As Introduced

134th General Assembly

Regular Session 2021-2022

H. B. No. 465

Representatives Sheehy, Bird

Cosponsors: Representatives Hicks-Hudson, Humphrey, Merrin, Miller, A., Russo, Sobecki

A BILL

То	amend section 5511.01 and to enact section	1
	5517.08 of the Revised Code to establish	2
	requirements regarding Department of	3
	Transportation projects, specifically as they	4
	relate to schools and school zones.	

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

Section 1. That section 5511.01 be amended and section	6
5517.08 of the Revised Code be enacted to read as follows:	7
Sec. 5511.01. (A) All state highways established by law	8
shall continue to be known as state highways, and the state	9
highway system established by law shall continue to be known as	10
the state highway system.	11
(D) Defere establishing any additional highways as mart of	12
(B) Before establishing any additional highways as part of	12
the state highway system, or making any significant changes in	13
existing highways comprising the system, or making any	14
significant changes to any other street or roadway, the director	15
of transportation shall notify the general community of the	16
project and offer an opportunity for appropriate public	17

involvement in the project process. The director shall	18
specifically notify any school that will be impacted by an	
additional highway or significant change.	20
(C) The opportunity for public involvement shall satisfy	21
the requirements of the "National Environmental Policy Act of	22
1969," 83 Stat. 852, 42 U.S.C.A. 4321 et seq., as amended, and	23
may consist of activities including public meetings or hearings,	24
small group meetings with local officials, individual meetings,	25
news releases, public notices, workshops, newsletters,	26
electronic communications, radio announcements, mail	27
notification, and other activities considered appropriate for	28
the exchange of information. The director or the director's	29
designee shall provide the public involvement activities in each	30
of the counties in which the highway proposed to be established	31
is to be located or in which it is proposed to make those	32
changes.	33
(D) Any changes made in existing highways by the director	34
or any additional highways established by the director following	35
the public involvement activities shall be certified to the	36
following authorities interested in them: the legislative	37
authority of municipalities, the board of county commissioners,	38
the board of township trustees, the municipal, county, and	39
regional planning commissions, and the municipal, township, or	40
county officer authorized to issue land use or building permits.	41
Before any zoning change or subdivision plat is approved and	42
before any permit for land use or the erection, alteration, or	43
moving of a building is granted affecting any land within three	44
hundred feet of the center line of a proposed new highway or	45
highway for which changes are proposed, as described in the	46
certification by the director, or within a radius of five	47

hundred feet from the point of intersection of that center line

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with any public road or highway, the authority authorized to	49
approve the zoning change or subdivision plat or the authority	50
authorized to grant the permit for land use or the erection,	51
alteration, or moving of the building shall give notice, by	52
certified mail, to the director, and shall not approve a zoning	53
change or subdivision plat or grant a permit for land use or the	54
erection, alteration, or moving of a building for one hundred	55
twenty days from date notice is received by the director. During	56
the one hundred twenty-day period and any extension of it as may	57
be agreed to between the director and any property owner, notice	58
of which has been given to the authority to which the	59
application has been made, the director shall proceed to acquire	60
any land needed by purchase or gift, or by initiating	61
proceedings to appropriate, or make a finding that acquisition	62
at such time is not in the public interest. Upon purchase,	63
initiation of appropriation proceedings, or a finding that	64
acquisition is not in the public interest, the director shall	65
notify the authority from which notice was received of that	66
action. Upon being notified that the director has purchased or	67
initiated proceedings to appropriate the land that authority	68
shall refuse to rezone land or to approve any subdivision plat	69
that includes the land which the director has purchased or has	70
initiated proceedings to appropriate, and that authority shall	71
refuse to grant a permit for land use or the erection,	72
alteration, or moving of a building on the land which the	73
director has purchased or initiated proceedings to appropriate.	74
Upon notification that the director has found acquisition at	75
that time not to be in the public interest, or upon the	76
expiration of the one hundred twenty-day period or any extension	77
of it, if no notice has been received from the director, that	78
authority shall proceed in accordance with law.	79

(E) A report of the change or addition shall be filed in	80
the office of the director, and the report of the director	81
making the change or establishing the highway shall be placed on	82
file in the office of the department of transportation.	83
(F) In no event shall the total mileage of the state	84
highway system be increased under this section to exceed two	85
hundred miles in one year.	86
(G) The director, upon petition of the boards of the	87
counties traversed by a highway or of citizens of those	88
counties, may officially assign to a highway of the state	89
highway system a distinctive name commemorative of a historical	90
event or personage, or officially assign to a highway of the	91
state highway system a commonly accepted and appropriate name by	92
which the highway is known.	93
(H) The director may, upon giving appropriate notice and	94
offering the opportunity for public involvement and comment,	95
abandon a highway on the state highway system or part of such a	96
highway which the director determines is of minor importance or	97
which traverses territory adequately served by another state	98
highway, and the abandoned highway shall revert to a county or	99
township road or municipal street. A report covering that action	100
shall be filed in the office of the director, and the director	101
shall certify the action to the board of the county in which the	102
highway or portion of the highway so abandoned is situated.	103
(I) The director shall make a map showing, by appropriate	104
numbering or other designation, all the state highways. The map	105
shall be kept on file in the director's office, and the director	106
shall cause the map to be corrected and revised to show all	107
changes and additions to the date of the correction. A copy of	108
the map, certified by the director as a correct copy of the map	109

on file in the director's office, shall be admissible as	110
evidence in any court to prove the existence and location of the	111
several highways and roads of the state highway system.	112

(J) The state highway routes into or through municipal 113 corporations, as designated or indicated by state highway route 114 markers erected on the routes, are state highways and a part of 115 the state highway system. The director may erect state highway 116 route markers and other signs directing traffic as the director 117 thinks proper upon those portions of the state highway system 118 119 lying within municipal corporations, and the consent of the municipal corporations to that erection and marking shall not be 120 necessary. However, the director may erect traffic signs in 121 villages in accordance with section 5521.01 of the Revised Code. 122 No change in the route of any highway through a municipal 123 corporation shall be made except after providing public 124 involvement activities. 125

(K) Except as provided in sections 5501.49 and 5517.04 of 126 the Revised Code, no duty of constructing, reconstructing, 127 maintaining, and repairing such state highways within municipal 128 corporations shall attach to or rest upon the director. The 129 director may enter upon such state highways within any municipal 130 corporation and construct, reconstruct, widen, improve, 131 maintain, and repair them, provided the municipal corporation 132 first consents by resolution of its legislative authority, 133 except that the director need not obtain the consent of the 134 municipal corporation if the existing highway being changed or 135 the location of an additional highway being established was not 136 within the corporate limits of the municipal corporation at the 137 time the establishment or change is approved by the director, or 138 if the director is acting pursuant to section 5501.49 of the 139 Revised Code. 140

(L) The director shall place in the files of the	141
department a record of the routes of all such state highways	142
within municipal corporations, and shall cause them to be	143
corrected and revised to show all changes and additions to the	144
date of the correction. A copy of the record or any pertinent	145
part of it, certified by the director to be a true and correct	146
copy, shall be admissible in evidence in any court of the state	147
for the purpose of proving the existence and location of any	148
state highway within a municipal corporation.	149
(M) When the director proposes to change an existing state	150
highway and there exists upon the highway a separated railroad	151
crossing, the director shall mail to the interested railroad	152
company a copy of the notice, which shall be mailed by first-	153
class mail, postage prepaid, and certified with return receipt	154
requested, at least two weeks before the time fixed for any	155
public involvement activity. When the director proposes to	156
change an existing state highway within a municipal corporation,	157
the director shall mail to the mayor or other chief executive	158
officer of the municipal corporation a copy of the notice, which	159
shall be mailed by first-class mail, postage prepaid, and	160
certified with return receipt requested, at least two weeks	161
before the time fixed for any public involvement activity.	162
(N) Nothing in this section shall be construed to require	163
providing public involvement activities before the construction,	164
reconstruction, maintenance, improvement, or widening of an	165
existing highway where no relocation is involved.	166
(O) With the exception of the authority conferred upon the	167
director by this section to erect state highway route markers	168
and signs directing traffic and by section 5501.49 of the	169
Revised Code, Chapters 5501., 5503., 5511., 5513., 5515., 5516.,	170

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5517., 5519., 5521., 5523., 5525., 5527., 5528., 5529., 5531.,	171
5533., and 5535. of the Revised Code shall not in any way	172
modify, limit, or restrict the authority conferred by section	173
723.01 of the Revised Code upon municipal corporations to	174
regulate the use of streets and to have the care, supervision,	175
and control of the public highways, streets, avenues, alleys,	176
sidewalks, public grounds, bridges, aqueducts, and viaducts	177
within the municipal corporations, or the liability imposed upon	178
municipal corporations by division (B)(3) of section 2744.02 of	179
the Revised Code for negligent failure to keep public roads in	180
repair and other negligent failure to remove obstructions from	181
public roads.	182
(P) As used in this section, "school" means a school	183
operated by the board of education of a city, local, exempted	184
village, or joint vocational school district, the governing	185
board of an educational service center, the governing authority	186
of a community school established under Chapter 3314. of the	187
Revised Code, the governing body of a science, technology,	188
engineering, and mathematics school established under Chapter	189
3326. of the Revised Code, the board of trustees of a college-	190
preparatory boarding school established under Chapter 3328. of	191
the Revised Code, or the governing authority of a chartered or	192
nonchartered nonpublic school.	193
Sec. 5517.08. (A) The director of transportation or any	194
person preparing a traffic safety study for the department of	195
transportation shall do both of the following:	196
(1) Consider the impact of a proposed project on traffic	197
through a designated school zone;	198
(2) Evaluate any increase or decrease of traffic through a	199
designated school zone in light of the safety of students and_	200

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school traffic.	201
(B) As used in this section, "school zone" has the same	202
meaning as in section 4511.21 of the Revised Code.	203
Section 2. That existing section 5511.01 of the Revised	204
Code is hereby repealed.	205