

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

To 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. 5

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

(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 19
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 48

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
lying within municipal corporations, and the consent of the 119
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

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| Code is hereby repealed.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