

## OHIO TURNPIKE COMMISSION

### **Resolution Authorizing the Executive Director To Revise Tolls for Classes 4 thru 9 on a Temporary Basis**

WHEREAS, the Commission, by Resolution 38-1955, established a schedule of tolls and classifications of weight which was effective October 1, 1955, which is attached hereto and incorporated herein by reference; and

WHEREAS, the Commission by Resolutions 40-1956, 16-1981, 16-1995, 18-1995, 56-1995, 59-1995, and 40-2003 has adopted several different revisions in the schedules of toll rates which imposed changes in the schedules of toll rates then in effect; and

WHEREAS, the 1994 Master Trust Agreement allows the Commission to make a temporary change to the schedule of tolls that it deems to be necessary and proper, so long as the Comptroller/Chief Financial Officer certifies that the Commission will not fail to comply with the debt service requirements; and

WHEREAS, the Commission, by Resolution 50-2004, authorized the executive director to issue public notice and hold at least three public hearings regarding its intention to make the attached temporary changes to the current schedule of toll rates for Classes 4 through 9 for a period of up to eighteen (18) months in an effort to encourage more commercial trucks to utilize the Turnpike instead of adjacent state routes; and

WHEREAS, the executive director has reported that three public hearings have been held since the Commission's meeting on October 18, 2004; and

WHEREAS, the Ohio General Assembly has enacted an amendment to the provisions of Ohio Revised Code Section 5537.26, through the passage of Am. Sub. H.B. 406 of the 125<sup>th</sup> General Assembly, which will be effective immediately upon the signature of Governor Bob Taft, which statute requires the Commission to issue notice and hold a public meeting not less than five (5) days after advertisement in newspapers of general circulation in Cuyahoga, Lucas, Mahoning, Summit, Trumbull and Williams Counties, prior to taking any action to temporarily decrease the current toll rate structure; and

WHEREAS, the Ohio General Assembly has authorized the Department of Transportation to make a one-time payment of \$23.4 million dollars to the Commission in order to assist in the funding of this temporary change to the current schedule of toll rates and in order to offset lost revenues that may result from the temporary change in the schedule of tolls for Classes 4 thru 9; and

WHEREAS, it is the Commission's intent that these funds received from ODOT shall be deemed "System Pledged Revenues" under the terms of the Commission's Master Trust Agreement dated February 15, 1994, as supplemented, and further that the Commission's chairman or executive director, and its CFO/Comptroller and general counsel are authorized to work with bond counsel to execute an agreement or supplemental trust agreement, as necessary, to ensure that the funds received from ODOT are deemed "System Pledged Revenues"; and

WHEREAS, the Commission desires to implement a temporary change to the schedule of tolls for Classes 4 thru 9 vehicles for a period of up to eighteen (18) months, as reflected in the attached proposal, in an effort to attract more commercial carriers to utilize the Turnpike instead of using state routes that are located adjacent to the Turnpike.

NOW, THEREFORE, BE IT

RESOLVED, that the Commission hereby authorizes the executive director to implement the attached temporary changes to the current schedule of toll rates for Classes 4 through 9 for a period of up to eighteen (18) months beginning on January 1, 2005, or immediately upon signature of Am Sub. H.B. 406 by the Governor, whichever occurs later, and contingent upon receipt of the payment from ODOT in the amount of \$23.4 million dollars, in an effort to encourage more commercial trucks to utilize the Turnpike instead of adjacent state routes; and

FURTHER RESOLVED that the Commission's chairman or executive director, and its CFO/Comptroller and general counsel are authorized to work with bond counsel to execute an agreement or supplemental trust agreement, as necessary, to ensure that the funds received from ODOT are deemed "System Pledged Revenues"; and

FURTHER RESOLVED, that the executive director shall issue a report to the Commission at the January 2006 meeting of the Commission on the traffic and revenue impact of the temporary toll reductions in order that the Commission may evaluate the effectiveness of the trial program.

**(Resolution No. 62-2004 adopted December 20, 2004)**

I, Gary C. Suhadolnik, Executive Director of the Ohio Turnpike Commission, do hereby certify that the above is a true copy of the aforesaid resolution which was duly adopted at a meeting of the Commission, duly called for and convened and held on December 20, 2004, at which a quorum was at all times present and voting.

WITNESS my hand and the seal of the Ohio Turnpike Commission on this \_\_\_\_ day of December, 2004.

---

Gary C. Suhadolnik  
Executive Director

**NOTE: See icon on OTC website entitled, "Commercial Toll Rate Reduction Information" for attachments entitled, "Proposed Toll Rates, Full 241-Mile Trip across the Ohio Turnpike Weight Classes 4 through 9 and three- page chart entitled "Temporary Toll Reduction, Schedule of Tolls."**