



## **Sub. H.B. 366**

124th General Assembly  
(As Passed by the General Assembly)

**Reps. Core, Kearns, Hollister, Hagan, Reinhard, Willamowski, Lendrum, Flowers, Roman, Carano, Coates, Distel, Fessler, McGregor, Otterman, Schmidt, Setzer, Sferra, Stapleton, Strahorn, Widowfield, Sulzer, Seitz, Ogg, Allen, Niehaus, Metzger, Schneider, Fedor, Seaver, Peterson, Latell, Damschroder, Perry, Manning, Calvert, Womer Benjamin**

**Effective date:** \*

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### **ACT SUMMARY**

- Permits counties and townships to adopt access management regulations for certain public roads.

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### **CONTENT AND OPERATION**

#### **Road access management regulations**

The act enacts a new Revised Code chapter permitting the regulation of access to township and county roads in order to promote traffic safety and efficiency and to maintain proper traffic capacity and flow. This includes regulation of any construction, reconstruction, use, or maintenance of any point of access from public or private property onto those roads. Generally, these regulations cannot affect any access point that exists or on which construction has begun before the regulations become effective. However, once adopted, those regulations can affect the reconstruction or relocation of access points and can apply when land use is changed in a way that significantly increases the types of traffic or traffic volume on a street or highway. (Secs. 5552.02(A) and (B) and 5552.11.)

Access management regulations must be, to the extent possible, consistent with specified existing zoning regulations, and they may require the issuance of

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\* *The Legislative Service Commission had not received formal notification of the effective date at the time this analysis was prepared. Additionally, the analysis may not reflect action taken by the Governor.*

permits, including interim and temporary permits. If the board of township trustees or board of county commissioners adopts regulations that require permits, the regulations must include standards that will be used for the approval or denial of a permit. Any regulations regarding the approval or denial of a permit must specify a reasonable period for the approval or denial and must provide that a failure to approve or deny, in whole or in part, any permit, license, or other approval within that period constitutes a granting of approval for the permit, license, or other approval. (Secs. 5552.02(A), (B), and (E) and 5552.08.)

Access management regulations also must designate a board (1) to hear appeals from any administrative official's order or other action in their enforcement and (2) to grant variances from the regulations due to special conditions, if the variances are not contrary to the public interest. Violation of the regulations will result in a fine of not more than \$500 for each offense; however, each day of violation is a separate offense. (Secs. 5552.07 and 5552.99.)

**Who adopts the regulations--the township or the county?**

The act grants authority to townships that are not "urban townships" to adopt access management regulations for township roads one year after the act's effective date but only if the county does not adopt or initiate the process of adopting such regulations within that one-year period. If the county does initiate the process of adopting access management regulations within that one-year period but does not actually adopt them within two years after the act's effective date, a non-urban township may then adopt access management regulations for its township roads. However, if the county later adopts access management regulations, the township regulations continue in effect for only one year after the county regulations' effective date and are void thereafter. The township may void its regulations and establish an earlier effective date for those county regulations by adopting a resolution establishing the date and sending a certified copy of it to the board of county commissioners. (Sec. 5552.02(A) and (C).)

Urban townships, defined by the act as townships with a population in the unincorporated area of 15,000 or more and that have adopted a limited home rule government, also may adopt access management regulations; these regulations, however, will remain in effect even if the county also adopts regulations. The county regulations will not apply to township roads within such a township. If an urban township adopts its regulations after the county has adopted regulations, the urban township regulations cannot take effect until one year after their adoption unless the board of county commissioners establishes an earlier date for the expiration of the county regulations in that township. The urban township regulations then apply only to township roads in the township; the county regulations apply to county roads in the township. (Secs. 5552.01(B) and 5552.02(A) and (D).)

The act also grants counties authority to adopt access management regulations for both county and township roads within a county. The same regulations adopted for county roads will apply to township roads, and those regulations generally must apply to all county and township roads within the county (see the previous two paragraphs for the exceptions to this application rule). (Sec. 5552.02(B).)

### **Procedure to adopt regulations**

Access management regulations may be initiated in any of the following ways: (1) a board of county commissioners or board of township trustees may adopt a resolution proposing their consideration, (2) if the county engineer so requests, either type of board must adopt such a resolution, or (3) in the case of county regulations, if a majority of the boards of township trustees in the county so requests, the board of county commissioners must adopt such a resolution (secs. 5552.04(A) and 5552.05(A)).

Once the resolution is adopted, the applicable board must request the county engineer to draft proposed regulations and also appoint an advisory committee. The committee must include the county engineer (or designee), a registered surveyor in private practice, a representative of the homebuilding industry, a licensed realtor, a representative of the county or regional planning commission, a professional engineer with traffic engineering expertise, and a representative of the metropolitan planning organization (if any). In addition, for county regulations, the committee must include three township trustees selected by the local association representing township trustees and clerks, a member of the board of county commissioners, and any other person that board chooses. For township regulations, the committee also must include three residents of the township and any other person the board of township trustees chooses. (Secs. 5552.01(A), 5552.04(B) and (C), and 5552.05(B) and (C).)

Once the proposed regulations are drafted, the county engineer must send them to each member of the advisory committee for their review. At that time, the county engineer also must arrange the committee's first meeting, which must take place within 30 days after the regulations are completed, and must notify the members about that meeting. After its review (which must be completed within 270 days after the first meeting), the committee must submit the regulations along with its recommendations to the applicable board. The board must give specified public and other notices, and then must hold at least two public hearings before adopting any--or no--access management regulations. (Secs. 5552.04(B), (C), and (D), 5552.05(B), (C), and (D), and 5552.06.)

Any adopted access management regulations generally become effective 31 days after adoption. The applicable board must publish notice of their adoption,



make copies available in the board's office, and provide a copy to the appropriate Department of Transportation District Deputy Director. (Sec. 5552.09.)

**Administration of access management regulations**

If a county adopts access management regulations, the board of county commissioners must designate the county engineer to administer them. However, the engineer may decline to be the administrator, in which case the board can designate some other person or planning commission to be the administrator. If a board of township trustees adopts such regulations, the board may administer them or appoint the township clerk or any other person to do so. The township's administrator will be advised by the county engineer. (Sec. 5552.10.)

**Effects on subdivisions and municipal roadways**

Access management regulations adopted under the act's provisions *do not* apply to subdivisions that are subject to plat approval under the Subdivision Law. And, those provisions do not limit the authority granted in the Subdivision Law for subdivision regulations to provide for the proper arrangement of streets or other highways in relation to existing or planned streets or highways or to the county or regional plan. However, access management regulations *do* apply to subdivisions subject to approval without a plat under the Subdivision Law; these subdivisions may not be approved if they are contrary to any applicable access management regulations. (Secs. 711.131, 5552.03, and 5552.10.)

Access management regulations *do not* apply to any streets, highways, or other roadways located in a municipal corporation (sec. 5552.11(D)).

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**HISTORY**

ACTION	DATE	JOURNAL ENTRY
Introduced	09-13-01	p. 830
Reported, H. Local Gov't & Townships	02-27-02	p. 1470
Passed House (95-0)	03-19-02	pp. 1559-1560
Reported, S. State & Local Gov't & Veterans Affairs	05-29-02	p. 1842
Passed Senate (33-0)	06-19-02	p. 1926
Concurrence (88-0)	06-19-02	pp. 1964-1966

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