

1 **Ohio Revised Code**
2 **Title [55] LV ROADS - HIGHWAYS - BRIDGES**
3 **Chapter 5537: OHIO TURNPIKE AND INFRASTRUCTURE COMMISSION**

4
5 5537.01 Turnpike commission definitions.

6
7 As used in this chapter:

8
9 (A) "Commission" means the Ohio turnpike and infrastructure commission
10 created by section 5537.02 of the Revised Code ~~or, if that commission~~
11 ~~is abolished, the board, body, officer, or commission succeeding to~~
12 ~~the principal functions thereof or to which the powers given by this~~
13 ~~chapter to the commission are given by law.~~

14
15 (B) "Turnpike project" means any express or limited access highway,
16 super highway, or motorway acquired, constructed, operated, or
17 improved, under the jurisdiction of the commission and pursuant to
18 this chapter, at a location or locations reviewed by the turnpike
19 legislative review committee and approved by the governor, including
20 all bridges, tunnels, overpasses, underpasses, interchanges, entrance
21 plazas, approaches, those portions of connecting public roads that
22 serve interchanges and are determined by the commission and the
23 director of transportation to be necessary for the safe merging of
24 traffic between the turnpike project and those public roads, turnpike
25 toll booths, ~~service~~ user facilities, and administration, storage, and
26 other buildings, property, and facilities that the commission
27 considers necessary for the operation or policing of the turnpike
28 project, together with all property and rights which may be acquired
29 by the commission for the construction, maintenance, or operation of
30 the turnpike project, and includes any sections or extensions of a
31 turnpike project designated by the commission as such for the
32 particular purpose. Each turnpike project shall be separately
33 designated, by name or number, and may be acquired, constructed,
34 improved, or extended in such sections as the commission may from time
35 to time determine. Construction includes the improvement and
36 renovation of a previously constructed turnpike project, including
37 additional interchanges, whether or not the turnpike project was
38 initially constructed by the commission.

39
40 (C)

41
42 (1) "External Infrastructure infrastructure project" means any
43 public express or limited access highway, super highway, or
44 motorway, including all bridges, tunnels, overpasses,
45 underpasses, interchanges, entrance plazas, approaches, and those
46 portions of connecting public roads that serve interchanges, that
47 is constructed or improved, in whole or in part, with external
48 infrastructure ~~funding~~ subsidies approved pursuant to criteria
49 established under section 5537.18 of the Revised Code.

50
51 (2) "Internal infrastructure project" means any infrastructures
52 including but not limited to ports, landing strips, and pads for
53 airplanes, helicopters, drones, blimps, rockets, and other air

54 and spacecraft types; monorail, funicular, trolley, tramway,
55 subway, interurban, light rail, heavy rail, rail fixed guideway,
56 tubular, maglev, and related systems; busways and other paved
57 fixed guideways for rapid transit system types; electric power
58 transmission systems; pipelines; towers, runnels, ducts,
59 conduits, and other guideways to host fiber optics, coaxial,
60 twisted pair, copper, and related mediums for the
61 electromagnetic, seismic, quantum mechanical, and similar
62 distribution means of information; adjacent improved and
63 unimproved trails and service roadways; and any combination of
64 the foregoing acquired, constructed, operated, or improved, under
65 the jurisdiction of the commission and pursuant to this chapter,
66 at a location or locations reviewed by the turnpike legislative
67 review committee and approved by the governor, including all
68 bridges, tunnels, overpasses, underpasses, interchanges, access
69 points, entrance plazas, approaches, those portions of connecting
70 public roads and other infrastructures that serve interchanges
71 and interconnections that are determined by the commission to be
72 necessary for the safe merging and interexchange of freight,
73 passenger, and information traffic among the internal
74 infrastructure project and those public roads and other
75 infrastructures; internal infrastructure assessments booths and
76 other collection facilities and methodologies, user facilities,
77 and administration, storage, and other buildings, property, and
78 facilities that the commission considers necessary for the
79 operation or policing of the internal infrastructure project;
80 together with all property and rights which may be acquired by
81 the commission for the acquisition, construction, maintenance, or
82 operation of the internal infrastructure project, and includes
83 any sections or extensions of an internal infrastructure project
84 designated by the commission as such for the particular purpose.
85 Each internal infrastructure project shall be separately
86 designated, by name or number, and may be acquired, constructed,
87 improved, or extended in such sections as the commission may from
88 time to time determine. Construction includes the improvement and
89 renovation of a previously constructed internal infrastructure
90 project, including additional interchanges and access points,
91 whether or not the internal infrastructure project was initially
92 constructed by the commission.

93
94 (D) "Cost," as applied to ~~construction of a turnpike project or an~~
95 ~~infrastructure project,~~ a turnpike project, external infrastructure
96 project, or internal infrastructure project, includes the cost of
97 acquisition of other existing turnpike projects, external
98 infrastructure projects, and internal infrastructure projects and
99 segments of turnpike projects, external infrastructure projects, and
100 internal infrastructure projects, construction, including bridges and
101 tunnels over or under existing highways and railroads, acquisition of
102 all property acquired either by the commission or by the owner of the
103 external infrastructure project for the construction, demolishing or
104 removing any buildings or structures on land so acquired, including
105 the cost of acquiring any lands to which the buildings or structures
106 may be moved, site clearance, improvement, and preparation, diverting

107 public roads, interchanges with public roads, access roads to private
108 property, including the cost of land or easements therefor, all
109 machinery, furnishings, and equipment, communications facilities,
110 financing expenses, interest prior to and during construction and for
111 one year after completion of construction, traffic estimates,
112 indemnity and surety bonds and premiums on insurance, title work and
113 title commitments, insurance, and guarantees, engineering, feasibility
114 studies, and legal expenses, plans, specifications, surveys, estimates
115 of cost and revenues, other expenses necessary or incident to
116 determining the feasibility or practicability of constructing or
117 operating a ~~turnpike project or an infrastructure project~~, turnpike
118 project, external infrastructure project, or internal infrastructure
119 project, administrative expenses, and any other expense that may be
120 necessary or incident to the construction of the ~~turnpike project or~~
121 ~~an infrastructure project~~, turnpike project, external infrastructure
122 project, or internal infrastructure project, the financing of the
123 construction, and the placing of the ~~turnpike project or an~~
124 ~~infrastructure project~~ turnpike project, external infrastructure
125 project, or internal infrastructure project in operation. Any
126 obligation or expense incurred by the department of transportation
127 with the approval of the commission for surveys, borings, preparation
128 of plans and specifications, and other engineering services in
129 connection with the construction of a ~~turnpike project or an~~
130 ~~infrastructure project~~, turnpike project, external infrastructure
131 project, or internal infrastructure project, or by the federal
132 government with the approval of the commission for any public road
133 projects which must be reimbursed as a condition to the exercise of
134 any of the powers of the commission under this chapter, shall be
135 regarded as a part of the cost of the ~~turnpike project or an~~
136 ~~infrastructure project~~, turnpike project, external infrastructure
137 project, or internal infrastructure project, and shall be reimbursed
138 to the state or the federal government, as the case may be, from
139 revenues, state taxes, or the proceeds of bonds as authorized by this
140 chapter.

141
142 (E) "Owner" includes all persons having any title or interest in any
143 property authorized to be acquired by the commission for ~~turnpike~~
144 ~~projects and infrastructure projects~~ turnpike projects, external
145 infrastructure projects, and internal infrastructure projects under
146 this chapter, or the public entity for whom an infrastructure project
147 is funded subsidized, in whole or in part, by the commission under
148 this chapter.

149
150 (F) "Revenues" means all turnpike tolls, internal infrastructure
151 assessments, service revenues, investment income on special funds,
152 rentals, gifts, grants, and all other moneys coming into the
153 possession of or under the control of the commission by virtue of this
154 chapter, except the proceeds from the sale of bonds. "Revenues" does
155 not include state taxes.

156
157 (G) "Public roads" means all public highways, roads, and streets in
158 the state, whether maintained by a state agency or any other
159 governmental agency.

160
161 (H) "Public utility facilities" means tracks, pipes, mains, conduits,
162 cables, wires, towers, poles, tubes, and other equipment and
163 appliances of any public utility.
164

165 (I) "Financing expenses" means all costs and expenses relating to the
166 authorization, issuance, sale, delivery, authentication, deposit,
167 custody, clearing, registration, transfer, exchange,
168 fractionalization, replacement, payment, and servicing of bonds
169 including, without limitation, costs and expenses for or relating to
170 publication and printing, postage, delivery, preliminary and final
171 official statements, offering circulars, and informational statements,
172 travel and transportation, underwriters, placement agents, investment
173 bankers, paying agents, registrars, authenticating agents, remarketing
174 agents, custodians, clearing agencies or corporations, securities
175 depositories, financial advisory services, certifications, audits,
176 federal or state regulatory agencies, accounting and computation
177 services, legal services and obtaining approving legal opinions and
178 other legal opinions, credit ratings, redemption premiums, and credit
179 enhancement facilities.
180

181 (J) "Bond proceedings" means the resolutions, trust agreements,
182 certifications, notices, sale proceedings, leases, lease-purchase
183 agreements, assignments, credit enhancement facility agreements, and
184 other agreements, instruments, and documents, as amended and
185 supplemented, or any one or more or any combination thereof,
186 authorizing, or authorizing or providing for the terms and conditions
187 applicable to, or providing for the security or sale or award or
188 liquidity of, bonds, and includes the provisions set forth or
189 incorporated in those bonds and bond proceedings.
190

191 (K) "Bond service charges" means principal, including any mandatory
192 sinking fund or mandatory redemption requirements for the retirement
193 of bonds, and interest and any redemption premium payable on bonds, as
194 those payments come due and are payable to the bondholder or to a
195 person making payment under a credit enhancement facility of those
196 bond service charges to a bondholder.
197

198 (L) "Bond service fund" means the applicable fund created by the bond
199 proceedings for and pledged to the payment of bond service charges on
200 bonds provided for by those proceedings, including all moneys and
201 investments, and earnings from investments, credited and to be
202 credited to that fund as provided in the bond proceedings.
203

204 (M) "Bonds" means bonds, notes, including notes anticipating bonds or
205 other notes, commercial paper, certificates of participation, or other
206 evidences of obligation, including any interest coupons pertaining
207 thereto, issued by the commission pursuant to this chapter.
208

209 (N) "~~Infrastructure~~ External infrastructure fund" means the applicable
210 fund or funds created by the bond proceedings, which shall be used to
211 ~~pay or defray~~ subsidize the cost of external infrastructure projects

212 recommended by the director of transportation and evaluated and
213 approved by the commission.

214

215 (O) "Net revenues" means revenues lawfully available to pay both
216 current operating expenses of the commission and bond service charges
217 in any fiscal year or other specified period, less current operating
218 expenses of the commission and any amount necessary to maintain a
219 working capital reserve for that period.

220

221 (P) "Pledged revenues" means net revenues, moneys and investments, and
222 earnings on those investments, in the applicable bond service fund and
223 any other special funds, and the proceeds of any bonds issued for the
224 purpose of refunding prior bonds, all as lawfully available and by
225 resolution of the commission committed for application as pledged
226 revenues to the payment of bond service charges on particular issues
227 of bonds.

228

229 ~~(Q) "Service facilities" means service stations, restaurants, and~~
230 ~~other facilities for food service, roadside parks and rest areas,~~
231 ~~parking, camping, tenting, rest, and sleeping facilities, hotels or~~
232 ~~motels, and all similar and other facilities providing services to the~~
233 ~~traveling public in connection with the use of a turnpike project and~~
234 ~~owned, leased, licensed, or operated by the commission.~~

235

236

237 (Q) "User facilities" means vehicular service stations, vehicular
238 inspection and weight measuring facilities, fueling stations,
239 passenger stations, freight stations, airports, airpads, launch pads,
240 intermodal and transloading terminals, network interexchange
241 facilities, restaurants, vending and food service, farmer's markets,
242 videogame arcades, Internet hotspot facilities, hotels, and motels;
243 recreational facilities including roadside parks, rest areas,
244 playgrounds, parking, camping, tenting, rest and sleeping facilities;
245 information kiosks and first aid stations; and all similar facilities
246 providing and facilitating commercial and non-profit services,
247 comforts, and aid to project users in connection with the access and
248 use of a turnpike project and internal infrastructure project are
249 owned, leased, licensed, or operated by the commission.

250

251 ~~(R) "Service revenues" means those revenues of the commission derived~~
252 ~~from its ownership, leasing, licensing, or operation of service~~
253 ~~facilities.~~

254

255 (R) "User facility revenues" means those revenues of the commission
256 derived from its ownership, leasing, licensing, or operation of user
257 facilities.

258

259 (S) "Special funds" means the applicable bond service fund and any
260 accounts and subaccounts in that fund, any other funds or accounts
261 permitted by and established under, and identified as a "special fund"
262 or "special account" in, the bond proceedings, including any special
263 fund or account established for purposes of rebate or other
264 requirements under federal income tax laws.

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

(U) "State taxes" means receipts of the commission from the proceeds of state taxes or excises levied and collected, or appropriated by the general assembly to the commission, for the purposes and functions of the commission. State taxes do not include ~~tolls~~ turnpike tolls, internal infrastructure assessments, or investment earnings on state taxes except on those state taxes referred to in Section 5a of Article XII, Ohio Constitution.

(V)

(1) "Tolls" "Turnpike tolls" means tolls, ~~special fees or permit fees,~~ special fees, permit fees, or other charges assessed by the commission to the owners, lessors, lessees, or operators of motor vehicles for the operation of or the right to operate those vehicles on a turnpike project.

(2) "Internal infrastructure assessments" means use tolls, access fees, rents, leases, special fees, permit fees, or other charges assessed by the commission to the owners, operators, lessees, renters, of various types of vehicles, equipment, methodologies, etc., for the operation of or the right to operate those vehicles, equipment, methodologies, etc., in, over, on, upon, etc., an internal infrastructure project.

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

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

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

317 (Z) "Governmental agency" means any state agency, federal agency,
318 political subdivision, or other local, interstate, or regional
319 governmental agency, and any combination of those agencies.
320

321 (AA) "Property" has the same meaning as in section 1.59 of the Revised
322 Code, and includes interests in property.
323

324 (BB) "Administrative agent," "agent," "commercial paper," "floating
325 rate interest structure," "indexing agent," "interest rate hedge,"
326 "interest rate period," "put arrangement," and "remarketing agent"
327 have the same meanings as in section 9.98 of the Revised Code.
328

329 (CC) "Outstanding," as applied to bonds, means outstanding in
330 accordance with the terms of the bonds and the applicable bond
331 proceedings.
332

333 (DD) "Ohio turnpike system" ~~or "system"~~ means all existing and future
334 turnpike projects acquired, constructed, operated, and maintained
335 under the jurisdiction of the commission.
336

337 (EE) "Ohio turnpike and external infrastructure system" means turnpike
338 projects and external infrastructure projects ~~funded~~ subsidized by the
339 commission existing on and after July 1, 2013, that facilitate access
340 to, use of, and egress from the Ohio turnpike system, and also
341 facilitate access to and from areas of population, commerce, and
342 industry that are connected to the Ohio turnpike system.
343

344 (FF) "Ohio turnpike internal infrastructure system" means all internal
345 infrastructure projects acquired, constructed, operated, and
346 maintained under the jurisdiction of the commission.
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349 5537.02 Ohio turnpike and infrastructure commission.
350

351 (A) There is hereby created a commission to be known on and after July
352 1, 2013, as the "Ohio turnpike and infrastructure commission." The
353 commission is a body both corporate and politic, constituting an
354 instrumentality of the state, and the exercise by it of the powers
355 conferred by this chapter in the acquisition, construction, operation,
356 and maintenance of the Ohio turnpike system and Ohio turnpike internal
357 infrastructure system, and also in entering into agreements with the
358 department of transportation to ~~pay the cost or a portion of~~ subsidize
359 the costs of external infrastructure projects, are and shall be held
360 to be essential governmental functions of the state, but the
361 commission shall not be immune from liability by reason thereof.
362 Chapter 2744. of the Revised Code applies to the commission and the
363 commission is a political subdivision of the state for purposes of
364 that chapter. The commission is subject to all provisions of law
365 generally applicable to state agencies which do not conflict with this
366 chapter.

367
368 (B)

369
370 (1) The commission shall consist of ~~ten~~ nine members as follows:
371

372 (a) Six members appointed by the governor with the advice
373 and consent of the senate, no more than three of whom shall
374 be members of the same political party;
375

376 (b) The director of transportation, or the director's
377 designee, who shall be a voting member, ~~and the director of~~
378 ~~budget and management, or the director's designee.~~ The
379 ~~directors~~ director or their designees designee, as
380 applicable, shall serve as an ex officio ~~members~~ member,
381 without compensation;
382

383 (c) One member of the senate, appointed by the president of
384 the senate, who shall represent either a district in which
385 is located or through which passes a portion of a turnpike
386 project that is part of the Ohio turnpike system or in
387 which is located or through which passes a portion of an
388 internal infrastructure project that is part of the Ohio
389 turnpike internal infrastructure system or a district
390 located in the vicinity of a turnpike project that is part
391 of the Ohio turnpike ~~system;~~ system or a district located
392 in the vicinity of an internal infrastructure project that
393 is part of the Ohio turnpike internal infrastructure
394 system;
395

396 (d) One member of the house of representatives, appointed
397 by the speaker of the house of representatives, who shall
398 represent either a district in which is located or through
399 which passes a portion of a turnpike project that is part
400 of the Ohio turnpike system or in which is located or
401 through which passes a portion of an internal

402 infrastructure project that is part of the Ohio turnpike
403 internal infrastructure system or a district located in the
404 vicinity of a turnpike project that is part of the Ohio
405 turnpike ~~system~~, system or a district located in the
406 vicinity of an internal infrastructure project that is part
407 of the Ohio turnpike internal infrastructure system.
408

409 (2) The members appointed by the governor shall be residents of
410 the state, shall have been qualified electors therein for a
411 period of at least five years next preceding their appointment.
412 In making the appointments, the governor may appoint persons who
413 reside in different geographic areas of the state, taking into
414 consideration the various turnpike projects, external
415 infrastructure projects, and internal infrastructure projects in
416 the state. Members appointed to the commission prior to July 1,
417 2013, shall serve terms of eight years commencing on the first
418 day of July and ending on the thirtieth day of June. Thereafter,
419 members appointed by the governor shall serve terms of five years
420 commencing on the first day of July and ending on the thirtieth
421 day of June. Those members appointed by the president of the
422 senate or the speaker of the house of representatives shall serve
423 a term of the remainder of the general assembly during which the
424 senator or representative is appointed. Each appointed member
425 shall hold office from the date of appointment until the end of
426 the term for which the member was appointed. If a commission
427 member dies or resigns, or if a senator or representative who is
428 a member of the commission ceases to be a senator or
429 representative, or if an ex officio member ceases to hold the
430 applicable office, the vacancy shall be filled in the same manner
431 as provided in division (B)(1) of this section. Any member who
432 fills a vacancy occurring prior to the end of the term for which
433 the member's predecessor was appointed shall, if appointed by the
434 governor, hold office for the remainder of such term or, if
435 appointed by the president of the senate or the speaker of the
436 house of representatives, shall hold office for the remainder of
437 the term or for a shorter period of time as determined by the
438 president or the speaker. Any member appointed by the governor
439 shall continue in office subsequent to the expiration date of the
440 member's term until the member's successor takes office, or until
441 a period of sixty days has elapsed, whichever occurs first. A
442 member of the commission is eligible for reappointment. Each
443 member of the commission appointed by the governor, before
444 entering upon the member's duties, shall take an oath as provided
445 by Section 7 of Article XV, Ohio Constitution. The governor, the
446 president of the senate, or the speaker of the house of
447 representatives, may at any time remove their respective
448 appointees to the commission for misfeasance, nonfeasance, or
449 malfeasance in office.

450
451 (3)

452
453 (a) A member of the commission who is appointed by the
454 president of the senate or the speaker of the house of

455 representatives shall not participate in any vote of the
456 commission. Serving as an appointed member of the
457 commission under divisions (B)(1)(c), (1)(d), or (2) of
458 this section does not constitute grounds for resignation
459 from the senate or the house of representatives under
460 section 101.26 of the Revised Code.

461
462 ~~(b) The director of budget and management shall not~~
463 ~~participate in any vote of the commission.~~
464

465 (C) The voting members of the commission shall elect one of the voting
466 members as chairperson and another as vice-chairperson, and shall
467 appoint a secretary-treasurer who need not be a member of the
468 commission. Four of the voting members of the commission constitute a
469 quorum, and the affirmative vote of four voting members is necessary
470 for any action taken by the commission. No vacancy in the membership
471 of the commission impairs the rights of a quorum to exercise all the
472 rights and perform all the duties of the commission.

473
474 (D) Each member of the commission appointed by the governor shall give
475 a surety bond to the commission in the penal sum of twenty-five
476 thousand dollars and the secretary-treasurer shall give such a bond in
477 at least the penal sum of fifty thousand dollars. The commission may
478 require any of its officers or employees to file surety bonds
479 including a blanket bond as provided in section 3.06 of the Revised
480 Code. Each such bond shall be in favor of the commission and shall be
481 conditioned upon the faithful performance of the duties of the office,
482 executed by a surety company authorized to transact business in this
483 state, approved by the governor, and filed in the office of the
484 secretary of state. The costs of the surety bonds shall be paid or
485 reimbursed by the commission from revenues. Each member of the
486 commission appointed by the governor shall receive an annual salary of
487 five thousand dollars, payable in monthly installments. Each member
488 shall be reimbursed for the member's actual expenses necessarily
489 incurred in the performance of the member's duties. All costs and
490 expenses incurred by the commission in carrying out this chapter shall
491 be payable solely from revenues and state taxes, and no liability or
492 obligation shall be incurred by the commission beyond the extent to
493 which revenues have been provided for pursuant to this chapter.

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496 5537.03 ~~Turnpike and infrastructure projects~~ Turnpike projects,
497 external infrastructure projects, and internal infrastructure
498 projects.
499

500 In order to remove present and anticipated handicaps and potential
501 hazards on the congested highways in this state, to better facilitate
502 vehicular freight, passenger, and information traffic throughout the
503 state, to finance subsidize the costs of external infrastructure
504 projects that improve and enhance mobility in Ohio, and also to
505 promote the agricultural, recreational, tourism, and commercial,
506 industrial, and economic development of the state, and to provide for
507 the general welfare by the acquisition, construction, improvement, and
508 maintenance of modern express highways embodying safety devices,
509 including without limitation center divisions, ample shoulder widths,
510 longsight distances, multiple lanes in each direction, and grade
511 separations at intersections with other public roads and railroads,
512 and internal infrastructures embodying efficient and optimal
513 technologies and techniques including safety and protection devices
514 and methodologies, and grade separations at intersections with other
515 public roads, railroads, utilities, and other infrastructures, the
516 Ohio turnpike and infrastructure commission may do the following:
517

518 (A) Subject to section 5537.26 of the Revised Code, acquire,
519 construct, maintain, repair, and operate a system of turnpike projects
520 at locations that are reviewed by the turnpike legislative review
521 committee and approved by the governor, and in accordance with
522 alignment and design standards that are approved by the director of
523 transportation, and issue revenue bonds of this state, payable solely
524 from pledged revenues, to pay the cost of those projects. The
525 turnpikes and turnpike projects authorized by this chapter are hereby
526 or shall be made part of the Ohio turnpike system.
527

528 (B) Provide the external infrastructure funds to ~~pay the cost or a~~
529 ~~portion of~~ subsidize the cost of external infrastructure projects as
530 recommended by the director of transportation pursuant to a
531 determination made by the commission based on criteria set forth in
532 rules adopted by the commission under section 5537.18 of the Revised
533 Code. A determination by the commission to provide external
534 infrastructure funds for an external infrastructure project shall be
535 conclusive and incontestable.
536

537 (C) Subject to section 5537.26 of the Revised Code, acquire,
538 construct, maintain, repair, and operate a system of internal
539 infrastructure projects at locations that are reviewed by the turnpike
540 legislative review committee and approved by the governor, and in
541 accordance with any applicable alignment and design standards that are
542 approved by the director of transportation, and issue revenue bonds of
543 this state, payable solely from pledged revenues, to pay the cost of
544 those projects. The internal infrastructure projects authorized by
545 this chapter are hereby or shall be made part of the Ohio turnpike
546 internal infrastructure system.
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549 5537.04 Authority and powers of turnpike and infrastructure
550 commission.

551
552 (A) The Ohio turnpike and infrastructure commission may do any of the
553 following:

554
555 (1) Adopt bylaws for the regulation of its affairs and the
556 conduct of its business;

557
558 (2) Adopt an official seal, which shall not be the great seal of
559 the state and which need not be in compliance with section 5.10
560 of the Revised Code;

561
562 (3) Maintain a principal office and suboffices at such places
563 within the state as it designates;

564
565 (4) With respect to the Ohio turnpike system and turnpike
566 projects, sue and be sued in its own name, plead and be
567 impleaded, provided any actions against the commission shall be
568 brought in the court of common pleas of the county in which the
569 principal office of the commission is located, or in the court of
570 common pleas of the county in which the cause of action arose if
571 that county is located within this state, and all summonses,
572 exceptions, and notices of every kind shall be served on the
573 commission by leaving a copy thereof at its principal office with
574 the secretary-treasurer or executive director of the commission;

575
576 (5)

577
578 (a) With respect to external infrastructure projects only,
579 sue and be sued in its own name, plead and be impleaded,
580 provided any actions against the commission shall be
581 brought in the court of common pleas of Franklin county,
582 and all summonses, exceptions, and notices of every kind
583 shall be served on the commission by leaving a copy thereof
584 at its principal office with the secretary-treasurer or
585 executive director of the commission.

586
587 (b) With respect to internal infrastructure projects only,
588 sue and be sued in its own name, plead and be impleaded,
589 provided any actions against the commission shall be
590 brought in the court of common pleas of Franklin county,
591 and all summonses, exceptions, and notices of every kind
592 shall be served on the commission by leaving a copy thereof
593 at its principal office with the secretary-treasurer or
594 executive director of the commission.

595
596 (6)

597
598 (a) Construct, Acquire, construct, maintain, repair,
599 police, and operate the turnpike system, and establish
600 rules for the use of any turnpike project;

601

602 (b) Acquire, construct, maintain, repair, police, and
603 operate the turnpike internal infrastructure system, and
604 establish rules for the use of any internal infrastructure
605 project;
606

607 (7) Issue revenue bonds of the state, payable solely from pledged
608 revenues, as provided in this chapter, for the purpose of paying
609 any part of the cost of acquiring or constructing any one or more
610 turnpike projects or infrastructure projects turnpike projects,
611 external infrastructure projects, or internal infrastructure
612 projects;
613

614 (8) Fix, and revise from time to time, and charge and collect
615 turnpike tolls and internal infrastructure assessments, by any
616 method approved by the commission, including, but not limited to,
617 manual methods or through electronic automated technology
618 accepted within the tolling and metering industry;
619

620 (9) Acquire, hold, and dispose of property in the exercise of its
621 powers and the performance of its duties under this chapter;
622

623 (10)

624
625 (a) Designate the locations and establish, limit, and
626 control such points of ingress to and egress from each
627 turnpike project as are necessary or desirable in the
628 judgment of the commission and of the director of
629 transportation to ensure the proper operation and
630 maintenance of that turnpike project, and prohibit entrance
631 to such a turnpike project from any point not so
632 designated;
633

634 (b) Designate the locations and methods, and establish,
635 limit, and control such points and methods of access,
636 ingress to, egress from, and use of each internal
637 infrastructure project as are necessary or desirable in the
638 judgment of the commission to ensure the proper operation
639 and maintenance of that internal infrastructure project,
640 and prohibit access, ingress to, egress from, or use of
641 such an internal infrastructure project from any point or
642 method not so designated;
643

644 (11) Make and enter into all contracts and agreements necessary
645 or incidental to the performance of its duties and the execution
646 of its powers under this chapter, including participation in a
647 multi-jurisdiction electronic automated turnpike toll and
648 internal infrastructure assessment collection agreement and
649 collection or remittance of tolls, fees, assessments, or other
650 charges to or from entities or agencies that participate in such
651 an agreement; the commission also may enter into agreements with
652 retail locations, including deputy registrars, to allow the
653 general public to acquire electronic automated turnpike toll and
654 internal infrastructure assessment collection devices, ~~commonly~~

655 ~~known as transponders,~~ from the retail locations for such
656 reasonable fees as are established by the commission;
657

658 (12) Employ or retain or contract for the services of consulting
659 engineers, superintendents, managers, and any other engineers,
660 construction and accounting experts, financial advisers,
661 trustees, marketing, remarketing, and administrative agents,
662 attorneys, and other employees, independent contractors, or
663 agents that are necessary in its judgment and fix their
664 compensation, provided all such expenses shall be payable solely
665 from the proceeds of bonds or from revenues of the Ohio turnpike
666 system or the Ohio turnpike internal infrastructure system;
667

668 (13) Receive and accept from any federal agency, subject to the
669 approval of the governor, and from any other governmental agency
670 grants for or in aid of the acquisition, construction,
671 reconstruction, repair, renovation, maintenance, or operation of
672 any turnpike project or internal infrastructure project, and
673 receive and accept aid or contributions from any source or person
674 of money, property, labor, or other things of value, to be held,
675 used, and applied only for the purposes for which such grants and
676 contributions are made;
677

678 (14) Provide coverage for its employees under Chapters 4123. and
679 4141. of the Revised Code;
680

681 (15) Fix and revise by rule, from time to time, such permit fees,
682 processing fees, or administrative charges for the prepayment,
683 deferred payment, or nonpayment of turnpike tolls and internal
684 infrastructure assessments and use of electronic automated
685 tolling and internal infrastructure assessment collection
686 equipment or other commission property;
687

688 (16) Adopt rules for the issuance of citations either by a
689 policing authority or through administrative means to individuals
690 or corporations that evade the payment of turnpike tolls and
691 internal infrastructure assessments established for the use of
692 any turnpike project or internal infrastructure project;
693

694 (17) Approve funding and authorize agreements with the department
695 of transportation for the subsidized funding of external
696 infrastructure projects recommended by the director of
697 transportation pursuant to the criteria established by rule under
698 section 5537.18 of the Revised Code.
699

700 (18) Exercise the right of eminent domain to appropriate any
701 land, rights, rights-of-way, franchises, easements, or other
702 property, necessary or proper for any authorized purpose,
703 pursuant to the procedure provided in sections 163.01 to 163.22
704 of the Revised Code, if funds equal to the appraised value of the
705 property to be acquired as a result of such proceedings are
706 available for that purpose.
707

708 (B) The commission may do all acts necessary or proper to carry out
709 the powers expressly granted in this chapter.

710

711

712

712 5537.05 Construction of grade separations at intersections of turnpike
713 projects and internal infrastructure projects.

714
715 (A) The Ohio turnpike and infrastructure commission may construct
716 grade separations at intersections of any turnpike project and
717 internal infrastructure project with public roads and railroads, and
718 change and adjust the lines and grades of those roads and railroads,
719 and of public utility facilities, which change and adjustment of lines
720 and grades of those roads shall be subject to the approval of the
721 governmental agency having jurisdiction over the road, so as to
722 accommodate them to the design of the grade separation. The cost of
723 the grade separation and any damage incurred in changing and adjusting
724 the lines and grades of roads, railroads, and public utility
725 facilities shall be ascertained and paid by the commission as a part
726 of the cost of the turnpike project or internal infrastructure project
727 or from revenues or state taxes.

728
729 (1) If the commission finds it necessary to change the location
730 of any portion of any public road, railroad, or public utility
731 facility, it shall cause the same to be reconstructed at the
732 location the governmental agency having jurisdiction over such
733 road, railroad, or public utility facility considers most
734 favorable. The construction shall be of substantially the same
735 type and in as good condition as the original road, railroad, or
736 public utility facility. The cost of the reconstruction,
737 relocation, or removal and any damage incurred in changing the
738 location shall be ascertained and paid by the commission as a
739 part of the cost of the turnpike project or internal
740 infrastructure project or from revenues or state taxes.

741
742 (2) The commission may petition the board of county commissioners
743 of the county in which is situated any public road or part
744 thereof affected by the location therein of any turnpike project
745 or internal infrastructure project, for the vacation or
746 relocation of the road or any part thereof, in the same manner
747 and with the same force and effect as is given to the director of
748 transportation pursuant to sections 5553.04 to 5553.11 of the
749 Revised Code.

750
751 (B) The commission and its authorized agents and employees, after
752 proper notice, may enter upon any lands, waters, and premises in the
753 state for the purpose of making surveys, soundings, drillings, and
754 examinations that are necessary or proper for the purposes of this
755 chapter, and the entry shall not be deemed a trespass, nor shall an
756 entry for those purposes be deemed an entry under any appropriation
757 proceedings which may then be pending, provided that before entering
758 upon the premises of any railroad notice shall be given to the
759 superintendent of the railroad involved at least five days in advance
760 of entry, and provided that no survey, sounding, drilling, and
761 examination shall be made between the rails or so close to a railroad
762 track as would render the track unusable. The commission shall make
763 reimbursement for any actual damage resulting to such lands, waters,
764 and premises and to private property located in, on, along, over, or

765 under such lands, waters, and premises, as a result of such
766 activities. The state, subject to the approval of the governor, hereby
767 consents to the use of all lands owned by it, including lands lying
768 under water, that are necessary or proper for the acquisition,
769 construction, maintenance, or operation of any turnpike project or
770 internal infrastructure project, provided adequate consideration is
771 provided for the use.

772
773 (C) The commission may make reasonable provisions or rules for the
774 acquisition, installation, construction, maintenance, repair, renewal,
775 relocation, and removal of public utility facilities in, on, along,
776 over, or under any turnpike project or internal infrastructure
777 project. Whenever the commission determines that it is necessary that
778 any public utility facilities located in, on, along, over, or under
779 any turnpike project or internal infrastructure project should be
780 acquired, relocated in or removed from the turnpike project or
781 internal infrastructure project, the public utility owning or
782 operating the facilities shall convey them to the commission or
783 relocate or remove them in accordance with the order of the
784 commission. Except as otherwise provided in any license or other
785 agreement with the commission, the cost and expenses of such
786 acquisition, relocation or removal, including the cost of installing
787 the facilities in a new location, the cost of any lands, or any rights
788 or interests in lands, and any other rights, acquired to accomplish
789 the acquisition, relocation or removal, shall be ascertained and paid
790 by the commission as part of the cost of the turnpike project or
791 internal infrastructure project or from revenues of the Ohio turnpike
792 system or the Ohio turnpike internal infrastructure system. In case of
793 any such acquisition, relocation or removal of facilities, the public
794 utility owning or operating them and its successors or assigns may
795 maintain and operate the facilities, with the necessary appurtenances,
796 in the new location, for as long a period, and upon the same terms, as
797 it had the right to maintain and operate the facilities in their
798 former location.

799
800 (D) The commission is subject to Chapters 940., 6131., 6133., 6135.,
801 and 6137. of the Revised Code and shall pay any assessments levied
802 under those chapters for an improvement or maintenance of an
803 improvement on land under the control or ownership of the commission.
804
805
806

806 5537.051 Responsibility for maintenance and repair and replacement of
807 failed grade separations.

808

809 (A)

810

811 (1) In any county that as of January 1, 2011, had closed one or
812 more roads as a result of grade separation failure at
813 intersections of a turnpike project with a county or township
814 road, the Ohio turnpike and infrastructure commission is
815 responsible for the major maintenance and repair and replacement
816 of failed grade separations. The governmental entity with
817 jurisdiction over the county or township road is responsible for
818 routine maintenance of such failed grade separations.

819

820 (2) This section does not apply to any grade separation at
821 intersections of a turnpike project with a county or township
822 road except as described in division (A)(1) of this section.

823

824 (3) Major maintenance and repair and replacement of
825 aforementioned failed grade separations shall commence not later
826 than July 1, 2011, and be completed before December 31, 2014.

827

828 (B) As used in this section:

829

830 (1) "Major maintenance and repair and replacement" relates to all
831 elements constructed as part of or required for a grade
832 separation, including bridges, pile, foundations, substructures,
833 abutments, piers, superstructures, approach slabs, slopes,
834 embankments, fences, and appurtenances.

835

836 (2) "Routine maintenance" includes, without limitation, clearing
837 debris, sweeping, snow and ice removal, wearing surface
838 improvements, marking for traffic control, box culverts, drainage
839 facilities including headwalls and underdrains, inlets, catch
840 basins and grates, guardrails, minor and emergency repairs to
841 railing and appurtenances, and emergency patching.

842

843

844

844 5537.06 Acquiring and disposing of property.
845

846 (A) The Ohio turnpike and infrastructure commission may acquire by
847 purchase, lease, lease-purchase, lease with option to purchase,
848 appropriation, or otherwise and in such manner and for such
849 consideration as it considers proper, any public or private property
850 and other existing turnpike and infrastructure projects and segments
851 of turnpike and infrastructure projects necessary, convenient, or
852 proper for the construction, maintenance, or efficient operation of
853 the Ohio turnpike system or the Ohio turnpike internal infrastructure
854 system. The commission may pledge net revenues, to the extent
855 permitted by this chapter with respect to bonds, to secure payments to
856 be made by the commission under any such lease, lease-purchase
857 agreement, or lease with option to purchase. Title to personal
858 property, and interests less than a fee in real property, shall be
859 held in the name of the commission. Title to real property held in fee
860 shall be held in the name of the state for the use of the commission.
861 In any proceedings for appropriation under this section, the procedure
862 to be followed shall be in accordance with the procedure provided in
863 sections 163.01 to 163.22 of the Revised Code, including division (B)
864 of section 163.06 of the Revised Code notwithstanding the limitation
865 in that division of its applicability to roads open to the public
866 without charge. Except as otherwise agreed upon by the owner, full
867 compensation shall be paid for public property so taken.
868

869 (B) This section does not authorize the commission to take or disturb
870 property or facilities belonging to any public utility or to a common
871 carrier engaged in interstate commerce, which property or facilities
872 are required for the proper and convenient operation of the public
873 utility or common carrier, unless provision is made for the
874 restoration, relocation, replication, or duplication of the property
875 or facilities elsewhere at the sole cost of the commission.
876

877 (C) Disposition of real property shall be by the commission in the
878 manner and for the consideration it determines if to a state agency or
879 other governmental agency, and otherwise in the manner provided in
880 section 5501.45 of the Revised Code for the disposition of property by
881 the director of transportation. Disposition of personal property shall
882 be in the manner and for the consideration the commission determines.
883

884 (D) Any instrument by which real property is acquired pursuant to this
885 section shall identify the agency of the state that has the use and
886 benefit of the real property as specified in section 5301.012 of the
887 Revised Code.
888
889
890

890 5537.07 Bidding process for contracts exceeding \$50,000.

891

892 (A) When the cost to the Ohio turnpike and infrastructure commission
893 under any contract with a person other than a governmental agency
894 involves an expenditure of more than fifty thousand dollars, the
895 commission shall make a written contract with the lowest responsive
896 and responsible bidder in accordance with section 9.312 of the Revised
897 Code after an advertisement for not less than two consecutive weeks is
898 published on the commission's website, or in a newspaper of general
899 circulation in Franklin county, and in such other publications as the
900 commission determines, unless the publications cease publishing print
901 versions of their newspapers anymore, which notice shall state the
902 general character of the contract's work and the general character of
903 the materials to be furnished, the place where plans and
904 specifications therefor may be examined, and the time and place of
905 receiving bids. The commission may require that the cost estimate for
906 the acquisition, construction, demolition, alteration, repair,
907 improvement, renovation, or reconstruction of roadways and bridges the
908 contract for which the commission is required to receive bids be kept
909 confidential and remain confidential until after all bids for the
910 public improvement contract have been received or the deadline for
911 receiving bids has passed. Thereafter, and before opening the bids
912 submitted for the roadways and bridges contract, the commission shall
913 make the cost estimate public knowledge by reading the cost estimate
914 in a public place. The commission may reject any and all bids. The
915 requirements of this division do not apply to contracts for the
916 acquisition of real property or compensation for professional or other
917 personal services.

918

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

923

924 (C) Other than for a contract referred to in division (B) of this
925 section, each bid for a contract that involves an expenditure in
926 excess of one hundred fifty thousand dollars or any contract with a
927 service user facility operator shall contain the full name of every
928 person interested in it and shall be accompanied by a sufficient bond
929 or certified check on a solvent bank that if the bid is accepted a
930 contract will be entered into and the performance of its proposal
931 secured.

932

933 (D) Other than a contract referred to in division (B) of this section,
934 a bond with good and sufficient surety, in a form as prescribed and
935 approved by the commission, shall be required of every contractor
936 awarded a contract that involves an expenditure in excess of one
937 hundred fifty thousand dollars or any contract with a service user
938 facility operator. The bond shall be in an amount equal to at least
939 fifty per cent of the contract price and shall be conditioned upon the
940 faithful performance of the contract.

941

942 (E) Notwithstanding any other provisions of this section, the
943 commission may establish a program to expedite special turnpike
944 projects and special internal infrastructure projects by combining the
945 design and construction elements of any public improvement project
946 into a single contract. The commission shall prepare and distribute a
947 scope of work document upon which the bidders shall base their bids.
948 At a minimum, bidders shall meet the requirements of section 4733.161
949 of the Revised Code. Except in regard to those requirements relating
950 to providing plans, the commission shall award contracts following the
951 requirements set forth in divisions (A), (B), (C), and (D) of this
952 section.
953
954
955

955 5537.08 Issuing revenue bonds.

956

957 (A) The Ohio turnpike and infrastructure commission may provide by
958 resolution for the issuance, at one time or from time to time, of
959 revenue bonds of the state for the purpose of paying all or any part
960 of the cost of any one or more ~~turnpike projects or infrastructure~~
961 ~~projects~~ turnpike projects, external infrastructure projects, or
962 internal infrastructure projects. The bond service charges shall be
963 payable solely from pledged revenues pledged for such payment pursuant
964 to the applicable bond proceedings. The bonds of each issue shall be
965 dated, shall bear interest at a rate or rates or at variable rates,
966 and shall mature or be payable at such time or times, with a final
967 maturity not to exceed forty years from their date or dates, all as
968 determined by the commission in the bond proceedings. The commission
969 shall determine the form of the bonds, including any interest coupons
970 to be attached thereto, and shall fix the denomination or
971 denominations of the bonds and the place or places of payment of bond
972 service charges.

973

974 (B) The bonds shall be signed by the chairperson or vice-chairperson
975 of the commission or by the facsimile signature of that officer, the
976 official seal of the commission or a facsimile thereof shall be
977 affixed thereto or printed thereon and attested by the secretary-
978 treasurer of the commission, which may be by facsimile signature, and
979 any coupons attached thereto shall bear the facsimile signature of the
980 chairperson or vice-chairperson of the commission. In case any officer
981 whose signature, or a facsimile of whose signature, appears on any
982 bonds or coupons ceases to be such officer before delivery of bonds,
983 such signature or facsimile shall nevertheless be valid and sufficient
984 for all purposes the same as if the officer had remained in office
985 until such delivery.

986

987 (C) Subject to the bond proceedings and provisions for registration,
988 the bonds shall have all the qualities and incidents of negotiable
989 instruments under Title XIII of the Revised Code. The bonds may be
990 issued in such form or forms as the commission determines, including
991 without limitation coupon, book entry, and fully registered form, and
992 provision may be made for the registration of any coupon bonds as to
993 principal alone and also as to both principal and interest, and for
994 the exchange of bonds between forms. The commission may sell such
995 bonds by competitive bid on the best bid after advertisement or
996 request for bids or by private sale in the manner, and for the price,
997 it determines to be for the best interest of the state.

998

999 (D) The proceeds of the bonds of each issue shall be used solely for
1000 the payment of the costs of the turnpike project or projects or
1001 internal infrastructure project or projects for which such bonds were
1002 issued, or for the payment of the costs of the external infrastructure
1003 project or projects as approved by the commission under section
1004 5537.18 of the Revised Code. The proceeds shall be disbursed in such
1005 manner and under such restrictions as the commission provides in the
1006 applicable bond proceedings.

1007

1008 (E) Prior to the preparation of definitive bonds, the commission may,
1009 under like restrictions, issue interim receipts or temporary bonds or
1010 bond anticipation notes, with or without coupons, exchangeable for
1011 definitive bonds when such bonds have been executed and are available
1012 for delivery. The commission may provide for the replacement of any
1013 mutilated, stolen, destroyed, or lost bonds. Bonds may be issued by
1014 the commission under this chapter without obtaining the consent of any
1015 state agency, and without any other proceedings or the happening of
1016 any other conditions or things than those proceedings, conditions, or
1017 things that are specifically required by this chapter or those
1018 proceedings.

1019
1020 (F) Sections 9.98 to 9.983 of the Revised Code apply to the bonds.

1021
1022 (G) The bond proceedings shall provide, subject to the provisions of
1023 any other applicable bond proceedings, for the pledge to the payment
1024 of bond service charges and of any costs of or relating to credit
1025 enhancement facilities of all, or such part as the commission may
1026 determine, of the pledged revenues and the applicable special fund or
1027 funds, which pledges may be made to secure the bonds on a parity with
1028 bonds theretofore or thereafter issued if and to the extent provided
1029 in the bond proceedings. Every pledge, and every covenant and
1030 agreement with respect thereto, made in the bond proceedings may in
1031 the bond proceedings be extended to the benefit of the owners and
1032 holders of bonds and to any trustee and any person providing a credit
1033 enhancement facility for those bonds, for the further security for the
1034 payment of the bond service charges and credit enhancement facility
1035 costs.

1036
1037 (H) The bond proceedings may contain additional provisions as to:

1038
1039 (1) The redemption of bonds prior to maturity at the option of
1040 the commission or of the bondholders or upon the occurrence of
1041 certain stated conditions, and at such price or prices and under
1042 such terms and conditions as are provided in the bond
1043 proceedings;

1044
1045 (2) Other terms of the bonds;

1046
1047 (3) Limitations on the issuance of additional bonds;

1048
1049 (4) The terms of any trust agreement securing the bonds or under
1050 which the same may be issued;

1051
1052 (5) Any or every provision of the bond proceedings being binding
1053 upon the commission and state agencies, or other person as may
1054 from time to time have the authority under law to take such
1055 actions as may be necessary to perform all or any part of the
1056 duty required by such provision;

1057
1058 (6) Any provision that may be made in a trust agreement;

1059

1060 (7) Any other or additional agreements with the holders of the
1061 bonds, or the trustee therefor, relating to the bonds or the
1062 security for the bonds, including agreements for credit
1063 enhancement facilities.
1064

1065 (I) Any holder of bonds or a trustee under the bond proceedings,
1066 except to the extent that the holder's or trustee's rights are
1067 restricted by the bond proceedings, may by any suitable form of legal
1068 proceedings, protect and enforce any rights under the laws of this
1069 state or granted by the bond proceedings. Those rights include the
1070 right to compel the performance of all duties of the commission and
1071 state agencies required by this chapter or the bond proceedings; to
1072 enjoin unlawful activities; and in the event of default with respect
1073 to the payment of any bond service charges on any bonds or in the
1074 performance of any covenant or agreement on the part of the commission
1075 contained in the bond proceedings, to apply to a court having
1076 jurisdiction of the cause to appoint a receiver to receive and
1077 administer the revenues and the pledged revenues which are pledged to
1078 the payment of the bond service charges on such bonds or which are the
1079 subject of the covenant or agreement, with full power to pay, and to
1080 provide for payment of, bond service charges on such bonds, and with
1081 such powers, subject to the direction of the court, as are accorded
1082 receivers in general equity cases, excluding any power to pledge
1083 additional revenues or receipts or other income, funds, or moneys of
1084 the commission or state agencies to the payment of such bond service
1085 charges and excluding the power to take possession of, mortgage, or
1086 cause the sale or otherwise dispose of any turnpike project or
1087 internal infrastructure project or other property of the commission.
1088

1089 (J) Each duty of the commission and the commission's officers and
1090 employees, undertaken pursuant to the bond proceedings, is hereby
1091 established as a duty of the commission, and of each such officer,
1092 member, or employee having authority to perform the duty, specifically
1093 enjoined by law resulting from an office, trust, or station within the
1094 meaning of section 2731.01 of the Revised Code.
1095

1096 (K) The commission's officers or employees are not liable in their
1097 personal capacities on any bonds issued by the commission or any
1098 agreements of or with the commission relating to those bonds.
1099

1100 (L) The bonds are lawful investments for banks, savings and loan
1101 associations, credit union share guaranty corporations, trust
1102 companies, trustees, fiduciaries, insurance companies, including
1103 domestic for life and domestic not for life, trustees or other
1104 officers having charge of sinking and bond retirement or other funds
1105 of the state or its political subdivisions and taxing districts, the
1106 commissioners of the sinking fund of the state, the administrator of
1107 workers' compensation, the state teachers retirement system, the
1108 public employees retirement system, the school employees retirement
1109 system, and the Ohio police and fire pension fund, notwithstanding any
1110 other provisions of the Revised Code or rules adopted pursuant thereto
1111 by any state agency with respect to investments by them, and are also

1112 acceptable as security for the repayment of the deposit of public
1113 moneys.

1114
1115 (M) Provision may be made in the applicable bond proceedings for the
1116 establishment of separate accounts in the bond service fund and for
1117 the application of such accounts only to the specified bond service
1118 charges pertinent to such accounts and bond service fund, and for
1119 other accounts therein within the general purposes of such fund.

1120
1121 (N) The commission may pledge all, or such portion as it determines,
1122 of the pledged revenues to the payment of bond service charges, and
1123 for the establishment and maintenance of any reserves and special
1124 funds, as provided in the bond proceedings, and make other provisions
1125 therein with respect to pledged revenues, revenues, and net revenues
1126 as authorized by this chapter, which provisions are controlling
1127 notwithstanding any other provisions of law pertaining thereto.

1128
1129
1130

1130 5537.09 Refunding bonds.

1131

1132 The Ohio turnpike and infrastructure commission may provide by
1133 resolution for the issuance of revenue bonds of the state, payable
1134 solely from pledged revenues, for the purpose of refunding any bonds
1135 then outstanding, including the payment of related financing expenses
1136 and, if considered advisable by the commission, for the additional
1137 purpose of paying costs of acquisitions, improvements, extensions,
1138 renovations, or enlargements of any turnpike project or any external
1139 infrastructure project or any internal infrastructure project. The
1140 issuance of refunding bonds, the maturities and other details thereof,
1141 the rights of the holders thereof, and the rights, duties, and
1142 obligations of the commission in respect to such bonds shall be
1143 governed by the provisions of this chapter insofar as they are
1144 applicable and by the applicable bond proceedings.

1145

1146

1147

1147 5537.10 Turnpike bonds need not comply with other laws applicable to
1148 issuance of bonds.

1149

1150 This chapter provides an additional and alternative method for doing
1151 the things and taking the actions authorized by this chapter. This
1152 chapter shall be regarded as supplemental and additional to powers
1153 conferred by other laws, and shall not be regarded as in derogation of
1154 any powers existing on or after September 1, 1949. Except for section
1155 126.11 of the Revised Code, the issuance of bonds under this chapter
1156 need not comply with any other law applicable to the issuance of
1157 bonds.

1158

1159

1160

1160 5537.11 Bonds not a debt of state.

1161

1162 (A) The bonds do not constitute a debt, or a pledge of the faith and
1163 credit, of the state or of any political subdivision of the state.
1164 Bond service charges on outstanding bonds are payable solely from the
1165 pledged revenues pledged for their payment as authorized by this
1166 chapter and as provided in the bond proceedings. All turnpike,
1167 external infrastructure, and internal infrastructure revenue bonds
1168 shall contain on their face a statement to that effect.

1169

1170 (B) All expenses incurred in carrying out this chapter shall be
1171 payable solely from revenues provided under this chapter and from
1172 state taxes. This chapter does not authorize the Ohio turnpike and
1173 infrastructure commission to incur indebtedness or liability on behalf
1174 of or payable by the state or any political subdivision of the state.

1175

1176

1177

1177 5537.12 Trust agreement for security of bonds.

1178

1179 (A) In the discretion of the Ohio turnpike and infrastructure
1180 commission any bonds may be secured by a trust agreement between the
1181 commission and a corporate trustee, which may be any trust company or
1182 bank having the powers of a trust company within or without the state
1183 but authorized to exercise trust powers within this state.

1184

1185 (B) Any trust agreement may pledge or assign the revenues to be
1186 received, but shall not convey or mortgage any turnpike project or
1187 external infrastructure project or internal infrastructure project,
1188 any part of a turnpike project or external infrastructure project or
1189 internal infrastructure project, or any part of the Ohio turnpike
1190 system or the Ohio turnpike and external infrastructure system or the
1191 Ohio turnpike internal infrastructure system. Any such trust agreement
1192 or other bond proceedings may contain provisions for protecting and
1193 enforcing the rights and remedies of the bondholders that are
1194 reasonable and proper and not in violation of law, including covenants
1195 setting forth the duties of the commission in relation to the
1196 ~~acquisition of property, and the acquisition,~~ construction,
1197 maintenance, repair, operation, and insurance of the turnpike project
1198 or projects and internal infrastructure project or projects in
1199 connection with which the bonds are authorized, the rates of ~~toll~~
1200 turnpike tolls and internal infrastructure assessments to be charged,
1201 and the custody, safeguarding, and application of all moneys, and
1202 provisions for the employment or retention of the services of
1203 consulting engineers in connection with the acquisition, construction,
1204 maintenance, or operation of the turnpike project or projects and
1205 internal infrastructure project or projects. Any bank or trust company
1206 incorporated under the laws of this state which may act as depository
1207 of the proceeds of bonds or of revenues may furnish such indemnifying
1208 bonds or may pledge such securities as are required by the commission.
1209 Any such trust agreement may set forth the rights and remedies of the
1210 bondholders and of the trustee, may restrict the individual right of
1211 action by bondholders as is customary in revenue bond trust agreements
1212 of public bodies, and may contain other provisions that the commission
1213 considers reasonable and proper for the security of the bondholders.
1214 All expenses incurred in entering into or carrying out the provisions
1215 of such a trust agreement may be treated as a part of the cost, or of
1216 the cost of the operation, of the turnpike project or projects and
1217 internal infrastructure project or projects.

1218

1219

1220

1220 5537.13 Contracts - bids - turnpike tolls and internal infrastructure
1221 assessments - sinking fund - lien of the pledge.
1222

1223 (A) Subject to division (C)(1) of this section and section 5537.26 of
1224 the Revised Code, the Ohio turnpike and infrastructure commission may
1225 fix, revise, charge, and collect turnpike tolls and internal
1226 infrastructure assessments for each turnpike project and internal
1227 infrastructure project, and contract in the manner provided by this
1228 section with any person desiring the use of any part thereof,
1229 including the right-of-way adjoining the paved portion, for placing
1230 thereon telephone, electric light, or power lines, service user
1231 facilities, for beneficial uses including but not limited to public
1232 gardens, bee pollinator programs, solar and wind energy generation,
1233 litter cleanup, cargo spillage and road salt neutralization, and the
1234 like when and where they can be openly accessible to the public safely
1235 and securely situated and separated from turnpike and internal
1236 infrastructure projects, or for any other purpose, and fix the terms,
1237 conditions, rents, and rates of charge for such use, provided that no
1238 turnpike toll, charge, internal infrastructure assessment, or rental
1239 may be made by the commission for any person placing in, on, along,
1240 over, or under the turnpike project or internal infrastructure
1241 project, equipment or public utility facilities that are necessary to
1242 serve service user facilities or to interconnect any public utility
1243 facilities.
1244

1245 (B) Contracts for the operation of service user facilities shall be
1246 made in writing. Such contracts, except contracts with state agencies
1247 or other governmental agencies, shall be made with the bidder whose
1248 bid is determined by the commission to be the best bid received, after
1249 an advertisement for two consecutive weeks is published on the
1250 commission's website, or in a newspaper of general circulation in
1251 Franklin county, and in other publications that the commission
1252 determines, unless the publications cease publishing print versions of
1253 their newspapers anymore. The notice shall state the general character
1254 of the service user facilities operation proposed, the place where
1255 plans and specifications may be examined, and the time and place of
1256 receiving bids. Bids shall contain the full name of each person
1257 interested in them, and shall be in such form as the commission
1258 requires. The commission may reject any and all bids. All contracts
1259 for service user facilities shall be preserved in the principal office
1260 of the commission.
1261

1262 (C)
1263

1264 (1) Except as necessary to comply with covenants in bond
1265 proceedings in existence before July 1, 2013, for calendar years
1266 2013 through 2023, the commission shall not increase the turnpike
1267 toll rates for any class of passenger vehicle as fixed on the
1268 effective date of this amendment, when both of the following
1269 apply:
1270

1271 (a) The turnpike tolls are collected and remitted in
1272 accordance with a multi-jurisdiction ~~electronic~~ automated
1273 turnpike toll collection agreement; and

1274
1275 (b) The distance traveled is thirty miles or less.
1276

1277 (2) Subject to division (C)(1) of this section, turnpike tolls
1278 shall be so fixed and adjusted as to provide funds at least
1279 sufficient with other revenues of the Ohio turnpike system, if
1280 any, to pay:

1281
1282 (a) The cost of acquiring, maintaining, improving,
1283 repairing, constructing, and operating the Ohio turnpike
1284 system and its different parts and sections, and to create
1285 and maintain any reserves for those purposes;

1286
1287 (b) Any unpaid bond service charges on outstanding bonds
1288 payable from pledged revenues as such charges become due
1289 and payable, and to create and maintain any reserves for
1290 that purpose.

1291
1292 (D) ~~Tolls~~ Turnpike tolls and internal infrastructure assessments are
1293 not subject to supervision, approval, or regulation by any state
1294 agency other than the turnpike and infrastructure commission.
1295

1296 (E) Revenues derived from each turnpike project and internal
1297 infrastructure project shall be first applied to pay the cost of
1298 acquisition, maintenance, improvement, repair, and operation and to
1299 provide any reserves therefor that are provided for in the bond
1300 proceedings authorizing the issuance of those outstanding bonds, and
1301 otherwise as provided by the commission. The bond proceedings also
1302 shall provide, subject to the provisions of any other applicable bond
1303 proceedings, for the pledge of all, or such part as the commission may
1304 determine of the pledged revenues and the applicable special fund or
1305 funds to the payment of the bond service charges, which pledge may be
1306 made to secure the bonds senior or subordinate to or on a parity with
1307 bonds theretofore or thereafter issued, if and to the extent provided
1308 in the bond proceedings. The pledge shall be valid and binding from
1309 the time the pledge is made; the revenues and the pledged revenues
1310 thereafter received by the commission immediately shall be subject to
1311 the lien of the pledge without any physical delivery thereof or
1312 further act, and the lien of the pledge shall be valid and binding as
1313 against all parties having claims of any kind in tort, contract, or
1314 otherwise against the commission, whether or not those parties have
1315 notice thereof. The bond proceedings by which a pledge is created need
1316 not be filed or recorded except in the records of the commission. The
1317 use and disposition of moneys to the credit of a bond service fund
1318 shall be subject to the applicable bond proceedings.
1319

1320 (F) The proceeds of bonds issued for the payment of the costs of
1321 external infrastructure projects, net of the payment of all financing
1322 expenses and deposits into debt service reserves or other special
1323 funds as may be required in the applicable bond proceedings, shall be

1324 deposited to the external infrastructure fund or funds and shall be
1325 exclusively used to ~~pay~~ subsidize the cost of external infrastructure
1326 projects approved by the commission, except that income earned by the
1327 external infrastructure fund may be used by the commission towards the
1328 payment of bond service charges.
1329
1330
1331

1331 5537.14 Holding and application of moneys.

1332

1333 All moneys received by the Ohio turnpike and infrastructure commission
1334 under this chapter, whether as proceeds from the sale of bonds or as
1335 revenues, are to be held and applied solely as provided in this
1336 chapter and in any applicable bond proceedings. Such moneys shall be
1337 kept in depositories as selected by the commission in the manner
1338 provided in sections 135.01 to 135.21 of the Revised Code, insofar as
1339 such sections are applicable, and the deposits shall be secured as
1340 provided in sections 135.01 to 135.21 of the Revised Code. The bond
1341 proceedings shall provide that any officer to whom, or any bank or
1342 trust company to which, revenues or pledged revenues are paid shall
1343 act as trustee of such moneys and hold and apply them for the purposes
1344 thereof, subject to applicable provisions of this chapter and the bond
1345 proceedings.

1346

1347

1348

1348 5537.15 Protection and enforcement of rights of bondholder and
1349 trustees.
1350
1351 Any holder of bonds issued and outstanding under this chapter, or any
1352 of the coupons appertaining thereto, and the trustee under any trust
1353 agreement, except to the extent the rights given by this chapter may
1354 be restricted or modified by the bond proceedings, may by suit,
1355 action, mandamus, or other proceedings, protect and enforce any rights
1356 under the laws of the state or granted under this chapter or the bond
1357 proceedings, and may enforce and compel the performance of all duties
1358 required by this chapter or the bond proceedings, to be performed by
1359 the Ohio turnpike and infrastructure commission or any officer of the
1360 commission, including the fixing, charging, collecting, and
1361 application of turnpike tolls and internal infrastructure assessments.
1362
1363
1364

1364 5537.16 Bylaws and rules - disposal of fines.

1365

1366 (A)

1367

1368 (1) The Ohio turnpike and infrastructure commission may adopt
1369 such bylaws and rules as it considers advisable for the control
1370 and regulation of traffic on any turnpike project, for the
1371 protection and preservation of property necessary and used for
1372 any turnpike project under its jurisdiction and control, for the
1373 maintenance and preservation of good order within the turnpike
1374 property under its control, and for the purpose of establishing
1375 owner or operator liability for failure to comply with turnpike
1376 toll collection rules.

1377

1378 The rules of the commission with respect to the speed, use of
1379 special engine brakes, axle loads, vehicle loads, and vehicle
1380 dimensions of vehicles on turnpike projects, including the
1381 issuance of a special permit by the commission to allow the
1382 operation on any turnpike project of a motor vehicle transporting
1383 two or fewer steel coils, shall apply notwithstanding sections
1384 4511.21 to 4511.24, 4513.34, and Chapter 5577. of the Revised
1385 Code. Such bylaws and rules shall be published on the
1386 commission's website and in a newspaper of general circulation in
1387 Franklin county, and in such other manner publications as the
1388 commission prescribes determines, unless the publications cease
1389 publishing print versions of their newspapers anymore.

1390

1391 (2) The Ohio turnpike and infrastructure commission may adopt
1392 such bylaws and rules as it considers advisable for the control
1393 and regulation of freight, passenger, and information traffic
1394 access and use on any internal infrastructure project, for the
1395 protection and preservation of property necessary and used for
1396 any internal infrastructure project under its jurisdiction and
1397 control, for the maintenance and preservation of good order
1398 within the infrastructure property under its control, and for the
1399 purpose of establishing owner or operator liability for failure
1400 to comply with internal infrastructure assessment collection
1401 rules.

1402

1403 The rules of the commission with respect to the access and use of
1404 internal infrastructure projects, including the issuance of a
1405 special permit by the commission to allow the operation on any
1406 internal infrastructure project of a non-standard vehicle or use
1407 type shall apply notwithstanding any governing chapters and
1408 sections of the Revised Code. Such bylaws and rules shall be
1409 published on the commission's website and in a newspaper of
1410 general circulation in Franklin county, and in such other
1411 publications as the commission determines, unless the
1412 publications cease publishing print versions of their newspapers
1413 anymore.

1414

1415 (B) Such rules shall provide that public police officers shall be
1416 afforded ready access, while in the performance of their official

1417 duty, to all property under the jurisdiction of the commission and
1418 without the payment of turnpike tolls or internal infrastructure
1419 assessments.

1420

1421 (C) No person shall violate any such bylaws or rules of the
1422 commission.

1423

1424 (D)

1425

1426 (1) All fines collected for the violation of applicable laws of
1427 the state and the bylaws and rules of the commission or moneys
1428 arising from bonds forfeited for such violation shall be disposed
1429 of in accordance with section 5503.04 of the Revised Code.

1430

1431 (2) All fees or charges assessed by the commission against an
1432 owner or operator of a vehicle as a civil violation for failure
1433 to comply with turnpike toll collection or turnpike toll evasion
1434 rules shall be revenues of the commission.

1435

1436 (3) All fees or charges assessed by the commission against an
1437 owner or operator of a vehicle or user of an internal
1438 infrastructure project as a civil violation for failure to comply
1439 with internal infrastructure assessment collection or internal
1440 infrastructure assessment evasion rules shall be revenues of the
1441 commission.

1442

1443

1444

1444 5537.17 Maintenance and repair of turnpike project and internal
1445 infrastructure project - restoration or repair of damaged property -
1446 cooperation by governmental agencies - bridge and tunnel inspection -
1447 annual audit.

1448
1449 (A) Each turnpike project open to traffic and each internal
1450 infrastructure project made accessible for public use shall be
1451 maintained and kept in good condition and repair by the Ohio turnpike
1452 and infrastructure commission. The Ohio turnpike system and Ohio
1453 turnpike internal infrastructure system shall be policed and operated
1454 by a force of police, turnpike toll and internal infrastructure
1455 assessment collectors, and other employees and agents that the
1456 commission employs or contracts for.

1457
1458 (B) All public or private property damaged or destroyed in carrying
1459 out the powers granted by this chapter shall be restored or repaired
1460 and placed in its original condition, as nearly as practicable, or
1461 adequate compensation or consideration made therefor out of moneys
1462 provided under this chapter.

1463
1464 (C) All governmental agencies may lease, lend, grant, or convey to the
1465 commission at its request, upon terms that the proper authorities of
1466 the governmental agencies consider reasonable and fair and without the
1467 necessity for an advertisement, order of court, or other action or
1468 formality, other than the regular and formal action of the authorities
1469 concerned, any property that is necessary or convenient to the
1470 effectuation of the purposes of the commission, including public roads
1471 and other property already devoted to public use.

1472
1473 (D) Each bridge and tunnel constituting part of a turnpike project and
1474 internal infrastructure project shall be inspected at least once each
1475 year by a professional engineer employed or retained by the
1476 commission.

1477
1478 (E) On or before the first day of July in each year, the commission
1479 shall make an annual report of its activities for the preceding
1480 calendar year to the governor and the general assembly. Each such
1481 report shall set forth a complete operating and financial statement
1482 covering the commission's operations and funding of any turnpike
1483 projects, external infrastructure projects, and internal
1484 infrastructure projects during the year. The commission shall cause an
1485 audit of its books and accounts to be made at least once each year by
1486 certified public accountants, and the cost thereof may be treated as a
1487 part of the cost of operations of the commission. The auditor of
1488 state, at least once a year and without previous notice to the
1489 commission, shall audit the accounts and transactions of the
1490 commission.

1491
1492 (F) The commission shall submit a copy of its annual audit by the
1493 auditor of state and its proposed annual budget for each calendar or
1494 fiscal year to the governor, the presiding officers of each house of
1495 the general assembly, the director of budget and management, and the

1496 legislative service commission no later than the first day of that
1497 calendar or fiscal year.

1498

1499 (G) Upon request of the chairperson of the appropriate standing
1500 committee or subcommittee of the senate and house of representatives
1501 that is primarily responsible for considering transportation and
1502 infrastructure budget matters, the commission shall appear at least
1503 one time before each committee or subcommittee during the period when
1504 that committee or subcommittee is considering the biennial
1505 appropriations for the department of transportation and shall provide
1506 testimony outlining its budgetary results for the last two calendar
1507 years, including a comparison of budget and actual revenue and
1508 expenditure amounts. The commission also shall address its current
1509 budget and long-term capital plan.

1510

1511 (H) Not more than sixty nor less than thirty days before adopting its
1512 annual budget, the commission shall submit a copy of its proposed
1513 annual budget to the governor, the presiding officers of each house of
1514 the general assembly, the director of budget and management, and the
1515 legislative service commission. The office of budget and management
1516 shall review the proposed budget and may provide recommendations to
1517 the commission for its consideration.

1518

1519

1520

1520 5537.18 Applications for external infrastructure project ~~funding~~
1521 subsidies.

1522
1523 (A) The Ohio turnpike and infrastructure commission shall adopt rules
1524 establishing the procedures and criteria under which the commission
1525 may approve an application received from the director of
1526 transportation for external infrastructure project ~~funding~~ subsidies
1527 under division (B) of this section. The rules shall require an
1528 external infrastructure project to have an anticipated benefit to the
1529 system of public highways in the state of Ohio and transportation-
1530 related nexus with and relationship to the Ohio turnpike system and
1531 the Ohio turnpike and external infrastructure system. The criteria
1532 included in the rules for determining if an external infrastructure
1533 project has the required nexus and relationship to the Ohio turnpike
1534 system and the Ohio turnpike and external infrastructure system and
1535 the criteria for approving an application for infrastructure project
1536 ~~funding~~ subsidies submitted by the director of transportation shall
1537 include the following:

- 1538
1539 (1) A physical proximity of the external infrastructure project
1540 to and a direct or indirect physical connection between the
1541 external infrastructure project and the Ohio turnpike system;
1542
1543 (2) The impact of the external infrastructure project on traffic
1544 density, flow through, or capacity on the Ohio turnpike system;
1545
1546 (3) The impact of the external infrastructure project on the Ohio
1547 turnpike system turnpike toll revenue or other revenues;
1548
1549 (4) The impact of the external infrastructure project on the
1550 movement of goods and services on or in the area of the Ohio
1551 turnpike system; and
1552
1553 (5) The enhancement or improvement by and through the external
1554 infrastructure project of access to, use of, and egress from the
1555 Ohio turnpike system and access to and from connected areas of
1556 population, commerce, and industry.

1557
1558 (B) The director of transportation may submit an application to the
1559 commission for external infrastructure project ~~funding~~ subsidies. An
1560 application to the commission for external infrastructure project
1561 ~~funding~~ subsidies, as submitted by the director, shall include only
1562 external infrastructure projects that previously have been reviewed
1563 and recommended by the transportation review advisory council pursuant
1564 to the selection process followed by the council under Chapter 5512.
1565 of the Revised Code. In selecting external infrastructure projects for
1566 which applications will be made to the commission for external
1567 infrastructure project ~~funding~~ subsidies, the director shall consider
1568 the physical proximity of the project to the Ohio turnpike system. Not
1569 less than ninety per cent of the total cost of the external
1570 infrastructure project ~~funding~~ subsidies requests submitted by the
1571 director of transportation to the commission shall be for external

1572 infrastructure projects that are at least partially located within
1573 seventy-five miles of the Ohio turnpike system.

1574
1575 By rule, the director may establish guidelines under which an
1576 application may be made for external infrastructure project ~~funding~~
1577 subsidies that combines separate projects if the combination of
1578 projects is necessary to satisfy any ~~funding~~ subsidy threshold
1579 required for approval by the transportation review advisory council
1580 and the individual projects have a nexus to the Ohio turnpike system
1581 and also address a critical public safety concern or have a
1582 significant economic impact.

1583
1584 (C) The commission shall evaluate each application for external
1585 infrastructure project ~~funding~~ subsidies submitted under division (B)
1586 of this section in accordance with the procedures and criteria
1587 established in rules adopted under division (A) of this section. A
1588 determination or approval made under this section is conclusive and
1589 incontestable.

1590
1591 (D) Nothing in this section shall interfere with the authority of the
1592 director of transportation under Chapter 5512. of the Revised Code.

1593
1594
1595

1595 5537.19 Studies of ~~turnpike or infrastructure projects~~
1596 turnpike projects or external infrastructure projects or internal
1597 infrastructure projects.

1598
1599 The Ohio turnpike and infrastructure commission shall expend such
1600 moneys as the commission considers necessary for studies of any
1601 ~~turnpike project or infrastructure project,~~ turnpike project or
1602 external infrastructure project or internal infrastructure project,
1603 whether proposed, under construction, or in operation, and may employ
1604 consulting engineers, traffic engineers, and any other individuals or
1605 firms that the commission considers necessary to properly implement
1606 the studies. The cost of the studies may be paid from revenues,
1607 eligible state and federal grants, state taxes available to the
1608 commission and permitted by law to be spent for such purposes, or the
1609 proceeds of bonds.

1610
1611
1612

1612 5537.20 Turnpike and infrastructure projects, property, income, and
1613 bonds free from taxation.

1614

1615 The exercise of the powers granted by this chapter is in all respects
1616 for the benefit of the people of the state, for the increase of their
1617 commerce and prosperity, and for the improvement of their health and
1618 living conditions, and as the construction, operation, and maintenance
1619 of the Ohio turnpike system and Ohio turnpike internal infrastructure
1620 system by the Ohio turnpike and infrastructure commission constitute
1621 the performance of essential governmental functions, the commission,
1622 except as provided in division (D) of section 5537.05 of the Revised
1623 Code, shall not be required to pay any state or local taxes or
1624 assessments upon any turnpike project or external infrastructure
1625 project or internal infrastructure project funded by it, or upon
1626 revenues or any property acquired or used by the commission under this
1627 chapter, or upon the income therefrom. The bonds issued under this
1628 chapter, their transfer, and the income therefrom, including any
1629 profit made on the sale thereof, shall at all times be free from
1630 taxation within the state.

1631

1632

1633

1633 5537.21 ~~Project continuing to be operated and maintained as toll road~~
1634 Projects continuing to be operated and maintained as turnpike toll-
1635 and internal infrastructure assessment-based infrastructures.
1636

1637 (A) When bond service charges on all outstanding bonds issued in
1638 connection with any turnpike project or internal infrastructure
1639 project have been paid or provision for that payment has been made, as
1640 provided in the applicable bond proceedings, or in the case of a
1641 turnpike project or internal infrastructure project in connection with
1642 which no bonds have been issued, the project shall continue to be or
1643 be operated, and improved and maintained, by the Ohio turnpike and
1644 infrastructure commission as a part of the Ohio turnpike system and
1645 Ohio turnpike internal infrastructure system ~~and as a toll road~~
1646 utilizing tolling for turnpike projects and assessments for internal
1647 infrastructures, and all revenues received by the commission relating
1648 to that project shall be applied as provided in division (B) of this
1649 section.

1650
1651 (B) Subject to the bond proceedings for bonds relating to any turnpike
1652 project or external infrastructure project or internal infrastructure
1653 project, turnpike tolls and internal infrastructure assessments
1654 relating to a turnpike project as referred to in division (A) of this
1655 section shall be so fixed and adjusted such that the aggregate of
1656 available revenues relating to that turnpike project or internal
1657 infrastructure project are in amounts at least sufficient to pay the
1658 costs described in division (C)(2)(a) of section 5537.13 of the
1659 Revised Code.

1660
1661
1662

1662 5537.22 Journal.

1663

1664 All final actions of the Ohio turnpike and infrastructure commission
1665 shall be journalized and such journal shall be published on the
1666 commission's website and open to the inspection of the public at all
1667 reasonable times.

1668

1669

1670

1670 5537.23 Liberal construction of chapter.

1671

1672 This chapter, being necessary for the welfare of the state and its
1673 inhabitants, shall be liberally construed to effect the purposes
1674 thereof.

1675

1676

1677

1677 5537.24 Turnpike legislative review committee.

1678

1679 (A) There is hereby created a turnpike legislative review committee
1680 consisting of six members as follows:

1681

1682 (1) Three members of the senate, no more than two of whom shall
1683 be members of the same political party, one of whom shall be the
1684 chairperson of the committee dealing primarily with highway
1685 transportation and infrastructure matters, one of whom shall be
1686 appointed by the president of the senate, and one of whom shall
1687 be appointed by the minority leader of the senate.

1688

1689 Both the senate member who is appointed by the president of the
1690 senate and the senate member appointed by the minority leader of
1691 the senate shall represent either districts in which is located
1692 or through which passes a portion of a turnpike project or
1693 internal infrastructure project that is part of the Ohio turnpike
1694 system and the Ohio turnpike internal infrastructure system or
1695 districts located in the vicinity of a turnpike project or
1696 internal infrastructure project that is part of the Ohio turnpike
1697 system and the Ohio turnpike internal infrastructure system.

1698

1699 The president of the senate shall make the president of the
1700 senate's appointment to the committee first, followed by the
1701 minority leader of the senate, and they shall make their
1702 appointments in such a manner that their two appointees represent
1703 districts that are located in different areas of the state. If
1704 the chairperson of the senate committee dealing primarily with
1705 highway transportation and infrastructure matters represents a
1706 district in which is located or through which passes a portion of
1707 a turnpike project or internal infrastructure project that is
1708 part of the Ohio turnpike system and the Ohio turnpike internal
1709 infrastructure system or a district located in the vicinity of a
1710 turnpike project or internal infrastructure project that is part
1711 of the Ohio turnpike system and the Ohio turnpike internal
1712 infrastructure system, the president of the senate and the
1713 minority leader of the senate shall make their appointments in
1714 such a manner that their two appointees and the chairperson of
1715 the senate committee dealing primarily with highway
1716 transportation and infrastructure matters all represent districts
1717 that are located in different areas of the state.

1718

1719 (2) Three members of the house of representatives, no more than
1720 two of whom shall be members of the same political party, one of
1721 whom shall be the chairperson of the house of representatives
1722 committee dealing primarily with highway transportation and
1723 infrastructure matters, one of whom shall be appointed by the
1724 speaker of the house of representatives, and one of whom shall be
1725 appointed by the minority leader of the house of representatives.

1726

1727 Both the house of representatives member who is appointed by the
1728 speaker of the house of representatives and the house of
1729 representatives member appointed by the minority leader of the

1730 house of representatives shall represent either districts in
1731 which is located or through which passes a portion of a turnpike
1732 project or internal infrastructure project that is part of the
1733 Ohio turnpike system and the Ohio turnpike internal
1734 infrastructure system or districts located in the vicinity of a
1735 turnpike project or internal infrastructure project that is part
1736 of the Ohio turnpike system and the Ohio turnpike internal
1737 infrastructure system.

1738
1739 The speaker of the house of representatives shall make the
1740 speaker of the house of representative's appointment to the
1741 committee first, followed by the minority leader of the house of
1742 representatives, and they shall make their appointments in such a
1743 manner that their two appointees represent districts that are
1744 located in different areas of the state. If the chairperson of
1745 the house of representatives committee dealing primarily with
1746 highway transportation and infrastructure matters represents a
1747 district in which is located or through which passes a portion of
1748 a turnpike project or internal infrastructure project that is
1749 part of the Ohio turnpike system and the Ohio turnpike internal
1750 infrastructure system or a district located in the vicinity of a
1751 turnpike project or internal infrastructure project that is part
1752 of the Ohio turnpike system and the Ohio turnpike internal
1753 infrastructure system, the speaker of the house of
1754 representatives and the minority leader of the house of
1755 representatives shall make their appointments in such a manner
1756 that their two appointees and the chairperson of the house of
1757 representatives committee dealing primarily with highway
1758 transportation and infrastructure matters all represent districts
1759 that are located in different areas of the state.

1760
1761 The chairperson of the house of representatives committee shall
1762 serve as the chairperson of the turnpike legislative review
1763 committee for the year 1996. Thereafter, the chair annually shall
1764 alternate between, first, the chairperson of the senate committee
1765 and then the chairperson of the house of representatives
1766 committee.

1767
1768 (B) Each member of the turnpike legislative review committee who is a
1769 member of the general assembly shall serve a term of the remainder of
1770 the general assembly during which the member is appointed or is
1771 serving as chairperson of the specified senate or house committee. In
1772 the event of the death or resignation of a committee member who is a
1773 member of the general assembly, or in the event that a member ceases
1774 to be a senator or representative, or in the event that the
1775 chairperson of the senate committee dealing primarily with highway
1776 transportation and infrastructure matters or the chairperson of the
1777 house of representatives committee dealing primarily with highway
1778 transportation and infrastructure transportation and infrastructure
1779 matters ceases to hold that position, the vacancy shall be filled
1780 through an appointment by the president of the senate or the speaker
1781 of the house of representatives or minority leader of the senate or
1782 house of representatives, as applicable. Any member appointed to fill

1783 a vacancy occurring prior to the end of the term for which the
1784 member's predecessor was appointed shall hold office for the remainder
1785 of the term or for a shorter period of time as determined by the
1786 president or the speaker. A member of the committee is eligible for
1787 reappointment.
1788

1789 (C) The turnpike legislative review committee shall meet at least
1790 quarterly and may meet at the call of its chairperson, or upon the
1791 written request to the chairperson of not fewer than four members of
1792 the committee. Meetings shall be held at sites that are determined
1793 solely by the chairperson of the committee. At each meeting, the Ohio
1794 turnpike and infrastructure commission shall make a report to the
1795 committee on commission matters, including but not limited to
1796 financial and budgetary matters and proposed and on-going acquisition,
1797 construction, maintenance, repair, and operational projects of the
1798 commission.
1799

1800 The committee, by the affirmative vote of at least four of its
1801 members, may submit written recommendations to the commission, either
1802 at meetings held pursuant to this section or at any other time,
1803 describing new turnpike projects and internal infrastructure projects
1804 or new interchanges located on existing turnpike projects or new
1805 internal infrastructure access points that the committee believes the
1806 commission should consider constructing.
1807

1808 (D) At least annually the commission shall make a report to the
1809 committee of those external infrastructure projects and internal
1810 infrastructure projects approved and paid for by the commission.
1811

1812 (E) The members of the turnpike legislative review committee who are
1813 members of the general assembly shall serve without compensation, but
1814 shall be reimbursed by the commission for their actual and necessary
1815 expenses incurred in the discharge of their official duties as
1816 committee members. Serving as a member of the turnpike legislative
1817 review committee does not constitute grounds for resignation from the
1818 senate or house of representatives under section 101.26 of the Revised
1819 Code.
1820

1821
1822

1822 5537.25 No expenditures for lobbyist.

1823

1824 (A) Notwithstanding any provision of law to the contrary, the Ohio
1825 turnpike and infrastructure commission shall make no expenditure to
1826 engage the services of any person to influence either of the
1827 following:

1828

1829 (1) Administrative actions or decisions of the governor, the
1830 director of any department listed in section 121.02 of the
1831 Revised Code, any member of the staff of any public officer or
1832 employee listed in this section, the president of the United
1833 States, or any federal officer or employee;

1834

1835 (2) Legislation pending in this state or any other state, a
1836 subdivision of this state or any other state, or the federal
1837 government, including the executive approval or veto of any such
1838 pending legislation.

1839

1840 (B) This section shall not be interpreted to prohibit the commission
1841 from designating officers or members of the commission, or full-time,
1842 permanent employees of the commission, to act as administrative or
1843 legislative agents for the commission.

1844

1845

1846

1846 5537.26 Change in turnpike toll and internal infrastructure assessment
1847 rate structure, turnpike and internal infrastructure, and authority
1848 and powers requires notice and hearing.

1849
1850 (A) Except as provided in division (D) of this section, no increase by
1851 the Ohio turnpike and infrastructure commission in the turnpike toll
1852 rate structure that is applicable to vehicles operating on a turnpike
1853 project and in the internal infrastructure assessment structure that
1854 is applicable to users accessing and using an internal infrastructure
1855 project shall become effective unless the commission complies with the
1856 notice and hearing requirements prescribed in division (B) of this
1857 section, and the commission shall not take any action that will or in
1858 the future expand, contract, repurpose, rationalize, abandon,
1859 liquidate, or convey to another governmental agency or person any
1860 turnpike project or a portion of any turnpike project, or any internal
1861 infrastructure project or a portion of any internal infrastructure
1862 project, and the commission shall not take any action that expands or
1863 contracts, has the effect of expanding or contracting, or will to any
1864 degree at any time in the future have the effect of expanding or
1865 contracting the ~~sphere of responsibility~~ authority and powers of the
1866 commission beyond the Ohio turnpike system and Ohio turnpike internal
1867 infrastructure system, unless the commission complies with the notice
1868 and hearing requirements prescribed in division (B) of this section.

1869
1870 (B) Not less than ninety days prior to the date on which the
1871 commission votes to increase any part of the turnpike toll rate
1872 structure that is applicable to vehicles operating on a turnpike
1873 project, or any part of the internal infrastructure assessment
1874 structure that is applicable to users accessing and using an internal
1875 infrastructure project, and not less than ninety days prior to the
1876 date on which the commission votes to take an action that will or in
1877 the future expand, contract, repurpose, rationalize, abandon,
1878 liquidate, or convey to another governmental agency or person any
1879 turnpike project or a portion of any turnpike project, or any internal
1880 infrastructure project or a portion of any internal infrastructure
1881 project, and the commission shall not take any action that expands or
1882 contracts, has the effect of expanding or contracting, or will to any
1883 degree at any time in the future have the effect of expanding or
1884 contracting the authority and powers of the commission beyond the Ohio
1885 turnpike system and Ohio turnpike internal infrastructure system, the
1886 commission shall do both of the following:

1887
1888 (1) Send notice to the governor and the presiding officers and
1889 minority leaders of the senate and house of representatives that
1890 details the proposed increase to the turnpike toll or internal
1891 infrastructure assessment rate structure or ~~the expansion of the~~
1892 ~~sphere of responsibility of the commission beyond the Ohio~~
1893 ~~turnpike, including a description of and a justification for the~~
1894 ~~increase or expansion~~ the expansion, contraction, repurposing,
1895 rationalization, abandonment, liquidation, or conveyance to
1896 another governmental agency or person any turnpike project or a
1897 portion of any turnpike project, or any internal infrastructure
1898 project or a portion of any internal infrastructure project, or

1899 the expansion or contraction of the authority and powers of the
1900 commission beyond the Ohio turnpike system and Ohio turnpike
1901 internal infrastructure system;

1902
1903 (2) Commence holding public hearings on the proposed increase in
1904 the turnpike toll or internal infrastructure assessment rate
1905 structure or the proposed turnpike, internal infrastructure, or
1906 authority and powers action.

1907
1908 If the commission is proposing an increase in the turnpike toll
1909 rate structure that is applicable to vehicles operating on a
1910 turnpike project, it shall hold not less than three public
1911 hearings in three geographically diverse locations in this state
1912 that are in the immediate vicinity of the affected project. If
1913 the commission is proposing an increase in the internal
1914 infrastructure assessment structure that is applicable to users
1915 accessing and using an internal infrastructure project, it shall
1916 hold not less than three public hearings in three geographically
1917 diverse locations in this state that are in the immediate
1918 vicinity of the affected project. If the commission is proposing
1919 to take an action that expands, has the effect of expanding, or
1920 will to any degree at any time in the future have the effect of
1921 expanding the sphere of responsibility of the commission beyond
1922 the Ohio turnpike, If the commission is proposing the expansion,
1923 contraction, repurposing, rationalization, abandonment,
1924 liquidation, or conveyance to another governmental agency or
1925 person any turnpike project or a portion of any turnpike project,
1926 or any internal infrastructure project or a portion of any
1927 internal infrastructure project, or the expansion or contraction
1928 of the authority and powers of the commission beyond the Ohio
1929 turnpike system and Ohio turnpike internal infrastructure system,
1930 it shall hold not less than three public hearings in three
1931 locations in the immediate vicinity where the expanded
1932 responsibilities would arise.

1933
1934 The commission shall hold the third or, if it holds more than
1935 three hearings, the last hearing of any set of hearings required
1936 to be held under this section not less than thirty days prior to
1937 the date on which it votes to increase part of the turnpike toll
1938 rate structure that is applicable to vehicles operating on a
1939 turnpike project, or to increase part of the internal
1940 infrastructure assessment structure that is applicable to users
1941 accessing and using an internal infrastructure project, or to
1942 take an action that expands, has the effect of expanding, or will
1943 to any degree at any time in the future have the effect of
1944 expanding the sphere of responsibility of the commission beyond
1945 the Ohio turnpike. expands, contracts, repurposes, rationalizes,
1946 abandons, liquidates, or conveys to another governmental agency
1947 or person any turnpike project or a portion of any turnpike
1948 project, or any internal infrastructure project or a portion of
1949 any internal infrastructure project, or to take an action that
1950 expands or contracts the authority and powers of the commission

1951 beyond the Ohio turnpike system and Ohio turnpike internal
1952 infrastructure system.
1953

1954 The commission shall inform the public of all the hearings
1955 required to be held under this section by ~~causing a notice to be~~
1956 ~~published~~ publishing a notice on the commission's website and in
1957 a newspaper of general circulation in the county in which each
1958 hearing is to be held, unless the publications cease publishing
1959 print versions of their newspapers anymore, not less than once
1960 per week for two weeks prior to the date of the hearing.
1961

1962 (C) If the commission does not comply with the notice and hearing
1963 requirements contained in division (B) of this section and votes for
1964 an increase in the turnpike toll rate structure that is applicable to
1965 vehicles operating on a turnpike project, or an increase in the
1966 internal infrastructure assessment structure that is applicable to
1967 users accessing and using an internal infrastructure project, the
1968 increase in the turnpike toll rate structure or the internal
1969 infrastructure assessment rate structure shall not take effect, any
1970 attempt by the commission to implement the increase in the turnpike
1971 toll or internal infrastructure assessment rate structure is void,
1972 and, if necessary, the attorney general shall file an action in the
1973 court of common pleas of the county in which the principal office of
1974 the commission is located to enjoin the commission from implementing
1975 the increase. The commission shall not implement any increase until it
1976 complies with division (B) of this section.
1977

1978 If the commission does not comply with the notice and hearing
1979 requirements contained in division (B) of this section and votes to
1980 take an action that ~~expands, has the effect of expanding, or will to~~
1981 ~~any degree at any time in the future have the effect of expanding the~~
1982 ~~sphere of responsibility of the commission beyond the Ohio turnpike,~~
1983 ~~expands, contracts, repurposes, rationalizes, abandons, liquidates, or~~
1984 ~~conveys to another governmental agency or person any turnpike project~~
1985 ~~or a portion of any turnpike project, or any internal infrastructure~~
1986 ~~project or a portion of any internal infrastructure project, or to~~
1987 ~~take an action that expands or contracts the authority and powers of~~
1988 ~~the commission beyond the Ohio turnpike system and Ohio turnpike~~
1989 ~~internal infrastructure system,~~ the commission shall not take the
1990 proposed action and, if necessary, the attorney general shall file an
1991 action in the court of common pleas of the county in which the
1992 principal office of the commission is located to enjoin the commission
1993 from taking the proposed action. The commission shall not take the
1994 proposed action until it complies with the notice and hearing
1995 requirements prescribed in division (B) of this section.
1996

1997 (D) Divisions (A) to (C) of this section do not apply to any decrease
1998 made to the turnpike toll or internal infrastructure assessment rate
1999 structure by the commission. The commission may implement a temporary
2000 decrease in the turnpike toll rate structure that is applicable to
2001 vehicles operating on a turnpike project only if it does not exceed
2002 eighteen months in duration. Prior to instituting any decrease to the

2003 turnpike toll or internal infrastructure assessment rate structure,
2004 the commission shall do both of the following:

2005
2006 (1) Not less than five days prior to any public meeting under
2007 division (D)(2) of this section, send notice to the governor and
2008 the presiding officers and minority leaders of the senate and
2009 house of representatives that details the proposed decrease to
2010 the turnpike toll or internal infrastructure assessment rate
2011 structure;

2012
2013 (2) The turnpike project advisory committee shall hold hold a
2014 public meeting to explain to members of the traveling the public
2015 the reasons for the upcoming decrease, to inform them of any
2016 benefits and any negative consequences, and to give them the
2017 opportunity to express their opinions as to the relative merits
2018 or drawbacks of each turnpike toll or internal infrastructure
2019 assessment decrease. The commission committee shall inform the
2020 public of the meeting by causing a notice to be published
2021 publishing a notice on the commission's website and in newspapers
2022 of general circulation in Cuyahoga, Lucas, Mahoning, Trumbull,
2023 Williams, and Summit counties the county or counties in which is
2024 located or through which passes a portion of a turnpike project
2025 or internal infrastructure project that is part of the Ohio
2026 turnpike system or the Ohio turnpike internal infrastructure
2027 system that is the subject of the turnpike toll or internal
2028 infrastructure assessment decrease not less than five days prior
2029 to the meeting unless the publications cease publishing print
2030 versions of their newspapers anymore. The commission committee
2031 shall not be required to hold any public hearing or meeting upon
2032 the expiration of any temporary decrease in the turnpike toll
2033 rate structure that is applicable to vehicles operating on a
2034 turnpike project, so long as it implements the same turnpike toll
2035 rate structure that was in effect immediately prior to the
2036 temporary decrease. The committee shall submit written reports
2037 of the public meeting to the commission, either at commission
2038 meetings held pursuant to this chapter or at any other time.

2039
2040 ~~(E) As used in this section, "Ohio turnpike" means the toll freeway~~
2041 ~~that is under the jurisdiction of the commission and runs in an~~
2042 ~~easterly and westerly direction across the entire northern portion of~~
2043 ~~this state between its borders with the state of Pennsylvania in the~~
2044 ~~east and the state of Indiana in the west, and carries the interstate~~
2045 ~~highway designations of interstate seventy six, interstate eighty, and~~
2046 ~~interstate eighty ninety.~~

2047
2048
2049

2049 ~~5537.27 Application by political subdivisions or government agencies~~
2050 ~~for projects~~ Application for turnpike projects, external
2051 infrastructure projects, and internal infrastructure projects.

2052
2053 ~~The Ohio turnpike and infrastructure commission, the director of~~
2054 ~~transportation or the director's designee, and another person~~
2055 ~~designated by the governor shall establish a procedure whereby a~~
2056 ~~political subdivision or other government agency or agencies may~~
2057 ~~submit a written application to the commission, requesting the~~
2058 ~~commission to construct and operate a turnpike project within the~~
2059 ~~boundaries of the subdivision, agency, or agencies making the request.~~
2060 ~~The procedure shall include a requirement that the commission send a~~
2061 ~~written reply to the subdivision, agency, or agencies, explaining the~~
2062 ~~disposition of the request. The procedure established pursuant to this~~
2063 ~~section shall not become effective unless it is approved by the~~
2064 ~~commission and by the director or the director's designee and the~~
2065 ~~designee of the governor, and shall require submission of the proposed~~
2066 ~~turnpike project to the turnpike legislative review committee if the~~
2067 ~~project must be approved by the governor.~~

2068
2069 A political subdivision or other government agency or agencies or a
2070 member or members of the public may submit a written application to
2071 the turnpike project advisory committee requesting the commission
2072 acquire, construct, and operate a turnpike project, an external
2073 infrastructure project, or an internal infrastructure project within
2074 the boundaries of the subdivision or agency or agencies, or in a
2075 market area or corridor suggested by a member or members of the public
2076 making the request. The commission shall send a written reply to the
2077 subdivision, agency or agencies or a member or members of the public
2078 explaining the disposition of the request. The proposed turnpike
2079 project or external infrastructure project or internal infrastructure
2080 project shall be submitted to the turnpike legislative review
2081 committee if the turnpike project or external infrastructure project
2082 or internal infrastructure project must be approved by the governor.

2083
2084
2085

2085 5537.28 Payment of costs for projects.

2086

2087 (A) In paying the cost of any turnpike project or internal
2088 infrastructure project, the Ohio turnpike and infrastructure
2089 commission may issue bonds and bond anticipation notes as permitted by
2090 this chapter, and may accept moneys from any source to pay the cost of
2091 any portion of the turnpike project or internal infrastructure
2092 project, including, but not limited to, the federal government, any
2093 department or agency of this state, and any political subdivision or
2094 other government agency. Each such project shall be constructed,
2095 operated, maintained, and repaired with funds specifically acquired
2096 for that project or from excess funds available from any other
2097 turnpike project.

2098

2099 (B) As used in this section "any turnpike project" does not include
2100 external infrastructure projects. The costs of external infrastructure
2101 projects approved under section 5537.18 of the Revised Code shall be
2102 funded exclusively out of the external infrastructure fund or funds.

2103

2104

2105

2105 5537.30 Program for the placement of business logos for ~~identification~~
2106 advertising purposes on directional signs within the turnpike right-
2107 of-way.
2108

2109 (A) Not later than December 31, 2009, the Ohio turnpike and
2110 infrastructure commission shall establish a program for the placement
2111 of business logos for ~~identification~~ advertising purposes on
2112 directional signs within the turnpike right-of-way.
2113

2114 (B)

2115
2116 (1) The commission shall establish, and may revise at any time, a
2117 fee for participation in the business logo sign program. All
2118 direct and indirect costs of the business logo sign program
2119 established pursuant to this section shall be fully paid by the
2120 businesses applying for participation in the program. The direct
2121 and indirect costs of the program shall include, but not be
2122 limited to, the cost of capital, directional signs, blanks,
2123 posts, logos, installation, repair, engineering, design,
2124 insurance, removal, replacement, and administration.
2125

2126 (2) Money generated from participating businesses in excess of
2127 the direct and indirect costs and any reasonable profit earned by
2128 a person awarded a contract to operate, maintain, or market the
2129 business logo sign program shall be remitted to the commission.
2130

2131 (3) If the commission operates such a program and does not
2132 contract with a private person to operate it, all money collected
2133 from participating businesses shall be retained by the
2134 commission.
2135

2136 (C) The program shall permit the business logo signs of a seller of
2137 motor vehicle fuel to include on the seller's signs a marking or
2138 symbol indicating that the seller sells one or more types of
2139 alternative fuel so long as the seller in fact sells that fuel. As
2140 used in this division, "alternative fuel" has the same meaning as in
2141 section 125.831 of the Revised Code.
2142
2143
2144

2144 5537.35 Turnpike ~~rest area~~ user facility flags.

2145

2146 (A) The Ohio turnpike commission shall display the following flags at
2147 each ~~service~~ user facility that is along ~~the turnpike~~ a physical
2148 turnpike project or internal infrastructure project:

2149

2150 (1) The flag of the United States;

2151

2152 (2) The flag of Ohio;

2153

2154 (3) The flag that depicts the profile of a prisoner of war
2155 against the background of a prisoner of war camp watchtower,
2156 commonly known as the POW/MIA flag.

2157

2158 (B) In purchasing flags to comply with division (A) of this section,
2159 the turnpike commission shall, to the maximum extent possible, conform
2160 to the preference requirements of sections 125.09 and 125.11 of the
2161 Revised Code and all rules adopted under those sections to ensure the
2162 purchase and use of products made in Ohio and the United States.

2163

2164

2165

2165 5537.36 Turnpike project advisory committee.

2166
2167 (A) There is hereby created a turnpike project advisory committee
2168 consisting of the executive director, and two voting commission
2169 members as determined by the commission members. Each appointed
2170 committee member shall hold the position from the date of appointment
2171 until the end of the term for which the member was appointed. If a
2172 committee member dies or resigns, the vacancy shall be filled by
2173 determination of the commission members. Any committee member who
2174 fills a vacancy occurring prior to the end of the term for which the
2175 committee member's predecessor was appointed shall hold the position
2176 for the remainder of such term or for a shorter period of time as
2177 determined by the commission members. A committee member is eligible
2178 for reappointment. Each committee member shall take an oath as
2179 provided by Section 7 of Article XV, Ohio Constitution. The commission
2180 members may at any time remove their respective appointees to the
2181 committee for misfeasance, nonfeasance, or malfeasance in office.

2182
2183 (B) The voting commission members of the committee shall elect one of
2184 the voting commission members as chairperson and another as vice-
2185 chairperson, and shall appoint a secretary-treasurer who need not be a
2186 member of the committee. Two of the voting commission members of the
2187 committee constitute a quorum, and the affirmative vote of two voting
2188 commission members is necessary for any action taken by the committee.
2189 No vacancy in the membership of the committee impairs the rights of a
2190 quorum to exercise all the rights and perform all the duties of the
2191 committee.

2192
2193 (C) Each member of the committee shall serve without compensation.
2194 Each member shall be reimbursed for the member's actual expenses
2195 necessarily incurred in the performance of the member's duties. All
2196 costs and expenses incurred by the committee in carrying out this
2197 chapter shall be payable solely from revenues and state taxes, and no
2198 liability or obligation shall be incurred by the commission beyond the
2199 extent to which revenues have been provided for pursuant to this
2200 chapter.

2201
2202 (D) The committee shall meet at least quarterly and may meet at the
2203 call of its chairperson, or upon the written request to the
2204 chairperson of not fewer than two members of the committee. Meetings
2205 shall be held at sites that are determined solely by the chairperson
2206 of the committee.

2207
2208 (E) At each meeting, the committee shall host open regular or
2209 occasional discussions and presentations, and shall solicit input,
2210 critiques, and advice from turnpike and internal infrastructure
2211 project users, lessees, renters, clients, service providers, vendors,
2212 concessionaires, consultants, similar project administrators, and
2213 other stakeholders and members of the public having interests in or
2214 whom are affected by proposed and on-going turnpike and internal
2215 infrastructure project acquisition, construction, maintenance, repair,
2216 and operations, or whom may suggest new or changes to interchanges

2217 located on existing turnpike projects or infrastructure access points,
2218 or on any other related matters.

2219
2220 (F) The committee, by the affirmative vote of at least two of its
2221 members, may submit written committee reports to the commission,
2222 either at commission meetings held pursuant to this chapter or at any
2223 other time.

2224
2225
2226

2226 5537.37 Meeting by interactive video conference or teleconference.

2227

2228 (A) The requirement in division (C) of section 121.22 of the Revised
2229 Code that a member of a public body be present in person at a meeting
2230 open to the public in order to be part of a quorum or to vote does not
2231 apply to commission if the commission holds the meeting by interactive
2232 video conference or by teleconference in the following manner:

2233

2234 (1) The commission establishes a primary meeting location that is
2235 open and accessible to the public;

2236

2237 (2) Meeting-related materials that are available before the
2238 meeting are sent via electronic mail, facsimile, hand-delivery,
2239 or United States postal service to each commission member;

2240

2241 (3) In the case of an interactive video conference, the
2242 commission causes a clear video and audio connection to be
2243 established that enables all meeting participants at the primary
2244 meeting location to see and hear each commission member;

2245

2246 (4) In the case of a teleconference, the commission causes a
2247 clear audio connection to be established that enables all meeting
2248 participants at the primary meeting location to hear each
2249 commission member;

2250

2251 (5) All commission members have the capability to receive
2252 meeting-related materials that are distributed during a
2253 commission meeting;

2254

2255 (6) A roll call voice vote is recorded for each vote taken; and

2256

2257 (7) The minutes of the commission identify which commission
2258 members remotely attended the meeting by interactive video
2259 conference or teleconference and their remote location.

2260

2261 If the commission proceeds under this division, use of an interactive
2262 video conference is preferred, but nothing in this section prohibits
2263 the commission from conducting its meetings by teleconference or by a
2264 combination of interactive video conference and teleconference at the
2265 same meeting.

2266

2267 (B) The commission shall adopt rules necessary to implement this
2268 section. At a minimum, the rules shall do all of the following:

2269

2270 (1) Authorize commission members to remotely attend a commission
2271 meeting by interactive video conference or teleconference, or by
2272 a combination thereof, in lieu of attending the meeting in
2273 person;

2274

2275 (2) Establish a minimum number of commission members that must be
2276 physically present in person at the primary meeting location if
2277 the commission conducts a meeting by interactive video conference
2278 or teleconference;

2279
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2295

(3) Require that not more than one commission member remotely attending a commission meeting by teleconference is permitted to be physically present at the same remote location;

(4) Establish a policy for distributing and circulating meeting-related materials to commission members, the public, and the media in advance of or during a meeting at which commission members are permitted to attend by interactive video conference or teleconference; and

(5) Establish a method for verifying the identity and location of a commission member who remotely attends a meeting by teleconference.

2295 5537.99 Penalty.

2296

2297 (A) Except as provided in division (B) of this section, whoever
2298 violates division (C) of section 5537.16 of the Revised Code is guilty
2299 of a minor misdemeanor on a first offense; on each subsequent offense
2300 such person is guilty of a misdemeanor of the fourth degree.

2301

2302 (B)

2303

2304 (1) Whoever violates division (C) of section 5537.16 of the
2305 Revised Code when the violation is a civil violation for failure
2306 to comply with turnpike toll or internal infrastructure
2307 assessment collection rules is subject to a ~~fee or charge~~ fine
2308 and/or restriction of turnpike or internal infrastructure project
2309 access and/or use established by the commission by rule.

2310

2311 (2) Whoever violates division (C) of section 5537.16 of the
2312 Revised Code in regard to allowable axle or vehicle loads shall
2313 be fined in accordance with division (A) of section 5577.99 of
2314 the Revised Code.

2315

2316