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# OHIO LEGISLATIVE SERVICE COMMISSION

Office of Research  
and Drafting

Legislative Budget  
Office

H.B. 16  
134<sup>th</sup> General Assembly

## Bill Analysis

**Version:** As Introduced

**Primary Sponsors:** Reps. Stephens and Baldrige

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### SUMMARY

- Clarifies that the Department of Transportation (ODOT) must do both of the following in consultation with a village:
  - Maintain and repair any section of a state highway within the village's limits; and
  - Apply standard pavement marking lines on any section of a state highway within the village's limits.
- Eliminates the requirement that a village request and approve the maintenance, repair, and line marking prior to ODOT undertaking the work.
- Requires ODOT to do both of the following:
  - Cut, trim, or remove any grass, shrubs, trees, or weeds growing or within the limits of a state highway within a village's limits; and
  - Place and maintain any traffic control signal on an extension of a state highway within a village's limits.
- Makes substantial organizational changes for clarity regarding ODOT's responsibilities for state highways within a municipal corporation.

### DETAILED ANALYSIS

#### State highways in municipal corporations

##### Background

With regard to state highways located within a municipal corporation, the Department of Transportation (ODOT) has different responsibilities based on whether the municipal corporation is a city or a village and based on the type of activity conducted on the state

highway. A village is a municipal corporation with a population of 4,999 or less. A city is a municipal corporation with a population of 5,000 or more.<sup>1</sup> The following table describes ODOT's responsibilities for state highways, under current law, based on the type of municipal corporation and the activity.

Re: state highways within a municipal corporation		
ODOT	Within Village	Within City
Required to perform the duty when requested and authorized by the municipal corporation	Maintenance Repair Longitudinal line markings	N/A
Authorized to perform the duty when requested and authorized by the municipal corporation	Construction Reconstruction Widening Resurfacing	Maintenance Repair Construction Reconstruction Widening Resurfacing

### ODOT's responsibilities within a village

Regarding ODOT's duty to maintain and repair a state highway within a village and its duty to apply line markings (any line markings, not just longitudinal), the bill eliminates the requirement that a village must request and approve the work. Rather, ODOT must work in consultation with the village to ensure those activities are conducted for the relevant state highways. The bill retains ODOT's permissive authority, with village authorization, for construction, reconstruction, widening, and resurfacing for state highways within a village. Additionally, it retains in its entirety ODOT's permissive authority with regard to all activities on state highways within a city.<sup>2</sup>

The bill also requires ODOT to do both of the following within a village:

1. Place and maintain any traffic control signal on an extension of a state highway within the village; and

<sup>1</sup> Ohio Constitution, Article XVIII, Section 1.

<sup>2</sup> R.C. 5521.01.

2. Cut, trim, or remove any grass, shrubs, trees, or weeds growing or within the limits of a state highway within the village.<sup>3</sup>

Under current law, a village is responsible for placing and maintaining traffic control signals along state highways within the village, but must obtain the Director of Transportation's permission first. The Director may remove any signals that are placed without permission or that do not conform to ODOT's standards.<sup>4</sup> A village is also generally responsible for grass, tree, and shrub maintenance along the state highways within the village. ODOT has permissive authority to provide that maintenance. However, that authority is limited to when it is necessary because of construction, highway maintenance, or public safety.<sup>5</sup>

### Organizational changes

In order to better clarify ODOT's responsibilities with regard to state highways within a municipal corporation, the bill makes substantial organizational changes to the relevant state statutes. Those changes include renumbering within sections and divisions, moving language pertaining to state federal aid highways to its own section of the Revised Code, and making associated technical changes. While the organizational changes are numerous, other than the additions to ODOT's responsibilities described above, the substance of current law's requirements remains the same.<sup>6</sup>

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## HISTORY

Action	Date
Introduced	02-03-21

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H0016-I-134/ks

<sup>3</sup> R.C. 4511.11(C) and 5501.42(B)(2).

<sup>4</sup> R.C. 4511.11.

<sup>5</sup> R.C. 5501.42(C).

<sup>6</sup> R.C. 5501.31, 5521.01, 5521.011, and 5521.012.