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1. BUSES — SCHOOL — COUNTY — TOWNSHIP — NOT REQUIRED TO CONSTRUCT TURN-AROUND POINTS FOR USE OF SCHOOL BUSES OPERATING OVER HIGHWAYS.
2. SCHOOL BOARD—NO DUTY TO CREATE TURN-AROUND POINTS FOR SCHOOL BUSES—SCHOOL BOARD HAS POWER TO PROVIDE TRANSPORTATION FOR SCHOOL PUPILS—MAY ACQUIRE LAND ADJACENT TO HIGHWAY AND CONSTRUCT A TURN-AROUND.

## SYLLABUS:

1. Neither a county nor a township is required to construct turn-around points for the use of school buses operating over their respective highways.
2. There is no duty enjoined on a school board to create turn-around points for their school buses, but a school board has the power, when reasonably necessary in order efficiently and safely to provide transportation for school pupils, to acquire land adjacent to the limits of the highway, and construct such a turn-around thereon.

Columbus, Ohio, June 4, 1952

Hon. Morris O. Gibby, Prosecuting Attorney  
Harrison County, Cadiz, Ohio

Dear Sir:

I have your request for my opinion, reading as follows:

“The following question has come up in this office:

“If a school bus drives over either a township road or a county road, and it becomes necessary to make a place for the school bus to turn, whose responsibility is it to make this place, and to expend the necessary funds in making it? Is it the school board’s duty, the county’s or the township’s? If it is the school board’s duty, out of what fund would the necessary money come?”

You have stated in your request that it is necessary to make a place for the school bus to turn. By this, I assume you have reference to a “U” turn, after the completion of which the school bus will be proceeding back in the direction from which it came. I also assume that by the word “necessary” you mean that such a turn is expedient because it will

avoid the necessity of having the school bus travel a circuitous route. I can conceive of no situation in which a turn of this nature would be absolutely essential. Having made these assumptions, I shall address myself to the problem involved.

I can find no Ohio statute providing for such a school bus turn nor any provision fixing a responsibility on either the county commissioners or the township trustees, as the case may be, to construct highways, with a view to their use by school buses, as distinguished from other vehicular traffic. In the absence of some such provision, I can but conclude that there is no responsibility on either a county or township to provide for a school bus turn.

County commissioners under Section 6906, General Code, and township trustees under Section 3298-1, General Code, have power to construct new roads or repair or improve existing roads upon their own initiative or upon petition of fifty-one per cent of the land or lot owners residents of the county, who are to be specially taxed or assessed for said improvement.

I think it is clear that under the above provisions county commissioners and township trustees have the power, in a proper case, to construct turn-around points within the limits of their respective highways, for the use of all vehicles. The exact case I have in mind, is that in which a highway is not continued through to another highway or road but is a so-called "dead-end" highway. In addition to this situation, there may be other cases in which a turn-around point of this nature is desirable. In every case, however, the question of the necessity or public convenience involved is left for the determination of the county commissioners and township trustees and there is no authority for compelling these bodies to create such a turn.

There remains for our consideration the question of whether the responsibility of providing such a turn lies with the school board.

The powers and duties of a school board regarding the transportation of pupils to and from school are found in Section 4855 et seq., General Code. Nothing can be found therein requiring a board of education to create a school bus turn, and again, in the absence of some positive expression it must be concluded that there is no duty on a school board to construct such a turn. However, this does not mean that a school board

lacks the power to construct a school bus turn, off the highway, in a proper case.

Section 4855, General Code, provides:

"In all city, exempted village and local school districts where resident elementary school pupils live more than two miles from the school to which they are assigned the board of education shall provide transportation for such pupils to and from school except when in the judgment of such board of education, confirmed, in the case of a local school district, by the county board of education, or, in the case of a city or exempted village school district, by the judge of the probate court, that such transportation is unnecessary.

"In all city, exempted village and local school districts the board of education may provide transportation for resident high school pupils to the high school to which they are assigned.

"In all city, exempted village and local school districts the board of education shall provide transportation for all children who are so crippled that they are unable to walk to the school to which they are assigned. In case of dispute whether the child is able to walk to the school or not, the district health commissioner shall be judge of such ability.

"When transportation of pupils is provided the conveyance shall be run on a time schedule that shall be adopted and put in force by the board of education not later than ten days after the beginning of the school term."

In carrying out the mandate of the above section, I am of the opinion that a school board has the implied power to construct a school bus turn, where such turn is reasonably necessary in order efficiently and safely to provide transportation for school pupils. A school board, in addition to the powers and duties expressly conferred or enjoined by statute, has such implied powers as are reasonably necessary to effectuate the expressed powers or duties. *Schwing v. McClure*, 120 Ohio St., 335. Necessarily, such a turn-around point would have to be constructed on land adjacent to the limits of the highway, for a school board has no authority to interfere with or make improvements on either county or township roads.

The cost of a school bus turn of this nature can be paid out of the general operating fund of the school district.

In specific answer to your questions, it is my opinion that :

1. Neither a county nor a township is required to construct turn-around points for the use of school buses operating over their respective highways.

2. There is no duty enjoined on a school board to create turn-around points for their school buses, but a school board has the power, when reasonably necessary in order efficiently and safely to provide transportation for school pupils, to acquire land adjacent to the limits of the highway, and construct such a turn-around thereon.

Respectfully,

C. WILLIAM O'NEILL  
Attorney General