



136th Ohio General Assembly - Ohio House of Natural Resources

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Opposition to Substitute Senate Bill 219

Chairwoman Robb Blasdel, Vice Chair Fisher, Ranking Minority Member Rogers and fellow committee members. The County Engineers Association of Ohio (CEAO) respectfully submits this testimony in opposition to Substitute Senate Bill 219 as currently drafted. CEAO represents county engineers across Ohio who are charged by law with the design, construction, and maintenance of county roads and bridges; the very infrastructure most directly impacted by oil and gas development. While CEAO supports responsible energy development and recognizes the economic value shale production brings to Ohio communities, the Association cannot support legislation that allows overweight vehicles to operate on public roads without adequate oversight, bonding, or local coordination. As currently drafted, Sub. SB 219 undermines the safety framework that Ohio's county engineers, local governments, and ODOT have carefully built since 2011.

CEAO must be unequivocal on this foundational point: no overweight vehicle should be permitted to travel on public roads without a permit. This is not a position rooted in opposition to energy development. It is a position rooted in law, engineering, and the protection of public safety.

Ohio's overweight vehicle permit process under R.C. 4513.34 exists for a reason. Roads and bridges are designed and built to specific load ratings. Overweight vehicles accelerate structural deterioration, increase the risk of pavement failure, reduce the load-bearing capacity of bridges, and create conditions that endanger all road users including school buses, emergency vehicles, farm equipment, and the general public. The current process requires that haul routes be identified in advance, that road and bridge conditions be assessed with deficient bridge structures identified and that any necessary precautions be put in place before damage occurs. Bypassing that process, for any reason, is a direct threat to public safety.

Sub. SB 219, at Lines 2363–2400, creates a three-pathway system for overweight vehicle operations:

- (1) a standard overweight permit under R.C. 4513.34;
- (2) a Road Use Maintenance Agreement (RUMA) under R.C. 1509.06(A)(11)(b); or
- (3) an affidavit pathway in which the operator declares that good faith efforts to negotiate a RUMA have failed.

CEAO does not oppose the first two pathways. CEAO opposes the affidavit pathway as currently structured because it lacks the safety safeguards necessary to protect the public and the infrastructure they depend upon.

The \$30,000 Per-Mile Bond Is Dangerously Insufficient

The most consequential safety deficiency in Sub. SB 219 is the bond amount attached to the affidavit pathway. The bill permits the county engineer to require a bond of up to \$30,000 per mile. It is our understanding the figure was chosen without engineering analysis or cost-based justification. The data demonstrates how far this number falls short of actual need.

Ohio counties with direct, documented experience managing shale road damage have established bond requirements that are 5 to 13 times higher than the bill's proposed figure:

- Rural local roads: \$150,000–\$300,000 per mile
- Major collector/arterial segments: \$300,000–\$500,000 per mile
- High-traffic or structurally vulnerable segments: \$500,000+ per mile

These ranges reflect typical county experience with shale-related road damage and the high repair costs demonstrated in counties like Guernsey, Belmont, and Carroll. They illustrate the actual cost of repairing and rebuilding roads subjected to the heavy truck traffic associated with shale drilling. Each horizontal well site can generate up to 3,000 additional truck loads over its lifetime, hauling water, sand, chemicals, heavy equipment, and wastewater. That volume of overweight traffic causes damage that exceeds the annual road budgets of most affected counties.

EXAMPLE: Carroll County, the most heavily drilled county in the Utica Shale region, had an entire annual road revenue of approximately \$3.9 million. Yet RUMA-funded road repairs from oil and gas operators in the surrounding region exceeded \$12 million in a single peak year. A \$30,000 per-mile bond would provide only a small fraction of the coverage needed to restore a road damaged by this type of traffic. By enshrining this number in statute, SB 219 would cap the protection county engineers can require, limiting bond amounts to a figure that bears no relationship to actual repair costs, and leaving taxpayers to make up the difference.

The Affidavit Pathway Bypasses Critical Local Safety Review

We do not oppose energy development, but we cannot support a permitting framework that inadequately protects public safety and infrastructure. The affidavit pathway, as currently

drafted, lacks necessary safeguards. The pathway must include the safety, coordination, financial, and funding provisions described above and should require.

1. Mandatory ODNR–County Engineer Coordination. Before ODNR issues a permit based on an affidavit, ODNR must be required to coordinate with the county engineer to review the proposed well location and haul routes, verify that good faith efforts were genuinely made, and identify any public safety or infrastructure concerns. This mirrors the review that occurs in a properly negotiated RUMA and ensures that local knowledge informs state permitting decisions.

2. ODOT Involvement When Concerns Are Raised. If the county engineer identifies safety or infrastructure concerns, ODNR must then coordinate with ODOT to evaluate whether the permit based on an affidavit should be issued, and under what conditions. Ohio is a Home Rule state with no single agency having jurisdiction over all roads; this coordination requirement ensures that no gap in authority becomes a gap in protection.

3. Licensed Professional Engineer-Stamped Traffic and Road Plan. The operator must submit to ODNR a plan, stamped by a licensed professional engineer, documenting planned activities, anticipated vehicle traffic types and volumes, haul routes, and any proposed road improvements. Without this requirement, the affidavit pathway requires nothing from the operator except a statement that negotiations failed.

4. Pre-Permit Completion of Required Road Repairs. ODNR and ODOT should jointly determine any necessary road or infrastructure repairs, and those repairs must be completed before the permit based on an affidavit is issued. This shifts the framework from reactive (repair after damage) to proactive (strengthen before damage) which is the standard of protection that Ohioans living along these haul routes deserve.

Additionally, Sub. SB 219 introduces a new three-year term limit on RUMAs, renewable in three-year increments. While the intent may be to ensure agreements remain current, this provision introduces an operational risk: multi-year drilling programs may extend beyond a single RUMA term, creating gaps in coverage during renewal negotiations. CEAO recommends that agreements be subject to annual review rather than a three-year hard cap. Annual review allows terms to be updated as conditions change while ensuring continuous protection of the roads in question.

Revenue Provisions Should Reflect Road Impacts

Sub. SB 219 makes two revenue allocation decisions that misalign funding with the actual local impacts of oil and gas activity.

Federal Mineral Royalties (Lines 33–38). The bill limits the use of federal mineral royalties distributed to counties to three categories: planning, construction and maintenance of public

facilities, and public services. CEAO recommends adding a fourth category: direct allocation to the county's Motor Vehicle and Gas Tax Fund to support public road and bridge improvements. Road and bridge repair costs are among the most significant local expenses generated by activity in this industry. Royalty revenue derived from that activity should be eligible to offset those costs. A designated percentage of federal mineral royalties should go to the County Motor Vehicle and Gas Tax Fund.

Injection Well Revenue (Lines 1851–1856). The bill directs injection well revenues to the county's General Fund in which the injection well is located.

CEAO recommends restructuring this allocation, allowing for a designated percentage to go to the county's Motor Vehicle and Gas Tax Fund, as well as the Township where the injection well is located. Injection well operations generate substantial heavy truck traffic on local roads. The communities that bear that impact should receive funding dedicated to addressing that impact, as should the agencies directly responsible for local road and bridge repair.

Thank you for the opportunity to present testimony and I am happy to answer any questions you may have.

Sources

- Ohio Attorney General Opinion No. 2012-029, *Road Use Maintenance Agreements* (Sept. 19, 2012)
- Energy In Depth, *Ohio's Oil & Gas Industry Road Improvement Payments*, 2017 Utica Shale Local Support Series
- Resources for the Future, *Road Maintenance Agreements Play Key Role in Utica Shale Region* (April 2015)
- Duke University / Nicholas Institute, *Transport of Hydraulic Fracturing Waste from Pennsylvania Wells: A County-Level Analysis of Road Use and Associated Road Repair Costs* (2020)
- Yale School of Public Health, *Investigation on the Association Between Unconventional Oil and Gas Development and Traffic Accident Rates in Ohio* (2021)
- Graham Law, *Truck Accidents: A Hidden Danger of Ohio's Fracking Boom* (2019)
- Sub. Senate Bill 219, 136th Ohio General Assembly, L_136_1609-4
- ODOT, *Local Roads Oil & Shale Program and Guidelines*
- Ohio Energy Law Report, *Ohio Attorney General Issues Guidance on Road Use Maintenance Agreements* (Nov. 2012)