

Executive

As Passed by the House

In Senate Finance

DOTCD5 Determinations of Liability in Civil Actions Against the Department of Transportation

R.C. 2743.021, 2743.01, 2743.02, 2743.022

Exempts from the criteria used to determine the state's liability in accordance with the rules of law applicable to actions between private parties the determination of liability of the Ohio Department of Transportation (ODOT) in actions against the Department under the Court of Claims Law. Instead specifies that ODOT's liability is determined based on the governmental and proprietary functions of the Department.

No provision.

No provision.

Defines the governmental and proprietary functions of ODOT for the purposes of determining the Department's liability in civil actions, and specifies that ODOT is not liable for damages in civil actions related to ODOT's governmental and proprietary functions unless otherwise specified.

No provision.

No provision.

Specifies that ODOT is liable in damages for injury, death, or loss to person or property shown to be caused by a preponderance of the evidence by (1) the negligent operation of a motor vehicle by an officer or employee within the scope of the person's employment or authority; (2) the negligent performance of acts with respect to ODOT's proprietary functions; (3) the negligent failure to keep roads or highways in repair or to remove obstructions; (4) negligence and patent defects in buildings or grounds used in a governmental function; or (5) if civil liability is otherwise imposed on ODOT by statute.

No provision.

No provision.

Specifies that ODOT is immune from liability for damages for injury, death, or loss to person or property in a civil action if (1) the officer or employee involved was engaged in a prosecutorial, quasi-judicial, or quasi-legislative function; (2) the conduct of the officer or employee involved was not

No provision.

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negligent and was required or authorized by law, or was necessary or essential to the exercise of the powers of ODOT or the officer or employee; (3) the action or failure to act of an officer or employee was within the person's discretion with respect to policymaking, planning, or enforcement powers by virtue of the person's official duties or responsibilities; or (4) the injury, death, or loss to person or property resulted from the exercise of judgment or discretion in determining whether to acquire, or how to use, equipment, supplies, materials, personnel, facilities, and other resources unless the judgment or discretion was exercised with malicious purpose, in bad faith, or in a wanton or reckless manner.

Specifies that an officer or employee of ODOT is immune from liability for damages for injury, death, or loss to person or property in a civil action unless (1) the person's acts or omissions were manifestly outside the scope of the person's employment or official responsibilities; (2) the person's acts or omissions were with malicious purpose, in bad faith, or in a wanton or reckless manner; or (3) civil liability is expressly imposed upon the officer or employee by a section of the Revised Code.

Specifies that an immunity or defense conferred upon an officer or employee of ODOT does not affect any liability of the Department for an act or omission of the officer or employee

Fiscal effect: This limits the circumstances under which the Department of Transportation might be required to pay damages or other liability costs in the event of civil actions against the Department or its officers and employees.

No provision.

No provision.

No provision.

No provision.

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<p>DOTCD6 Speed Limits in Construction Zones</p>	<p>No provision.</p>	<p>R.C. 4511.98</p> <p>Permits the Director of Transportation to establish speed limits within construction zones that vary based on the type of work being conducted, the time of day, or any other criteria the Director may consider appropriate.</p> <p>Fiscal effect: Potential minimal increase in costs to the Highway Operating Fund (Fund 7002) for additional signage that may be required for varying speed limits in construction zones.</p>
<p>DOTCD7 Lights on Snow Removal Equipment and Oversize Vehicles</p>	<p>No provision.</p>	<p>R.C. 4513.18</p> <p>Clarifies that any flashing lights on snow removal equipment and oversize vehicles operating under special permits must be a color other than blue or red.</p> <p>Fiscal effect: None.</p>
<p>DOTCD4 Operating Costs of the Office of Aviation</p>	<p>No provision.</p>	<p>No provision.</p>
<p>R.C. 4561.21</p> <p>Permits money in the Airport Assistance Fund to be used to pay operating costs associated with the Office of Aviation of the Department of Transportation.</p>		

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Fiscal effect: The provision potentially increases the amount in the Airport Assistance Fund (Fund 5W90) available for operating expenses to supplement the amounts currently allocated for such purposes through the GRF. However, this could reduce the amount available in Fund 5W90 for grants to airports for pavement maintenance and obstruction removal.

DOTCD2 Authority to Contract for Traveler Information Program

R.C. 5501.03

Authorizes the Director of Transportation to enter into an agreement or contract with any entity to provide a free traveler information program to provide real time traffic conditions and travel time information, and allows the Director to contract with a program manager to develop and operate the program.

No provision. Included in H.B. 514, As Introduced.

No provision. Included in H.B. 514, As Introduced.

Specifies that the compensation due to a program manager or vendor may include deferred compensation in an amount determined by the Director of Transportation, and requires excess revenue, as determined by the Director of Transportation and the Director of Budget and Management, to be deposited into the Highway Operating Fund.

No provision. Included in H.B. 514, As Introduced.

No provision. Included in H.B. 514, As Introduced.

Specifies that trade secrets or commercial or financial information provided to the Director are confidential and are not public records.

No provision. Included in H.B. 514, As Introduced.

No provision. Included in H.B. 514, As Introduced.

Fiscal effect: The costs of contracting for a traveler information program would most likely be paid from the Highway Operating Fund (Fund 7002). Some of these costs potentially could be offset by the receipt of "excess revenues," the amounts of which would be determined by the directors of Transportation and Budget and Management.

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DOTCD1 Authority for Director of Transportation to Organize the Department

R.C. 5501.04, 5501.07, Repealed: R.C. 5501.09

Eliminates the current eight statutory divisions of the Department of Transportation (the divisions of business services, engineering policy, finance, human resources, information technology, multi-modal planning and programs, project management, and equal opportunity) and instead authorizes the Director of Transportation to organize the Department under existing general authority.

Replaces the Office of Public Transportation within the Division of Multi-Modal Planning with the Office of Transit.

Fiscal effect: None.

R.C. 5501.04, 5501.07, Repealed: R.C. 5501.09

Same as the Executive.

Same as the Executive.

Fiscal effect: Same as the Executive.

R.C. 5501.04, 5501.07, Repealed: R.C. 5501.09

Same as the Executive.

Same as the Executive.

Fiscal effect: Same as the Executive.

DOTCD3 Reimbursements to a Utility for Facility Relocation

R.C. 5501.51

Defines the "actual cost" component of the "cost of relocation," relative to current law requiring the state to reimburse a utility for the cost of relocating a facility because of a highway construction project, to mean only those costs that are eligible for reimbursement in accordance with Part 645, Subparts A and B, of Title 23 of the Code of Federal Regulations, which concerns utility facilities on federal-aid or direct federal highway projects.

Fiscal effect: The provision limits the state-reimbursable costs of utility relocations to those eligible under federal law, potentially reducing any expenditures for this purpose from the Highway Operating Fund (Fund 7002).

No provision.

No provision.

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DOTCD8

Advertising Signs at Certain Professional Sports Facilities

No provision.

No provision.

R.C. 5516.02, 5516.06

Requires the rules that the Director of Transportation must adopt for certain highway advertising devices to allow an advertising device to be located within 350 feet of the structure of a professional sports facility, and that such devices near sports facilities have a maximum area of 5,000 square feet, exclusive of decorative bases and supports.

Fiscal effect: Negligible administrative costs to the Highway Operating Fund (Fund 7002) for the incorporation of the required change in rules.

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DASCD21 Compressed Natural Gas Study Committee

Sections: 701.80, 601.40
Amends Section 207.20.10 of H.B. 153

No provision.

Creates the seven-member Compressed Natural Gas Study Committee, consisting of the following: Two members of the Senate; two members of the House of Representatives; one person appointed by the Governor who is an Ohio resident and has knowledge of or experience in the use of alternative motor vehicle fuels; and the Directors of the Department of Administrative Services and the Department of Transportation or their designees.

No provision.

No provision.

Requires the Committee to examine the use of compressed natural gas in the motor vehicle fleets of the state and political subdivisions, and authorizes the committee to hire consultants or experts to assist in its duties.

No provision.

No provision.

Requires the Committee to issue a report on its findings, including any recommendation for funding the conversion of fleets to compressed natural gas. Requires that copies of the report be delivered to the Governor, the Ohio Senate, and the Ohio House of Representatives. Specifies that the Committee ceases to exist upon issuing its report.

No provision.

No provision.

Earmarks \$250,000 from GSF appropriation item 100637, Fleet Management, in FY 2013 to be used by the Compressed Natural Gas Study Committee to conduct its study.

No provision.