

Office of the County Engineer

1049 S. McCord Road
Holland, Ohio 43528

Phone: 419-213-2860
Fax: 419-213-2829



Keith G. Earley, P.E., P.S.
Lucas County Engineer

September 25, 2019

Hon. Stephen D. Hambley
Chairman
Civil Justice Committee
Ohio House of Representatives

Hon. Thomas F. Patton
Vice Chairman

Hon. Richard D. Brown
Ranking Member

Re: Interested Party Testimony
House Bill 288

Dear Chairman Hambley, Vice Chairman Patton, and Ranking Member Brown and Members of the House Civil Justice Committee:

The Office of the Lucas County Engineer thanks the Committee for the opportunity to present testimony as an interested party on House Bill 288.

The Office of the Lucas County Engineer is responsible for the care and maintenance of over 280 miles of roadway, 250 bridges and culverts, and hundreds of miles of drainage in Lucas County, Ohio. In order to maintain and upgrade our highway system, we often utilize Federal, State and local outside funding sources in order to leverage our main funding source of license plate fees and gas taxes. In addition, the Office is often looking for ways to fund multi-modal transportation projects, such as widened shoulders, bike paths, and sidewalks in order to direct slower moving traffic off highways. Through the creation of these "Complete Streets" multi-modal systems, Lucas County and other counties and municipalities in the State have been able to enhance the safety and traffic conditions for our residents.

Eminent domain is based in the Utilitarian philosophy espoused by Jeremy Bentham and John Stuart Mill, who advanced a "greatest good for the greatest number" argument as justification for the subjugation of individual rights in favor of the common good. Regardless of the merits and rationale associated with this approach, in Lucas County the implementation of our "Complete Streets" policy has resulted in the enhancement of the quality of life for thousands of residents. In addition, "Complete Streets" has lowered the potential for unsafe interaction between fast moving automobiles and slower moving bikes and pedestrians as well as provided safe harbor for the most vulnerable among us such as the disabled, elderly, and children.

Furthermore, the areas where the Office has implemented projects for "Complete Streets" are typically suburban and ex-urban areas where fast moving traffic often has difficulty

accommodating slower moving bike and pedestrian traffic resulting in the potential for fatal interactions. It has been our experience that roadside bike and pedestrian facilities have been an important public good and a crucial piece of our multi-modal transportation infrastructure.

In addition, qualification for State and Federal funding offered for many of our transportation projects often requires development of sidewalks, bike paths, and wider shoulders in tandem with typical roadway enhancement efforts.

If enacted as written, the current definition of recreational trail would adversely impact the ability of this Office and all highway agencies to use eminent domain to create a multi-modal transportation system through the use of widened shoulders, sidewalks, or roadside multi-use paths. Furthermore, if enacted as written, the ability of this Office and other highway agencies to obtain outside funding to enhance our transportation system would be greatly diminished. We believe this legislation as currently written is overly broad in its restriction of the use of eminent domain powers and would have a significant negative impact on future development of transportation infrastructure in Ohio.

We agree that eminent domain powers should be used as a last resort to obtain real estate required for implementation of transportation projects. However, the proper remedy for the merits of whether or not any project is considered a public use should remain with the courts.

Thank you again for the opportunity to testify on behalf of the Office of the Lucas County Engineer as an interested party of House Bill 288. I am happy to answer any questions.

Yours very truly,

Michael D. Pniewski, P.E., P.S.
Chief Deputy Engineer