

Ohio Township Association Legislative Alert



October 19, 2018

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Recent Legislative Activity

Introduced in the House

[HB 740 STATE BONDS](#) (Arndt, Miller) To authorize the Treasurer of State to issue revenue obligations of the state for the purpose of making loans to port authorities, community improvement corporations, or community development corporations through the Treasurer's purchase of those authorities' and corporations' revenue obligations.
Am. 158.01, 158.02, 158.03, 158.04, 158.05, 158.06, 158.07, 158.08, 158.09, 158.10, and 158.11

[HB 741 WHISTLEBLOWER LAWS](#) (Cera, Clyde) To revise Ohio's whistleblower protection laws.
Am. 124.341, 4113.51, 4113.52, and 4925.10

[HB 747 CYBERSECURITY](#) (Romanchuk, Lanese) To create the civilian cyber security reserve force.
Am. 5923.01, 5923.03, 5923.12, 5923.37, and 5924.01 and to enact sections 5922.01, 5922.02, 5922.03, 5922.04, 5922.05, 5922.06, 5922.07, and 5922.08.

Legislative Meetings/Discussions

Road Coalition - funding for transportation infrastructure



PUCO Encourages Local Governments to Apply for Rail Grade Crossing Funding

The Public Utilities Commission of Ohio (PUCO) is encouraging local highway authorities to apply for state funding for rail grade crossing upgrades. The program allows local communities to share the cost of installing safety devices with the state and railroad.

Depending upon a variety of factors including the amount of daily train and motor vehicle traffic at the crossing, communities can expect to pay from 25 to 65 percent of the cost of the project.

State-funding is a means for supplementing local funding where a shortfall would otherwise result. It is not a substitute for local funding. Given the critical role of local funding to assure construction of the warning device, it is important that the community reach an agreement on the priority level of each project and make an appropriate commitment of resources. The PUCO will allocate funds based on an objective formula measuring both the seriousness of the hazard and other special conditions at the crossing.

For more information, please visit the Railroad tab on [PUCO's website](#).

Federal Update



Trump Signs 5-Year FAA Reauthorization Bill Into Law

On October 5, President Trump signed the \$96.7 billion FAA Reauthorization Act of 2018 into law (Public Law 115-254). The House passed the bill on Sept. 26 by a vote of 398-23, and the Senate passed the bill on Oct. 3 by a vote of 93-6. The bill reauthorizes the Federal Aviation Administration through 2023 and includes the text of the Disaster Recovery Reform Act (DRRA) of 2018 which reforms several FEMA programs to help communities better prepare for, respond to, recover from, and mitigate against disasters of all types. The bill also contains provisions related to airport infrastructure, aviation safety, unmanned aircraft systems (UAS), Transportation Security Administration (TSA) reform, and \$1.68 billion in Community Development Block Grant-Disaster Relief (CDBG-DR) funding to help with recovery efforts for Hurricane Florence.

Senate Passes America's Water Infrastructure Act of 2018

On October 10, the Senate passed, by a vote of 99-1, the America's Water Infrastructure Act of 2018 (S. 3021; aka, the Water Resources Development Act [WRDA]). The House previously passed the bill on Sept. 13 by voice vote, which means the bill will now be sent to President Trump's desk to be signed into law. Among other things, the legislation: authorizes several new Corps of Engineers studies, construction and environmental restoration projects as recommended by the Chief of the Corps; reauthorizes the Drinking Water State Revolving Fund at more than \$4.4 billion over the next three years; eases the streamlining process for hydropower projects; reauthorizes the popular Water Infrastructure Finance and Innovation Act (WIFIA) through FY 2021; and, initiates a study with the National Academy of Sciences (NAS) to review the Trump Administration's controversial proposal to move at least parts of the Corps out of the Defense Department.

FCC Rules on 5G Small Cell

The Federal Communication Commission's (FCC) 5G Small Cell Declaratory Ruling and Third Report and Order was published in the Federal Register on October 15, effectively opening an appeal window for municipal governments and their related national associations to challenge the Commission's ruling. The order, unanimously adopted by the FCC at its September 26th Open Meeting, establishes shot clocks for state and local approvals for the deployment of Small Cell wireless facilities, and imposes new state and local streamlining requirements on wireless infrastructure deployment (see attached Brief). With the publication, any regulatory requirements in the order become effective January 14, 2019. The appeals window will remain open 60 days after publication.

The cities of Portland, OR and Seattle, WA have already taken steps to appeal the Commission's order. Other cities, including Philadelphia and Los Angeles, have also expressed opposition to the rules. When multiple petitions for review challenging the same agency order are filed in two or more federal circuit courts of appeals, a party may seek to invoke a judicial lottery procedure to determine which court will review the agency order. The 5G Small Cell coalition will file within the next eight days for a judicial lottery. Parties interested in joining the appeal have been asked to provide monetary support based on the following levels: \$5,000 for communities under 100,000 in population; \$10,000 for communities between 100,000 to 500,000 in population; and \$15,000 for communities above 500,000 in population.

The National Association of Telecommunications Officers and Administrators (NATOA) and the law firm Best, Best & Krieger (BBK) are coordinating the effort. Larger townships interested in joining the coalition, please contact NATaT staff representative David Hoover by email at dhoover@tfgnet.com or by cell at 703.919.2994.

Road Coalition Ramping Up to Address Revenue Shortfall for Transportation

Excellent roads and bridges are critically important for Ohio's future. But today, they are severely under-funded. Traffic congestion increases each year. More and more roads suffer from potholes and rutted pavement. Many of Ohio's bridges are showing their age with structural deficiencies. And in truth, the vast majority of highway revenues are spent on highway maintenance rather than expanding capacity.

Improved automotive fuel efficiency, alternative fuel options and economic inflation all chip away at the revenue generated by - and the buying power of - motor fuel taxes. To compound the problem, ODOT will lose approximately \$700 million in revenue with the reduction in Ohio Turnpike bond proceeds in 2019 and the expiration of the Federal FAST Act in 2021. This number doesn't include the many projects that have been delayed or shelved due to current lack of funding.

Just like in 2003, the last time a gas tax in Ohio was statutorily authorized, the OTA has joined with other local governments and business organizations to work together to lobby the Ohio General Assembly and Governor for additional transportation infrastructure funding.

A website has been created to help inform the public and legislative candidates about the issue - www.fixourroadsOhio.com.

Now we need your help to start telling the story! Have you had a township road or a county bridge project delayed due to the lack of road funding either at the state, county or township level? If yes, what is the project?

Take pictures of the conditions of your roads. Send them to the OTA and tell us what House and Senate district you are in.

Invite your House and Senate members and those running for the seats to a township meeting and take them on a drive over your township roads. Show them a list of all the roads you must maintain. Provide them with the cost of redoing just one of your roads and then a copy of your total road fund budget.



State Fire Marshal Files Proposed Rule Changes

The Ohio Department of Commerce, Division of State Fire Marshal (SFM) has filed a rule errata/amendment package with the Joint Committee on Agency Rule Review to amend selected portions of the 2017 Ohio Fire Code (OFC), also known as Ohio Administrative Code. The OFC was recently extensively updated as a part of the required five year rule review process. The rules are being amended to address typographical errors, errors that occurred during the filing process, and to make changes to Section 320 (regarding Mobile Food Units) and paragraph 906.1 (regarding portable fire extinguishers).

The SFM will hold a Public Hearing on the proposed rule changes on Monday, November 19, 2018, at 9:30 a.m. The meeting will be held at the Division of State Fire Marshal, 8895 E. Main Street, Reynoldsburg, OH 43068. The purpose of the hearing will be to receive public comment regarding the proposed changes to the above rules which will include rescission of the current rules and the adoption of new rules amended as specified. A copy of the public hearing notice is below.

Any person may appear at the hearing in person or through counsel and provide oral and/or written comments or testimony regarding the proposed changes. In addition, any person may submit written comments or testimony to the SFM prior to the hearing. Written testimony or comments must be submitted on or before Monday, November 19, 2018, at 5:00 p.m. via hand delivery, mail, facsimile, or e-mail to the following:

Division of State Fire Marshal

Attn. Code Enforcement Bureau
8895 E. Main Street
Reynoldsburg, OH 43068
614.728.5460 / 888.276.0303
Fax: 614.728.5168
OhioFireCode@com.state.oh.us

You can view a red-lined copy of the proposed rules and other related documents by going to the SFM's website (www.com.ohio.gov/fire) and clicking on the "2017 Ohio Fire Code" tab on the right hand side of the screen. Under a section titled "2017 Ohio Fire Code-Errata Package" you will find a link to a red-lined version of the rules being amended, a chart of the changes, and other relevant information. The rules can also be viewed by accessing the Register of Ohio (www.registerofohio.state.oh.us).

If you have any questions regarding the 2017 OFC or the errata package, please send an inquiry to OhioFireCode@com.state.oh.us or contact the SFM's Code Enforcement Bureau at 614.728.5460.

Energy & Manufacturing Forum October 23

The Consumer Energy Alliance and the Youngstown/Warren Regional Chamber of Commerce have partnered to hold an Energy and Manufacturing Forum for the Mahoning Valley.



The free forum features two panels - one on energy and critical infrastructure and a second on manufacturing and workforce development. Speakers range from Cabot and Vallourec to LECET and the Tech Belt Energy Innovation Center. In addition to the panels, both gubernatorial candidates have been invited to provide brief remarks on energy and manufacturing.

A full agenda with registration may be viewed by clicking [here](#). For additional information, please contact:

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21 East State Street, Suite 2200
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cventura@consumerenergyalliance.org



Ohio EPA Recycling & Litter Prevention Grants *Application Period Now Open*

Ohio EPA's Recycling & Litter Prevention Program (R&LP) provides grant funding to communities and businesses that initiate or expand recycling programs, encourage sustainable practices, stimulate market development for reusing recyclables and litter prevention efforts. There are three different grant programs: Community and Litter Grants, Market Development Grants and Scrap Tire Grants. For our stakeholders and partners familiar with past grant awards, Ohio EPA previously had two grant funding categories that have been combined into a single category of Community and Litter Grants. All activities previously eligible for funding under both categories remain eligible and the funding award levels for both community recycling and litter clean-up/prevention activities are expected to remain similar to past years. Combining these grant programs together in a single category will make the online application process easier for our customers.

Ohio EPA is now accepting applications for these three recycling-related grants to be awarded in 2019. Grant applications are due Feb. 1, 2019, at 3:00 p.m.

To assist potential applicants, Ohio EPA will host an informational meeting on Tuesday, Oct. 23, 2018 from 10 a.m. - 12 p.m. - at the Ohio Department of Transportation Central Office, 1980 W. Broad St, Columbus 43223 - to explain eligibility requirements and the grant application process. Attend our upcoming informational meeting or webinar to learn more about:

- Who is eligible to apply?
- What is Ohio EPA's funding criteria?
- What funding is available?
- What financial match is required?
- Where do you apply?
- What permits and licenses are required?
- Identifying partners, volunteers, other participants, donated goods and services, waived tipping fees, etc.

In addition, Ohio EPA will also hold an informational webinar on Wednesday, Nov. 14, 2018.

Where else can you find more information? Please visit the Ohio EPA recycling website: recycleohio.gov.

Grant recipients will be announced in April 2019 and funding will be made available in July 2019.

Who can you contact for more information?

Marie Barnett - Grants Administrator - 614.705.1019 - marie.barnett@epa.ohio.gov

Travis Limbert - Grants Coordinator 614.644.2827 - travis.limbert@epa.ohio.gov

Dave Foulkes - Environmental Specialist 614.644.3118 - david.foulkes@epa.ohio.gov

Kelsey Heyob - Environmental Specialist 614.705.1013 - kelsey.heyob@epa.ohio.gov

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