

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

**Required ORC Revisions
12-2008**

1 **163.06 Depositing value with court.**

2

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

12

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

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

34

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

41

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

43

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

47

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

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

58

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

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

61

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

64

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

72

73 Effective Date: 10-20-1994

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

76

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

79

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

87

88 Effective Date: 10-20-1994

89 **717.01 Powers of municipal corporations.**

90

91 Each municipal corporation may do any of the following:

92

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

95

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

98

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

101

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

103

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

105

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

110

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

114

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

118

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

121

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

124

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

127

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

129

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

132

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

135

136 (O) Construct hospitals and pesthouses;

137

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

140

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

144

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

146

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

149

150 (2) Purchase fire engines or fire boats;

151

152 (3) Construct water towers or fire cisterns;

153

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

156

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

159

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

161

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

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

178

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

185

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

193

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

202

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

206

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

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

223

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

231

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

234

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

246

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

249

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

253

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

257

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

261

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

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

264

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

277

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

287

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

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

294

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

300

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

309

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

315

316 (F) As used in this section:

317

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

319

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

322

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

327

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

331

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

333

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

336

337 Effective Date: 06-30-1997

338

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

340

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

350

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

352

353 (2) The proposed technology;

354

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

356

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

359

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

362

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

366

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

369

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

372

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

375

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

378

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

381

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

390

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

392 H 250. Eff 10-20-94.

393 **5537.01 Turnpike commission definitions.**

394

395 As used in this chapter:

396

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

402

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

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

427

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

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

459

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

463

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

469

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

473

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

477

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

493

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

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

503

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

510

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

516

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

521

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

527

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

535

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

543

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

547

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

554

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

558

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

565

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

570

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

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

585

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

589

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

593

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

597

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

600

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

605

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

609

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

613

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

615 **5537.03 Turnpike projects.**

616

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

636

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

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

640

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

653

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

665

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

673

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

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

694

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

716

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

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

721

722 Effective Date: 06-30-1993

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

724

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

748

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

753

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

760

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

766

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

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

769

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

783

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

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

798

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

802

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

806

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

810

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

813

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

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

837

838 Effective Date: 10-17-1996

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

842

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

848

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

854

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

863

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

867

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

879

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

886

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

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

898

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

906

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

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

910

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

920

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

928

929 Effective Date: 06-30-1993

930 **5537.24 Turnpike oversight committee.**

931

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

934

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

941

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

948

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

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

963

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

971

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

980

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

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

998

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

1004

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

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

1024

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

1037

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

1044

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

1053

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

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

1056

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

1068

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

1077

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

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

1084

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

1097

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

1106

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

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

1112

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

1124

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

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

1137

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

1144

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

1150

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

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

1165

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

1173

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

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

1176

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

1184

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

1194

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

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

1209

1210 (C) As used in this section:

1211

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

1214

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

1219

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