

IN THE COURT OF CLAIMS OF OHIO

SUSAN HANNA

Plaintiff

v.

OHIO DEPARTMENT OF TRANSPORTATION

Defendant

Case No. 2015-00056-AD

Clerk Mark H. Reed

MEMORANDUM DECISION

{¶1} Plaintiff Susan Hanna filed this claim on January 26, 2015 to recover damages which occurred when her vehicle struck a mound of snow and ice, while traveling on Fifth Avenue and entering the I-670 ramp heading west in Columbus, Franklin County, Ohio. This road is a public road maintained by the Ohio Department of Transportation. Plaintiff's vehicle sustained damages in the amount of \$3,778.54. Plaintiff maintains an insurance deductible of \$500.00

{¶2} In order to recover on a claim for roadway damages against the Ohio Department of Transportation, Ohio law requires that a motorist/plaintiff prove all of the following:

{¶3} That the plaintiff's motor vehicle received damages as a result of coming into contact with a dangerous condition on a road maintained by the defendant.

{¶4} That the defendant knew or should have known about the dangerous road condition.

{¶5} That the defendant, armed with this knowledge, failed to repair or remedy the dangerous condition in a reasonable time.

{¶6} In this claim, the court finds that the plaintiff did prove that her vehicle received damages and that those damages occurred as a result of the plaintiff's vehicle

coming into contact with a dangerous condition on a road maintained by the defendant.

{¶7} Plaintiff's complaint is that the line of snow and ice she struck with her vehicle, which created a mound approximately 6 to 10 inches in height, was created as a result of negligent snow removal efforts conducted by the snowplow driver. However, plaintiff is unable to offer any evidence on this point beyond her own allegation and belief.

{¶8} Under Ohio law (Ohio Revised Code 5501.41), the department is given broad authority and the responsibility to conduct snow removal operations. Absent proof that this removal was not done in a safe or reasonable manner, the court will not substitute its judgment in replacement of that of the agency charged by law with this activity.

{¶9} Finally, the court notes that the department is not required to be the absolute insurer of motorist's safety while they are traveling on state highways. In dangerous conditions such as that encountered by the plaintiff on January 6, 2015, accidents are often unavoidable. Thus, the plaintiff's accident can be more attributed to the adverse weather conditions that were present on that date and time than to any negligent action of the defendant. For this reason, the claim must fail.

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ENTRY OF ADMINISTRATIVE DETERMINATION

Having considered all the evidence in the claim file, and for the reasons set forth in the memorandum decision filed concurrently herewith, judgment is rendered in favor of defendant. Court costs are assessed against plaintiff.

MARK H. REED
Clerk

Entry cc:

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