



**County Engineers
Association of Ohio**

Senate Energy Committee

Opposition Testimony

John Olivieri, Executive Director

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Chair Chavez, Vice Chair Landis, Ranking Minority Member Smith, and esteemed members of the Senate Energy Committee, thank you for the opportunity to offer opponent testimony on Senate Bill 219. I am John Olivieri, the new Executive Director of the County Engineers Association of Ohio.

County Engineer's duty to protect the safety, sustainability, and fiscal integrity of county roads requires local determination and strict adherence to established engineering standards, not special industry exemptions. Allowing oil and gas sector special permit routes dilutes broader transportation planning and road lifecycle management, contrary to good local governance.

State-mandated flexibility for this, or any industry, means future bond levies, tax increases, or unfunded mandates borne by the county, its taxpayers, and landowners; not the industry generating the damage. Specific concerns CEAO has in SB 219 are:

New Section 1509.063 – Road Use Agreements

Current Law ORC 1509.06(A)(11)(b): Horizontal well permit applicants are already required to either:

1. Provide a copy of a road use and maintenance agreement (RUMA) with local officials that has legal authority over affected roads, streets, and highways, OR
2. Submit an affidavit attesting that the operator "attempted in good faith to enter into an agreement" but no agreement was executed.

ODNR, ODOT, and the County Engineer's Association of Ohio (CEAO) developed a model RUMA template to provide guidance. This grants counties and townships the ability to be flexible to negotiate terms that fit their specific needs and local conditions.

New Section Added by SB219: Authorizes road maintenance agreements between well permittees and local authorities; limits agreement term to three years (with renewals possible).

County Engineers, and our local government partners, are best positioned to determine duration, financial commitment, and terms for road impacts. Damage from heavy traffic linked to well pad construction and ongoing drilling may only be covered for a limited three-year window, vastly shorter than the lifespan of infrastructure impacts from large energy projects.

Current Ohio Drilling Activity Context (2021-2025)

To estimate the potential scope of current RUMAs, consider Ohio's recent horizontal drilling activity:

- **2021:** 187 wells drilled to Utica/Point Pleasant Shale (90% of all wells drilled that year); 354 total drilling permits issued.
- **2025 (as of October):** Drilling activity continues in primarily eastern Ohio counties, though exact 2025 totals are not yet published.

Since Senate Bill 315 took effect in September 2012, it requires RUMAs or good faith affidavits for horizontal wells and given that Ohio has issued thousands of horizontal well permits since 2012. Multiple wells can be drilled from a single pad site, reducing the number of unique RUMAs needed per permit. Some operators may have used the "good faith affidavit" alternative rather than executing agreements.

A conservative estimate suggests several hundred to potentially over 1,000 RUMAs have been executed statewide since 2012, though many early agreements may have expired or been superseded.

Financial Implication of SB219's new Section 1509.063:

The lack of centralized RUMA tracking demonstrates the current system's flexibility and local control, which SB219 would undermine. Historical data shows RUMAs have generated over \$300 million in road improvements at no cost to taxpayers in just eight counties through 2017, proving the existing framework's effectiveness. Imposing a three-year term limit would disrupt successful long-term arrangements already in place across the state.

SB219's new Section 1509.063 provides standardization but with restrictive time limits that inadequately protect long-term infrastructure interests.

Section 5577.02 – Weight Limits & Road Use

Current Law: Weight limits for travel on state roads.

SB219 changes: Adds oil/gas permittees as eligible for permits in lieu of standard ODPS permit under qualifying conditions per new road agreement rules.

The suggested change allows heavy vehicles associated with oil and gas operations to exceed normal roadway weight limits if they obtain either a permit under section 4513.34 (traditional oversize/overweight) or through an oil/gas-specific permit process tied to a road use agreement under section 1509.063.

This creates a carve-out for oil and gas haulers, potentially allowing significantly heavier truck traffic on roads and bridges for extended periods, provided a permit or "good faith" attempt at agreement is made. Therefore, consistent use by heavy oil and gas vehicles, frequently exceeding normal design specs, leads to rapid deterioration of county roads and bridges not built or funded for such loads.

Limited-term or weak road use agreements under section 1509.063 do not provide adequate compensation or require lasting repairs for cumulative long-term infrastructure damage. Thus, leaving counties with higher post-project repair costs, with funding gaps falling on local taxpayers or other road users.

CEAO Recommendations Options:

- 1) Amend SB219 to remove the three-year cap while retaining requirements for substantive agreement terms (bonding, repair standards, etc.).
- 2) Require County Engineer approval for overweight permits add to Section 5577.02(A)(2). This preserves local engineering authority to determine whether roads can safely handle proposed loads, consistent with county engineers' statutory responsibility for infrastructure management.
- 3) Establishing minimum standards for this industry rather than maximum limitations. Similar to West Virginia's approach with tiered bonding requirements based on road type and mileage.
- 4) Strengthening the "good faith" standard. Defining specific actions operators must take (multiple negotiation sessions, written offers meeting minimum thresholds, mediation, etc.) before an affidavit is accepted.
- 5) Maintaining current law. The existing framework, while imperfect, provides counties with more flexibility than SB219's restrictive approach, and that improvements

should come through updated RUMA templates and enhanced state funding rather than statutory limitations.

In closing, CEAO urges this committee to prioritize solutions that ensure county roads remain safe and sustainable for all Ohioans, now and in the future. The current, locally tailored approach to road use agreements and weight limits has demonstrated both flexibility and effectiveness, delivering hundreds of millions in infrastructure improvements and preserving county engineers' ability to safeguard the public investment in our roads. SB219's proposed three-year cap and expanded permit carve-outs would undermine these successes, shifting risk and expense away from industry and onto taxpayers. We respectfully urge you to preserve local authority, remove rigid state-imposed limitations, and instead strengthen the partnership that has served Ohio communities so well. Thank you for your consideration.