

**As Introduced**

**129th General Assembly  
Regular Session  
2011-2012**

**H. B. No. 40**

**Representative Damschroder**

**Cosponsors: Representatives Murray, Sears, Boose, Amstutz, Slaby,  
Blessing, Gardner, Roegner, Stebelton, Blair, Brenner, Ruhl**

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**A BILL**

To enact section 5537.051 of the Revised Code to make 1  
the Ohio Turnpike Commission responsible for major 2  
maintenance and repair and replacement of grade 3  
separations at intersections of any turnpike 4  
project with county and township roads. 5

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

**Section 1.** That section 5537.051 of the Revised Code be 6  
enacted to read as follows: 7

**Sec. 5537.051.** (A) The Ohio turnpike commission is 8  
responsible for the major maintenance and repair and replacement 9  
of grade separations at intersections of any turnpike project with 10  
county and township roads. The governmental entity with 11  
jurisdiction over the county or township road is responsible for 12  
routine maintenance of grade separations. 13

(B) As used in this section: 14

(1) "Major maintenance and repair and replacement" relates to 15  
all elements constructed as part of or required for a grade 16  
separation, including box culverts, bridges, pile, foundations, 17  
substructures, abutments, piers, superstructures, approach slabs, 18

<u>slopes, approaches, embankments, railing, guardrails, drainage</u>	19
<u>facilities including headwalls, and underdrains, inlets, catch</u>	20
<u>basins and grates, fences, and appurtenances. Major maintenance</u>	21
<u>and repair includes the painting and the repair of deteriorated or</u>	22
<u>damaged elements to restore the structural integrity of any grade</u>	23
<u>separation including embankments.</u>	24
<u>(2) "Routine maintenance" includes, without limitation,</u>	25
<u>clearing debris, sweeping, snow and ice removal, wearing surface</u>	26
<u>improvements, marking for traffic control, minor and emergency</u>	27
<u>repairs to railing and appurtenances, and emergency patching.</u>	28