Ohio Legislative Service Commission

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Fiscal Note & Local Impact Statement

Bill: H.B. 349 of the 129th G.A. **Date**: November 28, 2011

Status: As Introduced **Sponsor**: Rep. McGregor

Local Impact Statement Procedure Required: No

Contents: Makes changes in certain provisions relating to road signs and traffic signals for purposes of the Ohio Manual of Uniform Traffic Control Devices

State and Local Fiscal Highlights

- Generally, the bill changes Ohio law to conform to federal standards for traffic control devices. The changes in the bill are needed to facilitate the publication of the next edition of the Ohio Manual of Uniform Traffic Control Devices. State manuals must be in substantial conformance with the federal standards within two years after the federal standards become effective. This means that the Ohio manual must be adopted by January 15, 2012. Failure to meet this requirement could result in the loss of federal aid highway funds.
- Some of the conforming changes made in the bill are likely to result in adjustments to pavement markings, traffic signals, and pedestrian clearance intervals. These changes or any new equipment required will be implemented over time as part of ongoing systematic reviews and upgrades of traffic control devices and signal timings. Overall, any new costs resulting from these changes are expected to be minimal.
- The bill increases the minimum height required for signs designating disabled parking spaces to comply with revised Americans with Disabilities Act standards. Thus, some state and local government entities may need to adjust the height of these signs. While the cost to purchase a compliant sign post and related hardware and materials, if they are necessary, is likely to be minimal, it is uncertain how many disabled parking spaces are maintained by state and local government entities, and thus, how many would require attention as a result of the bill.
- The bill permits the Ohio Department of Transportation (ODOT) to generate revenue from the tourist-oriented directional signs that advertise certain cultural, historical, recreational, educational, or commercial attractions. As a result, the Highway Operating Fund (Fund 7002) is likely to gain revenue, though the estimated amount is uncertain at this time.

Detailed Fiscal Analysis

Overview

Generally, the bill makes changes to Ohio law to conform to federal standards for traffic control devices. Most of these changes reflect a number of revisions made in the 2009 edition of the federal Manual on Uniform Traffic Control Devices (MUTCD). The changes in the bill are needed to facilitate the publication of the next edition of the Ohio Manual of Uniform Traffic Control Devices (OMUTCD). Federal regulations require state manuals to be in substantial conformance with the federal MUTCD within two years of its effective date. The 2009 edition of the federal MUTCD became effective on January 15, 2010, meaning that Ohio's manual must conform with federal standards by January 15, 2012. Failure to meet this requirement could result in the loss of federal aid highway funds. The bill also contains a provision allowing the Ohio Department of Transportation (ODOT) to generate revenue from the Tourist Oriented Directional Signs (TODS) program. The fiscal effects associated with these changes are described below.

Traffic control device conformance with federal standards

Intersection and signal adjustments

The bill 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. These changes include the meaning of traffic signals, lane-use control signals, and pedestrian signals and the definition of "intersection" to name a few. The changes are likely to result in adjustments to pavement markings, traffic signals, and pedestrian clearance intervals. Generally, states are not required to bring substandard devices into compliance right away. The MUTCD requires new or reconstructed devices to be compliant, but existing noncompliant devices may continue to be used as long as they are replaced over time as part of a systematic upgrading of substandard devices. Consequently, ODOT will implement the changes as it periodically reviews and upgrades traffic control devices and signal timings. Any new costs are expected to be minimal. Unless there is a specific issue at an intersection, signal reviews are carried out by ODOT in urban areas every two years and in rural areas around every five years. State routes under municipal control and local roadways will have different review intervals.

Disabled parking space signs

In addition to the changes described above, the bill increases the height of signs designating disabled parking spots. Currently, the Revised Code requires such signs to measure five feet from the ground to the top of the sign. According to ODOT, this standard originated from the Americans with Disabilities Act (ADA), as it was enacted in 1990. The bill requires the signs to measure five feet from the ground to the bottom

of the sign. The change is intended to reflect current ADA guidelines. As a result, signs designating disabled parking spaces for state and local government buildings may need to be raised. Many sign posts may permit the sign height to be raised without the need for a new sign post. In that case, the only expense would be the time involved in making the height adjustments. If a longer sign post is needed, the cost to purchase a post and related hardware and materials is likely to be no more than a few hundred dollars. The total cost for the state and local governments is uncertain. This is because the total number of disabled parking spaces maintained by the state and political subdivisions is unknown. Even so, ADA standards require a certain number of disabled parking spaces to be designated at each parking facility. The table below lists the minimum number of parking spaces required by parking facility size.

Table: ADA Disabled Parking Spot Standards	
Parking Spaces Provided in Parking Facility	**Minimum Number of Required Accessible Parking Spaces**
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1,000	2% of total
Over 1,000	20 plus 1 for each 100, or fraction thereof, over 1,000

Another factor to consider is that the federal and state MUTCDs conflict with the ADA guidelines by requiring a distance of seven feet from the ground to the bottom of the sign in urban situations, such as those involving on-street parking (where a sign might be a hazard to pedestrians). Because of the taller height required by the MUTCD and the current ADA guidelines, many state and local government entities may already adhere to the standard prescribed in the bill.

Publications

As noted above, most of the changes in the bill are needed to facilitate the publication of the next edition of the Ohio Manual of Uniform Traffic Control Devices (OMUTCD). In addition, various other ODOT publications will need to be revised based on the publication of the OMUTCD. Printed copies of the OMUTCD are provided to government agencies, schools, and libraries at no cost to ensure that local authorities are working with current standards. For other entities, there is a charge

associated with purchasing a printed version. The publications are also made available online or on a CD-ROM at no cost. ODOT has estimated the cost per unit, not including a binder, of the OMUTCD at about $58. The printing cost per unit of a related but smaller publication, the Temporary Traffic Control Manual, will be about $17. While a final decision on the printing schedule for the OMUTCD has yet to be made, ODOT anticipates that 1,000 to 1,500 copies are likely to be produced initially. Additional copies will be printed as necessary. Costs for these copies have already been accounted for in ODOT's budget.

Similarly, the Digest of Motor Vehicle Laws, published by the Ohio Bureau of Motor Vehicles, will need to be revised. The Digest is revised and printed every six months. Thus, any updates to the Digest would be included in the next revision. The Department of Public Safety reports that 408,800 books were delivered for a total cost of $70,454 in FY 2011. In FY 2010, 695,462 books were delivered at a cost of $116,236. The Digest is printed in English, Spanish, and Somali. Because the digest is printed in other languages, there may be some additional cost if translation services are needed to assist with any of the changes. The cost for translation services ranges anywhere from $300 to $3,000 per year.

Buckeye Crossbuck

The bill also eliminates language in current law providing for a now defunct program that placed experimental crossbucks at passive railroad-highway grade crossings (i.e., those crossings without lights or gates). In 1996, the Buckeye Crossbuck replaced half of the then-Current Standard Crossbucks in Ohio while a "Standard Improved Crossbuck" replaced the other half of the then-Current Standard Crossbucks. These two crossbucks were then evaluated in Ohio during the late 1990s with respect to (1) their potential to alter driver risk taking behavior, (2) their crash reduction potential, (3) user acceptance, and (4) their perceived brightness to the human eye at night. The final report on the project was issued in December 2000. While the final report recommended that the Federal Highway Administration (FHWA) include the Buckeye Crossbuck in the federal MUTCD as an alternate crossbuck design, ultimately it was not approved for use.

Under the federally-funded Crossbuck Assembly Program, the Ohio Rail Development Commission (ORDC) has been working with the FHWA, ODOT, and private railroads to replace all noncompliant crossbucks with compliant crossbucks that meet new reflectivity standards by December 31, 2011, a date established as part of the initial agreement with the FHWA for the pilot project. Due to unforeseen circumstances, ORDC reports that three railroads will not be able to meet that deadline. The FHWA has approved an extension in the deadline to August 31, 2012 for those railroads to complete the crossbuck replacements. The funds for this program have already been accounted for in ODOT's budget.

Tourist-Oriented Directional Sign program

Under current law, ODOT is responsible for carrying out a program that places tourist-oriented directional signs (TODS) and trailblazer markers within the rights-of-way of rural state highways. The signs indicate the direction toward cultural, historical, recreational, educational, or commercial attractions that meet certain requirements. For instance, eligible attractions must have a major portion of their income or visitors derived from motorists not residing in the immediate area of the activity. They must also have attendance of at least 2,000 visitors in any twelve-month period.

Current law permits ODOT to contract out the operation of the program to a private operator, which it presently does. The private operator may earn a reasonable profit from the annual fees paid by attractions for participation in the program. The fee amounts, which are developed by ODOT, are currently $360 plus $120 for a trailblazer sign, if such a sign is necessary. The bill permits ODOT to generate revenue from the signs. Specifically, any money generated from participating businesses in excess of the direct and indirect costs of running the program and any reasonable profit earned by the private operator must be remitted to ODOT for deposit into the Highway Operating Fund (Fund 7002). There are currently 573 mainline signs and 78 trailblazer signs in place, resulting in total annual gross revenue of $215,640 for the private operator. ODOT is currently investigating the costs of the private operator in administering the program and the potential revenue to be generated for ODOT. As a result, a reliable estimate of the revenue ODOT would receive from the program is unavailable at this time.

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