

Proposed Amendment to HB 128-166/SB 128-121 "Transportation Innovation Authorities" Authorizing the Ohio Turnpike Commission to Additionally Engage in Multiple Modes of Surface Transportation Using OTC's Public Turnpike Business and Governance Model

**Required Revisions to the
Ohio Revised Code c.5-24-2009**

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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. of
16 the Revised Code, or for the purpose of implementing transportation
17 systems under Chapter 5537. of the Revised Code, may deposit with the
18 court at the time of filing the petition the value of such property
19 appropriated together with the damages, if any, to the residue, as
20 determined by the public agency, and stated in an attached declaration
21 of intention to obtain possession and thereupon take possession of and
22 enter upon the property appropriated, including structures situated
23 upon the land appropriated for such purpose or situated partly upon
24 the land appropriated therefor and partly upon adjoining land, so that
25 such structures cannot be divided upon the line between such lands
26 without manifest injury thereto. The jury, in assessing compensation
27 to any owner of land appropriated under this division shall assess the

28 value thereof in accordance with section 163.14 of the Revised Code.
29 The owner or occupant of such structures shall vacate the same within
30 sixty days after service of summons as required under section 163.07
31 of the Revised Code, after which time the agency may remove said
32 structures. In the event such structures are to be removed before the
33 jury has fixed the value of the same, the court, upon motion of the
34 agency, shall:

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

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

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

48
49 (C) Any time after the deposit is made by the public agency under
50 division (A) or (B) of this section, the owner may apply to the court
51 to withdraw the deposit, and such withdrawal shall in no way interfere
52 with the action except that the sum so withdrawn shall be deducted
53 from the sum of the final verdict or award. Upon such application
54 being made the court shall direct that the sum be paid to such owner

55 subject to the rights of other parties in interest provided such
56 parties make timely application as provided in section 163.18 of the
57 Revised Code. Interest shall not accrue on any sums withdrawable as
58 provided in this division.

59

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

61

62

63 **163.09 Valuation of property.**

64

65 (A) If no answer is filed pursuant to section 163.08 of the Revised
66 Code, and no approval ordered by the court to a settlement of the
67 rights of all necessary parties, the court, on motion of a public
68 agency, shall declare the value of the property taken and the damages,
69 if any, to the residue to be as set forth in any document properly
70 filed with the clerk of the court of common pleas by the public
71 agency. In all other cases, the court shall fix a time, within twenty
72 days from the last date that the answer could have been filed, for the
73 assessment of compensation by a jury.

74

75 (B)(1) When an answer is filed pursuant to section 163.08 of the
76 Revised Code and any of the matters relating to the right to make the
77 appropriation, the inability of the parties to agree, or the necessity
78 for the appropriation are specifically denied in the manner provided
79 in that section, the court shall set a day, not less than five or more
80 than fifteen days from the date the answer was filed, to hear those

81 matters. Upon those matters, the burden of proof is upon the agency by
82 a preponderance of the evidence except as follows:

83
84 (a) A resolution or ordinance of the governing or controlling body,
85 council, or board of the agency declaring the necessity for the
86 appropriation creates a rebuttable presumption of the necessity for
87 the appropriation if the agency is not appropriating the property
88 because it is a blighted parcel or part of a blighted area or slum.

89
90 (b) The presentation by a public utility or common carrier of evidence
91 of the necessity for the appropriation creates a rebuttable
92 presumption of the necessity for the appropriation.

93
94 (c) Approval by a state or federal regulatory authority of an
95 appropriation by a public utility or common carrier creates an
96 irrebuttable presumption of the necessity for the appropriation.

97
98 (2) Subject to the irrebuttable presumption in division (B)(1)(c) of
99 this section, only the judge may determine the necessity of the
100 appropriation. If, as to any or all of the property or other interests
101 sought to be appropriated, the court determines the matters in favor
102 of the agency, the court shall set a time for the assessment of
103 compensation by the jury not less than sixty days from the date of the
104 journalization of that determination, subject to the right of the
105 parties to request mediation under section 163.051 of the Revised Code
106 and the right of the owner to an immediate appeal under division
107 (B)(3) of this section. Except as provided in division (B)(3) of this

108 section, an order of the court in favor of the agency on any of the
109 matters or on qualification under section 163.06 of the Revised Code
110 shall not be a final order for purposes of appeal. An order of the
111 court against the agency on any of the matters or on the question of
112 qualification under section 163.06 of the Revised Code shall be a
113 final order for purposes of appeal. If a public agency has taken
114 possession prior to such an order and such an order, after any appeal,
115 is against the agency on any of the matters, the agency shall restore
116 the property to the owner in its original condition or respond in
117 damages, which may include the items set forth in division (A)(2) of
118 section 163.21 of the Revised Code, recoverable by civil action, to
119 which the state consents.

120

121 (3) An owner has a right to an immediate appeal if the order of the
122 court is in favor of the agency in any of the matters the owner denied
123 in the answer, unless the agency is appropriating property in time of
124 war or other public exigency imperatively requiring its immediate
125 seizure, for the purpose of making or repairing roads which shall be
126 open to the public without charge, for the purpose of implementing
127 rail service under Chapter 4981. of the Revised Code, for the purpose
128 of implementing transportation systems under Chapter 5537. of the
129 Revised Code, or under section 307.08, 504.19, 6101.181, 6115.221,
130 6117.39, or 6119.11 of the Revised Code or by a public utility owned
131 and operated by a municipal corporation as the result of a public
132 exigency.

133

134 (C) When an answer is filed pursuant to section 163.08 of the Revised
135 Code, and none of the matters set forth in division (B) of this
136 section is specifically denied, the court shall fix a time within
137 twenty days from the date the answer was filed for the assessment of
138 compensation by a jury.

139

140 (D) If answers are filed pursuant to divisions (B) and (C) of this
141 section, or an answer is filed on behalf of fewer than all the named
142 owners, the court shall set the hearing or hearings at such times as
143 are reasonable under all the circumstances, but in no event later than
144 twenty days after the issues are joined as to all necessary parties or
145 twenty days after rule therefor, whichever is earlier.

146

147 (E) The court, with the consent of the parties, may order two or more
148 cases to be consolidated and tried together, but the rights of each
149 owner to compensation, damages, or both shall be separately determined
150 by the jury in its verdict.

151

152 (F) If an answer is filed under section 163.08 of the Revised Code
153 with respect to the value of property, the trier of fact shall
154 determine that value based on the evidence presented, with neither
155 party having the burden of proof with respect to that value.

156

157 (G) If the court determines the matter in the favor of the owner as to
158 the necessity of the appropriation or whether the use for which the
159 agency seeks to appropriate the property is a public use, in a final,

160 unappealable order, the court shall award the owner reasonable
161 attorney's fees, expenses, and costs.

162

163 Effective Date: 09-10-1987; 05-06-2005; 2007 SB7 10-10-2007

164

165

166 **163.15 Contents of jury verdict - relocation payments.**

167

168 (A) As soon as the agency pays to the party entitled thereto or
169 deposits with the court the amount of the award and the costs assessed
170 against the agency, it may take possession; provided, that this shall
171 not be construed to limit the right of a public agency to enter and
172 take possession, as provided in section 163.06 of the Revised Code.
173 When the agency is entitled to possession the court shall enter an
174 order to such effect upon the record and, if necessary, process shall
175 be issued to place the agency in possession. Whenever a final journal
176 entry in an appropriation proceeding, granting to this state a fee
177 title or any lesser estate or interest in real property is filed and
178 journalized by the clerk of courts, the clerk of courts shall
179 forthwith transmit to the county auditor a certified copy of said
180 final journal entry who shall transfer the property on the auditor's
181 books and transmit said entry with proper endorsement to the county
182 recorder for recording. The costs of filing such final journal entry
183 with the county auditor and the county recorder shall be taxed as
184 costs in the appropriation proceedings the same as other costs are
185 taxed under section 163.16 of the Revised Code.

186

187 (B)(1) Whenever the appropriation of real property requires the owner,
188 a commercial tenant, or a residential tenant identified by the owner
189 in a notice filed with the court to move or relocate, the agency shall
190 make a payment to that person, upon proper application as approved by
191 the agency, for all of the following:

192

193 (a) Actual reasonable expenses in moving the person and the person's
194 family, business, farm operation, or other personal property;

195

196 (b) Actual direct losses of tangible personal property as a result of
197 moving or discontinuing a business or farm operation, but not to
198 exceed an amount equal to the reasonable expenses that would have been
199 required to relocate such property, as determined by the agency;

200

201 (c) Actual reasonable expenses in searching for a replacement business
202 or farm, but not to exceed two thousand five hundred dollars;

203

204 (d) Actual and reasonable expenses necessary to reestablish a farm,
205 nonprofit organization, or small business at its new site, but not to
206 exceed ten thousand dollars.

207

208 (2) If the agency does not approve a payment for which the owner
209 applied under division (B)(1) of this section, the trier of fact, upon
210 presentation of proof, shall determine whether to award a payment for
211 the expenses described in division (B)(1) of this section and the
212 amount of any award. The owner shall have the burden of proof with
213 respect to those expenses.

214

215 (3)(a) In addition to any payments an owner of a business may receive
216 under division (B)(1) of this section, an owner of a business who is
217 required by an appropriation of real property to relocate the business
218 may recover damages for the owner's actual economic loss resulting
219 from the appropriation, as proven by the owner by a preponderance of
220 the evidence. Compensation for actual economic loss under this
221 division shall not include any attorney's fees and shall not duplicate
222 any amount awarded as compensation under this chapter.

223

224 (b) The amount of compensation awarded under division (B)(3)(a) of
225 this section shall not exceed twelve months net profit of the business
226 on an annualized basis. Except as otherwise provided in division
227 (B)(3)(c) of this section, if the agency is appropriating property in
228 time of war or other public exigency imperatively requiring its
229 immediate seizure, for the purpose of making or repairing roads that
230 shall be open to the public without charge, for the purpose of
231 implementing rail service under Chapter 4981. of the Revised Code, for
232 the purpose of implementing transportation systems under Chapter 5537.
233 of the Revised Code, or under section 307.08, 504.19, 6101.181,
234 6115.221, 6117.39, or 6119.11 of the Revised Code as the result of a
235 public exigency, or the agency is a municipal corporation that is
236 appropriating property as a result of a public exigency, the period
237 for which the net profit of the business is calculated shall be twelve
238 months minus the time period from the date the agency gives the notice
239 required by section 163.04 of the Revised Code to the date the agency
240 deposits the value of the property with the court pursuant to section

241 163.06 of the Revised Code or pays that amount to the owner, but in no
242 event shall the compensation time period be less than fifteen days. If
243 the period on which the loss is calculated is reduced to fifteen days
244 and the relocation is unusually complex, the owner may request the
245 agency to increase that period by up to fifteen additional days. If
246 the agency fails to pay the compensation as provided under division
247 (B)(3)(a) of this section or denies the request, the owner may seek an
248 award of such compensation pursuant to this section.

249
250 (c) In case of an act of God or other public exigency that requires an
251 immediate taking of property to protect public health or safety or in
252 case of a voluntary conveyance, the amount of compensation awarded
253 under division (B)(3)(a) of this section shall not exceed fifteen days
254 net profit of the business on an annualized basis. The owner may
255 request the agency to increase that period by up to fifteen additional
256 days. If the agency fails to pay the compensation as provided under
257 division (B)(3)(a) of this section or denies the request, the owner
258 may seek an award of such compensation pursuant to this section.

259
260 Effective Date: 04-29-1968; 2007 SB7 10-10-2007

261

262

263 **163.21 Abandonment of proceedings.**

264

265 (A)(1) If it has not taken possession of property that is
266 appropriated, an agency may abandon appropriation proceedings under
267 sections 163.01 to 163.22 of the Revised Code at any time after the

268 proceedings are commenced but not later than ninety days after the
269 final determination of the cause.

270

271 (2) In all cases of abandonment as described in division (A)(1) of
272 this section, the court shall enter a judgment against the agency for
273 costs, including jury fees, and shall enter a judgment in favor of
274 each affected owner, in amounts that the court considers to be just,
275 for each of the following that the owner incurred:

276

277 (a) Witness fees, including expert witness fees;

278

279 (b) Attorney's fees;

280

281 (c) Other actual expenses.

282

283 (B)(1) In appropriation proceedings under sections 163.01 to 163.22 of
284 the Revised Code or as authorized by divisions (A) and (B) of section
285 163.02 of the Revised Code for appropriation proceedings in time of a
286 public exigency under other sections of the Revised Code, if the court
287 determines that an agency is not entitled to appropriate particular
288 property, the court shall enter both of the following:

289

290 (a) A judgment against the agency for costs, including jury fees;

291

292 (b) A judgment in favor of each affected owner, in amounts that the
293 court considers to be just, for the owner's reasonable disbursements
294 and expenses, to include witness fees, expert witness fees, attorney's

295 fees, appraisal and engineering fees, and for other actual expenses
296 that the owner incurred in connection with the proceedings.

297

298 (2) Any award to an owner pursuant to this section shall be paid by
299 the head of the agency for whose benefit the appropriation proceedings
300 were initiated.

301

302 (C)(1) Except as otherwise provided in division (C)(2) or (3) of this
303 section and subject to division (C)(5) of this section, when an agency
304 appropriates property and the final award of compensation is greater
305 than one hundred twenty-five per cent of the agency's good faith offer
306 for the property or, if before commencing the appropriation proceeding
307 the agency made a revised offer based on conditions indigenous to the
308 property that could not reasonably have been discovered at the time of
309 the good faith offer, one hundred twenty-five per cent of the revised
310 offer, the court shall enter judgment in favor of the owner, in
311 amounts the court considers just, for all costs and expenses,
312 including attorney's and appraisal fees, that the owner actually
313 incurred.

314

315 (2) The court shall not enter judgment for costs and expenses,
316 including attorney's fees and appraisal fees, if the agency is
317 appropriating property in time of war or other public exigency
318 imperatively requiring its immediate seizure, for the purpose of
319 making or repairing roads that shall be open to the public without
320 charge, for the purpose of implementing rail service under Chapter
321 4981. of the Revised Code, for the purpose of implementing

322 transportation systems under Chapter 5537. of the Revised Code, or
323 under section 307.08, 504.19, 6101.181, 6115.221, 6117.39, or 6119.11
324 of the Revised Code as the result of a public exigency, or the agency
325 is a municipal corporation that is appropriating property as a result
326 of a public exigency, except that the court shall enter judgment in
327 favor of the owner for costs and expenses, including attorney's and
328 appraisal fees, that the owner actually incurred only if the property
329 being appropriated is land used for agricultural purposes as defined
330 in section 303.01 or 519.01 of the Revised Code, or the county auditor
331 of the county in which the land is located has determined under
332 section 5713.31 of the Revised Code that the land is "land devoted
333 exclusively to agricultural use" as defined in section 5713.30 of the
334 Revised Code and the final award of compensation is more than one
335 hundred fifty per cent of the agency's good faith offer or a revised
336 offer made by the agency under division (C)(1) or (3) of this section.

337
338 (3) The court shall not enter judgment for costs and expenses,
339 including attorney's fees and appraisal fees, that the owner actually
340 incurred if the owner and the agency exchanged appraisals prior to the
341 filing of the petition and the final award of compensation was not
342 more than one hundred twenty-five per cent of the agency's first offer
343 for the property made subsequent to the exchange of appraisals and at
344 least thirty days before the filing of the petition.

345
346 (4) An award of costs and expenses, including attorney's and appraisal
347 fees, that the owner actually incurred, under division (C) of this
348 section shall not exceed the lesser of twenty-five per cent of the

349 amount by which the final award of compensation exceeds the agency's
350 initial good faith offer or revised offer or twenty-five per cent of
351 the amount by which the final award of compensation exceeds the
352 agency's last written offer made not less than forty-five days before
353 the date initially designated for trial by the court.

354

355 (5)(a) An award of costs and expenses, including attorney's and
356 appraisal fees, that the owner actually incurred, made under division
357 (G) of section 163.09 of the Revised Code is not subject to the
358 conditions and limitations set forth in divisions (C)(1), (2), (3),
359 and (4) of this section.

360

361 (b) The court shall not enter judgment for costs and expenses,
362 including attorney's fees and appraisal fees, under division (C) of
363 this section unless not less than fifty days prior to the date
364 initially designated by the court for trial the owner provided the
365 agency with an appraisal or summary appraisal of the property being
366 appropriated or with the owner's sworn statement setting forth the
367 value of the property and an explanation of how the owner arrived at
368 that value.

369

370 Effective Date: 09-10-1987; 2007 SB7 10-10-2007

371

372

373

373 **307.202 Development of rail property and rail service.**

374

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

377

378 The board of county commissioners may acquire, rehabilitate, and
379 develop rail property and rail service, and may enter into agreements
380 with the Ohio rail development commission, Ohio turnpike commission,
381 boards of township trustees, legislative authorities of municipal
382 corporations, other boards of county commissioners, with other
383 governmental agencies or organizations, and with private agencies or
384 organizations in order to achieve those purposes.

385

386 Effective Date: 10-20-1994

387

387 **505.69 Acquire, rehabilitate, and develop rail property and rail**
388 **service.**

389

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

392

393 The board of township trustees may acquire, rehabilitate, and develop
394 rail property and rail service, and may enter into agreements with the
395 Ohio rail development commission, Ohio turnpike commission, boards of
396 county commissioners, legislative authorities of municipal
397 corporations, other boards of township trustees, with other
398 governmental agencies or organizations, and with private agencies or
399 organizations in order to achieve those purposes.

400

401 Effective Date: 10-20-1994

402

402 **717.01 Powers of municipal corporations.**

403

404 Each municipal corporation may do any of the following:

405

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

408

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

411

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

414

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

416

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

418

419 (F) Construct infirmaries, workhouses, prisons, police stations,
420 houses of refuge and correction, market houses, public halls, public
421 offices, municipal garages, repair shops, storage houses, and
422 warehouses;

423

424 (G) Construct or acquire waterworks for supplying water to the
425 municipal corporation and its inhabitants and extend the waterworks
426 system outside of the municipal corporation limits;

427

428 (H) Construct or purchase gas works or works for the generation and
429 transmission of electricity, for the supplying of gas or electricity
430 to the municipal corporation and its inhabitants;

431

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

434

435 (J) Construct sewers, sewage disposal works, flushing tunnels, drains,
436 and ditches;

437

438 (K) Construct free public libraries and reading rooms, and free
439 recreation centers;

440

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

442

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

445

446 (N) Provide land for and improve parks, boulevards, and public
447 playgrounds;

448

449 (O) Construct hospitals and pesthouses;

450

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

453

454 (Q) Construct and improve levees, dams, waterways, waterfronts, and
455 embankments and improve any watercourse passing through the municipal
456 corporation;

457

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

459

460 (S)(1) Construct any building necessary for the police or fire
461 department;

462

463 (2) Purchase fire engines or fire boats;

464

465 (3) Construct water towers or fire cisterns;

466

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

469

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

472

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

474

475 (V) Acquire by purchase, gift, devise, bequest, lease, condemnation
476 proceedings, or otherwise, real or personal property, and thereon and
477 thereof to establish, construct, enlarge, improve, equip, maintain,
478 and operate airports, landing fields, or other air navigation
479 facilities, either within or outside the limits of a municipal
480 corporation, and acquire by purchase, gift, devise, lease, or

481 condemnation proceedings rights-of-way for connections with highways,
482 waterways, and electric, steam, and interurban railroads, and improve
483 and equip such facilities with structures necessary or appropriate for
484 such purposes. No municipal corporation may take or disturb property
485 or facilities belonging to any public utility or to a common carrier
486 engaged in interstate commerce, which property or facilities are
487 required for the proper and convenient operation of the utility or
488 carrier, unless provision is made for the restoration, relocation, or
489 duplication of the property or facilities elsewhere at the sole cost
490 of the municipal corporation.

491

492 (W) Provide by agreement with any regional airport authority, created
493 under section 308.03 of the Revised Code, for the making of necessary
494 surveys, appraisals, and examinations preliminary to the acquisition
495 or construction of any airport or airport facility and pay the portion
496 of the expense of the surveys, appraisals, and examinations as set
497 forth in the agreement;

498

499 (X) Provide by agreement with any regional airport authority, created
500 under section 308.03 of the Revised Code, for the acquisition,
501 construction, maintenance, or operation of any airport or airport
502 facility owned or to be owned and operated by the regional airport
503 authority or owned or to be owned and operated by the municipal
504 corporation and pay the portion of the expense of it as set forth in
505 the agreement;

506

507 (Y) Acquire by gift, purchase, lease, or condemnation, land, forest,
508 and water rights necessary for conservation of forest reserves, water
509 parks, or reservoirs, either within or without the limits of the
510 municipal corporation, and improve and equip the forest and water
511 parks with structures, equipment, and reforestation necessary or
512 appropriate for any purpose for the utilization of any of the forest
513 and water benefits that may properly accrue therefrom to the municipal
514 corporation;

515

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

519

520 (AA) Construct or rehabilitate, equip, maintain, operate, and lease
521 facilities for housing of elderly persons and for persons of low and
522 moderate income, and appurtenant facilities. No municipal corporation
523 shall deny housing accommodations to or withhold housing
524 accommodations from elderly persons or persons of low and moderate
525 income because of race, color, religion, sex, familial status as
526 defined in section 4112.01 of the Revised Code, military status as
527 defined in that section, disability as defined in that section,
528 ancestry, or national origin. Any elderly person or person of low or
529 moderate income who is denied housing accommodations or has them
530 withheld by a municipal corporation because of race, color, religion,
531 sex, familial status as defined in section 4112.01 of the Revised
532 Code, military status as defined in that section, disability as
533 defined in that section, ancestry, or national origin may file a

534 charge with the Ohio civil rights commission as provided in Chapter
535 4112. of the Revised Code.

536

537 (BB) Acquire, rehabilitate, and develop rail property or rail service,
538 and enter into agreements with the Ohio rail development commission,
539 Ohio turnpike commission, boards of county commissioners, boards of
540 township trustees, legislative authorities of other municipal
541 corporations, with other governmental agencies or organizations, and
542 with private agencies or organizations in order to achieve those
543 purposes;

544

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

547

548 (DD) Authorize the board of county commissioners, pursuant to a
549 contract authorizing the action, to contract on the municipal
550 corporation's behalf for the administration and enforcement within its
551 jurisdiction of the state building code by another county or another
552 municipal corporation located within or outside the county. The
553 contract for administration and enforcement shall provide for
554 obtaining certification pursuant to division (E) of section 3781.10 of
555 the Revised Code for the exercise of administration and enforcement
556 authority within the municipal corporation seeking those services and
557 shall specify which political subdivision is responsible for securing
558 that certification.

559

560 (EE) Expend money for providing and maintaining services and
561 facilities for senior citizens.

562

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

566

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

570

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

574

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

576

576 **4981.033 Indemnification - liability insurance coverage.**

577

578 (A) Notwithstanding section 4961.37 of the Revised Code, a railroad
579 company, public agency, or other person operating commercial and other
580 passenger rail service on a right-of-way owned by another shall
581 indemnify and hold harmless the owner, user, or other rights holder
582 for liability for any damages arising out of commercial and other
583 passenger operations conducted by or on behalf of the railroad
584 company, public agency, or other person operating commercial and other
585 passenger rail service and for all claims for damages for harm arising
586 from any accident or incident occurring in connection with the
587 operations conducted by or on behalf of the railroad company, public
588 agency, or other person operating commercial and other passenger rail
589 service.

590

591 (B) Each railroad company, public agency, or other person operating
592 commercial passenger rail service on a right-of-way owned by another
593 shall maintain an aggregate limit of liability coverage of no less
594 than two hundred million dollars. If a public agency owns and
595 administers the right-of-way, the operator of commercial and other
596 passenger rail service and the public agency of any railroad property
597 over which commercial and other passenger rail service will be
598 provided may negotiate to determine the amount of liability coverage
599 necessary to satisfy the public agency's insurance requirements.

600

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

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

607

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

613

614 (E) The operator of ~~an excursion~~ other passenger rail service and the
615 owner of any railroad property over which ~~the excursion other~~
616 passenger rail service will be provided may negotiate to determine the
617 amount of liability coverage necessary to satisfy the owner's private
618 insurance requirements. If the operator and owner reach agreement on
619 the amount of private insurance coverage so required, division (B) of
620 this section shall not apply to the operation of ~~the excursion other~~
621 passenger rail service over that railroad property.

622

623 This division does not require any owner of railroad property to enter
624 into such negotiations, to agree to an amount of liability coverage
625 that the owner determines to be insufficient indemnification, nor to
626 permit any ~~excursion other passenger~~ rail service operator to have
627 access to the railroad property.

628

629 (F) As used in this section:

630

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

632

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

635

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

640

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

644

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

646

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

649

650 Effective Date: 06-30-1997

651

652

653 **4981.04 Plan for construction and operation of intercity conventional**
654 **or high speed passenger transportation system.**

655

656 (A) The Ohio rail development commission shall prepare a plan for the
657 construction and operation of an intercity conventional or high speed
658 passenger transportation system in this state. The system shall be
659 constructed and operated by the commission or other designated state
660 agency. The plan for construction and operation shall be based on
661 existing studies, and shall state that the system's initial route will
662 connect Cleveland, Columbus, and Cincinnati and any points in between
663 those cities determined by the authority. The plan shall include the
664 following information:

665

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

667

668 (2) The proposed technology;

669

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

671

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

674

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

677

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

681

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

684

685 (8) The likelihood that additional or subsidiary development will be
686 generated;

687

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

690

691 (10) Any changes in the law necessary to implement the proposed
692 system;

693

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

696

697 The commission may revise any plan of the Ohio high speed rail
698 authority or may submit a separate plan for construction and operation
699 and a funding request to the governor, the speaker of the house of
700 representatives, and to the president of the senate. Any plan for an
701 intercity conventional or high speed passenger transportation system
702 submitted by the commission pursuant to this section ~~shall not~~ may
703 propose the operation of such a system by the state ~~other than~~ through
704 the commission or other designated state agency.

705

706 Effective Date: 10-20-1994

707

707 **5537.01 Turnpike commission definitions.**

708

709 As used in this chapter:

710

711 (A) "Commission" means the Ohio turnpike commission created by section
712 5537.02 of the Revised Code or, if that commission is abolished, the
713 board, body, officer, or commission succeeding to the principal
714 functions thereof or to which the powers given by this chapter to the
715 commission are given by law.

716

717 (B) "Project" or "turnpike project" means any express or limited
718 access ~~highway, super highway, or motorway~~ transportation system of
719 surface roads and highways, rail lines, tubular and other guided ways,
720 bicycle paths, pedestrian walkways, or public transit systems,
721 including connections between them, constructed, operated, or
722 improved, under the jurisdiction of the commission and pursuant to
723 this chapter, at a location or locations reviewed by the turnpike
724 legislative review committee and approved by the governor, including
725 all bridges, tunnels, overpasses, underpasses, interchanges, entrance
726 plazas, approaches, those portions of connecting public ~~roads~~
727 transportation systems that serve interchanges and are determined by
728 the commission and the director of transportation to be necessary for
729 the safe ~~merging~~ interchange of traffic between the turnpike project
730 and those public ~~roads~~ transportation systems, toll booths, service
731 facilities, and administration, storage, and other buildings,
732 property, and facilities that the commission considers necessary for
733 the operation or policing of the project, together with all property

734 and rights which may be acquired by the commission for the
735 construction, maintenance, or operation of the project, and includes
736 any sections or extensions of a turnpike project designated by the
737 commission as such for the particular purpose. Each turnpike project
738 shall be separately designated, by name or number, and may be
739 constructed, improved, or extended in such sections as the commission
740 may from time to time determine. Construction includes the improvement
741 and renovation of a previously constructed project, including
742 additional interchanges, whether or not the project was initially
743 constructed by the commission.

744

745 (C) "Cost," as applied to construction of a turnpike project, includes
746 the cost of construction, including bridges over or under existing
747 ~~highways and railroads~~ transportation systems, acquisition of all
748 property acquired by the commission for the construction, demolishing
749 or removing any buildings or structures on land so acquired, including
750 the cost of acquiring any lands to which the buildings or structures
751 may be moved, site clearance, improvement, and preparation, diverting
752 public ~~roads~~ transportation systems, interchanges with public ~~roads~~
753 transportation systems, access ~~roads~~ ways to private property,
754 including the cost of land or easements therefor, all machinery,
755 furnishings, and equipment, communications facilities, financing
756 expenses, interest prior to and during construction and for one year
757 after completion of construction, traffic estimates, indemnity and
758 surety bonds and premiums on insurance, title work and title
759 commitments, insurance, and guarantees, engineering, feasibility
760 studies, and legal expenses, plans, specifications, surveys, estimates

761 of cost and revenues, other expenses necessary or incident to
762 determining the feasibility or practicability of constructing or
763 operating a project, administrative expenses, and any other expense
764 that may be necessary or incident to the construction of the project,
765 the financing of the construction, and the placing of the project in
766 operation. Any obligation or expense incurred by the department of
767 transportation with the approval of the commission for surveys,
768 borings, preparation of plans and specifications, and other
769 engineering services in connection with the construction of a project,
770 or by the federal government with the approval of the commission for
771 any public ~~road~~ transportation system projects which must be
772 reimbursed as a condition to the exercise of any of the powers of the
773 commission under this chapter, shall be regarded as a part of the cost
774 of the project and shall be reimbursed to the state or the federal
775 government, as the case may be, from revenues, state taxes, or the
776 proceeds of bonds as authorized by this chapter.

777

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

781

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

787

788 (F) "Public ~~roads~~ transportation systems" means all public highways,
789 roads, ~~and~~ streets, rail lines, water ports, airports, tubular and
790 other guided ways, bicycle paths, pedestrian walkways, or public
791 transit systems in the state, whether maintained by a state agency or
792 any other governmental agency.

793

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

797

798 (H) "Financing expenses" means all costs and expenses relating to the
799 authorization, issuance, sale, delivery, authentication, deposit,
800 custody, clearing, registration, transfer, exchange,
801 fractionalization, replacement, payment, and servicing of bonds
802 including, without limitation, costs and expenses for or relating to
803 publication and printing, postage, delivery, preliminary and final
804 official statements, offering circulars, and informational statements,
805 travel and transportation, underwriters, placement agents, investment
806 bankers, paying agents, registrars, authenticating agents, remarketing
807 agents, custodians, clearing agencies or corporations, securities
808 depositories, financial advisory services, certifications, audits,
809 federal or state regulatory agencies, accounting and computation
810 services, legal services and obtaining approving legal opinions and
811 other legal opinions, credit ratings, redemption premiums, and credit
812 enhancement facilities.

813

814 (I) "Bond proceedings" means the resolutions, trust agreements,
815 certifications, notices, sale proceedings, leases, lease-purchase
816 agreements, assignments, credit enhancement facility agreements, and
817 other agreements, instruments, and documents, as amended and
818 supplemented, or any one or more or any combination thereof,
819 authorizing, or authorizing or providing for the terms and conditions
820 applicable to, or providing for the security or sale or award or
821 liquidity of, bonds, and includes the provisions set forth or
822 incorporated in those bonds and bond proceedings.

823

824 (J) "Bond service charges" means principal, including any mandatory
825 sinking fund or mandatory redemption requirements for the retirement
826 of bonds, and interest and any redemption premium payable on bonds, as
827 those payments come due and are payable to the bondholder or to a
828 person making payment under a credit enhancement facility of those
829 bond service charges to a bondholder.

830

831 (K) "Bond service fund" means the applicable fund created by the bond
832 proceedings for and pledged to the payment of bond service charges on
833 bonds provided for by those proceedings, including all moneys and
834 investments, and earnings from investments, credited and to be
835 credited to that fund as provided in the bond proceedings.

836

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

841

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

847

848 (N) "Pledged revenues" means net revenues, moneys and investments, and
849 earnings on those investments, in the applicable bond service fund and
850 any other special funds, and the proceeds of any bonds issued for the
851 purpose of refunding prior bonds, all as lawfully available and by
852 resolution of the commission committed for application as pledged
853 revenues to the payment of bond service charges on particular issues
854 of bonds.

855

856 (O) "Service facilities" means service stations, restaurants, and
857 other facilities for food service, ~~roadside~~ wayside parks and rest
858 areas, parking, camping, tenting, rest, and sleeping facilities,
859 hotels or motels, and all similar and other facilities providing
860 services to the traveling public in connection with the use of a
861 turnpike project and owned, leased, licensed, or operated by the
862 commission.

863

864 (P) "Service revenues" means those revenues of the commission derived
865 from its ownership, leasing, licensing, or operation of service
866 facilities.

867

868 (Q) "Special funds" means the applicable bond service fund and any
869 accounts and subaccounts in that fund, any other funds or accounts
870 permitted by and established under, and identified as a "special fund"
871 or "special account" in, the bond proceedings, including any special
872 fund or account established for purposes of rebate or other
873 requirements under federal income tax laws.

874

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

878

879 (S) "State taxes" means receipts of the commission from the proceeds
880 of state taxes or excises levied and collected, or appropriated by the
881 general assembly to the commission, for the purposes and functions of
882 the commission. State taxes do not include tolls, or investment
883 earnings on state taxes except on those state taxes referred to in
884 Section 5a of Article XII, Ohio Constitution.

885

886 (T) "Tolls" means tolls, special fees or permit fees, or other charges
887 by the commission to the owners, lessors, lessees, ~~or~~ operators of
888 ~~motor~~ transportation vehicles, or other users for the operation of, ~~or~~
889 the right to operate those vehicles on, or use of a turnpike project.

890

891 (U) "Credit enhancement facilities" means letters of credit, lines of
892 credit, standby, contingent, or firm securities purchase agreements,
893 insurance, or surety arrangements, guarantees, and other arrangements
894 that provide for direct or contingent payment of bond service charges,

895 for security or additional security in the event of nonpayment or
896 default in respect of bonds, or for making payment of bond service
897 charges and at the option and on demand of bondholders or at the
898 option of the commission or upon certain conditions occurring under
899 put or similar arrangements, or for otherwise supporting the credit or
900 liquidity of the bonds, and includes credit, reimbursement, marketing,
901 remarketing, indexing, carrying, interest rate hedge, and subrogation
902 agreements, and other agreements and arrangements for payment and
903 reimbursement of the person providing the credit enhancement facility
904 and the security for that payment and reimbursement.

905

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

909

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

913

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

917

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

920

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

925

926 (AA) "Outstanding," as applied to bonds, means outstanding in
927 accordance with the terms of the bonds and the applicable bond
928 proceedings.

929

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

933

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

935

936

937 **5537.03 Turnpike projects.**

938

939 In order to remove present and anticipated handicaps and potential
940 hazards on the congested ~~highways~~ transportation systems in this
941 state, to facilitate vehicular traffic throughout the state, to
942 promote the agricultural, commercial, recreational, tourism, and
943 industrial development of the state, and to provide for the general
944 welfare by the construction, improvement, and maintenance of modern
945 express ~~highways~~ transportation systems embodying safety devices,
946 including without limitation center divisions, ample shoulder widths,
947 long sight distances, multiple lanes, tracks, or channels in each

948 direction, and grade separations at intersections with other ~~public~~
949 ~~roads and railroads~~ transportation systems, the Ohio turnpike
950 commission, subject to section 5537.26 of the Revised Code, may
951 construct, maintain, repair, and operate a system of turnpike projects
952 at locations that are reviewed by the turnpike legislative review
953 committee and approved by the governor, and in accordance with
954 alignment and design standards that are approved by the director of
955 transportation, and issue revenue bonds of this state, payable solely
956 from pledged revenues, to pay the cost of those projects. The
957 turnpikes and turnpike projects authorized by this chapter are hereby
958 or shall be made part of the Ohio turnpike system.

959

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

961

962

963 **5537.05 Construction of grade separations at intersections of turnpike**
964 **projects.**

965

966 (A) The Ohio turnpike commission may construct grade separations at
967 intersections of any turnpike project with ~~public roads and railroads~~
968 transportation systems, and change and adjust the lines and grades of
969 those ~~roads and railroads~~ transportation systems, and of public
970 utility facilities, which change and adjustment of lines and grades of
971 those ~~roads~~ transportation systems shall be subject to the approval of
972 the governmental agency having jurisdiction over the ~~road~~
973 transportation system, so as to accommodate them to the design of the
974 grade separation. The cost of the grade separation and any damage

975 incurred in changing and adjusting the lines and grades of ~~roads,~~
976 ~~railroads,~~ transportation systems and public utility facilities shall
977 be ascertained and paid by the commission as a part of the cost of the
978 turnpike project or from revenues or state taxes.

979

980 (1) If the commission finds it necessary to change the location of any
981 portion of any ~~public road, railroad,~~ transportation systems or public
982 utility facility, it shall cause the same to be reconstructed at the
983 location the governmental agency having jurisdiction over such ~~road,~~
984 ~~railroad,~~ transportation systems or public utility facility considers
985 most favorable. The construction shall be of substantially the same
986 type and in as good condition as the original ~~road, railroad,~~
987 transportation systems or public utility facility. The cost of the
988 reconstruction, relocation, or removal and any damage incurred in
989 changing the location shall be ascertained and paid by the commission
990 as a part of the cost of the turnpike project or from revenues or
991 state taxes.

992

993 (2) The commission may petition the board of county commissioners of
994 the county in which is situated any ~~public road~~ transportation systems
995 or part thereof affected by the location therein of any turnpike
996 project, for the vacation or relocation of the ~~road~~ transportation
997 systems or any part thereof, in the same manner and with the same
998 force and effect as is given to the director of transportation
999 pursuant to sections 5553.04 to 5553.11 of the Revised Code.

1000

1001 (B) The commission and its authorized agents and employees, after
1002 proper notice, may enter upon any lands, waters, and premises in the
1003 state for the purpose of making surveys, soundings, drillings, and
1004 examinations that are necessary or proper for the purposes of this
1005 chapter, and the entry shall not be deemed a trespass, nor shall an
1006 entry for those purposes be deemed an entry under any appropriation
1007 proceedings which may then be pending, provided that before entering
1008 upon the premises of any railroad notice shall be given to the
1009 superintendent of the railroad involved at least five days in advance
1010 of entry, and provided that no survey, sounding, drilling, and
1011 examination shall be made between the rails or so close to a railroad
1012 track as would render the track unusable. The commission shall make
1013 reimbursement for any actual damage resulting to such lands, waters,
1014 and premises and to private property located in, on, along, over, or
1015 under such lands, waters, and premises, as a result of such
1016 activities. The state, subject to the approval of the governor, hereby
1017 consents to the use of all lands owned by it, including lands lying
1018 under water, that are necessary or proper for the construction,
1019 maintenance, or operation of any turnpike project, provided adequate
1020 consideration is provided for the use.

1021
1022 (C) The commission may make reasonable provisions or rules for the
1023 installation, construction, maintenance, repair, renewal, relocation,
1024 and removal of public utility facilities in, on, along, over, or under
1025 any turnpike project. Whenever the commission determines that it is
1026 necessary that any public utility facilities located in, on, along,
1027 over, or under any turnpike project should be relocated in or removed

1028 from the turnpike project, the public utility owning or operating the
1029 facilities shall relocate or remove them in accordance with the order
1030 of the commission. Except as otherwise provided in any license or
1031 other agreement with the commission, the cost and expenses of such
1032 relocation or removal, including the cost of installing the facilities
1033 in a new location, the cost of any lands, or any rights or interests
1034 in lands, and any other rights, acquired to accomplish the relocation
1035 or removal, shall be ascertained and paid by the commission as part of
1036 the cost of the turnpike project or from revenues of the Ohio turnpike
1037 system. In case of any such relocation or removal of facilities, the
1038 public utility owning or operating them and its successors or assigns
1039 may maintain and operate the facilities, with the necessary
1040 appurtenances, in the new location, for as long a period, and upon the
1041 same terms, as it had the right to maintain and operate the facilities
1042 in their former location.

1043

1044 (D) The commission is subject to Chapters 1515., 6131., 6133., 6135.,
1045 and 6137. of the Revised Code and shall pay any assessments levied
1046 under those chapters for an improvement or maintenance of an
1047 improvement on land under the control or ownership of the commission.

1048

1049 Effective Date: 06-30-1993

1050

1051

1052 **5537.06 Acquiring and disposing of property.**

1053

1054 (A) The Ohio turnpike commission may acquire by purchase, lease,
1055 lease-purchase, lease with option to purchase, appropriation, or
1056 otherwise and in such manner and for such consideration as it
1057 considers proper, any public or private property necessary,
1058 convenient, or proper for the construction, maintenance, or efficient
1059 operation of the Ohio turnpike system. The commission may pledge net
1060 revenues, to the extent permitted by this chapter with respect to
1061 bonds, to secure payments to be made by the commission under any such
1062 lease, lease-purchase agreement, or lease with option to purchase.
1063 Title to personal property, and interests less than a fee in real
1064 property, shall be held in the name of the commission. Title to real
1065 property held in fee shall be held in the name of the state for the
1066 use of the commission. In any proceedings for appropriation under this
1067 section, the procedure to be followed shall be in accordance with the
1068 procedure provided in sections 163.01 to 163.22 of the Revised Code,
1069 including division (B) of section 163.06 of the Revised Code
1070 notwithstanding the limitation in that division of its applicability
1071 to ~~roads~~ transportation systems open to the public without charge.
1072 Except as otherwise agreed upon by the owner, full compensation shall
1073 be paid for public property so taken.

1074

1075 (B) This section does not authorize the commission to take or disturb
1076 property or facilities belonging to any public utility or to a common
1077 carrier engaged in interstate commerce, which property or facilities
1078 are required for the proper and convenient operation of the public
1079 utility or common carrier, unless provision is made for the

1080 restoration, relocation, replication, or duplication of the property
1081 or facilities elsewhere at the sole cost of the commission.

1082

1083 (C) Disposition of real property shall be by the commission in the
1084 manner and for the consideration it determines if to a state agency or
1085 other governmental agency, and otherwise in the manner provided in
1086 section 5501.45 of the Revised Code for the disposition of property by
1087 the director of transportation. Disposition of personal property shall
1088 be in the manner and for the consideration the commission determines.

1089

1090 (D) Any instrument by which real property is acquired pursuant to this
1091 section shall identify the agency of the state that has the use and
1092 benefit of the real property as specified in section 5301.012 of the
1093 Revised Code.

1094

1095 Effective Date: 10-26-1999

1096

1097

1098 **5537.07 Bidding process for contracts exceeding \$50,000.**

1099

1100 (A) When the cost to the Ohio turnpike commission under any contract
1101 with a person other than a governmental agency involves an expenditure
1102 of more than fifty thousand dollars, the commission shall make a
1103 written contract with the lowest responsive and responsible bidder in
1104 accordance with section 9.312 of the Revised Code after advertisement
1105 for not less than two consecutive weeks in a newspaper of general
1106 circulation in Franklin county, and in such other publications as the

1107 commission determines, which notice shall state the general character
1108 of the work and the general character of the materials to be
1109 furnished, the place where plans and specifications therefor may be
1110 examined, and the time and place of receiving bids. The commission may
1111 require that the cost estimate for the construction, demolition,
1112 alteration, repair, improvement, renovation, or reconstruction of
1113 ~~roadways and bridges~~ infrastructure for which the commission is
1114 required to receive bids be kept confidential and remain confidential
1115 until after all bids for the public improvement have been received or
1116 the deadline for receiving bids has passed. Thereafter, and before
1117 opening the bids submitted for the ~~roadways and bridges~~
1118 infrastructure, the commission shall make the cost estimate public
1119 knowledge by reading the cost estimate in a public place. The
1120 commission may reject any and all bids. The requirements of this
1121 division do not apply to contracts for the acquisition of real
1122 property or compensation for professional or other personal services.

1123

1124 (B) Each bid for a contract for construction, demolition, alteration,
1125 repair, improvement, renovation, or reconstruction shall contain the
1126 full name of every person interested in it and shall meet the
1127 requirements of section 153.54 of the Revised Code.

1128

1129 (C) Each bid for a contract, other than for a contract referred to in
1130 division (B) of this section, shall contain the full name of every
1131 person interested in it and shall be accompanied by a sufficient bond
1132 or certified check on a solvent bank that if the bid is accepted a

1133 contract will be entered into and the performance of its proposal
1134 secured.

1135

1136 (D) A bond with good and sufficient surety, approved by the
1137 commission, shall be required of every contractor awarded a contract,
1138 other than a contract referred to in division (B) of this section, in
1139 an amount equal to at least fifty per cent of the contract price,
1140 conditioned upon the faithful performance of the contract.

1141

1142 Effective Date: 04-05-2001; 09-16-2004; 03-23-2005

1143

1144

1145 **5537.13 Contracts - bids - tolls - sinking fund - lien of the pledge.**

1146

1147 (A) Subject to section 5537.26 of the Revised Code, the Ohio turnpike
1148 commission may fix, revise, charge, and collect tolls for each
1149 turnpike project, and contract in the manner provided by this section
1150 with any person desiring the access to and use of any part thereof,
1151 including the right-of-way adjoining the ~~paved portion~~ infrastructure
1152 pending the acquisition of right of way use rights from the proper
1153 adjacent landowners, for placing thereon telephone, electric light, or
1154 power lines, service facilities, or for any other purpose, and fix the
1155 terms, conditions, rents, and rates of charge for such use, provided
1156 that no toll, charge, or rental may be made by the commission for
1157 placing in, on, along, over, or under the turnpike project, equipment
1158 or public utility facilities that are necessary to serve service
1159 facilities or to interconnect any public utility facilities.

1160

1161 (B) Contracts for the operation of service facilities shall be made in
1162 writing. Such contracts, except contracts with state agencies or other
1163 governmental agencies, shall be made with the bidder whose bid is
1164 determined by the commission to be the best bid received, after
1165 advertisement for two consecutive weeks in a newspaper of general
1166 circulation in Franklin county, and in other publications that the
1167 commission determines. The notice shall state the general character of
1168 the service facilities operation proposed, the place where plans and
1169 specifications may be examined, and the time and place of receiving
1170 bids. Bids shall contain the full name of each person interested in
1171 them, and shall be in such form as the commission requires. The
1172 commission may reject any and all bids. All contracts for service
1173 facilities shall be preserved in the principal office of the
1174 commission.

1175

1176 (C) Tolls shall be so fixed and adjusted as to provide funds at least
1177 sufficient with other revenues of the Ohio turnpike system, if any, to
1178 pay:

1179

1180 (1) The cost of maintaining, improving, repairing, constructing, and
1181 operating the Ohio turnpike system and its different parts and
1182 sections, and to create and maintain any reserves for those purposes;

1183

1184 (2) Any unpaid bond service charges on outstanding bonds payable from
1185 pledged revenues as such charges become due and payable, and to create
1186 and maintain any reserves for that purpose.

1187

1188 (D) Tolls are not subject to supervision, approval, or regulation by
1189 any state agency other than the turnpike commission.

1190

1191 (E) Revenues derived from each turnpike project in connection with
1192 which any bonds are outstanding shall be first applied to pay the cost
1193 of maintenance, improvement, repair, and operation and to provide any
1194 reserves therefor that are provided for in the bond proceedings
1195 authorizing the issuance of those outstanding bonds, and otherwise as
1196 provided by the commission, and the balance of the pledged revenues
1197 shall be set aside, at such regular intervals as are provided in the
1198 bond proceedings, in a bond service fund, which is hereby pledged to
1199 and charged with the payment of the bond service charges on any such
1200 outstanding bonds as provided in the applicable bond proceedings. The
1201 pledge shall be valid and binding from the time the pledge is made;
1202 the revenues and the pledged revenues thereafter received by the
1203 commission immediately shall be subject to the lien of the pledge
1204 without any physical delivery thereof or further act, and the lien of
1205 the pledge shall be valid and binding as against all parties having
1206 claims of any kind in tort, contract, or otherwise against the
1207 commission, whether or not those parties have notice thereof. The bond
1208 proceedings by which a pledge is created need not be filed or recorded
1209 except in the records of the commission. The use and disposition of
1210 moneys to the credit of a bond service fund shall be subject to the
1211 applicable bond proceedings. Except as is otherwise provided in such
1212 bond proceedings, such a bond service fund shall be a fund for all
1213 such bonds, without distinction or priority of one over another.

1214

1215 Effective Date: 10-17-1996

1216

1217

1218 **5537.17 Maintenance and repair of turnpike project - restoration or**
1219 **repair of damaged property - cooperation by governmental agencies -**
1220 **bridge inspection - annual audit.**

1221

1222 (A) Each turnpike project open to traffic shall be maintained and kept
1223 in good condition and repair by the Ohio turnpike commission. The Ohio
1224 turnpike system shall be policed and operated by a force of police,
1225 toll collectors, and other employees and agents that the commission
1226 employs or contracts for.

1227

1228 (B) All public or private property damaged or destroyed in carrying
1229 out the powers granted by this chapter shall be restored or repaired
1230 and placed in its original condition, as nearly as practicable, or
1231 adequate compensation or consideration made therefor out of moneys
1232 provided under this chapter.

1233

1234 (C) All governmental agencies may lease, lend, grant, or convey to the
1235 commission at its request, upon terms that the proper authorities of
1236 the governmental agencies consider reasonable and fair and without the
1237 necessity for an advertisement, order of court, or other action or
1238 formality, other than the regular and formal action of the authorities
1239 concerned, any property that is necessary or convenient to the
1240 effectuation of the purposes of the commission, including public ~~roads~~

1241 transportation systems and other property already devoted to public
1242 use.

1243

1244 (D) Each bridge, tunnel, trench, or stanchion constituting part of a
1245 turnpike project shall be inspected at least once each year by a
1246 professional engineer employed or retained by the commission.

1247

1248 (E) On or before the first day of July in each year, the commission
1249 shall make an annual report of its activities for the preceding
1250 calendar year to the governor and the general assembly. Each such
1251 report shall set forth a complete operating and financial statement
1252 covering the commission's operations during the year. The commission
1253 shall cause an audit of its books and accounts to be made at least
1254 once each year by certified public accountants, and the cost thereof
1255 may be treated as a part of the cost of operations of the commission.
1256 The auditor of state, at least once a year and without previous notice
1257 to the commission, shall audit the accounts and transactions of the
1258 commission.

1259

1260 (F) The commission shall submit a copy of its annual audit by the
1261 auditor of state and its proposed annual budget for each calendar or
1262 fiscal year to the governor, the presiding officers of each house of
1263 the general assembly, the director of budget and management, and the
1264 legislative service commission no later than the first day of that
1265 calendar or fiscal year.

1266

1267 (G) Upon request of the chairperson of the appropriate standing
1268 committee or subcommittee of the senate and house of representatives
1269 that is primarily responsible for considering transportation budget
1270 matters, the commission shall appear at least one time before each
1271 committee or subcommittee during the period when that committee or
1272 subcommittee is considering the biennial appropriations for the
1273 department of transportation and shall provide testimony outlining its
1274 budgetary results for the last two calendar years, including a
1275 comparison of budget and actual revenue and expenditure amounts. The
1276 commission also shall address its current budget and long-term capital
1277 plan.

1278

1279 (H) Not more than sixty nor less than thirty days before adopting its
1280 annual budget, the commission shall submit a copy of its proposed
1281 annual budget to the governor, the presiding officers of each house of
1282 the general assembly, the director of budget and management, and the
1283 legislative service commission. The office of budget and management
1284 shall review the proposed budget and may provide recommendations to
1285 the commission for its consideration.

1286

1287 Effective Date: 06-30-1993; 03-29-2005; 2006 HB699 03-29-2007

1288

1289

1290 **5537.21 Project continuing to be operated and maintained as ~~toll road~~**
1291 **tollway.**

1292

1293 (A) When bond service charges on all outstanding bonds issued in
1294 connection with any turnpike project have been paid or provision for
1295 that payment has been made, as provided in the applicable bond
1296 proceedings, or in the case of a turnpike project in connection with
1297 which no bonds have been issued, the project shall continue to be or
1298 be operated, and improved and maintained, by the Ohio turnpike
1299 commission as a part of the Ohio turnpike system and as a ~~toll road~~
1300 tollway, and all revenues received by the commission relating to that
1301 project shall be applied as provided in division (B) of this section.

1302
1303 (B) Subject to the bond proceedings for bonds relating to any turnpike
1304 project, tolls relating to a turnpike project as referred to in
1305 division (A) of this section shall be so fixed and adjusted that the
1306 aggregate of revenues relating to that project and available for the
1307 purpose are in amounts to provide moneys sufficient, and those
1308 revenues shall be used, to pay the costs described in division (C)(1)
1309 of section 5537.13 of the Revised Code.

1310
1311 Effective Date: 06-30-1993

1312

1313

1314 **5537.24 Turnpike oversight committee.**

1315

1316 (A) There is hereby created a turnpike legislative review committee
1317 consisting of six members as follows:

1318

1319 (1) Three members of the senate, no more than two of whom shall be
1320 members of the same political party, one of whom shall be the
1321 chairperson of the committee dealing primarily with ~~highway~~
1322 transportation matters, one of whom shall be appointed by the
1323 president of the senate, and one of whom shall be appointed by the
1324 minority leader of the senate.

1325
1326 Both the senate member who is appointed by the president of the senate
1327 and the senate member appointed by the minority leader of the senate
1328 shall represent either districts in which is located or through which
1329 passes a portion of a turnpike project that is part of the Ohio
1330 turnpike system or districts located in the vicinity of a turnpike
1331 project that is part of the Ohio turnpike system.

1332
1333 The president of the senate shall make the president of the senate's
1334 appointment to the committee first, followed by the minority leader of
1335 the senate, and they shall make their appointments in such a manner
1336 that their two appointees represent districts that are located in
1337 different areas of the state. If the chairperson of the senate
1338 committee dealing primarily with ~~highway~~ transportation matters
1339 represents a district in which is located or through which passes a
1340 portion of a turnpike project that is part of the Ohio turnpike system
1341 or a district located in the vicinity of a turnpike project that is
1342 part of the Ohio turnpike system, the president of the senate and the
1343 minority leader of the senate shall make their appointments in such a
1344 manner that their two appointees and the chairperson of the senate

1345 committee dealing primarily with ~~highway~~ transportation matters all
1346 represent districts that are located in different areas of the state.

1347

1348 (2) Three members of the house of representatives, no more than two of
1349 whom shall be members of the same political party, one of whom shall
1350 be the chairperson of the house of representatives committee dealing
1351 primarily with ~~highway~~ transportation matters, one of whom shall be
1352 appointed by the speaker of the house of representatives, and one of
1353 whom shall be appointed by the minority leader of the house of
1354 representatives.

1355

1356 Both the house of representatives member who is appointed by the
1357 speaker of the house of representatives and the house of
1358 representatives member appointed by the minority leader of the house
1359 of representatives shall represent either districts in which is
1360 located or through which passes a portion of a turnpike project that
1361 is part of the Ohio turnpike system or districts located in the
1362 vicinity of a turnpike project that is part of the Ohio turnpike
1363 system.

1364

1365 The speaker of the house of representatives shall make the speaker of
1366 the house of representative's appointment to the committee first,
1367 followed by the minority leader of the house of representatives, and
1368 they shall make their appointments in such a manner that their two
1369 appointees represent districts that are located in different areas of
1370 the state. If the chairperson of the house of representatives
1371 committee dealing primarily with ~~highway~~ transportation matters

1372 represents a district in which is located or through which passes a
1373 portion of a turnpike project that is part of the Ohio turnpike system
1374 or a district located in the vicinity of a turnpike project that is
1375 part of the Ohio turnpike system, the speaker of the house of
1376 representatives and the minority leader of the house of
1377 representatives shall make their appointments in such a manner that
1378 their two appointees and the chairperson of the house of
1379 representatives committee dealing primarily with ~~highway~~
1380 transportation matters all represent districts that are located in
1381 different areas of the state.

1382

1383 The chairperson of the house of representatives committee shall serve
1384 as the chairperson of the turnpike legislative review committee for
1385 the year 1996. Thereafter, the chair annually shall alternate between,
1386 first, the chairperson of the senate committee and then the
1387 chairperson of the house of representatives committee.

1388

1389 (B) Each member of the turnpike legislative review committee who is a
1390 member of the general assembly shall serve a term of the remainder of
1391 the general assembly during which the member is appointed or is
1392 serving as chairperson of the specified senate or house committee. In
1393 the event of the death or resignation of a committee member who is a
1394 member of the general assembly, or in the event that a member ceases
1395 to be a senator or representative, or in the event that the
1396 chairperson of the senate committee dealing primarily with ~~highway~~
1397 transportation matters or the chairperson of the house of
1398 representatives committee dealing primarily with ~~highway~~

1399 transportation matters ceases to hold that position, the vacancy shall
1400 be filled through an appointment by the president of the senate or the
1401 speaker of the house of representatives or minority leader of the
1402 senate or house of representatives, as applicable. Any member
1403 appointed to fill a vacancy occurring prior to the end of the term for
1404 which the member's predecessor was appointed shall hold office for the
1405 remainder of the term or for a shorter period of time as determined by
1406 the president or the speaker. A member of the committee is eligible
1407 for reappointment.

1408

1409 (C) The turnpike legislative review committee shall meet at least
1410 quarterly and may meet at the call of its chairperson, or upon the
1411 written request to the chairperson of not fewer than four members of
1412 the committee. Meetings shall be held at sites that are determined
1413 solely by the chairperson of the committee. At each meeting, the Ohio
1414 turnpike commission shall make a report to the committee on commission
1415 matters, including but not limited to financial and budgetary matters
1416 and proposed and on-going construction, maintenance, repair, and
1417 operational projects of the commission. State and regional traffic
1418 congestion abatement, route capacity improvement, intermodalism, modal
1419 equality, energy savings, new technologies, the national and global
1420 economy effects upon transportation, and modal preferences for
1421 transportation system users shall also be addressed by the committee
1422 and the commission.

1423

1424 The committee, by the affirmative vote of at least four of its
1425 members, may submit written recommendations to the commission, either

1426 at meetings held pursuant to this section or at any other time,
1427 describing new turnpike projects or new interchanges located on
1428 existing projects that the committee believes the commission should
1429 consider constructing.

1430

1431 (D) The members of the turnpike legislative review committee who are
1432 members of the general assembly shall serve without compensation, but
1433 shall be reimbursed by the commission for their actual and necessary
1434 expenses incurred in the discharge of their official duties as
1435 committee members. Serving as a member of the turnpike legislative
1436 review committee does not constitute grounds for resignation from the
1437 senate or house of representatives under section 101.26 of the Revised
1438 Code.

1439

1440 Effective Date: 10-17-1996; 2006 HB699 03-29-2007

1441

1442

1443 **5537.26 Change in toll rate structure requires notice and hearing.**

1444

1445 (A) Except as provided in division (D) of this section, no increase by
1446 the Ohio turnpike commission in the toll rate structure that is
1447 applicable to ~~vehicles operating on~~ persons accessing and using a
1448 turnpike project shall become effective unless the commission complies
1449 with the notice and hearing requirements prescribed in division (B) of
1450 this section, and the commission shall not take any action that
1451 expands, has the effect of expanding, or will to any degree at any
1452 time in the future have the effect of expanding the sphere of

1453 responsibility of the commission beyond the Ohio turnpike, unless the
1454 commission complies with the notice and hearing requirements
1455 prescribed in division (B) of this section.

1456

1457 (B) Not less than ninety days prior to the date on which the
1458 commission votes to increase any part of the toll rate structure that
1459 is applicable to ~~vehicles operating on~~ persons accessing and using a
1460 turnpike project, and not less than ninety days prior to the date on
1461 which the commission votes to take an action that expands, has the
1462 effect of expanding, or will to any degree at any time in the future
1463 have the effect of expanding the sphere of responsibility of the
1464 commission beyond the Ohio turnpike, the commission shall do both of
1465 the following:

1466

1467 (1) Send notice to the governor and the presiding officers and
1468 minority leaders of the senate and house of representatives that
1469 details the proposed increase to the toll rate structure or the
1470 expansion of the sphere of responsibility of the commission beyond the
1471 Ohio turnpike, including a description of and a justification for the
1472 increase or expansion;

1473

1474 (2) Commence holding public hearings on the proposed increase in the
1475 toll rate structure or the proposed action. If the commission is
1476 proposing an increase in the toll rate structure that is applicable to
1477 ~~vehicles operating on~~ persons accessing and using a turnpike project,
1478 it shall hold not less than three public hearings in three
1479 geographically diverse locations in this state that are in the

1480 immediate vicinity of the affected project. If the commission is
1481 proposing to take an action that expands, has the effect of expanding,
1482 or will to any degree at any time in the future have the effect of
1483 expanding the sphere of responsibility of the commission beyond the
1484 Ohio turnpike, it shall hold not less than three public hearings in
1485 three locations in the immediate vicinity where the expanded
1486 responsibilities would arise.

1487

1488 The commission shall hold the third or, if it holds more than three
1489 hearings, the last hearing of any set of hearings required to be held
1490 under this section not less than thirty days prior to the date on
1491 which it votes to increase part of the toll rate structure that is
1492 applicable to ~~vehicles operating on~~ persons accessing and using a
1493 turnpike project or to take an action that expands, has the effect of
1494 expanding, or will to any degree at any time in the future have the
1495 effect of expanding the sphere of responsibility of the commission
1496 beyond the Ohio turnpike.

1497

1498 The commission shall inform the public of all the hearings required to
1499 be held under this section by causing a notice to be published in a
1500 newspaper of general circulation in the county in which each hearing
1501 is to be held, not less than once per week for two weeks prior to the
1502 date of the hearing.

1503

1504 (C) If the commission does not comply with the notice and hearing
1505 requirements contained in division (B) of this section and votes for
1506 an increase in the toll rate structure that is applicable to ~~vehicles~~

1507 ~~operating on~~ persons accessing and using a turnpike project, the
1508 increase in the toll rate structure shall not take effect, any attempt
1509 by the commission to implement the increase in the toll rate structure
1510 is void, and, if necessary, the attorney general shall file an action
1511 in the court of common pleas of the county in which the principal
1512 office of the commission is located to enjoin the commission from
1513 implementing the increase. The commission shall not implement any
1514 increase until it complies with division (B) of this section.

1515
1516 If the commission does not comply with the notice and hearing
1517 requirements contained in division (B) of this section and votes to
1518 take an action that expands, has the effect of expanding, or will to
1519 any degree at any time in the future have the effect of expanding the
1520 sphere of responsibility of the commission beyond the Ohio turnpike,
1521 the commission shall not take the proposed action and, if necessary,
1522 the attorney general shall file an action in the court of common pleas
1523 of the county in which the principal office of the commission is
1524 located to enjoin the commission from taking the proposed action. The
1525 commission shall not take the proposed action until it complies with
1526 the notice and hearing requirements prescribed in division (B) of this
1527 section.

1528
1529 (D) Divisions (A) to (C) of this section do not apply to any decrease
1530 made to the toll rate structure by the commission. The commission may
1531 implement a temporary decrease in the toll rate structure only if it
1532 does not exceed eighteen months in duration. Prior to instituting any

1533 decrease to the toll rate structure, the commission shall do both of
1534 the following:

1535
1536 (1) Not less than five days prior to any public meeting under division
1537 (D)(2) of this section, send notice to the governor and the presiding
1538 officers and minority leaders of the senate and house of
1539 representatives that details the proposed decrease to the toll rate
1540 structure;

1541
1542 (2) Hold a public meeting to explain to members of the traveling
1543 public the reasons for the upcoming decrease, to inform them of any
1544 benefits and any negative consequences, and to give them the
1545 opportunity to express their opinions as to the relative merits or
1546 drawbacks of each toll decrease. The commission shall inform the
1547 public of the meeting by causing a notice to be published in
1548 newspapers of general circulation in all Cuyahoga, Lucas, Mahoning,
1549 Trumbull, Williams, and Summit counties that the project is located
1550 within and upon its website not less than five days prior to the
1551 meeting. The commission shall not be required to hold any public
1552 hearing or meeting upon the expiration of any temporary decrease in
1553 the toll rate structure, so long as it implements the same toll rate
1554 structure that was in effect immediately prior to the temporary
1555 decrease.

1556
1557 ~~(E) As used in this section, "Ohio turnpike" means the toll freeway~~
1558 ~~that is under the jurisdiction of the commission and runs in an~~
1559 ~~easterly and westerly direction across the entire northern portion of~~

1560 ~~this state between its borders with the state of Pennsylvania in the~~
1561 ~~east and the state of Indiana in the west, and carries the interstate~~
1562 ~~highway designations of interstate seventy-six, interstate eighty, and~~
1563 ~~interstate eighty ninety.~~

1564

1565 Effective Date: 10-17-1996; 12-21-2004; 2006 HB699 03-29-2007

1566

1567

1568 **5537.28 Restrictions on expenditure of toll revenues.**

1569

1570 (A) Notwithstanding any other provision of law, on and after the
1571 effective date of this section, the Ohio turnpike commission shall not
1572 expend any toll revenues that are generated by an existing turnpike
1573 project to fund in any manner or to any degree the construction,
1574 operation, maintenance, or repair of another turnpike project the
1575 location of which must be reviewed by the turnpike legislative review
1576 committee and approved by the governor.

1577

1578 In paying the cost of such a project, the commission may issue bonds
1579 and bond anticipation notes as permitted by this chapter, and may
1580 accept moneys from any source to pay the cost of any portion of the
1581 project, including, but not limited to, the federal government, any
1582 department or agency of this state, and any political subdivision or
1583 other government agency. Each such project shall be constructed,
1584 operated, maintained, and repaired entirely with funds generated by
1585 that project or otherwise specifically acquired for that project from
1586 sources permitted by this chapter.

1587

1588 (B) The commission shall not expend any toll revenues generated by the
1589 Ohio turnpike to pay any amount of the principal amount of, or
1590 interest due on, any bonds or bond anticipation notes issued by the
1591 commission to pay any portion of the cost of another turnpike project
1592 the location of which must be reviewed by the turnpike legislative
1593 review committee and approved by the governor. The commission shall
1594 not expend any toll revenues generated by any turnpike project to pay
1595 any amount of the principal amount of, or interest due on, any bonds
1596 or bond anticipation notes issued by the commission to pay any portion
1597 of the cost of a new turnpike project the location of which must be
1598 reviewed by the turnpike legislative review committee and approved by
1599 the governor or the cost of the operation, repair, improvement,
1600 maintenance, or reconstruction of any turnpike project other than the
1601 project that generated those toll revenues.

1602

1603 (C) As used in this section:

1604

1605 ~~(1) "Ohio turnpike" has the same meaning as in division (E) of section~~
1606 ~~5537.26 of the Revised Code;~~

1607

1608 ~~(2)~~ (1) "Another turnpike project" does not include infrastructure
1609 improvements on the Ohio turnpike, ~~or~~ on connecting ~~roadways~~
1610 infrastructure within one mile of an Ohio turnpike interchange, or on
1611 users' infrastructure sidings or spurs.

1612

1613 Effective Date: 10-17-1996; 2006 HB699 03-29-2007