

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

SHARON C. THOMPSON

Plaintiff

v.

DEPT. OF TRANSPORTATION, DIST. 12

Defendant

Case No. 2010-02138-AD

Deputy Clerk Daniel R. Borchert

MEMORANDUM DECISION

FINDINGS OF FACT

{¶ 1} 1) Plaintiff, Sharon C. Thompson, filed a complaint against defendant, Department of Transportation (ODOT), alleging she suffered tire and rim damage to her 2007 Lexus ES 350 as a proximate cause of negligence on the part of ODOT in maintaining a hazardous roadway condition on State Route 8. Plaintiff noted her vehicle was damaged when it struck an open manhole in the roadway on December 30, 2009. Plaintiff related “[i]t appeared a snow plow truck knocked the cover off while plowing the street which left the hole open and top lifted off.” Plaintiff submitted photographs depicting the general roadway area, open manhole, and cover laying on the berm of the roadway. Plaintiff seeks damages in the amount of \$579.84, the cost of replacement parts. The filing fee was paid.

{¶ 2} 2) Defendant filed an investigation report requesting plaintiff’s claim be dismissed due to the fact the City of Bedford Heights and not ODOT bears the maintenance responsibility for the section of State Route 8 where plaintiff’s incident occurred. Defendant explained ODOT “takes care of SR 8 north of I-480” and from a

review of plaintiff's photographs it appears the displaced manhole cover "was south of I-480 because she was by the railroad bridge and this area is maintained by the City of Bedford Heights." ODOT advised "[a]s such, the City of Bedford Heights is the proper party to plaintiff's claim, not the defendant." The site of the damage causing incident was within the maintenance jurisdiction of the City of Bedford Heights.

CONCLUSIONS OF LAW

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

{¶ 4} "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 . . ."

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

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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:

Sharon C. Thompson
17802 Brian Avenue
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Jolene M. Molitoris, Director
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RDK/laa
4/27
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