

As Introduced

136th General Assembly

Regular Session

2025-2026

H. B. No. 83

Representatives Ferguson, McClain

A BILL

To amend sections 5501.31, 5521.01, and 5521.011; 1
to amend, for the purpose of adopting a new 2
section number as indicated in parentheses, 3
section 5521.011 (5521.012); and to enact new 4
section 5521.011 of the Revised Code to clarify 5
and amend the laws related to the Director of 6
Transportation's responsibilities for state 7
highways located in villages and cities. 8

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 5501.31, 5521.01, and 5521.011 be 9
amended; section 5521.011 (5521.012) be amended for the purpose 10
of adopting a new section number as indicated in parentheses; 11
and new section 5521.011 of the Revised Code be enacted to read 12
as follows: 13

Sec. 5501.31. (A) The director of transportation shall 14
have general supervision of all roads comprising the state 15
highway system. The director may ~~alter~~ do any of the following: 16

(1) Alter, widen, straighten, realign, relocate, 17
establish, construct, reconstruct, improve, maintain, repair, 18
and preserve any road or highway on the state highway system. 19

~~and, in;~~ 20

(2) In connection ~~therewith~~ with the state highway system, 21
relocate, alter, widen, deepen, clean out, or straighten the 22
channel of any watercourse as the director considers necessary,~~—~~ 23
~~and purchase;~~ 24

(3) Purchase or appropriate property for the disposal of 25
surplus materials or borrow pits, ~~and, where;~~ 26

(4) Where an established road has been relocated, 27
establish, construct, and maintain such connecting roads between 28
the old and new location as will provide reasonable access 29
thereto. 30

(B) (1) The director may purchase or appropriate property 31
necessary for any of the following: 32

(a) The location or construction of any culvert, bridge, 33
or viaduct, or the approaches thereto, ~~including any property~~ 34
~~needed to;~~ 35

(b) To extend, widen, or alter any feeder or outlet road, 36
street, or way adjacent to or under the bridge or viaduct when 37
~~the extension, widening, or alteration of the feeder road,~~ 38
~~street, or way is necessary~~ for the full utilization of the 39
bridge or viaduct, ~~or for any;~~ 40

(c) The location or construction of any other highway 41
improvement. ~~The—~~ 42

(2) Incident to any highway improvement that the director 43
is or may be authorized to locate or construct, the director may 44
purchase or appropriate, ~~for such length of time as is necessary~~ 45
~~and desirable,~~ any additional property required for the 46
construction and maintenance of slopes, detour roads, sewers, 47

roadside parks, rest areas, recreational park areas, park and 48
ride facilities, ~~and~~ park and carpool or vanpool facilities, 49
scenic view areas, drainage systems, or land to replace 50
wetlands, ~~incident to any highway improvement, that the director~~ 51
~~is or may be authorized to locate or construct. Also incident-~~ 52

(3) Incident to any authorized highway improvement, the 53
director may purchase property from a willing seller ~~as required~~ 54
~~for the~~ either of the following: 55

(a) The construction and maintenance of bikeways and 56
bicycle paths ~~or to;~~ 57

(b) To replace, preserve, or conserve any environmental 58
resource if the replacement, preservation, or conservation is 59
required by state or federal law. 60

(C) Title to property purchased or appropriated by the 61
director shall be taken in the name of the state either in fee 62
simple or in any lesser estate or interest that the director 63
considers necessary or proper, ~~in~~. The title shall be in 64
accordance with forms to be prescribed by the attorney general. 65
The deed shall contain a description of the property and be 66
recorded in the county where the property is situated ~~and, when~~ 67
. When recorded, the deed shall be kept on file in the 68
department of transportation. The property may be described by 69
metes and bounds or by the department of transportation parcel 70
number as shown on a right of way plan recorded in the county 71
where the property is located. 72

~~Provided that when property, other than property used by a~~ 73
~~railroad for operating purposes, is acquired in connection with-~~ 74
~~improvements involving projects affecting railroads wherein the-~~ 75
~~department is obligated to acquire property under grade-~~ 76

~~separation statutes, or on other improvements wherein the~~ 77
~~department is obligated to acquire lands under agreements with~~ 78
~~railroads, or with a public utility, political subdivision,~~ 79
~~public corporation, or private corporation owning transportation~~ 80
~~facilities for the readjustment, relocation, or improvement of~~ 81
~~their facilities, (D) (1) The director may acquire a fee simple~~ 82
title or an easement may be acquired in property by purchase or 83
appropriation in the name of ~~the~~ a railroad, public utility, 84
political subdivision, public corporation, or private 85
corporation ~~in the discretion of the director~~ for any of the 86
following purposes: 87

(a) Improvements for projects affecting railroads when the 88
department is obligated to acquire the property under grade 89
separation statutes; 90

(b) Improvements when the department is obligated to 91
acquire the property under agreements with railroads; 92

(c) The readjustment, relocation or improvement of 93
transportation facilities owned by the railroad, public utility, 94
political subdivision, public corporation, or private 95
corporation. ~~When~~ 96

(2) When the title to lands, which are required to adjust, 97
relocate, or improve such facilities pursuant to agreements with 98
the director, property is taken in the name of the state under 99
division (D) (1) of this section, then, in the discretion of the 100
director, the title to such ~~lands~~ property may be conveyed to 101
the railroad, public utility, political subdivision, or public 102
corporation for which ~~they were~~ it was acquired. The conveyance 103
shall be prepared by the attorney general and executed by the 104
governor and bear the great seal of the state of Ohio. 105

(3) Division (D) of this section does not apply to 106
property used by a railroad for operating purposes. 107

(E) The director, in the maintenance or repair of state 108
highways, is not limited to the use of the materials with which 109
the highways, including the bridges and culverts thereon, were 110
originally constructed, but may use any material that is proper 111
or suitable. The director may aid any board of county 112
commissioners in establishing, creating, and repairing suitable 113
systems of drainage for all highways within the jurisdiction or 114
control of the board ~~and~~. The director may advise with it the 115
board and the county engineer as to the establishment, 116
construction, improvement, maintenance, and repair of the 117
highways. 118

(F) Chapters 4561., 5501., 5503., 5511., 5513., 5515., 119
5516., 5517., 5519., 5521., 5523., 5525., 5527., 5528., 5529., 120
5531., 5533., and 5535. of the Revised Code do not prohibit the 121
federal government, any government agency, or any individual or 122
corporation, from contributing a portion of the cost of the 123
establishment, construction, reconstruction, relocating, 124
widening, resurfacing, maintenance, and repair of the highways 125
or transportation facilities. 126

~~Except in the case of maintaining, repairing, erecting~~ 127
~~traffic signs on, or pavement marking of state highways within~~ 128
~~villages, which is mandatory as required by section 5521.01 of~~ 129
~~the Revised Code, and except as provided in section 5501.49 of~~ 130
~~the Revised Code, no duty of constructing, reconstructing,~~ 131
~~widening, resurfacing, maintaining, or repairing state highways~~ 132
~~within municipal corporations, or the culverts thereon, shall~~ 133
~~attach to or rest upon the director, but the director may~~ 134
~~construct, reconstruct, widen, resurface, maintain, and repair~~ 135

~~the same with or without the cooperation of any municipal~~ 136
~~corporation, or with or without the cooperation of boards of~~ 137
~~county commissioners upon each municipal corporation consenting~~ 138
~~thereto.~~ 139

Sec. 5521.01. (A) Except as provided in division (B) of 140
this section and section 5501.49 of the Revised Code, the 141
director has no duty to construct, reconstruct, widen, 142
resurface, maintain, or repair a state highway or a culvert 143
thereon within a municipal corporation. 144

(B) The director of transportation, upon the request by 145
and the approval of in consultation with the legislative 146
authority of a village, shall maintain, repair, and apply do 147
both of the following: 148

(1) Maintain and repair any section of a state highway 149
within the limits of the village; 150

(2) Apply standard longitudinal pavement marking lines as 151
the director considers appropriate, or on any section of a state 152
highway within the limits of the village. 153

(C) The director, upon the request by and the approval of 154
the legislative authority of a village, may establish, do both of 155
the following: 156

(1) Establish, construct, reconstruct, improve, or widen 157
any section of a state highway within the limits of a the 158
village. The director also may erect, including the elimination 159
of railway grade crossings; 160

(2) Erect regulatory and warning signs, as defined in the 161
manual adopted under section 4511.09 of the Revised Code, on any 162
section of a state highway within the limits of a the village. 163
The 164

(D) The director, upon the request by and approval of the 165
legislative authority of a city, may ~~establish~~ do either of the 166
following: 167

(1) Establish, construct, reconstruct, improve, widen, 168
maintain, or repair any section of state highway within the 169
limits of ~~a~~ the city, including the elimination of railway grade 170
crossings, ~~and;~~ 171

(2) Erect regulatory and warning signs, as defined in the 172
manual adopted under section 4511.09 of the Revised Code, on any 173
section of a state highway within the limits of the city. 174

(E) The director may pay the entire or any part of the 175
cost and expense ~~thereof~~ incurred from any activity described in 176
divisions (B) to (D) of this section from state funds, but in 177
~~all cases the director first shall obtain the consent of the~~ 178
~~legislative authority of the municipal corporation, except that~~ 179
~~.~~ 180

(F) Notwithstanding any other provision of this section to 181
the contrary, the director need not obtain the consent of ~~the a~~ 182
municipal corporation if ~~the~~ either of the following apply: 183

(1) The existing highway being changed or the location of 184
an additional highway being established was not within the 185
corporate limits of the municipal corporation at the time the 186
director determines the establishment or change should be made, ~~or~~ 187
~~or if the;~~ 188

(2) The director is acting pursuant to section 5501.49 of 189
the Revised Code or any other provision that expressly gives the 190
director such authority. 191

~~Except as provided in section 5501.49 of the Revised Code,~~ 192
~~when in the opinion of the director there is urgent need to~~ 193

~~establish a state highway, which is to be designated a federal- 194
aid highway, or a federal aid interstate highway within a 195
municipal corporation or, in the opinion of the director, any 196
federal aid highway or interstate federal aid highway is in 197
urgent need of repair, reconstruction, widening, improvement, or 198
relocation, so as to accommodate the traveling public, the 199
director shall submit a written request to the legislative 200
authority of the municipal corporation for its consent to the 201
desired establishment or improvement. The legislative authority, 202
within sixty days after the written request has been received 203
from the director, either shall grant its consent to the 204
establishment or improvement or refuse consent by filing in 205
writing with the director a statement of its reasons for 206
refusing consent and any alternate proposals it considers 207
reasonable. If the legislative authority fails to act or refuses 208
consent, the director, upon consideration of the reasons for 209
rejection, may make a resolution declaring the necessity of the 210
establishment or improvement, and then proceed in the same 211
manner as if consent had been given. A certified copy of the 212
resolution shall be served upon the municipal legislative 213
authority, which, within twenty days from the date of service, 214
may appeal to the court of common pleas of the county in which 215
the municipal corporation is situated, upon the reasonableness 216
and necessity of the action provided for in the resolution. In 217
the hearing upon appeal, the director shall introduce the record 218
of the director's proceedings, including the director's findings 219
with respect to factors referred to in section 5521.011 of the 220
Revised Code, and such other competent evidence as the director 221
desires in support of the director's resolution, and the 222
municipality likewise may introduce competent evidence opposing 223
the resolution, and findings. The court may affirm or revoke the 224
resolution. The decision of the common pleas court may be 225~~

~~appealed to the court of appeals and the supreme court as in 226~~
~~other cases. If the court affirms the resolution, the director 227~~
~~may proceed with the establishment or improvement with or 228~~
~~without the cooperation of the municipal corporation. Any such 229~~
~~municipal corporation may cooperate with the director in the 230~~
~~work and pay such portion of the cost as is agreed upon between 231~~
~~the municipal corporation and the director. The legislative 232~~
~~authority of any municipal corporation desiring to cooperate, by 233~~
~~resolution, may propose such cooperation to the director, and a 234~~
~~copy of the resolution, which shall set forth the proportion of 235~~
~~the cost and expense to be contributed by the municipal 236~~
~~corporation, shall be filed with the director. The director 237~~
~~shall cause to be prepared the necessary surveys, plans, 238~~
~~profiles, cross sections, estimates, and specifications and 239~~
~~shall file copies of them with the legislative authority of the 240~~
~~municipal corporation. After the legislative authority has 241~~
~~approved the surveys, plans, profiles, cross sections, 242~~
~~estimates, and specifications, and after the municipal 243~~
~~corporation has provided the funds necessary to meet the portion 244~~
~~of the cost of the work assumed by it, the municipal corporation 245~~
~~shall enter into a contract with the state providing for payment 246~~
~~by the municipal corporation of the agreed portion of the cost. 247~~
~~The form of the contract shall be prescribed by the attorney 248~~
~~general, and such contracts shall be submitted to the director 249~~
~~and approved before the receipt of bids. Section 5705.41 of the 250~~
~~Revised Code applies to such contract to be made by the 251~~
~~municipal corporation, and a duplicate of the certificate of the 252~~
~~chief fiscal officer of the municipal corporation shall be filed 253~~
~~in the office of the director. That part of the cost of the work 254~~
~~assumed by the municipal corporation shall be paid from the 255~~
~~proceeds of taxes or special assessments, or both, or from the 256~~
~~proceeds of notes or bonds issued and sold in anticipation of 257~~

~~the collection of the taxes and assessments. For the purpose of 258
providing funds for the payment of that part of the cost of the 259
work assumed by the municipal corporation, the municipal 260
corporation has the same authority to make special assessments, 261
levy taxes, and issue bonds or notes, in anticipation of the 262
collection of the same, as it has with respect to improvements 263
constructed under the sole supervision and control of the 264
municipal corporation. All such assessments shall be made, taxes 265
levied, and bonds or notes issued and sold under such conditions 266
and restrictions as may be provided with respect to assessments, 267
taxes, bonds, or notes made, levied, issued, or sold in 268
connection with improvements of the same class and character 269
constructed under the sole supervision and control of the 270
municipal corporation. The improvement shall be constructed 271
under the sole supervision of the director. The proportion of 272
the cost and expense payable by the municipal corporation shall 273
be paid by the proper officers thereof, upon the requisition of 274
the director, and at times during the progress of the work as 275
may be determined by the director or as may be otherwise 276
provided by law. 277~~

Sec. 5521.011. (A) (1) Except as otherwise provided by law, 278
when there is an urgent need to accommodate the traveling 279
public, the director of transportation shall submit a written 280
request to the legislative authority of a municipal corporation 281
for its consent to either of the following: 282

(a) The establishment of a state highway within a 283
municipal corporation that will be designated a federal aid 284
highway or federal aid interstate highway; 285

(b) The repair, reconstruction, widening, improvement, or 286
relocation of a federal aid highway or interstate federal aid 287

<u>highway.</u>	288
<u>(2) The legislative authority, within sixty days after</u>	289
<u>receiving the written request from the director, shall do one of</u>	290
<u>the following:</u>	291
<u>(a) Grant its consent to the request;</u>	292
<u>(b) Refuse its consent by filing, in writing with the</u>	293
<u>director, a statement of its reasons for refusing consent and</u>	294
<u>any alternate proposals it considers reasonable.</u>	295
<u>(B) (1) If the legislative authority refuses consent under</u>	296
<u>division (A) (2) of this section, or fails to act, the director,</u>	297
<u>upon consideration of any reasons for the refusal to consent,</u>	298
<u>may adopt a resolution declaring the necessity of the actions</u>	299
<u>specified in the request for consent. The director may then</u>	300
<u>proceed in the same manner as if consent had been given. A</u>	301
<u>certified copy of the resolution shall be served upon the</u>	302
<u>legislative authority.</u>	303
<u>(2) Within twenty days from the date of service, the</u>	304
<u>legislative authority may appeal to the court of common pleas of</u>	305
<u>the county in which the municipal corporation is located. The</u>	306
<u>legislative authority, in the appeal, shall address the</u>	307
<u>reasonableness and necessity of the action provided for in the</u>	308
<u>director's resolution.</u>	309
<u>(3) In the hearing upon appeal, the director shall</u>	310
<u>introduce all of the following:</u>	311
<u>(a) The record of the director's proceedings;</u>	312
<u>(b) The director's findings with respect to factors</u>	313
<u>referred to in section 5521.012 of the Revised Code;</u>	314
<u>(c) Any other competent evidence in support of the</u>	315

<u>director's resolution.</u>	316
<u>(4) The legislative authority likewise may introduce</u>	317
<u>competent evidence opposing the resolution and the director's</u>	318
<u>findings.</u>	319
<u>(5) The court may affirm or revoke the resolution. The</u>	320
<u>decision of the common pleas court may be appealed to the court</u>	321
<u>of appeals and the supreme court as in other cases. If the court</u>	322
<u>affirms the resolution, the director may proceed with the</u>	323
<u>actions specified in the resolution with or without the</u>	324
<u>cooperation of the municipal corporation.</u>	325
<u>(C) A municipal corporation may cooperate with the</u>	326
<u>director in the work authorized by this section and pay such</u>	327
<u>portion of the cost as is agreed upon between the municipal</u>	328
<u>corporation and the director. The legislative authority of the</u>	329
<u>municipal corporation, by resolution, shall set forth the</u>	330
<u>proportion of the cost and expense to be contributed by the</u>	331
<u>municipal corporation, and shall file a copy of the resolution</u>	332
<u>with the director.</u>	333
<u>(D) (1) The director shall have the necessary surveys,</u>	334
<u>plans, profiles, cross sections, estimates, and specifications</u>	335
<u>prepared and shall file copies of them with the legislative</u>	336
<u>authority of the municipal corporation.</u>	337
<u>(2) The municipal corporation and the state shall enter</u>	338
<u>into a contract after both of the following occur:</u>	339
<u>(a) The legislative authority approves the surveys, plans,</u>	340
<u>profiles, cross sections, estimates, and specifications.</u>	341
<u>(b) The municipal corporation provides the funds necessary</u>	342
<u>to meet its portion of the cost of the work assumed by it.</u>	343

(3) The attorney general shall prescribe the form of the contract and the contract shall be submitted to the director and approved before the receipt of bids. 344
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(4) Section 5705.41 of the Revised Code applies to all such contracts. A duplicate of the certificate of the chief fiscal officer of the municipal corporation shall be filed in the director's office. 347
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(E) (1) The municipal corporation shall pay its portion of the costs from either of the following: 351
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(a) The proceeds of taxes or special assessments, or both; 353

(b) The proceeds of notes or bonds issued and sold in anticipation of the collection of the taxes and assessments. 354
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(2) For the purpose of providing funds for its share of the cost, the municipal corporation may make special assessments, levy taxes, and issue bonds or notes, in anticipation of the collection of the same, as it would for 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 though the improvements were of the same class and character and constructed under the sole supervision and control of the municipal corporation. 356
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(F) The improvement shall be constructed under the sole supervision of the director. The proper officers of the municipal corporation shall pay the proportion of the municipal corporation's cost and expense upon the requisition of the director and at times during the progress of the work as the director determines or as otherwise provided by law. 366
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(G) Section 5521.01 of the Revised Code governs the 372

<u>responsibility for the ongoing maintenance or repair of any</u>	373
<u>improvement constructed under this section.</u>	374
Sec. 5521.011 <u>5521.012</u>. (A) In determining new highway	375
locations the director shall consider the following factors,	376
wherever applicable, and include such considerations in the	377
record of his <u>the director's</u> proceedings: national	378
(1) <u>National</u> defense; economic	379
(2) <u>Economic</u> activity; employment	380
(3) <u>Employment</u> ; open	381
(4) <u>Open</u> spaces; existing	382
(5) <u>Existing</u> park lands; recreation	383
(6) <u>Recreation</u> ; fire	384
(7) <u>Fire</u> protection; esthetics	385
(8) <u>Esthetics</u> ; public	386
(9) <u>Public</u> utilities; safety	387
(10) <u>Safety</u> ; residential	388
(11) <u>Residential</u> character and location; religious	389
(12) <u>Religious</u> institutions and practices; rights	390
(13) <u>Rights</u> and freedoms of individuals; conduct	391
(14) <u>Conduct</u> and financing of government; conservation	392
(15) <u>Conservation</u> ; property	393
(16) <u>Property</u> values; replacement	394
(17) <u>Replacement</u> housing; education	395
(18) <u>Education</u> and disruption of school district	396

operations; specific	397
<u>(19) Specific</u> numbers of families and businesses	398
displaced; engineering	399
<u>(20) Engineering</u> , right-of-way, and construction costs for	400
proposed highway facilities and related transportation	401
facilities; maintenance	402
<u>(21) Maintenance</u> of highway facilities and other	403
transportation facilities; use	404
<u>(22) Use</u> of highways and other transportation facilities,	405
and user costs; and operation	406
<u>(23) Operation</u> of highway facilities and other	407
transportation facilities during construction and following	408
completion.	409
<u>(B) Documentation</u> should cover the consideration given to	410
each determinant, including a statement as to which were not	411
considered significant as between alternatives.	412
Section 2. That existing sections 5501.31, 5521.01, and	413
5521.011 of the Revised Code are hereby repealed.	414