

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

39 (1) "Turnpike project" means any express or limited access
40 highway, super highway, or motorway acquired, constructed,
41 operated, or improved, under the jurisdiction of the commission
42 and pursuant to this chapter, at locations reviewed by the
43 turnpike legislative review committee and approved by the
44 governor, including all bridges, tunnels, overpasses,
45 underpasses, interchanges, entrance plazas, approaches, those
46 portions of connecting public roads that serve interchanges and
47 are determined by the commission and the director of
48 transportation to be necessary for the safe merging of traffic
49 between the turnpike project and those public roads, turnpike
50 administration facilities including principal and suboffices,
51 toll booths, storage, maintenance, research, development, and
52 other buildings, and turnpike project facilities, together with
53 all property and rights which may be acquired by the commission

54 that the commission considers necessary for the construction,
55 operation, policing, and maintenance of the turnpike project and
56 turnpike project facilities, and includes any sections or
57 extensions of turnpike projects and turnpike project facilities
58 designated by the commission as such for the particular purposes.
59

60 (2) "Turnpike project facilities" means service stations,
61 restaurants, retail sales outlets, and other facilities for food
62 service, roadside parks and rest areas, parking, camping,
63 tenting, rest, and sleeping facilities, hotels or motels, and all
64 similar and other facilities providing services to the traveling
65 public in connection with the use of a turnpike project and
66 owned, leased, licensed, or operated by the commission.
67

68 (3) Each turnpike project and turnpike project facility shall be
69 separately designated, by name or number, and may be acquired,
70 constructed, improved, or extended in such sections as the
71 commission may from time to time determine. Construction includes
72 the improvement and renovation of a previously constructed
73 turnpike project, including additional interchanges, whether or
74 not the turnpike project was initially constructed by the
75 commission.
76

77 (C)

78
79 (1) "Infrastructure project" "External infrastructure project"
80 means any public express or limited access highway, super
81 highway, or motorway, including all bridges, tunnels, overpasses,
82 underpasses, interchanges, entrance plazas, approaches, and those
83 portions of connecting public roads that serve interchanges, that
84 is constructed or improved, in whole or in part, with external
85 infrastructure funding subsidies approved pursuant to criteria
86 established under section 5537.18 of the Revised Code.
87

88 (2) "Internal infrastructure project" means any mode of
89 distribution infrastructures including but not limited to ports,
90 landing strips, and pads for airplanes, helicopters, drones,
91 blimps, rockets, and other air and spacecraft types; monorail,
92 funicular, trolley, tramway, subway, interurban, light rail,
93 heavy rail, rail fixed guideway, tubular, maglev, and related
94 systems; busways and other paved fixed guideways for rapid
95 transit system types; electric power transmission and
96 distribution systems; pipeline transmission and distribution
97 systems; towers, tunnels, ducts, conduits, and other guideways to
98 host copper, twisted pair, coaxial, fiber optic, and related
99 mediums for the electromagnetic, seismic, quantum mechanical and
100 similar means for distribution of information; improved and
101 unimproved service roadways and trails; and beneficial uses of
102 infrastructure rights of way including public gardens, bee and
103 butterfly pollinator programs, solar and wind energy generation,
104 litter cleanup, cargo spillage, road salt neutralization, wayside
105 air pollution abatement systems, and the like when and where they
106 can be openly accessible to the public safely and securely

107 situated and separated from other infrastructure projects when
108 necessary; and any combination of the foregoing including all
109 bridges, tunnels, overpasses, underpasses, interchanges,
110 approaches, those portions of connecting public roads and other
111 infrastructures that serve interchanges and interconnections that
112 are determined by the commission to be necessary for the safe
113 merging and interexchange of freight, passenger, and data traffic
114 among the internal infrastructure project and those public roads,
115 other infrastructures, and internal infrastructure facilities
116 that the commission considers necessary for the operation of the
117 internal infrastructure project, together with all real and
118 personal property and rights that the commission considers
119 necessary for the acquisition, construction, maintenance, or
120 operation of the internal infrastructure project pursuant to this
121 chapter at locations reviewed by the turnpike legislative review
122 committee and approved by the governor.

123
124 Each internal infrastructure project shall be separately
125 designated, by name or number, and may be acquired, constructed,
126 improved, or extended in such sections as the commission may from
127 time to time determine. Construction includes the improvement and
128 renovation of a previously constructed internal infrastructure
129 project, including additional interchanges and access points,
130 whether or not the internal infrastructure project was initially
131 constructed by the commission.

132
133 (3) "Internal infrastructure facilities" means collection booths
134 and related methodologies for assessing and collecting internal
135 infrastructure project assessments; internal infrastructure
136 project administration facilities including principal and
137 suboffices, toll booths, storage, maintenance, research,
138 development, and other buildings; maritime docks, wharves,
139 warehouses, piers, and other terminal and transportation
140 buildings or structures used in connection with the transport,
141 storage, or distribution of commercial goods on, over, or across
142 the waterways or shorelines of this state, and buildings or
143 structures for the construction, rehabilitation, maintenance, or
144 repair of commercial vessels used for such purposes; vehicular
145 service stations, vehicular inspection and weight measuring
146 facilities, fueling stations, passenger stations, freight
147 stations, airports, airpads, launch pads, intermodal and
148 transloading terminals, network interexchange and access points,
149 restaurants, vending and food service, farmer's markets,
150 entertainment arcades, wireless hotspots, hotels, and motels; and
151 recreational facilities including roadside parks, rest areas,
152 playgrounds, parking, camping, tenting, rest and sleeping
153 facilities; information kiosks and first aid stations; entrance
154 plazas and all similar places providing and facilitating
155 commercial and non-profit services, comforts, and aid to internal
156 infrastructure project users or any combination thereof, together
157 with all real and personal property and rights that the
158 commission considers necessary for the acquisition, construction,
159 maintenance, or operation of internal infrastructure facilities

160 pursuant to this chapter at locations reviewed by the turnpike
161 legislative review committee and approved by the governor.

162
163 Each internal infrastructure facility shall be separately
164 designated, by name or number, and may be acquired, constructed,
165 improved, or extended in such additions as the commission may
166 from time to time determine. Construction includes the
167 improvement and renovation of a previously constructed internal
168 infrastructure facility, whether or not the internal
169 infrastructure facility was initially constructed by the
170 commission.

171
172 (D)

173
174 (1) "Cost," as applied to construction of a turnpike project or
175 an external infrastructure project, includes the cost of
176 construction, including bridges and tunnels over or under
177 existing highways and railroads and other infrastructures,
178 acquisition of all property acquired either by the commission for
179 the construction, demolishing or removing any buildings or
180 structures on land so acquired, including the cost of acquiring
181 any lands to which the buildings or structures may be moved, site
182 clearance, improvement, and preparation, diverting public roads,
183 interchanges with public roads, access roads to private property,
184 including the cost of land or easements therefor, all machinery,
185 furnishings, and equipment, communications facilities, financing
186 expenses, interest prior to and during construction and for one
187 year after completion of construction, traffic estimates,
188 indemnity and surety bonds and premiums on insurance, title work
189 and title commitments, insurance, and guarantees, engineering,
190 feasibility studies, and legal expenses, plans, specifications,
191 surveys, estimates of cost and revenues, other expenses necessary
192 or incident to determining the feasibility or practicability of
193 constructing or operating a turnpike project or an external
194 infrastructure project, administrative expenses, and any other
195 expense that may be necessary or incident to the construction of
196 the turnpike project or an external infrastructure project, the
197 financing of the construction, and the placing of the turnpike
198 project or an external infrastructure project in operation. Any
199 obligation or expense incurred by the department of
200 transportation with the approval of the commission for surveys,
201 borings, preparation of plans and specifications, and other
202 engineering services in connection with the construction of a
203 turnpike project or an external infrastructure project, or by the
204 federal government with the approval of the commission for any
205 public road projects which must be reimbursed as a condition to
206 the exercise of any of the powers of the commission under this
207 chapter, shall be regarded as a part of the cost of the turnpike
208 project or an external infrastructure project, and shall be
209 reimbursed to the state or the federal government, as the case
210 may be, from revenues, ~~state taxes,~~ or the proceeds of bonds as
211 authorized by this chapter.
212

213 (2) "Internal infrastructure cost," as applied to construction of
214 an internal infrastructure project, includes the cost of
215 construction, including bridges and tunnels over or under
216 existing highways and railroads and other infrastructures,
217 acquisition of all property acquired either by the commission for
218 the construction, demolishing or removing any buildings or
219 structures on land so acquired, including the cost of acquiring
220 any lands to which the buildings or structures may be moved, site
221 clearance, improvement, and preparation, diverting public roads,
222 interchanges with public roads, access roads to private property,
223 including the cost of land or easements therefor, all machinery,
224 furnishings, and equipment, communications facilities, financing
225 expenses, interest prior to and during construction and for one
226 year after completion of construction, traffic estimates,
227 indemnity and surety bonds and premiums on insurance, title work
228 and title commitments, insurance, and guarantees, engineering,
229 feasibility studies, and legal expenses, plans, specifications,
230 surveys, estimates of cost and revenues, other expenses necessary
231 or incident to determining the feasibility or practicability of
232 constructing or operating an internal infrastructure project,
233 administrative expenses, and any other expense that may be
234 necessary or incident to the construction of the internal
235 infrastructure project, the financing of the construction, and
236 the placing of the internal infrastructure project in operation.
237 Any obligation or expense incurred by the department of
238 transportation with the approval of the commission for surveys,
239 borings, preparation of plans and specifications, and other
240 engineering services in connection with the construction of an
241 internal infrastructure project, or by the federal government
242 with the approval of the commission for any internal
243 infrastructure projects which must be reimbursed as a condition
244 to the exercise of any of the powers of the commission under this
245 chapter, shall be regarded as a part of the cost of an internal
246 infrastructure project, and shall be reimbursed to the state or
247 the federal government, as the case may be, from revenues or the
248 proceeds of bonds as authorized by this chapter.

249
250 (E) "Owner" includes all persons having any title or interest in any
251 property authorized to be acquired by the commission for ~~turnpike~~
252 ~~projects and infrastructure projects~~ turnpike projects, external
253 infrastructure projects, and internal infrastructure projects under
254 this chapter, or the public entity for whom an external infrastructure
255 project is ~~funded~~ subsidized, in whole or in part, by the commission
256 under this chapter.

257
258 (F) "Revenues" means all turnpike project tolls, internal
259 infrastructure project assessments, service revenues, investment
260 income on special funds, rentals, gifts, grants, and all other moneys
261 coming into the possession of or under the control of the commission
262 by virtue of this chapter, except the proceeds from the sale of bonds.
263 "Revenues" does not include state taxes.

264

265 (G) "Public roads" means all public highways, roads, and streets in
266 the state, whether maintained by a state agency or any other
267 governmental agency.

268
269 (H) "Public utility facilities" means tracks, pipes, mains, conduits,
270 cables, wires, towers, poles, tubes, and other equipment and
271 ~~appliances~~ appurtenances of any public utility.

272
273 (I) "Financing expenses" means all costs and expenses relating to the
274 authorization, issuance, sale, delivery, authentication, deposit,
275 custody, clearing, registration, transfer, exchange,
276 fractionalization, replacement, payment, and servicing of bonds
277 including, without limitation, costs and expenses for or relating to
278 publication and printing, postage, delivery, preliminary and final
279 official statements, offering circulars, and informational statements,
280 travel and transportation, underwriters, placement agents, investment
281 bankers, paying agents, registrars, authenticating agents, remarketing
282 agents, custodians, clearing agencies or corporations, securities
283 depositories, financial advisory services, certifications, audits,
284 federal or state regulatory agencies, accounting and computation
285 services, legal services and obtaining approving legal opinions and
286 other legal opinions, credit ratings, redemption premiums, and credit
287 enhancement facilities.

288
289 (J) "Bond proceedings" means the resolutions, trust agreements,
290 certifications, notices, sale proceedings, leases, lease-purchase
291 agreements, assignments, credit enhancement facility agreements, and
292 other agreements, instruments, and documents, as amended and
293 supplemented, or any one or more or any combination thereof,
294 authorizing, or authorizing or providing for the terms and conditions
295 applicable to, or providing for the security or sale or award or
296 liquidity of, bonds, and includes the provisions set forth or
297 incorporated in those bonds and bond proceedings.

298
299 (K) "Bond service charges" means principal, including any mandatory
300 sinking fund or mandatory redemption requirements for the retirement
301 of bonds, and interest and any redemption premium payable on bonds, as
302 those payments come due and are payable to the bondholder or to a
303 person making payment under a credit enhancement facility of those
304 bond service charges to a bondholder.

305
306 (L) "Bond service fund" means the applicable fund created by the bond
307 proceedings for and pledged to the payment of bond service charges on
308 bonds provided for by those proceedings, including all moneys and
309 investments, and earnings from investments, credited and to be
310 credited to that fund as provided in the bond proceedings.

311
312 (M) "Bonds" means bonds, notes, including notes anticipating bonds or
313 other notes, commercial paper, certificates of participation, or other
314 evidences of obligation, including any interest coupons pertaining
315 thereto, issued by the commission pursuant to this chapter.

316

317 (N) ~~"Infrastructure External infrastructure fund"~~ means the applicable
318 fund or funds created by the bond proceedings, which shall be used to
319 ~~pay or defray~~ subsidize the cost of external infrastructure projects
320 recommended by the director of transportation and evaluated and
321 approved by the commission.
322

323 (O) "Net revenues" means revenues lawfully available to pay both
324 current operating expenses of the commission and bond service charges
325 in any fiscal year or other specified period, less current operating
326 expenses of the commission and any amount necessary to maintain a
327 working capital reserve for that period.
328

329 (P) "Pledged revenues" means net revenues, moneys and investments, and
330 earnings on those investments, in the applicable bond service fund and
331 any other special funds, and the proceeds of any bonds issued for the
332 purpose of refunding prior bonds, all as lawfully available and by
333 resolution of the commission committed for application as pledged
334 revenues to the payment of bond service charges on particular issues
335 of bonds.
336

337 ~~(Q) "Service facilities" means service stations, restaurants, and~~
338 ~~other turnpike project facilities for food service, roadside parks and~~
339 ~~rest areas, parking, camping, tenting, rest, and sleeping facilities,~~
340 ~~hotels or motels, and all similar and other facilities providing~~
341 ~~services to the traveling public in connection with the use of a~~
342 ~~turnpike project and owned, leased, licensed, or operated by the~~
343 ~~commission.~~
344

345 (Q) "Turnpike project facility revenues" means those revenues of the
346 commission derives from its ownership, leasing, licensing, or
347 operation of turnpike project facilities.
348

349 ~~(R) "Service revenues" means those revenues of the commission derived~~
350 ~~from its ownership, leasing, licensing, or operation of service~~
351 ~~facilities.~~
352

353 (R) "Internal infrastructure facility revenues" means those revenues
354 the commission derives from its ownership, leasing, licensing, or
355 operation of internal infrastructure facilities.
356

357 (S) "Special funds" means the applicable bond service fund and any
358 accounts and subaccounts in that fund, any other funds or accounts
359 permitted by and established under, and identified as a "special fund"
360 or "special account" in, the bond proceedings, including any special
361 fund or account established for purposes of rebate or other
362 requirements under federal income tax laws.
363

364 (T) "State agencies" means the state, officers of the state, and
365 boards, departments, branches, divisions, or other units or agencies
366 of the state.
367

368 (U) "State taxes" means receipts of the commission from the proceeds
369 of state taxes or excises levied and collected, or appropriated by the

370 general assembly to the commission, for the purposes and functions of
371 the commission. State taxes do not include ~~tolls~~ turnpike tolls,
372 internal infrastructure assessments, or investment earnings on state
373 taxes except on those state taxes referred to in Section 5a of Article
374 XII, Ohio Constitution.

375
376 (V)
377

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

383
384 (2) "Internal infrastructure project assessments" means use
385 tolls, access fees, rents, leases, special fees, permit fees, or
386 other charges assessed by the commission to the owners,
387 operators, lessees, renters, of various types of vehicles,
388 equipment, methodologies, etc., for the operation of or the right
389 to operate those vehicles, equipment, methodologies, etc., in,
390 over, on, upon, etc., an internal infrastructure project.

391
392 (W) "Credit enhancement facilities" means letters of credit, lines of
393 credit, standby, contingent, or firm securities purchase agreements,
394 insurance, or surety arrangements, guarantees, and other arrangements
395 that provide for direct or contingent payment of bond service charges,
396 for security or additional security in the event of nonpayment or
397 default in respect of bonds, or for making payment of bond service
398 charges and at the option and on demand of bondholders or at the
399 option of the commission or upon certain conditions occurring under
400 put or similar arrangements, or for otherwise supporting the credit or
401 liquidity of the bonds, and includes credit, reimbursement, marketing,
402 remarketing, indexing, carrying, interest rate hedge, and subrogation
403 agreements, and other agreements and arrangements for payment and
404 reimbursement of the person providing the credit enhancement facility
405 and the security for that payment and reimbursement.

406
407 (X) "Person" has the same meaning as in section 1.59 of the Revised
408 Code and, unless the context otherwise provides, also includes any
409 governmental agency and any combination of those persons.

410
411 (Y) "Refund" means to fund and retire outstanding bonds, including
412 advance refunding with or without payment or redemption prior to
413 stated maturity.

414
415 (Z) "Governmental agency" means any state agency, federal agency,
416 political subdivision, or other local, interstate, or regional
417 governmental agency, and any combination of those agencies.

418
419 (AA) "Property" has the same meaning as in section 1.59 of the Revised
420 Code, and includes interests in property.

421

422 (BB) "Administrative agent," "agent," "commercial paper," "floating
423 rate interest structure," "indexing agent," "interest rate hedge,"
424 "interest rate period," "put arrangement," and "remarketing agent"
425 have the same meanings as in section 9.98 of the Revised Code.
426

427 (CC) "Outstanding," as applied to bonds, means outstanding in
428 accordance with the terms of the bonds and the applicable bond
429 proceedings.
430

431 (DD) "Ohio turnpike system" ~~or "system"~~ means all existing and future
432 turnpike projects acquired, constructed, operated, and maintained
433 under the jurisdiction of the commission.
434

435 (EE) "Ohio turnpike and external infrastructure system" means turnpike
436 projects and external infrastructure projects funded subsidized by the
437 commission existing on and after July 1, 2013, that facilitate access
438 to, use of, and egress from the Ohio turnpike system, and also
439 facilitate access to and from areas of population, commerce, and
440 industry that are connected to the Ohio turnpike system.
441

442 (FF) "Ohio turnpike internal infrastructure system" means all internal
443 infrastructure projects acquired, constructed, operated, and
444 maintained under the jurisdiction of the commission.
445

446 (GG) "Political subdivision" includes, but is not limited to, any
447 county, municipal corporation, township, port authority, water or
448 sewer district, solid waste management district, school district,
449 health district, park district, soil and water conservation district,
450 water conservancy district, regional transit authority, airport
451 authority, or other district, authority, or commission created
452 pursuant to the laws of this state. "Political subdivision" does not
453 include a transportation improvement district or a regional
454 transportation improvement project.
455
456
457

457 **5537.02 Ohio turnpike and infrastructure commission.**
458

459 (A) There is hereby created a commission to be known on and after July
460 1, 2013, as the "Ohio turnpike and infrastructure commission." The
461 commission is a body both corporate and politic, constituting an
462 instrumentality of the state, and the exercise by it of the powers
463 conferred by this chapter in the acquisition, construction, operation,
464 and maintenance of the Ohio turnpike system and the Ohio turnpike
465 internal infrastructure system, and also in entering into agreements
466 with the department of transportation to ~~pay the cost or a portion of~~
467 subsidize the costs of external infrastructure projects, are and shall
468 be held to be essential governmental functions of the state, but the
469 commission shall not be immune from liability by reason thereof.
470 Chapter 2744. of the Revised Code applies to the commission and the
471 commission is a political subdivision of the state for purposes of
472 that chapter. The commission is subject to all provisions of law
473 generally applicable to state agencies which do not conflict with this
474 chapter.

475
476 (B)

477
478 (1) The commission shall consist of ~~ten~~ nine members as follows:
479

480 (a) Six members appointed by the governor with the advice
481 and consent of the senate, no more than three of whom shall
482 be members of the same political party;
483

484 ~~(b) The director of transportation, or the director's~~
485 ~~designee, who shall be a voting member, and the director of~~
486 ~~budget and management, or the director's designee. The~~
487 ~~directors or their designees, as applicable, shall serve~~
488 ~~as ex officio members, without compensation;~~
489

490 (b) The director of transportation, or the director's
491 designee, who shall be a voting member. The director or
492 their designee, as applicable, shall serve as an ex officio
493 member, without compensation;
494

495 (c) One member of the senate, appointed by the president of
496 the senate, who shall represent either a district in which
497 is located or through which passes a portion of a turnpike
498 project that is part of the Ohio turnpike system or in
499 which is located or through which passes a portion of an
500 internal infrastructure project that is part of the Ohio
501 turnpike internal infrastructure system or a district
502 located in the vicinity of a turnpike project that is part
503 of the Ohio turnpike system; system or a district located
504 in the vicinity of an internal infrastructure project that
505 is part of the Ohio turnpike internal infrastructure
506 system;
507

508 (d) One member of the house of representatives, appointed
509 by the speaker of the house of representatives, who shall

510 represent either a district in which is located or through
511 which passes a portion of a turnpike project that is part
512 of the Ohio turnpike system or in which is located or
513 through which passes a portion of an internal
514 infrastructure project that is part of the Ohio turnpike
515 internal infrastructure system or a district located in the
516 vicinity of a turnpike project that is part of the Ohio
517 turnpike ~~system~~, system or a district located in the
518 vicinity of an internal infrastructure project that is part
519 of the Ohio turnpike internal infrastructure system.

520
521 (2) The members appointed by the governor shall be residents of
522 the state, shall have been qualified electors therein for a
523 period of at least five years next preceding their appointment.
524 In making the appointments, the governor may appoint persons who
525 reside in different geographic areas of the state, taking into
526 consideration the various turnpike projects, external
527 infrastructure projects, and internal infrastructure projects in
528 the state.

529 ¶
530 Members appointed to the commission prior to July 1, 2013, shall
531 serve terms of eight years commencing on the first day of July
532 and ending on the thirtieth day of June. Thereafter, members
533 appointed by the governor shall serve terms of five years
534 commencing on the first day of July and ending on the thirtieth
535 day of June. Those members appointed by the president of the
536 senate or the speaker of the house of representatives shall serve
537 a term of the remainder of the general assembly during which the
538 senator or representative is appointed. Each appointed member
539 shall hold office from the date of appointment until the end of
540 the term for which the member was appointed. If a commission
541 member dies or resigns, or if a senator or representative who is
542 a member of the commission ceases to be a senator or
543 representative, or if an ex officio member ceases to hold the
544 applicable office, the vacancy shall be filled in the same manner
545 as provided in division (B)(1) of this section. Any member who
546 fills a vacancy occurring prior to the end of the term for which
547 the member's predecessor was appointed shall, if appointed by the
548 governor, hold office for the remainder of such term or, if
549 appointed by the president of the senate or the speaker of the
550 house of representatives, shall hold office for the remainder of
551 the term or for a shorter period of time as determined by the
552 president or the speaker. Any member appointed by the governor
553 shall continue in office subsequent to the expiration date of the
554 member's term until the member's successor takes office, or until
555 a period of sixty days has elapsed, whichever occurs first. A
556 member of the commission is eligible for reappointment.

557 ¶
558 Each member of the commission appointed by the governor, before
559 entering upon the member's duties, shall take an oath as provided
560 by Section 7 of Article XV, Ohio Constitution. The governor, the
561 president of the senate, or the speaker of the house of
562 representatives, may at any time remove their respective

563 appointees to the commission for misfeasance, nonfeasance, or
564 malfeasance in office.

565
566 (3)

567 (a) A member of the commission who is appointed by the
568 president of the senate or the speaker of the house of
569 representatives shall not participate in any vote of the
570 commission. Serving as an appointed member of the
571 commission under divisions (B)(1)(c), (1)(d), or (2) of
572 this section does not constitute grounds for resignation
573 from the senate or the house of representatives under
574 section 101.26 of the Revised Code.
575

576 ~~(b) The director of budget and management shall not~~
577 ~~participate in any vote of the commission.~~
578

579
580 (C) The voting members of the commission shall elect one of the voting
581 members as chairperson and another as vice-chairperson, and shall
582 appoint a secretary-treasurer who need not be a member of the
583 commission. Four of the voting members of the commission constitute a
584 quorum, and the affirmative vote of four voting members is necessary
585 for any action taken by the commission. No vacancy in the membership
586 of the commission impairs the rights of a quorum to exercise all the
587 rights and perform all the duties of the commission.
588

589 (D) Each member of the commission appointed by the governor shall give
590 a surety bond to the commission in the penal sum of twenty-five
591 thousand dollars (\$25,000) and the secretary-treasurer shall give such
592 a bond in at least the penal sum of fifty thousand dollars (\$50,000).
593 The commission may require any of its officers or employees to file
594 surety bonds including a blanket bond as provided in section 3.06 of
595 the Revised Code. Each such bond shall be in favor of the commission
596 and shall be conditioned upon the faithful performance of the duties
597 of the office, executed by a surety company authorized to transact
598 business in this state, approved by the governor, and filed in the
599 office of the secretary of state. The costs of the surety bonds shall
600 be paid or reimbursed by the commission from revenues. Each member of
601 the commission appointed by the governor shall receive an annual
602 salary of five thousand dollars (\$5,000), payable in monthly
603 installments. Each member shall be reimbursed for the member's actual
604 expenses necessarily incurred in the performance of the member's
605 duties. All costs and expenses incurred by the commission in carrying
606 out this chapter shall be payable solely from revenues ~~and state~~
607 ~~taxes~~, and no liability or obligation shall be incurred by the
608 commission beyond the extent to which revenues have been provided for
609 pursuant to this chapter.
610
611
612

612 **5537.03 ~~Turnpike and infrastructure projects~~ Turnpike projects,**
613 **external infrastructure projects, and internal infrastructure**
614 **projects.**
615

616 In order to remove present and anticipated handicaps and potential
617 hazards on the congested highways in this state, to better facilitate
618 vehicular freight, passenger, and data traffic throughout the state,
619 to finance subsidize the costs of external infrastructure projects
620 that improve and enhance mobility in Ohio, and also to promote the
621 agricultural, recreational, tourism, and commercial, industrial, and
622 economic development of the state, and to provide for the general
623 welfare by the acquisition, construction, improvement, and maintenance
624 of modern express highways embodying safety devices, including without
625 limitation center divisions, ample shoulder widths, long sight
626 distances, multiple lanes in each direction, and grade separations at
627 intersections with other public roads and railroads, and by the
628 acquisition, construction, improvement, and maintenance of modern
629 internal infrastructures embodying efficient and optimal technologies
630 and techniques including safety and protection devices and
631 methodologies, and grade separations at intersections with other
632 public roads, railroads, utilities, and other infrastructures, the
633 Ohio turnpike and infrastructure commission may do the following:
634

635 (A) Subject to section 5537.26 of the Revised Code, acquire,
636 construct, maintain, repair, and operate a system of turnpike projects
637 at locations that are reviewed by the turnpike legislative review
638 committee and approved by the governor, and in accordance with
639 alignment and design standards that are approved by the director of
640 transportation, and issue revenue bonds of this state, payable solely
641 from pledged revenues, to pay the cost of those projects. The
642 ~~turnpikes and~~ turnpike projects authorized by this chapter are hereby
643 or shall be made part of the Ohio turnpike system.
644

645 (B) Provide the external infrastructure funds to ~~pay the cost or a~~
646 ~~portion of~~ subsidize the cost of external infrastructure projects as
647 recommended by the director of transportation pursuant to a
648 determination made by the commission based on criteria set forth in
649 rules adopted by the commission under section 5537.18 of the Revised
650 Code. A determination by the commission to provide external
651 infrastructure funds for an external infrastructure project shall be
652 conclusive and incontestable.
653

654 (C) Subject to section 5537.26 of the Revised Code, acquire,
655 construct, maintain, repair, and operate a system of internal
656 infrastructure projects at locations that are reviewed by the turnpike
657 legislative review committee and approved by the governor, and in
658 accordance with any applicable alignment and design standards that are
659 approved by the director of transportation, and issue revenue bonds of
660 this state, payable solely from pledged revenues, to pay the cost of
661 those projects. The internal infrastructure projects authorized by
662 this chapter are hereby or shall be made part of the Ohio turnpike
663 internal infrastructure system.
664
665

665 **5537.04 Authority and powers of turnpike and infrastructure**
666 **commission.**

667
668 (A) The Ohio turnpike and infrastructure commission may do any of the
669 following:

670
671 (1) Adopt bylaws for the regulation of its affairs and the
672 conduct of its business;

673
674 (2) Adopt an official seal, which shall not be the great seal of
675 the state and which need not be in compliance with section 5.10
676 of the Revised Code;

677
678 (3) Maintain a principal office and suboffices at such places
679 within the state as it designates;

680
681 (4) With respect to the Ohio turnpike system and turnpike
682 projects, sue and be sued in its own name, plead and be
683 impleaded, provided any actions against the commission shall be
684 brought in the court of common pleas of the county in which the
685 principal office of the commission is located, or in the court of
686 common pleas of the county in which the cause of action arose if
687 that county is located within this state, and all summonses,
688 exceptions, and notices of every kind shall be served on the
689 commission by leaving a copy thereof at its principal office with
690 the secretary-treasurer or executive director of the commission;

691
692 (5)

693
694 (a) With respect to external infrastructure projects only,
695 sue and be sued in its own name, plead and be impleaded,
696 provided any actions against the commission shall be
697 brought in the court of common pleas of Franklin county,
698 and all summonses, exceptions, and notices of every kind
699 shall be served on the commission by leaving a copy thereof
700 at its principal office with the secretary-treasurer or
701 executive director of the commission.

702
703 (b) With respect to internal infrastructure projects only,
704 sue and be sued in its own name, plead and be impleaded,
705 provided any actions against the commission shall be
706 brought in the court of common pleas of the county in which
707 the principal office of the commission is located, or in
708 the court of common pleas of the county in which the cause
709 of action arose if that county is located within this
710 state, and all summonses, exceptions, and notices of every
711 kind shall be served on the commission by leaving a copy
712 thereof at its principal office with the secretary-
713 treasurer or executive director of the commission.

714
715 (6)

716

717 (a) Construct, Acquire, construct, maintain, repair,
718 police, and operate the turnpike system, and establish
719 rules for the use of any turnpike project;

720
721 (b) Acquire, construct, maintain, repair, police, and
722 operate the turnpike internal infrastructure system, and
723 establish rules for the use of any internal infrastructure
724 project;

725
726 (7) Issue revenue bonds of the state, payable solely from pledged
727 revenues, as provided in this chapter, for the purpose of paying
728 any part of the cost of acquiring or constructing any one or more
729 turnpike projects or infrastructure projects turnpike projects,
730 external infrastructure projects, or internal infrastructure
731 projects;

732
733 (8) Fix, and revise from time to time, and charge and collect
734 turnpike tolls and internal infrastructure assessments, by any
735 method approved by the commission, including, but not limited to,
736 manual methods or through electronic automated technology
737 accepted within the tolling and metering industry;

738
739 (9) Acquire, hold, and dispose of property in the exercise of its
740 powers and the performance of its duties under this chapter;

741
742 (10)

743
744 (a) Designate the locations and establish, limit, and
745 control such points of ingress to and egress from each
746 turnpike project as are necessary or desirable in the
747 judgment of the commission and of the director of
748 transportation to ensure the proper operation and
749 maintenance of that turnpike project, and prohibit entrance
750 to such a turnpike project from any point not so
751 designated;

752
753 (b) Designate the locations and methods, and establish,
754 limit, and control such points and methods of access,
755 ingress to, egress from, and use of each internal
756 infrastructure project as are necessary or desirable in the
757 judgment of the commission and if necessary in the judgment
758 of the director of transportation to ensure the proper
759 operation and maintenance of that internal infrastructure
760 project, and prohibit access, ingress to, egress from, or
761 use of such an internal infrastructure project from any
762 point or method not so designated;

763
764 (11) Make and enter into all contracts and agreements necessary
765 or incidental to the performance of its duties and the execution
766 of its powers under this chapter, including participation in a
767 multi-jurisdiction electronic automated turnpike toll and
768 internal infrastructure assessment collection agreement and
769 collection or remittance of tolls, fees, assessments, or other

770 charges to or from entities or agencies that participate in such
771 an agreement; the commission also may enter into agreements with
772 retail locations, including deputy registrars, to allow the
773 general public to acquire electronic automated turnpike toll and
774 internal infrastructure assessment collection devices, ~~commonly~~
775 ~~known as transponders,~~ from the retail locations for such
776 reasonable fees as are established by the commission;
777

778 (12) Employ or retain or contract for the services of consulting
779 engineers, superintendents, managers, and any other engineers,
780 construction and accounting experts, financial advisers,
781 trustees, marketing, remarketing, and administrative agents,
782 attorneys, and other employees, independent contractors, or
783 agents that are necessary in its judgment and fix their
784 compensation, provided all such expenses shall be payable solely
785 from the proceeds of bonds or from revenues of the Ohio turnpike
786 system or the Ohio turnpike internal infrastructure system;
787

788 (13) Receive and accept from any federal agency, ~~subject to the~~
789 ~~approval of the governor,~~ and from any other governmental agency
790 grants for or in aid of the acquisition, construction,
791 reconstruction, repair, renovation, maintenance, or operation of
792 any turnpike project or internal infrastructure project, and
793 receive and accept aid or contributions from any source or person
794 of money, property, labor, or other things of value, subject to
795 the approval of the governor, to be held, used, and applied only
796 for the purposes for which such grants and contributions are
797 made;
798

799 (14) Provide coverage for its employees under Chapters 4123. and
800 4141. of the Revised Code;
801

802 (15) Fix and revise by rule, from time to time, such permit fees,
803 processing fees, or administrative charges for the prepayment,
804 deferred payment, or nonpayment of turnpike tolls and internal
805 infrastructure assessments and use of electronic automated
806 tolling and internal infrastructure assessment collection
807 equipment or other commission property;
808

809 (16) Adopt rules for the issuance of citations either by a
810 policing authority or through administrative means to individuals
811 or corporations that evade the payment of turnpike tolls and
812 internal infrastructure assessments established for the use of
813 any turnpike project or internal infrastructure project;
814

815 (17) Approve funding and authorize agreements with the department
816 of transportation for the subsidized funding of external
817 infrastructure projects recommended by the director of
818 transportation pursuant to the criteria established by rule under
819 section 5537.18 of the Revised Code.
820

821 (18) Exercise the right of eminent domain to appropriate any
822 land, rights, rights-of-way, franchises, easements, or other

823 property, necessary or proper for any authorized purpose,
824 pursuant to the procedure provided in sections 163.01 to 163.22
825 of the Revised Code, if funds equal to the appraised value of the
826 property to be acquired as a result of such proceedings are
827 available for that purpose.
828

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

831
832
833

833 **5537.05 Construction of grade separations at intersections of turnpike**
834 **projects and internal infrastructure projects.**
835

836 (A) The Ohio turnpike and infrastructure commission may construct
837 grade separations at intersections of any turnpike project and any
838 internal infrastructure project with public roads and railroads, and
839 change and adjust the lines and grades of those roads and railroads,
840 and of public utility facilities, which change and adjustment of lines
841 and grades of those roads shall be subject to the approval of the
842 governmental agency having jurisdiction over the road, so as to
843 accommodate them to the design of the grade separation. The cost of
844 the grade separation and any damage incurred in changing and adjusting
845 the lines and grades of roads, railroads, and public utility
846 facilities shall be ascertained and paid by the commission as a part
847 of the cost of the turnpike project or internal infrastructure project
848 or from revenues ~~or state taxes.~~

849
850 (1) If the commission finds it necessary to change the location
851 of any portion of any public road, railroad, or public utility
852 facility, it shall cause the same to be reconstructed at the
853 location the governmental agency having jurisdiction over such
854 road, railroad, or public utility facility considers most
855 favorable. The construction shall be of substantially the same
856 type and in as good condition as the original road, railroad, or
857 public utility facility. The cost of the reconstruction,
858 relocation, or removal and any damage incurred in changing the
859 location shall be ascertained and paid by the commission as a
860 part of the cost of the turnpike project or internal
861 infrastructure project or from revenues ~~or state taxes.~~

862
863 (2) The commission may petition the board of county commissioners
864 of the county in which is situated any public road or part
865 thereof affected by the location therein of any turnpike project
866 or internal infrastructure project, for the vacation or
867 relocation of the road or any part thereof, in the same manner
868 and with the same force and effect as is given to the director of
869 transportation pursuant to sections 5553.04 to 5553.11 of the
870 Revised Code.

871
872 (B) The commission and its authorized agents and employees, after
873 proper notice, may enter upon any lands, waters, and premises in the
874 state for the purpose of making surveys, soundings, drillings, and
875 examinations that are necessary or proper for the purposes of this
876 chapter, and the entry shall not be deemed a trespass, nor shall an
877 entry for those purposes be deemed an entry under any appropriation
878 proceedings which may then be pending, provided that before entering
879 upon the premises of any railroad notice shall be given to the
880 superintendent of the railroad involved at least five days in advance
881 of entry, and provided that no survey, sounding, drilling, and
882 examination shall be made between the rails or so close to a railroad
883 track as would render the track unusable. The commission shall make
884 reimbursement for any actual damage resulting to such lands, waters,
885 and premises and to private property located in, on, along, over, or

886 under such lands, waters, and premises, as a result of such
887 activities. The state, subject to the approval of the governor, hereby
888 consents to the use of all lands owned by it, including lands lying
889 under water, that are necessary or proper for the acquisition,
890 construction, maintenance, or operation of any turnpike project or
891 internal infrastructure project, provided adequate consideration is
892 provided for the use.

893
894 (C) The commission may make reasonable provisions or rules for the
895 acquisition, installation, construction, maintenance, repair, renewal,
896 relocation, and removal of public utility facilities in, on, along,
897 over, or under any turnpike project or internal infrastructure
898 project. Whenever the commission determines that it is necessary that
899 any public utility facilities located in, on, along, over, or under
900 any turnpike project or internal infrastructure project should be
901 acquired, relocated in or removed from the turnpike project or
902 internal infrastructure project, the public utility owning or
903 operating the facilities shall convey them to the commission or
904 relocate or remove them in accordance with the order of the
905 commission. Except as otherwise provided in any license or other
906 agreement with the commission, the cost and expenses of such
907 acquisition, relocation or removal, including the cost of installing
908 the facilities in a new location, the cost of any lands, or any rights
909 or interests in lands, and any other rights, acquired to accomplish
910 the acquisition, relocation or removal, shall be ascertained and paid
911 by the commission as part of the cost of the turnpike project or
912 internal infrastructure project or from revenues of the Ohio turnpike
913 system or the Ohio turnpike internal infrastructure system. In case of
914 any such acquisition, relocation or removal of facilities, the public
915 utility owning or operating them and its successors or assigns may
916 maintain and operate the facilities, with the necessary appurtenances,
917 in the new location, for as long a period, and upon the same terms, as
918 it had the right to maintain and operate the facilities in their
919 former location.

920
921 (D) The commission is subject to Chapters 940., 6131., 6133., 6135.,
922 and 6137. of the Revised Code and shall pay any assessments levied
923 under those chapters for an improvement or maintenance of an
924 improvement on land under the control or ownership of the commission.

925
926
927

927 **5537.051 Responsibility for maintenance and repair and replacement of**
928 **failed grade separations.**

929
930 (A)

931
932 (1) In any county that as of January 1, 2011, had closed one or
933 more roads as a result of grade separation failure at
934 intersections of a turnpike project with a county or township
935 road, the Ohio turnpike and infrastructure commission is
936 responsible for the major maintenance and repair and replacement
937 of failed grade separations. The governmental entity with
938 jurisdiction over the county or township road is responsible for
939 routine maintenance of such failed grade separations.

940
941 (2) This section does not apply to any grade separation at
942 intersections of a turnpike project with a county or township
943 road except as described in division (A)(1) of this section.

944
945 (3) Major maintenance and repair and replacement of
946 aforementioned failed grade separations shall commence not later
947 than July 1, 2011, and be completed before December 31, 2014.

948
949 (B) As used in this section:

950
951 (1) "Major maintenance and repair and replacement" relates to all
952 elements constructed as part of or required for a grade
953 separation, including bridges, pile, foundations, substructures,
954 abutments, piers, superstructures, approach slabs, slopes,
955 embankments, fences, and appurtenances.

956
957 (2) "Routine maintenance" includes, without limitation, clearing
958 debris, sweeping, snow and ice removal, wearing surface
959 improvements, marking for traffic control, box culverts, drainage
960 facilities including headwalls and underdrains, inlets, catch
961 basins and grates, guardrails, minor and emergency repairs to
962 railing and appurtenances, and emergency patching.

963
964
965

965 **5537.06 Acquiring and disposing of property.**

966
967 (A) The Ohio turnpike and infrastructure commission may acquire by
968 purchase, lease, lease-purchase, lease with option to purchase,
969 appropriation, or otherwise and in such manner and for such
970 consideration as it considers proper, any public or private property
971 and other existing turnpike projects and internal infrastructure
972 projects and segments of turnpike projects and internal infrastructure
973 projects necessary, convenient, or proper for the construction,
974 maintenance, or efficient operation of the Ohio turnpike system or the
975 Ohio turnpike internal infrastructure system. The commission may
976 pledge net revenues, to the extent permitted by this chapter with
977 respect to bonds, to secure payments to be made by the commission
978 under any such lease, lease-purchase agreement, or lease with option
979 to purchase. Title to personal property, and interests less than a fee
980 in real property, shall be held in the name of the commission. Title
981 to real property held in fee shall be held in the name of the state
982 for the use of the commission. In any proceedings for appropriation
983 under this section, the procedure to be followed shall be in
984 accordance with the procedure provided in sections 163.01 to 163.22 of
985 the Revised Code, including division (B) of section 163.06 of the
986 Revised Code notwithstanding the limitation in that division of its
987 applicability to roads open to the public without charge. Except as
988 otherwise agreed upon by the owner, full compensation shall be paid
989 for public property so taken.

990
991 (B) This section does not authorize the commission to take or disturb
992 property or facilities belonging to any public utility or to a common
993 carrier engaged in interstate commerce, which property or facilities
994 are required for the proper and convenient operation of the public
995 utility or common carrier, unless provision is made for the
996 restoration, relocation, replication, or duplication of the property
997 or facilities elsewhere at the sole cost of the commission.

998
999 (C) Disposition of real property shall be by the commission in the
1000 manner and for the consideration it determines if to a state agency or
1001 other governmental agency, and otherwise in the manner provided in
1002 section 5501.45 of the Revised Code for the disposition of property by
1003 the director of transportation. Disposition of personal property shall
1004 be in the manner and for the consideration the commission determines.

1005
1006 (D) Any instrument by which real property is acquired pursuant to this
1007 section shall identify the agency of the state that has the use and
1008 benefit of the real property as specified in section 5301.012 of the
1009 Revised Code.

1010
1011
1012

1012 **5537.07 Bidding process for contracts exceeding \$50,000.**

1013
1014 (A) When the cost to the Ohio turnpike and infrastructure commission
1015 under any contract with a person other than a governmental agency
1016 involves an expenditure of more than fifty thousand dollars (\$50,000),
1017 the commission shall make a written contract with the lowest
1018 responsive and responsible bidder in accordance with section 9.312 of
1019 the Revised Code after an advertisement for not less than two
1020 consecutive weeks is published on the commission's website and at
1021 Public Notices Ohio (<https://www.publicnoticesohio.com/>), or in a
1022 newspaper of general circulation in Franklin county, and in such other
1023 publications as the commission determines, unless the publications
1024 cease publishing print versions of their newspapers anymore, which
1025 notice shall state the general character of the contract's work and
1026 the general character of the materials to be furnished, the place
1027 where plans and specifications therefor may be examined, and the time
1028 and place of receiving bids. The commission may require that the cost
1029 estimate for the acquisition, construction, demolition, alteration,
1030 repair, improvement, renovation, or reconstruction of ~~roadways and~~
1031 ~~bridges~~ the contract for which the commission is required to receive
1032 bids be kept confidential and remain confidential until after all bids
1033 for the ~~public improvement~~ contract have been received or the deadline
1034 for receiving bids has passed. Thereafter, and before opening the bids
1035 submitted for the ~~roadways and bridges~~ contract, the commission shall
1036 make the cost estimate public knowledge by reading the cost estimate
1037 in a public place. The commission may reject any and all bids. The
1038 requirements of this division do not apply to contracts for the
1039 acquisition of real property or compensation for professional or other
1040 personal services.

1041
1042 (B) Each bid for a contract for acquisition, construction, demolition,
1043 alteration, repair, improvement, renovation, or reconstruction shall
1044 contain the full name of every person interested in it and shall meet
1045 the requirements of section 153.54 of the Revised Code.

1046
1047 (C) Other than for a contract referred to in division (B) of this
1048 section, each bid for a contract that involves an expenditure in
1049 excess of one hundred fifty thousand dollars (\$150,000) or any
1050 contract with a ~~service facility operator~~ turnpike project facility
1051 operator or an internal infrastructure facility operator shall contain
1052 the full name of every person interested in it and shall be
1053 accompanied by a sufficient bond or certified check on a solvent bank
1054 that if the bid is accepted a contract will be entered into and the
1055 performance of its proposal secured.

1056
1057 (D) Other than a contract referred to in division (B) of this section,
1058 a bond with good and sufficient surety, in a form as prescribed and
1059 approved by the commission, shall be required of every contractor
1060 awarded a contract that involves an expenditure in excess of one
1061 hundred fifty thousand dollars (\$150,000) or any contract with a
1062 ~~service user facility operator~~ turnpike project facility operator, an
1063 internal infrastructure project operator, or an internal
1064 infrastructure facility operator. The bond shall be in an amount equal

1065 to at least fifty per cent (50%) of the contract price and shall be
1066 conditioned upon the faithful performance of the contract.

1067
1068 (E) Notwithstanding any other provisions of this section, the
1069 commission may establish a program to expedite special turnpike
1070 projects and special internal infrastructure projects by combining the
1071 design and construction elements of any public improvement project
1072 into a single contract. The commission shall prepare and distribute a
1073 scope of work document upon which the bidders shall base their bids.
1074 At a minimum, bidders shall meet the requirements of section 4733.161
1075 of the Revised Code. Except in regard to those requirements relating
1076 to providing plans, the commission shall award contracts following the
1077 requirements set forth in divisions (A), (B), (C), and (D) of this
1078 section.

1079
1080
1081

1081 **5537.08 Issuing revenue bonds.**

1082
1083 (A) The Ohio turnpike and infrastructure commission may provide by
1084 resolution for the issuance, at one time or from time to time, of
1085 revenue bonds of the state for the purpose of paying all or any part
1086 of the cost of any one or more ~~turnpike projects or infrastructure~~
1087 ~~projects~~ turnpike projects, external infrastructure projects, or
1088 internal infrastructure projects. The bond service charges shall be
1089 payable solely from pledged revenues pledged for such payment pursuant
1090 to the applicable bond proceedings. The bonds of each issue shall be
1091 dated, shall bear interest at a rate or rates or at variable rates,
1092 and shall mature or be payable at such time or times, with a final
1093 maturity not to exceed forty years from their date or dates, all as
1094 determined by the commission in the bond proceedings. The commission
1095 shall determine the form of the bonds, including any interest coupons
1096 to be attached thereto, and shall fix the denomination or
1097 denominations of the bonds and the place or places of payment of bond
1098 service charges.

1099
1100 (B) The bonds shall be signed by the chairperson or vice-chairperson
1101 of the commission or by the facsimile signature of that officer, the
1102 official seal of the commission or a facsimile thereof shall be
1103 affixed thereto or printed thereon and attested by the secretary-
1104 treasurer of the commission, which may be by facsimile signature, and
1105 any coupons attached thereto shall bear the facsimile signature of the
1106 chairperson or vice-chairperson of the commission. In case any officer
1107 whose signature, or a facsimile of whose signature, appears on any
1108 bonds or coupons ceases to be such officer before delivery of bonds,
1109 such signature or facsimile shall nevertheless be valid and sufficient
1110 for all purposes the same as if the officer had remained in office
1111 until such delivery.

1112
1113 (C) Subject to the bond proceedings and provisions for registration,
1114 the bonds shall have all the qualities and incidents of negotiable
1115 instruments under Title XIII of the Revised Code. The bonds may be
1116 issued in such form or forms as the commission determines, including
1117 without limitation coupon, book entry, and fully registered form, and
1118 provision may be made for the registration of any coupon bonds as to
1119 principal alone and also as to both principal and interest, and for
1120 the exchange of bonds between forms. The commission may sell such
1121 bonds by competitive bid on the best bid after advertisement or
1122 request for bids or by private sale in the manner, and for the price,
1123 it determines to be for the best interest of the state.

1124
1125 (D) The proceeds of the bonds of each issue shall be used solely for
1126 the payment of the costs of the turnpike ~~project or projects~~ or
1127 internal infrastructure projects for which such bonds were issued, or
1128 for the payment of the costs of the external infrastructure ~~project or~~
1129 ~~projects~~ as approved by the commission under section 5537.18 of the
1130 Revised Code. The proceeds shall be disbursed in such manner and under
1131 such restrictions as the commission provides in the applicable bond
1132 proceedings.

1133

1134 (E) Prior to the preparation of definitive bonds, the commission may,
1135 under like restrictions, issue interim receipts or temporary bonds or
1136 bond anticipation notes, with or without coupons, exchangeable for
1137 definitive bonds when such bonds have been executed and are available
1138 for delivery. The commission may provide for the replacement of any
1139 mutilated, stolen, destroyed, or lost bonds. Bonds may be issued by
1140 the commission under this chapter without obtaining the consent of any
1141 state agency, and without any other proceedings or the happening of
1142 any other conditions or things than those proceedings, conditions, or
1143 things that are specifically required by this chapter or those
1144 proceedings.

1145
1146 (F) Sections 9.98 to 9.983 of the Revised Code apply to the bonds.
1147

1148 (G) The bond proceedings shall provide, subject to the provisions of
1149 any other applicable bond proceedings, for the pledge to the payment
1150 of bond service charges and of any costs of or relating to credit
1151 enhancement facilities of all, or such part as the commission may
1152 determine, of the pledged revenues and the applicable special ~~fund~~ or
1153 funds, which pledges may be made to secure the bonds on a parity with
1154 bonds theretofore or thereafter issued if and to the extent provided
1155 in the bond proceedings. Every pledge, and every covenant and
1156 agreement with respect thereto, made in the bond proceedings may in
1157 the bond proceedings be extended to the benefit of the owners and
1158 holders of bonds and to any trustee and any person providing a credit
1159 enhancement facility for those bonds, for the further security for the
1160 payment of the bond service charges and credit enhancement facility
1161 costs.

1162
1163 (H) The bond proceedings may contain additional provisions as to:
1164

1165 (1) The redemption of bonds prior to maturity at the option of
1166 the commission or of the bondholders or upon the occurrence of
1167 certain stated conditions, and at such price or prices and under
1168 such terms and conditions as are provided in the bond
1169 proceedings;

1170
1171 (2) Other terms of the bonds;
1172

1173 (3) Limitations on the issuance of additional bonds;
1174

1175 (4) The terms of any trust agreement securing the bonds or under
1176 which the same may be issued;
1177

1178 (5) Any or every provision of the bond proceedings being binding
1179 upon the commission and state agencies, or other person as may
1180 from time to time have the authority under law to take such
1181 actions as may be necessary to perform all or any part of the
1182 duty required by such provision;
1183

1184 (6) Any provision that may be made in a trust agreement;
1185

1186 (7) Any other or additional agreements with the holders of the
1187 bonds, or the trustee therefor, relating to the bonds or the
1188 security for the bonds, including agreements for credit
1189 enhancement facilities.
1190

1191 (I) Any holder of bonds or a trustee under the bond proceedings,
1192 except to the extent that the holder's or trustee's rights are
1193 restricted by the bond proceedings, may by any suitable form of legal
1194 proceedings, protect and enforce any rights under the laws of this
1195 state or granted by the bond proceedings. Those rights include the
1196 right to compel the performance of all duties of the commission and
1197 state agencies required by this chapter or the bond proceedings; to
1198 enjoin unlawful activities; and in the event of default with respect
1199 to the payment of any bond service charges on any bonds or in the
1200 performance of any covenant or agreement on the part of the commission
1201 contained in the bond proceedings, to apply to a court having
1202 jurisdiction of the cause to appoint a receiver to receive and
1203 administer the revenues and the pledged revenues which are pledged to
1204 the payment of the bond service charges on such bonds or which are the
1205 subject of the covenant or agreement, with full power to pay, and to
1206 provide for payment of, bond service charges on such bonds, and with
1207 such powers, subject to the direction of the court, as are accorded
1208 receivers in general equity cases, excluding any power to pledge
1209 additional revenues or receipts or other income, funds, or moneys of
1210 the commission or state agencies to the payment of such bond service
1211 charges and excluding the power to take possession of, mortgage, or
1212 cause the sale or otherwise dispose of any turnpike project or
1213 internal infrastructure project or other property of the commission.
1214

1215 (J) Each duty of the commission and the commission's officers and
1216 employees, undertaken pursuant to the bond proceedings, is hereby
1217 established as a duty of the commission, and of each such officer,
1218 member, or employee having authority to perform the duty, specifically
1219 enjoined by law resulting from an office, trust, or station within the
1220 meaning of section 2731.01 of the Revised Code.
1221

1222 (K) The commission's officers or employees are not liable in their
1223 personal capacities on any bonds issued by the commission or any
1224 agreements of or with the commission relating to those bonds.
1225

1226 (L) The bonds are lawful investments for banks, savings and loan
1227 associations, credit union share guaranty corporations, trust
1228 companies, trustees, fiduciaries, insurance companies, including
1229 domestic for life and domestic not for life, trustees or other
1230 officers having charge of sinking and bond retirement or other funds
1231 of the state or its political subdivisions and taxing districts, the
1232 commissioners of the sinking fund of the state, the administrator of
1233 workers' compensation, the state teachers retirement system, the
1234 public employees retirement system, the school employees retirement
1235 system, and the Ohio police and fire pension fund, notwithstanding any
1236 other provisions of the Revised Code or rules adopted pursuant thereto
1237 by any state agency with respect to investments by them, and are also

1238 acceptable as security for the repayment of the deposit of public
1239 moneys.

1240
1241 (M) Provision may be made in the applicable bond proceedings for the
1242 establishment of separate accounts in the bond service fund and for
1243 the application of such accounts only to the specified bond service
1244 charges pertinent to such accounts and bond service fund, and for
1245 other accounts therein within the general purposes of such fund.

1246
1247 (N) The commission may pledge all, or such portion as it determines,
1248 of the pledged revenues to the payment of bond service charges, and
1249 for the establishment and maintenance of any reserves and special
1250 funds, as provided in the bond proceedings, and make other provisions
1251 therein with respect to pledged revenues, revenues, and net revenues
1252 as authorized by this chapter, which provisions are controlling
1253 notwithstanding any other provisions of law pertaining thereto.

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1256 **5537.09 Refunding bonds.**

1257

1258 The Ohio turnpike and infrastructure commission may provide by
1259 resolution for the issuance of revenue bonds of the state, payable
1260 solely from pledged revenues, for the purpose of refunding any bonds
1261 then outstanding, including the payment of related financing expenses
1262 and, if considered advisable by the commission, for the additional
1263 purpose of paying costs of acquisitions, improvements, extensions,
1264 renovations, or enlargements of any turnpike project or any external
1265 infrastructure project or any internal infrastructure project. The
1266 issuance of refunding bonds, the maturities and other details thereof,
1267 the rights of the holders thereof, and the rights, duties, and
1268 obligations of the commission in respect to such bonds shall be
1269 governed by the provisions of this chapter insofar as they are
1270 applicable and by the applicable bond proceedings.

1271

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1273 **5537.10 Turnpike bonds need not comply with other laws applicable to**
1274 **issuance of bonds.**

1275

1276 This chapter provides an additional and alternative method for doing
1277 the things and taking the actions authorized by this chapter. This
1278 chapter shall be regarded as supplemental and additional to powers
1279 conferred by other laws, and shall not be regarded as in derogation of
1280 any powers existing on or after September 1, 1949. Except for section
1281 126.11 of the Revised Code, the issuance of bonds under this chapter
1282 need not comply with any other law applicable to the issuance of
1283 bonds.

1284

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1286 **5537.11 Bonds not a debt of state.**

1287

1288 (A) The bonds do not constitute a debt, or a pledge of the faith and
1289 credit, of the state or of any political subdivision of the state.

1290 Bond service charges on outstanding bonds are payable solely from the
1291 pledged revenues pledged for their payment as authorized by this
1292 chapter and as provided in the bond proceedings. All turnpike,
1293 external infrastructure, and internal infrastructure revenue bonds
1294 shall contain on their face a statement to that effect.

1295

1296 (B) All expenses incurred in carrying out this chapter shall be
1297 payable solely from revenues provided under this chapter ~~and from~~
1298 ~~state taxes~~. This chapter does not authorize the Ohio turnpike and
1299 infrastructure commission to incur indebtedness or liability on behalf
1300 of or payable by the state or any political subdivision of the state.

1301

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1303

1303 **5537.12 Trust agreement for security of bonds.**

1304

1305 (A) In the discretion of the Ohio turnpike and infrastructure
1306 commission any bonds may be secured by a trust agreement between the
1307 commission and a corporate trustee, which may be any trust company or
1308 bank having the powers of a trust company within or without the state
1309 but authorized to exercise trust powers within this state.

1310

1311 (B) Any trust agreement may pledge or assign the revenues to be
1312 received, but shall not convey or mortgage any turnpike project or
1313 external infrastructure project or internal infrastructure project,
1314 any part of a turnpike project or an external infrastructure project
1315 or an internal infrastructure project, or any part of the Ohio
1316 turnpike system or the Ohio turnpike and external infrastructure
1317 system or the Ohio turnpike internal infrastructure system. Any such
1318 trust agreement or other bond proceedings may contain provisions for
1319 protecting and enforcing the rights and remedies of the bondholders
1320 that are reasonable and proper and not in violation of law, including
1321 covenants setting forth the duties of the commission in relation to
1322 the acquisition of property, and the acquisition, construction,
1323 maintenance, repair, operation, and insurance of the turnpike project
1324 or projects and internal infrastructure project or projects in
1325 connection with which the bonds are authorized, the rates of toll
1326 turnpike tolls and internal infrastructure assessments to be charged,
1327 and the custody, safeguarding, and application of all moneys, and
1328 provisions for the employment or retention of the services of
1329 consulting engineers in connection with the acquisition, construction,
1330 maintenance, or operation of the turnpike project or projects and
1331 internal infrastructure project or projects. Any bank or trust company
1332 incorporated under the laws of this state which may act as depository
1333 of the proceeds of bonds or of revenues may furnish such indemnifying
1334 bonds or may pledge such securities as are required by the commission.
1335 Any such trust agreement may set forth the rights and remedies of the
1336 bondholders and of the trustee, may restrict the individual right of
1337 action by bondholders as is customary in revenue bond trust agreements
1338 of public bodies, and may contain other provisions that the commission
1339 considers reasonable and proper for the security of the bondholders.
1340 All expenses incurred in entering into or carrying out the provisions
1341 of such a trust agreement may be treated as a part of the cost, or of
1342 the cost of the operation, of the turnpike ~~project or projects~~ and
1343 internal infrastructure projects.

1344

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1346

1346 **5537.13 Contracts - bids - turnpike tolls and internal infrastructure**
1347 **assessments - sinking fund - lien of the pledge.**
1348

1349 ~~(A) Subject to division (C)(1) of this section and section 5537.26 of~~
1350 ~~the Revised Code, the Ohio turnpike and infrastructure commission may~~
1351 ~~fix, revise, charge, and collect tolls for each turnpike project, and~~
1352 ~~contract in the manner provided by this section with any person~~
1353 ~~desiring the use of any part thereof, including the right of way~~
1354 ~~adjoining the paved portion, for placing thereon telephone, electric~~
1355 ~~light, or power lines, service facilities, or for any other purpose,~~
1356 ~~and fix the terms, conditions, rents, and rates of charge for such~~
1357 ~~use, provided that no toll, charge, or rental may be made by the~~
1358 ~~commission for placing in, on, along, over, or under the turnpike~~
1359 ~~project, equipment or public utility facilities that are necessary to~~
1360 ~~serve service facilities or to interconnect any public utility~~
1361 ~~facilities.~~

1362
1363 (A) Subject to division (C)(1) of this section and section 5537.26 of
1364 the Revised Code, the Ohio turnpike and infrastructure commission may
1365 fix, revise, charge, and collect turnpike tolls and internal
1366 infrastructure assessments for each turnpike project, turnpike project
1367 facility, internal infrastructure project, and internal infrastructure
1368 facility, and contract in the manner provided by this section with any
1369 person desiring the access and use of any part thereof, including
1370 rights-of-way, for placing thereon turnpike projects, turnpike project
1371 facilities, internal infrastructure projects, and internal
1372 infrastructure facilities, or for any other beneficial purposes, and
1373 fix the terms, conditions, tolls, and internal infrastructure
1374 assessments for such use, provided that no tolls or internal
1375 infrastructure assessments may be made by the commission for placing
1376 in, on, along, over, or under turnpike projects or internal
1377 infrastructure projects, equipment or public utility facilities that
1378 are necessary to serve turnpike projects or internal infrastructure
1379 projects.

1380
1381 ~~(B) Contracts for the operation of service facilities shall be made in~~
1382 ~~writing. Such contracts, except contracts with state agencies or other~~
1383 ~~governmental agencies, shall be made with the bidder whose bid is~~
1384 ~~determined by the commission to be the best bid received, after~~
1385 ~~advertisement for two consecutive weeks in a newspaper of general~~
1386 ~~circulation in Franklin county, and in other publications that the~~
1387 ~~commission determines. The notice shall state the general character of~~
1388 ~~the service facilities operation proposed, the place where plans and~~
1389 ~~specifications may be examined, and the time and place of receiving~~
1390 ~~bids. Bids shall contain the full name of each person interested in~~
1391 ~~them, and shall be in such form as the commission requires. The~~
1392 ~~commission may reject any and all bids. All contracts for service~~
1393 ~~facilities shall be preserved in the principal office of the~~
1394 ~~commission.~~

1395
1396 (B) Contracts for the lease, licensing, or operation of turnpike
1397 projects, turnpike project facilities, internal infrastructure
1398 projects, and internal infrastructure facilities shall be made in

1399 writing. Such contracts, except contracts with state agencies or other
1400 governmental agencies, shall be made with the bidder whose bid is
1401 determined by the commission to be the best bid received, after an
1402 advertisement for two consecutive weeks is published on the
1403 commission's website and at Public Notices Ohio
1404 (<https://www.publicnoticesohio.com/>) or in a newspaper of general
1405 circulation in Franklin county, and in other publications that the
1406 commission determines, unless the publications cease publishing print
1407 versions of their newspapers anymore. The notice shall state the
1408 general character of the lease, licensing, or operation proposed, the
1409 place where plans and specifications may be examined, and the time and
1410 place of receiving bids. Bids shall contain the full name of each
1411 person interested in them, and shall be in such form as the commission
1412 requires. The commission may reject any and all bids. All contracts
1413 for the lease, licensing, or operation of turnpike projects, turnpike
1414 project facilities, internal infrastructure projects, and internal
1415 infrastructure facilities shall be preserved in the principal office
1416 of the commission.

1417
1418 (C)

1419
1420 (1) Except as necessary to comply with covenants in bond
1421 proceedings in existence before July 1, 2013, for calendar years
1422 2013 through 2023, the commission shall not increase the turnpike
1423 toll rates for any class of passenger vehicle as fixed on the
1424 effective date of this amendment, when both of the following
1425 apply:

1426
1427 (a) The turnpike tolls are collected and remitted in
1428 accordance with a multi-jurisdiction electronic automated
1429 turnpike toll collection agreement; and

1430
1431 (b) The distance traveled is thirty miles or less.

1432
1433 (2) Subject to division (C)(1) of this section, turnpike tolls
1434 shall be so fixed and adjusted as to provide funds at least
1435 sufficient with other revenues of the Ohio turnpike system, if
1436 any, to pay:

1437
1438 (a) The cost of acquiring, maintaining, improving,
1439 repairing, constructing, and operating the Ohio turnpike
1440 system and its different parts and sections, and to create
1441 and maintain any reserves for those purposes;

1442
1443 (b) Any unpaid bond service charges on outstanding bonds
1444 payable from pledged revenues as such charges become due
1445 and payable, and to create and maintain any reserves for
1446 that purpose.

1447
1448 (3) Internal infrastructure assessments shall be so fixed and
1449 adjusted as to provide funds at least sufficient with other
1450 revenues of the Ohio turnpike internal infrastructure system, if
1451 any, to pay:

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

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

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

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

(F) The proceeds of bonds issued for the payment of the costs of external infrastructure projects, net of the payment of all financing expenses and deposits into debt service reserves or other special funds as may be required in the applicable bond proceedings, shall be deposited to the external infrastructure ~~fund or~~ funds and shall be exclusively used to ~~pay~~ subsidize the cost of external infrastructure projects approved by the commission, except that income earned by the external infrastructure ~~fund~~ funds may be used by the commission towards the payment of bond service charges.

1503 **5537.14 Holding and application of moneys.**

1504

1505 All moneys received by the Ohio turnpike and infrastructure commission
1506 under this chapter, whether as proceeds from the sale of bonds or as
1507 revenues, are to be held and applied solely as provided in this
1508 chapter and in any applicable bond proceedings. Such moneys shall be
1509 kept in depositories as selected by the commission in the manner
1510 provided in sections 135.01 to 135.21 of the Revised Code, insofar as
1511 such sections are applicable, and the deposits shall be secured as
1512 provided in sections 135.01 to 135.21 of the Revised Code. The bond
1513 proceedings shall provide that any officer to whom, or any bank or
1514 trust company to which, revenues or pledged revenues are paid shall
1515 act as trustee of such moneys and hold and apply them for the purposes
1516 thereof, subject to applicable provisions of this chapter and the bond
1517 proceedings.

1518

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1520

1520 **5537.15 Protection and enforcement of rights of bondholder and**
1521 **trustees.**

1522
1523 Any holder of bonds issued and outstanding under this chapter, or any
1524 of the coupons appertaining thereto, and the trustee under any trust
1525 agreement, except to the extent the rights given by this chapter may
1526 be restricted or modified by the bond proceedings, may by suit,
1527 action, mandamus, or other proceedings, protect and enforce any rights
1528 under the laws of the state or granted under this chapter or the bond
1529 proceedings, and may enforce and compel the performance of all duties
1530 required by this chapter or the bond proceedings, to be performed by
1531 the Ohio turnpike and infrastructure commission or any officer of the
1532 commission, including the fixing, charging, collecting, and
1533 application of turnpike tolls and internal infrastructure assessments.

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1536 **5537.16 Bylaws and rules - disposal of fines.**

1537
1538 (A)

1539
1540 (1) The Ohio turnpike and infrastructure commission may adopt
1541 such bylaws and rules as it considers advisable for the control
1542 and regulation of traffic on any turnpike project, for the
1543 protection and preservation of property necessary and used for
1544 any turnpike project under its jurisdiction and control, for the
1545 maintenance and preservation of good order within the turnpike
1546 property under its control, and for the purpose of establishing
1547 owner or operator liability for failure to comply with turnpike
1548 toll collection rules.

1549
1550 The rules of the commission with respect to the speed, use of
1551 special engine brakes, axle loads, vehicle loads, and vehicle
1552 dimensions of vehicles on turnpike projects, including the
1553 issuance of a special permit by the commission to allow the
1554 operation on any turnpike project of a motor vehicle transporting
1555 two or fewer steel coils, shall apply notwithstanding sections
1556 4511.21 to 4511.24, 4513.34, and Chapter 5577. of the Revised
1557 Code. Such bylaws and rules shall be published on the
1558 commission's website and at Public Notices Ohio
1559 (<https://www.publicnoticesohio.com/>), and in a newspaper of
1560 general circulation in Franklin county, and in such other manner
1561 publications as the commission prescribes determines, unless the
1562 publications cease publishing print versions of their newspapers
1563 anymore.

1564
1565 (2) The Ohio turnpike and infrastructure commission may adopt
1566 such bylaws and rules as it considers advisable for the control
1567 and regulation of freight, passenger, and data traffic access to
1568 and use of on any internal infrastructure project, for the
1569 protection and preservation of property necessary and used for
1570 any internal infrastructure project under its jurisdiction and
1571 control, for the maintenance and preservation of good order
1572 within the infrastructure property under its control, and for the
1573 purpose of establishing owner, operator, or user liability for
1574 failure to comply with internal infrastructure assessment
1575 collection rules.

1576
1577 The rules of the commission with respect to the access to and use
1578 of internal infrastructure projects, including the issuance of a
1579 special permit by the commission to allow the operation on any
1580 internal infrastructure project of a non-standard vehicle or use
1581 type shall apply notwithstanding any governing chapters and
1582 sections of the Revised Code. Such bylaws and rules shall be
1583 published on the commission's website and at Public Notices Ohio
1584 (<https://www.publicnoticesohio.com/>), and in a newspaper of
1585 general circulation in Franklin county, and in such other
1586 publications as the commission determines, unless the
1587 publications cease publishing print versions of their newspapers
1588 anymore.

1589
1590 (B) Such rules shall provide that public police officers shall be
1591 afforded ready access, while in the performance of their official
1592 duty, to all property under the jurisdiction of the commission and
1593 without the payment of turnpike tolls or internal infrastructure
1594 assessments.
1595
1596 (C) No person shall violate any such bylaws or rules of the
1597 commission.
1598
1599 (D)
1600
1601 (1) All fines collected for the violation of applicable laws of
1602 the state and the bylaws and rules of the commission or moneys
1603 arising from bonds forfeited for such violation shall be disposed
1604 of in accordance with section 5503.04 of the Revised Code.
1605
1606 (2) All fees or charges assessed by the commission against an
1607 owner or operator of a vehicle as a civil violation for failure
1608 to comply with turnpike toll collection or turnpike toll evasion
1609 rules shall be revenues of the commission.
1610
1611 (3) All fees or charges assessed by the commission against an
1612 owner or operator of a vehicle on or a user of an internal
1613 infrastructure project as a civil violation for failure to comply
1614 with internal infrastructure assessment collection or internal
1615 infrastructure assessment evasion rules shall be revenues of the
1616 commission.
1617
1618
1619

1619 **5537.17 Maintenance and repair of turnpike project and internal**
1620 **infrastructure project - restoration or repair of damaged property -**
1621 **cooperation by governmental agencies - bridge and tunnel inspection -**
1622 **annual audit.**
1623

1624 (A) Each turnpike project open to traffic and each internal
1625 infrastructure project made accessible for public use shall be
1626 maintained and kept in good condition and repair by the Ohio turnpike
1627 and infrastructure commission. The Ohio turnpike system and Ohio
1628 turnpike internal infrastructure system shall be policed and operated
1629 by a force of police, turnpike toll and internal infrastructure
1630 assessment collectors and methodologies, and other employees and
1631 agents that the commission employs or contracts for.
1632

1633 (B) All public or private property damaged or destroyed in carrying
1634 out the powers granted by this chapter shall be restored or repaired
1635 and placed in its original condition, as nearly as practicable, or
1636 adequate compensation or consideration made therefor out of moneys
1637 provided under this chapter.
1638

1639 (C) All governmental agencies may lease, lend, grant, or convey to the
1640 commission at its request, upon terms that the proper authorities of
1641 the governmental agencies consider reasonable and fair and without the
1642 necessity for an advertisement, order of court, or other action or
1643 formality, other than the regular and formal action of the authorities
1644 concerned, any property that is necessary or convenient to the
1645 effectuation of the purposes of the commission, including public
1646 roads, mode of distribution infrastructures useful for the internal
1647 infrastructure system, and other property already devoted to public
1648 use.
1649

1650 (D) Each bridge and tunnel constituting part of a turnpike project and
1651 internal infrastructure project shall be inspected at least once each
1652 year by a professional engineer employed or retained by the
1653 commission.
1654

1655 (E) On or before the first day of July in each year, the commission
1656 shall make an annual report of its activities for the preceding
1657 calendar year to the governor and the general assembly. Each such
1658 report shall set forth a complete operating and financial statement
1659 covering the commission's operations and funding of any turnpike
1660 projects, external infrastructure projects, and internal
1661 infrastructure projects during the year. The commission shall cause an
1662 audit of its books and accounts to be made at least once each year by
1663 certified public accountants, and the cost thereof may be treated as a
1664 part of the cost of operations of the commission. The auditor of
1665 state, at least once a year and without previous notice to the
1666 commission, shall audit the accounts and transactions of the
1667 commission.
1668

1669 (F) The commission shall submit a copy of its annual audit by the
1670 auditor of state and its proposed annual budget for each calendar or
1671 fiscal year to the governor, the presiding officers of each house of

1672 the general assembly, the director of budget and management, and the
1673 legislative service commission no later than the first day of that
1674 calendar or fiscal year.

1675
1676 (G) Upon request of the chairperson of the appropriate standing
1677 committee or subcommittee of the senate and house of representatives
1678 that is primarily responsible for considering transportation and
1679 infrastructure budget matters, the commission shall appear at least
1680 one time before each committee or subcommittee during the period when
1681 that committee or subcommittee is considering the biennial
1682 appropriations for the department of transportation and appropriations
1683 for projects affecting internal infrastructure projects and internal
1684 infrastructure facilities and shall provide testimony outlining its
1685 budgetary results for the last two calendar years, including a
1686 comparison of budget and actual revenue and expenditure amounts. The
1687 commission also shall address its current budget and long-term capital
1688 plan.

1689
1690 (H) Not more than sixty nor less than thirty days before adopting its
1691 annual budget, the commission shall submit a copy of its proposed
1692 annual budget to the governor, the presiding officers of each house of
1693 the general assembly, the director of budget and management, and the
1694 legislative service commission. The office of budget and management
1695 shall review the proposed budget and may provide recommendations to
1696 the commission for its consideration.

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1699 **5537.18 Applications for external infrastructure project ~~funding~~**
1700 **subsidies.**

1701
1702 (A) The Ohio turnpike and infrastructure commission shall adopt rules
1703 establishing the procedures and criteria under which the commission
1704 may approve an application received from the director of
1705 transportation for external infrastructure project ~~funding~~ subsidies
1706 under division (B) of this section. The rules shall require an
1707 external infrastructure project to have an anticipated benefit to the
1708 system of public highways in the state of Ohio and transportation-
1709 related nexus with and relationship to the Ohio turnpike system and
1710 the Ohio turnpike and external infrastructure system. The criteria
1711 included in the rules for determining if an external infrastructure
1712 project has the required nexus and relationship to the Ohio turnpike
1713 system and the Ohio turnpike and external infrastructure system and
1714 the criteria for approving an application for infrastructure project
1715 ~~funding~~ subsidies submitted by the director of transportation shall
1716 include the following:

- 1717
1718 (1) A physical proximity of the external infrastructure project
1719 to and a direct or indirect physical connection between the
1720 external infrastructure project and the Ohio turnpike system;
1721
1722 (2) The impact of the external infrastructure project on traffic
1723 density, flow through, or capacity on the Ohio turnpike system;
1724
1725 (3) The impact of the external infrastructure project on the Ohio
1726 turnpike system turnpike toll revenue or other revenues;
1727
1728 (4) The impact of the external infrastructure project on the
1729 movement of goods and services on or in the area of the Ohio
1730 turnpike system; and
1731
1732 (5) The enhancement or improvement by and through the external
1733 infrastructure project of access to, use of, and egress from the
1734 Ohio turnpike system and access to and from connected areas of
1735 population, commerce, and industry.
1736

1737 (B) The director of transportation may submit an application to the
1738 commission for external infrastructure project ~~funding~~ subsidies. An
1739 application to the commission for external infrastructure project
1740 ~~funding~~ subsidies, as submitted by the director, shall include only
1741 external infrastructure projects that previously have been reviewed
1742 and recommended by the transportation review advisory council pursuant
1743 to the selection process followed by the council under Chapter 5512.
1744 of the Revised Code. In selecting external infrastructure projects for
1745 which applications will be made to the commission for external
1746 infrastructure project ~~funding~~ subsidies, the director shall consider
1747 the physical proximity of the project to the Ohio turnpike system. Not
1748 less than ninety per cent (90%) of the total cost of the external
1749 infrastructure project ~~funding~~ subsidies requests submitted by the
1750 director of transportation to the commission shall be for external

1751 infrastructure projects that are at least partially located within
1752 seventy-five miles of the Ohio turnpike system.

1753
1754 By rule, the director may establish guidelines under which an
1755 application may be made for external infrastructure project ~~funding~~
1756 subsidies that combines separate projects if the combination of
1757 projects is necessary to satisfy any ~~funding~~ subsidy threshold
1758 required for approval by the transportation review advisory council
1759 and the individual projects have a nexus to the Ohio turnpike system
1760 and also address a critical public safety concern or have a
1761 significant economic impact.

1762
1763 (C) The commission shall evaluate each application for external
1764 infrastructure project ~~funding~~ subsidies submitted under division (B)
1765 of this section in accordance with the procedures and criteria
1766 established in rules adopted under division (A) of this section. A
1767 determination or approval made under this section is conclusive and
1768 incontestable.

1769
1770 (D) Nothing in this section shall interfere with the authority of the
1771 director of transportation under Chapter 5512. of the Revised Code.

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1774 **5537.19 Studies of ~~turnpike or infrastructure projects~~ turnpike**
1775 **projects, external infrastructure projects, or internal infrastructure**
1776 **projects.**

1777
1778 The Ohio turnpike and infrastructure commission shall expend such
1779 moneys as the commission considers necessary for studies of any
1780 ~~turnpike project or infrastructure project,~~ turnpike project, external
1781 infrastructure project, or internal infrastructure project, whether
1782 proposed, under construction, or in operation, and may employ
1783 consulting engineers, traffic engineers, and any other individuals or
1784 firms that the commission considers necessary to properly implement
1785 the studies. The cost of the studies may be paid from revenues,
1786 eligible state and federal grants, ~~state taxes available to the~~
1787 ~~commission and permitted by law to be spent for such purposes,~~ or the
1788 proceeds of bonds.

1789
1790
1791

1791 **5537.20 Turnpike and infrastructure projects, property, income, and**
1792 **bonds free from taxation Real and personal property taxes.**
1793

1794 ~~The exercise of the powers granted by this chapter is in all respects~~
1795 ~~for the benefit of the people of the state, for the increase of their~~
1796 ~~commerce and prosperity, and for the improvement of their health and~~
1797 ~~living conditions, and as the construction, operation, and maintenance~~
1798 ~~of the Ohio turnpike system by the Ohio turnpike and infrastructure~~
1799 ~~commission constitute the performance of essential governmental~~
1800 ~~functions, the commission, except as provided in division (D) of~~
1801 ~~section 5537.05 of the Revised Code, shall not be required to pay any~~
1802 ~~state or local taxes or assessments upon any turnpike project or~~
1803 ~~infrastructure project funded by it, or upon revenues or any property~~
1804 ~~acquired or used by the commission under this chapter, or upon the~~
1805 ~~income therefrom.~~

1806
1807 The commission, except as provided in division (D) of section 5537.05
1808 of the Revised Code, and except as provided in division (A) through
1809 division (I) of section 5537.20 of the Revised Code, shall not be
1810 required to pay any state or local taxes or assessments upon any
1811 turnpike project or external infrastructure project or internal
1812 infrastructure project funded by it, or upon revenues or any property
1813 acquired or used by the commission under this chapter, or upon the
1814 income therefrom.

1815
1816 (A) A person who is a lessee of and occupies and uses commission
1817 property for economic development, housing, recreation, education,
1818 governmental operations, culture, or research purposes, which property
1819 would be exempt from taxes under Chapter 5709, shall not be required
1820 to pay any real and personal taxes on the commission property.

1821
1822 (B) A person who is a lessee of and occupies and uses commission
1823 property for economic development, housing, recreation, education,
1824 governmental operations, culture, or research purposes, which property
1825 would not be exempt from taxes under Chapter 5709, shall be required
1826 to pay any real and personal taxes on the commission property.

1827
1828 (C) A person leasing commission right of way for the installation and
1829 administration of the person's own mode of distribution project
1830 infrastructure shall be exempt from real property taxes upon the
1831 commission right of way but shall be required to pay any personal
1832 property taxes upon the person's own mode of distribution project
1833 infrastructure.

1834
1835 (D) The commission leasing commission right of way to a person for the
1836 installation and administration of the person's own mode of
1837 distribution project infrastructure where the person is the sole
1838 provider of the mode of distribution project infrastructure by
1839 agreement with the commission, or where the person is the sole
1840 provider of the mode of distribution project infrastructure on
1841 commission right of way due to capacity restraints of the commission's
1842 existing right of way or due to the unavailability of additional right

1843 of way that the commission cannot acquire and provide, shall be
1844 required to pay any real property taxes upon the right of way.
1845

1846 E) A person leasing commission infrastructure for the installation and
1847 administration of the person's own mode of distribution project
1848 personal property shall be exempt from personal property taxes upon
1849 the commission infrastructure but shall be required to pay any
1850 personal property taxes upon the person's own mode of distribution
1851 project personal property.
1852

1853 (F) The commission leasing commission infrastructure to a person for
1854 the installation and administration of the person's own mode of
1855 distribution project personal property where the person is the sole
1856 provider of the mode of distribution project personal property by
1857 agreement with the commission, or where the person is the sole
1858 provider of the mode of distribution project personal property on
1859 commission infrastructure due to capacity restraints of the
1860 commission's existing infrastructure or due to the unavailability of
1861 additional infrastructure that the commission cannot acquire or
1862 initiate and provide, shall be required to pay any personal property
1863 taxes upon the infrastructure.
1864

1865 (G) A person leasing commission real property for the installation and
1866 administration of the person's own mode of distribution project user
1867 facility shall be exempt from real property taxes upon the commission
1868 real property but shall be required to pay any personal property taxes
1869 upon the person's own mode of distribution project user facility.
1870

1871 (H) The commission leasing commission real property to a person for
1872 the installation and administration of the person's own mode of
1873 distribution project user facility where the person is the sole
1874 provider of the mode of distribution project user facility by
1875 agreement with the commission, or where the person is the sole
1876 provider of the mode of distribution project user facility on
1877 commission real property due to capacity restraints of the
1878 commission's existing real property or due to the unavailability of
1879 additional real property that the commission cannot acquire and
1880 provide, shall be required to pay any real property taxes upon the
1881 real property.
1882

1883 (I) Nothing in this section eliminates the lessor's or the lessee's
1884 obligation to comply with other provisions of the Revised Code to
1885 obtain an exemption for such property.
1886

1887 The bonds issued under this chapter, their transfer, and the income
1888 therefrom, including any profit made on the sale thereof, except as
1889 provided in division (A) through division (I) of section 5537.20 of
1890 the Revised Code, shall at all times be free from taxation within the
1891 state.
1892

1893
1894

1894 **5537.21 ~~Project continuing to be operated and maintained as toll road~~**
1895 **Turnpike projects continuing to be tolled and internal infrastructure**
1896 **projects continuing to be assessed**
1897

1898 (A) When bond service charges on all outstanding bonds issued in
1899 connection with any turnpike project or internal infrastructure
1900 project have been paid or provision for that payment has been made, as
1901 provided in the applicable bond proceedings, or in the case of a
1902 turnpike project or internal infrastructure project in connection with
1903 which no bonds have been issued, the project shall continue to be or
1904 be operated, and improved and maintained, by the Ohio turnpike and
1905 infrastructure commission as a part of the Ohio turnpike system and
1906 Ohio turnpike internal infrastructure system ~~and as a toll road~~
1907 utilizing tolling for turnpike projects and assessments for internal
1908 infrastructures, and all revenues received by the commission relating
1909 to that project shall be applied as provided in division (B) of this
1910 section.

1911
1912 (B) Subject to the bond proceedings for bonds relating to any turnpike
1913 project or external infrastructure project, turnpike tolls relating to
1914 a turnpike project and as referred to in division (A) of this section
1915 shall be so fixed and adjusted such that the aggregate of available
1916 revenues relating to that turnpike project are in amounts at least
1917 sufficient to pay the costs described in division (C)(2)(a) of section
1918 5537.13 of the Revised Code.

1919
1920 (C) Subject to the bond proceedings for bonds relating to any internal
1921 infrastructure project, internal infrastructure assessments relating
1922 to an internal infrastructure project as referred to in division (A)
1923 of this section shall be so fixed and adjusted such that the aggregate
1924 of available revenues relating to that internal infrastructure project
1925 are in amounts at least sufficient to pay the costs described in
1926 division (C)(3)(a) of section 5537.13 of the Revised Code.
1927
1928
1929

1929 **5537.22 Journal.**

1930

1931 All final actions of the Ohio turnpike and infrastructure commission

1932 shall be journalized and such journal shall be published on the

1933 commission's website and at Public Notices Ohio

1934 (<https://www.publicnoticesohio.com/>) and shall be open to the

1935 inspection of the public at all reasonable times.

1936

1937

1938

1938 **5537.23 Liberal construction of chapter.**

1939

1940 This chapter, being necessary for the welfare of the state and its
1941 inhabitants, shall be liberally construed to effect the purposes
1942 thereof.

1943

1944

1945

1945 **5537.24 Turnpike legislative review committee.**

1946
1947 (A) There is hereby created a turnpike legislative review committee
1948 consisting of six members as follows:

1949
1950 (1) Three members of the senate, no more than two of whom shall
1951 be members of the same political party, one of whom shall be the
1952 chairperson of the committee dealing primarily with highway
1953 transportation and infrastructure matters, one of whom shall be
1954 appointed by the president of the senate, and one of whom shall
1955 be appointed by the minority leader of the senate.

1956
1957 Both the senate member who is appointed by the president of the
1958 senate and the senate member appointed by the minority leader of
1959 the senate shall represent either districts in which is located
1960 or through which passes a portion of a turnpike project or an
1961 internal infrastructure project that is part of the Ohio turnpike
1962 system or the Ohio turnpike internal infrastructure system or
1963 districts located in the vicinity of a turnpike project or an
1964 internal infrastructure project that is part of the Ohio turnpike
1965 system or the Ohio turnpike internal infrastructure system.

1966
1967 The president of the senate shall make the president of the
1968 senate's appointment to the committee first, followed by the
1969 minority leader of the senate, and they shall make their
1970 appointments in such a manner that their two appointees represent
1971 districts that are located in different areas of the state. If
1972 the chairperson of the senate committee dealing primarily with
1973 highway transportation and infrastructure matters represents a
1974 district in which is located or through which passes a portion of
1975 a turnpike project or an internal infrastructure project that is
1976 part of the Ohio turnpike system or the Ohio turnpike internal
1977 infrastructure system or a district located in the vicinity of a
1978 turnpike project or an internal infrastructure project that is
1979 part of the Ohio turnpike system or the Ohio turnpike internal
1980 infrastructure system, the president of the senate and the
1981 minority leader of the senate shall make their appointments in
1982 such a manner that their two appointees and the chairperson of
1983 the senate committee dealing primarily with highway
1984 transportation and infrastructure matters all represent districts
1985 that are located in different areas of the state.

1986
1987 (2) Three members of the house of representatives, no more than
1988 two of whom shall be members of the same political party, one of
1989 whom shall be the chairperson of the house of representatives
1990 committee dealing primarily with highway transportation and
1991 infrastructure matters, one of whom shall be appointed by the
1992 speaker of the house of representatives, and one of whom shall be
1993 appointed by the minority leader of the house of representatives.

1994
1995 Both the house of representatives member who is appointed by the
1996 speaker of the house of representatives and the house of
1997 representatives member appointed by the minority leader of the

1998 house of representatives shall represent either districts in
1999 which is located or through which passes a portion of a turnpike
2000 project or an internal infrastructure project that is part of the
2001 Ohio turnpike system or the Ohio turnpike internal infrastructure
2002 system or districts located in the vicinity of a turnpike project
2003 or an internal infrastructure project that is part of the Ohio
2004 turnpike system or the Ohio turnpike internal infrastructure
2005 system.

2006
2007 The speaker of the house of representatives shall make the
2008 speaker of the house of representative's appointment to the
2009 committee first, followed by the minority leader of the house of
2010 representatives, and they shall make their appointments in such a
2011 manner that their two appointees represent districts that are
2012 located in different areas of the state. If the chairperson of
2013 the house of representatives committee dealing primarily with
2014 highway transportation and infrastructure matters represents a
2015 district in which is located or through which passes a portion of
2016 a turnpike project or an internal infrastructure project that is
2017 part of the Ohio turnpike system or the Ohio turnpike internal
2018 infrastructure system or a district located in the vicinity of a
2019 turnpike project or an internal infrastructure project that is
2020 part of the Ohio turnpike system or the Ohio turnpike internal
2021 infrastructure system, the speaker of the house of
2022 representatives and the minority leader of the house of
2023 representatives shall make their appointments in such a manner
2024 that their two appointees and the chairperson of the house of
2025 representatives committee dealing primarily with highway
2026 transportation and infrastructure matters all represent districts
2027 that are located in different areas of the state.

2028
2029 The chairperson of the house of representatives committee shall
2030 serve as the chairperson of the turnpike legislative review
2031 committee for the year 1996. Thereafter, the chair annually shall
2032 alternate between, first, the chairperson of the senate committee
2033 and then the chairperson of the house of representatives
2034 committee.

2035
2036 No members of the general assembly who currently serve as members
2037 of the commission board shall concurrently serve as members of
2038 the turnpike legislative review committee.

2039
2040 (B) Each member of the turnpike legislative review committee who is a
2041 member of the general assembly shall serve a term of the remainder of
2042 the general assembly during which the member is appointed or is
2043 serving as chairperson of the specified senate or house committee. In
2044 the event of the death or resignation of a committee member who is a
2045 member of the general assembly, or in the event that a member ceases
2046 to be a senator or representative, or in the event that the
2047 chairperson of the senate committee dealing primarily with highway
2048 transportation and infrastructure matters or the chairperson of the
2049 house of representatives committee dealing primarily with highway
2050 transportation and infrastructure transportation and infrastructure

2051 matters ceases to hold that position, the vacancy shall be filled
2052 through an appointment by the president of the senate or the speaker
2053 of the house of representatives or minority leader of the senate or
2054 house of representatives, as applicable. Any member appointed to fill
2055 a vacancy occurring prior to the end of the term for which the
2056 member's predecessor was appointed shall hold office for the remainder
2057 of the term or for a shorter period of time as determined by the
2058 president or the speaker. A member of the committee is eligible for
2059 reappointment.

2060
2061 (C) The turnpike legislative review committee shall meet at least
2062 quarterly and may meet at the call of its chairperson, or upon the
2063 written request to the chairperson of not fewer than four members of
2064 the committee. Meetings shall be held at sites that are determined
2065 solely by the chairperson of the committee. At each meeting, the Ohio
2066 turnpike and infrastructure commission shall make a report to the
2067 committee on commission matters, including but not limited to
2068 financial and budgetary matters and proposed and on-going acquisition,
2069 construction, maintenance, repair, and operational projects of the
2070 commission.

2071
2072 The committee, by the affirmative vote of at least four of its
2073 members, may submit written recommendations to the commission, either
2074 at meetings held pursuant to this section or at any other time,
2075 describing new turnpike projects or new interchanges located on
2076 existing turnpike projects or new internal infrastructure projects and
2077 facilities that the committee believes the commission should consider
2078 constructing.

2079
2080 (D) At least annually the commission shall make a report to the
2081 committee of those external infrastructure projects approved and paid
2082 for by the commission.

2083
2084 (E) The members of the turnpike legislative review committee who are
2085 members of the general assembly shall serve without compensation, but
2086 shall be reimbursed by the commission for their actual and necessary
2087 expenses incurred in the discharge of their official duties as
2088 committee members. Serving as a member of the turnpike legislative
2089 review committee does not constitute grounds for resignation from the
2090 senate or house of representatives under section 101.26 of the Revised
2091 Code.

2092
2093
2094

2094 ~~5537.25 No expenditures for lobbyist.~~

2095

2096 ~~(A) Notwithstanding any provision of law to the contrary, the Ohio~~
2097 ~~turnpike and infrastructure commission shall make no expenditure to~~
2098 ~~engage the services of any person to influence either of the~~
2099 ~~following:~~

2100

2101 ~~(1) Administrative actions or decisions of the governor, the~~
2102 ~~director of any department listed in section 121.02 of the~~
2103 ~~Revised Code, any member of the staff of any public officer or~~
2104 ~~employee listed in this section, the president of the United~~
2105 ~~States, or any federal officer or employee;~~

2106

2107 ~~(2) Legislation pending in this state or any other state, a~~
2108 ~~subdivision of this state or any other state, or the federal~~
2109 ~~government, including the executive approval or veto of any such~~
2110 ~~pending legislation.~~

2111

2112 ~~(B) This section shall not be interpreted to prohibit the commission~~
2113 ~~from designating officers or members of the commission, or full time,~~
2114 ~~permanent employees of the commission, to act as administrative or~~
2115 ~~legislative agents for the commission.~~

2116

2117

2118

2118 ~~5537.26 Change in toll rate structure requires notice and hearing.~~

2119
2120 5537.26 Change in turnpike toll and internal infrastructure assessment
2121 rate structure, turnpike and internal infrastructure, and authority
2122 and powers requires notice and hearing.
2123

2124 (A) Except as provided in division (D) of this section, no increase by
2125 the Ohio turnpike and infrastructure commission in the turnpike toll
2126 rate structure that is applicable to vehicles operating on a turnpike
2127 project or in the internal infrastructure assessment rate structure
2128 that is applicable to users accessing and using an internal
2129 infrastructure project shall become effective unless the commission
2130 complies with the notice and hearing requirements prescribed in
2131 division (B) of this section, and the commission shall not take any
2132 action that will or in the future expand, contract, repurpose,
2133 rationalize, abandon, liquidate, or convey to another governmental
2134 agency or person any turnpike project or a portion of any turnpike
2135 project, or any internal infrastructure project or a portion of any
2136 internal infrastructure project, and the commission shall not take any
2137 action that expands or contracts, has the effect of expanding or
2138 contracting, or will to any degree at any time in the future have the
2139 effect of expanding or contracting the sphere of responsibility
2140 authority and powers of the commission beyond the Ohio turnpike system
2141 and Ohio turnpike internal infrastructure system, unless the
2142 commission complies with the notice and hearing requirements
2143 prescribed in division (B) of this section.
2144

2145 (B) Not less than ninety days prior to the date on which the
2146 commission votes to increase any part of the turnpike toll rate
2147 structure that is applicable to vehicles operating on a turnpike
2148 project, or any part of the internal infrastructure assessment rate
2149 structure that is applicable to users accessing and using an internal
2150 infrastructure project, and not less than ninety days prior to the
2151 date on which the commission votes to take an action that will or in
2152 the future expand, contract, repurpose, rationalize, abandon,
2153 liquidate, or convey to another governmental agency or person any
2154 turnpike project or a portion of any turnpike project, or any internal
2155 infrastructure project or a portion of any internal infrastructure
2156 project, and the commission shall not take any action that expands or
2157 contracts, has the effect of expanding or contracting, or will to any
2158 degree at any time in the future have the effect of expanding or
2159 contracting the sphere of responsibility authority and powers of the
2160 commission beyond the Ohio turnpike system and Ohio turnpike internal
2161 infrastructure system, the commission shall do both of the following:
2162

- 2163 (1) Send notice to the governor and the presiding officers and
2164 minority leaders of the senate and house of representatives that
2165 details the proposed increase to the turnpike toll or internal
2166 infrastructure assessment rate structure or the expansion of the
2167 sphere of responsibility of the commission beyond the Ohio
2168 turnpike, including a description of and a justification for the
2169 increase or expansion the expansion, contraction, repurposing,
2170 rationalization, abandonment, liquidation, or conveyance to

2171 another governmental agency or person any turnpike project or a
2172 portion of any turnpike project, or any internal infrastructure
2173 project or a portion of any internal infrastructure project, or
2174 the expansion or contraction of the authority and powers of the
2175 commission beyond the Ohio turnpike system and Ohio turnpike
2176 internal infrastructure system;

2177
2178 (2) Commence holding public hearings on the proposed increase in
2179 the turnpike toll or internal infrastructure assessment rate
2180 structure or the proposed turnpike, internal infrastructure, or
2181 authority and powers action. If the commission is proposing an
2182 increase in the turnpike toll rate structure that is applicable
2183 to vehicles operating on a turnpike project, it shall hold not
2184 less than three public hearings in three geographically diverse
2185 locations in this state that are in the immediate vicinity of the
2186 affected project. If the commission is proposing an increase in
2187 the internal infrastructure assessment rate structure that is
2188 applicable to users accessing and using an internal
2189 infrastructure project, it shall hold not less than three public
2190 hearings in three geographically diverse locations in this state
2191 that are in the immediate vicinity of the affected project. If
2192 the commission is proposing to take an action that expands, has
2193 the effect of expanding, or will to any degree at any time in the
2194 future have the effect of expanding the sphere of responsibility
2195 of the commission beyond the Ohio turnpike, If the commission is
2196 proposing the expansion, contraction, repurposing,
2197 rationalization, abandonment, liquidation, or conveyance to
2198 another governmental agency or person any turnpike project or a
2199 portion of any turnpike project, or any internal infrastructure
2200 project or a portion of any internal infrastructure project, or
2201 the expansion or contraction of the authority and powers of the
2202 commission beyond the Ohio turnpike system and Ohio turnpike
2203 internal infrastructure system, it shall hold not less than three
2204 public hearings in three locations in the immediate vicinity
2205 where the expanded responsibilities proposals would arise.

2206
2207 The commission shall hold the third or, if it holds more than
2208 three hearings, the last hearing of any set of hearings required
2209 to be held under this section not less than thirty days prior to
2210 the date on which it votes to increase part of the turnpike toll
2211 rate structure that is applicable to vehicles operating on a
2212 turnpike project, or to increase part of the internal
2213 infrastructure assessment rate structure that is applicable to
2214 users accessing and using an internal infrastructure project, or
2215 to take an action that expands, has the effect of expanding, or
2216 will to any degree at any time in the future have the effect of
2217 expanding the sphere of responsibility of the commission beyond
2218 the Ohio turnpike. expands, contracts, repurposes, rationalizes,
2219 abandons, liquidates, or conveys to another governmental agency
2220 or person any turnpike project or a portion of any turnpike
2221 project, or any internal infrastructure project or a portion of
2222 any internal infrastructure project, or to take an action that
2223 expands or contracts the authority and powers of the commission

2224 beyond the Ohio turnpike system and Ohio turnpike internal
2225 infrastructure system.

2226
2227 The commission shall inform the public of all the hearings
2228 required to be held under this section by ~~causing a notice to be~~
2229 ~~published~~ publishing a notice on the commission's website and at
2230 Public Notices Ohio (<https://www.publicnoticesohio.com/>) and in a
2231 newspaper of general circulation in the county in which each
2232 hearing is to be held, unless the publications cease publishing
2233 print versions of their newspapers anymore, not less than once
2234 per week for two weeks prior to the date of the hearing.

2235
2236 (C) If the commission does not comply with the notice and hearing
2237 requirements contained in division (B) of this section and votes for
2238 an increase in the turnpike toll rate structure that is applicable to
2239 vehicles operating on a turnpike project, or an increase in the
2240 internal infrastructure assessment rate structure that is applicable
2241 to users accessing and using an internal infrastructure project, the
2242 increase in the turnpike toll rate structure or the internal
2243 infrastructure assessment rate structure shall not take effect, any
2244 attempt by the commission to implement the increase in the turnpike
2245 toll rate structure or internal infrastructure assessment rate
2246 structure is void, and, if necessary, the attorney general shall file
2247 an action in the court of common pleas of the county in which the
2248 principal office of the commission is located to enjoin the commission
2249 from implementing the increase. ~~The commission shall not implement any~~
2250 increase until it complies with division (B) of this section.

2251
2252 If the commission does not comply with the notice and hearing
2253 requirements contained in division (B) of this section and votes to
2254 take an action that ~~expands, has the effect of expanding, or will to~~
2255 ~~any degree at any time in the future have the effect of expanding the~~
2256 ~~sphere of responsibility of the commission beyond the Ohio turnpike,~~
2257 ~~expands, contracts, repurposes, rationalizes, abandons, liquidates, or~~
2258 ~~conveys to another governmental agency or person any turnpike project~~
2259 ~~or a portion of any turnpike project, or any internal infrastructure~~
2260 ~~project or a portion of any internal infrastructure project, or to~~
2261 ~~take an action that expands or contracts the authority and powers of~~
2262 ~~the commission beyond the Ohio turnpike system and Ohio turnpike~~
2263 ~~internal infrastructure system, the commission shall not take the~~
2264 ~~proposed action and, if necessary, the attorney general shall file an~~
2265 ~~action in the court of common pleas of the county in which the~~
2266 ~~principal office of the commission is located to enjoin the commission~~
2267 ~~from taking the proposed action. ~~The commission shall not take the~~~~
2268 ~~proposed action until it complies with the notice and hearing~~
2269 ~~requirements prescribed in division (B) of this section.~~

2270
2271 (D) Divisions (A) to (C) of this section do not apply to any decrease
2272 made to the turnpike toll rate structure or internal infrastructure
2273 assessment rate structure by the commission. The commission may
2274 implement a temporary decrease in the turnpike toll rate structure
2275 that is applicable to vehicles operating on a turnpike project only if
2276 it does not exceed eighteen months in duration. The commission may

2277 implement a permanent decrease in the turnpike toll rate structure
2278 that is applicable to vehicles operating on a turnpike project. Prior
2279 to instituting any decrease to the turnpike toll or internal
2280 infrastructure assessment rate structure, the commission shall do both
2281 of the following:

2282
2283 (1) Not less than five days prior to any public meeting under
2284 division (D)(2) of this section, send notice to the governor and
2285 the presiding officers and minority leaders of the senate and
2286 house of representatives that details the proposed decrease to
2287 the turnpike toll rate structure or internal infrastructure
2288 assessment rate structure;

2289
2290 (2) The turnpike advisory committee shall ~~Hold~~ hold a public
2291 meeting to explain to ~~members of the traveling~~ the public the
2292 reasons for the upcoming decrease, to inform them of any benefits
2293 and any negative consequences, and to give them the opportunity
2294 to express their opinions as to the relative merits or drawbacks
2295 of each turnpike toll or internal infrastructure assessment
2296 decrease. The ~~commission~~ committee shall inform the public of the
2297 meeting by ~~causing a notice to be published~~ publishing a notice
2298 on the commission's website and at Public Notices Ohio
2299 (<https://www.publicnoticesohio.com/>) and in newspapers of general
2300 circulation in Cuyahoga, Lucas, Mahoning, Trumbull, Williams, and
2301 Summit counties the county or counties in which is located or
2302 through which passes a portion of a turnpike project or internal
2303 infrastructure project that is part of the Ohio turnpike system
2304 or the Ohio turnpike internal infrastructure system that is the
2305 subject of the turnpike toll or internal infrastructure
2306 assessment decrease not less than five days prior to the meeting
2307 unless the publications cease publishing print versions of their
2308 newspapers anymore. The ~~commission~~ committee shall not be
2309 required to hold any public hearing or meeting upon the
2310 expiration of any temporary decrease in the turnpike toll rate
2311 structure that is applicable to vehicles operating on a turnpike
2312 project, so long as ~~it~~ the commission implements the same
2313 turnpike toll rate structure that was in effect immediately prior
2314 to the temporary decrease. The committee shall submit written
2315 reports of the public meeting to the commission, either at
2316 commission meetings held pursuant to this chapter or at any other
2317 time.

2318
2319 ~~(E) As used in this section, "Ohio turnpike" means the toll freeway~~
2320 ~~that is under the jurisdiction of the commission and runs in an~~
2321 ~~easterly and westerly direction across the entire northern portion of~~
2322 ~~this state between its borders with the state of Pennsylvania in the~~
2323 ~~east and the state of Indiana in the west, and carries the interstate~~
2324 ~~highway designations of interstate seventy six, interstate eighty, and~~
2325 ~~interstate eighty ninety.~~

2326
2327
2328

2328 ~~5537.27 Application by political subdivisions or government agencies~~
2329 ~~for projects~~

2330
2331 5537.27 Application for turnpike projects, external infrastructure
2332 projects, and internal infrastructure projects.

2333
2334 ~~The Ohio turnpike and infrastructure commission, the director of~~
2335 ~~transportation or the director's designee, and another person~~
2336 ~~designated by the governor shall establish a procedure whereby a~~
2337 ~~political subdivision or other government agency or agencies may~~
2338 ~~submit a written application to the commission, requesting the~~
2339 ~~commission to construct and operate a turnpike project within the~~
2340 ~~boundaries of the subdivision, agency, or agencies making the request.~~
2341 ~~The procedure shall include a requirement that the commission send a~~
2342 ~~written reply to the subdivision, agency, or agencies, explaining the~~
2343 ~~disposition of the request. The procedure established pursuant to this~~
2344 ~~section shall not become effective unless it is approved by the~~
2345 ~~commission and by the director or the director's designee and the~~
2346 ~~designee of the governor, and shall require submission of the proposed~~
2347 ~~turnpike project to the turnpike legislative review committee if the~~
2348 ~~project must be approved by the governor.~~

2349
2350 One or more political subdivisions, government agencies, or members of
2351 the public may submit written applications to the turnpike advisory
2352 committee requesting the commission acquire, construct, and operate a
2353 turnpike project, an external infrastructure project, or an internal
2354 infrastructure project within the boundaries of the subdivisions or
2355 agencies, or in a region or corridor suggested by members of the
2356 public making the request. The commission shall send a written reply
2357 to the subdivisions, agencies or members of the public explaining the
2358 disposition of the request. The proposed turnpike project or external
2359 infrastructure project or internal infrastructure project shall be
2360 submitted to the turnpike legislative review committee if the turnpike
2361 project or external infrastructure project or internal infrastructure
2362 project must be approved by the governor.

2363
2364
2365

2365 **5537.28 Payment of costs for projects.**

2366

2367 (A) In paying the cost of any turnpike project or internal
2368 infrastructure project, the Ohio turnpike and infrastructure
2369 commission may issue bonds and bond anticipation notes as permitted by
2370 this chapter, and may accept moneys from any source to pay the cost of
2371 any portion of the turnpike project or internal infrastructure
2372 project, including, but not limited to, the federal government, any
2373 department or agency of this state, and any political subdivision or
2374 other government agency. Each such project shall be constructed,
2375 operated, maintained, and repaired with funds specifically acquired
2376 for that project or from excess funds available from any other
2377 turnpike project.

2378

2379 (B) As used in this section "any turnpike project" does not include
2380 external infrastructure projects. The costs of external infrastructure
2381 projects approved under section 5537.18 of the Revised Code shall be
2382 funded exclusively ~~out of~~ from the external infrastructure fund or
2383 funds.

2384

2385

2386

2386 **5537.30 Program for the placement of business logos for ~~identification~~**
2387 **advertising purposes on ~~directional~~ signs within the turnpike right-**
2388 **of-way.**

2389
2390 (A) Not later than December 31, 2009, the Ohio turnpike and
2391 infrastructure commission ~~shall~~ may establish a program for the
2392 placement of business logos for ~~identification~~ advertising purposes on
2393 ~~directional~~ signs within the turnpike right-of-way.

2394
2395 (B)

2396
2397 (1) ~~The commission~~ If the commission establishes the program, it
2398 shall establish, and may revise at any time, a fee for
2399 participation in the business logo sign program. All direct and
2400 indirect costs of the business logo sign program established
2401 pursuant to this section shall be fully paid by the businesses
2402 applying for participation in the program. The direct and
2403 indirect costs of the program shall include, but not be limited
2404 to, the cost of capital, ~~directional~~ signs, blanks, posts, logos,
2405 installation, repair, engineering, design, insurance, removal,
2406 replacement, and administration.

2407
2408 (2) Money generated from participating businesses in excess of
2409 the direct and indirect costs and any reasonable profit earned by
2410 a person awarded a contract to operate, maintain, or market the
2411 business logo sign program shall be remitted to the commission.

2412
2413 (3) If the commission operates such a program and does not
2414 contract with a private person to operate it, all money collected
2415 from participating businesses shall be retained by the
2416 commission.

2417
2418 (C) The program shall permit the business logo signs of a seller of
2419 motor vehicle fuel to include on the seller's signs a marking or
2420 symbol indicating that the seller sells one or more types of
2421 alternative fuel so long as the seller in fact sells that fuel. As
2422 used in this division, "alternative fuel" has the same meaning as in
2423 section 125.831 of the Revised Code.

2424
2425 (D) The commission may at any time terminate the business logo program
2426 or portions of the business logo program pending at least one month of
2427 advanced notice to any businesses participating in the program.

2428
2429
2430

2430 ~~5537.35 Turnpike rest area flags.~~

2431

2432 5537.35 Turnpike facility and internal infrastructure facility flags.

2433

2434 (A) The Ohio turnpike and infrastructure commission shall display the
2435 following flags at each ~~service turnpike~~ facility that is along the
2436 turnpike:

2437

2438 (1) The flag of the United States;

2439

2440 (2) The flag of Ohio;

2441

2442 (3) The flag that depicts the profile of a prisoner of war
2443 against the background of a prisoner of war camp watchtower,
2444 commonly known as the POW/MIA flag.

2445

2446 (B) In purchasing flags to comply with division (A) of this section,
2447 the turnpike commission shall, to the maximum extent possible, conform
2448 to the preference requirements of sections 125.09 and 125.11 of the
2449 Revised Code and all rules adopted under those sections to ensure the
2450 purchase and use of products made in Ohio and the United States.

2451

2452 (C) The Ohio turnpike and infrastructure commission may display the
2453 following flags at each internal infrastructure facility:

2454

(1) The flag of the United States;

2456

(2) The flag of Ohio;

2458

(3) The flags of other countries or states if an internal
2460 infrastructure project extends into or through their boundaries
2461 and jurisdictions;

2462

(4) Other flags, banners, etc. that the commission approves of.

2464

2465 (D) In purchasing flags to comply with division (C)(1) and (C)(2) of
2466 this section, the turnpike commission shall, to the maximum extent
2467 possible, conform to the preference requirements of sections 125.09
2468 and 125.11 of the Revised Code and all rules adopted under those
2469 sections to ensure the purchase and use of products made in Ohio and
2470 the United States.

2471

2472

2472 **5537.36 Turnpike advisory committee.**
2473

2474 (A) There is hereby created a turnpike advisory committee consisting
2475 of the executive director and two voting commission members as
2476 determined by the commission members, and one alternative
2477 representative for the executive director and one alternative
2478 representative for the two voting commission members. Each appointed
2479 committee member shall hold the position from the date of appointment
2480 until the end of the term for which the member was appointed. If a
2481 committee member dies or resigns, the vacancy shall be filled by the
2482 alternative member or by a determination of the commission members.
2483 Any committee member who fills a vacancy occurring prior to the end of
2484 the term for which the committee member's predecessor was appointed
2485 shall hold the position for the remainder of such term or for a
2486 shorter period of time as determined by the commission members. A
2487 committee member is eligible for reappointment. Each committee member
2488 shall take an oath as provided by Section 7 of Article XV, Ohio
2489 Constitution. The commission members may at any time remove their
2490 respective appointees to the committee for misfeasance, nonfeasance,
2491 or malfeasance in office.
2492

2493 (B) The committee members shall elect one of the committee members as
2494 chairperson and another as vice-chairperson, and shall appoint a
2495 secretary-treasurer who need not be a member of the committee. Two of
2496 the committee members constitute a quorum, and the affirmative vote of
2497 two committee members is necessary for any action taken by the
2498 committee. No vacancy in the membership of the committee impairs the
2499 rights of a quorum to exercise all the rights and perform all the
2500 duties of the committee.
2501

2502 (C) Each member of the committee shall serve without compensation.
2503 Each member shall be reimbursed for the member's actual expenses
2504 necessarily incurred in the performance of the member's duties. All
2505 costs and expenses incurred by the committee in carrying out this
2506 chapter shall be payable solely from revenues, and no liability or
2507 obligation shall be incurred by the commission beyond the extent to
2508 which revenues have been provided for pursuant to this chapter.
2509

2510 (D) The committee shall meet at least quarterly and may meet at the
2511 call of its chairperson, or upon the written request to the
2512 chairperson of not fewer than two members of the committee. Meetings
2513 shall be held at sites that are determined solely by the chairperson
2514 of the committee with consultation from other committee members.
2515

2516 (E) At each meeting, the committee shall host open regular or
2517 occasional discussions and presentations, and shall solicit input,
2518 critiques, and advice from turnpike and internal infrastructure
2519 project users, lessees, renters, clients, service providers, vendors,
2520 concessionaires, consultants, similar project administrators, and
2521 other stakeholders and members of the public having interests in or
2522 whom are affected by proposed and on-going turnpike and internal
2523 infrastructure project acquisition, construction, maintenance, repair,
2524 or operations, or whom may suggest new or changes to interchanges

2525 located on existing turnpike projects or internal infrastructures and
2526 facilities, or on any other related matters.

2527
2528 (F) The committee, by the affirmative vote of at least two of its
2529 members, may submit written committee reports to the commission,
2530 either at commission meetings held pursuant to this chapter or at any
2531 other time.

2532
2533
2534

2534 **5537.37 Meeting by interactive video conference or teleconference.**

2535
2536 (A) The requirement in division (C) of section 121.22 of the Revised
2537 Code that a member of a public body be present in person at a meeting
2538 open to the public in order to be part of a quorum or to vote does not
2539 apply to the commission if the commission holds the meeting by
2540 interactive video conference or by teleconference in the following
2541 manner:

2542
2543 (1) The commission establishes a meeting location that is open
2544 and accessible to the public;

2545
2546 (2) Meeting-related materials that are available before the
2547 meeting are sent via electronic mail, facsimile, hand-delivery,
2548 or United States postal service to each commission member;

2549
2550 (3) In the case of an interactive video conference, the
2551 commission causes a clear video and audio connection to be
2552 established that enables all meeting participants at the meeting
2553 location to see and hear each commission member;

2554
2555 (4) In the case of a teleconference, the commission causes a
2556 clear audio connection to be established that enables all meeting
2557 participants at the meeting location to hear each commission
2558 member;

2559
2560 (5) All commission members have the capability to receive
2561 meeting-related materials that are distributed in advance of and
2562 during a commission meeting;

2563
2564 (6) A roll call voice vote is recorded for each vote taken; and

2565
2566 (7) The minutes of the commission meeting identify which
2567 commission members remotely attended the meeting by interactive
2568 video conference or teleconference and their remote location.

2569
2570 If the commission proceeds under this division, use of an
2571 interactive video conference is preferred, but nothing in this
2572 section prohibits the commission from conducting its meetings by
2573 teleconference or by a combination of interactive video
2574 conference and teleconference at the same meeting.

2575
2576 (B) The commission shall adopt rules necessary to implement this
2577 section. At a minimum, the rules shall do all of the following:

2578
2579 (1) Authorize commission members to remotely attend a commission
2580 meeting by interactive video conference or teleconference, or by
2581 a combination thereof, in lieu of attending the meeting in
2582 person;

2583
2584 (2) Establish a minimum number of commission members that must be
2585 physically present in person at a meeting location if the

2586 commission conducts a meeting by interactive video conference or
2587 teleconference;

2588
2589 (3) Require that not more than one commission member remotely
2590 attending a commission meeting by teleconference is permitted to
2591 be physically present at the same remote location;

2592
2593 (4) Establish a policy for distributing and circulating meeting-
2594 related materials to commission members, the public, and the
2595 media in advance of or during a meeting at which commission
2596 members are permitted to attend by interactive video conference
2597 or teleconference; and

2598
2599 (5) Establish a method for verifying the identity and location of
2600 a commission member who remotely attends a meeting by
2601 teleconference.

2602
2603 (C) The commission may and is encouraged to open its meetings to the
2604 public by interactive video conference or by teleconference

2605
2606
2607

2607 **5537.99 Penalty.**

2608

2609 (A) Except as provided in division (B) of this section, whoever
2610 violates division (C) of section 5537.16 of the Revised Code is guilty
2611 of a minor misdemeanor on a first offense; on each subsequent offense
2612 such person is guilty of a misdemeanor of the fourth degree.

2613

2614 (B)

2615

2616 (1) Whoever violates division (C) of section 5537.16 of the
2617 Revised Code when the violation is a civil violation for failure
2618 to comply with turnpike toll or internal infrastructure
2619 assessment collection rules is subject to a ~~fee or charge~~ fine
2620 and/or restriction of turnpike or internal infrastructure project
2621 access and/or use established by the commission by rule.

2622

2623 (2) Whoever violates division (C) of section 5537.16 of the
2624 Revised Code in regard to allowable axle or vehicle loads shall
2625 be fined in accordance with division (A) of section 5577.99 of
2626 the Revised Code.

2627

2628