

## **OHIO TURNPIKE COMMISSION**

### **Resolution Authorizing the Final Filing of Updated Administrative Rules for the Collection of Tolls and other Miscellaneous Rule Changes with the Joint Committee on Agency Rule Review**

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 May 2012, the General Counsel advised the Commission that the administrative rules governing the collection of tolls were reviewed and, due to the implementation of the new Toll Collection System with electronic tolling, said rules require updating as well as the promulgation of one new rule; and

WHEREAS, the General Counsel further advised the Commission that, as a result of 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, several other rules were identified as requiring minor revisions; and

WHEREAS, the Commission adopted Resolution No. 24-2012 authorizing the Executive Director and General Counsel to initiate the process of: 1) submitting proposed amendments to Sections 5537-1-01, 5537-2-03, 5537-2-11, 5537-2-17, 5537-2-20, 5537-2-21, 5537-3-01, 5537-3-05, 5537-4-01, 5537-4-03, 5537-7-01 of the Ohio Administrative Code, 2) submitting a proposed new rule 5537-4-06, and 3) submitting its remaining "No Change Rules," in order to comply with the statutory rule-making requirements imposed by the Joint Committee on Agency Rule Review ("JCARR"), all in accordance with Sections 111.15 and 119.032 of the Ohio Revised Code; and

WHEREAS, in submitting the rules to JCARR, it was determined that several of the rules also required the review of the newly enacted Common Sense Initiative ("CSI") in accordance with Ohio Revised Code Section 107.54, to ensure that there was an opportunity for comment by any stakeholder groups that might experience an "adverse business impact" as a result of the existing or new rule; and

WHEREAS, once the CSI signed off, the proposed amendments to 5537-1-01, 5537-2-03, 5537-2-11, 5537-2-17, 5537-2-20, 5537-2-21, 5537-3-01, 5537-3-05, 5537-4-01, 5537-4-03, 5537-5-02, and 5537-7-01 of the Ohio Administrative Code and new rule 5537-4-06 were filed in proposed form with JCARR in accordance with Section 111.15 of the Ohio Revised Code, which has now heard the rules and approved the amended administrative rules and one new rule; and

WHEREAS, twenty-three other administrative rules previously adopted by the Commission in accordance with Section 5537.16 of the Ohio Revised Code that have been identified as not requiring revision were also filed with JCARR and approved as "No Change Rules" (5537-2-01, 5537-2-02, 5537-2-04, 5537-2-05, 5537-2-06, 5537-2-07, 5537-2-08, 5537-2-09, 5537-2-10, 5537-2-12, 5537-2-13, 5537-2-14, 5537-2-15, 5537-2-16, 5537-2-18, 5537-2-19, 5537-3-02, 5537-3-03, 5537-3-04, 5537-3-06, 5537-5-01, 5537-6-01, 5537-8-01), and one rule (5537-5-02) was identified by JCARR as requiring a technical amendment; and

WHEREAS, having performed all of the statutory requirements, it is now time for the Commission to file all of 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 submit the following rules in final form to JCARR, the Legislative Service Commission and the Secretary of State: 1) twelve amendments to Sections 5537-1-01, 5537-2-03, 5537-2-11, 5537-2-17, 5537-2-20, 5537-2-21, 5537-3-01, 5537-3-05, 5537-4-01, 5537-4-03, 5537-5-02 and 5537-7-01 of the Ohio Administrative Code, 2) one new rule 5537-4-06, and 3) twenty-three "No Change Rules" identified hereinabove all in accordance with Sections 111.15 and 119.032 of the Ohio Revised Code.

**(Resolution No. 42-2013 adopted June 17, 2013)**