

Court of Claims of Ohio

The Ohio Judicial Center
65 South Front Street, Third Floor
Columbus, OH 43215
614.387.9800 or 1.800.824.8263
www.cco.state.oh.us

LEON R. MEADE

Plaintiff

v.

OHIO DEPARTMENT OF TRANSPORTATION

Defendant

Case No. 2010-04271-AD

Deputy Clerk Daniel R. Borchert

MEMORANDUM DECISION

FINDINGS OF FACT

{¶ 1} 1) Plaintiff, Leon R. Meade, filed this action against defendant, Department of Transportation (ODOT), alleging his automobile was damaged as a proximate cause of negligence on the part of ODOT in maintaining a hazardous roadway condition on State Route 1 in Lawrence County. Plaintiff related two tires and a rim on his vehicle were damaged when the car struck a massive pothole located along the berm area of State Route 1. Plaintiff recalled the incident occurred on February 26, 2010 at approximately 4:15 p.m. Plaintiff seeks damages in the amount of \$624.63, the stated cost of replacement parts, towing, and related repair expense. The \$25.00 filing fee was paid and plaintiff requested reimbursement of that cost along with his damage claim.

{¶ 2} 2) Defendant filed an investigation report requesting plaintiff's claim be dismissed due to the fact the Lawrence County Engineer and not ODOT has the maintenance responsibility for the roadway where plaintiff's damage incident occurred. Defendant explained ODOT "has performed an investigation of this site and plaintiff was

driving on Old US 52 on County Road 1, not State Route 1" and the Lawrence County Engineer is responsible for maintaining County Road 1. Defendant provided a map of the area outlining County Road 1. Defendant noted ODOT is not responsible for maintenance on the section of County Road 1 where plaintiff's damage event occurred. Defendant stated, "[a]s such, the Lawrence County Engineer is the proper party to plaintiff's claim, not the defendant." The site of the damage causing incident was located on County Road 1, a roadway under the maintenance jurisdiction of the Lawrence County Engineer.

{¶ 3} 3) Plaintiff did not respond.

CONCLUSIONS OF LAW

{¶ 4} Ohio Revised Code Section 5501.31 in pertinent part states:

{¶ 5} "Except in the case of maintaining, repairing, erecting traffic signs on, or pavement marking of state highways within villages, which is mandatory as required by section 5521.01 of the Revised Code, and except as provided in section 5501.49 of the Revised Code, no duty of constructing, reconstructing, widening, resurfacing, maintaining, or repairing state highways within municipal corporations, or the bridges and culverts thereon, shall attach to or rest upon the director . . ."

{¶ 6} The site of the damage-causing incident was not the maintenance jurisdiction of defendant. Consequently, plaintiff's case is dismissed.

Court of Claims of Ohio

The Ohio Judicial Center
65 South Front Street, Third Floor
Columbus, OH 43215
614.387.9800 or 1.800.824.8263
www.cco.state.oh.us

LEON R. MEADE

Plaintiff

v.

OHIO DEPARTMENT OF TRANSPORTATION

Defendant

Case No. 2010-04271-AD

Deputy Clerk Daniel R. Borchert

ENTRY OF ADMINISTRATIVE DETERMINATION

Having considered all the evidence in the claim file and, for the reasons set forth above, plaintiff's case is DISMISSED. The court shall absorb the court costs of this case.

DANIEL R. BORCHERT
Deputy Clerk

Entry cc:

Leon R. Meade
514 Monroe Avenue
Huntington, West Virginia 25704

Jolene M. Molitoris, Director
Department of Transportation
1980 West Broad Street
Columbus, Ohio 43223

RDK/laa
4/28
Filed 5/14/10
Sent to S.C. reporter 9/17/10