



**Am. Sub. S.B. 15**

123rd General Assembly

(As Passed by the General Assembly)

**Sens. Gardner, Armbruster, White, Latell, DiDonato, Carnes, Mumper, Spada, Drake**

**Reps. Bateman, Olman, Bender, Clancy, Mead, Tiberi, O'Brien, Schuler, Opfer, Householder, Terwilleger, Mottley, Van Vyven, Williams, Willamowski, Haines, Wilson, Metzger, Gooding, Verich, Vesper, Ferderber, Buehrer, Corbin, Trakas, Calvert, Patton, Harris, Austria, Maier**

**Effective date:** \*

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**ACT SUMMARY**

- Specifically permits a board of township trustees, at any intersection where at least one road is a township road, to erect and maintain suitable signposts showing the names and numbers of the roads and the direction and distance to any nearby municipal corporation.
- Allows a board of township trustees to purchase or lease and erect and maintain suitable traffic control devices and traffic control signals at any intersection where at least one road is a township road.
- If one of the intersecting highways is a state highway:
  - (1) Requires the board of township trustees to obtain the permission of the Director of Transportation before erecting at the intersection a signpost showing the direction and distance to a municipal corporation or a traffic control device or traffic control signal;

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\* *The Legislative Service Commission had not received formal notification of the effective date at the time this analysis was prepared.*

(2) Requires the Department of Transportation to maintain any traffic control signal erected by the township.

- If one of the intersecting highways is a county road, requires the board of township trustees to obtain permission of the county engineer of the county in which the intersection is located before erecting a traffic control device or traffic control signal.

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## CONTENT AND OPERATION

### Background

Public highways of the state are classified as state roads, county roads, and township roads. Township roads include all public roads other than state or county roads. In general, a board of township trustees is required to maintain all township roads within the township. (Sec. 5535.01, not in the act.)

Continuing law requires "local authorities" to place and maintain "traffic control devices" in accordance with the Department of Transportation's manual and specifications for a uniform system of traffic control devices (sec. 4511.11, not in the act). (See **COMMENT 1** for definitions of terms in quotes.) However, local authorities are prohibited from placing or maintaining a traffic control device on a state highway, except by permission of the Director of Transportation (sec. 4511.10, not in the act).

A board of township trustees was permitted under prior law to erect and maintain signposts at intersecting roads if at least one of the roads was a township road. The Director of Transportation had to approve the design of the signposts. The signposts were permitted to show the names and numbers of the roads and the direction and distance to nearby municipal corporations. The cost of the signs were paid from the township road fund. (Sec. 5571.17, repealed by the act.)

### The act

The act allows a board of township trustees to undertake the following actions in regard to an intersection where at least one road is a township road:

(1) The board may erect and maintain suitable signposts showing the names and numbers of the roads and must pay the costs of the signs from the township road fund (sec. 5571.01(C)).

(2) The board may erect and maintain suitable signposts showing the direction and distance to any nearby municipal corporation and must pay the costs of the signs from the township road fund (sec. 5571.01(D)).

(3) The board may purchase or lease and erect and maintain suitable traffic control devices and traffic control signals. When purchasing or leasing and erecting and maintaining traffic control signals and traffic control devices, the board may expend any moneys that are available to it and that may be legally expended for those purposes. (Sec. 5571.01(E).) (See **COMMENT 2.**)

Any signpost, traffic control device, or traffic control signal erected and maintained by the board of township trustees under the act must conform to the manual and specifications for a uniform system of traffic control devices that the Department of Transportation is required to adopt (sec. 5571.01(C), (D), and (E)).

Additionally, if one of the intersecting highways is a state highway, no signpost showing the direction and distance to any nearby municipal corporation and no traffic control device or traffic control signal may be erected at the intersection without prior permission of the Director of Transportation, as required by continuing law. The act requires the Department of Transportation to maintain any traffic control signal erected by a board of township trustees at an intersection where one of the intersecting highways is a state highway. (Sec. 5571.01(F).)

The act also provides that if one of the intersecting highways is a county road, a board of township trustees cannot erect a traffic control device or traffic control signal at the intersection without prior permission of the county engineer of the county in which the intersection is located (sec. 5571.01(G)).

The act repeals the section of prior law that addressed signposts on township roads but relocates its provisions within the specific grant of authority created by the act in regard to signposts on township roads (repeal of sec. 5571.17).

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## **COMMENT**

1. The following terms are defined for purposes of the traffic laws found in Chapter 4511. and 4513. of the Revised Code:

"Local authorities" are defined as "every county, municipal, and other local board or body having authority to adopt police regulations under the constitution and laws of this state." (Sec. 4511.01(AA).)

"Traffic control devices" are defined as "all flaggers, signs, signals, markings, and devices placed or erected by authority of a public body or official having jurisdiction, for the purpose of regulating, warning, or guiding traffic, including signs denoting names of streets and highways." (Sec. 4511.01(QQ).)

"Traffic control signal" means "any device, whether manually, electrically, or mechanically operated, by which traffic is alternately directed to stop, to proceed, to change direction, or not to change direction." (Sec. 4511.01(RR).)

2. The terms "traffic control devices" and "traffic control signal" are not defined by the act. The definitions set forth under **COMMENT 1** are limited to Chapters 4511. and 4513. of the Revised Code; they do not extend to the provisions of the act.

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## HISTORY

ACTION	DATE	JOURNAL ENTRY
Introduced	01-20-99	p. 28
Reported, S. Highways & Transportation	03-04-99	pp. 160-161
Passed Senate (33-0)	03-10-99	p. 186
Reported, H. Transportation & Public Safety	04-28-99	pp. 489-490
Passed House (97-0)	05-12-99	pp. 639-640
Senate concurrence (33-0)	05-18-99	p. 435

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