



Ohio Legislative Service Commission

Final Analysis

Linda S. Crawford

Am. H.B. 349

129th General Assembly
(As Passed by the General Assembly)

Reps. McGregor, Hackett, Grossman, Murray, Barnes, Combs, DeGeeter, Fende, Garland, Gerberry, R. Hagan, Letson, Luckie, Lundy, Mallory, McClain, Milkovich, O'Brien, Reece, Ruhl, Slaby, Winburn, Yuko, Batchelder

Sens. LaRose, Balderson, Obhof, Patton, Wagoner

Effective date: April 20, 2012

ACT SUMMARY

- Makes changes to certain highway-related definitions and provisions relating to traffic control devices, including traffic and pedestrian control signals, signs designating special parking spaces for persons with a disability that limits or impairs the ability to walk, signs for the Tourist-Oriented Directional Sign program, and signs at highway railroad grade crossings, in order to make those definitions and provisions conform to recent changes to the federal "Manual on Uniform Traffic Control Devices."

CONTENT AND OPERATION

The Ohio Manual of Uniform Traffic Control Devices

Law unchanged by the act requires the Ohio Department of Transportation (ODOT) to adopt a manual and specifications for a uniform system of traffic control devices for Ohio's roads.¹ In accordance with this requirement, ODOT has adopted the "Ohio Manual of Uniform Traffic Control Devices" (OMUTCD). Although the OMUTCD is required to correlate with, and so far as possible conform to, the system approved by the American Association of State Highway Officials, it is based on its federal counterpart, the federal "Manual on Uniform Traffic Control Devices" (MUTCD). When changes are made to the federal MUTCD by the Federal Highway Administration, revisions are made to the OMUTCD by ODOT to reflect these changes;

¹ Revised Code § 4511.09.

ODOT then publishes the updated resulting text. Some changes to the federal MUTCD, however, require that changes be made to the Revised Code before corresponding changes can be made to the OMUTCD. The act makes changes to a number of highway-related definitions and provisions relating to traffic control devices in order to make those sections conform to recent changes to the federal MUTCD.

A full, technical explanation of the changes to the OMUTCD, including the traffic warrants and other standards governing the use of traffic control devices, is available from the Department of Transportation.²

Traffic control devices

All traffic control devices erected on any street, highway, alley, bikeway, or private road open to public travel must conform to the OMUTCD.³

Traffic control signal indications

The act establishes several new traffic control signal indications that control the movement of traffic, including pedestrians. It also incorporates the new signal indications into the meanings of other familiar traffic control signal indications and the right-of-way requirements, as follows:

- U-turn arrows are allowed, and, when in place, traffic must yield in the same general manner as when making an authorized left turn;
- A steady red arrow is required for certain left-turn situations, with the same general effect for traffic as a circular red signal;
- A flashing yellow arrow indicates permission to enter an intersection cautiously, with the same general effect for traffic as a circular yellow signal;
- A flashing circular red signal has limited use, primarily for supplementing stop, do not enter, or wrong-way signs.⁴

² http://www.dot.state.oh.us/Divisions/Operations/Traffic/publications2/OhioMUTCD/Pages/OMUTCD2012_current_default.aspx.

³ R.C. 4511.11(D).

⁴ R.C. 4511.13 and 4511.15.

Right-of-way

The act specifies that vehicular traffic, including vehicles turning right or left or making a u-turn, must yield the right-of-way to pedestrians lawfully within an associated crosswalk and other vehicles lawfully within the intersection. In addition, vehicular traffic turning left or making a u-turn movement to the left must yield the right-of-way to other vehicles approaching from the opposite direction so closely as to constitute an immediate hazard during the time when the turning vehicle is moving across or within the intersection.⁵

Pedestrians

The act generally establishes that a pedestrian must yield the right-of-way to vehicles lawfully within the intersection or so close as to create an immediate hazard at the time that a green signal indication is first displayed. Pedestrians facing any green signal indication are permitted to proceed. Pedestrians facing any yellow signal, unless otherwise directed by a pedestrian signal indication or other traffic control device, are prohibited from starting to cross the roadway, and pedestrians facing a flashing red signal generally are permitted to cross the roadway.⁶

The act also revises the pedestrian control signals: (1) a steady walking figure means that a pedestrian may start across a roadway, (2) a flashing upraised hand means that a pedestrian who has started to cross a roadway may proceed, but a pedestrian cannot start across a road, and (3) a steady upraised hand means that a pedestrian cannot enter the roadway.⁷

Lane-use control signals

Lane-use control signals placed over individual lanes indicate direction of vehicular traffic. In accordance with the federal MUTCD, the act eliminates the flashing yellow "X" and enacts a new steady white two-way left-turn arrow and steady white one-way left-turn arrow. A steady white two-way left-turn arrow indicates a road user is permitted to use a lane over which the signal indication is located for a left turn, but not for through travel, with the understanding that common use of the lane by oncoming road users for left turns also is permitted. A steady white one-way left-turn arrow indicates a road user is permitted to use a lane over which the signal indication is

⁵ R.C. 4511.13(A) and (E).

⁶ R.C. 4511.13(A)(3), (B)(3), and (F)(2).

⁷ R.C. 4511.14.

located for a left turn, without opposing turns in the same lane, but not for through travel.⁸

Definitions for the motor vehicle traffic and equipment laws

Private road

The federal MUTCD requires all traffic control devices on "private roads open to public travel" to meet the manual's requirements. The act extends the application and use of traffic control devices to a "private road open to public travel," which is defined to mean a private toll road or road, including any adjacent sidewalks that generally run parallel to the road, within a shopping center, airport, sports arena, or other similar business or recreation facility that is privately owned but where the public is allowed to travel without access restrictions. The term specifically includes a gated toll road but does not include (1) a road within a private gated property where access is restricted at all times, (2) a parking area, (3) a driving aisle within a parking area, or (4) a private grade crossing.⁹ The general definition of "traffic" is extended to include travel on a private road open to public travel.¹⁰

Other definitions

The act revises the definition of "intersection" so that, at a location that is controlled by a traffic signal, all of the following are included as part of an intersection: (1) on approach, the area beyond the stop line or crosswalk, (2) on departure, the area extending to the far side of a crosswalk, and (3) the junction of an alley or driveway with a roadway or highway.¹¹ The definition of "intersection" can affect the application of some traffic control devices, such as timing of signals.

The act also establishes definitions for "beacon," "hybrid beacon," "highway traffic signal," "median," and "shared-use path." In particular, a hybrid beacon is one that is normally dark until activated.¹²

⁸ R.C. 4511.131.

⁹ R.C. 4511.01(OOO).

¹⁰ R.C. 4511.01(TT).

¹¹ R.C. 4511.01(KK).

¹² R.C. 4511.01(KKK), (LLL), (MMM), (NNN), and (PPP).

Railroad grade crossing signs

The act eliminates the prior requirement that all standard crossbuck signs be accompanied by an additional three-panel reflective sign containing the word "yield" in the middle (also known as the Buckeye Crossbuck). The act also eliminates the authority of the Director of ODOT, railroad companies, and local authorities to erect experimental signs and warning devices at certain highway railroad grade crossings.¹³

ODOT's Tourist-Oriented Directional Sign (TODS) program

Continuing law allows the TODS program (under which eligible tourist-oriented activities are identified by a blue sign with white lettering placed on directional signs at certain intersections) to be operated by a private company working under contract with ODOT. The act requires that money generated from participating businesses in excess of the direct and indirect costs and any reasonable profit earned by a person awarded a contract under the program be remitted to ODOT for deposit into the existing Highway Operating Fund. The act also establishes that nothing in the traffic laws may be construed to prohibit ODOT from establishing the TODS program and that if ODOT operates the TODS program and does not contract with a private entity, all money collected from participating businesses must be deposited into the Highway Operating Fund.¹⁴

The act modifies the standards that a tourist-oriented activity must satisfy to be an "eligible attraction" for the TODS program by specifying that a tourist-oriented activity is eligible for the TODS program if it is not eligible as part of ODOT's Business Logo Sign program to place its food, fuel, or other specific service logo on a sign "at that intersection."¹⁵

Height of signs for disability parking spaces

For all signs posted to designate special parking locations for persons with a disability and persons with a disability that limits or impairs the ability to walk, the act requires the distance from the ground to the bottom edge, rather than from the ground to the top edge, of these signs to measure not less than five feet.¹⁶

¹³ R.C. 4955.33.

¹⁴ R.C. 4511.103(D) and (E).

¹⁵ R.C. 4511.102(B)(1).

¹⁶ R.C. 3781.111(C) and 4511.69(E).

HISTORY

ACTION	DATE
Introduced	10-20-11
Reported, H. Transportation, Public Safety & Homeland Security	12-01-11
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Reported, S. Highways and Transportation	01-10-12
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