

OHIO TURNPIKE AND INFRASTRUCTURE COMMISSION

Resolution Authorizing the Final Filing with the Joint Committee on Agency Rule Review of Updated Administrative Rules for Toll Evasion and other Violations, and When Free Passage for Military Vehicles Will be Allowed

WHEREAS, the Commission has previously adopted administrative rules for the control and regulation of traffic, operation of vehicles, the collection of tolls and for the protection and preservation of property under its jurisdiction in accordance with the authority granted to it under Section 5537.16 of the Ohio Revised Code, as promulgated in the provisions of Sections 5537-1-01 through 5537-9-05 of the Ohio Administrative Code; and

WHEREAS, in November 2013, the General Counsel advised the Commission that three rules subject to the periodic administrative rule review required every five years pursuant to the requirements set forth in Sections 111.15 and 119.032 of the Ohio Revised Code, were identified as requiring revisions; and

WHEREAS, specifically, OAC Section 5537-4-02 entitled "Evasion of Toll" requires amendment due to the recent enactment of Section 5537.04(A)(16) of the Ohio Revised Code under Am. Sub. H.B. 51, which now authorizes the Commission to assess a fine for intentional evasion of a toll; and

WHEREAS, OAC Section 5537-4-04 entitled "Exit of Vehicle at Point of Entry," requires clarification concerning what toll will be charged when an unauthorized exit by a vehicle occurs at the same plaza at which it entered; and

WHEREAS, OAC Section 5537-04-05 entitled "Tolls for Public Police Officers," requires amendment and will be renamed "Tolls for Public Police Officers, Emergency Vehicles and Military Vehicles," due to the addition under Section 4.05 of the Master Trust Agreement dated April 8, 2013, which allows for free passage of clearly marked federal or state military vehicles while in the discharge of their official duties; and

WHEREAS, the Commission adopted Resolution No. 77-2013 authorizing the Executive Director and General Counsel to initiate the process of filing proposed amendments to Sections 5537-4-02, 5537-4-04 and 5537-4-05 with the Joint Committee on Agency Rule Review ("JCARR") in order to comply with the statutory rule-making requirements imposed by Sections 111.15 and 119.032 of the Ohio Revised Code; and

WHEREAS, prior to filing the rules with JCARR, they were submitted to the Common Sense Initiative ("CSI"), which, in accordance with Ohio Revised Code Section 107.54, ensures that the amended rules will not have an "adverse business impact" and, if so, that there is an opportunity for public comment, with the CSI concluding that these rules create no adverse business impact; and

WHEREAS, in accordance with Section 111.15 of the Ohio Revised Code, the proposed amendments to 5537-4-02, 5537-4-04 and 5537-4-05 were filed in "proposed form" with JCARR, which approved the amended administrative rules on February 7, 2014; and

WHEREAS, having performed all of the statutory requirements, it is now time for the Commission to file the aforementioned rules in "final form" with JCARR, the Legislative Service Commission and the Secretary of State, and the Commission concurs that these actions should be taken.

NOW, THEREFORE, BE IT

RESOLVED, that the Commission hereby authorizes the Executive Director and General Counsel to file the following rules in final form with JCARR, the Legislative Service Commission and the Secretary of State: 5537-4-02 entitled "Evasion of Toll," 5537-4-04 entitled "Exit of Vehicle at Point of Entry," and 5537-4-05 "Tolls for Public Police Officers, Emergency Vehicles and Military Vehicles," all in accordance with Sections 111.15 and 119.032 of the Ohio Revised Code.

(Resolution No. 17-2014 adopted February 19, 2014)