

State Representative Rex Damschroder
81st House District

House Transportation, Public Safety, and Homeland Security Committee
Sponsor Testimony – House Bill 40
February 9, 2011

Thank you, Chairman Combs, Ranking Member Mallory, and members of the committee, for the opportunity to present Sponsor Testimony on House Bill 40 this afternoon.

HB 40 clarifies and ensures that the Ohio Turnpike Commission is responsible for the major maintenance and repair and replacement of grade separations at intersections of any turnpike project with county and township roads.

The idea behind HB 40 comes from a specific issue in Sandusky County, located in my district. However, this bill effects all counties located alongside the Ohio Turnpike and could save those counties money that are experiencing similar road conditions.

First, I would like to provide a brief background on this legislation. My predecessor, Representative Jeff Wagner, introduced HB 168 in the 127th General Assembly and HB 131 in the 128th General Assembly, mirroring this legislation. At that time, those bills were supported by Members from both sides of the aisle, along with organizations including the Ohio Engineers Association, the Ohio Farm Bureau, the County Commissioners Association of Ohio, and the Ohio Township Association. I anticipate the support of those same groups with HB 40. The only opposition to the bill came from the Turnpike Commission. Our county governments should not be asked to shoulder the considerable financial burden involved with the maintenance of these roads. This is a responsibility of the Turnpike Commission. During the last General Assembly, this bill was passed by the House and Senate and amended into HB 1, the state budget. Unfortunately, former Governor Strickland line item vetoed the language and never provided a sufficient reason as to this action.

If and when HB 40 is permitted further hearings in committee, you will hear from the County Engineer in Sandusky County. He has conducted a tremendous amount of research on this issue and will inform the committee as to the long history of roads problems in the county, which has resulted in the closure of several county and township roads due to deteriorating conditions and faulty construction by the Turnpike. Closure of these roads has presented a major inconvenience to motorists and farmers in the county. Even more importantly, the closures have created a public safety risk due to emergency response vehicles having to take longer routes to get to their destinations. There is a dispute among the local officials in Sandusky County and the Ohio Turnpike Commission as to where responsibility belongs in the maintenance of these roads.

HB 40 takes the necessary step of clearly defining that responsibility lies with the Turnpike Commission. The bill also clearly defines that the county is responsible for routine maintenance.

In short, when the Ohio Turnpike was built in the 1950s, county and townships were already in existence and operating properly. When the Turnpike was built, grade separations became a necessity. The separations were clearly built for the benefit of the Turnpike. It stands to reason that the Ohio Turnpike Commission should therefore be responsible for the costs involved with major maintenance and repair and replacement of grade separations. Current law is unclear and that is why HB 40 is needed. By passing this legislation, we eliminate any legal confusion and ensure that these projects are funded in the proper manner. The Ohio Turnpike Commission will claim that it is not their responsibility. Based on my previous comments, I strongly disagree with that assessment and I believe future testimony will help prove that point even further.

I look forward to working with the committee on this important legislation and I thank you for the opportunity to offer Sponsor Testimony today. I will address any questions that the committee may have at this time. Thank you, Mr. Chairman.