

As Reported by the House Transportation and Public Safety Committee

133rd General Assembly

Regular Session

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H. B. No. 226

Representatives Lepore-Hagan, Cross

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

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