

OHIO TURNPIKE COMMISSION

Resolution Authorizing the Filing of a New Administrative Rule Establishing Procedures for Receipt and Review of Applications for the Funding of Infrastructure Projects

WHEREAS, under amendments that will become effective to the Ohio Turnpike Act on July 1, 2013, the Commission will engage in the issuance of up to \$1 billion dollars in Turnpike Revenue Bonds that will be used to fund infrastructure projects identified by the Ohio Department of Transportation and approved by the Ohio Turnpike Commission; and

WHEREAS, the General Counsel has advised the Commission that the Turnpike statutes have been amended under Am. Sub. H.B. 51 to add a new provision, Section 5537.18, which requires that the Commission adopt administrative rules “establishing the procedures and criteria under which the Commission may approve an application received from the director of transportation for infrastructure project funding;” and

WHEREAS, Section 5537.18 additionally states that such rules shall “require an infrastructure project to have an anticipated benefit to the system of public highways in the state of Ohio and transportation-related nexus with and relationship to the Ohio turnpike system and the Ohio turnpike and infrastructure system,” and also sets forth the criteria to be utilized by the Commission in determining the aforementioned nexus and relationship; and

WHEREAS, Section 5537.18 also requires that the applications submitted to the Commission for infrastructure project funding, “as submitted by the director, shall include only infrastructure projects that previously have been reviewed and recommended by the transportation review advisory council pursuant to the selection process followed by the council under Chapter 5512. of the Revised Code;” and

WHEREAS, any newly proposed administrative rule must be submitted to the Joint Committee on Agency Rule Review (“JCARR”) in accordance with the requirements of Section 111.15 of the Ohio Revised Code prior to its implementation by the Commission; and

WHEREAS, in accordance with the applicable statutory provisions, once JCARR approves the new rule, the Commission shall file said rule in final form with JCARR, the Legislative Service Commission and the Secretary of State; and

WHEREAS, the Commission concurs that the process should be initiated for adopting a new administrative rule establishing the procedures and criteria under which the Commission may approve an application received from the Director of Transportation for Infrastructure Project Funding.

NOW, THEREFORE, BE IT

RESOLVED, that the Commission hereby authorizes the Executive Director and General Counsel, in accordance with Section 111.15 of the Ohio Revised Code, to initiate the process of submitting a proposed new administrative rule, 5537-10-01, to the Joint Committee on Agency Rule Review, which rule shall establish the procedures and criteria under which the Commission may approve an application received from the Director of Transportation for Infrastructure Project Funding; and

FURTHER RESOLVED, that the Commission shall be presented with an additional resolution once the aforementioned statutory procedures for filing the rule have been completed, which resolution shall authorize the filing in final form of the administrative rule with the Joint Committee on Agency Rule Review, the Legislative Service Commission and the Secretary of State.

(Resolution No. 23-2013 adopted April 8, 2013)