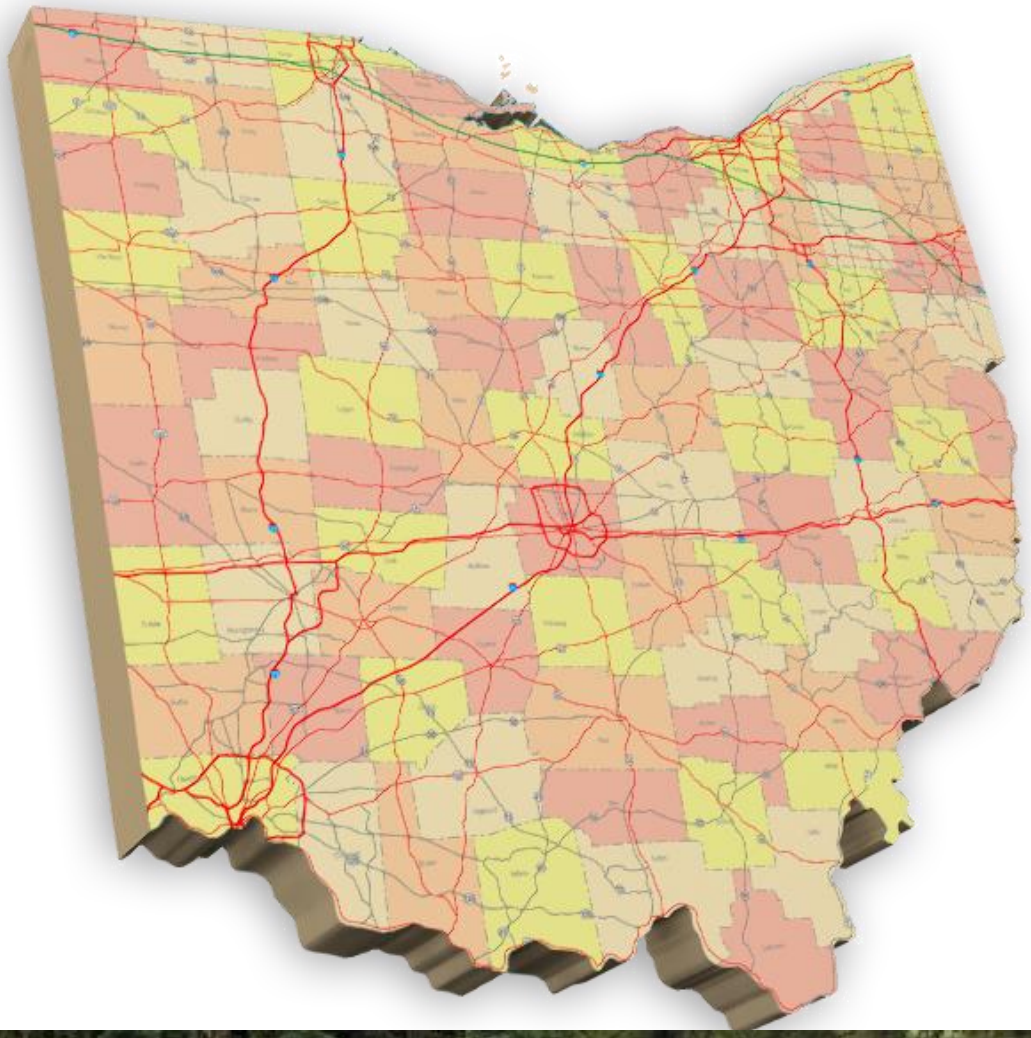
State of Ohio

Roadway Infrastructure Maintenance Responsibility Manual

An All-Inclusive Reference for any person looking to maintain roadway infrastructure in Ohio

December 2012



Roadway Infrastructure Maintenance Responsibility

Background

Over the years there have been events or maintenance situations on roadways and bridges in which questions of responsibility arose. For example, there may be a culvert failing in a village under a state route in which the village assumes that it is the responsibility of the Ohio Department of Transportation (ODOT) to repair the culvert because it is on a state route. On the contrary, ODOT assumes it is the responsibility of the village since it is in a village. These situations arise frequently and, although most cases are solved by a telephone call, it was determined that there is a need for a maintenance responsibility guideline.

As a result of there being no set of published guidelines for roadway infrastructure maintenance, several problems and concerns surface. When responsibility is unclear, it can delay reaction time for repairs, which in turn costs time and money. Also, any pause in dealing with roadway failures has the potential to create a public safety hazard. These maintenance guidelines are meant to help to solve some of these problems. Furthermore, since routine maintenance responsibilities are addressed, this will encourage the responsible entity to keep pace with routine maintenance.

This project set out to address responsibility by creating a reference manual and guideline that helps government agencies and private entities easily determine which roadway infrastructure items they are responsible to maintain.

Introduction

Various forms of these guidelines have informally existed for many years. This document serves to replace those ad hoc documents with one official document that has been researched, reviewed and confirmed by various agencies.

The draft of this document was created by representatives of ODOT, the Department of Administrative Services (DAS) and the State Library as part of a project for the Ohio Certified Public Manager (OCPM) Program. The draft document was then circulated for review and comment to various agencies across the state including:

- ODOT District 12 (northeast Ohio, urban setting)
- ODOT District 10 (southeast Ohio, rural setting)
- ODOT District 7 (west-central Ohio, rural and urban setting)
- ODOT Office of Structural Engineering
- Ohio Township Association - representing township interests
- Ohio Municipal League - representing city and village interests
- Pickaway County Engineer's Office

- Union County Engineer's Office
- Franklin County Engineer's Office

After the review and comment by the aforementioned agencies, the document was reviewed by the Ohio Attorney General's office.

The intent of this document is to offer a complete Roadway Infrastructure Maintenance Responsibility (RIMR) reference complete with legal references and links. There are three main parts to the document:

1) Roadway Infrastructure Maintenance Responsibility Guidelines
2) Bridge Maintenance & Inspection Responsibility Guidelines
3) References to US Code, Ohio Revised Code and the Ohio Attorney General Opinions.

Definitions

The following are definitions used in respect to this document:

Abandoned RR – lands where a railroad once was, either still owned by the RR company or a private owner

Bridge - any structure of ten feet, or more, clear span or ten feet or more diameter on, above, or below a highway, including structures upon which railroad locomotives or cars may travel. (ORC 5501.47)

City – a municipal corporation with a population of 5,000 or more

Community Park Road – private community road, cemetery road, etc. Not owned by any governmental entity

County – county limits / County Engineer

Culvert – any structure below a highway that is not a "bridge" and spans less than 10 feet

Federal Domain – lands owned by the Federal government

Interstate – interstate highway

Local – respective local government

Maintenance – keeping in a state of good repair, proper condition and depends on the object to be maintained and context in which the maintenance is to be performed

Major Maintenance (bridge) - includes the painting of a bridge, and the repair of deteriorated or damaged elements of bridge decks, including emergency patching of bridge decks, to restore the structural integrity of a bridge. (ORC 5501.49)

ODNR – Ohio Department of Natural Resources

ODOT – Ohio Department of Transportation

ORC – Ohio Revised Code

Owner – any private owner of a facility or property

Park – respective park or park district, either public or private

Railroad – any railroad company, public or private

Routine Maintenance (bridge) - includes without limitation, clearing debris from the deck, sweeping, snow and ice removal, minor wearing surface patching, cleaning bridge drainage systems, marking decks for traffic control, minor and emergency repairs to railing and appurtenances, emergency patching of deck, and maintenance of traffic signal and lighting systems, including the supply of electrical power. (ORC 5501.49

State Highway – either State or US route

Toll Bridge – any bridge that charges a toll for use

Toll Road – any roadway that charges a toll for use

Township – township limits / Township Trustees

Turnpike – Ohio Turnpike Commission

USC – United States Code

Village – a municipal corporation with a population of less than 5,000

Roadway Infrastructure Maintenance Responsibility Guidelines *			ROADWAY RESPONSIBILITY												
			Interstate Route	State Route or US Route	County Road	County Road over a Limited Access Highway or Freeway	Township Road	Township Road over a Limited Access Highway or Freeway	City Street	Village Road or Street	Avenue, Boulevard, Drive, Parkway, Alley	Toll Road	State Park Road	Community Park Road	Bike Path
MAINTENANCE ITEM	Pavement Surface Course	Outside of City or Village Corp Limits	ODOT 1, 2	ODOT 3, 4, 5, 6, 7, 8, 9, 10, 11	County 5, 11, 12, 13, 14, 30	County 25, 32	Township 5, 11, 12, 13, 18	Township 25, 32	N/A	N/A	County/Township 11	Toll Road 19, 20	Division of Parks and Recreation 22, 23	Township/ Agreement 24	Owner
		Within City Corp Limits	ODOT[A] 1, 2	City 5, 6, 9, 11	N/A	N/A	N/A	N/A	City 5, 6, 9, 36	N/A	City 36	Toll Road 19, 20	Division of Parks and Recreation 22, 23	City/Agreement	City/Agreement
		Within Village Corp Limits	ODOT[A] 1, 2	Village 5, 6, 9, 11	N/A	N/A	N/A	N/A	N/A	Village 5, 9, 36	Village 36	Toll Road 19, 20	Division of Parks and Recreation 22, 23	Township/ Agreement 24	Township/ Agreement 24
		Within Toll Road Limits	Agreement[##] 1, 2	Agreement[##] 3, 4, 5, 6, 7, 8, 9, 10, 11	Toll Road-Major/County-Routine 17	Toll Road-Major/County-Routine 17	Toll Road-Major/Township-Routine 17	Toll Road-Major/Township-Routine 17	Agreement[##] 6, 19, 20	N/A	N/A	Toll Road 19, 20	N/A	N/A	N/A
		Within Railroad R/W Limits	ODOT[B] 1, 2	Railroad 15, 16	Railroad 15, 16	Railroad 15, 16	Railroad 15, 16	Railroad 15, 16	Railroad 15, 16	Railroad 15, 16	Railroad 15, 16	Railroad 15, 16	Railroad 15, 16	Railroad 15, 16	Railroad 15, 16
	Full Depth Pavement	Outside of City or Village Corp Limits	ODOT 1, 2	ODOT 3, 4, 5, 6, 7, 8, 9, 10, 11	County 5, 11, 12, 13, 14	ODOT *** 1, 2, 4, 25, 33	Township 5, 11, 12, 13, 18	ODOT *** 1, 2, 4, 25, 33	N/A	N/A	County/Township 11	Toll Road 19, 20	Division of Parks and Recreation 22, 23	Township/ Agreement 24	Owner
		Within City Corp Limits	ODOT[A] 1, 2	City 6, 9, 5, 11	N/A	N/A	N/A	N/A	City 5, 6, 9, 36	N/A	City 36	Toll Road 19, 20	Division of Parks and Recreation 22, 23	City/Agreement	City/Agreement
		Within Village Corp Limits	ODOT[A] 1, 2	Village 5, 6, 9, 11	N/A	N/A	N/A	N/A	N/A	Village 5, 9, 36	Village 36	Toll Road 19, 20	Division of Parks and Recreation 22, 23	Township/ Agreement 24	Township/ Agreement 24
		Within Toll Road Limits	Agreement[##] 1, 2	Agreement[##] 3, 4, 5, 6, 7, 8, 9, 10, 11	Toll Road-Major/County-Routine 17	Toll Road-Major/County-Routine 17	Toll Road-Major/Township-Routine 17	Toll Road-Major/Township-Routine 17	Agreement[##] 6, 17, 19, 20, 36	N/A	N/A	Toll Road 19, 20	N/A	N/A	N/A
		Within Railroad R/W Limits	ODOT[B] 1, 2	Railroad 15, 16	Railroad 15, 16	Railroad 15, 16	Railroad 15, 16	Railroad 15, 16	Railroad 15, 16	Railroad 15, 16	Railroad 15, 16	Railroad 15, 16	Railroad 15, 16	Railroad 15, 16	Railroad 15, 16
	Roadway Appurtenance**	Outside of City or Village Corp Limits	ODOT 1, 2	ODOT 3, 4, 5, 6, 7, 8, 9, 10, 11, 25, 26, 27, 28, 33	County 5, 11,12, 13, 14	ODOT *** 1, 2, 4, 25, 33	Township 5, 11, 12, 13, 18, 31	ODOT *** 1, 2, 3, 4, 25	N/A	N/A	County/Township 11	Toll Road 19, 20	Division of Parks and Recreation 22, 23	Township/ Agreement 24	Owner
		Within City Corp Limits	ODOT[A] 1, 2	City 5, 6, 9, 11	N/A	N/A	N/A	N/A	City 5, 6, 9, 36	N/A	City 36	Toll Road 19, 20	Division of Parks and Recreation 22, 23	City/Agreement	City/Agreement
		Within Village Corp Limits	ODOT[A] 1, 2	Village 5, 6, 9, 11	N/A	N/A	N/A	N/A	N/A	Village 5, 9, 36	Village 36	Toll Road 19, 20	Division of Parks and Recreation 22, 23	Township/ Agreement 24	Township/ Agreement 24
		Within Toll Road Limits	Agreement[##] 1, 2	Agreement[##] 3, 4, 5, 6, 7, 8, 9, 10, 11	Toll Road-Major/County-Routine 17	Toll Road-Major/County-Routine 17	Toll Road-Major/Township-Routine 17	Toll Road-Major/Township-Routine 17	Agreement[##] 6, 17, 19, 20, 36	N/A	N/A	Toll Road 19, 20	N/A	N/A	N/A
		Within Railroad R/W Limits	ODOT[B] 1, 2	Railroad 15, 16	Railroad 15, 16	Railroad 15, 16	Railroad 15, 16	Railroad 15, 16	Railroad 15, 16	Railroad 15, 16	Railroad 15, 16	Railroad 15, 16	Railroad 15, 16	Railroad 15, 16	Railroad 15, 16
	Miscellaneous Roadway Items #	Outside of City or Village Corp Limits	ODOT 1, 2	ODOT 3, 4, 5, 6, 7, 8, 9, 10, 11	County 5, 11, 12, 13, 14	County 25, 33	Township 5, 11, 12, 13, 18	Township 25, 33	N/A	N/A	County/Township 11	Toll Road 19, 20	Division of Parks and Recreation 22, 23	Township/ Agreement 24	Owner
		Within City Corp Limits	ODOT[A] 1, 2	City 5, 6, 9, 11	N/A	N/A	N/A	N/A	City 5, 6, 9, 36	N/A	City 36	Toll Road 19, 20	Division of Parks and Recreation 22, 23	City/Agreement	City/Agreement
		Within Village Corp Limits	ODOT[A] 1, 2	Village 5, 6, 9, 11	N/A	N/A	N/A	N/A	N/A	Village 5, 9, 36	Village 36	Toll Road 19, 20	Division of Parks and Recreation 22, 23	Township/ Agreement 24	Township/ Agreement 24
		Within Toll Road Limits	Agreement[##] 1, 2	Agreement[##] 3, 4, 5, 6, 7, 8, 9, 10, 11	Toll Road-Major/County-Routine 17	Toll Road-Major/County-Routine 17	Toll Road-Major/Township-Routine 17	Toll Road-Major/Township-Routine 17	Agreement[##] 6, 19, 20, 36	N/A	N/A	Toll Road 19, 20	N/A	N/A	N/A
		Within Railroad R/W Limits	ODOT[B] 1, 2, 37	Railroad 15, 16, 37	Railroad 15, 16, 37	Railroad 15, 16, 37	Railroad 15, 16, 37	Railroad 15, 16, 37	Railroad 15, 16, 37	Railroad 15, 16, 37	Railroad 15, 16, 37	Railroad 15, 16, 37	Railroad 15, 16, 37	Railroad 15, 16, 37	Railroad 15, 16, 37

Roadway Infrastructure Maintenance Responsibility Guidelines *			ROADWAY RESPONSIBILITY												
			Interstate Route	State Route or US Route	County Road	County Road over a Limited Access Highway or Freeway	Township Road	Township Road over a Limited Access Highway or Freeway	City Street	Village Road or Street	Avenue, Boulevard, Drive, Parkway, Alley	Toll Road	State Park Road	Community Park Road	Bike Path
MAINTENANCE ITEM	Standard Longitudinal Pavement Marking	Outside of City or Village Corp Limits	ODOT 1, 2	ODOT 5, 9	County 5, 12, 13, 11, 14	ODOT *** 1, 2, 4, 25, 33	Township 5, 11, 12, 13, 18	ODOT *** 1, 2, 4, 25, 33	N/A	N/A	County/Township 11	Toll Road 19, 20	Division of Parks and Recreation 22, 23	Township/ Agreement 24	Owner
		Within City Corp Limits	ODOT[A] 1, 2	City 5, 9	N/A	N/A	N/A	N/A	City 5, 6, 9, 36	N/A	City 36	Toll Road 19, 20	Division of Parks and Recreation 22, 23	City/Agreement	City/Agreement
		Within Village Corp Limits	ODOT[A] 1, 2	ODOT 5, 9	N/A	N/A	N/A	N/A	N/A	Village 5, 9, 36	Village 36	Toll Road 19, 20	Division of Parks and Recreation 22, 23	Township/ Agreement 24	Township/ Agreement 24
		Within Toll Road Limits	Agreement[##] 1, 2	Agreement[##] 5, 9	Toll Road-Major/County-Routine 17	Toll Road-Major/County-Routine 17	Toll Road-Major/Township-Routine 17	Toll Road-Major/Township-Routine 17	Agreement[##] 6, 17, 19, 20, 36	N/A	N/A	Toll Road 19, 20	N/A	N/A	N/A
		Within Railroad R/W Limits	ODOT[B] 1, 2	Railroad 15, 16	Railroad 15, 16	Railroad 15, 16	Railroad 15, 16	Railroad 15, 16	Railroad 15, 16	Railroad 15, 16	Railroad 15, 16	Railroad 15, 16	Railroad 15, 16	Railroad 15, 16	Railroad 15, 16
	Route Marker Signs****	Outside of City or Village Corp Limits	ODOT 1, 2	ODOT 6	County 5, 11, 12, 13, 14	ODOT *** 1, 2, 4, 25, 33	Township 5, 11, 12, 13, 18	ODOT *** 1, 2, 4, 25, 33	N/A	N/A	County/Township 5, 11, 12, 13, 18	Toll Road 19, 20	Division of Parks and Recreation 22, 23	Township/ Agreement 24	Owner
		Within City Corp Limits	ODOT[A] 1, 2	ODOT 6	N/A	N/A	.	N/A	City/ODOT**** 5, 6, 9, 36	N/A	City 5, 6, 9, 36	Toll Road 19, 20	Division of Parks and Recreation 22, 23	City/Agreement	City/Agreement
		Within Village Corp Limits	ODOT[A] 1, 2	ODOT 6	N/A	N/A	N/A	N/A	N/A	Village/ODOT**** 6, 9	Village 6, 9	Toll Road 19, 20	Division of Parks and Recreation 22, 23	Township/ Agreement 24	Township/ Agreement 24
		Within Toll Road Limits	Agreement[##] 1, 2	Agreement[##] 17	Toll Road-Major/County-Routine 17	Toll Road-Major/County-Routine 17	Toll Road-Major/Township-Routine 17	Toll Road-Major/Township-Routine 17	Agreement[##] 6, 17, 19, 20, 36	N/A	N/A	Toll Road 19, 20	N/A	N/A	N/A
		Within Railroad R/W Limits	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	Regulatory & Warning Signs	Outside of City or Village Corp Limits	ODOT 1, 2	ODOT 5, 9	County 5, 11, 12, 13, 14	ODOT *** 1, 2, 4, 25, 33	Township 5, 11, 12, 13, 18	ODOT *** 1, 2, 4, 25, 33	N/A	N/A	County/Township 5, 11, 12, 13, 18	Toll Road 19, 20	Division of Parks and Recreation 22, 23	Township/ Agreement 24	Owner
		Within City Corp Limits	ODOT[A] 1, 2	City 5, 9	N/A	N/A	N/A	N/A	City 5, 6, 9, 36	N/A	City 5, 6, 9, 36	Toll Road 19, 20	Division of Parks and Recreation 22, 23	City/Agreement	City/Agreement
		Within Village Corp Limits	ODOT[A] 1, 2	ODOT**** 5, 9	N/A	N/A	N/A	N/A	N/A	Village 6, 9	Village 6, 9	Toll Road 19, 20	Division of Parks and Recreation 22, 23	Township/ Agreement 24	Township/ Agreement 24
		Within Toll Road Limits	Agreement[##] 1, 2	Agreement[##] 5, 9	Toll Road-Major/County-Routine 17	Toll Road-Major/County-Routine 17	Toll Road-Major/Township-Routine 17	Toll Road-Major/Township-Routine 17	Agreement[##] 6, 19, 20, 36	N/A	N/A	Toll Road 19, 20	N/A	N/A	N/A
		Within Railroad R/W Limits	ODOT[B] 1, 2	Railroad 15, 16	Railroad 15, 16	Railroad 15, 16	Railroad 15, 16	Railroad 15, 16	Railroad 15, 16	Railroad 15, 16	Railroad 15, 16	Railroad 15, 16	Railroad 15, 16	Railroad 15, 16	Railroad 15, 16
	School Flashers, including applicable pavement markings and signs	Outside of City or Village Corp Limits	N/A	ODOT 5, 9	County 5, 11, 12, 13, 14	ODOT ***/ Agreement 5, 11, 12, 13, 14	Township 5, 11, 12, 13, 18	ODOT ***/ Agreement 5, 11, 12, 13, 18	N/A	N/A	County/Township 5, 11, 12, 13, 18	N/A	N/A	N/A	N/A
		Within City Corp Limits	N/A	City 5, 9	N/A	N/A	N/A	N/A	City 5, 6, 9, 36	N/A	City 5, 6, 9, 36	N/A	N/A	N/A	N/A
		Within Village Corp Limits	N/A	ODOT 5, 9	N/A	N/A	N/A	N/A	N/A	Village/ODOT **** 6, 9	Village 6, 9	N/A	N/A	N/A	N/A
		Within Toll Road Limits	N/A	ODOT 5, 9	County 5, 11, 12, 13, 14	County 5, 11, 12, 13, 14	Township 5, 11, 12, 13, 18	Township 5, 11, 12, 13, 18	City 5, 6, 9, 36	N/A	N/A	N/A	N/A	N/A	N/A
		Within Railroad R/W Limits	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A

Roadway Infrastructure Maintenance Responsibility Guidelines *			ROADWAY RESPONSIBILITY												
			Interstate Route	State Route or US Route	County Road	County Road over a Limited Access Highway or Freeway	Township Road	Township Road over a Limited Access Highway or Freeway	City Street	Village Road or Street	Avenue, Boulevard, Drive, Parkway, Alley	Toll Road	State Park Road	Community Park Road	Bike Path
MAINTENANCE ITEM	Traffic Signal, including applicable pavement markings and signs	Outside of City or Village Corp Limits	ODOT	ODOT	County	ODOT ***	Township	ODOT ***	N/A	N/A	County/Township	Toll Road	N/A	N/A	N/A
			1, 2	3, 4, 5, 6, 7, 8, 9, 10, 11, 38, 39	5, 11, 12, 13, 14	1, 2, 4, 25, 33	5, 11, 12, 13, 18	1, 2, 4, 25, 33			11	19, 20			
		Within City Corp Limits	ODOT[A]	City	N/A	N/A	N/A	N/A	City	N/A	City	Toll Road	N/A	N/A	N/A
			1, 2	5, 6, 9, 11, 38, 39					5, 6, 9, 36		36	19, 20			
		Within Village Corp Limits	ODOT[A]	Village	N/A	N/A	N/A	N/A	N/A	Village	Village	Toll Road	N/A	N/A	N/A
			1, 2	5, 6, 9, 11, 38, 39						5, 9, 36	36	19, 20			
		Within Toll Road Limits	Agreement[##]	Agreement[##]	Toll Road-Major/County-Routine	Toll Road-Major/County-Routine	Toll Road-Major/Township-Routine	Toll Road-Major/Township-Routine	Agreement[##]	N/A	N/A	Toll Road	N/A	N/A	N/A
			1, 2	3, 4, 5, 6, 7, 8, 9, 10, 11	17	17	17	17	6, 19, 20, 36			19, 20			
		Within Railroad R/W Limits	ODOT[B]	ODOT[C]	County[4]	N/A	Township[4]	N/A	City[4]	Village[4]	N/A	Toll Road[4]	Division of Parks and Recreation[4]	N/A	N/A
			1, 2	3, 4, 5, 6, 7, 8, 9, 10, 11	5, 11, 12, 13, 14		5, 11, 12, 13, 18		5, 6, 9, 36	5, 9, 36		19, 20	22, 23		
	Speed Limits****	Outside of City or Village Corp Limits	ODOT****	ODOT****	Statutory limits by ****	Statutory limits by ****	Statutory limits by ****	Statutory limits by ****	N/A	N/A	Statutory limits by ****	Toll Road	Division of Parks and Recreation	Statutory limits by ****	Owner
			1, 2	21	21	21	21	21			21	19, 20	22, 23	21	
		Within City Corp Limits	ODOT[A]****	Statutory limits by	N/A	N/A	N/A	N/A	Statutory limits by ****	N/A	Statutory limits by ****	Toll Road	Division of Parks and Recreation	Statutory limits by ****	City/Agreement
			1, 2						21		21	19, 20	22, 23	21	
		Within Village Corp Limits	ODOT[A]****	Statutory limits by	N/A	N/A	N/A	N/A	N/A	Statutory limits by ****	Statutory limits by ****	Toll Road	Division of Parks and Recreation	Statutory limits by ****	Township/ Agreement
			1, 2							21	21	19, 20	22, 23	21	24
		Within Toll Road Limits	ODOT ****	Toll Road	Statutory limits by ****	Statutory limits by ****	Statutory limits by ****	Statutory limits by ****	N/A	N/A	N/A	Toll Road	N/A	N/A	N/A
			1, 2		21	21	21	21				19, 20			
		Within Railroad R/W Limits	ODOT[B]****	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
			1, 2												
	Culverts (Less than 10' span)	Outside of City or Village Corp Limits	ODOT	ODOT	County	ODOT ***	Township	ODOT ***	N/A	N/A	County/Township	Toll Road	Division of Parks and Recreation	Township/ Agreement	Owner
			1, 2	3, 4, 5, 6, 7, 8, 9, 10, 11, 25, 29, 33, 34, 35	5, 11, 12, 13, 14, 35	1, 2, 4, 25, 33, 34, 35	5, 11, 12, 13, 18, 35	1, 2, 4, 25, 33, 34, 35			11	19, 20	22, 23	24	
		Within City Corp Limits	ODOT[A]	City	N/A	N/A	N/A	N/A	City	N/A	City	Toll Road	Division of Parks and Recreation	City/Agreement	City/Agreement
			1, 2	5, 6, 9, 11					5, 6, 9, 36		36	19, 20	22, 23		
		Within Village Corp Limits	ODOT[A]	Village	N/A	N/A	N/A	N/A	N/A	Village	Village	Toll Road	Division of Parks and Recreation	Township/ Agreement	Township/ Agreement
			1, 2	5, 6, 9, 11, 35						5, 9, 36	36	19, 20	22, 23	24	24
		Within Toll Road Limits	Agreement[##]	Agreement[##]	Toll Road-Major/County-Routine	Toll Road-Major/County-Routine	Toll Road-Major/Township-Routine	Toll Road-Major/Township-Routine	Agreement[##]	N/A	N/A	Toll Road	N/A	N/A	N/A
			1, 2	3, 4, 5, 6, 7, 8, 9, 10, 11	17	17	17	17	6, 19, 20, 36			19, 20			
		Within Railroad R/W Limits	ODOT[B]	Railroad	Railroad	Railroad	Railroad	Railroad	Railroad	Railroad	Railroad	Railroad	Railroad	Railroad	Railroad
			1, 2	15, 16	15, 16	15, 16	15, 16	15, 16	15, 16	15, 16	15, 16	15, 16	15, 16	15, 16	15, 16

*** Any of the above may be replaced by a maintenance agreement**

ODOT[A] Unless a maintenance agreement exists

ODOT[B] Government Agency to obtain permission from Railroad

** Roadway Appurtenance include but not limited to: curbs; drainage items (catch basins, manholes, storm sewer, underdrains); highway lighting; roadway shoulders/berm; guardrail; cable rail; barrier wall; noise walls, sidewalks and crosswalks; barrier reflectors; raised pavement markers; fencing (right-of-way, chain link, pedestrian); embankments and or cut slopes. This list is not intended to be all inclusive. Maintenance agreements can and may exist that transfers maintenance responsibility. Per 5501.11 OAG2006-51 "Appurtenances" to a state highway are objects that are necessary accessories to the state highway.

*** Limits of maintenance responsibility begin/end where the improved roadway leaves/rejoins the preconstruction road grade or at the Rights-of-Way limits used to construct the improvement

**** Route markers should not be confused with trailblazer signs. ODOT is responsible for supplying trailblazer signs but the city, village or toll road is responsible for installing, maintaining and repairing all trailblazers signs considered necessary. ODOT Traffic Engineering Manual 260-4.2 (2c)

Miscellaneous Roadway items: mowing and vegetation management; non-regulatory/warning signs; snow removal; fencing (fencing requested by government agency above a standard design (ie: decorative); road kill pickup and disposal. This list is not intended to be all inclusive. Maintenance agreements can and may exist that transfers maintenance responsibility.

Note: Where sections of the ORC state "the Director may..." The "Director may" shall be interpreted that the responsible government agency (ie. Village) should offically request ODOT to do the work through legislation and have a signed MR 689 form on file. "The Director may... " should not be interpreted as "the Director shall/should".

Maintenance agreements are typically made at the time when new construction is about to take place. One factor that impacts maintenance responsibility is which facility was there first. The facility that is constructed after the first typically is responsible for the majority of the maintenance responsibility.

References

1) 23 USC 101
2) 23 USC 116
3) ORC 5501.01
4) ORC 5501.11
5) ORC 5501.31
6) ORC 5511.01
7) ORC 5511.02
8) ORC 5511.03
9) ORC 5521.01
10) ORC 5535.07
11) ORC 5535.08
12) ORC 5517.04
13) ORC 5535.01
14) ORC 5591.36
15) ORC 5523.19
16) ORC 5561.16
17) ORC 5537.17; OAG 1953-2916
18) ORC 5571.02
19) ORC 5537.03
20) ORC 5537.17
21) ORC 4511.21
22) ORC 1541.22
23) ORC 5511.06
24) ORC 511.34
25) ORC 5501.11; OAG 1960-1841
26) ORC 5543.16; OAG 1982-025
27) ORC5571.02; OAG 1981-039
28) ORC 5543.10; OAG 1986-080
29) ORC 5501.11; OAG 1994-025
30) ORC 5553.03; OAG 1994-032
31) ORC 5589.06; OAG 1994-061
32) ORC 5501.11; OAG 2006-051
33) ORC 5501.11; OAG 2012-009
34) ORC 5501.11; OAG 1960-1371
35) ORC 5501.11; OAG 1982-025
36) ORC 723.01
37) ORC 4955.36
38) ORC 4511.11
39) ORC 4511.65

BRIDGE RESPONSIBILITIES: OUTSIDE OF MUNICIPALITIES

			Highway Traffic											Non Highway Traffic				
Feature Over →			Ohio Conservancy	County	ODNR	ODOT (US or State Route)	ODOT (Interstate)	Other	Park District	State (other, no toll)	Toll (private)	Turnpike	Township	Aband. RR	Non-Highway	Other	Pedestrian and/or Bike	Railroad
Feature Under ↓																		
Highway	County	ROUTINE MAJOR INSPECT	N/A	COUNTY(9) COUNTY(9) COUNTY(9)	N/A	ODOT(1) ODOT(1) ODOT(3)	ODOT(2) ODOT(2) ODOT(3)	OWNER OWNER OWNER	N/A	N/A	N/A	SEE NOTE	TWP(12) TWP(12) COUNTY(9)	OWNER OWNER COUNTY (9)	N/A	OWNER OWNER OWNER	OWNER OWNER OWNER	RR(5) RR(5) RR(6)
	Non-Highway	ROUTINE MAJOR INSPECT	N/A	N/A	N/A	ODOT(1) ODOT(1) ODOT(3)	ODOT(2) ODOT(2) ODOT(3)	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	OWNER OWNER OWNER	N/A
	ODNR	ROUTINE MAJOR INSPECT	N/A	N/A	N/A	ODOT(1) ODOT(1) ODOT(3)	ODOT(2) ODOT(2) ODOT(3)	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	OWNER OWNER OWNER	N/A	N/A
	ODOT (US or State Route)	ROUTINE MAJOR INSPECT	N/A	COUNTY(7) ODOT(7) ODOT(3)	N/A	ODOT(1) ODOT(1) ODOT(3)	ODOT(2) ODOT(2) ODOT(3)	OWNER OWNER OWNER/ODOT(3)	N/A	N/A	TOLL TOLL ODOT/TOLL(11)	SEE NOTE	TWP(7) ODOT(7) ODOT(3)	OWNER OWNER OWNER/ODOT(3)	OWNER OWNER OWNER/ODOT(3)	OWNER OWNER OWNER/ODOT(3)	OWNER OWNER ODOT(3)	RR(5) RR(5) ODOT/RR(6)
	ODOT (Interstate)	ROUTINE MAJOR INSPECT	N/A	ODOT(2) ODOT(2) ODOT(3)	N/A	ODOT(1) ODOT(1) ODOT(3)	ODOT(2) ODOT(2) ODOT(3)	OWNER OWNER ODOT(3)	N/A	N/A	TOLL TOLL ODOT/TOLL(11)	SEE NOTE	ODOT(2) ODOT(2) ODOT(3)	OWNER OWNER OWNER/ODOT(3)	OWNER OWNER OWNER/ODOT(3)	OWNER OWNER OWNER/ODOT(3)	OWNER OWNER ODOT(3)	RR(5) RR(5) ODOT/RR(6)
	Other	ROUTINE MAJOR INSPECT	N/A	COUNTY(9) COUNTY(9) COUNTY(9)	N/A	ODOT(1) ODOT(1) ODOT(3)	ODOT(2) ODOT(2) ODOT(3)	N/A	N/A	N/A	N/A	SEE NOTE	TWP(12) TWP(12) COUNTY(9)	N/A	N/A	N/A	N/A	N/A
	Park District	ROUTINE MAJOR INSPECT	N/A	COUNTY(9) COUNTY(9) COUNTY(9)	N/A	ODOT(1) ODOT(1) ODOT(3)	ODOT(2) ODOT(2) ODOT(3)	N/A	N/A	N/A	N/A	N/A	TWP(12) TWP(12) COUNTY(9)	N/A	N/A	N/A	OWNER OWNER OWNER/PARK	N/A
	State (other, no toll)	ROUTINE MAJOR INSPECT	N/A	N/A	N/A	ODOT(1) ODOT(1) ODOT(3)	ODOT(2) ODOT(2) ODOT(3)	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	Toll (private)	ROUTINE MAJOR INSPECT	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	TOLL TOLL TOLL(11)	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	Turnpike	ROUTINE MAJOR INSPECT	N/A	SEE NOTE	N/A	SEE NOTE	SEE NOTE	N/A	SEE NOTE	N/A	SEE NOTE	SEE NOTE	SEE NOTE	N/A	N/A	SEE NOTE	SEE NOTE	SEE NOTE
	Township	ROUTINE MAJOR INSPECT	N/A	COUNTY(9) COUNTY(9) COUNTY(9)	N/A	ODOT(1) ODOT(1) ODOT(3)	ODOT(2) ODOT(2) ODOT(3)	N/A	N/A	N/A	N/A	SEE NOTE	TWP(12) TWP(12) COUNTY(9)	N/A	N/A	OWNER OWNER OWNER	OWNER OWNER OWNER	RR(5) RR(5) RR(6)
Non Highway	Other	ROUTINE MAJOR INSPECT	N/A	COUNTY(9) COUNTY(9) COUNTY(9)	N/A	ODOT(1) ODOT(1) ODOT(3)	ODOT(2) ODOT(2) ODOT(3)	N/A	N/A	N/A	N/A	SEE NOTE	TWP(12) TWP(12) COUNTY(9)	NOT A BRIDGE PER ORC 5501.47	NOT A BRIDGE PER ORC 5501.47	NOT A BRIDGE PER ORC 5501.47	NOT A BRIDGE PER ORC 5501.47	N/A
	Pedestrian and/or Bike	ROUTINE MAJOR INSPECT	N/A	COUNTY(9) COUNTY(9) COUNTY(9)	N/A	ODOT(1) ODOT(1) ODOT(3)	ODOT(2) ODOT(2) ODOT(3)	N/A	N/A	N/A	N/A	N/A	TWP(12) TWP(12) COUNTY(9)	NOT A BRIDGE PER ORC 5501.47	NOT A BRIDGE PER ORC 5501.47	NOT A BRIDGE PER ORC 5501.47	NOT A BRIDGE PER ORC 5501.47	N/A
	Railroad	ROUTINE MAJOR INSPECT	N/A	COUNTY(5) COUNTY(5)* COUNTY(9)	ODNR(5) ODNR(5)* ODOT#	ODOT(1) ODOT(1)* ODOT(3)	ODOT(2) ODOT(2)* ODOT(3)	OWNER(5) OWNER(5)* OWNER	PARK(5) PARK(5)* PARK	N/A	TOLL TOLL* TOLL(11)	SEE NOTE	TWP(12) TWP(12)* COUNTY(9)	NOT A BRIDGE PER ORC 5501.47	NOT A BRIDGE PER ORC 5501.47	NOT A BRIDGE PER ORC 5501.47	NOT A BRIDGE PER ORC 5501.47	N/A
	Relief (Aband. RR)	ROUTINE MAJOR INSPECT	N/A	COUNTY(9) OWNER COUNTY(9)	N/A	ODOT(1) ODOT(1) ODOT(3)	ODOT(2) ODOT(2) ODOT(3)	N/A	N/A	N/A	N/A	N/A	TWP(12) TWP(12) COUNTY(9)	NOT A BRIDGE PER ORC 5501.47	NOT A BRIDGE PER ORC 5501.47	NOT A BRIDGE PER ORC 5501.47	NOT A BRIDGE PER ORC 5501.47	N/A
	Waterway	ROUTINE MAJOR INSPECT	CONSERV CONSERV CONSERV	COUNTY(9) COUNTY(9) COUNTY(9)	ODNR ODNR ODOT#	ODOT(1) ODOT(1) ODOT(3)	ODOT(2) ODOT(2) ODOT(3)	OWNER OWNER OWNER	PARK PARK PARK	ODOT(1) ODOT(1) ODOT(3)	TOLL TOLL TOLL(11)	SEE NOTE	TWP(12) TWP(12) COUNTY(9)	NOT A BRIDGE PER ORC 5501.47	NOT A BRIDGE PER ORC 5501.47	NOT A BRIDGE PER ORC 5501.47	NOT A BRIDGE PER ORC 5501.47	RR(5) RR(5) RR(6)

Notes:

Any **maintenance agreement** superceeds responsibilities noted in this matrix

Often times the maintenance responsibility of an overhead bridge rests on who constructed the bridge

All "shared" inspections are not defined by ORC, but are "safety" inspections per policy

* Responsibility is dependant of who constructed the bridge

\# By Agreement

BRIDGE RESPONSIBILITIES: INSIDE OF MUNICIPALITIES

			Highway Traffic										Non Highway Traffic					
Feature Over →			County**	Municipal	ODNR	ODOT (US or State Route)	ODOT (Interstate)	Other	Park District	State (other, no toll)	Toll (private)	Turnpike	Aband. RR	Building / Plaza	Non-Highway	Other	Pedestrian and/or Bike	Railroad
Feature Under ↓																		
Highway	County**	ROUTINE	COUNTY(9)	LOCAL(7)	N/A	LOCAL(4)	ODOT(2)	OWNER	N/A	N/A	N/A	SEE NOTE	N/A	N/A	N/A	OWNER	OWNER	RR(5)
		MAJOR	COUNTY(9)	LOCAL(7)		ODOT(4)	ODOT(2)	OWNER								OWNER	OWNER	RR(5)
		INSPECT	COUNTY(9)	LOCAL(7)		ODOT(3)	ODOT(3)	OWNER/COUNTY								OWNER/COUNTY	OWNER/COUNTY	COUNTY/RR(6)
	Municipal	ROUTINE	COUNTY(9)	LOCAL(7)	N/A	LOCAL(4)	ODOT(2)	OWNER	N/A	N/A	N/A	SEE NOTE	N/A	OWNER	N/A	OWNER	N/A	N/A
		MAJOR	COUNTY(9)	LOCAL(7)		ODOT(4)	ODOT(2)	OWNER						OWNER		OWNER		
		INSPECT	COUNTY(9)	LOCAL(7)		ODOT(3)	ODOT(3)	OWNER/LOCAL						OWNER/LOCAL		OWNER/LOCAL		
	Non-Highway	ROUTINE	N/A	LOCAL(7)	N/A	LOCAL(4)	ODOT(2)	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	OWNER	N/A
		MAJOR		LOCAL(7)		ODOT(4)	ODOT(2)										OWNER	
		INSPECT		LOCAL(7)		ODOT(3)	ODOT(3)										OWNER	
	ODNR	ROUTINE	N/A	N/A	N/A	LOCAL(4)	ODOT(2)	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
		MAJOR				ODOT(4)	ODOT(2)											
		INSPECT				ODOT(3)	ODOT(3)											
	ODOT (US or State Route)	ROUTINE	COUNTY(4)	LOCAL(4)	N/A	LOCAL(4)	ODOT(2)	OWNER	N/A	N/A	TOLL	SEE NOTE	OWNER	OWNER	OWNER	OWNER	OWNER	RR(5)
		MAJOR	ODOT(4)	ODOT(4)		ODOT(4)	ODOT(2)	OWNER			TOLL		OWNER	OWNER	OWNER	OWNER	OWNER	RR(5)
		INSPECT	ODOT(3)	ODOT(3)		ODOT(3)	ODOT(3)	OWNER/ODOT(3)			ODOT/TOLL(11)		OWNER/ODOT(3)	OWNER/ODOT(3)	OWNER/ODOT(3)	OWNER/ODOT(3)	OWNER/ODOT(3)	ODOT/RR(6)
	ODOT (Interstate)	ROUTINE	ODOT(2)	ODOT(2)	N/A	LOCAL(4)	ODOT(2)	OWNER	N/A	N/A	TOLL	SEE NOTE	OWNER	OWNER	OWNER	OWNER	OWNER	RR(5)
		MAJOR	ODOT(4)	ODOT(4)		ODOT(4)	ODOT(2)	OWNER			TOLL		OWNER	OWNER	OWNER	OWNER	OWNER	RR(5)
		INSPECT	ODOT(3)	ODOT(3)		ODOT(3)	ODOT(3)	OWNER/ODOT(3)			ODOT/TOLL(11)		OWNER/ODOT(3)	OWNER/ODOT(3)	OWNER/ODOT(3)	OWNER/ODOT(3)	OWNER/ODOT(3)	ODOT/RR(6)
	Other	ROUTINE	N/A	LOCAL(7)	N/A	LOCAL(4)	ODOT(2)	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
		MAJOR		LOCAL(7)		ODOT(4)	ODOT(2)											
		INSPECT		LOCAL(7)		ODOT(3)	ODOT(3)											
	Park District	ROUTINE	N/A	LOCAL(7)	N/A	LOCAL(4)	ODOT(2)	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
		MAJOR		LOCAL(7)		ODOT(4)	ODOT(2)											
		INSPECT		LOCAL(7)		ODOT(3)	ODOT(3)											
	State (other, no toll)	ROUTINE	N/A	N/A	N/A	LOCAL(4)	ODOT(2)	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
		MAJOR				ODOT(4)	ODOT(2)											
		INSPECT				ODOT(3)	ODOT(3)											
	Toll (private)	ROUTINE	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	TOLL	N/A	N/A	N/A	N/A	N/A	N/A	N/A
		MAJOR									TOLL							
		INSPECT									TOLL(11)							
	Turnpike	ROUTINE	SEE NOTE	N/A	N/A	SEE NOTE	SEE NOTE	N/A	SEE NOTE	N/A	N/A	SEE NOTE	N/A	N/A	N/A	SEE NOTE	SEE NOTE	SEE NOTE
		MAJOR																
		INSPECT																
Non Highway	Other	ROUTINE	COUNTY(9)	LOCAL(7)	N/A	LOCAL(4)	ODOT(2)	N/A	N/A	N/A	N/A	N/A	NOT A	NOT A	NOT A	NOT A	NOT A	N/A
		MAJOR	COUNTY(9)	LOCAL(7)		ODOT(4)	ODOT(2)						BRIDGE PER	BRIDGE PER	BRIDGE PER	BRIDGE PER	BRIDGE PER	
		INSPECT	COUNTY(9)	LOCAL(7)		ODOT(3)	ODOT(3)						ORC 5501.47	ORC 5501.47	ORC 5501.47	ORC 5501.47	ORC 5501.47	
	Pedestrian and/or Bike	ROUTINE	COUNTY(9)	LOCAL(7)	N/A	LOCAL(4)	ODOT(2)	N/A	N/A	LOCAL(4)	N/A	N/A	NOT A	NOT A	NOT A	NOT A	NOT A	RR(5)
		MAJOR	COUNTY(9)	LOCAL(7)		ODOT(4)	ODOT(2)			ODOT(4)			BRIDGE PER	BRIDGE PER	BRIDGE PER	BRIDGE PER	BRIDGE PER	RR(5)
		INSPECT	COUNTY(9)	LOCAL(7)		ODOT(3)	ODOT(3)			ODOT(3)			ORC 5501.47	ORC 5501.47	ORC 5501.47	ORC 5501.47	ORC 5501.47	RR(6)
	Railroad	ROUTINE	COUNTY(5)	LOCAL(5)	N/A	LOCAL(4)	ODOT(2)	OWNER(5)	PARK(5)	N/A	TOLL(5)	SEE NOTE	NOT A	NOT A	NOT A	NOT A	NOT A	N/A
		MAJOR	COUNTY(5)*	LOCAL(5*)		ODOT(4)*	ODOT(2)*	OWNER(5)*	PARK(5)*		TOLL(5)*		BRIDGE PER	BRIDGE PER	BRIDGE PER	BRIDGE PER	BRIDGE PER	
		INSPECT	COUNTY(9)	LOCAL(7)		ODOT(3)	ODOT(3)	OWNER/RR	PARK		RR/TOLL(11)		ORC 5501.47	ORC 5501.47	ORC 5501.47	ORC 5501.47	ORC 5501.47	
	Relief (Aband. RR)	ROUTINE	COUNTY(9)	LOCAL(7)	N/A	LOCAL(4)	ODOT(2)	N/A	N/A	N/A	N/A	N/A	NOT A	NOT A	NOT A	NOT A	NOT A	N/A
		MAJOR	COUNTY(9)	LOCAL(7)		ODOT(4)	ODOT(2)						BRIDGE PER	BRIDGE PER	BRIDGE PER	BRIDGE PER	BRIDGE PER	
		INSPECT	COUNTY(9)	LOCAL(7)		ODOT(3)	ODOT(3)						ORC 5501.47	ORC 5501.47	ORC 5501.47	ORC 5501.47	ORC 5501.47	
	Waterway	ROUTINE	COUNTY(9)	LOCAL(7)	ODNR	LOCAL(4)	ODOT(2)	OWNER	PARK	LOCAL(4)	TOLL	SEE NOTE	NOT A	NOT A	NOT A	NOT A	NOT A	RR(5)
		MAJOR	COUNTY(9)	LOCAL(7)	ODNR	ODOT(4)	ODOT(2)	OWNER	PARK	ODOT(4)	TOLL		BRIDGE PER	BRIDGE PER	BRIDGE PER	BRIDGE PER	BRIDGE PER	RR(5)
		INSPECT	COUNTY(9)	LOCAL(7)	ODOT#	ODOT(3)	ODOT(3)	OWNER	PARK	ODOT(3)	TOLL(11)		ORC 5501.47	ORC 5501.47	ORC 5501.47	ORC 5501.47	ORC 5501.47	RR(6)

Notes:

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Often times the maintenance responsibility of an overhead bridge rests on who constructed the bridge

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BRIDGE RESPONSIBILITY MATRIX DEFINITIONS

Abbrviations:

COUNTY	respective County Engineer
CONSERV	Ohio Conservancy District
FED	Federal Government
LOCAL	entity that maintains the roadway on either side of the bridge
ODNR	Ohio Dept. of Natural Resources
ODOT	Ohio Dept. of Transportation
OTHER	utilitiy structure, facility structure, etc.
OWNER	owner of the structure
PARK	respective park district
RR	respective railroad company
T'PIKE	Ohio Turnpike Commision

BRIDGE "Bridge" means any structure of ten feet or more clear span or ten feet or more diameter on, above, or below a highway, including structures upon which railroad locomotives or cars may travel. (ORC 5501.47)

MAJOR MAINTENANCE* "Major maintenance" includes the painting of a bridge, and the repair of deteriorated or damaged elements of bridge decks, including emergency patching of bridge decks, to restore the structural

ROUNTINE MAINTENANCE* "Routine maintenance" includes without limitation, clearing debris from the deck, sweeping, snow and ice removal, minor wearing surface patching, cleaning bridge drainage systems, marking decks for traffic control, minor and emergency repairs to railing and appurtenances, emergency patching of deck, and maintenance of traffic signal and lighting systems, including the supply of electrical power. (ORC 5501.49) "Routine maintenance" includes, without limitation, clearing debris, sweeping, snow and ice removal, wearing surface improvements, marking for traffic control, box culverts, drainage facilities including headwalls and underdrains, inlets, catch basins and grates, guardrails, minor and emergency repairs to railing and appurtenances, and emergency patching. (5537.051)

* The terms "Routine Maintenance" and "Major Maintenance" as used in this matrix apply only when referring to the State DOT relationship with Locals within Municipalities and with the relationship between Turnpike Bridges and any entity.

References:

1) ORC 5501.11
2) 23 USC 116 (a)
3) ORC 5501.47
4) ORC 5501.49
5) ORC 4957.24 ORC 4957.06
6) ORC 4907.44
7) 5501.01 – OAG 1960-1841 ORC 5501.11 OAG 2006-051
8) ORC 5537.17
9) ORC 5591.02 ORC 5591.21 ORC 5591.23 ORC 5591.24 ORC 5591.25 ORC 5543.01
10) 23 CFR 650 C
11) ORC 5537.17
12) OAG 1994-025

Notes:

Turnpike The ORC states that any bridge part of a Turnpike project is to be inspected and maintained by the Turnpike. Structures on or under the Turnpike depend upon who and when the structure was built. Also, The Ohio turnpike commission is responsible for the major maintenance and repair and replacement of failed grade separations (that had closed one or more roads as of January 1, 2011). The governmental entity with jurisdiction over the county or township road is responsible for routine maintenance of such failed grade separations. Repair shall commence not later than July 1, 2011 and be completed before December 31, 2014.

RR Railroad Companies have Inspection Responsibility (and maintenance) for all of their bridges in the State (49 CFR part 237 (FRA), ORC 4907.44); All entities responsible for the public traffic underneath a non-public or non-vehicular bridge, like RR traffic, do a "Safety" or Cursory Inspection in order to ensure that the public on their route is safe.

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APPRENDIX A - LEGAL REFERENCES

OHIO REVISED CODE

Counties

Engineer

315.13 Emergency repairs - county engineer's emergency repair fund.

The county engineer shall make all emergency repairs on all roads, bridges, and culverts in the county, including state highways, and shall keep on hand at all times a supply of material for the purposes of making such repairs. Upon report to the engineer of any road or bridge in the county needing immediate attention, such engineer shall, if he deems it an emergency repair, proceed at once to make such repair by force account, without preparing plans, specifications, estimates of cost, or forms of contract.

The board of county commissioners may appropriate a sum of money each year sufficient to enable the county engineer to carry out this section. Such sum shall constitute the "county engineer's emergency repair fund." All expenses incurred in employing extra help or in purchasing materials used in such repairs shall be paid from such fund on vouchers signed by the engineer.

Necessary repairs, the total cost of which is not more than five thousand dollars, shall be deemed as necessary for emergency repairs.

Effective Date: 10-27-1981

Townships

Memorial Buildings; Halls; Parks

511.34 Care and maintenance of parks - tax levy.

In townships composed of islands, and on one of which islands lands have been conveyed in trust for the benefit of the inhabitants of the island for use as a park, and a board of park trustees has been provided for the control of the park, the board of township trustees may create a tax district of the island to raise funds by taxation as provided under divisions (A) and (B) of this section.

(A) For the care and maintenance of parks on the island, the board of township trustees annually may levy a tax, not to exceed one mill, upon all the taxable property in the district. The tax shall be in addition to all other levies authorized by law, and subject to no limitation on tax rates except as provided in this division.

The proceeds of the tax levy shall be expended by the board of township trustees for the purpose of the care and maintenance of the parks, and shall be paid out of the township treasury upon the orders of the board of park trustees.

(B) For the purpose of acquiring additional land for use as a park, the board of township trustees may levy a tax in excess of the ten-mill limitation on all taxable property in the district. The tax shall be proposed by resolution adopted by two-thirds of the members of the board of township trustees. The resolution shall specify the purpose and rate of the tax and the number of years the tax will be levied, which shall not exceed five years, and which may include a levy on the current tax list and duplicate. The resolution shall go into immediate effect upon its passage, and no publication of the resolution is necessary other than that provided for in the notice of election. The board of township trustees shall

certify a copy of the resolution to the proper board of elections not later than ninety days before the primary or general election in the township, and the board of elections shall submit the question of the tax to the voters of the district at the succeeding primary or general election. The board of elections shall make the necessary arrangements for the submission of the question to the electors of the district, and the election shall be conducted, canvassed, and certified in the same manner as regular elections in the township for the election of officers. Notice of the election shall be published in a newspaper of general circulation in the township once a week for two consecutive weeks, or as provided in section 7.16 of the Revised Code prior to the election . If the board of elections operates and maintains a web site, notice of the election also shall be posted on that web site for thirty days prior to the election. The notice shall state the purpose of the tax, the proposed rate of the tax expressed in dollars and cents for each one hundred dollars of valuation and mills for each one dollar of valuation, the number of years the tax will be in effect, the first year the tax will be levied, and the time and place of the election.

The form of the ballots cast at an election held under this division shall be as follows:

"An additional tax for the benefit of ..... (name of the township) for the purpose of acquiring additional park land at a rate of ..... mills for each one dollar of valuation, which amounts to ..... (rate expressed in dollars and cents) for each one hundred dollars of valuation, for ..... (number of years the levy is to run) beginning in ..... (first year the tax will be levied).

FOR THE TAX LEVY

AGAINST THE TAX LEVY "

The question shall be submitted as a separate proposition but may be printed on the same ballot with any other proposition submitted at the same election other than the election of officers. More than one such question may be submitted at the same election.

If the levy is approved by a majority of electors voting on the question, the board of elections shall certify the result of the election to the tax commissioner. In the first year of the levy, the tax shall be extended on the tax lists after the February settlement following the election. If the tax is to be placed on the tax lists of the current year as specified in the resolution, the board of elections shall certify the result of the election immediately after the canvass to the board of township trustees, which shall forthwith make the necessary levy and certify the levy to the county auditor, who shall extend the levy on the tax lists for collection. After the first year of the levy, the levy shall be included in the annual tax budget that is certified to the county budget commission.

Amended by 129th General Assembly File No. 28, HB 153, § 101.01, eff. 9/29/2011.

Amended by 128th General Assembly File No. 29, HB 48, § 1, eff. 7/2/2010.

Effective Date: 06-01-1998; 06-01-2006

Municipal Corporations

Streets; Public Grounds

723.01 Legislative authority to have care, supervision, and control of public roads, grounds and bridges.

Municipal corporations shall have special power to regulate the use of the streets. Except as provided in section 5501.49 of the Revised Code, the legislative authority of a municipal corporation shall have the care, supervision, and control of the public highways, streets, avenues, alleys, sidewalks, public

grounds, bridges, aqueducts, and viaducts within the municipal corporation. The liability or immunity from liability of a municipal corporation for injury, death, or loss to person or property allegedly caused by a failure to perform the responsibilities imposed by this section shall be determined pursuant to divisions (A) and (B)(3) of section 2744.02 of the Revised Code.

Effective Date: 04-09-2003

723.33 Legislative authority may require bridge or railway to be lighted.

The legislative authority of a municipal corporation, when it deems it necessary to have a bridge or railways, or any part thereof, located in whole or in part in the municipal corporation, and owned, possessed, or operated by an individual, company, association, or corporation, lighted, shall pass an ordinance for that purpose requiring such individual, company, association, or corporation to light such bridge or railway within a specified time, but it shall not require such railway or portion thereof to be lighted with electric arc lights.

Effective Date: 10-01-1953

723.54 Inspection of bridges.

The legislative authority of a municipality shall designate a municipal official to have responsibility for inspection of all or portions of bridges within such municipality, except for bridges on the state highway system and the county highway system.

This section does not prohibit the municipality from inspecting any bridge within its limits.

Such inspection shall be made at least annually by a professional engineer or other qualified person under the supervision of a professional engineer, or more frequently if required by the legislative authority, in accordance with the manual of bridge inspection described in section 5501.47 of the Revised Code. The legislative authority may contract for inspection services.

The municipal official responsible for inspection shall maintain an updated inventory record of all bridges in the municipality and indicate on such inventory record who is responsible for inspection and maintenance, and the authority for such responsibilities.

He shall report the condition of all bridges to the municipal legislative authority not later than sixty days after his annual inspection, or shall report more frequently if required by the legislative authority. Any bridge for which the municipality has inspection or maintenance responsibility which, at any time, is found to be in a condition that is or may be a potential danger to life or property shall be identified in reports, and if such official determines that the condition of such a bridge represents an immediate danger he shall immediately report the condition to the legislative authority. With respect to those bridges where there exists joint maintenance responsibility, the municipal official shall furnish a copy of his report to each party responsible for a share of maintenance.

“Maintenance” as used in this section means actual performance of maintenance work.

Effective Date: 11-20-1985

Conservation of Natural Resources

Division of Parks and Recreations

1541.22 State park fund.

The chief of the division of parks and recreation shall collect all rentals from leases of state lands and moneys for pipe permits, dock licenses, concession fees, and special privileges of any nature from all lands and waters operated and administered by the division of parks and recreation. The chief shall keep a record of all such payments showing the amounts received, from whom, and for what purpose collected. All such payments shall be credited to the state park fund, which is hereby created in the state treasury, except such revenues required to be set aside or paid into depositories or trust funds for the payment of bonds issued under sections 1501.12 to 1501.15 of the Revised Code, and to maintain the required reserves therefor as provided in the orders authorizing the issuance of such bonds or the trust agreements securing such bonds, and except such revenues required to be paid and credited pursuant to the bond proceedings applicable to obligations issued pursuant to section 154.22 of the Revised Code. All moneys derived from the operation of the lands, waters, facilities, and equipment by the division, except such revenues required to be set aside or paid into depositories or trust funds for the payment of bonds issued under sections 1501.12 to 1501.15 of the Revised Code, and to maintain the required reserves therefor as provided in the orders authorizing the issuance of such bonds or the trust agreements securing such bonds, and except such revenues required to be paid and credited pursuant to the bond proceedings applicable to obligations issued pursuant to section 154.22 of the Revised Code, shall accrue to the credit of the state park fund.

Except as otherwise provided in division (B) of this section and in sections 154.22, 1501.11, and 1501.14 of the Revised Code, such fund shall not be expended for any purpose other than the administration, operation, maintenance, development, and utilization of lands and waters, and for facilities and equipment incident thereto, administered by the division, or for the further purchase of lands and waters by the state for park and recreational purposes.

(B) The chief shall use moneys in the fund from the issuance of Ohio state parks license plates under section 4503.575 of the Revised Code only to pay the costs of state park interpretive and educational programs and displays and the development and operation of state park interpretive centers.

Effective Date: 02-27-1987; 03-23-2005

Motor Vehicles – Aeronautics – Watercraft

Traffic laws – Operation of Motor Vehicles

4511.11 Local conformity to manual for uniform system of traffic control devices.

(A) Local authorities in their respective jurisdictions shall place and maintain traffic control devices in accordance with the department of transportation manual for a uniform system of traffic control devices, adopted under section 4511.09 of the Revised Code, upon highways under their jurisdiction as are necessary to indicate and to carry out sections 4511.01 to 4511.76 and 4511.99 of the Revised Code, local traffic ordinances, or to regulate, warn, or guide traffic.

(B) The director of transportation may require to be removed any traffic control device that does not conform to the manual for a uniform system of traffic control devices on the extensions of the state highway system within municipal corporations.

(C) No village shall place or maintain any traffic control signal upon an extension of the state highway system within the village without first obtaining the permission of the director. The director may revoke the permission and may require to be removed any traffic control signal that has been erected without the director's permission on an extension of a state highway within a village, or that, if erected under a permit granted by the director, does not conform to the state manual , or that is not operated in accordance with the terms of the permit.

(D) All traffic control devices erected on any street, highway, alley, bikeway, or private road open to public travel shall conform to the state manual .

(E) No person, firm, or corporation shall sell or offer for sale to local authorities any traffic control device that does not conform to the state manual , except by permission of the director.

(F) No local authority shall purchase or manufacture any traffic control device that does not conform to the state manual , except by permission of the director.

(G) Whoever violates division (E) of this section is guilty of a misdemeanor of the third degree.

Amended by 129th General Assembly File No. 70, HB 349, § 1, eff. 4/20/2012.

Effective Date: 01-01-2004

4511.21 Speed limits - assured clear distance.

(A) No person shall operate a motor vehicle, trackless trolley, or streetcar at a speed greater or less than is reasonable or proper, having due regard to the traffic, surface, and width of the street or highway and any other conditions, and no person shall drive any motor vehicle, trackless trolley, or streetcar in and upon any street or highway at a greater speed than will permit the person to bring it to a stop within the assured clear distance ahead.

(B) It is prima-facie lawful, in the absence of a lower limit declared or established pursuant to this section by the director of transportation or local authorities, for the operator of a motor vehicle, trackless trolley, or streetcar to operate the same at a speed not exceeding the following:

(1)(a) Twenty miles per hour in school zones during school recess and while children are going to or leaving school during the opening or closing hours, and when twenty miles per hour school speed limit signs are erected; except that, on controlled-access highways and expressways, if the right-of-way line fence has been erected without pedestrian opening, the speed shall be governed by division (B)(4) of this section and on freeways, if the right-of-way line fence has been erected without pedestrian opening, the speed shall be governed by divisions (B)(9) and (10) of this section. The end of every school zone may be marked by a sign indicating the end of the zone. Nothing in this section or in the manual and specifications for a uniform system of traffic control devices shall be construed to require school zones to be indicated by signs equipped with flashing or other lights, or giving other special notice of the hours in which the school zone speed limit is in effect.

(b) As used in this section and in section 4511.212 of the Revised Code, “school” means any school chartered under section 3301.16 of the Revised Code and any nonchartered school that during the preceding year filed with the department of education in compliance with rule 3301-35-08 of the Ohio Administrative Code, a copy of the school’s report for the parents of the school’s pupils certifying that the school meets Ohio minimum standards for nonchartered, nontax-supported schools and presents evidence of this filing to the jurisdiction from which it is requesting the establishment of a school zone. “School” also includes a special elementary school that in writing requests the county engineer of the county in which the special elementary school is located to create a school zone at the location of that school. Upon receipt of such a written request, the county engineer shall create a school zone at that location by erecting the appropriate signs.

(c) As used in this section, “school zone” means that portion of a street or highway passing a school fronting upon the street or highway that is encompassed by projecting the school property lines to the fronting street or highway, and also includes that portion of a state highway. Upon request from local authorities for streets and highways under their jurisdiction and that portion of a state highway under the jurisdiction of the director of transportation or a request from a county engineer in the case of a school zone for a special elementary school, the director may extend the traditional school zone boundaries. The distances in divisions (B)(1)(c)(i), (ii), and (iii) of this section shall not exceed three hundred feet per approach per direction and are bounded by whichever of the following distances or combinations thereof the director approves as most appropriate:

(i) The distance encompassed by projecting the school building lines normal to the fronting highway and extending a distance of three hundred feet on each approach direction;

(ii) The distance encompassed by projecting the school property lines intersecting the fronting highway and extending a distance of three hundred feet on each approach direction;

(iii) The distance encompassed by the special marking of the pavement for a principal school pupil crosswalk plus a distance of three hundred feet on each approach direction of the highway.

Nothing in this section shall be construed to invalidate the director’s initial action on August 9, 1976, establishing all school zones at the traditional school zone boundaries defined by projecting school property lines, except when those boundaries are extended as provided in divisions (B)(1)(a) and (c) of this section.

(d) As used in this division, “crosswalk” has the meaning given that term in division (LL)(2) of section 4511.01 of the Revised Code.

The director may, upon request by resolution of the legislative authority of a municipal corporation, the board of trustees of a township, or a county board of developmental disabilities created pursuant to Chapter 5126. of the Revised Code, and upon submission by the municipal corporation, township, or county board of such engineering, traffic, and other information as the director considers necessary, designate a school zone on any portion of a state route lying within the municipal corporation, lying within the unincorporated territory of the township, or lying adjacent to the property of a school that is operated by such county board, that includes a crosswalk customarily used by children going to or leaving a school during recess and opening and closing hours, whenever the distance, as measured in a straight line, from the school property line nearest the crosswalk to the nearest point of the crosswalk is no more than one thousand three hundred twenty feet. Such a school zone shall include the distance encompassed by the crosswalk and extending three hundred feet on each approach direction of the state route.

(e) As used in this section, “special elementary school” means a school that meets all of the following criteria:

(i) It is not chartered and does not receive tax revenue from any source.

(ii) It does not educate children beyond the eighth grade.

(iii) It is located outside the limits of a municipal corporation.

(iv) A majority of the total number of students enrolled at the school are not related by blood.

(v) The principal or other person in charge of the special elementary school annually sends a report to the superintendent of the school district in which the special elementary school is located indicating the total number of students enrolled at the school, but otherwise the principal or other person in charge does not report any other information or data to the superintendent.

(2) Twenty-five miles per hour in all other portions of a municipal corporation, except on state routes outside business districts, through highways outside business districts, and alleys;

(3) Thirty-five miles per hour on all state routes or through highways within municipal corporations outside business districts, except as provided in divisions (B)(4) and (6) of this section;

(4) Fifty miles per hour on controlled-access highways and expressways within municipal corporations;

(5) Fifty-five miles per hour on highways outside municipal corporations, other than highways within island jurisdictions as provided in division (B)(8) of this section and freeways as provided in divisions (B)(13) and (14) of this section;

(6) Fifty miles per hour on state routes within municipal corporations outside urban districts unless a lower prima-facie speed is established as further provided in this section;

(7) Fifteen miles per hour on all alleys within the municipal corporation;

(8) Thirty-five miles per hour on highways outside municipal corporations that are within an island jurisdiction;

(9) Fifty-five miles per hour at all times on freeways with paved shoulders inside municipal corporations, other than freeways as provided in divisions (B)(13) and (14) of this section;

(10) Fifty-five miles per hour at all times on freeways outside municipal corporations, other than freeways as provided in divisions (B)(13) and (14) of this section;

(11) Fifty-five miles per hour at all times on all portions of freeways that are part of the interstate system and on all portions of freeways that are not part of the interstate system, but are built to the standards and specifications that are applicable to freeways that are part of the interstate system for operators of any motor vehicle weighing in excess of eight thousand pounds empty weight and any noncommercial bus, except as provided in division (B)(14) of this section;

(12) Fifty-five miles per hour for operators of any motor vehicle weighing eight thousand pounds or less empty weight and any commercial bus at all times on all portions of freeways that are part of the interstate system and that had such a speed limit established prior to October 1, 1995, and freeways that are not part of the interstate system, but are built to the standards and specifications that are applicable to freeways that are part of the interstate system and that had such a speed limit established prior to October 1, 1995, unless a higher speed limit is established under division (L) of this section;

(13) Sixty-five miles per hour for operators of any motor vehicle weighing eight thousand pounds or less empty weight and any commercial bus at all times on all portions of the following:

(a) Freeways that are part of the interstate system and that had such a speed limit established prior to October 1, 1995, and freeways that are not part of the interstate system, but are built to the standards and specifications that are applicable to freeways that are part of the interstate system and that had such a speed limit established prior to October 1, 1995;

(b) Freeways that are part of the interstate system and freeways that are not part of the interstate system but are built to the standards and specifications that are applicable to freeways that are part of the interstate system, and that had such a speed limit established under division (L) of this section;

(c) Rural, divided, multi-lane highways that are designated as part of the national highway system under the "National Highway System Designation Act of 1995," 109 Stat. 568, 23 U.S.C.A. 103, and that had such a speed limit established under division (M) of this section.

(14) Sixty-five miles per hour at all times on all portions of freeways that are part of the interstate system and that had such a speed limit on the effective date of this amendment for operators of any motor vehicle weighing in excess of eight thousand pounds empty weight and any noncommercial bus.

(C) It is prima-facie unlawful for any person to exceed any of the speed limitations in divisions (B)(1)(a), (2), (3), (4), (6), (7), and (8) of this section, or any declared or established pursuant to this section by the director or local authorities and it is unlawful for any person to exceed any of the speed limitations in division (D) of this section. No person shall be convicted of more than one violation of this section for the same conduct, although violations of more than one provision of this section may be charged in the alternative in a single affidavit.

(D) No person shall operate a motor vehicle, trackless trolley, or streetcar upon a street or highway as follows:

(1) At a speed exceeding fifty-five miles per hour, except upon a freeway as provided in divisions (B)(13) and (14) of this section;

(2) At a speed exceeding sixty-five miles per hour upon a freeway as provided in divisions (B)(13) and (14) of this section;

(3) If a motor vehicle weighing in excess of eight thousand pounds empty weight or a noncommercial bus as prescribed in division (B)(11) of this section, at a speed exceeding fifty-five miles per hour upon a freeway as provided in that division;

(4) At a speed exceeding the posted speed limit upon a freeway for which the director has determined and declared a speed limit of not more than sixty-five miles per hour pursuant to division (L)(2) or (M) of this section;

(5) At a speed exceeding sixty-five miles per hour upon a freeway for which such a speed limit has been established through the operation of division (L)(3) of this section;

(6) At a speed exceeding the posted speed limit upon a freeway for which the director has determined and declared a speed limit pursuant to division (I)(2) of this section.

(E) In every charge of violation of this section the affidavit and warrant shall specify the time, place, and speed at which the defendant is alleged to have driven, and in charges made in reliance upon division (C) of this section also the speed which division (B)(1)(a), (2), (3), (4), (6), (7), or (8) of, or a limit declared or established pursuant to, this section declares is prima-facie lawful at the time and place of such alleged violation, except that in affidavits where a person is alleged to have driven at a greater speed than will permit the person to bring the vehicle to a stop within the assured clear distance ahead the affidavit and warrant need not specify the speed at which the defendant is alleged to have driven.

(F) When a speed in excess of both a prima-facie limitation and a limitation in division (D)(1), (2), (3), (4), (5), or (6) of this section is alleged, the defendant shall be charged in a single affidavit, alleging a single act, with a violation indicated of both division (B)(1)(a), (2), (3), (4), (6), (7), or (8) of this section, or of a limit declared or established pursuant to this section by the director or local authorities, and of the limitation in division (D)(1), (2), (3), (4), (5), or (6) of this section. If the court finds a violation of division (B)(1)(a), (2), (3), (4), (6), (7), or (8) of, or a limit declared or established pursuant to, this section has occurred, it shall enter a judgment of conviction under such division and dismiss the charge under division (D)(1), (2), (3), (4), (5), or (6) of this section. If it finds no violation of division (B)(1)(a), (2), (3), (4), (6), (7), or (8) of, or a limit declared or established pursuant to, this section, it shall then consider whether the evidence supports a conviction under division (D)(1), (2), (3), (4), (5), or (6) of this section.

(G) Points shall be assessed for violation of a limitation under division (D) of this section in accordance with section 4510.036 of the Revised Code.

(H) Whenever the director determines upon the basis of a geometric and traffic characteristic study that any speed limit set forth in divisions (B)(1)(a) to (D) of this section is greater or less than is reasonable or safe under the conditions found to exist at any portion of a street or highway under the jurisdiction of the director, the director shall determine and declare a reasonable and safe prima-facie speed limit, which shall be effective when appropriate signs giving notice of it are erected at the location.

(I)(1) Except as provided in divisions (I)(2) and (K) of this section, whenever local authorities determine upon the basis of an engineering and traffic investigation that the speed permitted by divisions (B)(1)(a) to (D) of this section, on any part of a highway under their jurisdiction, is greater than is reasonable and safe under the conditions found to exist at such location, the local authorities may by resolution request the director to determine and declare a reasonable and safe prima-facie speed limit. Upon receipt of such request the director may determine and declare a reasonable and safe prima-facie speed limit at such location, and if the director does so, then such declared speed limit shall become effective only when appropriate signs giving notice thereof are erected at such location by the local authorities. The director may withdraw the declaration of a prima-facie speed limit whenever in the director's opinion the altered prima-facie speed becomes unreasonable. Upon such withdrawal, the declared prima-facie speed shall become ineffective and the signs relating thereto shall be immediately removed by the local authorities.

(2) A local authority may determine on the basis of a geometric and traffic characteristic study that the speed limit of sixty-five miles per hour on a portion of a freeway under its jurisdiction that was

established through the operation of division (L)(3) of this section is greater than is reasonable or safe under the conditions found to exist at that portion of the freeway. If the local authority makes such a determination, the local authority by resolution may request the director to determine and declare a reasonable and safe speed limit of not less than fifty-five miles per hour for that portion of the freeway. If the director takes such action, the declared speed limit becomes effective only when appropriate signs giving notice of it are erected at such location by the local authority.

(J) Local authorities in their respective jurisdictions may authorize by ordinance higher prima-facie speeds than those stated in this section upon through highways, or upon highways or portions thereof where there are no intersections, or between widely spaced intersections, provided signs are erected giving notice of the authorized speed, but local authorities shall not modify or alter the basic rule set forth in division (A) of this section or in any event authorize by ordinance a speed in excess of fifty miles per hour.

Alteration of prima-facie limits on state routes by local authorities shall not be effective until the alteration has been approved by the director. The director may withdraw approval of any altered prima-facie speed limits whenever in the director's opinion any altered prima-facie speed becomes unreasonable, and upon such withdrawal, the altered prima-facie speed shall become ineffective and the signs relating thereto shall be immediately removed by the local authorities.

(K)(1) As used in divisions (K)(1), (2), (3), and (4) of this section, "unimproved highway" means a highway consisting of any of the following:

(a) Unimproved earth;

(b) Unimproved graded and drained earth;

(c) Gravel.

(2) Except as otherwise provided in divisions (K)(4) and (5) of this section, whenever a board of township trustees determines upon the basis of an engineering and traffic investigation that the speed permitted by division (B)(5) of this section on any part of an unimproved highway under its jurisdiction and in the unincorporated territory of the township is greater than is reasonable or safe under the conditions found to exist at the location, the board may by resolution declare a reasonable and safe prima-facie speed limit of fifty-five but not less than twenty-five miles per hour. An altered speed limit adopted by a board of township trustees under this division becomes effective when appropriate traffic control devices, as prescribed in section 4511.11 of the Revised Code, giving notice thereof are erected at the location, which shall be no sooner than sixty days after adoption of the resolution.

(3)(a) Whenever, in the opinion of a board of township trustees, any altered prima-facie speed limit established by the board under this division becomes unreasonable, the board may adopt a resolution withdrawing the altered prima-facie speed limit. Upon the adoption of such a resolution, the altered prima-facie speed limit becomes ineffective and the traffic control devices relating thereto shall be immediately removed.

(b) Whenever a highway ceases to be an unimproved highway and the board has adopted an altered prima-facie speed limit pursuant to division (K)(2) of this section, the board shall, by resolution, withdraw the altered prima-facie speed limit as soon as the highway ceases to be unimproved. Upon

the adoption of such a resolution, the altered prima-facie speed limit becomes ineffective and the traffic control devices relating thereto shall be immediately removed.

(4)(a) If the boundary of two townships rests on the centerline of an unimproved highway in unincorporated territory and both townships have jurisdiction over the highway, neither of the boards of township trustees of such townships may declare an altered prima-facie speed limit pursuant to division (K)(2) of this section on the part of the highway under their joint jurisdiction unless the boards of township trustees of both of the townships determine, upon the basis of an engineering and traffic investigation, that the speed permitted by division (B)(5) of this section is greater than is reasonable or safe under the conditions found to exist at the location and both boards agree upon a reasonable and safe prima-facie speed limit of less than fifty-five but not less than twenty-five miles per hour for that location. If both boards so agree, each shall follow the procedure specified in division (K)(2) of this section for altering the prima-facie speed limit on the highway. Except as otherwise provided in division (K)(4)(b) of this section, no speed limit altered pursuant to division (K)(4)(a) of this section may be withdrawn unless the boards of township trustees of both townships determine that the altered prima-facie speed limit previously adopted becomes unreasonable and each board adopts a resolution withdrawing the altered prima-facie speed limit pursuant to the procedure specified in division (K)(3)(a) of this section.

(b) Whenever a highway described in division (K)(4)(a) of this section ceases to be an unimproved highway and two boards of township trustees have adopted an altered prima-facie speed limit pursuant to division (K)(4)(a) of this section, both boards shall, by resolution, withdraw the altered prima-facie speed limit as soon as the highway ceases to be unimproved. Upon the adoption of the resolution, the altered prima-facie speed limit becomes ineffective and the traffic control devices relating thereto shall be immediately removed.

(5) As used in division (K)(5) of this section:

(a) “Commercial subdivision” means any platted territory outside the limits of a municipal corporation and fronting a highway where, for a distance of three hundred feet or more, the frontage is improved with buildings in use for commercial purposes, or where the entire length of the highway is less than three hundred feet long and the frontage is improved with buildings in use for commercial purposes.

(b) “Residential subdivision” means any platted territory outside the limits of a municipal corporation and fronting a highway, where, for a distance of three hundred feet or more, the frontage is improved with residences or residences and buildings in use for business, or where the entire length of the highway is less than three hundred feet long and the frontage is improved with residences or residences and buildings in use for business.

Whenever a board of township trustees finds upon the basis of an engineering and traffic investigation that the prima-facie speed permitted by division (B)(5) of this section on any part of a highway under its jurisdiction that is located in a commercial or residential subdivision, except on highways or portions thereof at the entrances to which vehicular traffic from the majority of intersecting highways is required to yield the right-of-way to vehicles on such highways in obedience to stop or yield signs or traffic control signals, is greater than is reasonable and safe under the conditions found to exist at the location, the board may by resolution declare a reasonable and safe prima-facie speed limit of less than fifty-five but not less than twenty-five miles per hour at the location. An altered speed limit adopted by a board of township trustees under this division shall become effective when appropriate signs giving notice thereof are erected at the location by the township. Whenever, in the opinion of a

board of township trustees, any altered prima-facie speed limit established by it under this division becomes unreasonable, it may adopt a resolution withdrawing the altered prima-facie speed, and upon such withdrawal, the altered prima-facie speed shall become ineffective, and the signs relating thereto shall be immediately removed by the township.

(L)(1) Within one hundred twenty days of February 29, 1996, the director of transportation, based upon a geometric and traffic characteristic study of a freeway that is part of the interstate system or that is not part of the interstate system, but is built to the standards and specifications that are applicable to freeways that are part of the interstate system, in consultation with the director of public safety and, if applicable, the local authority having jurisdiction over a portion of such freeway, may determine and declare that the speed limit of less than sixty-five miles per hour established on such freeway or portion of freeway either is reasonable and safe or is less than that which is reasonable and safe.

(2) If the established speed limit for such a freeway or portion of freeway is determined to be less than that which is reasonable and safe, the director of transportation, in consultation with the director of public safety and, if applicable, the local authority having jurisdiction over the portion of freeway, shall determine and declare a reasonable and safe speed limit of not more than sixty-five miles per hour for that freeway or portion of freeway.

The director of transportation or local authority having jurisdiction over the freeway or portion of freeway shall erect appropriate signs giving notice of the speed limit at such location within one hundred fifty days of February 29, 1996. Such speed limit becomes effective only when such signs are erected at the location.

(3) If, within one hundred twenty days of February 29, 1996, the director of transportation does not make a determination and declaration of a reasonable and safe speed limit for a freeway or portion of freeway that is part of the interstate system or that is not part of the interstate system, but is built to the standards and specifications that are applicable to freeways that are part of the interstate system and that has a speed limit of less than sixty-five miles per hour, the speed limit on that freeway or portion of a freeway shall be sixty-five miles per hour. The director of transportation or local authority having jurisdiction over the freeway or portion of the freeway shall erect appropriate signs giving notice of the speed limit of sixty-five miles per hour at such location within one hundred fifty days of February 29, 1996. Such speed limit becomes effective only when such signs are erected at the location. A speed limit established through the operation of division (L)(3) of this section is subject to reduction under division (I)(2) of this section.

(M) Within three hundred sixty days after February 29, 1996, the director of transportation, based upon a geometric and traffic characteristic study of a rural, divided, multi-lane highway that has been designated as part of the national highway system under the "National Highway System Designation Act of 1995," 109 Stat. 568, 23 U.S.C.A. 103, in consultation with the director of public safety and, if applicable, the local authority having jurisdiction over a portion of the highway, may determine and declare that the speed limit of less than sixty-five miles per hour established on the highway or portion of highway either is reasonable and safe or is less than that which is reasonable and safe.

If the established speed limit for the highway or portion of highway is determined to be less than that which is reasonable and safe, the director of transportation, in consultation with the director of public safety and, if applicable, the local authority having jurisdiction over the portion of highway, shall determine and declare a reasonable and safe speed limit of not more than sixty-five miles per hour for

that highway or portion of highway. The director of transportation or local authority having jurisdiction over the highway or portion of highway shall erect appropriate signs giving notice of the speed limit at such location within three hundred ninety days after February 29, 1996. The speed limit becomes effective only when such signs are erected at the location.

(N)(1)(a) If the boundary of two local authorities rests on the centerline of a highway and both authorities have jurisdiction over the highway, the speed limit for the part of the highway within their joint jurisdiction shall be either one of the following as agreed to by both authorities:

(i) Either prima-facie speed limit permitted by division (B) of this section;

(ii) An altered speed limit determined and posted in accordance with this section.

(b) If the local authorities are unable to reach an agreement, the speed limit shall remain as established and posted under this section.

(2) Neither local authority may declare an altered prima-facie speed limit pursuant to this section on the part of the highway under their joint jurisdiction unless both of the local authorities determine, upon the basis of an engineering and traffic investigation, that the speed permitted by this section is greater than is reasonable or safe under the conditions found to exist at the location and both authorities agree upon a uniform reasonable and safe prima-facie speed limit of less than fifty-five but not less than twenty-five miles per hour for that location. If both authorities so agree, each shall follow the procedure specified in this section for altering the prima-facie speed limit on the highway, and the speed limit for the part of the highway within their joint jurisdiction shall be uniformly altered. No altered speed limit may be withdrawn unless both local authorities determine that the altered prima-facie speed limit previously adopted becomes unreasonable and each adopts a resolution withdrawing the altered prima-facie speed limit pursuant to the procedure specified in this section.

(O) As used in this section:

(1) “Interstate system” has the same meaning as in 23 U.S.C.A. 101.

(2) “Commercial bus” means a motor vehicle designed for carrying more than nine passengers and used for the transportation of persons for compensation.

(3) “Noncommercial bus” includes but is not limited to a school bus or a motor vehicle operated solely for the transportation of persons associated with a charitable or nonprofit organization.

(P)(1) A violation of any provision of this section is one of the following:

(a) Except as otherwise provided in divisions (P)(1)(b), (1)(c), (2), and (3) of this section, a minor misdemeanor;

(b) If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to two violations of any provision of this section or of any provision of a municipal ordinance that is substantially similar to any provision of this section, a misdemeanor of the fourth degree;

(c) If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to three or more violations of any provision of this section or of any provision of a municipal ordinance that is substantially similar to any provision of this section, a misdemeanor of the third degree.

(2) If the offender has not previously been convicted of or pleaded guilty to a violation of any provision of this section or of any provision of a municipal ordinance that is substantially similar to this section and operated a motor vehicle faster than thirty-five miles an hour in a business district of a municipal corporation, faster than fifty miles an hour in other portions of a municipal corporation, or faster than thirty-five miles an hour in a school zone during recess or while children are going to or leaving school during the school's opening or closing hours, a misdemeanor of the fourth degree.

(3) Notwithstanding division (P)(1) of this section, if the offender operated a motor vehicle in a construction zone where a sign was then posted in accordance with section 4511.98 of the Revised Code, the court, in addition to all other penalties provided by law, shall impose upon the offender a fine of two times the usual amount imposed for the violation. No court shall impose a fine of two times the usual amount imposed for the violation upon an offender if the offender alleges, in an affidavit filed with the court prior to the offender's sentencing, that the offender is indigent and is unable to pay the fine imposed pursuant to this division and if the court determines that the offender is an indigent person and unable to pay the fine.

Amended by 128th General Assembly ch. 7, SB 79, (Vetoed Provisions) § 1, eff. 10/6/2009.

Effective Date: 01-01-2004; 03-29-2005; 06-15-2006; 2007 HB67 07-03-2007; 2009 HB2 07-01-2009

4511.65 Designation of through highways.

(A) All state routes are hereby designated as through highways, provided that stop signs, yield signs, or traffic control signals shall be erected at all intersections with such through highways by the department of transportation as to highways under its jurisdiction and by local authorities as to highways under their jurisdiction, except as otherwise provided in this section. Where two or more state routes that are through highways intersect and no traffic control signal is in operation, stop signs or yield signs shall be erected at one or more entrances thereto by the department, except as otherwise provided in this section.

Whenever the director of transportation determines on the basis of an engineering and traffic investigation that stop signs are necessary to stop traffic on a through highway for safe and efficient operation, nothing in this section shall be construed to prevent such installations. When circumstances warrant, the director also may omit stop signs on roadways intersecting through highways under his jurisdiction. Before the director either installs or removes a stop sign under this division, he shall give notice, in writing, of that proposed action to the affected local authority at least thirty days before installing or removing the stop sign.

(B) Other streets or highways, or portions thereof, are hereby designated through highways if they are within a municipal corporation, if they have a continuous length of more than one mile between the limits of said street or highway or portion thereof, and if they have "stop" or "yield" signs or traffic control signals at the entrances of the majority of intersecting streets or highways. For purposes of this

section, the limits of said street or highway or portion thereof shall be a municipal corporation line, the physical terminus of the street or highway, or any point on said street or highway at which vehicular traffic thereon is required by regulatory signs to stop or yield to traffic on the intersecting street, provided that in residence districts a municipal corporation may by ordinance designate said street or highway, or portion thereof, not to be a through highway and thereafter the affected residence district shall be indicated by official traffic control devices. Where two or more through highways designated under this division intersect and no traffic control signal is in operation, stop signs or yield signs shall be erected at one or more entrances thereto by the department or by local authorities having jurisdiction, except as otherwise provided in this section.

(C) The department or local authorities having jurisdiction need not erect stop signs at intersections they find to be so constructed as to permit traffic to safely enter a through highway without coming to a stop. Signs shall be erected at such intersections indicating that the operator of a vehicle shall yield the right-of-way to or merge with all traffic proceeding on the through highway.

(D) Local authorities with reference to highways under their jurisdiction may designate additional through highways and shall erect stop signs, yield signs, or traffic control signals at all streets and highways intersecting such through highways, or may designate any intersection as a stop or yield intersection and shall erect like signs at one or more entrances to such intersection.

Effective Date: 11-02-1989

Public Utilities

Public Utilities Commission – Railroad Powers

4907.44 Duty of commission as to dangerous structures.

A railroad subject to regulation by the public utilities commission shall, in accordance with American railway engineers association codes of rules for inspection or other standards approved by the public utilities commission, inspect annually every bridge used for transportation of freight, passengers, or railroad crews on which the railroad performs all or part of the structural maintenance work. Inspection shall be made or supervised by a professional engineer. If at any time a bridge is found to be dangerous or unfit for transportation of passengers, freight, or railroad crews, the railroad shall immediately report the condition of the bridge to the public utilities commission. When the bridge passes over a public highway, such report shall also be given to the public authority having jurisdiction over such highway. The railroad shall file the annual inspection report with the commission on forms furnished by the commission or in a form acceptable to the commission. The commission shall examine all inspection reports. If, as a result of examination of inspection reports, on complaint, or otherwise, the public utilities commission has reasonable grounds to believe that any of the tracks, bridges, or other structures of a railroad are in a condition which renders them dangerous or unfit for the transportation of passengers, freight, or railroad crews, it shall forthwith inspect and examine them. If the commission is of the opinion that such structures are unfit for the transportation of passengers, freight, or railroad crews with safety, it shall immediately give to the superintendent, or other executive officer of the company operating such railroad, notice of the condition thereof, and of the repairs or reconstruction necessary to place them in a safe condition. The commission shall prescribe the time within which such repairs or reconstruction must be made, and the rate of speed for trains passing over such dangerous or defective track, bridge, or other structure, until the repairs or reconstruction required are made. If of the opinion that it is needful and proper, the commission shall forbid the running of all trains over such defective track, bridge, or other structure.

Effective Date: 06-11-1968

Tracks; Crossings

4955.36 Removal of obstructive vegetation at crossings.

Every railroad company shall destroy or remove plants, trees, brush, or other obstructive vegetation upon its right-of-way at each intersection with a public road or highway, for a distance of six hundred feet or a reasonably safe distance from the roadway of such public road or highway as shall be determined by the public utilities commission. When any railroad company fails to destroy or remove such vegetation after ten-day written notice served on its local agent, the commission, board of county commissioners, board of township trustees, or legislative authority of a municipal corporation, in which the intersection is located, having the care of such road or highway, shall remove such plants, trees, brush, or other obstructive vegetation and shall recover the cost of removal from the responsible railroad company. If the company fails to pay the amount demanded within thirty days, after such company has been notified by certified mail at the address to which tax bills are sent, the commission, board of county commissioners, board of township trustees, or legislative authority of a municipal corporation shall certify the amount demanded to the county auditor of the county in which the work was performed to be collected as other taxes and assessments and upon collection shall be credited to the general fund of the public body causing said work to be performed.

Effective Date: 11-24-1967

Elimination of Crossings

4957.01 Alteration or elimination of grade or other crossings.

If the legislative authority of a municipal corporation in which a railroad and a street or other public highway cross each other at a grade or otherwise, or the board of county commissioners of a county in which a railroad and a public road or highway cross each other at grade, and the board of directors of the railroad company are of the opinion that the security and convenience of the public require alterations in such crossing, the approaches to such crossing, the location of the railroad or public way, or the grades thereof, so as to avoid a crossing at grade, or that such crossing should be discontinued with or without building a new way in substitution for it, and if they agree as to the alterations they may be made as provided in sections 4957.02 to 4957.09, inclusive, of the Revised Code. The board of county commissioners of a county has the same powers with respect to that part of a state, county, or township road which lies within the limits of a municipal corporation as are conferred upon municipal corporations to alter, or require to be altered, any railroad crossings, or to require any improvement in connection with them to be made, and to apportion the cost thereof between the county and such railroad as is provided in sections 4957.10 to 4957.26, inclusive, of the Revised Code.

Effective Date: 10-01-1953

4957.06 Cost of maintenance of bridge borne by county or state.

After the completion of the crossing alteration, the crossings and approaches shall be kept in repair as follows:

(A) When the public way crosses a railroad, or railroad and interurban railroad, by an overhead bridge, the cost of maintenance must be borne by the county or the state as may be provided by law.

(B) When the public way passes under a railroad, or railroad and interurban railroad, the bridge and its abutments shall be kept and maintained by the railroad company, or the railroad company and

interurban railroad company, as the case may be, in such proportions as are fixed by agreement between the parties or, in the absence of such agreement, in such proportions as may be fixed by the court of common pleas of the county in which the improvement is located, and the public way and its approaches shall be maintained and kept in repair by the county in which they are situated or by the state as may be provided by law.

Effective Date: 10-01-1953

4957.24 Cost of maintenance.

After the completion of the work, crossings and approaches shall be kept in repair as follows:

(A) When the public way crosses a railroad by an overhead bridge, the cost of maintenance must be borne by the municipal corporation;

(B) When the public way passes under the railroad, the bridge and its abutments shall be kept and maintained by the railroad company, and the public way and its approaches shall be maintained and kept in repair by the municipal corporation in which they are situated.

Effective Date: 10-01-1953

Roads – Highways – Bridges

Department of Transportation

5501.01 Department of transportation definitions.

As used in Chapters 5501., 5503., 5511., 5513., 5515., 5516., 5517., 5519., 5521., 5523., 5525., 5527., 5528., 5529., 5531., 5533., and 5535. of the Revised Code:

(A) “Transportation facilities” means all publicly owned modes and means of transporting people and goods, including the physical facilities, garages, district offices, and other related buildings therefor, and including, but not limited to, highways, rights-of-way, roads and bridges, parking facilities, aviation facilities, port facilities, rail facilities, public transportation facilities, rest areas, and roadside parks.

(B) “Public transportation” means publicly owned or operated transportation by bus, rail, or other conveyance, which provides to the public transit or paratransit service on a regular and continuing basis within the state, and may include demand-responsive transportation, subscription bus service, shared-ride taxi service, car pools, van pools, or jitney service. “Public transportation” does not include school bus transportation or charter or sightseeing services.

(C) “Road” or “highway” includes all appurtenances to the road or highway, including but not limited to, bridges, viaducts, grade separations, culverts, lighting, signalization, and approaches on or to such road or highway.

(D) “Right-of-way” has the same meaning as in division (UU)(2) of section 4511.01 of the Revised Code.

(E) “Telecommunications service provider” means an entity that, for a fee, provides telecommunications services, including, but not limited to, voice, data, interactive or two-way telecommunications services, without regard to the way such services are delivered.

(F) “Telecommunications facility” means a facility for the provision of telecommunications services. The facility may include, but is not limited to, a tower, monopole, antenna or other ancillary equipment, or buildings used to deliver telecommunications services.

Effective Date: 06-29-1999

5501.11 Department of transportation with respect to highways.

(A) The functions of the department of transportation with respect to highways shall be to do all of the following:

(1) Establish state highways on existing roads, streets, and new locations and construct, reconstruct, widen, resurface, maintain, and repair the state system of highways and the bridges and culverts thereon;

(2) Cooperate with the federal government in the establishment, construction, reconstruction, improvement, maintenance, and repair of post roads and other roads designated by the federal authorities;

(3) Conduct research and cooperate with organizations conducting research in matters pertaining to highway design, construction, maintenance, material, safety, and traffic;

(4) Cooperate with the counties, municipal corporations, townships, and other subdivisions of the state in the establishment, construction, reconstruction, maintenance, repair, and improvement of the public roads and bridges.

(B) To fulfill its functions under division (A) of this section, the department shall develop and maintain a pavement management system. The system shall inventory and evaluate basic road and bridge conditions throughout the state highway system and develop strategies to improve those conditions, minimize annual maintenance of the state highway system, and ensure that a disproportionate percentage of the roads and bridges on the state highway system are not due for replacement or major repair at the same time. The department shall identify and promote longer pavement life spans to lessen user delays and the disruption to traffic on the state highway system.

Effective Date: 09-28-1973; 03-29-2005

5501.31 Director of transportation - powers and duties.

The director of transportation shall have general supervision of all roads comprising the state highway system. The director may alter, widen, straighten, realign, relocate, establish, construct, reconstruct, improve, maintain, repair, and preserve any road or highway on the state highway system, and, in connection therewith, relocate, alter, widen, deepen, clean out, or straighten the channel of any watercourse as the director considers necessary, and purchase or appropriate property for the disposal of surplus materials or borrow pits, and, where an established road has been relocated, establish, construct, and maintain such connecting roads between the old and new location as will provide reasonable access thereto.

The director may purchase or appropriate property necessary for the location or construction of any culvert, bridge, or viaduct, or the approaches thereto, including any property needed to extend, widen, or alter any feeder or outlet road, street, or way adjacent to or under the bridge or viaduct when the extension, widening, or alteration of the feeder road, street, or way is necessary for the full utilization of the bridge or viaduct, or for any other highway improvement. The director may purchase or appropriate, for such length of time as is necessary and desirable, any additional property required for the construction and maintenance of slopes, detour roads, sewers, roadside parks, rest areas,

recreational park areas, park and ride facilities, and park and carpool or vanpool facilities, scenic view areas, drainage systems, or land to replace wetlands, incident to any highway improvement, that the director is or may be authorized to locate or construct. Also incident to any authorized highway improvement, the director may purchase property from a willing seller as required for the construction and maintenance of bikeways and bicycle paths or to replace, preserve, or conserve any environmental resource if the replacement, preservation, or conservation is required by state or federal law.

Title to property purchased or appropriated by the director shall be taken in the name of the state either in fee simple or in any lesser estate or interest that the director considers necessary or proper, in accordance with forms to be prescribed by the attorney general. The deed shall contain a description of the property and be recorded in the county where the property is situated and, when recorded, shall be kept on file in the department of transportation. The property may be described by metes and bounds or by the department of transportation parcel number as shown on a right of way plan recorded in the county where the property is located.

Provided that when property, other than property used by a railroad for operating purposes, is acquired in connection with improvements involving projects affecting railroads wherein the department is obligated to acquire property under grade separation statutes, or on other improvements wherein the department is obligated to acquire lands under agreements with railroads, or with a public utility, political subdivision, public corporation, or private corporation owning transportation facilities for the readjustment, relocation, or improvement of their facilities, a fee simple title or an easement may be acquired by purchase or appropriation in the name of the railroad, public utility, political subdivision, public corporation, or private corporation in the discretion of the director. When the title to lands, which are required to adjust, relocate, or improve such facilities pursuant to agreements with the director, is taken in the name of the state, then, in the discretion of the director, the title to such lands may be conveyed to the railroad, public utility, political subdivision, or public corporation for which they were acquired. The conveyance shall be prepared by the attorney general and executed by the governor and bear the great seal of the state of Ohio.

The director, in the maintenance or repair of state highways, is not limited to the use of the materials with which the highways, including the bridges and culverts thereon, were originally constructed, but may use any material that is proper or suitable. The director may aid any board of county commissioners in establishing, creating, and repairing suitable systems of drainage for all highways within the jurisdiction or control of the board and advise with it as to the establishment, construction, improvement, maintenance, and repair of the highways.

Chapters 5501., 5503., 5511., 5513., 5515., 5516., 5517., 5519., 5521., 5523., 5525., 5527., 5528., 5529., 5531., 5533., and 5535. of the Revised Code do not prohibit the federal government, or any individual or corporation, from contributing a portion of the cost of the establishment, construction, reconstruction, relocating, widening, resurfacing, maintenance, and repair of the highways.

Except in the case of maintaining, repairing, erecting traffic signs on, or pavement marking of state highways within villages, which is mandatory as required by section 5521.01 of the Revised Code, and except as provided in section 5501.49 of the Revised Code, no duty of constructing, reconstructing, widening, resurfacing, maintaining, or repairing state highways within municipal corporations, or the culverts thereon, shall attach to or rest upon the director, but the director may construct, reconstruct, widen, resurface, maintain, and repair the same with or without the cooperation of any municipal corporation, or with or without the cooperation of boards of county commissioners upon each municipal corporation consenting thereto.

Effective Date: 06-29-2001; 2007 HB67 07-03-2007

5501.44 Cooperative agreements for repair of bridges and regional traffic management systems.

(A) Notwithstanding section 5735.27 of the Revised Code, the director of transportation, when the director determines it in the interest of the welfare and safety of the citizens of Ohio, may enter into agreements with other states or subdivisions thereof or the United States relative to the cooperation in the repair, maintenance, or construction of a bridge crossing a stream that forms a boundary line of this state, and may expend state highway funds for said purpose.

(1) No such agreement shall be made that obligates this state to expend more than the cost of the construction of such portion of said bridge as is located within the state, and not more than fifty per cent of the cost of maintenance of any such bridge, and no such agreement shall be made that obligates the state in excess of three hundred thousand dollars in any one year for maintenance.

(2) Notwithstanding division (A)(1) of this section, the director may expend funds for the design, construction, inspection, maintenance, repair, and replacement of bridge and bridge approaches for the bridge that were transferred from the Ohio bridge commission to the control of the state of Ohio, department of transportation, as provided in Section 4 of Amended Substitute House Bill No. 98 of the 114th general assembly. Following the replacement of that bridge, the director may expend funds for the design, construction, inspection, maintenance, repair, and replacement of bridge and bridge approaches.

(3) Any such agreements shall be approved by the governor and attorney general of the state before they become effective.

(4) Each agreement entered into shall designate responsibility for inspection, provide for annual inspection, and require that a report of each inspection be filed with the department of transportation. The director, with regard to all existing bridges or other bridges on a stream that forms a boundary line of this state, shall take all reasonable measures to obtain and to secure the filing of a copy of each inspection report for each bridge with the department of transportation.

(5) The department, upon hearing that a bridge across the Ohio river is scheduled to be closed by a contiguous state, shall make all reasonable efforts to notify the Ohio residents likely to be adversely affected by that closing. The department also shall cooperate and communicate with contiguous states in trying to resolve bridge closing problems.

(B)(1) The director, when the director considers it in the interest of the welfare and safety of the citizens of Ohio, may enter into agreements with other states, subdivisions thereof, metropolitan planning organizations, or the United States, relative to the design, construction, operation, maintenance, and repair of a regional traffic management system, and may expend state and federal highway funds for such purposes, notwithstanding any other provision of the Revised Code.

(2) No such agreement shall be made that obligates this state to expend more than the cost of construction of such portion of a regional traffic management system as is located within the state, and not more than a proportional amount, based upon the system presence in this state, for costs of design, operation, maintenance, and repair.

(3) Any such agreements shall be approved by the governor and attorney general of the state before they become effective.

(4) As used in division (B) of this section, “regional traffic management system” means an integrated, high-technology system to provide remote control center surveillance and monitoring of the regional freeways and main arterial routes in order to reduce and eliminate major backups and delays to motorists in the area.

Amended by 129th General Assembly File No. 28, HB 153, § 101.01, eff. 9/29/2011.

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Effective Date: 06-30-1993

5501.47 Bridge inspections.

(A) The director of transportation is responsible for inspection of all bridges on the state highway system inside and outside of municipalities, all bridges connecting Ohio with another state for which the department of transportation has inspection authority, and all other bridges or portions of bridges for which responsibility for inspection is by law or agreement assigned to the department.

Such inspection shall be made annually by a professional engineer or other qualified person under the supervision of a professional engineer, or more frequently if required by the director, in accordance with the manual of bridge inspection described in division (B) of this section.

The director shall cause to be maintained in each district of the department an updated inventory of all bridges within such district that are on the state highway system, including those located within municipalities, and all other bridges for which the department has responsibility for inspection. The inventory record shall indicate who is responsible for inspection and for maintenance, and the authority for such responsibilities.

On those bridges where there exists joint maintenance responsibility, the director shall furnish a copy of reports to each party responsible for a share of maintenance.

“Maintenance” as used in this division means actual performance of maintenance work.

(B)(1) As used in this division:

(a) “Inspection” means the inspection described in the manual of bridge inspection adopted by the department.

(b) “Highway” means those highway systems in section 5535.01 of the Revised Code, highways, streets, and roads within municipalities, and any other highway, street, and road on which the public travels.

(c) “Bridge” means any structure of ten feet or more clear span or ten feet or more in diameter on, above, or below a highway, including structures upon which railroad locomotives or cars may travel.

(2) The director shall have general responsibility for initiating, developing, and maintaining procedures and practices that provide for and promote professional inspection of bridges. The director shall:

(a) Prepare, maintain, and update a manual of bridge inspection that will provide standards applicable to the inspection of all bridges on, above, or below highways. The manual shall include, but is not limited to, standards relating to frequency of inspection, qualifications of persons inspecting or supervising inspections, procedures and practices facilitating professional inspection of bridges;

(b) Develop and furnish inspection forms and other forms relating to inspection, and approve forms used in lieu of the departmental forms;

(c) Assist and cooperate with governmental units, upon request, with inspection, disseminate information to appropriate governmental officials and agencies with regard to responsibility and inspection practices, and confer with public officials and other individuals on inspection of bridges; such assistance may be in the form of contracts with counties or municipal corporations for transportation department inspection services;

(d) Inspect any bridge on a highway, with a designated representative of the owner, where he has reason to believe that the report of inspection does not reflect the condition of such bridge or that the inspection did not accord with the standards contained in the manual of bridge inspection.

Effective Date: 09-28-1973

5501.48 Toll bridge inspection.

The operator of a toll bridge located entirely or partly in the state shall inspect such bridge each year and file a copy of the annual inspection report with the director of transportation. Inspection shall be made or supervised by a professional engineer.

Effective Date: 09-28-1973

5501.49 Lift bridge inspection. (Bridge Maintenance)

(A) The director of transportation is responsible for the construction, reconstruction, major maintenance and repair, and operation of all bridges located on the state highway system within a municipal corporation. The public entity responsible for maintaining the pavements and sidewalks on either end of the bridge is responsible for the routine maintenance of all bridges located on the state highway system within the municipal corporation.

(B) The director may enter into an agreement with the legislative authority of a municipal corporation or a county, upon mutually agreeable terms, for the municipal corporation or county to operate and perform major maintenance and repair on any bridge located on the state highway system within the municipal corporation or county.

(C) The director is not required to obtain the consent of a municipal corporation prior to the performance of any major bridge maintenance and repair. Except in an emergency, the director shall give a municipal corporation reasonable notice prior to the performance of any work that will affect the flow of traffic. No utilities, signs, or other appurtenances shall be attached to a bridge without the prior written consent of the director.

(D) As used in this section:

(1) Major and routine maintenance and repair relates to all elements of a bridge, including abutments, wingwalls, and headwalls but excluding approach fill and approach slab, and appurtenances thereto.

(2) “Major maintenance” includes the painting of a bridge, and the repair of deteriorated or damaged elements of bridge decks, including emergency patching of bridge decks, to restore the structural integrity of a bridge.

(3) “Routine maintenance” includes without limitation, clearing debris from the deck, sweeping, snow and ice removal, minor wearing surface patching, cleaning bridge drainage systems, marking decks for traffic control, minor and emergency repairs to railing and appurtenances, emergency patching of deck, and maintenance of traffic signal and lighting systems, including the supply of electrical power.

(4) “Operation” relates solely to lift bridges and to those expenses that are necessary for the routine, daily operation of a lift bridge, such as payroll, workers’ compensation and retirement payments, and the cost of utilities.

Effective Date: 06-30-1991; 2007 HB67 07-03-2007

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State Highway System

5511.01 State highway system established.

All state highways established by law shall continue to be known as state highways, and the state highway system established by law shall continue to be known as the state highway system.

Before establishing any additional highways as part of the state highway system, or making any significant changes in existing highways comprising the system, the director of transportation shall notify the general community of the project and offer an opportunity for appropriate public involvement in the project process.

The opportunity for public involvement shall satisfy the requirements of the "National Environmental Policy Act of 1969," 83 Stat. 852, 42 U.S.C.A. 4321 et seq., as amended, and may consist of activities including public meetings or hearings, small group meetings with local officials, individual meetings, news releases, public notices, workshops, newsletters, electronic communications, radio announcements, mail notification, and other activities considered appropriate for the exchange of information. The director or the director's designee shall provide the public involvement activities in each of the counties in which the highway proposed to be established is to be located or in which it is proposed to make those changes.

Any changes made in existing highways by the director or any additional highways established by the director following the public involvement activities shall be certified to the following authorities interested in them: the legislative authority of municipalities, the board of county commissioners, the board of township trustees, the municipal, county, and regional planning commissions, and the municipal, township, or county officer authorized to issue land use or building permits. Before any zoning change or subdivision plat is approved and before any permit for land use or the erection, alteration, or moving of a building is granted affecting any land within three hundred feet of the center line of a proposed new highway or highway for which changes are proposed, as described in the certification by the director, or within a radius of five hundred feet from the point of intersection of that center line with any public road or highway, the authority authorized to approve the zoning change or subdivision plat or the authority authorized to grant the permit for land use or the erection, alteration, or moving of the building shall give notice, by certified mail, to the director, and shall not approve a zoning change or subdivision plat or grant a permit for land use or the erection, alteration, or moving of a building for one hundred twenty days from date notice is received by the director. During the one hundred twenty-day period and any extension of it as may be agreed to between the director and any property owner, notice of which has been given to the authority to which the application has been made, the director shall proceed to acquire any land needed by purchase or gift, or by initiating proceedings to appropriate, or make a finding that acquisition at such time is not in the public interest. Upon purchase, initiation of appropriation proceedings, or a finding that acquisition is not in the public interest, the director shall notify the authority from which notice was received of that action. Upon being notified that the director has purchased or initiated proceedings to appropriate the land that authority shall refuse to rezone land or to approve any subdivision plat that includes the land which the director has purchased or has initiated proceedings to appropriate, and that authority shall refuse to grant a permit for land use or the erection, alteration, or moving of a building on the land which the director has purchased or initiated proceedings to appropriate. Upon notification that the director has found acquisition at that time not to be in the public interest, or upon the expiration of the one hundred twenty-day period or any extension of it, if no notice has been received from the director, that authority shall proceed in accordance with law.

A report of the change or addition shall be filed in the office of the director, and the report of the director making the change or establishing the highway shall be placed on file in the office of the department of transportation.

In no event shall the total mileage of the state highway system be increased under this section to exceed two hundred miles in one year.

The director, upon petition of the boards of the counties traversed by a highway or of citizens of those counties, may officially assign to a highway of the state highway system a distinctive name commemorative of a historical event or personage, or officially assign to a highway of the state highway system a commonly accepted and appropriate name by which the highway is known.

The director may, upon giving appropriate notice and offering the opportunity for public involvement and comment, abandon a highway on the state highway system or part of such a highway which the director determines is of minor importance or which traverses territory adequately served by another state highway, and the abandoned highway shall revert to a county or township road or municipal street. A report covering that action shall be filed in the office of the director, and the director shall certify the action to the board of the county in which the highway or portion of the highway so abandoned is situated.

The director shall make a map showing, by appropriate numbering or other designation, all the state highways. The map shall be kept on file in the director's office, and the director shall cause the map to be corrected and revised to show all changes and additions to the date of the correction. A copy of the map, certified by the director as a correct copy of the map on file in the director's office, shall be admissible as evidence in any court to prove the existence and location of the several highways and roads of the state highway system.

The state highway routes into or through municipal corporations, as designated or indicated by state highway route markers erected on the routes, are state highways and a part of the state highway system. The director may erect state highway route markers and other signs directing traffic as the director thinks proper upon those portions of the state highway system lying within municipal corporations, and the consent of the municipal corporations to that erection and marking shall not be necessary. However, the director may erect traffic signs in villages in accordance with section 5521.01 of the Revised Code. No change in the route of any highway through a municipal corporation shall be made except after providing public involvement activities.

Except as provided in sections 5501.49 and 5517.04 of the Revised Code, no duty of constructing, reconstructing, maintaining, and repairing such state highways within municipal corporations shall attach to or rest upon the director. The director may enter upon such state highways within any municipal corporation and construct, reconstruct, widen, improve, maintain, and repair them, provided the municipal corporation first consents by resolution of its legislative authority, except that the director need not obtain the consent of the municipal corporation if the existing highway being changed or the location of an additional highway being established was not within the corporate limits of the municipal corporation at the time the establishment or change is approved by the director, or if the director is acting pursuant to section 5501.49 of the Revised Code.

The director shall place in the files of the department a record of the routes of all such state highways within municipal corporations, and shall cause them to be corrected and revised to show all changes and additions to the date of the correction. A copy of the record or any pertinent part of it, certified by the director to be a true and correct copy, shall be admissible in evidence in any court of the state for the purpose of proving the existence and location of any state highway within a municipal corporation.

When the director proposes to change an existing state highway and there exists upon the highway a separated railroad crossing, the director shall mail to the interested railroad company a copy of the notice, which shall be mailed by first-class mail, postage prepaid, and certified with return receipt requested, at least two weeks before the time fixed for any public involvement activity. When the director proposes to change an existing state highway within a municipal corporation, the director shall mail to the mayor or other chief executive officer of the municipal corporation a copy of the notice,

which shall be mailed by first-class mail, postage prepaid, and certified with return receipt requested, at least two weeks before the time fixed for any public involvement activity.

Nothing in this section shall be construed to require providing public involvement activities before the construction, reconstruction, maintenance, improvement, or widening of an existing highway where no relocation is involved.

With the exception of the authority conferred upon the director by this section to erect state highway route markers and signs directing traffic and by section 5501.49 of the Revised Code, Chapters 5501., 5503., 5511., 5513., 5515., 5516., 5517., 5519., 5521., 5523., 5525., 5527., 5528., 5529., 5531., 5533., and 5535. of the Revised Code shall not in any way modify, limit, or restrict the authority conferred by section 723.01 of the Revised Code upon municipal corporations to regulate the use of streets and to have the care, supervision, and control of the public highways, streets, avenues, alleys, sidewalks, public grounds, bridges, aqueducts, and viaducts within the municipal corporations, or the liability imposed upon municipal corporations by division (B)(3) of section 2744.02 of the Revised Code for negligent failure to keep public roads in repair and other negligent failure to remove obstructions from public roads.

Effective Date: 04-09-2003

5511.02 Limited access highways and freeways.

The director of transportation may lay out, establish, acquire, open, construct, improve, maintain, regulate, vacate, or abandon “limited access highways” or “freeways” in the same manner in which the director may lay out, establish, acquire, open, construct, improve, maintain, regulate, vacate, or abandon highways. The director, board or municipal authority shall have all additional authority relative to such “limited access highways” or “freeways” as he possesses relative to highways, including the authority to acquire by gift, purchase, condemnation, or otherwise land required for right of way.

Where an existing highway, in whole or part, has been designated as, or included within, a “limited access highway” or “freeway,” existing easements of access may be extinguished by purchase, gift, agreement, or by condemnation.

As an adjunct of any “limited access highway” or “freeway” the director, board, or municipal authority may lay out and construct highways and drives, to be designated as service highways, to provide access from areas adjacent to a limited access highway or freeway.

A “limited access highway” or “freeway” is a highway especially designed for through traffic and over which abutting property owners have no easement or right of access by reason of the fact that their property abuts upon such highway, and access to which may be allowed only at highway intersections designated by the director.

Limitations imposed on the mileage of state highways shall not apply to highways established under this section.

Effective Date: 09-28-19735537.03

5511.03 Highway facilities for state institutions.

The director of transportation shall examine the existing highway facilities serving the several hospitals, educational institutions, and correctional and other similar institutions belonging to the state, and located outside municipal corporations. Where the director finds that any such state institution is not located on a state highway or connected with a highway by a suitable road, affording in its present condition adequate transportation facilities to those having occasion to visit such institution, the director may establish a state highway leading to such institution from a convenient point on an existing highway. Where the director finds that any such institution is not served by adequate highway facilities connecting it with the railroad delivery point from which it principally obtains fuel, provisions, and supplies, the director may establish a highway connecting such institution and railroad delivery point. Limitations imposed on the mileage of state highways shall not apply to highways established under this section.

The director may construct at state expense all highways established under authority of this section and pay the entire cost thereof from the state highway operating fund. Such highways shall be maintained by the department of transportation and the cost shall be paid from the highway operating fund of the department.

The directors of transportation, mental health, developmental disabilities, and rehabilitation and correction may cooperate in the establishment, construction, reconstruction, maintenance, and repair of roads within the limits of state institutions. The cost shall be paid from funds appropriated for highway purposes and from the funds appropriated to the department of mental health, department of developmental disabilities, or the department of rehabilitation and correction for capital improvements or maintenance in such proportion as may be agreed upon by the directors of transportation, mental health, developmental disabilities, and rehabilitation and correction.

Amended by 128th General Assembly ch. 7, SB 79, § 1, eff. 10/6/2009.

Effective Date: 10-06-1994

5511.06 Park drives or park roads.

The director of transportation may cooperate in the construction, reconstruction, improvement, repair, and maintenance of park drives or park roads within the boundaries of parks created under sections 511.18 to 511.34 and 1545.01 to 1545.22 of the Revised Code, together with roads leading from state highways to and into any such park.

The director, after agreement with the board of park commissioners of any such park district, may proceed with the construction, reconstruction, improvement, repair, and maintenance of any such drives or roads within such park, or roads leading from state highways to such park areas. Such construction, reconstruction, improvement, repair, and maintenance shall be in conformity with the general engineering plans of the park district.

The director may, with respect to any such park drive or road improvement, under such terms as are mutually agreed upon between him and any such board, because of benefits to be derived thereby, enter into a contract with any such park district that may be necessary or convenient to carry out the general plans of the park district, insofar as they relate to park roadway or drive improvement or repair.

The cost of such construction, reconstruction, improvement, repair, and maintenance shall be paid in the same manner as provided for state highway improvement, provided the expenditures in any one year, for the purposes set forth in this section, shall not exceed one and one-half million dollars.

This section does not derogate or limit the powers of the director to add additional mileage to the state highway system, and limitations imposed on the mileage of state highways shall not apply to work done under this section.

This section does not derogate or limit the power and authority conferred upon park districts and boards of commissioners created by sections 511.18 to 511.34 and 1545.01 to 1545.22 of the Revised Code, or of any amendatory or supplementary acts thereto.

Effective Date: 07-01-1989

Proposed Projects – Maintenance; Repair

5517.04 Director to repair damage to county or township roads.

The director of transportation shall repair all substantial damage done to county and township roads or to streets in municipal corporations resulting from the transportation of materials or equipment over such roads for use in constructing, reconstructing, or repairing, either by force account or contract, any road, street, or highway project of the department. Temporary repairs on such roads made necessary by reason of such transportation of materials or equipment shall be made during the construction period so as to assure normal conditions for the general public. Final repairs shall be made immediately upon the completion of the work on such road, street, or highway project, or as soon thereafter as weather conditions permit, and may be by contract or by the purchase of materials and employment of labor by the department of transportation.

Effective Date: 06-30-1991

Municipal and County Cooperation

5521.01 Establishment and improvement of state highways within municipal corporation.

The director of transportation, upon the request by and the approval of the legislative authority of a village, shall maintain, repair, and apply standard longitudinal pavement marking lines as the director considers appropriate, or may establish, construct, reconstruct, improve, or widen any section of a state highway within the limits of a village. The director also may erect regulatory and warning signs, as defined in the manual adopted under section 4511.09 of the Revised Code, on any section of a state highway within the limits of a village. The director may establish, construct, reconstruct, improve, widen, maintain, or repair any section of state highway within the limits of a city, including the elimination of railway grade crossings, and pay the entire or any part of the cost and expense thereof from state funds, but in all cases the director first shall obtain the consent of the legislative authority of the municipal corporation, except that the director need not obtain the consent of the municipal corporation if the existing highway being changed or the location of an additional highway being established was not within the corporate limits of the municipal corporation at the time the director determines the establishment or change should be made, or if the director is acting pursuant to section 5501.49 of the Revised Code.

Except as provided in section 5501.49 of the Revised Code, when in the opinion of the director there is urgent need to establish a state highway, which is to be designated a federal aid highway, or a federal aid interstate highway within a municipal corporation or, in the opinion of the director, any federal aid highway or interstate federal aid highway is in urgent need of repair, reconstruction, widening, improvement, or relocation, so as to accommodate the traveling public, the director shall submit a written request to the legislative authority of the municipal corporation for its consent to the desired establishment or improvement. The legislative authority, within sixty days after the written request has been received from the director, either shall grant its consent to the establishment or improvement or refuse consent by filing in writing with the director a statement of its reasons for

refusing consent and any alternate proposals it considers reasonable. If the legislative authority fails to act or refuses consent, the director, upon consideration of the reasons for rejection, may make a resolution declaring the necessity of the establishment or improvement, and then proceed in the same manner as if consent had been given. A certified copy of the resolution shall be served upon the municipal legislative authority, which, within twenty days from the date of service, may appeal to the court of common pleas of the county in which the municipal corporation is situated, upon the reasonableness and necessity of the action provided for in the resolution. In the hearing upon appeal, the director shall introduce the record of the director's proceedings, including the director's findings with respect to factors referred to in section 5521.011 of the Revised Code, and such other competent evidence as the director desires in support of the director's resolution, and the municipality likewise may introduce competent evidence opposing the resolution, and findings. The court may affirm or revoke the resolution. The decision of the common pleas court may be appealed to the court of appeals and the supreme court as in other cases. If the court affirms the resolution, the director may proceed with the establishment or improvement with or without the cooperation of the municipal corporation. Any such municipal corporation may cooperate with the director in the work and pay such portion of the cost as is agreed upon between the municipal corporation and the director. The legislative authority of any municipal corporation desiring to cooperate, by resolution, may propose such cooperation to the director, and a copy of the resolution, which shall set forth the proportion of the cost and expense to be contributed by the municipal corporation, shall be filed with the director. The director shall cause to be prepared the necessary surveys, plans, profiles, cross sections, estimates, and specifications and shall file copies of them with the legislative authority of the municipal corporation. After the legislative authority has approved the surveys, plans, profiles, cross sections, estimates, and specifications, and after the municipal corporation has provided the funds necessary to meet the portion of the cost of the work assumed by it, the municipal corporation shall enter into a contract with the state providing for payment by the municipal corporation of the agreed portion of the cost. The form of the contract shall be prescribed by the attorney general, and such contracts shall be submitted to the director and approved before the receipt of bids. Section 5705.41 of the Revised Code applies to such contract to be made by the municipal corporation, and a duplicate of the certificate of the chief fiscal officer of the municipal corporation shall be filed in the office of the director. That part of the cost of the work assumed by the municipal corporation shall be paid from the proceeds of taxes or special assessments, or both, or from the proceeds of notes or bonds issued and sold in anticipation of the collection of the taxes and assessments. For the purpose of providing funds for the payment of that part of the cost of the work assumed by the municipal corporation, the municipal corporation has the same authority to make special assessments, levy taxes, and issue bonds or notes, in anticipation of the collection of the same, as it has with respect to improvements constructed under the sole supervision and control of the municipal corporation. All such assessments shall be made, taxes levied, and bonds or notes issued and sold under such conditions and restrictions as may be provided with respect to assessments, taxes, bonds, or notes made, levied, issued, or sold in connection with improvements of the same class and character constructed under the sole supervision and control of the municipal corporation. The improvement shall be constructed under the sole supervision of the director. The proportion of the cost and expense payable by the municipal corporation shall be paid by the proper officers thereof, upon the requisition of the director, and at times during the progress of the work as may be determined by the director or as may be otherwise provided by law.

Effective Date: 04-05-2001

5521.02 County co-operation in planning and construction.

The board of county commissioners of any county may co-operate with the director of transportation in the elimination of railroad grade crossings on the state highway system, and in the construction or reconstruction of bridges and viaducts, together with the approaches thereto, and may pay such portion of the cost of any such work as is agreed upon between the board and the director. Such board may cooperate with the director in the preparation of comprehensive transportation and land use studies and major thoroughfare reports and in establishing, constructing, reconstructing, resurfacing, or widening a state highway, and it may, under such circumstances, pay any agreed

portion of the cost of such work. Any board desiring to co-operate as provided in this section may, by resolution, propose such co-operation to the director, and a copy of such resolution, which shall set forth the proportion of the cost and expense to be contributed by such county, shall be filed with the director. Where any portion of the work covered by such proposal is within the limits of a municipal corporation, such proposal shall be accompanied by the consent of the municipal corporation to the doing of such work, evidenced by proper legislation of its legislative body, unless such consent has already been given to the director. The boards may co-operate with the director in the cost of obtaining right-of-way required for or in connection with any state highway improvement or repair contemplated by the director, and may pay any agreed proportion of the cost of such right-of-way. Unless expressly restricted, the authority granted to boards by this section to co-operate with the director shall extend to all portions of the state highway system, both within and without municipal corporations, subject to the condition that the consent of a municipal corporation be given to the performance of any work within its limits.

When the board or the legislative authority of a municipal corporation co-operate with the director and assume all or a part of the cost of establishing, constructing, reconstructing, resurfacing, or widening a state highway, such board or municipal authority may specially assess such portion of the cost assumed on behalf of the county or municipal corporation as is deemed proper. In making such assessments the board or municipal authority shall proceed in the manner provided for the levying of special assessments by the board of county commissioners or municipal authorities for road improvement.

The board or municipal authority may issue notes and bonds in anticipation of the collection of the special assessments provided for by this section as is provided with respect to special assessments for the construction of highway improvements under the sole authority and control of such board or municipal authorities.

Effective Date: 09-28-1973

Grade Crossings

5523.01 Relocation or grade changes - elimination of grade crossings.

For the purpose of eliminating one or more existing grade crossings on any road or highway on the state highway system or any extension thereof, the director of transportation may relocate any portion of a road or highway on the system or any portion of any extension thereof; or the director may raise or lower the grade of any road or highway on the system or of any extension thereof, above or below the existing tracks of a railroad and parallel and adjacent interurban railways and require any company owning, operating, managing, or controlling a railroad and any company owning, operating, managing, or controlling an interurban railway parallel and adjacent to such railroad to raise or lower the grade of its tracks above or below the grade of any highway on the state highway system, or on any extension of the system, and may construct ways or crossings for such highway or extension thereof above the tracks of any railroad and parallel and adjacent interurban railway, or require such company owning, operating, controlling, or managing any such railroad and any such parallel and adjacent interurban railway to construct ways or crossings for such highway or extension to be passed under its tracks, whenever, in the opinion of the director, the raising or lowering of any such railroad and parallel and adjacent interurban railway tracks, or the raising, lowering, or construction of such highway or extension is necessary, upon the terms of sections 5523.01 to 5523.20 of the Revised Code.

Effective Date: 09-28-1973

5523.17 Improvement to be kept in repair - responsibility for bridge inspection.

After the completion of the work of constructing, reconstructing, widening, or realigning a separated crossing by the director of transportation, in accordance with sections 5523.01 to 5523.20 of the Revised Code, the separated crossing and approaches thereto shall be kept in repair as follows:

(A) When the public way crosses the tracks of any railroad company by a structure carrying the highway over such tracks the responsibility for inspection and the cost of maintenance shall be borne by the state;

(B) When the public way passes under the tracks of any such company:

(1) The responsibility for inspection and cost of maintaining the bridge and its abutments shall be borne by such company;

(2) When there is more than one company involved the bridge and abutments shall be maintained by the companies in such proportion as is fixed by agreement between them and responsibility for inspection shall rest upon the company actually performing the greatest share of maintenance work;

(3) In the absence of any such agreement the cost shall be borne in such proportion as is found by the court of common pleas of the county within which the crossing is located to be just and equitable and responsibility for inspection shall rest upon the company actually performing the greatest share of maintenance work;

(C) All such public ways and their approaches shall be inspected, maintained, and kept in repair by the state.

Effective Date: 09-28-1973

5523.19 Separated crossing not constructed under certain sections.

When a separated crossing, which was not constructed in accordance with sections 4957.01 to 4957.26 or sections 5561.01 to 5561.15 of the Revised Code, is situated on a road or highway on the state highway system or an extension thereof, and is so located that in order to provide for the safety and convenience of the traveling public having occasion to use such road or highway or extension, the director of transportation deems it necessary to relocate and reconstruct the same in whole or in part outside the right-of-way of such road or highway or extension thereof, or when, in the opinion of the director, a separated crossing which was not constructed in accordance with such sections, and which separated crossing is located on a road or highway on the state system or an extension thereof, which road or highway was laid out and opened after the construction of the railroad, is in need of widening, reconstruction, or realignment in order to provide for the safety and convenience of the traveling public having occasion to use such road or highway or extension thereof, the director may relocate and reconstruct, widen, reconstruct, or realign the same.

The director may take such action and initiate and prosecute such proceedings as provided in sections 5523.01 to 5523.18 of the Revised Code, to secure the elimination of existing grade crossings. The cost and expense of such relocation and reconstruction, widening, reconstruction, or realignment shall be borne by the state, or by the state and any other political subdivision in which the crossing is located, and by the railroad company in the proportions set out in sections 5523.01 to 5523.20 of the Revised Code, in relation to the elimination of existing grade crossings, unless otherwise agreed upon.

Every person or company owning, controlling, managing, or operating a railroad in this state shall maintain and keep in good repair good, safe, adequate, and sufficient crossings and approaches thereto, whether at grade or otherwise, across its tracks, at all points other than crossings separated in accordance with sections 4957.01 to 4957.26 and 5561.01 to 5561.15 of the Revised Code, or in accordance with sections 5523.01 to 5523.20 of the Revised Code, and other than separated

crossings relocated and reconstructed, widened, reconstructed, or realigned in accordance with this section, where such tracks intersect a road or highway on the state highway system or an extension thereof.

Effective Date: 09-28-1973

5523.20 Grade separation when highway is adjacent to or near a railroad.

When a state highway or an extension or relocation thereof is parallel, adjacent, or near to a railroad, and the director of transportation deems it necessary to separate the grades of any intersecting highway, road, or street with such highway, extension, or relocation thereof, but which separation of grades should not, in the opinion of the director, be accomplished without eliminating an adjacent grade crossing over the tracks or reconstructing an existing separated crossing over or under the tracks of the railroad on such intersecting highway, road, or street, then the director was proceed with such proposed improvement, providing federal aid highway funds are used to pay costs involved, in whole or in part, including the elimination of the grade crossing over the tracks of such railroad, or the reconstruction of such existing separated crossing over or under such tracks, paying construction costs and acquiring and paying for property and rights therein as provided for in section 5531.02 of the Revised Code. Unless otherwise agreed upon, costs of the improvements to be borne by the railroad shall not be in excess of the amount or percentage set forth in an act of congress authorizing or appropriating federal aid highway funds, or other federal funds for highway purposes, which are used to finance the cost of the improvement in whole or in part.

Effective Date: 09-28-1973

Federal Coopration

5531.16 Maintenance and repair of toll projects.

(A) Each toll project shall be maintained and kept in good condition and repair by the department of transportation. Toll projects shall be operated by toll collectors and other employees and agents that the department employs or contracts for. Toll projects shall be policed by the state highway patrol in accordance with section 5503.02 of the Revised Code; provided, that the state highway patrol also shall enforce all rules of the department adopted under division (A) of section 5531.15 of the Revised Code that relate to the operation and use of vehicles on a toll project and that are punishable under division (A) of section 5531.99 of the Revised Code.

(B) An action for damages against the state for any public or private property damaged or destroyed in carrying out the powers granted by sections 5531.11 to 5531.18 of the Revised Code shall be filed in the court of claims pursuant to Chapter 2743. of the Revised Code.

(C) All governmental agencies may lease, lend, grant, or convey to the department of transportation at its request, upon terms that the proper authorities of the governmental agencies consider reasonable and fair and without the necessity for an advertisement, order of court, or other action or formality, other than the regular and formal action of the authorities concerned, any property that is necessary or convenient to the effectuation of the purposes of sections 5531.11 to 5531.18 of the Revised Code, including public roads and other property already devoted to public use.

(D) Each bridge constituting part of a toll project shall be considered a bridge on the state highway system for purposes of sections 5501.47 and 5501.49 of the Revised Code.

(E) In accordance with Chapter 5501. of the Revised Code, the department of transportation shall make an annual report of its toll project activities for the preceding calendar year to the governor and the general assembly.

Added by 128th General Assembly ch. 1, HB 2, § 101.01, eff. 7/1/2009.

Type of Highways

5535.01 Classes of highways.

The public highways of the state shall be divided into three classes: state roads, county roads, and township roads.

(A) State roads include the roads and highways on the state highway system.

(B) County roads include all roads which are or may be established as a part of the county system of roads as provided in sections 5541.01 to 5541.03, inclusive, of the Revised Code, which shall be known as the county highway system. Such roads shall be maintained by the board of county commissioners.

(C) Township roads include all public highways other than state or county roads. The board of township trustees shall maintain all such roads within its township. The board of county commissioners may assist the board of township trustees in maintaining all such roads. This section does not prevent the board of township trustees from improving any road within its township.

Effective Date: 10-01-1953

5535.07 Maintenance of main highways.

The director of transportation shall take over, for maintenance purposes such mileage of the system of intercounty highways outside of municipal corporations, as has not been constructed by the state or taken over by the state for maintenance. All such portions of the intercounty highway system not at present under state maintenance shall be first improved by the county to an extent which in the opinion of the director will permit economical maintenance for the purpose of making them passable for traffic.

The director shall maintain said roads and highways, and the respective counties and townships of the state in which such roads and highways are located shall be relieved of the duty of their maintenance. For the purpose of this section, maintenance does not include the construction of any new bridges or culverts or the replacement of any bridges or culverts destroyed by the elements or by natural wear, nor any construction work changing the type of construction existing on said roads at the time the same are taken over in accordance with this section.

This section does not prevent the authorities of any county or township from co-operating with the state in the construction, maintenance, or repair of any section of such highways within such county or township.

Effective Date: 09-28-1973

5535.08 Maintenance of all roads.

(A) The state, county, and township shall each maintain its roads, as designated in section 5535.01 of the Revised Code; however, the county or township, by agreement between the board of county commissioners and the board of township trustees, may contribute to the repair and maintenance of the roads under the control of the other. The state, county, or township, or any two or more of them, by agreement, may expend any funds available for road construction, improvement, or repair upon roads inside a village. A village may expend any funds available for street improvement upon roads outside the village and leading to the village.

(B)(1) In the case of an emergency, any political subdivision having authority to repair and maintain roads or streets may provide emergency road or street repair and maintenance assistance to any other political subdivision if the political subdivision seeking to provide the assistance has adopted a resolution or ordinance stating that it will participate in the provision of emergency road or street repair and maintenance assistance within this state, on a case by case basis, whenever it is possible for that political subdivision to do so. The resolution or ordinance shall identify any employees authorized to provide that assistance outside the boundaries of the political subdivision.

(2) Chapter 2744. of the Revised Code, insofar as it applies to performance of road or street repair and maintenance services, applies to a political subdivision having authority to repair and maintain roads or streets that has adopted a resolution or ordinance under division (B)(1) of this section, and to the employees of such a political subdivision, when the employees are providing emergency road or street repair and maintenance assistance outside the boundaries of the political subdivision.

(3) Employees of a political subdivision who provide emergency road or street repair and maintenance assistance outside the boundaries of that political subdivision pursuant to a resolution or ordinance adopted under division (B)(1) of this section may participate in any pension or indemnity fund that their employer establishes and are entitled to all rights and benefits of Chapter 4123. of the Revised Code, to the same extent as when performing road or street repair and maintenance services within the political subdivision that employs them.

(C)(1) In nonemergency situations, any political subdivision having authority to construct, reconstruct, resurface, improve, repair, and maintain roads or streets may enter into an agreement, under terms agreeable to all parties, with any other political subdivision having that authority to obtain or provide road or street construction, reconstruction, resurfacing, improvement, repair, or maintenance services. The cost, if any, of services obtained under the agreement may be paid from general fund moneys of the political subdivision receiving the services, or from any other funds available for the repair and maintenance of roads or streets within that political subdivision.

(2) Chapter 2744. of the Revised Code, insofar as it applies to the performance of road or street construction, reconstruction, resurfacing, improvement, repair, or maintenance services, applies to a political subdivision having authority to perform those services that has entered into an agreement authorized by division (C)(1) of this section, and to the employees of such a political subdivision, when the employees are performing those services outside the boundaries of the political subdivision under that agreement.

(3) Employees of a political subdivision who perform road or street construction, reconstruction, resurfacing, improvement, repair, or maintenance services outside the boundaries of that political subdivision pursuant to an agreement authorized by division (C)(1) of this section may participate in any pension or indemnity fund that their employer establishes and are entitled to all rights and benefits of Chapter 4123. of the Revised Code, to the same extent as when performing those services within the political subdivision that employs them.

(D) As used in this section, “emergency” means a natural disaster, or a state of emergency as declared by the governor or a county sheriff, that has occurred or been declared in the county, township, or municipal corporation receiving emergency road or street repair and maintenance assistance authorized by this section.

Effective Date: 04-05-2001

Turnpike Commission

5537.03 Turnpike projects.

In order to remove present and anticipated handicaps and potential hazards on the congested highways in this state, to facilitate vehicular traffic throughout the state, to promote the agricultural, commercial, recreational, tourism, and industrial development of the state, and to provide for the general welfare by the construction, improvement, and maintenance of modern express highways embodying safety devices, including without limitation center divisions, ample shoulder widths, longsight distances, multiple lanes in each direction, and grade separations at intersections with other public roads and railroads, the Ohio turnpike commission, subject to section 5537.26 of the Revised Code, may construct, maintain, repair, and operate a system of turnpike projects at locations that are reviewed by the turnpike legislative review committee and approved by the governor, and in accordance with alignment and design standards that are approved by the director of transportation, and issue revenue bonds of this state, payable solely from pledged revenues, to pay the cost of those projects. The turnpikes and turnpike projects authorized by this chapter are hereby or shall be made part of the Ohio turnpike system.

Effective Date: 10-17-1996; 2006 HB699 03-29-2007

5537.17 Maintenance and repair of turnpike project - restoration or repair of damaged property - cooperation by governmental agencies - bridge inspection - annual audit.

(A) Each turnpike project open to traffic shall be maintained and kept in good condition and repair by the Ohio turnpike commission. The Ohio turnpike system shall be policed and operated by a force of police, toll collectors, and other employees and agents that the commission employs or contracts for.

(B) All public or private property damaged or destroyed in carrying out the powers granted by this chapter shall be restored or repaired and placed in its original condition, as nearly as practicable, or adequate compensation or consideration made therefor out of moneys provided under this chapter.

(C) All governmental agencies may lease, lend, grant, or convey to the commission at its request, upon terms that the proper authorities of the governmental agencies consider reasonable and fair and without the necessity for an advertisement, order of court, or other action or formality, other than the regular and formal action of the authorities concerned, any property that is necessary or convenient to the effectuation of the purposes of the commission, including public roads and other property already devoted to public use.

(D) Each bridge constituting part of a turnpike project shall be inspected at least once each year by a professional engineer employed or retained by the commission.

(E) On or before the first day of July in each year, the commission shall make an annual report of its activities for the preceding calendar year to the governor and the general assembly. Each such report shall set forth a complete operating and financial statement covering the commission's operations during the year. The commission shall cause an audit of its books and accounts to be made at least once each year by certified public accountants, and the cost thereof may be treated as a part of the cost of operations of the commission. The auditor of state, at least once a year and without previous notice to the commission, shall audit the accounts and transactions of the commission.

(F) The commission shall submit a copy of its annual audit by the auditor of state and its proposed annual budget for each calendar or fiscal year to the governor, the presiding officers of each house of the general assembly, the director of budget and management, and the legislative service commission no later than the first day of that calendar or fiscal year.

(G) Upon request of the chairperson of the appropriate standing committee or subcommittee of the senate and house of representatives that is primarily responsible for considering transportation budget matters, the commission shall appear at least one time before each committee or subcommittee during the period when that committee or subcommittee is considering the biennial appropriations for the department of transportation and shall provide testimony outlining its budgetary

results for the last two calendar years, including a comparison of budget and actual revenue and expenditure amounts. The commission also shall address its current budget and long-term capital plan.

(H) Not more than sixty nor less than thirty days before adopting its annual budget, the commission shall submit a copy of its proposed annual budget to the governor, the presiding officers of each house of the general assembly, the director of budget and management, and the legislative service commission. The office of budget and management shall review the proposed budget and may provide recommendations to the commission for its consideration.

Effective Date: 06-30-1993; 03-29-2005; 2006 HB699 03-29-2007

Duties of County Engineer

5543.01 General powers and duties of county engineer.

(A) Except as provided in division (B) of this section, the county engineer shall have general charge of the following:

(1) Construction, reconstruction, improvement, maintenance, and repair of all bridges and highways within the engineer's county, under the jurisdiction of the board of county commissioners, except for those county roads the board places on non-maintained status pursuant to section 5541.05 of the Revised Code;

(2) Construction, reconstruction, resurfacing, or improvement of roads by boards of township trustees under sections 5571.01, 5571.06, 5571.07, 5571.15, 5573.01 to 5573.15, and 5575.02 to 5575.09 of the Revised Code;

(3) Construction, reconstruction, resurfacing, or improvement of the roads of a road district under section 5573.21 of the Revised Code.

(B) For any particular project, after notifying the county engineer, the board of township trustees of a township that has adopted a limited home rule government under Chapter 504. of the Revised Code may hire an independent professional engineer to be in charge of those activities listed in division (A)(2) of this section. The county engineer shall review all of the independent professional engineer's plans for improvements and provide the board of township trustees with comments on those plans within ten working days after receiving them. The county engineer shall monitor all plans for improvements in order to maintain compliance with existing construction standards and thoroughfare plans, and coordinate construction timelines within the county.

(C) The county engineer may not perform any duties in connection with the repair, maintenance, or dragging of roads by boards of township trustees, except that, upon the request of any board of township trustees, the county engineer shall inspect any road designated by it and advise as to the best methods of repairing, maintaining, or dragging that road.

Effective Date: 09-20-1999

5543.20 Responsibility for bridge inspection.

The county engineer shall inspect all bridges or portions thereof on the county highway system inside and outside of municipalities, bridges on township roads, and other bridges or portions of bridges for which responsibility for inspection is by law or agreement assigned to the county. If the responsibility for inspection of a bridge is not fixed by law or agreement and the county performs the largest share of maintenance on a bridge, inspection shall be made by the engineer.

This section does not prohibit a board of township trustees from inspecting bridges within a township.

Such inspection shall be made annually, or more frequently if required by the board of county commissioners, in accordance with the manual of bridge inspection described in section 5501.47 of the Revised Code.

Counties may contract for inspection services.

The engineer shall maintain an updated inventory of all bridges in the county, except those on the state highway system and those within a municipality for which the engineer has no duty to inspect, and indicate on the inventory record who is responsible for inspection and for maintenance, and the authority for such responsibilities.

The engineer shall report the condition of all bridges to the board of county commissioners not later than sixty days after his annual inspection or he shall report more frequently if the board so requires. Any bridge for which the county has inspection or maintenance responsibility which, at any time, is found to be in a condition that is a potential danger to life or property shall be identified in the reports, and if the engineer determines that the condition of any bridge represents an immediate danger he shall immediately report the condition to the board. With respect to those bridges where there exists joint maintenance responsibility, the engineer shall furnish a copy of his report to each party responsible for a share of maintenance. The engineer shall furnish each board of township trustees with a report of the condition of bridges on the township road system of such township and furnish the legislative authority of each municipality in the county with a report of the condition of bridges in such municipality for which the county has responsibility for inspection.

“Maintenance” as used in this division means actual performance of maintenance work.

Effective Date: 09-28-1973

County Roads - Establishment; Alteration; Vacation

5553.02 Authority of board of county commissioners to locate, alter, or vacate roads.

The board of county commissioners may locate, establish, alter, widen, straighten, vacate, or change the direction of roads as provided in sections 5553.03 to 5553.16 of the Revised Code. This power extends to all roads within the county, except that as to roads on the state highway system the approval of the director of transportation shall be had. However, no public road shall be located or established, by the board of county commissioners, unless the location or establishment begins on a public road and terminates on a public road, or begins on a public road and services a public park, a state supported educational institution, public school, public aviation area, or a public recreation rear, or begins on a public road and services at least three private residences or business in the first five hundred feet and one private residence or business in each two hundred feet thereafter.

Effective Date: 09-28-1973

County Road Grade Crossings

5561.12 Cost of repairs.

After the completion of construction work, grade crossings and approaches shall be kept in repair as follows:

(A) When the public way crosses a railroad or interurban railway, by an overhead bridge, the cost of maintenance must be borne by the county or state, as may be provided by law.

(B) When the public way passes under a railroad or interurban railway, the bridge and its abutments shall be kept and maintained by the railroad or interurban railway company in such proportions as are fixed by agreement between the parties, or, in the absence of such agreement, in such proportions as are fixed by the court of common pleas of the county in which the improvement is located, and the public way and its approaches shall be maintained and kept in repair by the county in which they are situated or by the state.

Effective Date: 10-01-1953

5561.16 Cost to be borne by company - notification - cost.

Any person, firm, or corporation operating a railroad for the transportation of passengers, freight, or express, crossing at grade any street or road, shall construct, reconstruct, improve, maintain, and repair that portion of the highway at such crossing and lying between the outside ends of the ties, and also that portion lying between the tracks, in the case of two or more tracks, and the cost and expense of this construction, reconstruction, improvement, maintenance, or repair shall be borne by said individual, firm, or corporation. Such construction, reconstruction, improvement, maintenance, or repair shall be done in accordance with plans, profiles, and specifications first approved by the director of transportation, in case of state highways or extensions thereof, or by the county engineer, in case of county and township roads or extension thereof.

Such individual, firm, or corporation, upon being notified by the director, in case of state highways or extensions thereof, or the engineer, in case of county or township roads or extensions thereof, that he has determined that it is necessary that such individual, firm, or corporation make such improvement, and being informed of the character thereof in a general way, shall, within thirty days from receiving such notice, which shall be served by the sheriff in the same manner as summons in civil action, prepare and submit to the director or engineer for his approval, detailed plans and specifications covering such improvement. The director or engineer may approve such plans and specifications as submitted, or he may change such plans and specifications and approve them as changed. Within thirty days after the approval of such plans by the director or engineer, such individual, firm, or corporation shall proceed to make such improvement, in accordance with the plans and specifications approved, and complete it in a reasonable time.

If such individual, firm, or corporation does not, within the time limited, prepare and submit for approval such plans and specifications, or proceed to make such improvement, or, having proceeded to make such improvement within the time limited, fail to complete the same within a reasonable time, or proceed to make such improvement not in accordance with the plans and specifications so approved, the director or engineer may enter upon and make such improvement in accordance with the plans and specifications so approved, or if plans and specifications have not been submitted and approved, then in accordance with plans and specifications prepared by the director or engineer.

The costs of making such improvement, including engineering and inspection, by the director or engineer, shall, in the first instance, be paid by the director or county out of any appropriation of the department of transportation or county available for the construction, reconstruction, improvement, maintenance, or repair of highways.

Upon the completion of such improvement, the director or engineer shall certify the amount of the costs, including engineering and inspection of such improvement, to the attorney general or prosecuting attorney, for collection by civil action. The director or engineer, in such certificate to the attorney general or prosecuting attorney, may set out the amount of the payments and the time of making the various payments as set out, as deemed reasonable by the director or engineer.

The prosecuting attorney or attorney general shall proceed to collect such costs and expenses, in accordance with the certificate of the director or engineer. Whenever a road or street is improved where a street, interurban, or other railroad or railway lies within the improved portion of the roadway,

such railroad or railway grade shall, in all respects, be changed to meet the approval of the engineer, unless otherwise provided for in the grant or franchise by virtue of which such railway operates on or occupies said highway. Costs of such change shall be paid by the company, under the law or by the terms of its franchise or grant, shall be a lien upon the property of such company, and the proper authorities may provide for the payment of the amount chargeable against said company, under the law or by the terms of its franchise or grant, in installments as in the case of other property owners. Such installments shall bear interest as in other cases, and the board of county commissioners or other authorities may issue bonds in anticipation of the collection of such installments.

Effective Date: 09-28-1973

Board of Township Trustees

5571.02 Control and maintenance of township roads.

The board of township trustees shall have control of the township roads of its township and, except for those township roads the board places on nonmaintained status pursuant to section 5571.20 of the Revised Code, shall keep them in good repair. The board of township trustees , with the approval of the board of county commissioners or the director of transportation, may maintain or repair a county road, or intercounty highway, or state highway within the limits of its township.

In the maintenance and repair of roads, the board of township trustees may proceed in any of the following methods:

(A) It may designate one of its number to have charge of the maintenance and repair of roads within the township.

(B) It may divide the township into three road districts, in which event each trustee shall have charge of the maintenance and repair of roads within one of those districts.

(C) It may appoint some competent person, not a member of the board of township trustees, to have charge of maintenance and repair of roads within the township, who shall be known as “township highway superintendent” and shall serve at the pleasure of the board .

The method to be followed in each township shall be determined by the board of township trustees by resolution entered on its records.

Effective Date: 09-28-1973; 06-10-2004

County Bridges

5591.01 Definition of joint bridge.

“Joint bridge” as used in sections 5591.01 to 5591.17, inclusive, of the Revised Code, means a bridge constructed, used, or maintained or to be constructed, used, or maintained for general highway traffic above, below, or at the grade of any bridge constructed or to be constructed by any railroad or union depot company, and in connection therewith.

Effective Date: 10-01-1953

5591.02 Commissioners must build certain bridges.

The board of county commissioners shall construct and keep in repair all necessary bridges in municipal corporations on all county roads and improved roads that are of general and public utility, running into or through the municipal corporations, and that are not on state highways.

Effective Date: 07-01-1989; 2007 HB67 07-03-2007

5591.05 Board may establish new highway and change existing grades.

Whenever, in the opinion of the board of county commissioners, it is for the best interests, security, and convenience of the public in carrying out any contract for the construction, use, and maintenance of a joint bridge, such board may establish new highways and widen, change the location of, alter, straighten, narrow, change the grade of, or vacate a part or all of any public highway established or to be established under previous contract.

Effective Date: 10-01-1953

5591.21 Bridges - bonds - land acquisition.

Except as provided in section 5501.49 of the Revised Code, the board of county commissioners shall construct and keep in repair necessary bridges over streams and public canals on or connecting state, county, and improved roads.

The board may submit to the electors the question of issuing county bonds for the construction of bridges on proposed state or county roads or connecting state or county roads, one or more of which may be proposed, but such bonds shall not be issued or sold until the proposed roads are actually established.

When the board determines it unnecessary in the construction of any bridge and the approaches thereto to acquire the entire land upon and over which the same shall be located, it may acquire such part of the land and easements and rights in the remainder thereof as are necessary and sufficient for such construction.

Effective Date: 07-01-1989

5591.23 Approaches to bridges.

Except as provided in section 5591.21 of the Revised Code, the board of county commissioners shall construct and keep in repair, approaches or ways to all bridges named in such section. When the cost of the construction or repair of the approaches or ways to any such bridge does not exceed fifty dollars, such construction or repair shall be performed by the board of township trustees.

Effective Date: 10-01-1953

5591.24 Construction of approaches to county bridges.

The board of county commissioners shall construct, without unnecessary delay, good and sufficient approaches or ways to bridges erected by it. The board shall contract for such construction in the same manner as for contracting for the construction of such bridges.

Effective Date: 10-01-1953

5591.25 Board of county commissioners of one or more counties may build bridges.

When it becomes necessary for the public convenience to bridge a stream of water which is on or near the lines of two or more counties, which are traversed by, or lie on or near the road on which such bridge is needed, the board of county commissioners of such interested counties may build or authorize the building of such bridge jointly, to be paid for, with the approaches thereto, in such proportion as the boards agree upon. The expense of keeping such bridge in repair shall be paid by the counties interested, in the same proportion as the expense of building such bridge was paid.

Effective Date: 10-01-1953

5591.33 Bridges over millraces.

No person possessed of the right to a water privilege shall be required to erect or keep in repair a bridge over a millrace or watercourse, excavated or constructed by him across a public road or highway for hydraulic purposes.

Effective Date: 10-01-1953

5591.35 Lighting of bridges - highway intersections.

The board of county commissioners may provide for the proper lighting of bridges over streams, highway intersections, highway or railroad grade separations or interchange areas erected by it. The cost of such lighting shall be paid from the bridge fund of the county, or from any funds available for highway construction or maintenance and repair, on the order of the board. This section does not apply where the board has constructed three or more bridges within the limits of a municipal corporation. In such case the municipal corporation shall light the bridges within its limits at its own expense.

Effective Date: 08-18-1955

5591.36 Guardrails for bridge or steep embankment.

The board of county commissioners shall erect and maintain on county roads, where not already done, one or more guardrails on each end of a county bridge, viaduct, or culvert more than five feet high. The board also shall protect, by guardrails, all embankments with a rise of more than eight feet in height and with a downward slope of greater than seventy degrees, where the embankments have an immediate connection with a county road.

The expense for a guardrail required under this section shall be paid out of the county bridge fund.

Effective Date: 04-09-2003

Bridge Commissions

5593.01 Bridge commissions definitions.

As used in Chapter 5593. of the Revised Code:

(A) “Bridge” includes all property, rights, easements, and franchises relating thereto including approaches.

(B) “Improvements” means such repairs, replacements, reconstructions, additions, and betterments of and to a bridge acquired or constructed under such chapter, including such approach facilities

thereto, as such commission determines necessary to place it in a safe and efficient condition for the use of the public.

(C) "Cost of bridge" as applied to a bridge to be constructed or acquired by purchase or condemnation includes the estimated cost of construction or the cost of acquisition, cost of improvements, financing charges, interest during the period of construction and for a period not exceeding one year thereafter, interest during any period of disuse before completion of improvements, costs of traffic estimates, engineering and legal expenses, plans, specifications, surveys, estimates of cost and revenues, other expenses necessary or incident to determining the feasibility or practicability of the enterprise, administrative expense, and such other expenses as are necessary or incident to the financing authorized by Chapter 5593. of the Revised Code, the construction or acquisition of the bridge, and the placing of the bridge in operation.

(D) "County bridge commission" or "city bridge commission" means the bridge commission provided for in such sections of any such county or city, or if such commission is abolished, any board or officer succeeding to the principal functions thereof or upon whom the powers given by such sections to such commissions are given by law.

(E) "Owner" includes all individuals, incorporated companies, societies, or associations having any title or interest in any bridge properties, rights, easements, or franchises to be acquired.

(F) "Approach facilities" means such bridge approaches, entrance plazas, overpasses, underpasses, toll booths, toll plazas, exits, and approach highways as the state bridge commission or any county or city bridge commission determines necessary to place any bridge constructed or acquired under Chapter 5593. of the Revised Code, in a safe and efficient condition for the public and to control and expedite adequately the flow of traffic to and from the bridge and past the bridge in both directions to places on public roads where traffic becomes normal and uncongested.

(G) "Revenues" means all tolls, rentals, gifts, grants, receipts, moneys, and all other funds coming into the possession, or under the control, of the state bridge commission or any county or city bridge commission, by virtue of Chapter 5593. of the Revised Code, except the proceeds from the sale of bonds issued under authority of such sections.

Effective Date: 09-04-1982

5593.03 Construction and acquisition of bridges.

Any county or city bridge commission may:

(A) Construct, acquire by purchase or condemnation, and improve, operate, and maintain bridges entirely within the state or such county or city, or over rivers and navigable waters which form a boundary of the state, or such county or city, notwithstanding that the waters of such river or navigable water may not at all times extend to or reach said boundary line, whenever the bridge, any part thereof, or the approach facilities thereto will extend within the boundary of the state or of such county or city;

(B) Pay the costs of such construction, acquisition, improvement, operation, and maintenance;

(C) Issue bridge revenue bonds of the state, or of such county or city, as provided by Chapter 5593. of the Revised Code.

No bridge shall be constructed by a bridge commission until the director of transportation has approved the location and determined, after public hearing as provided in section 5511.01 of the Revised Code, that such construction is in the public interest. The determination and finding shall be

journalized. Before any contracts may be awarded for the construction of such bridge, the plans and specifications shall be approved by the director.

Effective Date: 09-04-1982

5593.06 Organization of commission - inspection of bridges.

Upon the appointment and qualification of the members of any county or city bridge commission, they shall at once proceed to organize. Each such commission shall appoint a vice-chairman and secretary-treasurer, and the commission of any county or city shall elect a chairman. Each member of a county or city bridge commission shall receive such salary as may be fixed by the board of county commissioners or the legislative authority of the city appointing such commission, not exceeding three thousand five hundred dollars per annum, and the necessary expenses incurred in the discharge of the duties of his office. All salaries and compensations shall be paid solely from funds provided under the authority of such sections, and no such commission shall exercise or carry out any authority given it to bind such commission beyond the extent to which money has been or may be provided under such sections.

Each bridge operated entirely or in part by a bridge commission shall be inspected by a professional engineer employed or retained by such commission at least once each year.

Effective Date: 09-04-1982

5593.08 Bridge commissions - powers and duties.

The bridge commission of any county or city may:

(A) Adopt bylaws for the regulation of its affairs and the conduct of its business;

(B) Adopt an official seal, which shall not be the seal of Ohio;

(C) Maintain a principal office and suboffices at such places within the county or city as it designates;

(D) Sue and be sued in its own name, and plead and be impleaded. Any actions against a bridge commission shall be brought in the court of common pleas of the county in which the principal office of the commission is located, or in the court of common pleas of the county in which the cause of action arose, when such county is located within this state. All summonses, exceptions, and notices of every kind shall be served on the commission by leaving a copy thereof at the principal office with the secretary-treasurer or the person in charge.

(E) Construct, acquire by purchase or condemnation, improve, maintain, repair, police, and operate any bridge, and establish rules for the use of any such bridge;

(F) Issue bridge revenue bonds of the county or city, payable solely from revenues, as provided in sections 5593.10 and 5593.16 of the Revised Code, for the purpose of paying any part of the cost of any bridge or bridges;

(G) Fix and revise from time to time and charge and collect tolls for transit over each bridge constructed or acquired by it;

(H) Acquire, hold, and dispose of real and personal property in the exercise of its powers and the performance of its duties under this chapter;

(I) Acquire, in the name of the county or city, as the case may be, by purchase or otherwise, on such terms and in such manner as it determines proper, or by the exercise of the right of condemnation in the manner provided by sections 163.01 to 163.22 of the Revised Code, any bridge, land, rights, easements, franchises, and other property necessary or convenient for the construction of a bridge or the improvement or efficient operation of any property acquired or constructed under this chapter, or for securing right-of-way leading to any such bridge or its approach facilities;

(J) Make and enter into all contracts and agreements necessary or incidental to the performance of its duties and the execution of its powers under this chapter:

(1) When the cost under any such contract or agreement, other than compensation for personal services, involves an expenditure of more than ten thousand dollars, the commission shall make a written contract with the lowest and best bidder after advertisement for not less than two consecutive weeks, or as provided in section 7.16 of the Revised Code, in a newspaper of general circulation in Franklin county, and in such other publications as the commission determines, which notice shall state the general character of the work and the general character of the materials to be furnished, the place where plans and specifications therefor may be examined, and the time and place of receiving bids.

(2) Each bid for a contract for the construction, demolition, alteration, repair, or reconstruction of an improvement shall contain the full name of every person interested in it and meets the requirements of section 153.54 of the Revised Code.

(3) Each bid for a contract except as provided in division (J)(2) of this section shall contain the full name of every person or company interested in it and shall be accompanied by a bond or certified check on a solvent bank, in such amount as the commission determines sufficient, that if the bid is accepted a contract will be entered into and the performance of its proposal secured.

(4) The commission may reject any and all bids.

(5) A bond with good and sufficient surety, approved by the commission, shall be required of every contractor awarded a contract except as provided in division (J)(2) of this section, in an amount equal to at least fifty per cent of the contract price, conditioned upon the faithful performance of the contract.

(K) Employ consulting engineers, superintendents, managers, engineers, construction and accounting experts, attorneys, and other employees and agents as are necessary in its judgment, and fix their compensation. All such expenses are payable solely from the proceeds of bridge revenue bonds issued under this chapter, or from revenues.

(L) Receive and accept from any federal agency, subject to the approval of the board of county commissioners or the legislative authority of the city, as the case may be, grants for or in aid of the construction, acquisition, improvement, or operation of any bridge, and receive and accept aid or contributions from any source of money, property, labor, or other things of value, to be held, used, and applied only for the purposes for which such grants and contributions are made;

(M) Provide coverage for its employees under sections 4123.01 to 4123.94 and 4141.01 to 4141.46 of the Revised Code;

(N) Do all acts necessary or proper to carry out the powers expressly granted in this chapter.

Amended by 129th General Assembly File No. 28, HB 153, § 101.01, eff. 9/29/2011.

Effective Date: 03-17-1989

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DECISIONS AND OPINIONS FROM THE OHIO ATTORNEY GENERAL (SUMMARIES)

1927-1334
County commissioners are responsible to keep in repair bridges on established county roads inside municipalities

1928-2834
The State, County and Railroad are going to share maintenance responsibilities for a specific Bridge in Athens county built in 1876 over a stream both inside and outside of a municipality, by the county commissioners on what is now a state highway over the RR to eliminate a grade crossing.

1935-4078
Where a state or county road becomes a city street by reason of annexation of territory to a city, such street continues to exist as a state of county road within the intendment of GC 2421 and 7557 (RC 5591.21), and it is the primary duty of the county commissioners to construct and keep in repair necessary bridges on such streets over streams and public canals, but municipalities are not thereby relived from their obligation to keep such bridges open, in repair and free from nuisance.

1945-243
Necessary state and county bridges within a municipality are to be constructed by the County commissioners; the maintenance and repair of bridges erected on state and county highways within municipal corporations is a joint obligation of the county and the municipality

1946-925
Upon request by and approval of council or other legislative author of a village, Director of highways has mandatory duty to maintain, repair and center line paint and section of a state highway, including bridges and culverts thereon, within a village.

1951-471
County responsible for keeping in repair necessary bridges over streams and public canals within the municipality on or connecting state and county roads; however municipalities are not relieved from obligation to keep bridges and their approaches in repair and free from nuisance

1953-2916
Where in the construction of a turnpike project, it becomes necessary to effect a grade separation at the intersection of such turnpike and a public road, whereby such public road is carried over the turnpike by means of an overpass, the paved surface on such overpass does not become such a part of the turnpike project as defined in Section 1204, General Code, as to require such paved surface to be kept in maintenance and repair under the provisions of Section 1218, General Code; but the structure by which such paved surface is supported is a part of such project and its maintenance and repair is the responsibility of the turnpike commission.

1957-790
A sidewalk on a bridge located in a municipality on a state or county highway is a part of such bridge and a duty to maintain such sidewalk rest primarily on the board of county commissioners and secondarily on the municipality.

1960-1371
The primary duty for repair and maintenance of a culvert located within the state right-of-way of a state highway, at the intersection of such highway within a township highway, such culvert being necessary for the free flow of water in a drainage ditch running parallel to the state highway, rest upon the department of highways.

1960-1841
Where the Director of highways constructs a limited access highway which intersects with a county road, the bridges, underpasses, approaches and guardrails constructed at the intersections, within the highway right-of-way, included in the state highway system and are not part of the county highway system, and such bridges, underpasses, approaches, and guardrails should be maintained by the state department of highways.

1965-178 (Home Rule)
"municipal corporations shall have special power to regulate the use of the streets. The legislative authority of such municipal corporation shall have the care, supervision, and control of public highways, streets, avenues, alleys, sidewalks, public grounds, bridges, aqueducts, and viaducts within municipal corporation, and shall use them to be kept open, in repair, and free of nuisance."

Municipalities derive all their powers of local self-government form **Section 3, Article XVIII, Ohio Constitution**, which reads:

"Municipalities shall have authority to exercise all powers of local self-government and to adopt and enforce with their limits such local police, sanitary and other similar regulations as are not in conflict with general laws." This Section of the Constitution is the root of all municipal power.

"Accordingly, it is my opinion that the Director of Highways needs to obtain consent of the municipal corporation to maintain, repair or improve, provide lighting and remove snow and ice on interstate system within the municipal corporation limits, even though Amended Senate Bill No. 322 state that such duties are those of the Director of Highways notwithstanding Section 5501.14 and 5511.01, Revised Code."

1974-004: MOD OAG 81-007
A village which is required by RC 723.01 to keep certain bridges in repair, may pursuant to 5521.01 request the Director of transportation to perform such repairs and in such case both the state and county are under obligation to repair the bridge.

1974-007: MOD OAG 81-007
Where, pursuant to RC 5521.01, a village has requested and thereby obligated the Director of transportation to make repairs on a section of highway, the obligation does not continue in effect after the village becomes a city.

1981-039
The duty to clean and repair storm sewers falls on the political subdivision responsible for cleaning and repair of the ditches and culverts which comprise the storm sewer.

1982-025
A property owner who, in order to provide an approach to his property, places a culvert in a preexisting ditch which is part of a public highway is responsible for the maintenance of that culvert. (Clarified OAG 81-039)

1986-080
Where a sidewalk is located outside of municipality, the government entity which is currently responsible for the repair and maintenance of a particular highway is responsible for the repair and maintenance of the sidewalks appurtenant to the highway.

1994-025

1) Where the term "maintenance" has not been specifically defined in the Revised Code, it must be given its natural, literal, common, or ordinary meaning, and that definition must be applied with regard to that section of the Revised Code in which it appears.

2) A culvert is a structure that crosses under a road or an embankment for the passage of water from one side of the road or embankment to the other. Neither the size, shape, or material of which the

culvert is constructed affects its status as a culvert. Instead, it is the function of the structure that determines whether it is a culvert. If it functions as a passage for water to move beneath a road from one side to the other, then it is a culvert.

3) A culvert is not a bridge. A bridge is a structure that spans and provides passage over a waterway or other obstacle, while a culvert provides for the passage of water beneath a road or embankment.

1994-032

1) The "right-of-way" of a public road refers to the easement acquired by the public in that portion of the land of the owner thereof over which a road or highway passes, with all the powers and privileges that are necessarily incident to such easement.

2) Pursuant to R.C. 5553.03, a public road established by a board of county commissioners after September 6, 1915, must, with certain exceptions described therein, be at least thirty feet wide.

3) The right-of-way of a township road established by common law dedication or by prescription includes both the improved road surface used for travel and as much of the land immediately adjacent thereto, and the use thereof, as is necessarily incident to the safe and efficient use of such road surface for actual travel. (1988 Op. Att'y Gen. No. 88-080 (syllabus, paragraph three), approved and followed.)

1994-061

1) A township is not required to repair a storm sewer pipe installed by a homeowner to carry water from his property to a township storm sewer pipe.

2) If the installation of a storm sewer pipe by a homeowner to carry water from his property to a township storm sewer pipe were to constitute a wrongful diversion of water to a township road, then the homeowner would be in violation of R.C. 5589.06.

3) A township is not responsible if storm water backs up onto the property of homeowners unless the township has abridged the riparian rights of homeowners who have installed a storm sewer pipe to carry water from their property to a township storm sewer pipe.

2000-012

1) Unless a road has been properly established as a public road, neither a county nor a township is required to repair or maintain a bridge that carries the road over a railroad line.

2) Pursuant to R.C. 4955.20, R.C. 4959.03, and R.C. 5523.19, a bridge carrying a public road over a railroad line must be repaired and maintained by the railroad company that owns or operates the railroad line, unless the bridge was constructed pursuant to R.C. Chapter 4957, 5523, or 5561. If the bridge carrying the road over the railroad line was constructed pursuant to R.C. Chapter 4957, 5523, or 5561, then the state or the county, as may be provided by law, is responsible for the repair and maintenance of the bridge.

2006-051

1) When the Ohio Department of Transportation (ODOT) constructs a bridge to carry a county or township road or municipal street over a limited access state highway, the bridge structure is part of the state highway system; however, the road or street that passes over the bridge may be included in the county

highway system, the township road system, or the system of municipal streets. (1960 Op. Att'y Gen. No. 1841, p. 667, followed in part and overruled in part, and 1958 Op. Att'y Gen. No. 1605, p. 29, reaffirmed in part).

2) Pursuant to R.C. 5501.11(A)(1), ODOT is responsible for the rehabilitation, reconstruction, maintenance, and repair of a bridge structure not located in a municipal corporation if the road that passes over the bridge is a county or township road and the road running beneath the bridge is a limited access state highway. ODOT is not responsible for the maintenance and repair of the wearing surface of the road that passes over the bridge; instead, this responsibility rests with the county or township, as determined pursuant to state law.

3) When, as part of the construction of a state highway that is not a limited access highway, ODOT constructs a bridge not located in a municipal corporation to carry a county or township road over the state highway, the bridge is appurtenant to the state highway and ODOT is responsible for the rehabilitation, reconstruction, maintenance, and repair of the bridge structure pursuant to R.C. 5501.11(A)(1); however, ODOT is not responsible for the maintenance and repair of the wearing surface of the road that passes over the bridge, for this responsibility rests with the county or township, as determined pursuant to state law. When a bridge carrying a county or township road over a state highway that is not a limited access highway is not located in a municipal corporation and is not part of ODOT's construction of the state highway, the bridge is not appurtenant to the state highway and responsibility for the rehabilitation, reconstruction, maintenance, and repair of both the bridge structure and the wearing surface of the road that passes over the bridge rests with the county or township, as determined pursuant to state law.

4) Except as provided in R.C. 5501.49, R.C. 5517.04, and R.C. 5521.01, ODOT is not responsible for the rehabilitation, reconstruction, maintenance, or repair of a bridge structure that carries a county or township road or a municipal street over a limited access state highway or other state highway within a municipal corporation, or for the maintenance or repair of the wearing surface of the county or township road or municipal street that passes over that bridge structure; instead, this responsibility rests with the county, township, or municipality, as determined pursuant to state law.

2012-009

1) When the Ohio Department of Transportation constructs a bridge outside of a municipal corporation to carry a county or township road over a state highway, the Ohio Department of Transportation is responsible pursuant to R.C. 5501.11(A)(1) for nonemergency maintenance of approaches, embankments, and safety devices that are part of the bridge structure. (2006 Op. Att'y Gen. No. 2006-051, approved and followed; 1927 Op. Att'y Gen. No. 461, vol. I, p. 765, syllabus, paragraph 1, overruled.)

2) A county does not have a duty under R.C. 5591.36 to maintain a guardrail on an embankment that is part of a bridge structure constructed by the Ohio Department of Transportation outside of a municipal corporation to carry a county road over a state highway. (1928 Op. Att'y Gen. No. 2940, vol. IV, p. 2713; 1928 Op. Att'y Gen. No. 2155, vol. II, p. 1250; and 1927 Op. Att'y Gen. No. 461, vol. I, p. 765, syllabus, paragraphs 3 and 4, overruled, in part, on the basis of statutory amendments.)

OTHER REFERENCES

Mirriam-Webster Definition of "maintain":

1. to keep in an existing state (as of repair, efficiency, or validity) **:** preserve from failure or decline <*maintain* machinery>

Mirriam-Webster Definition of "maintenance":

1. the act of maintaining : the state of being maintained : support
2. something that maintains
3. the upkeep of property or equipment

UNITED STATES CODE

United States Code – Title 23 Highways

§101. Definitions and declaration of policy (text not attached)

§116. Maintenance

(a) It shall be the duty of the State transportation department to maintain, or cause to be maintained, any project constructed under the provisions of this chapter or constructed under the provisions of prior Acts. The State's obligation to the United States to maintain any such project shall cease when it no longer constitutes a part of a Federal-aid system.

(b) In any State wherein the State transportation department is without legal authority to maintain a project constructed on the Federal-aid secondary system, or within a municipality, such transportation department shall enter into a formal agreement for its maintenance with the appropriate officials of the county or municipality in which such project is located.

(c) If at any time the Secretary shall find that any project constructed under the provisions of this chapter, or constructed under the provisions of prior Acts, is not being properly maintained, he shall call such fact to the attention of the State transportation department. If, within ninety days after receipt of such notice, such project has not been put in proper condition of maintenance, the Secretary shall withhold approval of further projects of all types in the State highway district, municipality, county, other political or administrative subdivision of the State, or the entire State in which such project is located, whichever the Secretary deems most appropriate, until such project shall have been put in proper condition of maintenance.

(d) Preventive Maintenance.—A preventive maintenance activity shall be eligible for Federal assistance under this title if the State demonstrates to the satisfaction of the Secretary that the activity is a cost-effective means of extending the useful life of a Federal-aid highway.

(Pub. L. 85–767, Aug. 27, 1958, 72 Stat. 896; Pub. L. 86–70, §21(d)(2), (e)(3), June 25, 1959, 73 Stat. 145, 146; Pub. L. 90–495, §26, Aug. 23, 1968, 82 Stat. 829; Pub. L. 95–599, title I, §124(d), Nov. 6, 1978, 92 Stat. 2705; Pub. L. 97–424, title I, §114, Jan. 6, 1983, 96 Stat. 2107; Pub. L. 100–17, title I, §125(b)(2), Apr. 2, 1987, 101 Stat. 167; Pub. L. 104–59, title III, §309, Nov. 28, 1995, 109 Stat. 582; Pub. L. 105–178, title I, §1212(a)(2)(A)(i), June 9, 1998, 112 Stat. 193; Pub. L. 109–59, title I, §1111(b)(1), Aug. 10, 2005, 119 Stat. 1171.)

AMENDMENTS

2005—Subsec. (b). Pub. L. 109–59 substituted “such transportation department” for “such highway department”.

1998—Subsecs. (a) to (c). Pub. L. 105–178 substituted “State transportation department” for “State highway department”.

1995—Subsec. (d). Pub. L. 104–59 added subsec. (d).

1987—Subsecs. (d), (e). Pub. L. 100–17 struck out subsecs. (d) and (e) which read as follows:

“(d) The Secretary in consultation with the State highway departments and interested and knowledgeable private organizations and individuals shall as soon as possible establish national bridge inspection standards in order to provide for the proper safety inspection of bridges. Such standards shall specify in detail the method by which inspections shall be conducted by the State highway departments, the maximum time lapse between inspections and the qualifications for those charged with the responsibility for carrying out such inspections. Each State shall be required to maintain written reports to be available to the Secretary pursuant to such inspections together with a notation of the action taken pursuant to the findings of such inspections. Each State shall be required to maintain a current inventory of all bridges.

"(e) The Secretary shall establish in cooperation with the State highway departments a program designed to train appropriate employees of the Federal Government and the State governments to carry out bridge inspections. Such a program shall be revised from time to time in light of new or improved techniques. For the purposes of this section the Secretary may use funds made available pursuant to the provisions of section 104(a) and section 307(a) of this title."

1983—Subsec. (c). Pub. L. 97–424 substituted "State highway district, municipality, county, other political or administrative subdivision of the State, or the entire State in which such project is located, whichever the Secretary deems most appropriate," for "entire State" after "all types in the", and struck out exception for a situation where such project was subject to an agreement pursuant to subsection (b) of this section, in which case approval was to have been withheld only for secondary or urban projects in the county or municipality where such project is located.

1978—Subsec. (d). Pub. L. 95–599 struck out provisions limiting provisions of the subsection to the Federal-aid system.

1968—Subsecs. (d), (e). Pub. L. 90–495 added subsecs. (d) and (e).

1959—Subsec. (a). Pub. L. 86–70, §21(e)(3), substituted "It" for "Except as provided in subsection (d) of this section, it".

Subsec. (d). Pub. L. 86–70, §21(d)(2), repealed subsec. (d) which related to expenditure of funds apportioned to the Territory of Alaska and contributed by the Territory for the maintenance of roads.

EFFECTIVE DATE OF 1968 AMENDMENT

Amendment by Pub. L. 90–495 effective Aug. 23, 1968, see section 37 of Pub. L. 90–495, set out as a note under section 101 of this title.

EFFECTIVE DATE OF 1959 AMENDMENT

Amendment by section 21(d)(2) of Pub. L. 86–70 effective July 1, 1959, see section 21(d) of Pub. L. 86–70, set out as a note under section 103 of this title.

Amendment by section 21(e)(3) of Pub. L. 86–70 effective July 1, 1959, see section 21(e) of Pub. L. 86–70, set out as a note under section 101 of this title.

ESTABLISHMENT OF MINIMUM FEDERAL GUIDELINES FOR MAINTENANCE; STUDY BY NATIONAL ACADEMY OF SCIENCES AND REPORT

Section 163 of Pub. L. 100–17 directed Secretary to enter into appropriate arrangements with the National Academy of Sciences to conduct a complete investigation of the appropriateness of establishing minimum Federal guidelines for maintenance of the Federal-aid primary, secondary, and urban systems and, not later than 18 months after entering into appropriate arrangements, the National Academy of Sciences was to submit to Secretary and Congress a report on the results of the investigation and study together with recommendations (including legislative and administrative recommendations) concerning establishment of minimum Federal guidelines for maintenance of the Federal-aid primary, secondary, and urban systems.

CODE OF FEDERAL REGULATIONS

23 CFR 650 Subpart C

Sets the national standards for the proper safety inspection and evaluation of all highway bridges

49 CFR Part 237 (FRA)

Each track owner shall adopt a bridge safety management program to prevent the deterioration of railroad bridges by preserving their capability to safely carry the traffic to be operated over them, and reduce the risk of human casualties, environmental damage, and disruption to the Nation's railroad transportation system that would result from a catastrophic bridge failure; Annual inspection of Bridges (>= 10')