

## OHIO TURNPIKE AND INFRASTRUCTURE COMMISSION

### Resolution Authorizing the Filing in Final Form of New Administrative Rule 5537-10-01 Establishing Procedures for Receipt and Review of Applications for the Funding of Infrastructure Projects

WHEREAS, under amendments that became effective to the Ohio Turnpike Act on July 1, 2013, the Commission has engaged in the issuance of approximately \$930 million dollars in Turnpike Revenue Bonds that will be used to fund infrastructure projects identified by the Ohio Department of Transportation and approved by the Ohio Turnpike and Infrastructure Commission; and

WHEREAS, the General Counsel has previously advised the Commission that the Turnpike statutes have been amended under Am. Sub. H.B. 51 to add a new provision, Ohio Revised Code Section 5537.18, which requires that the Commission adopt administrative rules “establishing the procedures and criteria under which the Commission may approve an application received from the director of transportation for infrastructure project funding;” and

WHEREAS, Section 5537.18 additionally states that such rules shall “require an infrastructure project to have an anticipated benefit to the system of public highways in the state of Ohio and transportation-related nexus with and relationship to the Ohio turnpike system and the Ohio turnpike and infrastructure system,” and also sets forth the criteria to be utilized by the Commission in determining the aforementioned nexus and relationship; and

WHEREAS, Section 5537.18 also requires that the applications submitted to the Commission for infrastructure project funding, “as submitted by the director, shall include only infrastructure projects that previously have been reviewed and recommended by the transportation review advisory council pursuant to the selection process followed by the council under Chapter 5512. of the Revised Code;” and

WHEREAS, newly proposed administrative rule 5537-10-01 was drafted to comply the requirements of Ohio Revised Code Section 5537.18, and the Commission, via Resolution No. 23-2013, authorized the filing of the new rule with the Joint Committee on Agency Rule Review (“JCARR”) in accordance with the requirements of Section 111.15 of the Ohio Revised Code; and

WHEREAS, it is also required that new administrative rules be submitted to the newly enacted Common Sense Initiative (“CSI”) in accordance with Ohio Revised Code Section 107.54, to ensure that there is 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, the CSI has determined that there is no adverse business impact caused by the new rule because it is a rule that pertains to transactions between two state entities; and

WHEREAS, in accordance with the applicable statutory provisions, on July 22, 2013, JCARR approved new administrative rule 5537-10-01, which is now ready to be filed in final form; and

WHEREAS, having performed all of the statutory requirements, it is now time for the Commission to file new administrative rule 5537-10-01 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, in accordance with Sections 111.15 and 119.032 of the Ohio Revised Code, the Commission hereby authorizes the Executive Director and General Counsel to submit newly adopted administrative rule 5537-10-01 in final form to JCARR, the Legislative Service Commission and the Secretary of State.

**(Resolution No. 57-2013 adopted August 19, 2013)**