

**As Reported by the Senate State and Local Government and
Veterans Affairs Committee**

124th General Assembly

Regular Session

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Sub. H. B. No. 366

**REPRESENTATIVES 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**

A B I L L

To amend section 711.131 and to enact sections 5552.01 1
to 5552.11 and 5552.99 of the Revised Code to allow 2
counties to regulate access to county and township 3
roads and townships to regulate access to township 4
roads, and to permit the local platting authority 5
to require compliance with those regulations before 6
a parcel of land is subdivided without a plat. 7

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That section 711.131 be amended and sections 8
5552.01, 5552.02, 5552.03, 5552.04, 5552.05, 5552.06, 5552.07, 9
5552.08, 5552.09, 5552.10, 5552.11, and 5552.99 of the Revised 10
Code be enacted to read as follows: 11

Sec. 711.131. Notwithstanding ~~the provisions of~~ sections 12
711.001 to 711.13, ~~inclusive,~~ of the Revised Code, a proposed 13
division of a parcel of land along an existing public street, not 14
involving the opening, widening, or extension of any street or 15

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road, and involving no more than five lots after the original 16
tract has been completely subdivided, may be submitted to the 17
authority having approving jurisdiction of plats under ~~the~~ 18
~~provisions of~~ section 711.05, 711.09, or 711.10 of the Revised 19
Code for approval without plat. If ~~such~~ the authority acting 20
through a properly designated representative ~~thereof~~ is satisfied 21
that ~~such~~ the proposed division is not contrary to applicable 22
platting, subdividing, ~~or zoning,~~ or access management 23
regulations, it shall within seven working days after submission 24
approve ~~such~~ the proposed division and, on presentation of a 25
conveyance of ~~said~~ the parcel, shall stamp the ~~same~~ conveyance 26
"approved by (planning authority); no plat required" and have it 27
signed by its clerk, secretary, or other official as may be 28
designated by it. ~~Such~~ The planning authority may require the 29
submission of a sketch and ~~such~~ other information as that is 30
pertinent to its determination ~~hereunder~~ under this section. 31

Sec. 5552.01. As used in this chapter: 32

(A) "Metropolitan planning organization" has the same meaning 33
as in division (A)(7) of section 3704.14 of the Revised Code. 34

(B) "Urban township" means a township that has a population 36
in the unincorporated area of the township of fifteen thousand or 37
more and that has adopted a limited home rule government under 38
section 504.02 of the Revised Code. 39

Sec. 5552.02. (A) Except as provided in divisions (C) and (D) 40
of this section, for the purposes of promoting traffic safety and 41
efficiency and maintaining proper traffic capacity and traffic 42
flow, a board of township trustees may adopt, by resolution, 43
regulations for the management of access onto township roads in 44
the unincorporated area of the township in accordance with 45

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sections 5552.05 and 5552.06 of the Revised Code. As part of those
regulations, the board may require permits, including interim and
temporary permits, for the construction, reconstruction, use, and
maintenance of any point of access from public or private property
onto those township roads. If the board adopts regulations that
require permits, the regulations shall include standards that will
be used for the approval or denial of a permit. Any regulations
regarding the approval or denial of a permit shall specify a
reasonable period for the approval or denial and shall provide
that a failure to approve or deny, in whole or in part, any
permit, license, or other approval sought within that period shall
constitute a granting of approval for the permit, license, or
other approval.

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Notwithstanding anything to the contrary in this division, a
board of township trustees of a township other than an urban
township may not adopt regulations authorized by this division
until the date that is one year after the effective date of this
section, and then only if the county does not adopt or initiate
the process of adopting regulations under division (B) of this
section within that one-year period. If the county initiates the
process of adopting regulations under division (B) of this section
within that one-year period but does not actually adopt
regulations under division (B) of this section within two years
after the effective date of this section, the township may adopt
regulations authorized by this division on or after the date that
is two years after the effective date of this section.

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(B) For the purposes of promoting traffic safety and
efficiency and maintaining proper traffic capacity and traffic
flow, the board of county commissioners may adopt, by resolution,
regulations for the management of access onto county and township
roads in the unincorporated area of the county in accordance with
sections 5552.04 and 5552.06 of the Revised Code. As part of those

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regulations, the board may require permits, including interim and 78
temporary permits, for the construction, reconstruction, use, and 79
maintenance of any point of access from public or private property 80
onto those county and township roads. If the board adopts 81
regulations that require permits, the regulations shall include 82
standards that will be used for the approval or denial of a 83
permit. Any regulations regarding the approval or denial of a 84
permit shall specify a reasonable period for the approval or 85
denial and shall provide that a failure to approve or deny, in 86
whole or in part, any permit, license, or other approval sought 87
within that period shall constitute a granting of approval for the 88
permit, license, or other approval. 89

The same county regulations that apply to county roads shall 90
apply to township roads. Except as provided in divisions (C) and 91
(D) of this section, upon their effective date, the county 92
regulations shall apply to all county and township roads in the 93
unincorporated area of the county. 94

(C) On or after the appropriate date provided in division (A) 95
of this section for adopting regulations under that division, the 96
board of township trustees of a township other than an urban 97
township may adopt the regulations authorized by that division. If 98
such a board of township trustees adopts regulations, and a board 99
of county commissioners later adopts regulations under division 100
(B) of this section that apply to the same township roads, then, 101
one year after the effective date of the county regulations, the 102
regulations adopted by the board of township trustees shall be 103
void, and the regulations adopted by the board of county 104
commissioners shall apply to those township roads. However, the 105
board of township trustees may establish an earlier date for the 106
county regulations to take effect and the township regulations to 107
be void by adopting a resolution establishing an earlier date and 108
sending a certified copy of that resolution to the board of county 109

commissioners. 110

(D) Except as otherwise provided in this division, if an 111
urban township adopts regulations under division (A) of this 112
section and the county also adopts regulations under division (B) 113
of this section that affect township roads in that township, the 114
county regulations shall have no effect on the township roads in 115
that township. If the urban township adopts its regulations after 116
the county adopts its regulations, however, the county regulations 117
shall remain in effect for one year after the township regulations 118
are adopted unless the board of county commissioners establishes 119
an earlier date for the county regulations to expire within that 120
urban township. After the earlier established date or one year, 121
whichever is applicable, only the township regulations shall apply 122
to the township roads in that urban township, although the county 123
regulations shall continue to apply to the county roads in that 124
urban township. 125

(E) Any county regulations adopted under this section shall 126
be, to the extent possible, consistent with county zoning 127
regulations and coordinated with any existing township zoning 128
regulations. Any township regulations adopted under this section 129
shall be, to the extent possible, consistent with any county or 130
township zoning regulations in effect in the township. 131

Sec. 5552.03. (A) Regulations adopted under this chapter do 132
not apply to subdivisions subject to plat approval under section 133
711.05 or 711.10 of the Revised Code, and nothing in this chapter 134
limits the authority granted in those sections for subdivision 135
regulations to provide for the proper arrangement of streets or 136
other highways in relation to existing or planned streets or 137
highways or to the county or regional plan. 138

(B) Regulations adopted under this chapter do apply to 139
subdivisions subject to approval without plat under section 140

711.131 of the Revised Code, and to any parcel of property that is 141
not subject to regulations adopted under Chapter 711. of the 142
Revised Code. 143

Sec. 5552.04. (A) The process of adopting county access 145
management regulations provided for in division (B) of section 146
5552.02 of the Revised Code may be initiated in any of the 147
following ways: 148

(1) The board of county commissioners may adopt a resolution 149
proposing the consideration of access management regulations on 150
its own initiative. 151

(2) The board of county commissioners shall adopt a 152
resolution proposing the consideration of access management 153
regulations if the county engineer certifies to the board a 154
written request for the board to do so. 155

(3) The board of county commissioners shall adopt a 156
resolution proposing the consideration of access management 157
regulations if a majority of the boards of township trustees of 158
townships within the county certify to the board of county 159
commissioners resolutions requesting the board to do so. 160

(B) Upon adoption of a resolution proposing the consideration 161
of access management regulations under division (A) of this 162
section, the board of county commissioners shall request the 163
county engineer to draft proposed regulations. The engineer shall 164
prepare proposed regulations and, when they are complete, send a 165
copy of them to each member of the advisory committee appointed 166
under division (C) of this section along with a notice of the time 167
and place of the first meeting of the advisory committee. That 168
meeting shall take place within thirty days after the completion 169
of the engineer's proposed regulations. 170

(C) Upon adoption of a resolution under division (A) of this 171

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section, the board of county commissioners shall establish an 172
advisory committee to review the county engineer's proposed 173
regulations prepared under division (B) of this section. The board 174
shall appoint to the committee the county engineer or the 175
engineer's designee, a registered surveyor in private practice, a 176
representative of the homebuilding industry, a licensed realtor, a 177
representative of a county or regional planning commission with 178
jurisdiction in the county, a professional engineer with expertise 179
in traffic engineering, a representative of the metropolitan 180
planning organization, where applicable, at least three township 181
trustees from any townships located in the county selected by the 182
local county association representing the township trustees and 183
clerks in that county, a member of the board of county 184
commissioners, and any other person the board chooses to appoint. 185

At its initial meeting held as provided in the notice sent by 186
the county engineer under division (B) of this section, the 187
advisory committee shall elect one member to serve as the 188
chairperson of the committee. Within two hundred seventy days 189
after that initial meeting, the advisory committee shall provide 190
the board of county commissioners with a copy of the engineer's 191
proposed regulations, the committee's recommendations about each 192
of the proposed regulations, and any other recommendations about 193
the access management regulations the committee considers 194
appropriate. 195

(D) Upon receiving the advisory committee's recommendations 196
under division (C) of this section, the board of county 197
commissioners shall hold hearings as provided in section 5552.06 198
of the Revised Code. 199

Sec. 5552.05. (A) The process of adopting township access 200
management regulations provided for in division (A) of section 201
5552.02 of the Revised Code may be initiated in any of the 202

following ways: 203

(1) The board of township trustees may adopt a resolution 204
proposing the consideration of access management regulations on 205
its own initiative. 206

(2) The board of township trustees shall adopt a resolution 207
proposing the consideration of access management regulations if 208
the county engineer certifies to the board a written request for 209
the board to do so. 210

(B) Upon adoption of a resolution proposing the consideration 211
of access management regulations under division (A) of this 212
section, the board of township trustees shall request the county 213
engineer to draft proposed regulations. The engineer shall prepare 214
proposed regulations and, when they are complete, send a copy of 215
them to each member of the advisory committee appointed under 216
division (C) of this section along with a notice of the time and 217
place of the first meeting of the advisory committee. That meeting 218
shall take place within thirty days after the completion of the 219
engineer's proposed regulations. 220

(C) Upon adoption of a resolution under division (A) of this 221
section, the board of township trustees shall establish an 222
advisory committee to review the county engineer's proposed 223
regulations prepared under division (B) of this section. The board 224
shall appoint to the committee the county engineer or the 225
engineer's designee, a registered surveyor in private practice, a 226
representative of the homebuilding industry, a licensed realtor, a 227
representative of a county or regional planning commission with 228
jurisdiction in the county, a professional engineer with expertise 229
in traffic engineering, a representative of the metropolitan 230
planning organization, where applicable, three residents of the 231
township, and any other person the board chooses to appoint. 232

At its initial meeting held as provided in the notice sent by 233

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the county engineer under division (B) of this section, the 234
advisory committee shall elect one member to serve as the 235
chairperson of the committee. Within two hundred seventy days 236
after that initial meeting, the advisory committee shall provide 237
the board of township trustees with a copy of the engineer's 238
proposed regulations, the committee's recommendations about each 239
of the proposed regulations, and any other recommendations about 240
the access management regulations the committee considers 241
appropriate. 242

(D) Upon receiving the advisory committee's recommendations 243
under division (C) of this section, the board of township trustees 244
shall hold hearings as provided in section 5552.06 of the Revised 245
Code. 246

Sec. 5552.06. (A) A board of county commissioners or a board 247
of township trustees may adopt access management regulations or 248
any amendments to those regulations after holding at least two 249
public hearings at regular or special sessions of the board. The 250
board shall consider the county engineer's proposed regulations 251
prepared under division (B) of section 5552.04 or 5552.05 of the 252
Revised Code and all comments on those regulations. The board, in 253
its discretion, may, but need not, adopt any or all of those 254
proposed regulations. After the public hearings, the board may 255
decide not to adopt any access management regulations. 256

The board shall publish notice of the public hearings in a 257
newspaper of general circulation in the county or township, as 258
applicable, once a week for at least two weeks immediately 259
preceding the hearings. The notice shall include the time, date, 260
and place of each hearing. Copies of any proposed regulations or 261
amendments shall be made available to the public at the board's 262
office and, if the county engineer administers or is proposed to 263
administer a point of access permit, in the engineer's office. 264

(B) In addition to the notice required by division (A) of this section, not less than thirty days before holding a public hearing, a board of county commissioners shall send a copy of the county engineer's proposed regulations, a copy of the advisory committee's recommendations, and a request for written comments to the board of township trustees of each township in the county, the department of transportation district deputy director for the district in which the county is located, a representative of the metropolitan planning organization, where applicable, and at least the local professional associations representing the following professions:

- (1) Homebuilders;
- (2) Realtors;
- (3) Professional surveyors;
- (4) Attorneys;
- (5) Professional engineers.

(C) In addition to the notice required by division (A) of this section, a board of township trustees shall send a copy of the county engineer's proposed regulations, a copy of the advisory committee's recommendations, and a request for written comments, not less than thirty days before holding a public hearing, to the department of transportation district deputy director for the district in which the township is located, a representative of the metropolitan planning organization, where applicable, and at least the local professional associations representing the professions listed in division (B) of this section.

Sec. 5552.07. A board of county commissioners or board of township trustees that adopts access management regulations under section 5552.02 of the Revised Code shall include in those regulations the designation of a board to hear and decide appeals

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when it is alleged that there is error in any order, requirement, decision, or determination made by an administrative official in the enforcement of the regulations. This appellate board may be the board itself acting in an administrative capacity, or some other board appointed by the board of county commissioners or board of township trustees, whichever is applicable. The regulations also shall authorize that appellate board to grant variances that are not contrary to the public interest from the terms of the regulations where, owing to special conditions, a literal enforcement of the regulations will result in unnecessary hardship, and so that the spirit of the regulations will be observed and substantial justice done.

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Sec. 5552.08. (A) A permit issued under access management regulations adopted under section 5552.02 of the Revised Code shall prescribe the limitations on, as well as the permitted uses of, the permit. No modifications or amendments to the permit shall be made once it is issued. To be subject to a different permit, a person shall apply for a new permit that specifically supersedes the existing permit.

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(B) A board of county commissioners or a board of township trustees, as applicable, may charge a permit fee not to exceed the actual cost of administering the permit.

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Sec. 5552.09. Any access management regulations adopted under section 5552.02 of the Revised Code become effective on the thirty-first day following the date of their adoption unless otherwise indicated in the regulations. The board adopting the regulations shall publish notice of their adoption, and of their availability at the board's office, in at least one newspaper of general circulation in the county or township, as applicable, within ten days after their adoption. The board also shall provide a copy of the regulations to the department of transportation

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district deputy director for the district in which the county or township is located.

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Sec. 5552.10. The board of county commissioners shall designate the county engineer to administer county access management regulations, except that if the engineer declines to administer the regulations, the board may designate another person, or a planning commission, to administer them. If a board of township trustees adopts access management regulations, the board may administer the regulations or may appoint the township clerk or any other person to administer them, with the advice of the county engineer.

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If the access management regulations apply to a subdivision and a permit request is filed pertaining to the subdivision, the county engineer, board of township trustees, planning commission, or other person administering the regulations shall approve or disapprove the permit request within the time period for approval of a subdivision without a plat specified in section 711.131 of the Revised Code.

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Sec. 5552.11. (A) No access management regulation, or amendment to an access management regulation, adopted under section 5552.02 of the Revised Code shall be construed to affect any access point that exists, or on which construction has begun, before the effective date of the regulation or amendment.

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(B) Division (A) of this section does not prohibit access management regulations adopted under section 5552.02 of the Revised Code from regulating the reconstruction or relocation of access points or from applying when land use is changed in a way that significantly increases the types of traffic or traffic volume on a street or highway.

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(C) No access management regulation, or amendment to an access management regulation, adopted under section 5552.02 of the Revised Code shall be construed to affect the state highway system or modify any access management standards or procedures established by the director of transportation under sections 5501.31 and 5515.01 of the Revised Code. 355
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(D) No access management regulation, or amendment to an access management regulation, adopted under section 5552.02 of the Revised Code shall apply to any streets, highways, or other roadways located in a municipal corporation. 361
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Sec. 5552.99. Whoever violates an access management regulation adopted under section 5552.02 of the Revised Code shall be fined not more than five hundred dollars for each offense. Each day of violation is a separate offense. 365
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Section 2. That existing section 711.131 of the Revised Code is hereby repealed. 369
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Section 3. Chapter 5552. of the Revised Code shall be called "Road Access Management." 371
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