

## **OHIO TURNPIKE AND INFRASTRUCTURE COMMISSION**

### **Resolution Authorizing the Filing of a Proposed Amendment to Administrative Rule 5537-3-04 for the Prohibition on Aircraft and Twenty-Two “No Change Rules” with the Joint Committee on Agency Rule Review**

WHEREAS, the Ohio Turnpike and Infrastructure Commission (“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, the General Counsel has advised the Commission that the following Ohio Administrative 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, 5537-3-06, 5537-5-01, 5537-6-01, and 5537-8-01 are now up for review as required by Section 111.15 of the Ohio Revised Code; and

WHEREAS, the General Counsel has 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 Section 111.15 of the Ohio Revised Code, all of the Ohio Administrative 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, 5537-3-06, 5537-5-01, 5537-6-01, and 5537-8-01 do not require change and one rule, Ohio Administrative Code Section 5537-3-04, has been identified as requiring a revision; and

WHEREAS, the General Counsel recommends that Ohio Administrative Code Section 5537-3-04 be revised to allow aircraft on the Turnpike upon receipt of the Commission’s permission, a copy of which proposed language is attached hereto and incorporated here; and

WHEREAS, proposed amendments to the Commission’s administrative rules, and any newly proposed rules must be submitted to the Joint Committee on Agency Rule Review in accordance with the requirements of Section 111.15 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, all of the 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 must also be filed with the Joint Committee on Agency Rule Review, the Legislative Service Commission and the Secretary of State as “No Change Rules” in accordance with Section 119.03 of the Ohio Revised Code; and

WHEREAS, the Commission concurs that the process for adopting proposed amendments to the administrative rules, for promulgating a newly proposed rule, and for adopting “No Change 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) submitting the proposed amendment to Section 5537-3-04, a copy of which is attached hereto, and 2) submitting its remaining “No Change Rules,” on Ohio Administrative 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, 5537-3-06, 5537-5-01, 5537-6-01, and 5537-8-01 in order to comply with the statutory rule-making requirements imposed by the Joint Committee on Agency Rule Review; 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. 30-2018 adopted April 16, 2018)**