

OHIO TURNPIKE AND INFRASTRUCTURE COMMISSION

Resolution Authorizing Filing of the Final Ohio Administrative Rule for the Prohibition of Aircraft

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 5537-10-01 of the Ohio Administrative Code; 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 Section 111.15 of the Ohio Revised Code, one rule was identified as requiring a minor revision; and

WHEREAS, the Commission adopted Resolution No. 30-2018 authorizing the Executive Director and General Counsel to initiate the process of submitting proposed amendment to Section 5537-3-04 of the Ohio Administrative Code 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 of the Ohio Revised Code; and

WHEREAS, in submitting the rules to JCARR, it was determined that the proposed amendment for 5537-3-04 required the review of the 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 amendment to 5537-3-04 of the Ohio Administrative Code was filed in proposed form with JCARR in accordance with Section 111.15 of the Ohio Revised Code, which has now heard the rule and approved the amended administrative rule; and

WHEREAS, on June 11, 2018, a hearing was held before JCARR and no questions were presented to the Commission pertaining to its amendment to OAC 5537-3-04; and

WHEREAS, JCARR’s jurisdiction on its rule review of OAC 5537-3-04 ended July 12, 2018.

WHEREAS, having performed all of the statutory requirements, it is now time for the Commission to file 5537-3-04 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 Ohio Administrative Code 5537-3-04 in final form to JCARR, the Legislative Service Commission and the Secretary of State in accordance with Section 111.15 of the Ohio Revised Code.

(Resolution No. 51-2018 adopted August 20, 2018)