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1. LOCAL AUTHORITIES—TERM INCLUDES BOARD OF TOWNSHIP TRUSTEES—SECTION 4511.11 RC.
2. LOCAL AUTHORITIES—AUTHORIZED TO PLACE AND MAINTAIN TRAFFIC CONTROL DEVICES TO GUIDE TRAFFIC, TO WARN OF DANGEROUS ROAD CONDITIONS AND CITE EXISTING TRAFFIC REGULATIONS—NO AUTHORITY TO PROMULGATE SPEED OR OTHER TRAFFIC REGULATIONS.
3. LOCAL AUTHORITIES—GIVEN A LIMITED FUNCTION IN PROMULGATION OF SPEED REGULATIONS BY DIRECTOR OF HIGHWAYS—AUTHORIZED TO DESIGNATE THROUGH HIGHWAYS—WITHOUT ANY OTHER INDEPENDENT AUTHORITY TO PROMULGATE TRAFFIC REGULATIONS—SECTIONS 4511.21, 4511.65 RC.

SYLLABUS:

1. A board of township trustees is included within the term "local authorities" as used in Section 4511.11, Revised Code.
2. Section 4511.11, Revised Code, merely authorizes local authorities, as to roads under their jurisdiction, to place and maintain traffic control devices (1) to guide traffic and (2) to warn highway users of dangerous road conditions and of existing traffic regulations. This section does not purport to authorize local authorities to promulgate speed or other traffic regulations.
3. "Local authorities," including a board of township trustees, are given a limited function in the promulgation of speed regulations by the director of highways under the provisions of Section 4511.21, Revised Code; and are authorized to designate "through highways" with reference to roads under their jurisdiction as provided in Section 4511.65, Revised Code; but such authorities are without any other independent authority to promulgate traffic regulations.

Columbus, Ohio, July 1, 1955

Hon. James K. Leedy, Prosecuting Attorney
Wayne County, Wooster, Ohio

Dear Sir:

Your request for my opinion reads as follows:

"Several freeholders who have constructed dwelling houses along township roads in Wayne County, Ohio, have respectfully

asked several different boards of township trustees in this county to zone traffic along said roads and to place warning signs thereon to safeguard the children of these families who might be playing along or near said roads.

“In my search of the law I find that Section 4511.11 of the Revised Code of Ohio states in part that, ‘local authorities in their respective jurisdictions may place and maintain traffic control devices upon highways under their jurisdictions as are necessary * * * to regulate, warn, or guide traffic.’ Also, Section 4511.01 (Y) defines local authorities as ‘every county, municipal, and other local board or body having authority to adopt police regulations under the constitution and laws of this state.’

“I am unable to determine whether a local authority as defined in Section 4511.01 includes boards of township trustees; and for that reason I am respectfully submitting this question to your office. If your answer to this question should be in the affirmative, then do said boards of township trustees have the right to zone their township roads and place such warning signs upon them as the trustees deem necessary.”

The term “local authorities” as used in Section 6307-11, General Code, now Section 4511.11, Revised Code, was under study in Opinion No. 3139, Opinions of the Attorney General for 1948, p. 230, the syllabus of which is in part as follows:

“1. Boards of county commissioners come within the term ‘local authorities’ as defined in Section 6307-2, General Code, and consequently are authorized under the provisions of Section 6307-11, General Code, to erect traffic-control devices on roads under their jurisdiction.” * * *

In reaching this conclusion the writer said, pp. 231, 232:

“It is therefore necessary to construe the term ‘local authorities’ in order to ascertain whether county commissioners come within this definition. At first glance it would appear that they are excluded for they do not have power to adopt police regulations; however, helpful in interpretation of the legislative intent herein is the doctrine of ‘last antecedent clause.’ It is a well-accepted rule of grammar, as well as a rule of statutory construction, that a relative clause relates only to the nearest antecedent that will make sense. It is a canon of statutory construction that relative or qualifying words or phrases are to be applied to the words or phrases immediately preceding, and not extend to or modify more remote words, phrases or clauses unless such extension or inclusion is clearly required by the intent and meaning of the context. See *Stevens v. Illinois Central Railway Co.*, 306 Ill. 370; *Wiscon-*

sin Power and Light Co. v. Public Service Commission of Wisconsin, 224 Wis. 286.

“The application of this doctrine to the definition of ‘local authorities’ in Section 6307-2, supra, thereby brings county commissioners within this definition. In other words, the above section should be read: A local authority is every county board, municipal board and other local board, or body having authority to adopt local police regulations, under the constitution and laws of this state. The term ‘board’ relates to the term ‘county,’ ‘municipal’ and ‘local.’ In like manner the phrase ‘authority to adopt local police regulations’ modifies the word immediately preceding it which is ‘body.’ It therefore follows that county commissioners are amenable to Section 6307-11, supra, and therefore can erect traffic devices on county roads.”

It was further said in this opinion, p. 233:

“Since there is no other section of the General Code which provides for safety regulations by means of signs and signals on county roads, I am convinced that the intent of the legislature in this instance was to include county commissioners within the definition in question. The term ‘county’ as used in Section 6307-2, supra, is meaningless if the above interpretation is not followed. There is no other county board which has authority to provide for regulation and maintenance of county highways. With reference to this topic, 37 O. Jur. 619, states:

“* * * Accordingly, a construction should be avoided which would render a part of the statutory law inoperative, meaningless, nugatory, purposeless, unnecessary, or useless, unless such a construction is manifestly required.’

“Moreover, the legislature is presumed to enact laws for the public good; and where there is a strong interest relating to public welfare designed to be conserved by a statute, a liberal construction should be applied in favor of the public. See 37 O. Jur. 652. Therefore the reasonable interpretation herein should favor the safety of the citizens of the counties.”

By analogous reasoning it would appear that the term “local authorities” as used in Section 4511.11, supra, includes a board of township trustees as to roads under its jurisdiction, since in this case also there is no other “local board” charged with responsibility of maintenance of such roads; and I conclude that such term does include a board of township trustees.

As to your question regarding the “right to zone” township roads, I assume that you use this term in the popular sense and that you refer to

the right to promulgate traffic regulations which provide for varying speeds in different road areas.

It should be noted that Section 4511.11, Revised Code, does not by its terms purport to authorize local authorities to *promulgate* traffic regulations, but merely authorizes the placement and maintenance of such signs as are necessary to warn road users of such traffic regulations as are currently in effect in particular road areas.

Such regulations may have been promulgated in varying ways. For example, certain *prima facie* speed limits are fixed by statute. Other regulations may be enacted in municipal ordinances, and still others promulgated by the director of highways as provided in Section 4511.21, Revised Code, upon the request of local authorities, including township trustees as to highways under their jurisdiction. Moreover, in Section 4511.65, Revised Code, we find this provision :

* * * "The department with reference to state highways, and local authorities with reference to highways under their jurisdiction, may designate additional through highways and shall erect stop signs on all streets and highways intersecting such through highways, or may designate any intersection as a stop intersection and shall erect like signs at one or more entrances to such intersection." * * *

Here is an instance of authority for "local authorities" to act independently of the director in the promulgation of traffic regulations but so far as a board of township trustees is concerned, it appears to be the only such authorization made for such board is without the general legislative authority enjoyed by municipal corporations under the constitution.

Accordingly, I conclude :

1. A board of township trustees is included within the term "local authorities" as used in Section 4511.11, Revised Code.

2. Section 4511.11, Revised Code, merely authorizes local authorities, as to roads under their jurisdiction, to place and maintain traffic control devices (1) to guide traffic and (2) to warn highway users of dangerous road conditions and of existing traffic regulations. This section does not purport to authorize local authorities to promulgate speed or other traffic regulations.

3. "Local authorities," including a board of township trustees, are given a limited function in the promulgation of speed regulations by the

director of highways under the provisions of Section 4511.21, Revised Code; and are authorized to designate "through highways" with reference to roads under their jurisdiction as provided in Section 4511.65, Revised Code; but such authorities are without any other independent authority to promulgate traffic regulations.

Respectfully,
C. WILLIAM O'NEILL
Attorney General