

OHIO TURNPIKE AND INFRASTRUCTURE COMMISSION

Resolution Authorizing the Filing of Rule 5537-1-01, et seq with the Office of Common Sense Initiative and the Joint Committee on Agency Rule Review

WHEREAS, the Ohio Turnpike and Infrastructure Commission (“Commission”) 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 Ohio Revised Code § 5537.16, as promulgated in the provisions of Sections 5537-1-01 through 5537-9-05 of the Ohio Administrative Code; and

WHEREAS, Senate Bill 162 amended certain sections of Ohio Revised Code § 5537.01, et seq to expand the authority of the Commission regarding evasion of tolls on the Ohio turnpike;

WHEREAS, the General Counsel has further advised the Commission that, as a result of the amendments to Ohio Revised Code § 5537.01, et seq, Ohio Administrative Rules 5537-1-01, 5537-2-04, 5537-2-12, 5537-2-17, 5537-2-18, 5537-2-19, 5537-2-20, 5537-2-21, 5537-3-01, 5537-3-05, 5537-4-01, 5537-4-02, 5537-4-03, 5537-4-04, 5537-4-05, 5537-4-06, 5537-4-07, 5537-4-07, 5537-5-02, 5537-7-01, 5537-8-01, and 5537-9-06 require revisions; and

WHEREAS, the General Counsel in conjunction with the Executive Director, Chief Engineer, Chief Financial Officer, and Director of Audit and Internal Control, developed drafted administrative rules applicable; and

WHEREAS, the Executive Director and General Counsel have recommended that the Commission begin the process for adopting the attached Administrative Rules 5537-1-01, 5537-2-04, 5537-2-12, 5537-2-17, 5537-2-18, 5537-2-19, 5537-2-20, 5537-2-21, 5537-3-01, 5537-3-05, 5537-4-01, 5537-4-02, 5537-4-03, 5537-4-04, 5537-4-05, 5537-4-06, 5537-4-07, 5537-4-07, 5537-5-02, 5537-7-01, 5537-8-01, and 5537-9-06, which rules are attached in preliminary draft form to this Resolution; and

WHEREAS, the General Counsel has advised the Commission that it is required to submit the drafted rule to the Office of Common Sense Initiative and the Joint Committee on Agency Rule Review in accordance with the requirements of O.R.C. Section 111.15 and prior to implementation by the Commission, and has recommended that the Commission begin the process for promulgating and finalizing the drafted rules prior to the implementation of electronic tolling; and

WHEREAS, in accordance with applicable statutory provisions, including Sections 111.15 of the Ohio Revised Code, the Commission must file with the Office of Common Sense Initiative and the Joint Committee on Agency Rule Review, the Legislative Service Commission and the Secretary of State any new rule or amended rule in accordance with the procedures set forth in the statutes and the Commission wishes to comply with the procedural requirements necessary to implement the rule.

NOW, THEREFORE, BE IT

RESOLVED, that the Commission hereby authorizes the Executive Director and General Counsel to finalize the attached rules 5537-1-01, 5537-2-04, 5537-2-12, 5537-2-17, 5537-2-18, 5537-2-19, 5537-2-20, 5537-2-21, 5537-3-01, 5537-3-05, 5537-4-01, 5537-4-02, 5537-4-03, 5537-4-04, 5537-4-05, 5537-4-06, 5537-4-07, 5537-4-07, 5537-5-02, 5537-7-01, 5537-8-01, and 5537-9-06 for filing either in its current form or as may be modified in order to comply with the requirements imposed by the Joint Committee on Agency Rule Review; and

FURTHER RESOLVED, that the Commission hereby authorizes the General Counsel to initiate the process necessary to adopt the attached rule in accordance with Sections 111.15 of the Ohio Revised Code.

(Resolution No. 88-2022 adopted November 21, 2022)