



Terry D. Lively, P.S., P.E.
County Engineer

136th Ohio General Assembly - House Natural Resources Committee

Terry D. Lively, P.S., P.E., Belmont County Engineer

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Opposition to Substitute Senate Bill 219

Chairwoman, Vice Chair, Ranking Member, and members of the committee, thank you for the opportunity to testify today. My name is Terry Lively, P.E., P.S., and I serve as the Belmont County Engineer.

Belmont County sits at the center of Ohio's modern energy story. It is not just active; it is Ohio's single largest oil and gas producing county and ranks among the leading producing counties nationally. In the third quarter of 2025 alone, we produced roughly 405,800 barrels of oil and 132.3 million MCF of natural gas – more gas than any other Ohio county by a substantial margin. Drilling permits are continuously issued to operators; this is a county at the height of intense industrial road use, not one in decline.

We meet this level of activity with a very modest public budget. My county's entire annual budget is about 6.5 million dollars. That figure must cover everything: road and bridge maintenance, guardrail, wages, materials, utilities, equipment and fuel. Measured against the scale and weight of today's shale operations, our public resources are extremely limited.

Because of that imbalance, we do not have the luxury of wishful thinking about infrastructure risk. We have had to learn, through hard experience, what it takes to keep our roads safe and open while supporting substantial private investment.

Recently, on 23 April 2025, Belmont County entered into a Road Use Maintenance Agreement with Ascent Resources–Utica for the Robinson PLT BL Well Pad Site on County Road 42, Fulton Hill Road. That agreement was not theoretical; it was engineered around real traffic, real loads and real consequences.

The agreement required, among other things:

- **Bond rate:** \$400,000 per mile (Bond Number EACX4044005, issued for \$168,000 covering 0.42 miles of CR 42)
- **Pre-drilling engineering requirement:** Operator must provide a written engineer's report on road condition with recommendations before drilling begins

- **Road strengthening:** Required prior to the start of Drilling Activity, at Operator's sole expense, with county engineer approval
- **Dust control:** Operator must apply commercially recognized dust palliative throughout
- **24-hour emergency contact:** Operator must maintain a current emergency contact at all times
- **Safety signage:** If the county engineer determines additional traffic signage is needed, Operator pays for it
- **Indemnification:** Operator holds the county harmless for all liability, injury, or death arising from road use
- **Prevailing wage:** Agreement explicitly cites AG Opinion 2012-029 and requires Operator to comply with Ohio prevailing wage laws
- **Subcontractor liability:** Operator assumes all liability for subcontractors

This is the standard we have had to adopt to protect our roads and the travelling public. It is not aspirational. It reflects a sober reading of cost, risk and past damage.

Substitute Senate Bill 219 would impose a cap of \$30,000 per mile on these bonds. For the same 0.42-mile stretch of Fulton Hill Road, that cap would allow a bond of just \$12,600 dollars instead of the \$168,000 dollars Belmont County required. That is not an incremental adjustment. It is a reduction by a factor of 13.3, in an environment where construction costs and traffic loads are trending in the opposite direction.

Our published RUMA bond schedule makes the scale of the gap clear. We set bond amounts per mile as follows:

- Asphalt: 400,000 dollars per mile.
- Chip seal: 200,000 dollars per mile.
- Gravel: 100,000 dollars per mile.

These figures are publicly posted and presently in force. Even our minimum bond for a gravel road is more than three times higher than the maximum cap proposed in SB 219 for any road type. Again, this is not abstract policy; it is the standard we use for real agreements signed as recently as April 2025.

The committee should also consider what happens when a single project intersects with a single piece of vital infrastructure. Alongside the Robinson RUMA, Belmont County is overseeing a bridge and culvert replacement on Fulton Hill Road, the same road serving that well pad. That work, funded entirely by Ascent Resources as a condition of its plans, exceeds 1 million dollars.

In practical terms, one well pad on one county road required bridge and culvert infrastructure equal to about 15.4 percent of my entire annual county budget. If, under SB 219, an operator

could simply file an affidavit with ODNR, post a \$12,600 bond for that 0.42-mile stretch and then decline to fund the bridge and culvert because no RUMA was required, the impact is clear. My \$6.5-million-dollar annual budget would have to absorb a million-dollar hit for a road used almost exclusively to generate revenue for a private company.

That is the strategic risk embedded in SB 219: it shifts a large, concentrated infrastructure burden from those who cause it to those least able to bear it: rural counties with limited tax bases and essential responsibilities. It effectively asks my office to manage heavy industrial traffic with bond limits that bear no resemblance to modern construction prices or the scale of damage we have already observed.

Ohio's energy development brings investment, jobs and tax revenue. Counties like mine have shown that we are prepared to work constructively with operators to facilitate that growth. But we cannot do so safely if the legal framework deprives us of the tools required to manage obvious, foreseeable risks to public infrastructure and public safety.

I urge the committee to reject the \$30,000-dollar-per-mile cap in Substitute Senate Bill 219 and to preserve the ability of local engineers and commissioners to negotiate bond levels that reflect real-world conditions on the ground. A more calibrated approach, one that recognizes both the value of energy development and the true cost of the roads that support it, will better serve the state, the industry and, most importantly, the citizens who rely on these roads every day.

Thank you for your attention, and I would be pleased to answer any questions.

Citations:

- *Safety around semis urged*, The Times Leader, 7/29/ 2019
- *Belmont County bridge project to cost more than \$1 million, funded by oil and gas company*, WTOV9 Fox, 3/23/2025
- *2024 Belmont County Traffic Crashes – Fast Facts*, State Highway Patrol Ohio
- *Oil & Gas Companies in Belmont County, OH*, ShaleXP
- *Permits, Agreements & Forms*, Belmont County Engineer's Office
- *The Board of Commissioners of Belmont County, Ohio, Meeting – November 6, 2024*
- *The Board of Commissioners of Belmont County, Ohio, Meeting – April 23, 2025*