



Final Analysis

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Legislative Service Commission

Sub. H.B. 30

127th General Assembly
(As Passed by the General Assembly)

- Reps.** R. McGregor, Adams, Schindel, Seitz, Fessler, Collier, Webster, Aslanides, Bupp, Domenick, Batchelder, Blessing, Carmichael, Coley, Core, Evans, Flowers, Gibbs, J. Hagan, Harwood, Hottinger, Huffman, Hughes, Mandel, Patton, Uecker, Wagoner, Widener
- Sens.** Schaffer, Amstutz, Austria, Buehrer, Harris, Mumper, Niehaus, Padgett, Schuring, Seitz, Spada, Stivers, Wagoner

Effective date: September 12, 2008; certain provisions effective March 12, 2009

ACT SUMMARY

- Effective March 12, 2009, 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 that local authority, informing inbound traffic that the local authority utilizes traffic law photo-monitoring devices to enforce traffic laws.
- Effective March 12, 2009, requires the timing of the yellow lights or yellow arrows of traffic lights that are located at intersections where traffic law photo-monitoring devices are being used to enforce traffic laws to exceed by one second the applicable provisions of the Ohio Manual of Uniform Traffic Control Devices.
- Eliminates the requirement for operators of vehicles that are owned or leased by a kindergarten and that are not required to be equipped with seat belts to nonetheless use a child restraint system when transporting children who are required to be transported in a child restraint system.

* The effective date statement has been corrected in this version of the Final Analysis.

- Specifically allows the Department of Transportation to 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.
- Revises the requirement that the Department of Transportation expend at least \$400,000 in fiscal year 2008 for a pilot program involving portable signal preemption devices in the largest township by population, rather than by geographic area.
- Through June 30, 2009, allows the Director of Transportation or a local authority to issue special permits for transporting three or fewer steel coils in a single load on a state or local highway so long as the gross vehicle weight of the transport vehicle, including the coils, does not exceed 120,000 pounds, rather than 92,000 pounds as formerly allowed.
- Requires the Department of Transportation to conduct a study of the impact of overweight vehicles operating under a permit and to issue the report by February 1, 2009.

CONTENT AND OPERATION

Signs indicating the use of traffic law photo-monitoring devices

(R.C. 4511.094; Section 8)

The act 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 that local authority. The signs must inform inbound traffic that the local authority utilizes traffic law photo-monitoring devices to enforce traffic laws. The signs must be erected within the first 300 feet of the boundary of the local authority or, if the signs cannot be located within that first 300 feet, as close to that distance as possible. Furthermore, the act specifies that if a particular highway enters and exits the territory of a local authority multiple times, the local authority is required to erect the signs only at the locations in each direction of travel where inbound traffic on the highway first enters the territory of the local authority and is not required to erect additional signs along such highway each time the highway reenters the territory of the local authority.

The local authority is responsible for all costs associated with the erection, maintenance, and replacement, if necessary, of the signs. All signs erected under the act must conform in size, color, location, and content to standards contained in the Ohio Manual of Uniform Traffic Control Devices and must remain in place for as long as the local authority utilizes traffic law photo-monitoring devices to enforce any traffic law. Any ticket, citation, or summons issued by or on behalf of the local authority for any traffic law violation based upon evidence gathered by a traffic law photo-monitoring device after the effective date of these provisions (see below), but before the signs have been erected is invalid. The act specifies, however, that no ticket, citation, or summons is invalid if the local authority is in substantial compliance with the requirement to erect the signs. Under the act, a local authority is deemed to be in substantial compliance if the authority does both of the following: (1) first erects all signs as required and subsequently maintains and replaces the signs as needed so that at all times at least 90% of the required signs are in place and functional and (2) annually documents and at other times upon request certifies its compliance with the requirement to erect the signs.

The act requires any local authority that uses traffic law photo-monitoring devices to enforce any traffic law at an intersection where traffic is controlled by traffic lights that exhibit different colored lights or colored lighted arrows to time the operation of the yellow lights and yellow arrows of the lights so that the steady yellow indication exceeds by one second the minimum duration for yellow indicators at similar intersections as established by the provisions of the Ohio Manual.

As used in the act:

(1) "Local authority" means a municipal corporation, county, or township.

(2) "Traffic law photo-monitoring device" means an electronic system consisting of a photographic, video, or electronic camera and a means of sensing the presence of a motor vehicle that automatically produces photographs, videotape, or digital images of the vehicle or its license plate.

All of the above provisions, related to traffic law photo-monitoring devices, take effect March 12, 2009.

Transportation of kindergarten children in vehicles not equipped with seat belts

(R.C. 4511.81)

Under law generally retained by the act, a child who is less than four years old or who weighs less than 40 pounds, or both, must be secured in a federally approved child restraint system when being transported in a motor vehicle (other

than a taxicab) that is owned, leased, or otherwise under the control of a nursery school, kindergarten, or day-care center. This provision applies regardless of whether the vehicle is required by federal law to be equipped with seat belts. Violation of this requirement is a minor misdemeanor on a first offense, and the offender is subject to a mandatory fine of at least \$25. Subsequent offenses are a fourth degree misdemeanor.

The act eliminates this requirement when such children are transported in a vehicle that is owned or leased by, or otherwise under the control of, a kindergarten, but retains it for nursery school and day-care center vehicles transporting children who are less than four years old or who weigh less than 40 pounds, or both.

Department of Transportation major new construction projects

(Sections 5 and 6)

The Transportation Review Advisory Council (TRAC) consists of four members appointed by the Governor with the advice and consent of the Senate, one member appointed by the Speaker of the House of Representatives, one member appointed by the President of the Senate, and the Director of Transportation. Based upon strategic initiatives developed by the Director, TRAC has established policies and procedures to prioritize major new construction projects. TRAC has ranked projects as Tier I projects (those recommended for construction during the upcoming six-year construction project), Tier II projects (those recommended for additional environmental, design, or right-of-way development activities necessary before the projects are available for construction), and Tier III projects (those reviewed by TRAC but not recommended for further development).

The transportation appropriations act for fiscal years 2008 and 2009 required the Department of Transportation to construct the major new construction projects selected by TRAC on December 20, 2006, as Tier I projects for construction in fiscal years 2007 through 2013 and prohibited the Department from undertaking other major new construction projects until construction of the previously selected Tier I projects has commenced in accordance with the December 20, 2006, recommendations. The act specified that TRAC may recommend additional major new projects in accordance with the policies promulgated by TRAC, but new Tier I projects may not be given priority over Tier I projects recommended on December 20, 2006.

The act specifically allows the Department of Transportation to continue the planning and development steps of its project development process for any major new construction projects that were not selected by TRAC on December 20,

2006, as Tier I projects for construction in fiscal years 2007 through 2013. Additionally, the act modifies the language of the prior restriction imposed on the Department in the transportation appropriations act by prohibiting the Department from commencing (rather than undertaking) other major new construction projects unless (rather than until) construction of such selected Tier I projects is progressing (rather than has commenced) in accordance with the December 20, 2006, recommendations, and stating that nothing requires ODOT to advance (rather than undertake) the major new Tier I construction projects selected by TRAC on December 20, 2006 ahead of previously selected Tier I projects.

Transportation of steel coils

(Sections 3 and 4)

Continuing law establishes limits on the gross weight of vehicles that may travel over the improved streets, alleys, highways, bridges, and culverts of the state. At the same time, it allows the Director of Transportation and local authorities to issue special permits for the movement or operation of a vehicle or combination of vehicles on state and local highways that are in excess of the statutory maximum weight or size limits.

An uncodified provision of the transportation appropriations act effective through June 30, 2009 specifies that three or fewer steel coils transported by vehicle are deemed to be a nondivisible load for purposes of the special permits granted by the Director of Transportation or a local authority so long as a vehicle and its load does not exceed 92,000 pounds. Sub. H.B. 30 provides that, from July 1, 2008 through June 30, 2009, such a load may be transported under special permit so long as the vehicle and its load do not exceed 120,000 pounds. But since Sub. H.B. 30 does not take effect until September 12, 2008, neither does the temporary increase in the weight limitation to 120,000 pounds.

Department of Transportation study regarding overweight vehicle permits

(Section 7)

The act requires ODOT to study the impact upon any highway under its jurisdiction of granting permits for the operation or movement of overweight vehicles or combinations of vehicles exceeding the maximum specified vehicle weights. In particular, the Department must document the use and effect of continuing permits. The Department must determine whether its permitting regulations impose the least burden and costs to a business and avoid placing entities doing business in this state at a competitive disadvantage relative to businesses located in other states or countries. ODOT must issue a report of its findings to the General Assembly and the Governor by February 1, 2009.

Portable signal preemption devices township pilot program

(Sections 3 and 4)

The transportation appropriation act for fiscal years 2008–2009 required the Department of Transportation to expend at least \$400,000 in fiscal year 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. The act revises this requirement so that the pilot program expenditure must be in the township having the largest population according to the most recent federal census.

HISTORY

ACTION	DATE
Introduced	02-20-07
Reported, H. Infrastructure, Homeland Security & Veterans Affairs	06-21-07
Passed House (94-3)	06-27-07
Reported, S. Highways & Transportation	05-20-08
Passed Senate (33-0)	05-21-08
House concurred in Senate amendments (86-10)	05-29-08

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