

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

BRITTANY HAND

Plaintiff

v.

OHIO DEPARTMENT OF
TRANSPORTATION, DISTRICT 6

Defendant

Case No. 2008-06636-AD

Deputy Clerk Daniel R. Borchert

ENTRY OF DISMISSAL

{¶ 1} On May 30, 2008, plaintiff, Brittany Hand, filed a complaint against defendant, Department of Transportation. Plaintiff alleges on February 29, 2008, she struck a pothole “while driving on 104 west about 1/4 mile from the High Street exit.” As a result of striking the pothole she sustained damages to her vehicle in the amount of \$453.29. Plaintiff attributes her resulting damages as the result of defendant’s negligence in maintaining the roadway. Plaintiff submitted the filing fee with the complaint.

{¶ 2} On June 27, 2008, defendant filed a motion to dismiss. In support of the motion to dismiss, defendant stated in pertinent part:

{¶ 3} “Defendant has performed an investigation of this site and Transportation Manager 2, Don Thomas, states that this area falls under the maintenance jurisdiction of the City of Columbus. The Ohio Department of Transportation does not maintain SR 104 by High Street and this area falls under the maintenance of the City of Columbus. The attached Destape Information shows that this area is, also, maintained by the City of Columbus. The first column that states MUNI means a municipality has jurisdiction in the area. The code 006 is for the City of Columbus. (See Exhibit A and map) As such, this section of roadway is not within the maintenance jurisdiction of the defendant.”

{¶ 4} Plaintiff has not responded to defendant's motion to dismiss. The site of the damage-causing incident was located in the City of Columbus.

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

{¶ 6} "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 . . ."

{¶ 7} The site of the damage-causing incident was not the maintenance responsibility of defendant. Consequently, plaintiff's claim is dismissed.

{¶ 8} Having considered all the evidence in the claim file and, for the reasons set forth above, defendant's motion to dismiss is GRANTED. Plaintiff's case is DISMISSED. The court shall absorb the court costs of this case.

DANIEL R. BORCHERT
Deputy Clerk

Entry cc:

Brittany Hand
3489 Talford Road
Columbus, Ohio 43232

Thomas P. Pannett
Department of Transportation
1980 West Broad Street
Columbus, Ohio 43223

DRB/laa
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