Fiscal Note & Local Impact Statement

127 th General Assembly of Ohio

Ohio Legislative Service Commission
77 South High Street, 9th Floor, Columbus, OH 43215-6136 ✧ Phone: (614) 466-3615
✧ *Internet Web Site:* http://www.lsc.state.oh.us/

BILL: **Sub. H.B. 30** DATE: **May 21, 2008**

STATUS: **As Reported by Senate Highways & Transportation** SPONSOR: **Rep. R. McGregor**

LOCAL IMPACT STATEMENT REQUIRED: **No — Minimal cost**

CONTENTS: **To require any local authority that enforces any traffic law by means of traffic law photo-monitoring devices to erect signs indicating so on every highway that is not a freeway that is part of the state highway system and that enters a local authority and makes other changes**

State Fiscal Highlights

STATE FUND	FY 2009	FY 2010	FUTURE YEARS
Highway Operating Fund (Fund 002) – Department of Transportation			
Revenues	- 0 -	- 0 -	- 0 -
Expenditures	Potential minimal increase in administrative costs for approval and oversight of devices	Potential minimal increase in administrative costs for approval and oversight of devices	Potential minimal increase in administrative costs for approval and oversight of devices

Note: The state fiscal year is July 1 through June 30. For example, FY 2008 is July 1, 2007 – June 30, 2008.

- ***Sign installation/oversight.*** In cases where signs are to be posted or timing of yellow lights is adjusted, the Ohio Department of Transportation (ODOT) may be involved with the approval and oversight process of these devices. Any administrative costs associated with these duties are expected to be minimal.

Local Fiscal Highlights

LOCAL GOVERNMENT	FY 2008	FY 2009	FUTURE YEARS
Counties, Municipalities, and Townships			
Revenues	Potential loss in fine revenue if signs are not posted	Potential loss in fine revenue if signs are not posted	Potential loss in fine revenue if signs are not posted
Expenditures	Increase to install signs varying per local authority; minimal increase in administrative expenses	Increase to install signs varying per local authority; minimal increase in administrative expenses	Increase to install signs varying per local authority; minimal increase in administrative expenses

Note: For most local governments, the fiscal year is the calendar year. The school district fiscal year is July 1 through June 30.

- ***Potential loss in fine revenue.*** The bill requires signs be posted indicating the local authority has photo-monitoring devices. Further, if the signs are not erected and tickets continue to be issued, the bill states the tickets are invalid unless the local authority is in substantial equivalence with the requirement to

erect the signs. In cases where the tickets are considered invalid, the local authority would forgo the revenue generated from the fines.

- ***Timing of yellow lights.*** The bill also requires local authorities to increase the duration of steady yellow lights and arrows at intersections using traffic law photo-monitoring devices by one second over the minimum duration for yellow indicators at similar intersections established by ODOT's *Ohio Manual of Uniform Traffic Control Devices* (*OMUTCD*). Local authorities may incur minimal administrative expenses to consult with ODOT regarding conformity.

- ***Signage costs.*** Counties, municipalities, and townships that choose to use traffic law photo-monitoring devices to enforce traffic laws may experience an increase in costs to post signs on the required roadways. This does not include freeways. In some cases some local authorities may already do this. For local governments that do not, smaller signs located on state routes may cost a few hundred dollars each, whereas larger signs could cost more.

Detailed Fiscal Analysis

The bill

The bill prohibits any local authority from using traffic law photo-monitoring devices to enforce any traffic law until after it has erected signs on every highway that is not a freeway that is part of the state highway system, and that enters the local authority, informing inbound traffic that the local authority utilizes traffic law photo-monitoring devices to enforce traffic laws. The bill also contains a number of other provisions, which are discussed below.

Past research

There is no readily available statewide source of information that lists which local authorities use traffic law photo-monitoring devices. Based on past LSC research from Sub. H.B. 56 from the 126th General Assembly, LSC determined that very few local authorities currently use traffic law photo-monitoring devices, commonly termed red light cameras (RLCs). Entities that have installed these systems include the cities of Cleveland, Columbus, Middletown, Norwood, Springfield, and Toledo, as well as Sylvania Township. The cities of Akron, Northwood, and Cleveland apparently also use cameras to detect speeding violations.

Signage costs

Cost factors. Counties, municipalities and townships that choose to use traffic law photo-monitoring devices to enforce traffic laws may experience an increase in costs to post signs on every highway that is part of the state highway system that enters the local authority. Local governments will not need to post signs on freeways. Ultimately, the costs to local governments will depend on (1) the number of locations where highways enter the local authority, (2) the number of signs already posted and that are in compliance with the bill, and (3) the costs to manufacture, install, and maintain the signs. The bill clarifies that, if a particular highway enters and exits the territory of a local authority multiple times, the local authority must only erect the signs at the locations in each direction of travel where inbound traffic on the highway first enters the territory of the local authority.

Signage examples. The Transportation Division of the City of Columbus estimated "photo enforced" signs to cost around $500 each. The city has already posted signs at all locations where photo-monitoring devices are located. The bill requires photo enforced signs to conform in size, color, location and content to standards in the Ohio Manual of Uniform Traffic Control Devices (OMUTCD). Whether the location of the signs is in compliance with the parameters specified in the bill is unknown. However, if the city is required to post signs on several state routes coming into the city, the city could experience costs of several thousand dollars. For example, if the city has to post 20 additional signs at a cost of $350 each, a total cost of $7,000 could be incurred.

Not all cities would incur similar costs. For instance, Springfield estimates that it will have to post very few signs, and in locations where new signs would be required, the cost is likely to be no more than $100 per sign.

Ohio Department of Transportation (ODOT) involvement. ODOT may be involved with the approval and oversight process of the installation of signs and the timing of yellow lights. Any administrative costs associated with these duties are expected to be minimal.

Ticket revenue

The bill states that if the signs are not erected and tickets continue to be issued for such moving violations, the tickets are invalid, provided that no ticket, citation, or summons is invalid if the local authority is in substantial compliance, a term defined in the bill, with the requirement to erect the signs. In cases where the tickets are considered invalid, the local authority would forgo the revenue generated from the fine. An estimate of how much this possible revenue loss may be is unknown.

Special permits for movement of steel coils and steel slabs

Currently, ODOT issues special hauling permits for loads that exceed statutory dimensions, exceed weight limit or the load cannot be reduced in weight or size (in other words, it is "nondivisible"). For the purposes of these permits, three or fewer steel coils are currently deemed to be a nondivisible load provided that the maximum overall gross weight of the vehicle and load must not exceed 92,000 pounds. Two steel coils are also permitted at 120,000 pounds. From July 1, 2008 to June 30, 2009, the bill increases the maximum overall gross weight to which the three steel coil limit would apply to 120,000 pounds, making the overall gross weight limit consistent regardless of the number of steel coils. The direct fiscal effect of this provision on the number of permits issued will ultimately depend on how industry operators react to the new permit requirements.

The bill requires ODOT to conduct a study of the impact of overweight vehicles operating under special hauling permits. Specifically, ODOT is to document the use and effect of continuing permits (those permitting loads for more than a single trip) and must determine whether permitting regulations impose the least amount of burden and costs on business and place entities doing business in this state at a competitive disadvantage relative to businesses located in other states or countries. A report of ODOT's findings must be issued to the General Assembly and the Governor by February 1, 2009.

Timing of yellow lights

The bill requires local authorities using traffic law photo-monitoring devices at intersections controlled by traffic lights to increase by one second the duration of steady yellow lights and arrows over the minimum duration for yellow indicators at similar intersections established by ODOT's *Ohio Manual of Uniform Traffic Control Devices* (*OMUTCD*). Traffic signals are generally operated using a controller inside an electrical cabinet near a traffic signal. According to ODOT's Office of Traffic Engineering, there are only minimal costs involved with calculating the required adjustment in signal timing and programming the system. Programming the controller would likely take only a minute or two. Given this information, it would appear that the direct costs on local authorities to adjust a signal would be negligible.

Other considerations

Other factors to consider are the potential effects that yellow light timing changes might have on traffic planning and congestion. If a local government that coordinates signals in an effort to reduce traffic congestion would be required to increase yellow light duration under the amendment, there may be some additional planning needed to work out problems with maintaining traffic light coordination. According to ODOT, however, the equipment available to traffic engineers would allow such issues to be solved without much difficulty.

Another consideration would be the potential for increased congestion at intersections. Adding one second to the accepted range of yellow light duration would increase that duration by up to 33.3%. This would be a significant increase: at an 8-phase signal, typically used at four-way intersections with left turn lanes, the extra second would result in 160 seconds of additional yellow time per hour based on a 90-second cycle. According to the Office of Traffic Engineering, this would mean that roughly 80 more cars per hour would be stopped at that intersection.

Portable signal preemption device pilot program funding

Section 555.19 of Am. Sub. H.B. 67 of the 127th General Assembly, the transportation budget act for FY 2008-FY 2009, required ODOT to spend at least $400,000 in FY 2008 in the township having the largest geographic area for a pilot program involving the installation and operation of a system of portable signal preemption devices. These devices, if activated by a person, are capable of changing a traffic control signal to green out of sequence. Current law prohibits their use except for certain public safety personnel when responding to an emergency call.

This bill corrects Section 555.19 to change the recipient of the ODOT funds to the township having the largest population according to the most recent decennial census. The practical effect of this provision is to change the recipient of the pilot program funds to Colerain Township in Hamilton County, the originally intended recipient.

School bus seatbelts

The bill eliminates a requirement for operators of vehicles not equipped with seatbelts to nonetheless use a child restraint system when transporting any kindergarten child. This provision codifies current practice that does not require school buses to have seatbelts, and thus, there is no fiscal effect from this provision.

Major new construction projects clarification

The bill clarifies that ODOT may continue the planning and development steps of its project development process for any major new construction projects that were not selected by the Transportation Review Advisory Council (TRAC) on December 20, 2006 as Tier I projects for construction in fiscal years 2007 through 2013. The bill also modifies the constraints imposed on ODOT regarding undertaking major new construction projects. Under the bill, ODOT cannot commence construction of other major new construction projects unless construction of the projects recommended by TRAC on December 20, 2006 is progressing in accordance with those TRAC recommendations.

LSC fiscal staff: Jason Phillips, Budget Analyst

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