

OHIO TURNPIKE COMMISSION

Resolution Authorizing the Executive Director to
Take Further Action Concerning the Tripartite Agreement

WHEREAS, in July 1964, an agreement was entered into among the Secretary of Commerce of the United States, acting by and through the Federal Highway Administrator, the State of Ohio, acting through the Director of Highways, now the Director of Transportation, and the Ohio Turnpike Commission, said agreement commonly referred to as the Tripartite Agreement;

WHEREAS, the Agreement requires the Ohio Turnpike to become free of tolls after liquidation of the bonds of the Commission (outstanding at the time of execution of the agreement) and after the road is placed in good condition and repair to the satisfaction of the director of the Ohio Department of Transportation;

WHEREAS, by Resolution No. 17-1983, the Commission authorized the executive director to take action to annul, amend or alter the terms and provisions of the Tripartite Agreement so as to permit the retention of tolls on the Ohio Turnpike after the payment of the bonded indebtedness in existence at the time the Tripartite Agreement was executed;

WHEREAS, the Congress of the United States has passed the Intermodal Surface Transportation Efficiency Act of 1991 (HR-2950) which act provides in Section 1012 for the amendment of Section 129(a) of Title 23 of the United States Code and specifically in paragraph 6 thereof that a public authority having jurisdiction over a toll highway, subject to a Tripartite Agreement, may request modification of such agreement and the Secretary of Transportation shall modify such agreement to allow the continuation of tolls in accordance with paragraph (3) of Section 129 of Title 23, as amended, without repayment of federal funds;

WHEREAS, the Ohio General Assembly previously has amended the Turnpike Act (Chapter 5537, Ohio Revised Code) to provide for tolls to continue on the Ohio Turnpike after current outstanding bonds are retired;

NOW, THEREFORE, BE IT

RESOLVED that the Commission hereby affirms its Resolution No. 17-83 in which it directed the executive director to take any and all action necessary on behalf of the Commission to annul, amend or alter the terms and provisions of the Tripartite Agreement and hereby specifically authorizes and directs the executive director to request, on behalf of the Commission, that the existing Tripartite Agreement be modified as provided under Section 129 of Title 23, United States Code, Section 1012, of the Intermodal Surface Transportation Efficiency Act of 1991 (HR-2950) to permit the continued operation of the Ohio Turnpike as a toll facility after the liquidation of the bonds outstanding on the effective date of the Tripartite Agreement; and

FURTHER RESOLVED that the executive director, with the advice of the general counsel, is authorized and directed to develop a modified agreement with the United States Secretary of Transportation or the appropriate Federal agency and official; and

FURTHER RESOLVED that the executive director shall advise the Commission members of the actions which he has taken on behalf of the Commission to implement the provisions of this resolution.