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1. COUNTY COMMISSIONERS, BOARDS OF—COME WITHIN TERM “LOCAL AUTHORITIES”—SECTION 6307-2 G. C.—AUTHORIZED TO ERECT TRAFFIC-CONTROL DEVICES ON ROADS UNDER THEIR JURISDICTION—SECTION 6307-11 G. C.
2. OPERATORS OF MOTOR VEHICLES—WHO DISOBEY TRAFFIC-CONTROL DEVICES—MAY BE ARRESTED AND FINED—SECTION 6307-107 G. C.

## SYLLABUS:

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.
2. Operators of motor vehicles who disobey traffic-control devices erected pursuant to law may be arrested and fined in accordance with Section 6307-107, General Code.

Columbus, Ohio, May 11, 1948

Hon. Floyd A. Collier, Prosecuting Attorney  
Wood County, Bowling Green, Ohio

Dear Sir:

I am in receipt of your letter which reads as follows:

“1. Do County Commissioners have authority to purchase and erect traffic control devices, such as stop signs, on roads within the county system?”

"2. Do they have authority to purchase and erect such traffic control devices, including stop signs, on township roads which intersect roads belonging to the county system for the purpose of regulating the traffic about to enter upon or pass over roads belonging to the county system?"

"3. If they do have authority in either of above cases, to purchase and erect such traffic control devices or signs, can any driver or operator of a motor vehicle who disobeys the instructions of said traffic control device or signs be arrested and fined therefor?"

"Your attention is called to Sections 6307-11 and 6307-12 of the General Code. The questions arise because of the definition of local authorities as defined under Section 6307-2 of the General Code."

Section 6307-11, General Code, reads in part as follows:

"Local authorities in their respective jurisdictions are hereby authorized to place and maintain such traffic-control devices upon highways under their jurisdictions as they may deem necessary to indicate and to carry out the provisions of this act or local traffic ordinances or to regulate, warn, or guide traffic, except that no village shall place or maintain any traffic-control signal upon an extension of the state highway system within such village without first obtaining the permission of the director. \* \* \*"

And the term "local authorities" is defined in Section 6307-2, General Code:

"'Local authorities.' Every county, municipal and other local board or body having authority to adopt local police regulations under the constitution and laws of this state."

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 of 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; *Wisconsin 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.

The same conclusion is evident if the above statutes are construed from a different point of view. A municipal council falls clearly within Section 6307-11, *supra*, and therefore it may erect and maintain traffic-control devices on highways within municipalities. In like manner the department of highways, by Section 6307-10, General Code, may erect and maintain traffic-control devices on state highways. All these sections should be read in *pari materia* and in subserviency to the common policy of traffic regulation on roads within the state. However, if county commissioners are not included within the definition of "local authorities," as defined in Section 6307-2, *supra*, then there is no means by which traffic-control devices can be erected and maintained on county highways for the protection of the public, except within narrow limitations through Section 6906, General Code, which is pertinent to the present question and which reads in part:

"\* \* \* The board of county commissioners shall also have authority to purchase or lease, erect and maintain automatic traffic signals at such intersections of public highways outside of municipalities, as they deem necessary for the protection of the public traveling upon such highways; provided, however, such power and authority shall not extend to intersections of public highways on the state highway system unless the board of county commissioners first obtain the consent and approval of the director. \* \* \*"

However, the above section confines the authority of county commissioners to automatic traffic signals. "Traffic control signals" and "traffic control devices" have been differentiated by Section 6307-2, *supra*, as follows:

"'Traffic control devices.' All signs, signals, markings, and devices not inconsistent with this act placed or erected by authority of a public body or official having jurisdiction, for the purpose of regulating, warning, or guiding traffic, including signs denoting names of streets and highways."

"'Traffic control signal.' Any device, whether manually, electrically or mechanically operated, by which traffic is alternately directed to stop, to proceed, to change direction or not to change direction."

Consequently Section 6906, *supra*, does not permit county commissioners to erect stop signs. In fact Section 6906, General Code, is limited to signals which are automatic.

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.

Sections 6906 and 6307-11, *supra*, place no limitation upon the authority of county commissioners to erect traffic signals at intersections of public highways outside of municipalities except with relation to state

highways. Consequently, the county commissioners have authority to erect traffic signals and signs on township roads which intersect county roads. Your first two questions are, therefore, answered in the affirmative.

Your third question may be answered by reference to Section 6307-12, General Code, which reads:

“No pedestrian, driver of a vehicle or operator of a street car or trackless trolley shall disobey the instructions of any traffic-control device placed in accordance with the provisions of this act, unless at the time otherwise directed by a police officer. When both traffic-control signals and stop signs are erected at an intersection traffic shall be governed by the traffic-control signal while it is in operation.”

and to Section 6307-42, General Code, which relates in part:

“\* \* \* (b) The operator of a vehicle, street car or trackless trolley shall stop in obedience to a stop sign at an intersection where a stop sign is erected and shall yield the right of way to all other vehicles, street cars or trackless trolleys not so obliged to stop.”

and to Section 6307-63, General Code, a portion of which states:

“\* \* \* (b) The department with reference to state highways, and local authorities with reference to other 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.

“\* \* \* (d) Every operator of a vehicle, street car or trackless trolley shall stop at such sign or at a clearly marked stop line before entering an intersection except when directed to proceed by a police officer or traffic-control signal.”

and to Section 6307-107, General Code, which is in *pari materia* with the above section and provides in part as follows:

“(a) It is a misdemeanor for any person to violate any of the provisions of this act unless such violation is by this act or other law of this state declared to be a felony.

“(b) Every person convicted or found guilty of a misdemeanor for a violation of any of the provisions of this act for which another penalty is not provided shall, for the first offense thereof, be fined not more than \$50.00; and for a second offense

within one year thereafter, not less than \$10.00 nor more than \$100.00, or imprisoned in the county jail or workhouse not more than ten days, or both; and for a third or subsequent offense within one year after the first offense, shall be fined not less than \$25.00 nor more than \$200.00, or imprisoned in the county jail or workhouse not more than thirty days, or both, \* \* \*

You are consequently advised that in my opinion :

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.

2. Operators of motor vehicles who disobey traffic-control devices erected pursuant to law may be arrested and fined in accordance with Section 6307-107, General Code.

Respectfully,

HUGH S. JENKINS,  
Attorney General.