

CHAPTER 553
Railroads

553.01	Obstructing streets by railroad companies.	553.06	Trains must have sufficient motive power before attempting to cross street.
553.011	Obstructing streets by abandoning the locomotive.	553.07	Obstructing fire division prohibited.
553.02	Climbing upon railroad cars.	553.08	Running switches across streets prohibited.
553.03	Duties of locomotive engineer.	553.09	Railroad vandalism.
553.04	Speed limit for trains or locomotives.	553.10	Grade crossing device vandalism.
553.05	Recovery of penalties by civil action.	553.99	Penalty.

CROSS REFERENCES

See sectional histories for similar State law
Lighting railroads - see Ohio R.C. 723.33 et seq.
Power to regulate train speed - see Ohio R.C. 723.48
Vehicular homicide - see Ohio R.C. 2903.07
Criminal mischief - see GEN. OFF. 541.03

553.01 OBSTRUCTING STREETS BY RAILROAD COMPANIES.

(a) (1) No railroad company shall obstruct or permit or cause to be obstructed a public street, road or highway by permitting a railroad car, locomotive or other obstruction to remain upon or across it for longer than five minutes to the hindrance or inconvenience of travelers or a person passing along or upon such street, road or highway.

(2) At the end of each five minute period of obstruction of a public street, road or highway, each railroad company shall cause such railroad car, locomotive or other obstruction to be removed for sufficient time, not less than three minutes, to allow the passage of persons and vehicles waiting to cross.

(3) This section does not apply to obstruction of a public street, road or highway by a continuously moving through train or caused by circumstances wholly beyond the control of the railroad company, but does apply to other obstructions, including without limitation those caused by stopped trains and trains engaged in switching, loading or unloading operations.

(4) If a railroad car, locomotive, or other obstruction is obstructing a public street, road, or highway in violation of subsection (a)(1) hereof and the violation occurs in the unincorporated area of one or more counties, or in one or more municipal corporations, the officers and employees of each affected county or municipal corporation may charge the railroad company with only one violation of the law arising from the same facts and circumstances and the same act.

(5) Upon the filing of an affidavit or complaint for violation of this subsection (a)(1) hereof, summons shall be issued to the railroad company pursuant to Ohio R.C. 2935.10(B), which summons shall be served on the regular ticket or freight agent of the company in the county where the offense occurred. (ORC 5589.21)

(b) For purposes of this section, "railroad company" includes the officers, employees and agents of such company.

(c) Whoever violates this section is guilty of a misdemeanor of the first degree and shall be fined one thousand dollars (\$1,000).

553.011 OBSTRUCTING STREETS BY ABANDONING THE LOCOMOTIVE.

(a) No railroad company shall obstruct, or permit or cause to be obstructed, a public street, road, or highway, by permitting any part of a train whose crew has abandoned the locomotive to remain across it for longer than five minutes to the hindrance or inconvenience of travelers or a person passing along or upon the street, road, or highway, unless the safety of the train crew requires them to abandon the locomotive.

(b) Upon the filing of an affidavit or complaint for violation of this section, summons shall be issued to the railroad company pursuant to Ohio R.C. 2935.10(B), which summons shall be served on the regular ticket or freight agent of the company in the county where the offense occurred. (ORC 5589.211)

(c) Whoever violates this section is guilty of a misdemeanor of the first degree and shall be fined five thousand dollars (\$5,000).
(ORC 5589.99)

553.02 CLIMBING UPON RAILROAD CARS.

(a) No person shall climb, jump, step or stand upon or cling or attach himself to a locomotive, engine or car upon the track of a railroad, unless in compliance with law or by permission under the rules and regulations of the corporation managing such railroad.
(ORC 4999.02)

(b) Whoever violates this section is guilty of a minor misdemeanor.

553.03 DUTIES OF LOCOMOTIVE ENGINEER.

(a) No person in charge of a locomotive shall fail to bring the locomotive to a full stop at least 200 feet before arriving at a crossing with another track, or proceed through the crossing before signaled to do so or before the way is clear.

(b) Whoever violates this section is guilty of a misdemeanor of the fourth degree. If violation of this section causes physical harm to any person, whoever violates this section is guilty of a misdemeanor of the third degree.
(ORC 4999.04)
(Ord. 14-288. Passed 11-12-14.)

553.04 SPEED LIMIT FOR TRAINS OR LOCOMOTIVES.

No railroad company or any engineer or conductor thereof shall run any locomotive or railroad car within the corporate limits of the City at a rate of speed exceeding twenty miles per hour.

(Ord. 552. Passed 9-10-07.)

553.05 RECOVERY OF PENALTIES BY CIVIL ACTION.

The City Manager shall, by civil action in behalf of the City, recover against any engineer, conductor or company violating the provisions of Section 553.04, the penalty prescribed by law.

(Ord. 552. Passed 9-10-07.)

553.06 TRAINS MUST HAVE SUFFICIENT MOTIVE POWER BEFORE ATTEMPTING TO CROSS STREET.

No conductor, engineer or other person in charge of any car, cars or train of cars shall move or attempt to move the same upon or to cross or attempt to cross any of the streets or other public highways of the City without sufficient motive power attached thereto to readily move and quickly start and stop such car, cars, or trains of cars.

(1907 Code Sec. 295)

553.07 OBSTRUCTING FIRE DIVISION PROHIBITED.

No conductor, engineer or other person in charge of any locomotive, car, cars or train of cars shall obstruct for any period of time whatever the free passage of any fire engine or other fire apparatus on its way to extinguish a fire.

(1907 Code Sec. 296)

553.08 RUNNING SWITCHES ACROSS STREETS PROHIBITED.

No conductor, engineer or other person in charge of any locomotive, car, cars or train of cars shall make or cause to be made any running switch or switches of any car or cars upon or across any street or other public highway of the City.

(1907 Code Sec. 297)

553.09 RAILROAD VANDALISM.

(a) No person shall knowingly, and by any means, drop or throw any object at, onto, or in the path of, any railroad rail, railroad track, locomotive, engine, railroad car, or other vehicle of a railroad company while such vehicle is on a railroad track.

(b) No person, without privilege to do so, shall climb upon or into any locomotive, engine, railroad car, or other vehicle of a railroad company when it is on a railroad track.

(c) No person, without privilege to do so, shall disrupt, delay, or prevent the operation of any train or other vehicle of a railroad company while such vehicle is on a railroad track.

(d) No person, without privilege to do so, shall knowingly enter or remain on the land or premises of a railroad company.

(e) Whoever violates subsection (a) of this section is guilty of railroad vandalism. Whoever violates subsection (b) of this section is guilty of criminal trespass on a locomotive, engine, railroad car or other railroad vehicle. Whoever violates subsection (c) of this section is guilty of interference with the operation of a train.

Except as otherwise provided in this subsection, railroad vandalism; criminal trespass on a locomotive, engine, railroad car, or other railroad vehicle; and interference with the operation of a train each is a misdemeanor of the first degree. If the violation of subsection (a), (b) or (c) of this section causes serious physical harm to property, creates a substantial risk of physical harm to any person, causes physical harm to any person, or serious physical harm to any person, the violation is a felony and shall be prosecuted under appropriate State law.

(f) Whoever violates subsection (d) of this section is guilty of criminal trespass on the land or premises of a railroad company, a misdemeanor of the fourth degree.
(ORC 2909.10)

553.10 GRADE CROSSING DEVICE VANDALISM.

(a) No person shall knowingly deface, damage, obstruct, remove or otherwise impair the operation of any railroad grade crossing warning signal or other protective device, including any gate, bell, light, crossbuck, stop sign, yield sign, advance warning sign, or advance pavement marking.

(b) Whoever violates this section is guilty of railroad grade crossing device vandalism. Except as otherwise provided in this subsection, railroad grade crossing device vandalism is a misdemeanor of the first degree. If the violation of this section causes serious physical harm to property, creates a substantial risk of physical harm to any person, causes physical harm to any person, or causes serious physical harm to any person, railroad grade crossing device vandalism is a felony and shall be prosecuted under appropriate State law.
(ORC 2909.101)

553.99 PENALTY.

(EDITOR'S NOTE: See Section 501.99 for penalties applicable to any misdemeanor classification.)