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OHIO LEGISLATIVE SERVICE COMMISSION

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Office

S.B. 233
135th General Assembly

Fiscal Note & Local Impact Statement

[Click here for S.B. 233's Bill Analysis](#)

Version: As Re-referred to Senate Judiciary

Primary Sponsors: Sens. DeMora and Kunze

Local Impact Statement Procedure Required: No

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Highlights

- The bill may result in a small number of new traffic convictions related to railroad crossing violations issued by law enforcement officers annually.
- Any related costs to adjudicate these cases by local criminal justice systems would likely be offset, either in whole or in part, from revenue in the form of fines, fees, and court costs collected from violators. The state may gain a negligible amount of revenue related to the portion of fines that are remitted to the state for each conviction.

Detailed Analysis

The bill requires all drivers to stop for on-track equipment¹ that may be approaching a railroad crossing in the manner as already required for trains and also requires certain vehicle operators to stop, watch, and listen for on-track equipment that may be approaching a railroad crossing.

Calendar year 2022 railroad crossing convictions

According to the Ohio Public Utilities Commission, there are more than 5,700 public grade crossings in operation across the state, spanning 5,300 miles of track. In calendar year (CY) 2022, the Bureau of Motor Vehicles reported a total of 185 convictions for various railroad crossing violations, which occurred in 45 counties. Most of those convictions, 126 or 68%, occurred in 14 counties, averaging around nine convictions per these 14 counties. Summit County saw the

¹ On-track equipment generally includes the large and heavy construction, repair, and cleaning equipment used on railroads.

most convictions with 30. The remaining 59 (32%) convictions were spread across 31 other counties, while 43 counties had no convictions for railroad crossing violations.

Fiscal effect

Enforcement and adjudication

The bill's provisions regarding stopping for on-track equipment at a railroad crossing may result in a small increase in the number of citations issued by law enforcement officers annually, with most of those expected to be minor misdemeanors or fourth degree misdemeanors, depending on the violation. In the case of a minor misdemeanor, a law enforcement officer generally does not arrest a person, but instead issues a citation. In lieu of making a court appearance, that person can sign the guilty plea and waiver of trial provision on the citation and pay the fine and associated costs to the appropriate clerk of court either in person or by mail.² Based on the conviction data provided above, any increase in violations is expected to be relatively small and most minor misdemeanor violators will presumably sign the guilty plea and trial waiver to avoid going to court. Adjudication and related administrative costs for county and municipal courts and clerks of courts are likely to be negligible. To the extent that additional citations are issued, there will be a corresponding increase in the amount of fine, fee, and court cost revenue generated for the state and political subdivisions, potentially offsetting any new costs.

Possible sanctions

Generally, a person convicted of failure to stop for a train or on-track equipment (under the bill) would be subject to the fines and penalties of a misdemeanor of the fourth degree. Additionally, under current law and now under the bill, certain other vehicles (e.g., buses, school vehicles, and specified construction vehicles) are required to stop, watch, and listen at a crossing every time for a train or on-track equipment. The penalties for these violations could range from a minor misdemeanor to a third degree misdemeanor, depending on prior violations and the type of vehicle involved.

However, the bill also authorizes a court to order an offender who was convicted of a railroad grade crossing violation (including for both trains under current law and on-track equipment under the bill) to complete a remedial safety training or presentation regarding rail safety in lieu of imposing a fine or a jail term. To the extent that a court chooses to utilize this option, it may reduce to some degree the fine revenue collected and/or expenses associated with a jail term (if one may have been imposed). This alternative sentencing option does not apply to violations of the stop, watch, and listen requirements that apply to certain vehicles (e.g., buses, school vehicles, and specified construction vehicles).

The following tables show the possible fines and jail terms for the penalty categories impacted by the bill and distribution, if collected. For a more thorough description of the circumstances for which the penalties apply, please see the bill analysis. As previously stated, the number of violations of any of the bill's expanded offenses is likely to be negligible annually compared to current caseloads.

² R.C. 2935.26.

Table 1. Possible Fines and Jail Terms for Railroad Crossing Violations

Offense Level	Fine	Term of Incarceration
Minor misdemeanor	Up to \$150	Citation issued; no jail
Misdemeanor 4 th degree	Up to \$250	Jail, not more than 30 days
Misdemeanor 3 rd degree*	Up to \$500	Jail, not more than 60 days

*Only applies to third and subsequent violations involving the operator of specified types of construction vehicles.

Table 2. Distribution of Fines, Fees, and Court Costs for Traffic Offenses in General

Financial Penalty Component	Amount Paid by Violator	Recipient of Amount
Fine	Varies by offense; varies by local jurisdiction	<ul style="list-style-type: none"> ▪ Retained by county if violation of state law ▪ Retained by municipality if violation of local ordinance ▪ Forwarded for deposit into the state Security, Investigations, and Policing Fund (Fund 8400) if violator is cited by the Ohio State Highway Patrol
Local court costs and fees	Varies by local jurisdiction	Generally retained by the county or municipality
State court costs (misdemeanor moving violations)	\$37.50*	Deposited in the state treasury as follows: <ul style="list-style-type: none"> ▪ \$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) ▪ 10¢ to the Justice Program Services Fund (Fund 4P60)

*An additional \$1.50 is credited to the county or municipal indigent drivers' alcohol treatment fund under the control of the court hearing the case for moving violations.