



Ohio Legislative Service Commission

Bill Analysis

Linda S. Crawford

Sub. H.B. 514

129th General Assembly

(As Reported by S. Highways and Transportation)

Reps. Newbold, Antonio, Barnes, Boyd, Celebrezze, Damschroder, Fende, Hackett, Kozlowski, Luckie, Mallory, Murray, O'Brien, Patmon, Ruhl, Sykes, Szollosi, Winburn, Yuko, Batchelder

Sen. LaRose

BILL SUMMARY

- Authorizes the ODOT Director to enter into an agreement or contract with any entity to establish a traveler information program to provide real-time traffic conditions and travel time information free to travelers.
- Requires motor vehicle operators to take certain actions upon approaching a highway maintenance vehicle.
- Requires the amount of an ODOT construction contract performance bond and payment bond to be equal to 100% of the contract amount rather than 100% of the estimated cost of the work as in existing law.

CONTENT AND OPERATION

Traveler information program

The bill authorizes the ODOT Director to enter into cooperative or contractual agreements with any individual, organization, or business to create or promote a traveler information program that provides real-time traffic conditions and travel time information at no cost to the traveler. Under the bill, the Director may contract with a program manager, and the program manager is responsible for all costs associated with the development and operation of the traveler information program. Any compensation due to a program manager or vendor may include deferred

compensation in an amount determined by the ODOT Director. Also, excess revenue must be remitted to ODOT for deposit into the Highway Operating Fund.¹

Without reference to any particular program, the bill establishes that any materials or data submitted to, made available to, or received by the ODOT Director, to the extent that the materials or data consist of trade secrets (as defined in the existing Trade Practices portion of the Ohio Uniform Commercial Code), or commercial or financial information, are confidential and are not public records.²

Actions required upon approaching a highway maintenance vehicle

The bill requires the driver of a motor vehicle, upon approaching a stationary highway maintenance vehicle that is displaying the appropriate visual signals by means of flashing, oscillating, or rotating lights, to do either of the following:

(1) If the driver of the motor vehicle is traveling on a highway that consists of at least two lanes that carry traffic in the same direction of travel as that of the driver's motor vehicle, proceed with due caution and, if possible and with due regard to the road, weather, and traffic conditions, change lanes into a lane that is not adjacent to that of the stationary public safety vehicle, emergency vehicle, or road service vehicle, or highway maintenance vehicle.

(2) If the driver is not traveling on a highway of a type described in the previous paragraph, or if the driver is traveling on a highway of that type but it is not possible to change lanes or if to do so would be unsafe, proceed with due caution, reduce the speed of the motor vehicle, and maintain a safe speed for the road, weather, and traffic conditions.³

A "highway maintenance vehicle" is a vehicle used in snow and ice removal or road surface maintenance, including a snow plow, traffic lane striper, road sweeper, mowing machine, asphalt distributing vehicle, or other such vehicle designed for use in specific highway maintenance activities.⁴

Under current law, drivers must move over or slow down for stationary public safety vehicles, emergency vehicles, and road service vehicles that are displaying the appropriate lights.

¹ R.C. 5501.03(E).

² R.C. 5501.03(F).

³ R.C. 4511.213(A)(1) and (2).

⁴R.C. 4511.01(QQQ) and 4511.04(D).

These provisions do not relieve the driver of a public safety vehicle, emergency vehicle, road service vehicle, or highway maintenance vehicle from the duty to drive with due regard for the safety of all persons and property upon the highway.⁵

Department of Transportation construction contract bonds

Before entering into a construction contract, the Director of Transportation must have a contract performance bond and a payment bond with sufficient sureties from the contractor. The bill requires the amount of the contract performance bond and payment bond to be equal to 100% of the contract amount rather than 100% of the estimated cost of the work as required in existing law.⁶

Under existing law and the bill, a contract performance bond is conditioned upon the contractor's performing the work upon the terms proposed, within the time prescribed, and in accordance with applicable plans and specifications. It is also conditioned upon the contractor indemnifying the state against any damage that may result from the contractor's failure to perform under the contract. The payment bond is issued to ensure that all laborers, suppliers, and subcontractors are paid in full.⁷

HISTORY

| ACTION | DATE |
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| Introduced | 04-12-12 |
| Reported, H. Transportation, Public Safety & Homeland Security | 05-17-12 |
| Passed House (81-15) | 05-23-12 |
| Reported, S. Highways & Transportation | 12-05-12 |

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⁵ R.C. 4511.213(B).

⁶ R.C. 5525.16.

⁷ R.C. 5525.16.

