

4582.57 Changing location of public road, state highway, railroad, or public utility right of way, infrastructure, or facility.

When a port authority finds it necessary to change the location of any portion of any public road, state highway, railroad, or public utility right of way, infrastructure, or facility in connection with the construction of a port authority right of way, infrastructure, or facility, it shall cause it to be reconstructed at such location as the division of government having jurisdiction over such road, highway, railroad, or public utility right of way, infrastructure, or facility finds most favorable. Such construction shall be of substantially the same type and in as good condition as the original road, highway, railroad, or public utility right of way, infrastructure, or facility. The cost of such reconstruction, relocation, or removal and any damage incurred in changing the location of any such road, highway, railroad, or public utility right of way, infrastructure, or facility shall be paid by the port authority as a part of the cost of the port authority right of way, infrastructure, or facility.

When the port authority finds it necessary that any public highway or portion of a public highway be vacated by reason of the acquisition or construction of a port authority right of way, infrastructure, or facility, the port authority may request the director of transportation, in writing, to vacate such highway or portion in accordance with section 5511.07 of the Revised Code if the highway or portion to be vacated is on the state highway system, or, if the highway or portion to be vacated is under the jurisdiction of the county commissioners, the port authority shall request the director, in writing, to petition the board of county commissioners, in the manner provided in section 5553.041 of the Revised Code, to vacate such highway or portion. The port authority shall pay to the director or to the county, as a part of the cost of such port authority right of way, infrastructure, or facility, any amounts required to be deposited with any court in connection with proceedings for the determination of compensation and damages and all amounts of compensation and

damages finally determined to be payable as a result of such vacation.

The port authority may adopt reasonable rules for the installation, construction, maintenance, repair, renewal, relocation, and removal of railroad or public utility rights of way, infrastructures, or facilities in, on, over, or under any port authority right of way, infrastructure, or facility. Whenever the port authority determines that it is necessary that any such rights of way, infrastructures, or facilities installed or constructed in, on, over, or under property of the port authority pursuant to such rules be relocated, the public utility owning or operating such right of way, infrastructure, or facilities shall relocate or remove them in accordance with the order of the port authority. The cost and expenses of such relocation or removal, including the cost of installing such rights of way, infrastructures, or facilities in a new location, the cost of any lands, or any rights or interests in lands, and any other rights, acquired to accomplish such relocation or removal, shall be paid by the port authority as a part of the cost of the port authority right of way, infrastructure, or facility. In case of any such relocation or removal of such right of way, infrastructure, or facilities, the railroad or public utility owning or operating them, its successors, or assigns may maintain and operate such right of way, infrastructure, or facilities, with the necessary appurtenances, in the new location in, on, over, or under the property of the port authority for as long a period and upon the same terms as it had the right to maintain and operate such right of way, infrastructure, or facilities in their former location.

Right of way, infrastructures, and facilities proposed to be acquired by the port authority that are subject to pre-existing adjacent landowner access and use rights, terms, and conditions by government agencies, railroads, or public utilities shall first be reverted by those government agencies, railroads, or public utilities to the proper adjacent landowners, heirs, or assigns to sunset those rights, terms, and conditions. The port authority may then acquire and convey new rights of way, infrastructures, and facilities to those government agencies, railroads, or public utilities.

Addition per successful adjacent landowner class action lawsuits against railroads and telecommunications providers that violated original right of way and use easement agreements.