

OHIO TURNPIKE AND INFRASTRUCTURE COMMISSION

Resolution Authorizing the Filing in Proposed Form with the Joint Committee on Agency Rule Review of Updated Administrative Rules Related to Toll Evasion and other Violations, and When Free Passage for Emergency and 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, for the protection and preservation of property under its jurisdiction, and for the authorization of infrastructure project agreements with the Ohio Department of Transportation in accordance with the authority granted to it under Sections 5537.16 and 5537.18 of the Ohio Revised Code, as promulgated in the provisions of Sections 5537-1-01 through 5537-10-01 of the Ohio Administrative Code; and

WHEREAS, the General Counsel has advised the Commission that, in addition to the recent comprehensive review of all of the Commission's administrative rules as approved via Resolutions No. 24-2012 and No. 42-2013, three administrative rules require amendment; and

WHEREAS, 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 recent 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, proposed amendments to the Commission's administrative rules must be submitted to the Joint Committee on Agency Rule Review in accordance with the requirements of Sections 111.15 and 119.032 of the Ohio Revised Code prior to their implementation by the Commission; and

WHEREAS, in accordance with the applicable statutory provisions, once the Joint Committee on Agency Rule Review approves the amended administrative rules or any new rules, the Commission shall file said rules in final form with the Joint Committee on Agency Rule Review, the Legislative Service Commission and the Secretary of State; and

WHEREAS, the Commission concurs that the process for adopting proposed amendments to the three aforementioned administrative rules should be initiated.

NOW, THEREFORE, BE IT

RESOLVED, that the Commission hereby authorizes the Executive Director and General Counsel to initiate the process of: 1) filing amendments to Sections 5537-4-02, 5537-4-04 and, 5537-4-05 of the Ohio Administrative Code in proposed form with the Joint Committee on Agency Rule Review in order to comply with the statutory rule-making requirements imposed by Sections 111.15 and 119.032 of the Ohio Revised Code; and

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

(Resolution No. 77-2013 adopted November 18, 2013)