



Ohio Legislative Service Commission

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Fiscal Note & Local Impact Statement

Bill: H.B. 39 of the 128th G.A.

Date: April 1, 2009

Status: As Introduced

Sponsor: Rep. Fende

Local Impact Statement Procedure Required: No — Minimal Cost

Contents: Requires handicapped parking spaces to be cleared of snow and ice within 24 hours after a storm has ceased

State Fiscal Highlights

- No direct fiscal effect on the state. All parking spaces that are the direct responsibility of the state are either in covered areas or cleared within 24 hours after a snow or ice storm has ceased.

Local Fiscal Highlights

LOCAL GOVERNMENT

FY 2010 – FUTURE YEARS

Municipalities and Townships

Revenues

Potential small increase in fine revenue

Expenditures

Likely increase in snow or ice removal costs

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

- The bill would increase city and township costs to clear residential and nonresidential parking spaces designated for persons with disabilities.
- The bill creates a new fine of between \$250 and \$500 for those individuals that do not clear handicapped parking spaces within 24 hours after the end of a snow or ice storm. The revenue that these fines generate would be retained by the municipality or township issuing the fine.

Detailed Fiscal Analysis

The bill requires that all parking spaces designated for those persons with a physical disability must be cleared of snow or ice within 24 hours after the weather condition causing the snow or ice has stopped. Any person responsible for such a parking space that did not clear it as required would be charged a fine of between \$250 and \$500.

Cities and townships

Cities allow individuals to apply to have spaces on residential streets be designated as special handicapped parking. For example, in the city of Columbus, there are over 2,000 spaces on residential streets reserved for handicapped permit parking only. Municipalities are generally responsible for plowing residential roads during the occurrence of inclement weather and, under the bill, would therefore be responsible for clearing these spaces if they were obstructed by snow or ice.

Cities and townships would incur new costs for clearing designated handicap parking spaces in residential areas, since they are currently not taken into account in most cities' snow removal policies. Many cities plow residential streets only if there is a substantial snowfall, or give these areas lower priority compared to busier thoroughfares in the aftermath of a storm. The city of Columbus, for example, plows residential areas only when four inches or more of snow has fallen. Moreover, when the municipalities and townships do plow residential streets, no specific effort is made to clear these handicapped permit parking spaces. Revising snow and ice removal policies to comply with the bill would therefore most likely cause political subdivisions to incur higher costs for clearing residential streets, generally for keeping plows in operation for longer durations.

In nonresidential areas where there is metered parking, political subdivisions also provide spaces designated for those individuals with disabilities. During inclement weather when streets are plowed, snow is pushed to the side of the road, obstructing all metered spaces, including those designated as being for the handicapped. The bill would require these handicapped spaces be taken into account when clearing nonresidential streets, most likely generating further costs.

Publicly owned parking lots

Cities, townships, and counties own and maintain parking lots for use by their employees and visitors. According to LSC research, it is general practice for these parking lots to be cleared within 24 hours of snowfall. The bill would have no fiscal impact where this is the case. In those political subdivisions where this is not common practice, the bill is anticipated to have minimal associated costs, as the number of such parking lots is relatively low.

State buildings

The Ohio Building Authority (OBA) and the Department of Administrative Services (DAS) are responsible for the majority of parking spaces owned and maintained by the state. OBA oversees parking associated with five state buildings in Columbus, Cleveland, Toledo, and Akron. All OBA parking spaces are covered and would therefore most likely not be affected by inclement weather conditions. The Office of Properties and Facilities in DAS is responsible for clearing snow from uncovered parking spaces at the additional state-owned buildings in Columbus. DAS maintains four state buildings in Columbus, including the Governor's residence. Because DAS's current policy is to clear these parking spaces within 24 hours of snowfall, the bill would not likely impose new costs on the agency.

Penalties and fines

Under the bill, those who do not clear handicapped parking spaces would be subject to a fine of between \$250 and \$500. Like other parking violations, the fines would be issued by local government parking enforcement officers or police officers. Any revenue generated from the fine would be retained by the political subdivision that issues the violation. The amount of revenue that the new fine would generate is difficult to determine and would largely depend on enforcement. The law would probably be enforced selectively, as police officers are more likely to focus on other matters, such as traffic control and accident reports, in the aftermath of a snow or ice storm. Therefore, the penalty is unlikely to generate significant new revenues.