

OHIO DEPARTMENT OF NATURAL RESOURCES
DIVISION OF RECLAMATION

****POLICY/PROCEDURE DIRECTIVE****

REGULATORY 89-3

Subject: Reconstruction of Public Roads - Release of Bond
Effective: June 2, 1989
Purpose: To establish policy on release of bond on public roads that have been mined through and reconstructed.

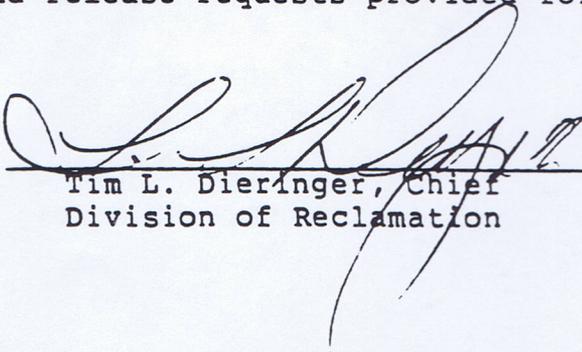
Prior to mining through a public road the permittee must either demonstrate valid existing rights, demonstrate that the operation was in existence on August 3, 1977, or submit an approved road permit.

The Division's permitting policy is not to require plans for the reconstruction of public roads, nor does it require the location of the reconstructed public road be shown on the permit application map. Our regulatory authority under division (D)(4) of the Ohio Revised Code section 1513.073 does not give the Chief the authority to regulate public road reconstruction or location.

For purposes of release of bond the Division's policy is:

1. If the public road is not reconstructed, the bond release request will be approved provided the area requested for release meets the requirements for that bond phase release being requested.
2. If the public road is reconstructed, the area of the road, as defined in division (B) of Ohio Revised Code section 4153.11 (B), will not be evaluated for the requirements of the bond release being requested, provided that the reconstructed road is open to use by the public and is not restricted by gates, cables, earthen barriers, ditches, or other physical means, including signs indicating the road is closed, restricted in use, or other such wording to indicate that the road is not open for use by the public.

This policy applies to pre-interim, interim and permanent program permits and to all bond release requests provided for under those permits.


Tim L. Dieringer, Chief
Division of Reclamation