

**Proposed Legislation Authorizing the Ohio Turnpike Commission  
to Additionally Engage in Public Railway Turnpike Provision**

**Required ORC Revisions  
12-2008**

1 **163.06 Depositing value with court.**

2

3 (A) A public agency, other than an agency appropriating property for  
4 the purposes described in division (B) of this section, that qualifies  
5 pursuant to Section 19 of Article I, Ohio Constitution, may deposit  
6 with the court at the time of filing the petition the value of such  
7 property appropriated together with the damages, if any, to the  
8 residue, as determined by the public agency, and thereupon take  
9 possession of and enter upon the property appropriated. The right of  
10 possession upon deposit as provided in this division shall not extend  
11 to structures.

12

13 (B) A public agency appropriating property for the purpose of making  
14 or repairing roads which shall be open to the public, without charge,  
15 or for the purpose of implementing rail service under Chapter 4981.  
16 and Chapter 5537. of the Revised Code, may deposit with the court at  
17 the time of filing the petition the value of such property  
18 appropriated together with the damages, if any, to the residue, as  
19 determined by the public agency, and stated in an attached declaration  
20 of intention to obtain possession and thereupon take possession of and  
21 enter upon the property appropriated, including structures situated  
22 upon the land appropriated for such purpose or situated partly upon  
23 the land appropriated therefor and partly upon adjoining land, so that

24 such structures cannot be divided upon the line between such lands  
25 without manifest injury thereto. The jury, in assessing compensation  
26 to any owner of land appropriated under this division shall assess the  
27 value thereof in accordance with section 163.14 of the Revised Code.  
28 The owner or occupant of such structures shall vacate the same within  
29 sixty days after service of summons as required under section 163.07  
30 of the Revised Code, after which time the agency may remove said  
31 structures. In the event such structures are to be removed before the  
32 jury has fixed the value of the same, the court, upon motion of the  
33 agency, shall:

34

35 (1) Order appraisals to be made by three persons, one to be named by  
36 the owner, one by the county auditor, and one by the agency. Such  
37 appraisals may be used as evidence by the owner or the agency in the  
38 trial of said case but shall not be binding on said owner, agency, or  
39 the jury, and the expense of said appraisals shall be approved by the  
40 court and charged as costs in said case.

41

42 (2) Cause pictures to be taken of all sides of said structures;

43

44 (3) Compile a complete description of said structures, which shall be  
45 preserved as evidence in said case to which the owner or occupants  
46 shall have access.

47

48 (C) Any time after the deposit is made by the public agency under  
49 division (A) or (B) of this section, the owner may apply to the court  
50 to withdraw the deposit, and such withdrawal shall in no way interfere

51 with the action except that the sum so withdrawn shall be deducted  
52 from the sum of the final verdict or award. Upon such application  
53 being made the court shall direct that the sum be paid to such owner  
54 subject to the rights of other parties in interest provided such  
55 parties make timely application as provided in section 163.18 of the  
56 Revised Code. Interest shall not accrue on any sums withdrawable as  
57 provided in this division.

58

59 Effective Date: 10-20-1994; 2007 SB7 10-10-2007

60 **307.202 Development of rail property and rail service.**

61

62 As used in this section, "rail property" and "rail service" have the  
63 same meanings as in section 4981.01 of the Revised Code.

64

65 The board of county commissioners may acquire, rehabilitate, and  
66 develop rail property and rail service, and may enter into agreements  
67 with the Ohio rail development commission, Ohio turnpike commission,  
68 boards of township trustees, legislative authorities of municipal  
69 corporations, other boards of county commissioners, with other  
70 governmental agencies or organizations, and with private agencies or  
71 organizations in order to achieve those purposes.

72

73 Effective Date: 10-20-1994

74 **505.69 Acquire, rehabilitate, and develop rail property and rail**  
75 **service.**

76

77 As used in this section, "rail property" and "rail service" have the  
78 same meanings as in section 4981.01 of the Revised Code.

79

80 The board of township trustees may acquire, rehabilitate, and develop  
81 rail property and rail service, and may enter into agreements with the  
82 Ohio rail development commission, Ohio turnpike commission, boards of  
83 county commissioners, legislative authorities of municipal  
84 corporations, other boards of township trustees, with other  
85 governmental agencies or organizations, and with private agencies or  
86 organizations in order to achieve those purposes.

87

88 Effective Date: 10-20-1994

89 **717.01 Powers of municipal corporations.**

90

91 Each municipal corporation may do any of the following:

92

93 (A) Acquire by purchase or condemnation real estate with or without  
94 buildings on it, and easements or interests in real estate;

95

96 (B) Extend, enlarge, reconstruct, repair, equip, furnish, or improve a  
97 building or improvement that it is authorized to acquire or construct;

98

99 (C) Erect a crematory or provide other means for disposing of garbage  
100 or refuse, and erect public comfort stations;

101

102 (D) Purchase turnpike roads and make them free;

103

104 (E) Construct wharves and landings on navigable waters;

105

106 (F) Construct infirmaries, workhouses, prisons, police stations,  
107 houses of refuge and correction, market houses, public halls, public  
108 offices, municipal garages, repair shops, storage houses, and  
109 warehouses;

110

111 (G) Construct or acquire waterworks for supplying water to the  
112 municipal corporation and its inhabitants and extend the waterworks  
113 system outside of the municipal corporation limits;

114

115 (H) Construct or purchase gas works or works for the generation and  
116 transmission of electricity, for the supplying of gas or electricity  
117 to the municipal corporation and its inhabitants;

118

119 (I) Provide grounds for cemeteries or crematories, enclose and  
120 embellish them, and construct vaults or crematories;

121

122 (J) Construct sewers, sewage disposal works, flushing tunnels, drains,  
123 and ditches;

124

125 (K) Construct free public libraries and reading rooms, and free  
126 recreation centers;

127

128 (L) Establish free public baths and municipal lodging houses;

129

130 (M) Construct monuments or memorial buildings to commemorate the  
131 services of soldiers, sailors, and marines of the state and nation;

132

133 (N) Provide land for and improve parks, boulevards, and public  
134 playgrounds;

135

136 (O) Construct hospitals and pesthouses;

137

138 (P) Open, construct, widen, extend, improve, resurface, or change the  
139 line of any street or public highway;

140

141 (Q) Construct and improve levees, dams, waterways, waterfronts, and  
142 embankments and improve any watercourse passing through the municipal  
143 corporation;

144

145 (R) Construct or improve viaducts, bridges, and culverts;

146

147 (S)(1) Construct any building necessary for the police or fire  
148 department;

149

150 (2) Purchase fire engines or fire boats;

151

152 (3) Construct water towers or fire cisterns;

153

154 (4) Place underground the wires or signal apparatus of any police or  
155 fire department.

156

157 (T) Construct any municipal ice plant for the purpose of manufacturing  
158 ice for the citizens of a municipal corporation;

159

160 (U) Construct subways under any street or boulevard or elsewhere;

161

162 (V) Acquire by purchase, gift, devise, bequest, lease, condemnation  
163 proceedings, or otherwise, real or personal property, and thereon and  
164 thereof to establish, construct, enlarge, improve, equip, maintain,  
165 and operate airports, landing fields, or other air navigation  
166 facilities, either within or outside the limits of a municipal  
167 corporation, and acquire by purchase, gift, devise, lease, or



168 condemnation proceedings rights-of-way for connections with highways,  
169 waterways, and electric, steam, and interurban railroads, and improve  
170 and equip such facilities with structures necessary or appropriate for  
171 such purposes. No municipal corporation may take or disturb property  
172 or facilities belonging to any public utility or to a common carrier  
173 engaged in interstate commerce, which property or facilities are  
174 required for the proper and convenient operation of the utility or  
175 carrier, unless provision is made for the restoration, relocation, or  
176 duplication of the property or facilities elsewhere at the sole cost  
177 of the municipal corporation.

178

179 (W) Provide by agreement with any regional airport authority, created  
180 under section 308.03 of the Revised Code, for the making of necessary  
181 surveys, appraisals, and examinations preliminary to the acquisition  
182 or construction of any airport or airport facility and pay the portion  
183 of the expense of the surveys, appraisals, and examinations as set  
184 forth in the agreement;

185

186 (X) Provide by agreement with any regional airport authority, created  
187 under section 308.03 of the Revised Code, for the acquisition,  
188 construction, maintenance, or operation of any airport or airport  
189 facility owned or to be owned and operated by the regional airport  
190 authority or owned or to be owned and operated by the municipal  
191 corporation and pay the portion of the expense of it as set forth in  
192 the agreement;

193

194 (Y) Acquire by gift, purchase, lease, or condemnation, land, forest,  
195 and water rights necessary for conservation of forest reserves, water  
196 parks, or reservoirs, either within or without the limits of the  
197 municipal corporation, and improve and equip the forest and water  
198 parks with structures, equipment, and reforestation necessary or  
199 appropriate for any purpose for the utilization of any of the forest  
200 and water benefits that may properly accrue therefrom to the municipal  
201 corporation;

202

203 (Z) Acquire real property by purchase, gift, or devise and construct  
204 and maintain on it public swimming pools, either within or outside the  
205 limits of the municipal corporation;

206

207 (AA) Construct or rehabilitate, equip, maintain, operate, and lease  
208 facilities for housing of elderly persons and for persons of low and  
209 moderate income, and appurtenant facilities. No municipal corporation  
210 shall deny housing accommodations to or withhold housing  
211 accommodations from elderly persons or persons of low and moderate  
212 income because of race, color, religion, sex, familial status as  
213 defined in section 4112.01 of the Revised Code, military status as  
214 defined in that section, disability as defined in that section,  
215 ancestry, or national origin. Any elderly person or person of low or  
216 moderate income who is denied housing accommodations or has them  
217 withheld by a municipal corporation because of race, color, religion,  
218 sex, familial status as defined in section 4112.01 of the Revised  
219 Code, military status as defined in that section, disability as  
220 defined in that section, ancestry, or national origin may file a

221 charge with the Ohio civil rights commission as provided in Chapter  
222 4112. of the Revised Code.

223

224 (BB) Acquire, rehabilitate, and develop rail property or rail service,  
225 and enter into agreements with the Ohio rail development commission,  
226 Ohio turnpike commission, boards of county commissioners, boards of  
227 township trustees, legislative authorities of other municipal  
228 corporations, with other governmental agencies or organizations, and  
229 with private agencies or organizations in order to achieve those  
230 purposes;

231

232 (CC) Appropriate and contribute money to a soil and water conservation  
233 district for use under Chapter 1515. of the Revised Code;

234

235 (DD) Authorize the board of county commissioners, pursuant to a  
236 contract authorizing the action, to contract on the municipal  
237 corporation's behalf for the administration and enforcement within its  
238 jurisdiction of the state building code by another county or another  
239 municipal corporation located within or outside the county. The  
240 contract for administration and enforcement shall provide for  
241 obtaining certification pursuant to division (E) of section 3781.10 of  
242 the Revised Code for the exercise of administration and enforcement  
243 authority within the municipal corporation seeking those services and  
244 shall specify which political subdivision is responsible for securing  
245 that certification.

246

247 (EE) Expend money for providing and maintaining services and  
248 facilities for senior citizens.

249

250 "Airport," "landing field," and "air navigation facility," as defined  
251 in section 4561.01 of the Revised Code, apply to division (V) of this  
252 section.

253

254 As used in divisions (W) and (X) of this section, "airport" and  
255 "airport facility" have the same meanings as in section 308.01 of the  
256 Revised Code.

257

258 As used in division (BB) of this section, "rail property" and "rail  
259 service" have the same meanings as in section 4981.01 of the Revised  
260 Code.

261

262 Effective Date: 03-17-2000; 2007 HB372 03-24-2008

263 **4981.033 Indemnification - liability insurance coverage.**

264

265 (A) Notwithstanding section 4961.37 of the Revised Code, a railroad  
266 company, public agency, or other person operating commercial and other  
267 passenger rail service on a right-of-way owned by another shall  
268 indemnify and hold harmless the owner, user, or other rights holder  
269 for liability for any damages arising out of commercial and other  
270 passenger operations conducted by or on behalf of the railroad  
271 company, public agency, or other person operating commercial and other  
272 passenger rail service and for all claims for damages for harm arising  
273 from any accident or incident occurring in connection with the  
274 operations conducted by or on behalf of the railroad company, public  
275 agency, or other person operating commercial and other passenger rail  
276 service.

277

278 (B) Each railroad company, public agency, or other person operating  
279 commercial passenger rail service on a right-of-way owned by another  
280 shall maintain an aggregate limit of liability coverage of no less  
281 than two hundred million dollars. If the right-of-way is owned and  
282 administered by a public agency, the operator of commercial and other  
283 passenger rail service and the public agency of any railroad property  
284 over which commercial and other passenger rail service will be  
285 provided may negotiate to determine the amount of liability coverage  
286 necessary to satisfy the public agency's insurance requirements.

287

288 (C) The liability for damages for harm, including any punitive  
289 damages, of a railroad company or other entity over whose tracks

290 commercial and other passenger rail service operations are conducted  
291 by another shall not be in an amount greater than the limits of the  
292 liability coverage maintained by the railroad company, public agency,  
293 or other person operating commercial and other passenger rail service.

294

295 (D) Division (A) of this section shall not apply if the railroad  
296 company or other entity over whose tracks the commercial and other  
297 passenger rail service operations are conducted, committed an act or  
298 omission with reckless, wanton, willful, or gross negligence and the  
299 act or omission proximately caused the harm in question.

300

301 (E) The operator of ~~an excursion~~ other passenger rail service and the  
302 owner of any railroad property over which ~~the excursion other~~  
303 passenger rail service will be provided may negotiate to determine the  
304 amount of liability coverage necessary to satisfy the owner's private  
305 insurance requirements. If the operator and owner reach agreement on  
306 the amount of private insurance coverage so required, division (B) of  
307 this section shall not apply to the operation of ~~the excursion other~~  
308 passenger rail service over that railroad property.

309

310 This division does not require any owner of railroad property to enter  
311 into such negotiations, to agree to an amount of liability coverage  
312 that the owner determines to be insufficient indemnification, nor to  
313 permit any ~~excursion other passenger~~ rail service operator to have  
314 access to the railroad property.

315

316 (F) As used in this section:

317

318 (1) "Harm" means injury, death, or loss to person or property.

319

320 (2) "Commercial Ppassenger rail service" includes intercity passenger,  
321 commuter, or high speed rail transportation service.

322

323 (3) "~~Excursion~~ Other passenger rail service" means any rail passenger  
324 service that is undertaken primarily for education, entertainment,  
325 recreation, or scenic observation and that does not involve any of the  
326 following:

327

328 (a) The carrying of freight other than the personal luggage of the  
329 passengers or crew, or supplies and equipment necessary to serve the  
330 needs of the passengers or crew;

331

332 (b) The carrying of passengers who are commuting to work;

333

334 (c) The carrying of passengers who are traveling to a final  
335 destination solely for business or commercial purposes.

336

337 Effective Date: 06-30-1997

338

338 **4981.04. Plan for intercity conventional or high speed passenger**  
339 **transportation system.**

340

341 (A) The Ohio rail development commission shall prepare a plan for the  
342 construction and operation of an intercity conventional or high speed  
343 passenger transportation system in this state. The system shall be  
344 constructed and operated by the commission or other designated state  
345 agency. The plan for construction and operation shall be based on  
346 existing studies, and shall state that the system's initial route will  
347 connect Cleveland, Columbus, and Cincinnati and any points in between  
348 those cities determined by the authority. The plan shall include the  
349 following information:

350

351 (1) The route alignment of the proposed system;

352

353 (2) The proposed technology;

354

355 (3) The size, nature, and scope of the proposed system;

356

357 (4) The sources of the public and private revenue needed to finance  
358 the system;

359

360 (5) The projected ability of all revenue sources to meet both capital  
361 and operating funding requirements of the proposed system;

362



363 (6) The construction, operation, and management plan for the system,  
364 including a timetable for construction and the proposed location and  
365 number of transit stations considered necessary;

366

367 (7) The likelihood that Ohio-based corporations will be used to  
368 manufacture or supply components of the proposed system;

369

370 (8) The likelihood that additional or subsidiary development will be  
371 generated;

372

373 (9) The extent to which the proposed system will create an additional  
374 or reduced demand for sources of energy;

375

376 (10) Any changes in the law necessary to implement the proposed  
377 system;

378

379 (11) The proposed system's impact on the economy of the state and on  
380 the economic and other public policies of the state.

381

382 The commission may revise any plan of the Ohio high speed rail  
383 authority or may submit a separate plan for construction and operation  
384 and a funding request to the governor, the speaker of the house of  
385 representatives, and to the president of the senate. Any plan for an  
386 intercity conventional or high speed passenger transportation system  
387 submitted by the commission pursuant to this section ~~shall not~~ may  
388 propose the operation of such a system by the state ~~other than~~ through  
389 the commission or other designated state agency.

390

391 HISTORY: 141 v S 289 (Eff 6-24-86); 141 v H 1054 (Eff 12-19-86); 145 v

392 H 250. Eff 10-20-94.

393 **5537.01 Turnpike commission definitions.**

394

395 As used in this chapter:

396

397 (A) "Commission" means the Ohio turnpike commission created by section  
398 5537.02 of the Revised Code or, if that commission is abolished, the  
399 board, body, officer, or commission succeeding to the principal  
400 functions thereof or to which the powers given by this chapter to the  
401 commission are given by law.

402

403 (B) "Project" or "turnpike project" means any express or limited  
404 access highway, super highway, ~~or~~ motorway, or railway constructed,  
405 operated, or improved, under the jurisdiction of the commission and  
406 pursuant to this chapter, at a location or locations reviewed by the  
407 turnpike legislative review committee and approved by the governor,  
408 including all bridges, tunnels, overpasses, underpasses, interchanges,  
409 entrance plazas, approaches, those portions of connecting public roads  
410 and other railways that serve interchanges and are determined by the  
411 commission and the director of transportation to be necessary for the  
412 safe merging of traffic between the turnpike project and those public  
413 roads, other railways, toll booths, service facilities, and  
414 administration, storage, and other buildings, property, and facilities  
415 that the commission considers necessary for the operation or policing  
416 of the project, together with all property and rights which may be  
417 acquired by the commission for the construction, maintenance, or  
418 operation of the project, and includes any sections or extensions of a  
419 turnpike project designated by the commission as such for the

420 particular purpose. Each turnpike project shall be separately  
421 designated, by name or number, and may be constructed, improved, or  
422 extended in such sections as the commission may from time to time  
423 determine. Construction includes the improvement and renovation of a  
424 previously constructed project, including additional interchanges,  
425 whether or not the project was initially constructed by the  
426 commission.

427

428 (C) "Cost," as applied to construction of a turnpike project, includes  
429 the cost of construction, including bridges over or under existing  
430 highways and railroads, acquisition of all property acquired by the  
431 commission for the construction, demolishing or removing any buildings  
432 or structures on land so acquired, including the cost of acquiring any  
433 lands to which the buildings or structures may be moved, site  
434 clearance, improvement, and preparation, diverting public roads,  
435 interchanges with public roads and other railways, access roads to  
436 private property, including the cost of land or easements therefor,  
437 all machinery, furnishings, and equipment, communications facilities,  
438 financing expenses, interest prior to and during construction and for  
439 one year after completion of construction, traffic estimates,  
440 indemnity and surety bonds and premiums on insurance, title work and  
441 title commitments, insurance, and guarantees, engineering, feasibility  
442 studies, and legal expenses, plans, specifications, surveys, estimates  
443 of cost and revenues, other expenses necessary or incident to  
444 determining the feasibility or practicability of constructing or  
445 operating a project, administrative expenses, and any other expense  
446 that may be necessary or incident to the construction of the project,

447 the financing of the construction, and the placing of the project in  
448 operation. Any obligation or expense incurred by the department of  
449 transportation with the approval of the commission for surveys,  
450 borings, preparation of plans and specifications, and other  
451 engineering services in connection with the construction of a project,  
452 or by the federal government with the approval of the commission for  
453 any public road or other railway projects which must be reimbursed as  
454 a condition to the exercise of any of the powers of the commission  
455 under this chapter, shall be regarded as a part of the cost of the  
456 project and shall be reimbursed to the state or the federal  
457 government, as the case may be, from revenues, state taxes, or the  
458 proceeds of bonds as authorized by this chapter.

459

460 (D) "Owner" includes all persons having any title or interest in any  
461 property authorized to be acquired by the commission under this  
462 chapter.

463

464 (E) "Revenues" means all tolls, service revenues, investment income on  
465 special funds, rentals, gifts, grants, and all other moneys coming  
466 into the possession of or under the control of the commission by  
467 virtue of this chapter, except the proceeds from the sale of bonds.  
468 "Revenues" does not include state taxes.

469

470 (F) "Public roads" means all public highways, roads, and streets in  
471 the state, whether maintained by a state agency or any other  
472 governmental agency.

473

474 (G) "Public utility facilities" means tracks, pipes, mains, conduits,  
475 cables, wires, towers, poles, and other equipment and appliances of  
476 any public utility.

477

478 (H) "Financing expenses" means all costs and expenses relating to the  
479 authorization, issuance, sale, delivery, authentication, deposit,  
480 custody, clearing, registration, transfer, exchange,  
481 fractionalization, replacement, payment, and servicing of bonds  
482 including, without limitation, costs and expenses for or relating to  
483 publication and printing, postage, delivery, preliminary and final  
484 official statements, offering circulars, and informational statements,  
485 travel and transportation, underwriters, placement agents, investment  
486 bankers, paying agents, registrars, authenticating agents, remarketing  
487 agents, custodians, clearing agencies or corporations, securities  
488 depositories, financial advisory services, certifications, audits,  
489 federal or state regulatory agencies, accounting and computation  
490 services, legal services and obtaining approving legal opinions and  
491 other legal opinions, credit ratings, redemption premiums, and credit  
492 enhancement facilities.

493

494 (I) "Bond proceedings" means the resolutions, trust agreements,  
495 certifications, notices, sale proceedings, leases, lease-purchase  
496 agreements, assignments, credit enhancement facility agreements, and  
497 other agreements, instruments, and documents, as amended and  
498 supplemented, or any one or more or any combination thereof,  
499 authorizing, or authorizing or providing for the terms and conditions  
500 applicable to, or providing for the security or sale or award or

501 liquidity of, bonds, and includes the provisions set forth or  
502 incorporated in those bonds and bond proceedings.

503

504 (J) "Bond service charges" means principal, including any mandatory  
505 sinking fund or mandatory redemption requirements for the retirement  
506 of bonds, and interest and any redemption premium payable on bonds, as  
507 those payments come due and are payable to the bondholder or to a  
508 person making payment under a credit enhancement facility of those  
509 bond service charges to a bondholder.

510

511 (K) "Bond service fund" means the applicable fund created by the bond  
512 proceedings for and pledged to the payment of bond service charges on  
513 bonds provided for by those proceedings, including all moneys and  
514 investments, and earnings from investments, credited and to be  
515 credited to that fund as provided in the bond proceedings.

516

517 (L) "Bonds" means bonds, notes, including notes anticipating bonds or  
518 other notes, commercial paper, certificates of participation, or other  
519 evidences of obligation, including any interest coupons pertaining  
520 thereto, issued by the commission pursuant to this chapter.

521

522 (M) "Net revenues" means revenues lawfully available to pay both  
523 current operating expenses of the commission and bond service charges  
524 in any fiscal year or other specified period, less current operating  
525 expenses of the commission and any amount necessary to maintain a  
526 working capital reserve for that period.

527

528 (N) "Pledged revenues" means net revenues, moneys and investments, and  
529 earnings on those investments, in the applicable bond service fund and  
530 any other special funds, and the proceeds of any bonds issued for the  
531 purpose of refunding prior bonds, all as lawfully available and by  
532 resolution of the commission committed for application as pledged  
533 revenues to the payment of bond service charges on particular issues  
534 of bonds.

535

536 (O) "Service facilities" means service stations, restaurants, and  
537 other facilities for food service, ~~roadside~~ wayside parks and rest  
538 areas, parking, camping, tenting, rest, and sleeping facilities,  
539 hotels or motels, and all similar and other facilities providing  
540 services to the traveling public in connection with the use of a  
541 turnpike project and owned, leased, licensed, or operated by the  
542 commission.

543

544 (P) "Service revenues" means those revenues of the commission derived  
545 from its ownership, leasing, licensing, or operation of service  
546 facilities.

547

548 (Q) "Special funds" means the applicable bond service fund and any  
549 accounts and subaccounts in that fund, any other funds or accounts  
550 permitted by and established under, and identified as a "special fund"  
551 or "special account" in, the bond proceedings, including any special  
552 fund or account established for purposes of rebate or other  
553 requirements under federal income tax laws.

554



555 (R) "State agencies" means the state, officers of the state, and  
556 boards, departments, branches, divisions, or other units or agencies  
557 of the state.

558

559 (S) "State taxes" means receipts of the commission from the proceeds  
560 of state taxes or excises levied and collected, or appropriated by the  
561 general assembly to the commission, for the purposes and functions of  
562 the commission. State taxes do not include tolls, or investment  
563 earnings on state taxes except on those state taxes referred to in  
564 Section 5a of Article XII, Ohio Constitution.

565

566 (T) "Tolls" means tolls, special fees or permit fees, or other charges  
567 by the commission to the owners, lessors, lessees, or operators of  
568 motor and railway vehicles for the operation of or the right to  
569 operate those vehicles on a turnpike project.

570

571 (U) "Credit enhancement facilities" means letters of credit, lines of  
572 credit, standby, contingent, or firm securities purchase agreements,  
573 insurance, or surety arrangements, guarantees, and other arrangements  
574 that provide for direct or contingent payment of bond service charges,  
575 for security or additional security in the event of nonpayment or  
576 default in respect of bonds, or for making payment of bond service  
577 charges and at the option and on demand of bondholders or at the  
578 option of the commission or upon certain conditions occurring under  
579 put or similar arrangements, or for otherwise supporting the credit or  
580 liquidity of the bonds, and includes credit, reimbursement, marketing,  
581 remarketing, indexing, carrying, interest rate hedge, and subrogation

582 agreements, and other agreements and arrangements for payment and  
583 reimbursement of the person providing the credit enhancement facility  
584 and the security for that payment and reimbursement.

585

586 (V) "Person" has the same meaning as in section 1.59 of the Revised  
587 Code and, unless the context otherwise provides, also includes any  
588 governmental agency and any combination of those persons.

589

590 (W) "Refund" means to fund and retire outstanding bonds, including  
591 advance refunding with or without payment or redemption prior to  
592 stated maturity.

593

594 (X) "Governmental agency" means any state agency, federal agency,  
595 political subdivision, or other local, interstate, or regional  
596 governmental agency, and any combination of those agencies.

597

598 (Y) "Property" has the same meaning as in section 1.59 of the Revised  
599 Code, and includes interests in property.

600

601 (Z) "Administrative agent," "agent," "commercial paper," "floating  
602 rate interest structure," "indexing agent," "interest rate hedge,"  
603 "interest rate period," "put arrangement," and "remarketing agent"  
604 have the same meanings as in section 9.98 of the Revised Code.

605

606 (AA) "Outstanding," as applied to bonds, means outstanding in  
607 accordance with the terms of the bonds and the applicable bond  
608 proceedings.

609

610 (BB) "Ohio turnpike system", "Ohio turnpike", or "system" means all  
611 existing and future turnpike projects constructed, operated, and  
612 maintained under the jurisdiction of the commission.

613

614 Effective Date: 10-17-1996; 05-06-2005; 2006 HB699 03-29-2007

615 **5537.03 Turnpike projects.**

616

617 In order to remove present and anticipated handicaps and potential  
618 hazards on the congested highways and railways in this state, to  
619 facilitate vehicular traffic throughout the state, to promote the  
620 agricultural, commercial, recreational, tourism, and industrial  
621 development of the state, and to provide for the general welfare by  
622 the construction, improvement, and maintenance of modern express  
623 highways and railways embodying safety devices, including without  
624 limitation center divisions, ample shoulder widths, long sight  
625 distances, multiple lanes and tracks in each direction, and grade  
626 separations at intersections with other public roads and ~~railroads~~  
627 railways, the Ohio turnpike commission, subject to section 5537.26 of  
628 the Revised Code, may construct, maintain, repair, and operate a  
629 system of turnpike projects at locations that are reviewed by the  
630 turnpike legislative review committee and approved by the governor,  
631 and in accordance with alignment and design standards that are  
632 approved by the director of transportation, and issue revenue bonds of  
633 this state, payable solely from pledged revenues, to pay the cost of  
634 those projects. The turnpikes and turnpike projects authorized by this  
635 chapter are hereby or shall be made part of the Ohio turnpike system.

636

637 Effective Date: 10-17-1996; 2006 HB699 03-29-2007

638 **5537.05 Construction of grade separations at intersections of turnpike**  
639 **projects.**

640

641 (A) The Ohio turnpike commission may construct grade separations at  
642 intersections of any turnpike project with public roads and ~~railroads~~  
643 railways, and change and adjust the lines and grades of those roads  
644 and ~~railroads~~ railways, and of public utility facilities, which change  
645 and adjustment of lines and grades of those roads shall be subject to  
646 the approval of the governmental agency having jurisdiction over the  
647 road, so as to accommodate them to the design of the grade separation.  
648 The cost of the grade separation and any damage incurred in changing  
649 and adjusting the lines and grades of roads, ~~railroads~~ railways, and  
650 public utility facilities shall be ascertained and paid by the  
651 commission as a part of the cost of the turnpike project or from  
652 revenues or state taxes.

653

654 (1) If the commission finds it necessary to change the location of any  
655 portion of any public road, ~~railroad~~ railway, or public utility  
656 facility, it shall cause the same to be reconstructed at the location  
657 the governmental agency having jurisdiction over such road, ~~railroad~~  
658 railway, or public utility facility considers most favorable. The  
659 construction shall be of substantially the same type and in as good  
660 condition as the original road, ~~railroad~~ railway, or public utility  
661 facility. The cost of the reconstruction, relocation, or removal and  
662 any damage incurred in changing the location shall be ascertained and  
663 paid by the commission as a part of the cost of the turnpike project  
664 or from revenues or state taxes.

665

666 (2) The commission may petition the board of county commissioners of  
667 the county in which is situated any public road, railway, or part  
668 thereof affected by the location therein of any turnpike project, for  
669 the vacation or relocation of the road, railway, or any part thereof,  
670 in the same manner and with the same force and effect as is given to  
671 the director of transportation pursuant to sections 5553.04 to 5553.11  
672 of the Revised Code.

673

674 (B) The commission and its authorized agents and employees, after  
675 proper notice, may enter upon any lands, waters, and premises in the  
676 state for the purpose of making surveys, soundings, drillings, and  
677 examinations that are necessary or proper for the purposes of this  
678 chapter, and the entry shall not be deemed a trespass, nor shall an  
679 entry for those purposes be deemed an entry under any appropriation  
680 proceedings which may then be pending, provided that before entering  
681 upon the premises of any ~~railroad~~ railway notice shall be given to the  
682 superintendent of the ~~railroad~~ railway involved at least five days in  
683 advance of entry, and provided that no survey, sounding, drilling, and  
684 examination shall be made between the rails or so close to a ~~railroad~~  
685 railway track as would render the track unusable. The commission shall  
686 make reimbursement for any actual damage resulting to such lands,  
687 waters, and premises and to private property located in, on, along,  
688 over, or under such lands, waters, and premises, as a result of such  
689 activities. The state, subject to the approval of the governor, hereby  
690 consents to the use of all lands owned by it, including lands lying  
691 under water, that are necessary or proper for the construction,

692 maintenance, or operation of any turnpike project, provided adequate  
693 consideration is provided for the use.

694

695 (C) The commission may make reasonable provisions or rules for the  
696 installation, construction, maintenance, repair, renewal, relocation,  
697 and removal of public utility facilities in, on, along, over, or under  
698 any turnpike project. Whenever the commission determines that it is  
699 necessary that any public utility facilities located in, on, along,  
700 over, or under any turnpike project should be relocated in or removed  
701 from the turnpike project, the public utility owning or operating the  
702 facilities shall relocate or remove them in accordance with the order  
703 of the commission. Except as otherwise provided in any license or  
704 other agreement with the commission, the cost and expenses of such  
705 relocation or removal, including the cost of installing the facilities  
706 in a new location, the cost of any lands, or any rights or interests  
707 in lands, and any other rights, acquired to accomplish the relocation  
708 or removal, shall be ascertained and paid by the commission as part of  
709 the cost of the turnpike project or from revenues of the Ohio turnpike  
710 system. In case of any such relocation or removal of facilities, the  
711 public utility owning or operating them and its successors or assigns  
712 may maintain and operate the facilities, with the necessary  
713 appurtenances, in the new location, for as long a period, and upon the  
714 same terms, as it had the right to maintain and operate the facilities  
715 in their former location.

716

717 (D) The commission is subject to Chapters 1515., 6131., 6133., 6135.,  
718 and 6137. of the Revised Code and shall pay any assessments levied

719 under those chapters for an improvement or maintenance of an  
720 improvement on land under the control or ownership of the commission.

721

722 Effective Date: 06-30-1993



723 **5537.07 Bidding process for contracts exceeding \$50,000.**

724

725 (A) When the cost to the Ohio turnpike commission under any contract  
726 with a person other than a governmental agency involves an expenditure  
727 of more than fifty thousand dollars, the commission shall make a  
728 written contract with the lowest responsive and responsible bidder in  
729 accordance with section 9.312 of the Revised Code after advertisement  
730 for not less than two consecutive weeks in a newspaper of general  
731 circulation in Franklin county, and in such other publications as the  
732 commission determines, which notice shall state the general character  
733 of the work and the general character of the materials to be  
734 furnished, the place where plans and specifications therefor may be  
735 examined, and the time and place of receiving bids. The commission may  
736 require that the cost estimate for the construction, demolition,  
737 alteration, repair, improvement, renovation, or reconstruction of  
738 roadways, railways, tunnels, and bridges for which the commission is  
739 required to receive bids be kept confidential and remain confidential  
740 until after all bids for the public improvement have been received or  
741 the deadline for receiving bids has passed. Thereafter, and before  
742 opening the bids submitted for the roadways, railways, tunnels, and  
743 bridges, the commission shall make the cost estimate public knowledge  
744 by reading the cost estimate in a public place. The commission may  
745 reject any and all bids. The requirements of this division do not  
746 apply to contracts for the acquisition of real property or  
747 compensation for professional or other personal services.

748

749 (B) Each bid for a contract for construction, demolition, alteration,  
750 repair, improvement, renovation, or reconstruction shall contain the  
751 full name of every person interested in it and shall meet the  
752 requirements of section 153.54 of the Revised Code.

753

754 (C) Each bid for a contract, other than for a contract referred to in  
755 division (B) of this section, shall contain the full name of every  
756 person interested in it and shall be accompanied by a sufficient bond  
757 or certified check on a solvent bank that if the bid is accepted a  
758 contract will be entered into and the performance of its proposal  
759 secured.

760

761 (D) A bond with good and sufficient surety, approved by the  
762 commission, shall be required of every contractor awarded a contract,  
763 other than a contract referred to in division (B) of this section, in  
764 an amount equal to at least fifty per cent of the contract price,  
765 conditioned upon the faithful performance of the contract.

766

767 Effective Date: 04-05-2001; 09-16-2004; 03-23-2005

768 **5537.13 Contracts - bids - tolls - sinking fund - lien of the pledge.**

769

770 (A) Subject to section 5537.26 of the Revised Code, the Ohio turnpike  
771 commission may fix, revise, charge, and collect tolls for each  
772 turnpike project, and contract in the manner provided by this section  
773 with any person desiring the use of any part thereof, including the  
774 right-of-way adjoining the paved portions and trackage pending the  
775 acquisition of right of way non-railway use rights from the proper  
776 adjacent landowners, for placing thereon telephone, electric light, or  
777 power lines, service facilities, or for any other purpose, and fix the  
778 terms, conditions, rents, and rates of charge for such use, provided  
779 that no toll, charge, or rental may be made by the commission for  
780 placing in, on, along, over, or under the turnpike project, equipment  
781 or public utility facilities that are necessary to serve service  
782 facilities or to interconnect any public utility facilities.

783

784 (B) Contracts for the operation of service facilities shall be made in  
785 writing. Such contracts, except contracts with state agencies or other  
786 governmental agencies, shall be made with the bidder whose bid is  
787 determined by the commission to be the best bid received, after  
788 advertisement for two consecutive weeks in a newspaper of general  
789 circulation in Franklin county, and in other publications that the  
790 commission determines. The notice shall state the general character of  
791 the service facilities operation proposed, the place where plans and  
792 specifications may be examined, and the time and place of receiving  
793 bids. Bids shall contain the full name of each person interested in  
794 them, and shall be in such form as the commission requires. The

795 commission may reject any and all bids. All contracts for service  
796 facilities shall be preserved in the principal office of the  
797 commission.

798

799 (C) Tolls shall be so fixed and adjusted as to provide funds at least  
800 sufficient with other revenues of the Ohio turnpike system, if any, to  
801 pay:

802

803 (1) The cost of maintaining, improving, repairing, constructing, and  
804 operating the Ohio turnpike system and its different parts and  
805 sections, and to create and maintain any reserves for those purposes;

806

807 (2) Any unpaid bond service charges on outstanding bonds payable from  
808 pledged revenues as such charges become due and payable, and to create  
809 and maintain any reserves for that purpose.

810

811 (D) Tolls are not subject to supervision, approval, or regulation by  
812 any state agency other than the turnpike commission.

813

814 (E) Revenues derived from each turnpike project in connection with  
815 which any bonds are outstanding shall be first applied to pay the cost  
816 of maintenance, improvement, repair, and operation and to provide any  
817 reserves therefor that are provided for in the bond proceedings  
818 authorizing the issuance of those outstanding bonds, and otherwise as  
819 provided by the commission, and the balance of the pledged revenues  
820 shall be set aside, at such regular intervals as are provided in the  
821 bond proceedings, in a bond service fund, which is hereby pledged to

822 and charged with the payment of the bond service charges on any such  
823 outstanding bonds as provided in the applicable bond proceedings. The  
824 pledge shall be valid and binding from the time the pledge is made;  
825 the revenues and the pledged revenues thereafter received by the  
826 commission immediately shall be subject to the lien of the pledge  
827 without any physical delivery thereof or further act, and the lien of  
828 the pledge shall be valid and binding as against all parties having  
829 claims of any kind in tort, contract, or otherwise against the  
830 commission, whether or not those parties have notice thereof. The bond  
831 proceedings by which a pledge is created need not be filed or recorded  
832 except in the records of the commission. The use and disposition of  
833 moneys to the credit of a bond service fund shall be subject to the  
834 applicable bond proceedings. Except as is otherwise provided in such  
835 bond proceedings, such a bond service fund shall be a fund for all  
836 such bonds, without distinction or priority of one over another.

837

838 Effective Date: 10-17-1996

839 **5537.17 Maintenance and repair of turnpike project - restoration or**  
840 **repair of damaged property - cooperation by governmental agencies -**  
841 **bridge inspection - annual audit.**

842

843 (A) Each turnpike project open to traffic shall be maintained and kept  
844 in good condition and repair by the Ohio turnpike commission. The Ohio  
845 turnpike system shall be policed and operated by a force of police,  
846 toll collectors, and other employees and agents that the commission  
847 employs or contracts for.

848

849 (B) All public or private property damaged or destroyed in carrying  
850 out the powers granted by this chapter shall be restored or repaired  
851 and placed in its original condition, as nearly as practicable, or  
852 adequate compensation or consideration made therefor out of moneys  
853 provided under this chapter.

854

855 (C) All governmental agencies may lease, lend, grant, or convey to the  
856 commission at its request, upon terms that the proper authorities of  
857 the governmental agencies consider reasonable and fair and without the  
858 necessity for an advertisement, order of court, or other action or  
859 formality, other than the regular and formal action of the authorities  
860 concerned, any property that is necessary or convenient to the  
861 effectuation of the purposes of the commission, including public  
862 roads, railways, and other property already devoted to public use.

863

864 (D) Each bridge and tunnel constituting part of a turnpike project  
865 shall be inspected at least once each year by a professional engineer  
866 employed or retained by the commission.

867

868 (E) On or before the first day of July in each year, the commission  
869 shall make an annual report of its activities for the preceding  
870 calendar year to the governor and the general assembly. Each such  
871 report shall set forth a complete operating and financial statement  
872 covering the commission's operations during the year. The commission  
873 shall cause an audit of its books and accounts to be made at least  
874 once each year by certified public accountants, and the cost thereof  
875 may be treated as a part of the cost of operations of the commission.  
876 The auditor of state, at least once a year and without previous notice  
877 to the commission, shall audit the accounts and transactions of the  
878 commission.

879

880 (F) The commission shall submit a copy of its annual audit by the  
881 auditor of state and its proposed annual budget for each calendar or  
882 fiscal year to the governor, the presiding officers of each house of  
883 the general assembly, the director of budget and management, and the  
884 legislative service commission no later than the first day of that  
885 calendar or fiscal year.

886

887 (G) Upon request of the chairperson of the appropriate standing  
888 committee or subcommittee of the senate and house of representatives  
889 that is primarily responsible for considering transportation budget  
890 matters, the commission shall appear at least one time before each

891 committee or subcommittee during the period when that committee or  
892 subcommittee is considering the biennial appropriations for the  
893 department of transportation and shall provide testimony outlining its  
894 budgetary results for the last two calendar years, including a  
895 comparison of budget and actual revenue and expenditure amounts. The  
896 commission also shall address its current budget and long-term capital  
897 plan.

898

899 (H) Not more than sixty nor less than thirty days before adopting its  
900 annual budget, the commission shall submit a copy of its proposed  
901 annual budget to the governor, the presiding officers of each house of  
902 the general assembly, the director of budget and management, and the  
903 legislative service commission. The office of budget and management  
904 shall review the proposed budget and may provide recommendations to  
905 the commission for its consideration.

906

907 Effective Date: 06-30-1993; 03-29-2005; 2006 HB699 03-29-2007



908 **5537.21 Project continuing to be operated and maintained as ~~toll road~~**  
909 **tollway.**

910

911 (A) When bond service charges on all outstanding bonds issued in  
912 connection with any turnpike project have been paid or provision for  
913 that payment has been made, as provided in the applicable bond  
914 proceedings, or in the case of a turnpike project in connection with  
915 which no bonds have been issued, the project shall continue to be or  
916 be operated, and improved and maintained, by the Ohio turnpike  
917 commission as a part of the Ohio turnpike system and as a ~~toll road~~  
918 tollway, and all revenues received by the commission relating to that  
919 project shall be applied as provided in division (B) of this section.

920

921 (B) Subject to the bond proceedings for bonds relating to any turnpike  
922 project, tolls relating to a turnpike project as referred to in  
923 division (A) of this section shall be so fixed and adjusted that the  
924 aggregate of revenues relating to that project and available for the  
925 purpose are in amounts to provide moneys sufficient, and those  
926 revenues shall be used, to pay the costs described in division (C)(1)  
927 of section 5537.13 of the Revised Code.

928

929 Effective Date: 06-30-1993

930 **5537.24 Turnpike oversight committee.**

931

932 (A) There is hereby created a turnpike legislative review committee  
933 consisting of six members as follows:

934

935 (1) Three members of the senate, no more than two of whom shall be  
936 members of the same political party, one of whom shall be the  
937 chairperson of the committee dealing primarily with ~~highway~~  
938 transportation matters, one of whom shall be appointed by the  
939 president of the senate, and one of whom shall be appointed by the  
940 minority leader of the senate.

941

942 Both the senate member who is appointed by the president of the senate  
943 and the senate member appointed by the minority leader of the senate  
944 shall represent either districts in which is located or through which  
945 passes a portion of a turnpike project that is part of the Ohio  
946 turnpike system or districts located in the vicinity of a turnpike  
947 project that is part of the Ohio turnpike system.

948

949 The president of the senate shall make the president of the senate's  
950 appointment to the committee first, followed by the minority leader of  
951 the senate, and they shall make their appointments in such a manner  
952 that their two appointees represent districts that are located in  
953 different areas of the state. If the chairperson of the senate  
954 committee dealing primarily with ~~highway~~ transportation matters  
955 represents a district in which is located or through which passes a  
956 portion of a turnpike project that is part of the Ohio turnpike system

957 or a district located in the vicinity of a turnpike project that is  
958 part of the Ohio turnpike system, the president of the senate and the  
959 minority leader of the senate shall make their appointments in such a  
960 manner that their two appointees and the chairperson of the senate  
961 committee dealing primarily with ~~highway~~ transportation matters all  
962 represent districts that are located in different areas of the state.

963

964 (2) Three members of the house of representatives, no more than two of  
965 whom shall be members of the same political party, one of whom shall  
966 be the chairperson of the house of representatives committee dealing  
967 primarily with ~~highway~~ transportation matters, one of whom shall be  
968 appointed by the speaker of the house of representatives, and one of  
969 whom shall be appointed by the minority leader of the house of  
970 representatives.

971

972 Both the house of representatives member who is appointed by the  
973 speaker of the house of representatives and the house of  
974 representatives member appointed by the minority leader of the house  
975 of representatives shall represent either districts in which is  
976 located or through which passes a portion of a turnpike project that  
977 is part of the Ohio turnpike system or districts located in the  
978 vicinity of a turnpike project that is part of the Ohio turnpike  
979 system.

980

981 The speaker of the house of representatives shall make the speaker of  
982 the house of representative's appointment to the committee first,  
983 followed by the minority leader of the house of representatives, and

984 they shall make their appointments in such a manner that their two  
985 appointees represent districts that are located in different areas of  
986 the state. If the chairperson of the house of representatives  
987 committee dealing primarily with ~~highway~~ transportation matters  
988 represents a district in which is located or through which passes a  
989 portion of a turnpike project that is part of the Ohio turnpike system  
990 or a district located in the vicinity of a turnpike project that is  
991 part of the Ohio turnpike system, the speaker of the house of  
992 representatives and the minority leader of the house of  
993 representatives shall make their appointments in such a manner that  
994 their two appointees and the chairperson of the house of  
995 representatives committee dealing primarily with ~~highway~~  
996 transportation matters all represent districts that are located in  
997 different areas of the state.

998

999 The chairperson of the house of representatives committee shall serve  
1000 as the chairperson of the turnpike legislative review committee for  
1001 the year 1996. Thereafter, the chair annually shall alternate between,  
1002 first, the chairperson of the senate committee and then the  
1003 chairperson of the house of representatives committee.

1004

1005 (B) Each member of the turnpike legislative review committee who is a  
1006 member of the general assembly shall serve a term of the remainder of  
1007 the general assembly during which the member is appointed or is  
1008 serving as chairperson of the specified senate or house committee. In  
1009 the event of the death or resignation of a committee member who is a  
1010 member of the general assembly, or in the event that a member ceases

1011 to be a senator or representative, or in the event that the  
1012 chairperson of the senate committee dealing primarily with ~~highway~~  
1013 transportation matters or the chairperson of the house of  
1014 representatives committee dealing primarily with ~~highway~~  
1015 transportation matters ceases to hold that position, the vacancy shall  
1016 be filled through an appointment by the president of the senate or the  
1017 speaker of the house of representatives or minority leader of the  
1018 senate or house of representatives, as applicable. Any member  
1019 appointed to fill a vacancy occurring prior to the end of the term for  
1020 which the member's predecessor was appointed shall hold office for the  
1021 remainder of the term or for a shorter period of time as determined by  
1022 the president or the speaker. A member of the committee is eligible  
1023 for reappointment.

1024

1025 (C) The turnpike legislative review committee shall meet at least  
1026 quarterly and may meet at the call of its chairperson, or upon the  
1027 written request to the chairperson of not fewer than four members of  
1028 the committee. Meetings shall be held at sites that are determined  
1029 solely by the chairperson of the committee. At each meeting, the Ohio  
1030 turnpike commission shall make a report to the committee on commission  
1031 matters, including but not limited to financial and budgetary matters  
1032 and proposed and on-going construction, maintenance, repair, and  
1033 operational projects of the commission. State and regional traffic  
1034 congestion abatement, route capacity improvement, intermodalism, modal  
1035 equality, energy savings, and pollution abatement issues shall also be  
1036 addressed.

1037

1038 The committee, by the affirmative vote of at least four of its  
1039 members, may submit written recommendations to the commission, either  
1040 at meetings held pursuant to this section or at any other time,  
1041 describing new turnpike projects or new interchanges located on  
1042 existing projects that the committee believes the commission should  
1043 consider constructing.

1044

1045 (D) The members of the turnpike legislative review committee who are  
1046 members of the general assembly shall serve without compensation, but  
1047 shall be reimbursed by the commission for their actual and necessary  
1048 expenses incurred in the discharge of their official duties as  
1049 committee members. Serving as a member of the turnpike legislative  
1050 review committee does not constitute grounds for resignation from the  
1051 senate or house of representatives under section 101.26 of the Revised  
1052 Code.

1053

1054 Effective Date: 10-17-1996; 2006 HB699 03-29-2007

1055 **5537.26 Change in toll rate structure requires notice and hearing.**

1056

1057 (A) Except as provided in division (D) of this section, no increase by  
1058 the Ohio turnpike commission in the toll rate structure that is  
1059 applicable to vehicles operating on a turnpike project shall become  
1060 effective unless the commission complies with the notice and hearing  
1061 requirements prescribed in division (B) of this section, and the  
1062 commission shall not take any action that expands, has the effect of  
1063 expanding, or will to any degree at any time in the future have the  
1064 effect of expanding the sphere of responsibility of the commission  
1065 beyond the Ohio turnpike, unless the commission complies with the  
1066 notice and hearing requirements prescribed in division (B) of this  
1067 section.

1068

1069 (B) Not less than ninety days prior to the date on which the  
1070 commission votes to increase any part of the toll rate structure that  
1071 is applicable to vehicles operating on a turnpike project, and not  
1072 less than ninety days prior to the date on which the commission votes  
1073 to take an action that expands, has the effect of expanding, or will  
1074 to any degree at any time in the future have the effect of expanding  
1075 the sphere of responsibility of the commission beyond the Ohio  
1076 turnpike, the commission shall do both of the following:

1077

1078 (1) Send notice to the governor and the presiding officers and  
1079 minority leaders of the senate and house of representatives that  
1080 details the proposed increase to the toll rate structure or the  
1081 expansion of the sphere of responsibility of the commission beyond the

1082 Ohio turnpike, including a description of and a justification for the  
1083 increase or expansion;

1084

1085 (2) Commence holding public hearings on the proposed increase in the  
1086 toll rate structure or the proposed action. If the commission is  
1087 proposing an increase in the toll rate structure that is applicable to  
1088 vehicles operating on a turnpike project, it shall hold not less than  
1089 three public hearings in three geographically diverse locations in  
1090 this state that are in the immediate vicinity of the affected project.  
1091 If the commission is proposing to take an action that expands, has the  
1092 effect of expanding, or will to any degree at any time in the future  
1093 have the effect of expanding the sphere of responsibility of the  
1094 commission beyond the Ohio turnpike, it shall hold not less than three  
1095 public hearings in three locations in the immediate vicinity where the  
1096 expanded responsibilities would arise.

1097

1098 The commission shall hold the third or, if it holds more than three  
1099 hearings, the last hearing of any set of hearings required to be held  
1100 under this section not less than thirty days prior to the date on  
1101 which it votes to increase part of the toll rate structure that is  
1102 applicable to vehicles operating on a turnpike project or to take an  
1103 action that expands, has the effect of expanding, or will to any  
1104 degree at any time in the future have the effect of expanding the  
1105 sphere of responsibility of the commission beyond the Ohio turnpike.

1106

1107 The commission shall inform the public of all the hearings required to  
1108 be held under this section by causing a notice to be published in a



1109 newspaper of general circulation in the county in which each hearing  
1110 is to be held, not less than once per week for two weeks prior to the  
1111 date of the hearing.

1112

1113 (C) If the commission does not comply with the notice and hearing  
1114 requirements contained in division (B) of this section and votes for  
1115 an increase in the toll rate structure that is applicable to vehicles  
1116 operating on a turnpike project, the increase in the toll rate  
1117 structure shall not take effect, any attempt by the commission to  
1118 implement the increase in the toll rate structure is void, and, if  
1119 necessary, the attorney general shall file an action in the court of  
1120 common pleas of the county in which the principal office of the  
1121 commission is located to enjoin the commission from implementing the  
1122 increase. The commission shall not implement any increase until it  
1123 complies with division (B) of this section.

1124

1125 If the commission does not comply with the notice and hearing  
1126 requirements contained in division (B) of this section and votes to  
1127 take an action that expands, has the effect of expanding, or will to  
1128 any degree at any time in the future have the effect of expanding the  
1129 sphere of responsibility of the commission beyond the Ohio turnpike,  
1130 the commission shall not take the proposed action and, if necessary,  
1131 the attorney general shall file an action in the court of common pleas  
1132 of the county in which the principal office of the commission is  
1133 located to enjoin the commission from taking the proposed action. The  
1134 commission shall not take the proposed action until it complies with

1135 the notice and hearing requirements prescribed in division (B) of this  
1136 section.

1137

1138 (D) Divisions (A) to (C) of this section do not apply to any decrease  
1139 made to the toll rate structure by the commission. The commission may  
1140 implement a temporary decrease in the toll rate structure only if it  
1141 does not exceed eighteen months in duration. Prior to instituting any  
1142 decrease to the toll rate structure, the commission shall do both of  
1143 the following:

1144

1145 (1) Not less than five days prior to any public meeting under division  
1146 (D)(2) of this section, send notice to the governor and the presiding  
1147 officers and minority leaders of the senate and house of  
1148 representatives that details the proposed decrease to the toll rate  
1149 structure;

1150

1151 (2) Hold a public meeting to explain to members of the traveling  
1152 public the reasons for the upcoming decrease, to inform them of any  
1153 benefits and any negative consequences, and to give them the  
1154 opportunity to express their opinions as to the relative merits or  
1155 drawbacks of each toll decrease. The commission shall inform the  
1156 public of the meeting by causing a notice to be published in  
1157 newspapers of general circulation in all Cuyahoga, Lucas, Mahoning,  
1158 Trumbull, Williams, and Summit counties that the project is located  
1159 within and upon its website not less than five days prior to the  
1160 meeting. The commission shall not be required to hold any public  
1161 hearing or meeting upon the expiration of any temporary decrease in

1162 the toll rate structure, so long as it implements the same toll rate  
1163 structure that was in effect immediately prior to the temporary  
1164 decrease.

1165

1166 ~~(E) As used in this section, "Ohio turnpike" means the toll freeway~~  
1167 ~~that is under the jurisdiction of the commission and runs in an~~  
1168 ~~easterly and westerly direction across the entire northern portion of~~  
1169 ~~this state between its borders with the state of Pennsylvania in the~~  
1170 ~~east and the state of Indiana in the west, and carries the interstate~~  
1171 ~~highway designations of interstate seventy six, interstate eighty, and~~  
1172 ~~interstate eighty ninety.~~

1173

1174 Effective Date: 10-17-1996; 12-21-2004; 2006 HB699 03-29-2007

1175 **5537.28 Restrictions on expenditure of toll revenues.**

1176

1177 (A) Notwithstanding any other provision of law, on and after the  
1178 effective date of this section, the Ohio turnpike commission shall not  
1179 expend any toll revenues that are generated by an existing turnpike  
1180 project to fund in any manner or to any degree the construction,  
1181 operation, maintenance, or repair of another turnpike project the  
1182 location of which must be reviewed by the turnpike legislative review  
1183 committee and approved by the governor.

1184

1185 In paying the cost of such a project, the commission may issue bonds  
1186 and bond anticipation notes as permitted by this chapter, and may  
1187 accept moneys from any source to pay the cost of any portion of the  
1188 project, including, but not limited to, the federal government, any  
1189 department or agency of this state, and any political subdivision or  
1190 other government agency. Each such project shall be constructed,  
1191 operated, maintained, and repaired entirely with funds generated by  
1192 that project or otherwise specifically acquired for that project from  
1193 sources permitted by this chapter.

1194

1195 (B) The commission shall not expend any toll revenues generated by the  
1196 Ohio turnpike to pay any amount of the principal amount of, or  
1197 interest due on, any bonds or bond anticipation notes issued by the  
1198 commission to pay any portion of the cost of another turnpike project  
1199 the location of which must be reviewed by the turnpike legislative  
1200 review committee and approved by the governor. The commission shall  
1201 not expend any toll revenues generated by any turnpike project to pay

1202 any amount of the principal amount of, or interest due on, any bonds  
1203 or bond anticipation notes issued by the commission to pay any portion  
1204 of the cost of a new turnpike project the location of which must be  
1205 reviewed by the turnpike legislative review committee and approved by  
1206 the governor or the cost of the operation, repair, improvement,  
1207 maintenance, or reconstruction of any turnpike project other than the  
1208 project that generated those toll revenues.

1209

1210 (C) As used in this section:

1211

1212 ~~(1) "Ohio turnpike" has the same meaning as in division (E) of section~~  
1213 ~~5537.26 of the Revised Code;~~

1214

1215 ~~(2)~~ (1) "Another turnpike project" does not include infrastructure  
1216 improvements on the Ohio turnpike, ~~or~~ on connecting roadways within  
1217 one mile of an Ohio turnpike interchange, or on users' railway sidings  
1218 or spurs.

1219

1220 Effective Date: 10-17-1996; 2006 HB699 03-29-2007