



Linda S. Crawford

*Bill Analysis*  
Legislative Service Commission

**S.B. 170**  
123rd General Assembly  
(As Introduced)

Sen. White

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**BILL SUMMARY**

- Allows a board of township trustees, with the approval of the county engineer, to adopt traffic regulations.
- Recognizes a board of township trustees as a local authority authorized to alter prima-facie speed limits on roads under their jurisdiction upon submitting a request to and obtaining the approval of the Director of Transportation.
- Allows a board of township trustees, with the approval of the county engineer, to alter prima-facie speed limits on county roads.
- Reduces from 60,000 to 15,000, the township and township police district required minimum population necessary to allow township law enforcement officers to enforce traffic laws on portions of certain highways located within the township or township police district.

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**CONTENT AND OPERATION**

**Traffic regulations--adoption by board of township trustees**

Currently, a board of township trustees lacks general statutory authority to adopt traffic regulations applicable to roads under its jurisdiction. The bill authorizes a board of township trustees, by resolution, to adopt traffic regulations governing the movement of vehicles on township roads. By reference to existing law, township roads are defined in the bill as including all public highways other than state or county roads. The traffic regulations may include (R.C. 505.174(A)):

(1) The designation of particular roads as one-way roads and requirements that all vehicles on these roads move in one direction;

(2) Prohibiting vehicles from turning onto or from particular roads in certain directions at particular locations;

(3) Prohibiting specific vehicles from using certain roads or regulating the use of certain roads by specific vehicles.

A board of township trustees is not limited to adopting traffic regulations of the types listed above.

Under the bill, a traffic regulation adopted by a board of township trustees becomes effective only after the county engineer approves it and signs giving notice of the regulations are posted upon or at the entrance to the road or part of the road affected. The bill authorizes a board of township trustees to contract with a traffic engineer to conduct a study of traffic regulations included in a resolution. The board must submit the results of the study to the county engineer to assist the county engineer in determining whether to approve the traffic regulations. (R.C. 505.174(B).)

The bill states that whoever violates a township traffic regulation is guilty of a minor misdemeanor. It does not specifically prohibit a person from violating a township traffic regulation. All fines collected for township traffic violations must be paid into the township treasury. (R.C. 505.174(C).)

### **Speed limits**

#### **Current law**

In general, speed limits are established based on the character of the road, such as whether the road is a highway, freeway, interstate, or a controlled-access highway, and whether the road is located within or outside a municipal corporation. Speed limits established by law may be reduced by the Director of Transportation or by a local authority depending on who has control over the road.<sup>1</sup>

Currently, whenever local authorities determine upon the basis of an engineering and traffic investigation that the speed permitted by law, on any part of a highway under their jurisdiction, is greater than is reasonable and safe under the conditions found to exist at the location, the local authority may request the

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<sup>1</sup> For purposes of R.C. Chapter 4511., "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." R.C. 4511.01 (AA). "Township trustees are 'local authorities' for purposes of R.C. Chapter 4511." Royce v. Smith (1981), 68 Ohio St. 2d 106, 109.

Director to determine and declare a reasonable and safe prima-facie speed limit. (R.C. 4511.21(I)(1).) Special procedures apply when the highway in question has a speed limit of 65 miles per hour or is an unimproved highway.

A local authority may request the Director to reduce a 65 mile per hour speed limit if the speed limit was established as 65 miles per hour without specific action because the following conditions were met: (1) the freeway was built to the standards and specifications that are applicable to the interstate system, (2) the freeway had a speed limit of less than 65 miles per hour in 1996, and (3) the Director did not determine and declare a speed limit of less than 65 miles per hour. If the 65 mile per hour speed limit was established in this way, current law allows a local authority to determine on the basis of a geometric and traffic characteristic study that the 65 mile per hour speed limit is greater than is reasonable or safe under the conditions found to exist at that portion of the freeway. If the local authority makes such a determination, the local authority by resolution may request the Director to determine and declare a reasonable and safe speed limit of not less than 55 miles per hour for that portion of the freeway. (R.C. 4511.21 (I)(2) and (L)(3).)

Current law also allows local authorities in their respective jurisdictions to authorize by ordinance higher prima-facie speeds than those stated in law upon through highways, upon highways where there are no intersections, or between widely spaced intersections if signs are erected giving notice of the authorized speed. The local authorities may not modify or alter the basic rule that prohibits a person from operating a motor vehicle, trackless trolley, or streetcar (1) at a speed greater or less than is reasonable or proper, having due regard to the traffic, surface, and width of the street or highway and any other conditions, and (2) at a greater speed than will permit the person to stop within the assured clear distance ahead. Local authorities also may not authorize a speed in excess of 50 miles per hour. An alteration of a prima-facie speed limit on a state route by a local authority is not effective until the Director approves the alteration. (R.C. 4511.21(J).)

### **The bill--overview**

The bill clarifies that a board of township trustees is a local authority and may alter speed limits as described above. Where necessary, the bill adds references to "resolutions" as the method by which a board of township trustees takes legislative action. The bill also establishes special procedures for a board of township trustees to alter speed limits on county roads.

### **The bill--generally**

The bill specifically states that "local authority" includes a board of township trustees for each of the following purposes (R.C. 4511.21(I)(1)):

(1) Requesting the Director to determine and declare a reasonable and safe prima-facie speed limit on any part of a highway under their jurisdiction where the local authorities have determined based on an engineering and traffic study that the speed limit permitted by law is greater than is reasonable and safe under the conditions found to exist at the location (R.C. 4511.21(I)(1));

(2) Requesting the Director, based on a geometric and traffic characteristic study, to determine and declare a speed limit of not less than 55 miles per hour if the freeway speed limit became 65 miles per hour because the freeway met the necessary conditions and the Director did not act to declare a reasonable and safe speed limit (R.C. 4511.21(I)(2));

(3) Authorizing higher speed limits on highways within their jurisdiction of not more than 50 miles per hour, subject to the basic rule of operating a motor vehicle at a reasonable or proper speed limit and within the assured clear distance ahead (R.C. 4511.21(J)).

By reference, the bill also includes a board of township trustees as a local authority for purposes relating to establishing or modifying a speed limit of 65 miles per hour or less on freeways that are built to the standards and specifications applicable to freeways that are part of the interstate system and on certain rural, divided, multi-lane highways. (See **COMMENT.**)

The bill authorizes a board of township trustees to contract for the conducting of a geometric and traffic characteristic study required when requesting the Director to reduce a 65 miles per hour speed limit as described in (2) above.

### **The bill--county roads**

The bill authorizes a board of township trustees, by resolution, to alter the prima-facie speed limits on a county road located in the unincorporated area of the township. The procedures described above for requesting the Director to declare a lower speed limit do not apply if the township is altering a speed limit on a county road. By reference to existing law, the bill defines "county road" as including all roads established as part of the county system of roads. A prima-facie speed limit altered by resolution of a board of township trustees is valid only if the county engineer approves the altered speed limit and does not withdraw the approval. The bill requires a board of township trustees to erect signs giving public notice of an altered speed limit. (R.C. 4511.21(I) and 4511.213.)

The bill imposes two restrictions on the ability of a board of trustees to alter a speed limit. First, the board may not modify or alter the basic rule set forth in existing law that prohibits a person from operating a motor vehicle, trackless trolley, or streetcar (1) at a speed greater or less than is reasonable or proper, having due regard to the traffic, surface, and width of the street or highway and any other conditions, and (2) at a greater speed than will permit the person to stop within the assured clear distance ahead. Second, a board of township trustees may not authorize a speed limit in excess of 50 miles per hour. (R.C. 4511.213(B).)

An alteration of a prima-facie speed limit on a county road is not effective until the county engineer approves the alteration. The bill authorizes the county engineer to withdraw approval of any altered prima-facie speed limit whenever, in the county engineer's opinion, the altered prima-facie speed limit becomes unreasonable. Upon that withdrawal, the altered prima-facie speed limit becomes ineffective, and the bill requires the board immediately to remove signs relating to it. (R.C. 4511.213(C).)

### **Township police authority**

Current law specifies the jurisdiction of a township police district and a township constable over specified traffic and vehicle-related offenses based on the population of the township. If the population of the township that created the township police district or the township that is served by the township constable is 60,000 or less, the member of the township police force or constable has jurisdiction over those portions of all state highways, except those highways included as part of the interstate system, that are located within the township police district or within the unincorporated territory of the township, in the case of a township constable. If the population of the township is greater than 60,000, the authority of the township police member or constable includes those portions of all state highways and highways included as part of the interstate highway system that are located within the township police district, or within the unincorporated territory of the township, in the case of a township constable. (R.C. 4513.39(B).)

In the bill, a township police district or township constable from a township with a population of 15,000 or less may enforce the specified traffic and vehicle laws on state highways but not on interstates. A township police district or township constable from a township with a population greater than 15,000 may enforce traffic and vehicle laws on state highways and on interstates. (R.C. 4513.39(B).)

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## **COMMENT**

The specific authority to establish or modify the 65 miles per hour speed limit was granted in Sub. H.B. 565 of the 121st General Assembly (effective February 29, 1996). Sub. H.B. 565 authorized the Director of Transportation, within 120 days of Sub. H.B. 565's effective date, to determine and declare that the speed limit of less than 65 miles per hour either is reasonable and safe or is less than that which is reasonable and safe; the Director was required to consult with the Director of Public Safety and, if applicable, the local authority having jurisdiction over the freeway in making the determination and in establishing a speed limit of not more than 65 miles per hour (R.C. 4511.21(L)(1) and (2)). Similarly, Sub. H.B. 565 provided that if, within 120 days of the effective date of the bill, the Director did not make a determination and declaration of a reasonable and safe speed limit for certain freeways and portions of freeways that had a speed limit of less than 65 miles per hour, the speed limit on those freeways and portions of freeways became 65 miles per hour (R.C. 4511.21(L)(3)). Also, within 360 days of the effective date of Sub. H.B. 565, the Director, in consultation with the Director of Public Safety and, if applicable, the local authority having jurisdiction over a portion of a highway, was authorized to determine and declare a reasonable and safe speed limit of not more than 65 miles per hour on rural, divided, multi-lane highways designated as part of the national highway system (R.C. 4511.21(M)).

Because the time has expired (that is, 120 and 360 days after February 29, 1996 has elapsed) within which the 65 mile per hour speed limits may be established or modified under this authority, specifying that a board of township trustees is a local authority for these purposes is without effect. (R.C. 4511.21 (I), (L), and (M).)

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## HISTORY

ACTION	DATE	JOURNAL ENTRY
Introduced	07-08-99	p. 882

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