

Office of the Lucas County Engineer

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June 9, 2023

Sen. Matt Dolan, Chair
Sen. Jerry Cirino, Vice Chair
Sen. Vernon Sykes, Ranking Member
Finance Committee
Ohio Senate

Re: Opponent Party Testimony of Mike Pniewski, P.E., P.S.
Substitute House Bill 33 – Operating Budget
Amendment LOCCD33 County Engineer Qualifications

Dear Chair Dolan, Vice Chair Cirino, Ranking Member Sykes and Members of the Senate Finance Committee:

I thank the Committee for the opportunity to present testimony in opposition to Substitute House Bill 33 (Sub. H.B. 33), specifically Amendment LOCCD33 which proposes to change the qualifications of individuals who are eligible to be elected or appointed as a County Engineer in the State of Ohio.

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. It should also be noted that the County Engineer is also the chief surveyor of the County responsible for maintenance of survey monumentation that establishes the boundaries and positioning of properties in the County, maintains the survey layer of the County's GIS system providing land boundary information to the public, and supervises the County's tax map office which is responsible for reviewing and approving descriptions of land as title is changed.

I and many others stand in opposition to amendment LOCCD33 as this amendment was inserted into the operating budget bill without input from myself or other County Engineers, as well as other interested stakeholders, who would or potentially be adversely impacted by such a radical change in the qualifications for a public office. I state this because the many adverse impacts which include:

- 1) The Office of County Engineer was originally the Office of the County Surveyor, which was established at the time Counties were established in the 1820's. This elected office was established because there was a need to ensure property boundaries which were

created after the original surveys of the Federal government were performed properly and proper legal descriptions would be created. Prior to this, many conflicts were created due to surveys that were poorly performed which legal descriptions which caused confusion and conflict. This function has continued as the County Engineer as successors to the County Surveyor are responsible for reviewing legal descriptions for newly and established properties to ensure the security of land title rights due to confusing, inaccurate, or incorrect legal descriptions of those properties. The County Engineer is an independent check on private surveyors, title companies, and attorneys and has an integral role in lowering the risk of land title conflicts due to inaccurate or incorrectly recorded property descriptions.

The amendment provides that if the County Engineer is not a licensed surveyor, they may contract for another surveyor to perform the duties. This is also problematic for the following reasons:

- 1) A contracted surveyor to the County Engineer would be restricted from performing any surveying work in that County as it would be considered a conflict of interest prohibited by the Ohio Revised Code. In many areas of the state there are not many private surveyors available, especially in rural locations. In these areas, it would be difficult to find such a surveyor to contract with as they would not want to cut themselves off from the majority of their work in the private sector.
- 2) Contracting with a surveyor to review legal descriptions would likely result in delays in processing of deeds as the review of legal descriptions would need to be integrated with the private surveyors work load. In many areas of the State, getting a survey performed may take months because there is too much work for the amount of surveys available in an area. In Lucas County, for instance, it often takes up to four to six months to have a property surveyed once a surveyor is retained, and we are in a urban, populated area. Many surveyors simply do not have the bandwidth to take on this additional duty, and most will choose not to do so.
- 3) Non-professionals who perform surveying duties are required to be under the direct supervision of a licensed Professional Surveyor. This also applies to tax map personnel and those who review legal descriptions. In essence, this would require a County Engineer who is not a surveyor to have a contracted licensed surveyor on staff at all times, requiring the Commissioners to provide funding for that individual, which could cost potentially hundreds of thousands of dollars in Counties which already have tight budgets. In many counties in Ohio, the County Engineer is the only licensed surveyor present in that County.
- 4) The number of licensed Professional Surveyors has continued to decline over the past few decades and the private sector has had difficulty in obtaining the professionals needed to perform the private survey work already required. While the profession through the licensing board has recently enacted provisions to

increase the number of individuals eligible to be licensed, we believe this will just stem the losses already encountered. Simply put, the profession cannot at this time take on the additional work that is currently performed by the County Engineers, and would only do so by charging the higher fees and lengthening their already long timelines. The important work carried out by the County Engineers would be significantly delayed and which costing more resulting in less funds and time available for projects that improve our roads and bridges. The County Engineer as a Professional Surveyor has the responsibility for the review and approval of the following work conducted by the office:

- a. Land Transfers
- b. Legal Descriptions for Rights-of-Way
- c. Review of Utility Plans
- d. Existing Condition Surveys for Bridge Work, Drainage, and Roadways
- e. Ditch Petitions and the Legal Descriptions identifying location
- f. Determination of Sight Distances for Roadway Safety
- g. Replacement of Survey Control Monumentation for Boundary Surveys
- h. Determination and Replacement of Vertical Control Monuments used to determine elevations of civil works and construction.

Again, I do not know what private surveyor would be available to absorb the volume of work currently performed by County Engineers at a cost and timeline that benefits our citizens.

- 5) As I mentioned previously, the office of the County Engineer was established in 1935 in response to the duties the County Surveyors were performing for public roads and bridges and the recognition that surveyors did not have the training and expertise to perform these duties in a way that protected the public welfare. Licensing as a Professional Engineer in Ohio is not specified by discipline. However, only a Professional Engineer who received a degree in Civil Engineering is eligible to be additionally licensed as a Professional Surveyor with additional coursework and surveying experience. If the amendment is enacted, there is nothing that would prevent a Professional Engineer who has no experience in the design of roads, bridges, drainage, or any type of infrastructure from having the responsibility for making decisions and taking charge of these duties.
- 6) In most cases, the County Engineer is the expert regarding the surveying conditions and requirements in their County and most professional surveyors in that county rely on them to provide valuable information which prevents delays and errors in

surveys in that County. Without a full time surveyor who works exclusively in the County every day, that knowledge and resource would be lost.

As the above shows, there are significant issues with the removal of the requirement that the office of the County Engineer be a Professional Surveyor. This amendment was placed in the budget without the input of the County Engineers, the engineering and surveying community, or other interested parties. I ask that this amendment be removed from the operating budget at this time. If the Senate wishes to remove this requirement, it should be done through a separate stand alone bill that can be debated and allow the significant input required to make the best informed decision.

Thank you again for the opportunity to testify in opposition to Sub. House Bill 33, specifically Amendment LOCCD33.

Yours very truly,

Mike Pniewski, P.E., P.S.
Lucas County Engineer