

# OHIO TURNPIKE AND INFRASTRUCTURE COMMISSION

## Resolution Establishing List of Infrastructure Projects Qualified for Funding

WHEREAS, pursuant to its authority under Section 5537.04(A)(7) and Section 5537.08 of the Ohio Revised Code, as amended effective July 1, 2013, the Ohio Turnpike and Infrastructure Commission issued Turnpike Revenue Bonds generating proceeds of \$930 million under the new Junior Lien Master Trust Agreement as amended by the First Supplemental Trust Agreement, both dated August 13, 2013, which bond proceeds will be used to fund “infrastructure projects” (as defined in Section 5537.01(C) of the Ohio Revised Code) identified by the Ohio Department of Transportation and approved by the Commission; and

WHEREAS, under newly enacted Ohio Revised Code Section 5537.18, the Commission adopted Administrative Rule 5537-10-01 “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 and Administrative Rule 5537-10-01 additionally require that infrastructure projects “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 set forth the criteria to be utilized by the Commission in determining the aforementioned nexus and relationship; and

WHEREAS, presentations were made before the Commission at its meeting on August 19, 2013, and twelve applications were submitted to the Commission by the Director of Transportation on August 28, 2013, seeking funding for infrastructure projects that were previously reviewed and recommended by the Transportation Review Advisory Council (“TRAC”) pursuant to the selection process followed by the TRAC under Chapter 5512 of the Ohio Revised Code; and

WHEREAS, the Commission’s CFO/Comptroller and Chief Engineer have reviewed and evaluated each application in accordance with the requirements of both Section 5537.18 and Administrative Rule 5537-10-01, and have recommended which of the twelve applications are for projects they believe have demonstrated the required “nexus” under the statute and rule, as well as those they do not believe qualify for funding; and

WHEREAS, the Commission’s General Counsel has reviewed the applications and the recommendations of the CFO/Comptroller and Chief Engineer, and reports that the applications were submitted and their evaluations were performed in compliance with the requirements of Section 5537.18 and Administrative Rule 5537-10-01; and

WHEREAS, the Executive Director has reviewed the reports of the CFO/Comptroller and Chief Engineer, as well as that of the General Counsel, and concurs with their recommendations; and

WHEREAS, the Commission has duly considered such recommendations, and concurs and determines that the following infrastructure project funding applications are for projects for which the required “nexus” has been demonstrated and that they, therefore, qualify for infrastructure funding by the Commission:

<u>Project Name</u>	<u>TRAC PID No(s).</u>	<u>Funding Request</u>
CUY – Cleve. Innerbelt (CCG2-2 <sup>nd</sup> Bridge)	82119	\$340 million
CUY – Opportunity Corridor	77333	\$39 million
ERI – Erie US 250	88407	\$13.5 million
HAN/WOO – I-75 Corridor	84557, 87005, 25521, 95435, 95436 & 95437	\$204.1 million
LOR – Lorain SR 57	82645	\$16 million
LUC – Lucas I-75/I-475	77254	\$163 million
LUC – Lucas I-75	76032	\$45 million
LUC – Lucas I-475/20	88252	\$44 million
MAH – Mahoning I-80	77260	\$95 million
SUM – Summit I-271	89458	\$60 million
<b>TOTAL</b>		<b>\$1.0196 billion</b>

WHEREAS, the Commission further concurs and determines that the required “nexus” has not been demonstrated for the following infrastructure project applications and, therefore, they do not qualify for infrastructure funding by the Commission:

<u>Project Name</u>	<u>TRAC PID No(s).</u>	<u>Funding Request</u>
LUC – CR-73 (McCord Road)	75107	\$2.7 million
STA – Stark/Mah Transit	91594, 90268, 90365 & 90361	\$9.5 million
<b>TOTAL</b>		<b>\$12.2 million</b>

NOW, THEREFORE, BE IT

RESOLVED that, in accordance with Section 5537.18 of the Ohio Revised Code and Administrative Rule 5537-10-01, the Commission hereby determines that the following infrastructure projects possess the required transportation-related “nexus” to the Turnpike System and, therefore, qualify for infrastructure funding by the Commission:

<u>Project Name</u>	<u>TRAC PID No(s).</u>	<u>Funding Request</u>
CUY – Cleve. Innerbelt (CCG2-2 <sup>nd</sup> Bridge)	82119	\$340 million
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FURTHER RESOLVED, that the Executive Director and General Counsel are authorized to submit the aforementioned qualified list of infrastructure projects to the Director of Transportation along with a request that the number of projects be reduced, or that the funding requested be adjusted, such that the total funding requests do not exceed \$930 million; and

FURTHER RESOLVED, that the Executive Director is requested to submit the revised list of infrastructure project funding requests to the Commission at its September 16, 2013, regularly scheduled meeting, and the General Counsel is requested to prepare the necessary resolutions by which the Commission shall authorize the infrastructure project funding agreements with the Ohio Department of Transportation for each individual project to be funded by the Commission; and

FURTHER RESOLVED, that in accordance with Ohio Revised Code Section 5537.18, the Commission’s determinations concerning which infrastructure projects shall receive funding are “conclusive and incontestable.”

FURTHER RESOLVED, that a certified copy of this Resolution shall be sent to bond counsel for the Commission.

**(Resolution No. 58-2013 adopted September 9, 2013)**