

As Introduced

**134th General Assembly
Regular Session
2021-2022**

S. B. No. 270

**Senators Fedor, Gavarone
Cosponsor: Senator Yuko**



A BILL

To amend section 5511.01 of the Revised Code to
establish requirements regarding Department of
Transportation projects, specifically as they
relate to schools and school zones.

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

Section 1. That section 5511.01 of the Revised Code be
amended to read as follows:

Sec. 5511.01. (A) 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.

(B) 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 director shall specifically notify any
school located within one-half mile of the proposed additional
highway or significant change that will be impacted by that

additional highway or significant change. 19

(C) The opportunity for public involvement shall satisfy 20
the requirements of the "National Environmental Policy Act of 21
1969," 83 Stat. 852, 42 U.S.C.A. 4321 et seq., as amended, and 22
may consist of activities including public meetings or hearings, 23
small group meetings with local officials, individual meetings, 24
news releases, public notices, workshops, newsletters, 25
electronic communications, radio announcements, mail 26
notification, and other activities considered appropriate for 27
the exchange of information. The director or the director's 28
designee shall provide the public involvement activities in each 29
of the counties in which the highway proposed to be established 30
is to be located or in which it is proposed to make those 31
changes. 32

(D) Any changes made in existing highways by the director 33
or any additional highways established by the director following 34
the public involvement activities shall be certified to the 35
following authorities interested in them: the legislative 36
authority of municipalities, the board of county commissioners, 37
the board of township trustees, the municipal, county, and 38
regional planning commissions, and the municipal, township, or 39
county officer authorized to issue land use or building permits. 40
Before any zoning change or subdivision plat is approved and 41
before any permit for land use or the erection, alteration, or 42
moving of a building is granted affecting any land within three 43
hundred feet of the center line of a proposed new highway or 44
highway for which changes are proposed, as described in the 45
certification by the director, or within a radius of five 46
hundred feet from the point of intersection of that center line 47
with any public road or highway, the authority authorized to 48
approve the zoning change or subdivision plat or the authority 49

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

(E) A report of the change or addition shall be filed in 79
the office of the director, and the report of the director 80

making the change or establishing the highway shall be placed on 81
file in the office of the department of transportation. 82

(F) In no event shall the total mileage of the state 83
highway system be increased under this section to exceed two 84
hundred miles in one year. 85

(G) The director, upon petition of the boards of the 86
counties traversed by a highway or of citizens of those 87
counties, may officially assign to a highway of the state 88
highway system a distinctive name commemorative of a historical 89
event or personage, or officially assign to a highway of the 90
state highway system a commonly accepted and appropriate name by 91
which the highway is known. 92

(H) The director may, upon giving appropriate notice and 93
offering the opportunity for public involvement and comment, 94
abandon a highway on the state highway system or part of such a 95
highway which the director determines is of minor importance or 96
which traverses territory adequately served by another state 97
highway, and the abandoned highway shall revert to a county or 98
township road or municipal street. A report covering that action 99
shall be filed in the office of the director, and the director 100
shall certify the action to the board of the county in which the 101
highway or portion of the highway so abandoned is situated. 102

(I) The director shall make a map showing, by appropriate 103
numbering or other designation, all the state highways. The map 104
shall be kept on file in the director's office, and the director 105
shall cause the map to be corrected and revised to show all 106
changes and additions to the date of the correction. A copy of 107
the map, certified by the director as a correct copy of the map 108
on file in the director's office, shall be admissible as 109
evidence in any court to prove the existence and location of the 110

several highways and roads of the state highway system. 111

(J) The state highway routes into or through municipal 112
corporations, as designated or indicated by state highway route 113
markers erected on the routes, are state highways and a part of 114
the state highway system. The director may erect state highway 115
route markers and other signs directing traffic as the director 116
thinks proper upon those portions of the state highway system 117
lying within municipal corporations, and the consent of the 118
municipal corporations to that erection and marking shall not be 119
necessary. However, the director may erect traffic signs in 120
villages in accordance with section 5521.01 of the Revised Code. 121
No change in the route of any highway through a municipal 122
corporation shall be made except after providing public 123
involvement activities. 124

(K) Except as provided in sections 5501.49 and 5517.04 of 125
the Revised Code, no duty of constructing, reconstructing, 126
maintaining, and repairing such state highways within municipal 127
corporations shall attach to or rest upon the director. The 128
director may enter upon such state highways within any municipal 129
corporation and construct, reconstruct, widen, improve, 130
maintain, and repair them, provided the municipal corporation 131
first consents by resolution of its legislative authority, 132
except that the director need not obtain the consent of the 133
municipal corporation if the existing highway being changed or 134
the location of an additional highway being established was not 135
within the corporate limits of the municipal corporation at the 136
time the establishment or change is approved by the director, or 137
if the director is acting pursuant to section 5501.49 of the 138
Revised Code. 139

(L) The director shall place in the files of the 140

department a record of the routes of all such state highways 141
within municipal corporations, and shall cause them to be 142
corrected and revised to show all changes and additions to the 143
date of the correction. A copy of the record or any pertinent 144
part of it, certified by the director to be a true and correct 145
copy, shall be admissible in evidence in any court of the state 146
for the purpose of proving the existence and location of any 147
state highway within a municipal corporation. 148

(M) When the director proposes to change an existing state 149
highway and there exists upon the highway a separated railroad 150
crossing, the director shall mail to the interested railroad 151
company a copy of the notice, which shall be mailed by first- 152
class mail, postage prepaid, and certified with return receipt 153
requested, at least two weeks before the time fixed for any 154
public involvement activity. When the director proposes to 155
change an existing state highway within a municipal corporation, 156
the director shall mail to the mayor or other chief executive 157
officer of the municipal corporation a copy of the notice, which 158
shall be mailed by first-class mail, postage prepaid, and 159
certified with return receipt requested, at least two weeks 160
before the time fixed for any public involvement activity. 161

(N) Nothing in this section shall be construed to require 162
providing public involvement activities before the construction, 163
reconstruction, maintenance, improvement, or widening of an 164
existing highway where no relocation is involved. 165

(O) With the exception of the authority conferred upon the 166
director by this section to erect state highway route markers 167
and signs directing traffic and by section 5501.49 of the 168
Revised Code, Chapters 5501., 5503., 5511., 5513., 5515., 5516., 169
5517., 5519., 5521., 5523., 5525., 5527., 5528., 5529., 5531., 170

5533., and 5535. of the Revised Code shall not in any way 171
modify, limit, or restrict the authority conferred by section 172
723.01 of the Revised Code upon municipal corporations to 173
regulate the use of streets and to have the care, supervision, 174
and control of the public highways, streets, avenues, alleys, 175
sidewalks, public grounds, bridges, aqueducts, and viaducts 176
within the municipal corporations, or the liability imposed upon 177
municipal corporations by division (B)(3) of section 2744.02 of 178
the Revised Code for negligent failure to keep public roads in 179
repair and other negligent failure to remove obstructions from 180
public roads. 181

(P) As used in this section, "school" means a school 182
operated by the board of education of a city, local, exempted 183
village, or joint vocational school district, the governing 184
board of an educational service center, the governing authority 185
of a community school established under Chapter 3314. of the 186
Revised Code, the governing body of a science, technology, 187
engineering, and mathematics school established under Chapter 188
3326. of the Revised Code, the board of trustees of a college- 189
preparatory boarding school established under Chapter 3328. of 190
the Revised Code, or the governing authority of a chartered or 191
nonchartered nonpublic school. 192

Section 2. That existing section 5511.01 of the Revised 193
Code is hereby repealed. 194