

[Cite as *Ridge Project, Inc. v. Ohio Dept. of Transp.*, 2016-Ohio-795.]

THE RIDGE PROJECT, INC.

Plaintiff

v.

OHIO DEPARTMENT OF
TRANSPORTATION

Defendant

Case No. 2015-00750-AD

Clerk Mark H. Reed

MEMORANDUM DECISION

{¶1} Plaintiff The Ridge Project, Inc. (hereinafter “plaintiff”) filed this claim on August 21, 2015 to recover damages which occurred when their 2006 Ford Van struck a loose manhole cover, while traveling on US 6 in Henry County, Ohio on July 14, 2015. This road is a public road maintained by the Ohio Department of Transportation (hereinafter “ODOT”). Plaintiff’s vehicle sustained damages in the amount of \$8,963.03. Plaintiff maintains a collision insurance deductible of \$500.00.

{¶2} In order to recover on a claim for roadway damages against the Ohio Department of Transportation (hereinafter “ODOT”), 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 ODOT.

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

{¶5} That ODOT, 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 their vehicle received damages and that those damages occurred as result of plaintiff’s vehicle coming into contact with a dangerous condition on a road maintained by ODOT.

{¶7} The next element that plaintiff must prove to succeed on a claim like this is to show that ODOT knew or should have known about this dangerous condition.

{¶8} In support of its claim for reimbursement, the plaintiff submitted a detailed incident report that was completed shortly after the accident, as was required by plaintiff's administrative policy. Within that report are various statements of witnesses and others familiar with the road condition where plaintiff had their accident. Taken together, these statements indicate that there was an awareness of the manhole cover as a road hazard and that this fact was known to at least some ODOT employees in the district.

{¶9} Thus having notice of the condition and failing to repair, remedy or otherwise reasonably address the dangerous condition, the Court finds that ODOT was negligent in its maintenance of this section of US 6 on July 14, 2015.

{¶10} Plaintiff's claimed repair costs were \$8,963.03 and their insurance deductible is \$500.00. Ohio law requires recoveries against the state to be reduced by any available insurance. Plaintiff's recovery is therefore limited to \$500.00 plus the \$25.00 filing fee, which may be reimbursed as compensable damages pursuant to the holding in *Bailey v. Ohio Department of Rehabilitation and Correction*, 62 Ohio Misc 2d 19, 587 N.E. 2d 990 (Ct. of Cl. 1990).

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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 plaintiff in the amount of \$525.00, which includes the filing fee. Court costs are assessed against defendant.

MARK H. REED
Clerk

Entry cc:

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