

OHIO TURNPIKE COMMISSION

Resolution Authorizing the Filing of Business Rules for Electronic Tolling with the Joint Committee on Agency Rule Review

WHEREAS, the Commission has previously decided to proceed with the implementation of electronic toll collection in the form of *E-ZPass*[®] and a new toll collection system in order to offer customers using the Ohio Turnpike the added convenience of paying tolls electronically; and

WHEREAS, the Commission previously adopted administrative rules for the control and regulation of traffic, for the protection and preservation of property under its jurisdiction in accordance with the authority granted to it under Ohio Revised Code Section 5537.16 as promulgated in the provisions of Ohio Administrative Code Sections 5537-1-01 through 5537-7-01; and

WHEREAS, the Commission has awarded those contracts and taken those actions necessary to implement a new toll collection system and Customer Service Center, in order to migrate to *E-ZPass* or electronic toll collection; and

WHEREAS, the Commission anticipates implementing *E-ZPass* sometime during the fourth quarter of 2009 whereby customers may establish pre-paid and post-paid accounts and use transponders to pay tolls electronically; and

WHEREAS, the Executive Director has recommended that the Commission begin the process for adopting the attached Business Rules and a Schedule of Related Fees, to be utilized by customers wishing to pay tolls electronically, and to establish the terms and conditions for establishing pre-paid and post-paid accounts for use in conjunction with *E-ZPass*, which rules are attached in preliminary draft form to this Resolution; and

WHEREAS, the General Counsel has advised the Commission that it may be required to submit the drafted *E-ZPass* Business Rules and Schedule of Related Fees to the Joint Committee on Agency Rule Review in accordance with the requirements of O.R.C. Section 111.15 and 119.032 prior to their 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 and 119.032 of the Ohio Revised Code, the Commission must file with 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 begin the process to file its Business Rules for Electronic Tolling as reflected in the attached Exhibits.

NOW, THEREFORE, BE IT

RESOLVED, that the Commission hereby authorizes the Executive Director, CFO Comptroller and General Counsel to finalize the attached *E-ZPass* Business Rules and Schedule of Related Fees either in their 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 Business Rules for Electronic Tolling in accordance with Sections 111.15 and 119.032 of the Ohio Revised Code.

(Resolution No. 19-2009 adopted June 17, 2009)