



Inter-office Communication

To: District Deputy Director Date: May 15, 2007

From: Tim Keller, P.E., Administrator, Office of Structural Engineering By: Mike Loeffler, P.E.

Subject: Revision of the ORC regarding Maintenance Responsible of Bridges

Attn: District Production Administrator
District Planning Administrator
District Highway Management Administrator
District Bridge Engineer

The new transportation bill HB 67 was signed and will go into effect July 1, 2007. The new law amended the language in the current Ohio Revised Code Sec. 5501.49. The amended language is attached. The change will make the Department responsible for major maintenance for all bridges on and over a state route inside a municipality. Routine maintenance will be the responsibility of the public entity responsible for maintenance of the pavement and sidewalks on either end of the bridge, which in most situations will be the City. Major and Routine maintenance are defined in the new law. The new law did not affect the inspection responsibilities.

The new law states "*The director of transportation is responsible for the construction, reconstruction, major maintenance and repair, and operation of all bridges located on the state highway system within a municipal corporation*". An overhead bridge (a bridge that is over a state route) is part of the of the state highway system if the bridge was built because of the state route as per the Attorney General Opinion No. 2006-051.

The new law defines "Major maintenance responsibility" to include the painting of a bridge, and the repair of deteriorated or damaged elements of bridge decks, including emergency patching of bridge decks, to restore the structural integrity of a bridge. The bill excludes approach slabs. However, the districts are encouraged to include all standard approach slabs (per standard drawing AS-1-81) for major maintenance responsibility. Relief joints are not included in the major maintenance responsibility.

The new law defines "Routine maintenance responsibility" to include without limitation, clearing debris from the deck, sweeping, snow and ice removal, minor wearing surface patching, cleaning bridge drainage systems, marking decks for traffic control, minor and emergency repairs to railing and appurtenances, emergency patching of deck, and maintenance of traffic signal and lighting systems, including the supply of electrical power.

Emergency patching of bridge decks is included in both "Routine Maintenance" and "Major Maintenance". Emergency patching was added to the language for Major Maintenance but was not removed from the language for Routine Maintenance.

The new law still allows ODOT and the City or County to enter into mutually agreeable bridge maintenance agreements. Current bridge maintenance agreements should be reviewed by the District in light of this new law on a case by case basis. Any questions regarding current or future bridge maintenance agreements should be forwarded to the Office of Chief Legal.

Consent legislation from the City is not required for major bridge maintenance. ODOT is required to give "reasonable notice" to the City when performing major bridge maintenance that will impact the flow of traffic. If this process requires notice in the form of a City permit, there is reasonable expectation for this practice to continue. Consent legislation for bridge projects should still be obtained from the City when ODOT is replacing the bridge deck, replacing the bridge superstructure, or replacing the entire bridge.

The new law requires the Department to issue permits for all utilities, signs, or other appurtenances attached to a bridge which is on or under the state highway system within a municipal corporation. This should be addressed by the permitting office in each District.

The Department is still required to furnish a copy of the bridge inspection report (BR 86 form) to all the parties with joint maintenance responsibility, per ORC Section 5501.47 (A). The new law, in most cases, reduced the number of bridges with multiple parties responsible for maintenance. In many cases, Cities may not be aware of their new responsibilities to perform routine maintenance on bridges on the state highway system within their municipal corporation. A cover letter outlining these new responsibilities should be attached to the BR-86 forms. A sample letter is attached for use by the Districts.

The new law will have an impact upon the current bridge OPI numbers. It is not clear what the magnitude of the impact will be on the system Statewide or at the District level. Districts must update the inventory in BMS as noted below (BMS Coding Changes). These changes should be made between July 1, 2007 and August 1, 2007. All Districts are requested to send a list of bridge Structural File Numbers for which the Item #96 MAINTENANCE RESPONSIBILITY have changed, include the prior maintenance responsibility. Please pay special attention to the FIPS codes in the BMS when making changes in the BMS after July 1, 2007. Please send the list of bridges changed in your District as a result of this new law to Mike Loeffler, Office of Structural Engineering. In early August, OSE will run the system condition report and work with the Districts to review the OPI's.

BMS Coding Changes:

In order to effectively manage these responsibilities, DoIT is current working on adding a new field and modifying one existing field in BMS. The new field will add Item 97, Routine Maintenance Responsibility, which defines the public entity responsible for the routine maintenance. The modified field is Item 96, Maintenance Responsibility, will be changed to Major Maintenance Responsibility. These changes will make BMS match the wording in the new law. Inventory Item 95, Inspection Responsibility, will not change.

The new inventory Item 97, Routine Maintenance Responsibility, will be populated with the current data in Item 96, Maintenance Responsibility. Each District is to change the code in Item 96 and Item 97 to reflect the changes in the major and routine maintenance responsibilities per the amended ORC 5501.49. For example, a vehicular bridge on a state route inside a municipality would have been coded a 3 (County Agency) for the existing Item 96. The proposed change will

require to code Item 97, Routine Maintenance Responsibility, as a 4 (City or other Local Agency) and change Item 96, Major Maintenance responsibility, to a 1 (ODOT).

Railroad bridges should code Item 97, Routine Maintenance Responsibility, as 6 (Railroad) and Item 96, major maintenance responsibility, as 6 (Railroad). Except: when the bridge was built as part of the roadway; code Item 97, Routine Maintenance Responsibility, as a 6 (Railroad) and Item 96, major maintenance responsibility, to a 1 (ODOT).

Pedestrian bridges will not be affected by the new law. The definition of a bridge per ORC 5501.47 B.1.C does not apply to pedestrian traffic. The inventory ITEM 97, Routine Maintenance Responsibility, and ITEM 96, Major Maintenance Responsibility, shall match the existing Item 96.

Please forward all questions regarding BMS coding changes for Item Nos. 95, 96, and 97 to Mike Loeffler, Office of Structural Engineering.

Other System Impacts

The Structural File Numbers (SFN) for bridges on which ODOT performs work using our own forces need to be included in TMS. The SFN's that the District sends to OSE with a change in maintenance responsibility will be verified that they are in TMS.

The GASB34 reports for the State Auditors will change. This report is prepared by OSE in conjunction with Finance.

Ellis pulls the bridge data from BMS, so this new law will not change any business rules in Ellis. CMS will also need no changes due to the new law.

District Actions

1. Update BMS as noted above beginning July 1, 2007 and complete by Aug. 1, 2007.
2. Send the list of SFN's that changed major maintenance responsibilities to OSE by Aug. 2, 2007.
3. Begin sending bridge inspection reports (BR86 forms) to the Cities with a cover letter that includes the Cities maintenance responsibilities per the new law. Begin sending the inspection reports to the Cities on July 1, 2007.
4. Review all current bridge maintenance agreements in light of the new law.
5. Begin issuing permits on bridges on the state highway system within municipal corporations as noted above beginning July 1, 2007.
6. Work with OSE to review the impact of the new law on District Bridge Conditions. OSE will initiate these meetings as necessary.

TK:ML

c: Reading File
File

Sec. 5501.49. (A) The director of transportation is responsible for the construction, reconstruction, major maintenance and repair, and operation of all ~~lift~~ bridges located on the state highway system within a municipal corporation. ~~The responsibilities of the director pertain only to those lift bridges necessary for the initial construction or continued operation of the state highway system.~~ The ~~county or other person~~ public entity responsible for maintaining the pavements and sidewalks on either end of the bridge is responsible for the routine maintenance of all ~~lift~~ bridges located on the state highway system within the municipal corporation, ~~unless other arrangements have been made between the county and the municipal corporation to perform the routine maintenance.~~

(B) The director may enter into an agreement with the legislative authority of a municipal corporation or a county, upon mutually agreeable terms, for the municipal corporation or county to operate and perform major maintenance and repair on any ~~lift~~ bridge located on the state highway system within the municipal corporation or county.

(C) The director is not required to obtain the consent of a municipal corporation prior to the performance of any major ~~lift~~ bridge maintenance and repair. Except in an emergency, the director shall give a municipal corporation reasonable notice prior to the performance of any work that will affect the flow of traffic. No utilities, signs, or other appurtenances shall be attached to a ~~lift~~ bridge without the prior written consent of the director.

(D) As used in this section:

(1) Major and routine maintenance and repair relates to all elements of a ~~lift~~ bridge, including abutments, wingwalls, and headwalls but excluding approach fill and approach slab, and appurtenances thereto.

(2) "Major maintenance" includes the painting of a ~~lift~~ bridge, and the repair of deteriorated or damaged elements, ~~including of~~ bridge decks, including emergency patching of bridge decks, to restore the structural integrity of a ~~lift~~ bridge.

(3) "Routine maintenance" includes without limitation, clearing debris from the deck, sweeping, snow and ice removal, minor wearing surface patching, cleaning bridge drainage systems, marking decks for traffic control, minor and emergency repairs to railing and appurtenances, emergency patching of deck, and maintenance of traffic signal and lighting systems, including the supply of electrical power.

(4) "Operation" relates solely to lift bridges and to those expenses that are necessary for the routine, daily operation of a lift bridge, such as payroll, workers' compensation and retirement payments, and the cost of utilities