  
misdemeanor of the fourth degree. If, within one year of the 168  
offense, the offender previously has been convicted of two or 169  
more predicate motor vehicle or traffic offenses, whoever 170  
violates this section is guilty of a misdemeanor of the third 171  
degree. 172

If the offender commits the offense while distracted and 173  
the distracting activity is a contributing factor to the 174  
commission of the offense, the offender is subject to the 175  
additional fine established under section 4511.991 of the 176  
Revised Code. 177

**Section 2.** That existing sections 4511.62, 4511.63, 178  
4511.64, and 4511.712 of the Revised Code are hereby repealed. 179