

**As Reported by the House Finance and Appropriations
Committee (L# 0825-4)**

**128th General Assembly
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Sub. H. B. No. 166

Representatives Carney, McGregor

**Cosponsors: Representatives Ujvagi, Murray, Hackett, Slesnick, Domenick,
Hagan, Mallory, Bolon, Foley, Yuko, Combs, Balderson, McClain, Ruhl**

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A B I L L

To amend sections 4511.21, 5501.03, 5501.311, 1
5531.09, and 5531.18 and to enact sections 2
5539.01, 5539.02, 5539.03, 5539.031, 5539.04, 3
5539.05, 5539.06, 5539.07, 5539.08, 5539.09, 4
5539.10, 5539.11, and 5539.12 of the Revised Code 5
to authorize the creation of transportation 6
innovation authorities by specified governmental 7
entities, to establish the powers and duties of 8
such authorities, to establish a speed limit for a 9
specific portion of U.S. Route 6 within Cleveland, 10
and to make an appropriation. 11

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 4511.21, 5501.03, 5501.311, 5531.09, 12
and 5531.18 be amended and sections 5539.01, 5539.02, 5539.03, 13
5539.031, 5539.04, 5539.05, 5539.06, 5539.07, 5539.08, 5539.09, 14
5539.10, 5539.11, and 5539.12 of the Revised Code be enacted to 15
read as follows: 16

Sec. 4511.21. (A) No person shall operate a motor vehicle, 17

trackless trolley, or streetcar at a speed greater or less than is 18
reasonable or proper, having due regard to the traffic, surface, 19
and width of the street or highway and any other conditions, and 20
no person shall drive any motor vehicle, trackless trolley, or 21
streetcar in and upon any street or highway at a greater speed 22
than will permit the person to bring it to a stop within the 23
assured clear distance ahead. 24

(B) It is prima-facie lawful, in the absence of a lower limit 25
declared or established pursuant to this section by the director 26
of transportation or local authorities, for the operator of a 27
motor vehicle, trackless trolley, or streetcar to operate the same 28
at a speed not exceeding the following: 29

(1)(a) Twenty miles per hour in school zones during school 30
recess and while children are going to or leaving school during 31
the opening or closing hours, and when twenty miles per hour 32
school speed limit signs are erected; except that, on 33
controlled-access highways and expressways, if the right-of-way 34
line fence has been erected without pedestrian opening, the speed 35
shall be governed by division (B)(4) of this section and on 36
freeways, if the right-of-way line fence has been erected without 37
pedestrian opening, the speed shall be governed by divisions 38
(B)(9) and (10) of this section. The end of every school zone may 39
be marked by a sign indicating the end of the zone. Nothing in 40
this section or in the manual and specifications for a uniform 41
system of traffic control devices shall be construed to require 42
school zones to be indicated by signs equipped with flashing or 43
other lights, or giving other special notice of the hours in which 44
the school zone speed limit is in effect. 45

(b) As used in this section and in section 4511.212 of the 46
Revised Code, "school" means any school chartered under section 47
3301.16 of the Revised Code and any nonchartered school that 48
during the preceding year filed with the department of education 49

in compliance with rule 3301-35-08 of the Ohio Administrative Code, a copy of the school's report for the parents of the school's pupils certifying that the school meets Ohio minimum standards for nonchartered, nontax-supported schools and presents evidence of this filing to the jurisdiction from which it is requesting the establishment of a school zone. "School" also includes a special elementary school that in writing requests the county engineer of the county in which the special elementary school is located to create a school zone at the location of that school. Upon receipt of such a written request, the county engineer shall create a school zone at that location by erecting the appropriate signs.

(c) As used in this section, "school zone" means that portion of a street or highway passing a school fronting upon the street or highway that is encompassed by projecting the school property lines to the fronting street or highway, and also includes that portion of a state highway. Upon request from local authorities for streets and highways under their jurisdiction and that portion of a state highway under the jurisdiction of the director of transportation or a request from a county engineer in the case of a school zone for a special elementary school, the director may extend the traditional school zone boundaries. The distances in divisions (B)(1)(c)(i), (ii), and (iii) of this section shall not exceed three hundred feet per approach per direction and are bounded by whichever of the following distances or combinations thereof the director approves as most appropriate:

(i) The distance encompassed by projecting the school building lines normal to the fronting highway and extending a distance of three hundred feet on each approach direction;

(ii) The distance encompassed by projecting the school property lines intersecting the fronting highway and extending a distance of three hundred feet on each approach direction;

(iii) The distance encompassed by the special marking of the pavement for a principal school pupil crosswalk plus a distance of three hundred feet on each approach direction of the highway.

Nothing in this section shall be construed to invalidate the director's initial action on August 9, 1976, establishing all school zones at the traditional school zone boundaries defined by projecting school property lines, except when those boundaries are extended as provided in divisions (B)(1)(a) and (c) of this section.

(d) As used in this division, "crosswalk" has the meaning given that term in division (LL)(2) of section 4511.01 of the Revised Code.

The director may, upon request by resolution of the legislative authority of a municipal corporation, the board of trustees of a township, or a county board of developmental disabilities created pursuant to Chapter 5126. of the Revised Code, and upon submission by the municipal corporation, township, or county board of such engineering, traffic, and other information as the director considers necessary, designate a school zone on any portion of a state route lying within the municipal corporation, lying within the unincorporated territory of the township, or lying adjacent to the property of a school that is operated by such county board, that includes a crosswalk customarily used by children going to or leaving a school during recess and opening and closing hours, whenever the distance, as measured in a straight line, from the school property line nearest the crosswalk to the nearest point of the crosswalk is no more than one thousand three hundred twenty feet. Such a school zone shall include the distance encompassed by the crosswalk and extending three hundred feet on each approach direction of the state route.

(e) As used in this section, "special elementary school"

means a school that meets all of the following criteria:	114
(i) It is not chartered and does not receive tax revenue from any source.	115 116
(ii) It does not educate children beyond the eighth grade.	117
(iii) It is located outside the limits of a municipal corporation.	118 119
(iv) A majority of the total number of students enrolled at the school are not related by blood.	120 121
(v) The principal or other person in charge of the special elementary school annually sends a report to the superintendent of the school district in which the special elementary school is located indicating the total number of students enrolled at the school, but otherwise the principal or other person in charge does not report any other information or data to the superintendent.	122 123 124 125 126 127
(2) Twenty-five miles per hour in all other portions of a municipal corporation, except on state routes outside business districts, through highways outside business districts, and alleys;	128 129 130 131
(3) Thirty-five miles per hour on all state routes or through highways within municipal corporations outside business districts, except as provided in divisions (B)(4) and (6) of this section;	132 133 134
(4) Fifty miles per hour on controlled-access highways and expressways within municipal corporations;	135 136
(5) Fifty-five miles per hour on highways outside municipal corporations, other than highways within island jurisdictions as provided in division (B)(8) of this section and freeways as provided in divisions (B)(13) and (14) of this section;	137 138 139 140
(6) Fifty miles per hour on state routes within municipal corporations outside urban districts unless a lower prima-facie speed is established as further provided in this section;	141 142 143

(7) Fifteen miles per hour on all alleys within the municipal corporation;	144
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(8) Thirty-five miles per hour on highways outside municipal corporations that are within an island jurisdiction;	146
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(9) Fifty-five miles per hour at all times on freeways with paved shoulders inside municipal corporations, other than freeways as provided in divisions (B)(13) and (14) of this section;	148
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(10) Fifty-five miles per hour at all times on freeways outside municipal corporations, other than freeways as provided in divisions (B)(13) and (14) of this section;	151
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(11) Fifty-five miles per hour at all times on all portions of freeways that are part of the interstate system and on all portions of freeways that are not part of the interstate system, but are built to the standards and specifications that are applicable to freeways that are part of the interstate system for operators of any motor vehicle weighing in excess of eight thousand pounds empty weight and any noncommercial bus, except as provided in division (B)(14) of this section;	154
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(12) Fifty-five miles per hour for operators of any motor vehicle weighing eight thousand pounds or less empty weight and any commercial bus at all times on all portions of freeways that are part of the interstate system and that had such a speed limit established prior to October 1, 1995, and freeways that are not part of the interstate system, but are built to the standards and specifications that are applicable to freeways that are part of the interstate system and that had such a speed limit established prior to October 1, 1995, unless a higher speed limit is established under division (L) of this section;	162
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(13) Sixty-five miles per hour for operators of any motor vehicle weighing eight thousand pounds or less empty weight and any commercial bus at all times on all portions of the following:	172
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(a) Freeways that are part of the interstate system and that 175
had such a speed limit established prior to October 1, 1995, and 176
freeways that are not part of the interstate system, but are built 177
to the standards and specifications that are applicable to 178
freeways that are part of the interstate system and that had such 179
a speed limit established prior to October 1, 1995; 180

(b) Freeways that are part of the interstate system and 181
freeways that are not part of the interstate system but are built 182
to the standards and specifications that are applicable to 183
freeways that are part of the interstate system, and that had such 184
a speed limit established under division (L) of this section; 185

(c) Rural, divided, multi-lane highways that are designated 186
as part of the national highway system under the "National Highway 187
System Designation Act of 1995," 109 Stat. 568, 23 U.S.C.A. 103, 188
and that had such a speed limit established under division (M) of 189
this section. 190

(14) Sixty-five miles per hour at all times on all portions 191
of freeways that are part of the interstate system and that had 192
such a speed limit on ~~the effective date of this amendment~~ July 1, 193
2009, for operators of any motor vehicle weighing in excess of 194
eight thousand pounds empty weight and any noncommercial bus; 195

(15) Thirty-five miles per hour on the portion of United 196
States route number six located within the municipal corporation 197
of Cleveland, running in an easterly and westerly direction and 198
commencing at mile marker number cuy-6-12.20, which is located at 199
the intersection of west shore way and lake road, and ending at 200
mile marker number cuy-6-14.49, which is located at the 201
intersection of west shore way, Detroit avenue, and west 202
twenty-fifth street. The portion of United States route number six 203
described in division (B)(15) of this section is under the 204
jurisdiction of the municipal corporation of Cleveland. 205

(C) It is prima-facie unlawful for any person to exceed any 206
of the speed limitations in divisions (B)(1)(a), (2), (3), (4), 207
(6), (7), ~~and (8)~~, and (15) of this section, or any declared or 208
established pursuant to this section by the director or local 209
authorities and it is unlawful for any person to exceed any of the 210
speed limitations in division (D) of this section. No person shall 211
be convicted of more than one violation of this section for the 212
same conduct, although violations of more than one provision of 213
this section may be charged in the alternative in a single 214
affidavit. 215

(D) No person shall operate a motor vehicle, trackless 216
trolley, or streetcar upon a street or highway as follows: 217

(1) At a speed exceeding fifty-five miles per hour, except 218
upon a freeway as provided in divisions (B)(13) and (14) of this 219
section; 220

(2) At a speed exceeding sixty-five miles per hour upon a 221
freeway as provided in divisions (B)(13) and (14) of this section; 222
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(3) If a motor vehicle weighing in excess of eight thousand 224
pounds empty weight or a noncommercial bus as prescribed in 225
division (B)(11) of this section, at a speed exceeding fifty-five 226
miles per hour upon a freeway as provided in that division; 227

(4) At a speed exceeding the posted speed limit upon a 228
freeway for which the director has determined and declared a speed 229
limit of not more than sixty-five miles per hour pursuant to 230
division (L)(2) or (M) of this section; 231

(5) At a speed exceeding sixty-five miles per hour upon a 232
freeway for which such a speed limit has been established through 233
the operation of division (L)(3) of this section; 234

(6) At a speed exceeding the posted speed limit upon a 235
freeway for which the director has determined and declared a speed 236

limit pursuant to division (I)(2) of this section. 237

(E) In every charge of violation of this section the 238
affidavit and warrant shall specify the time, place, and speed at 239
which the defendant is alleged to have driven, and in charges made 240
in reliance upon division (C) of this section also the speed which 241
division (B)(1)(a), (2), (3), (4), (6), (7), ~~or (8)~~, or (15) of, 242
or a limit declared or established pursuant to, this section 243
declares is prima-facie lawful at the time and place of such 244
alleged violation, except that in affidavits where a person is 245
alleged to have driven at a greater speed than will permit the 246
person to bring the vehicle to a stop within the assured clear 247
distance ahead the affidavit and warrant need not specify the 248
speed at which the defendant is alleged to have driven. 249

(F) When a speed in excess of both a prima-facie limitation 250
and a limitation in division (D)(1), (2), (3), (4), (5), or (6) of 251
this section is alleged, the defendant shall be charged in a 252
single affidavit, alleging a single act, with a violation 253
indicated of both division (B)(1)(a), (2), (3), (4), (6), (7), ~~or~~ 254
(8), or (15) of this section, or of a limit declared or 255
established pursuant to this section by the director or local 256
authorities, and of the limitation in division (D)(1), (2), (3), 257
(4), (5), or (6) of this section. If the court finds a violation 258
of division (B)(1)(a), (2), (3), (4), (6), (7), ~~or (8)~~, or (15) 259
of, or a limit declared or established pursuant to, this section 260
has occurred, it shall enter a judgment of conviction under such 261
division and dismiss the charge under division (D)(1), (2), (3), 262
(4), (5), or (6) of this section. If it finds no violation of 263
division (B)(1)(a), (2), (3), (4), (6), (7), ~~or (8)~~, or (15) of, 264
or a limit declared or established pursuant to, this section, it 265
shall then consider whether the evidence supports a conviction 266
under division (D)(1), (2), (3), (4), (5), or (6) of this section. 267

(G) Points shall be assessed for violation of a limitation 268

under division (D) of this section in accordance with section 269
4510.036 of the Revised Code. 270

(H) Whenever the director determines upon the basis of a 271
geometric and traffic characteristic study that any speed limit 272
set forth in divisions (B)(1)(a) to (D) of this section is greater 273
or less than is reasonable or safe under the conditions found to 274
exist at any portion of a street or highway under the jurisdiction 275
of the director, the director shall determine and declare a 276
reasonable and safe prima-facie speed limit, which shall be 277
effective when appropriate signs giving notice of it are erected 278
at the location. 279

(I)(1) Except as provided in divisions (I)(2) and (K) of this 280
section, whenever local authorities determine upon the basis of an 281
engineering and traffic investigation that the speed permitted by 282
divisions (B)(1)(a) to (D) of this section, on any part of a 283
highway under their jurisdiction, is greater than is reasonable 284
and safe under the conditions found to exist at such location, the 285
local authorities may by resolution request the director to 286
determine and declare a reasonable and safe prima-facie speed 287
limit. Upon receipt of such request the director may determine and 288
declare a reasonable and safe prima-facie speed limit at such 289
location, and if the director does so, then such declared speed 290
limit shall become effective only when appropriate signs giving 291
notice thereof are erected at such location by the local 292
authorities. The director may withdraw the declaration of a 293
prima-facie speed limit whenever in the director's opinion the 294
altered prima-facie speed becomes unreasonable. Upon such 295
withdrawal, the declared prima-facie speed shall become 296
ineffective and the signs relating thereto shall be immediately 297
removed by the local authorities. 298

(2) A local authority may determine on the basis of a 299
geometric and traffic characteristic study that the speed limit of 300

sixty-five miles per hour on a portion of a freeway under its jurisdiction that was established through the operation of division (L)(3) of this section is greater than is reasonable or safe under the conditions found to exist at that portion of the freeway. If the local authority makes such a determination, the local authority by resolution may request the director to determine and declare a reasonable and safe speed limit of not less than fifty-five miles per hour for that portion of the freeway. If the director takes such action, the declared speed limit becomes effective only when appropriate signs giving notice of it are erected at such location by the local authority.

(J) Local authorities in their respective jurisdictions may authorize by ordinance higher prima-facie speeds than those stated in this section upon through highways, or upon highways or portions thereof where there are no intersections, or between widely spaced intersections, provided signs are erected giving notice of the authorized speed, but local authorities shall not modify or alter the basic rule set forth in division (A) of this section or in any event authorize by ordinance a speed in excess of fifty miles per hour.

Alteration of prima-facie limits on state routes by local authorities shall not be effective until the alteration has been approved by the director. The director may withdraw approval of any altered prima-facie speed limits whenever in the director's opinion any altered prima-facie speed becomes unreasonable, and upon such withdrawal, the altered prima-facie speed shall become ineffective and the signs relating thereto shall be immediately removed by the local authorities.

(K)(1) As used in divisions (K)(1), (2), (3), and (4) of this section, "unimproved highway" means a highway consisting of any of the following:

(a) Unimproved earth;

(b) Unimproved graded and drained earth;	333
(c) Gravel.	334
(2) Except as otherwise provided in divisions (K)(4) and (5)	335
of this section, whenever a board of township trustees determines	336
upon the basis of an engineering and traffic investigation that	337
the speed permitted by division (B)(5) of this section on any part	338
of an unimproved highway under its jurisdiction and in the	339
unincorporated territory of the township is greater than is	340
reasonable or safe under the conditions found to exist at the	341
location, the board may by resolution declare a reasonable and	342
safe prima-facie speed limit of fifty-five but not less than	343
twenty-five miles per hour. An altered speed limit adopted by a	344
board of township trustees under this division becomes effective	345
when appropriate traffic control devices, as prescribed in section	346
4511.11 of the Revised Code, giving notice thereof are erected at	347
the location, which shall be no sooner than sixty days after	348
adoption of the resolution.	349
(3)(a) Whenever, in the opinion of a board of township	350
trustees, any altered prima-facie speed limit established by the	351
board under this division becomes unreasonable, the board may	352
adopt a resolution withdrawing the altered prima-facie speed	353
limit. Upon the adoption of such a resolution, the altered	354
prima-facie speed limit becomes ineffective and the traffic	355
control devices relating thereto shall be immediately removed.	356
(b) Whenever a highway ceases to be an unimproved highway and	357
the board has adopted an altered prima-facie speed limit pursuant	358
to division (K)(2) of this section, the board shall, by	359
resolution, withdraw the altered prima-facie speed limit as soon	360
as the highway ceases to be unimproved. Upon the adoption of such	361
a resolution, the altered prima-facie speed limit becomes	362
ineffective and the traffic control devices relating thereto shall	363
be immediately removed.	364

(4)(a) If the boundary of two townships rests on the centerline of an unimproved highway in unincorporated territory and both townships have jurisdiction over the highway, neither of the boards of township trustees of such townships may declare an altered prima-facie speed limit pursuant to division (K)(2) of this section on the part of the highway under their joint jurisdiction unless the boards of township trustees of both of the townships determine, upon the basis of an engineering and traffic investigation, that the speed permitted by division (B)(5) of this section is greater than is reasonable or safe under the conditions found to exist at the location and both boards agree upon a reasonable and safe prima-facie speed limit of less than fifty-five but not less than twenty-five miles per hour for that location. If both boards so agree, each shall follow the procedure specified in division (K)(2) of this section for altering the prima-facie speed limit on the highway. Except as otherwise provided in division (K)(4)(b) of this section, no speed limit altered pursuant to division (K)(4)(a) of this section may be withdrawn unless the boards of township trustees of both townships determine that the altered prima-facie speed limit previously adopted becomes unreasonable and each board adopts a resolution withdrawing the altered prima-facie speed limit pursuant to the procedure specified in division (K)(3)(a) of this section.

(b) Whenever a highway described in division (K)(4)(a) of this section ceases to be an unimproved highway and two boards of township trustees have adopted an altered prima-facie speed limit pursuant to division (K)(4)(a) of this section, both boards shall, by resolution, withdraw the altered prima-facie speed limit as soon as the highway ceases to be unimproved. Upon the adoption of the resolution, the altered prima-facie speed limit becomes ineffective and the traffic control devices relating thereto shall be immediately removed.

(5) As used in division (K)(5) of this section: 397

(a) "Commercial subdivision" means any platted territory 398
outside the limits of a municipal corporation and fronting a 399
highway where, for a distance of three hundred feet or more, the 400
frontage is improved with buildings in use for commercial 401
purposes, or where the entire length of the highway is less than 402
three hundred feet long and the frontage is improved with 403
buildings in use for commercial purposes. 404

(b) "Residential subdivision" means any platted territory 405
outside the limits of a municipal corporation and fronting a 406
highway, where, for a distance of three hundred feet or more, the 407
frontage is improved with residences or residences and buildings 408
in use for business, or where the entire length of the highway is 409
less than three hundred feet long and the frontage is improved 410
with residences or residences and buildings in use for business. 411

Whenever a board of township trustees finds upon the basis of 412
an engineering and traffic investigation that the prima-facie 413
speed permitted by division (B)(5) of this section on any part of 414
a highway under its jurisdiction that is located in a commercial 415
or residential subdivision, except on highways or portions thereof 416
at the entrances to which vehicular traffic from the majority of 417
intersecting highways is required to yield the right-of-way to 418
vehicles on such highways in obedience to stop or yield signs or 419
traffic control signals, is greater than is reasonable and safe 420
under the conditions found to exist at the location, the board may 421
by resolution declare a reasonable and safe prima-facie speed 422
limit of less than fifty-five but not less than twenty-five miles 423
per hour at the location. An altered speed limit adopted by a 424
board of township trustees under this division shall become 425
effective when appropriate signs giving notice thereof are erected 426
at the location by the township. Whenever, in the opinion of a 427
board of township trustees, any altered prima-facie speed limit 428

established by it under this division becomes unreasonable, it may 429
adopt a resolution withdrawing the altered prima-facie speed, and 430
upon such withdrawal, the altered prima-facie speed shall become 431
ineffective, and the signs relating thereto shall be immediately 432
removed by the township. 433

(L)(1) Within one hundred twenty days of February 29, 1996, 434
the director of transportation, based upon a geometric and traffic 435
characteristic study of a freeway that is part of the interstate 436
system or that is not part of the interstate system, but is built 437
to the standards and specifications that are applicable to 438
freeways that are part of the interstate system, in consultation 439
with the director of public safety and, if applicable, the local 440
authority having jurisdiction over a portion of such freeway, may 441
determine and declare that the speed limit of less than sixty-five 442
miles per hour established on such freeway or portion of freeway 443
either is reasonable and safe or is less than that which is 444
reasonable and safe. 445

(2) If the established speed limit for such a freeway or 446
portion of freeway is determined to be less than that which is 447
reasonable and safe, the director of transportation, in 448
consultation with the director of public safety and, if 449
applicable, the local authority having jurisdiction over the 450
portion of freeway, shall determine and declare a reasonable and 451
safe speed limit of not more than sixty-five miles per hour for 452
that freeway or portion of freeway. 453

The director of transportation or local authority having 454
jurisdiction over the freeway or portion of freeway shall erect 455
appropriate signs giving notice of the speed limit at such 456
location within one hundred fifty days of February 29, 1996. Such 457
speed limit becomes effective only when such signs are erected at 458
the location. 459

(3) If, within one hundred twenty days of February 29, 1996, 460

the director of transportation does not make a determination and 461
declaration of a reasonable and safe speed limit for a freeway or 462
portion of freeway that is part of the interstate system or that 463
is not part of the interstate system, but is built to the 464
standards and specifications that are applicable to freeways that 465
are part of the interstate system and that has a speed limit of 466
less than sixty-five miles per hour, the speed limit on that 467
freeway or portion of a freeway shall be sixty-five miles per 468
hour. The director of transportation or local authority having 469
jurisdiction over the freeway or portion of the freeway shall 470
erect appropriate signs giving notice of the speed limit of 471
sixty-five miles per hour at such location within one hundred 472
fifty days of February 29, 1996. Such speed limit becomes 473
effective only when such signs are erected at the location. A 474
speed limit established through the operation of division (L)(3) 475
of this section is subject to reduction under division (I)(2) of 476
this section. 477

(M) Within three hundred sixty days after February 29, 1996, 478
the director of transportation, based upon a geometric and traffic 479
characteristic study of a rural, divided, multi-lane highway that 480
has been designated as part of the national highway system under 481
the "National Highway System Designation Act of 1995," 109 Stat. 482
568, 23 U.S.C.A. 103, in consultation with the director of public 483
safety and, if applicable, the local authority having jurisdiction 484
over a portion of the highway, may determine and declare that the 485
speed limit of less than sixty-five miles per hour established on 486
the highway or portion of highway either is reasonable and safe or 487
is less than that which is reasonable and safe. 488

If the established speed limit for the highway or portion of 489
highway is determined to be less than that which is reasonable and 490
safe, the director of transportation, in consultation with the 491
director of public safety and, if applicable, the local authority 492

having jurisdiction over the portion of highway, shall determine 493
and declare a reasonable and safe speed limit of not more than 494
sixty-five miles per hour for that highway or portion of highway. 495
The director of transportation or local authority having 496
jurisdiction over the highway or portion of highway shall erect 497
appropriate signs giving notice of the speed limit at such 498
location within three hundred ninety days after February 29, 1996. 499
The speed limit becomes effective only when such signs are erected 500
at the location. 501

(N)(1)(a) If the boundary of two local authorities rests on 502
the centerline of a highway and both authorities have jurisdiction 503
over the highway, the speed limit for the part of the highway 504
within their joint jurisdiction shall be either one of the 505
following as agreed to by both authorities: 506

(i) Either prima-facie speed limit permitted by division (B) 507
of this section; 508

(ii) An altered speed limit determined and posted in 509
accordance with this section. 510

(b) If the local authorities are unable to reach an 511
agreement, the speed limit shall remain as established and posted 512
under this section. 513

(2) Neither local authority may declare an altered 514
prima-facie speed limit pursuant to this section on the part of 515
the highway under their joint jurisdiction unless both of the 516
local authorities determine, upon the basis of an engineering and 517
traffic investigation, that the speed permitted by this section is 518
greater than is reasonable or safe under the conditions found to 519
exist at the location and both authorities agree upon a uniform 520
reasonable and safe prima-facie speed limit of less than 521
fifty-five but not less than twenty-five miles per hour for that 522
location. If both authorities so agree, each shall follow the 523

procedure specified in this section for altering the prima-facie 524
speed limit on the highway, and the speed limit for the part of 525
the highway within their joint jurisdiction shall be uniformly 526
altered. No altered speed limit may be withdrawn unless both local 527
authorities determine that the altered prima-facie speed limit 528
previously adopted becomes unreasonable and each adopts a 529
resolution withdrawing the altered prima-facie speed limit 530
pursuant to the procedure specified in this section. 531

(O) As used in this section: 532

(1) "Interstate system" has the same meaning as in 23 533
U.S.C.A. 101. 534

(2) "Commercial bus" means a motor vehicle designed for 535
carrying more than nine passengers and used for the transportation 536
of persons for compensation. 537

(3) "Noncommercial bus" includes but is not limited to a 538
school bus or a motor vehicle operated solely for the 539
transportation of persons associated with a charitable or 540
nonprofit organization. 541

(P)(1) A violation of any provision of this section is one of 542
the following: 543

(a) Except as otherwise provided in divisions (P)(1)(b), 544
(1)(c), (2), and (3) of this section, a minor misdemeanor; 545

(b) If, within one year of the offense, the offender 546
previously has been convicted of or pleaded guilty to two 547
violations of any provision of this section or of any provision of 548
a municipal ordinance that is substantially similar to any 549
provision of this section, a misdemeanor of the fourth degree; 550

(c) If, within one year of the offense, the offender 551
previously has been convicted of or pleaded guilty to three or 552
more violations of any provision of this section or of any 553

provision of a municipal ordinance that is substantially similar 554
to any provision of this section, a misdemeanor of the third 555
degree. 556

(2) If the offender has not previously been convicted of or 557
pleaded guilty to a violation of any provision of this section or 558
of any provision of a municipal ordinance that is substantially 559
similar to this section and operated a motor vehicle faster than 560
thirty-five miles an hour in a business district of a municipal 561
corporation, faster than fifty miles an hour in other portions of 562
a municipal corporation, or faster than thirty-five miles an hour 563
in a school zone during recess or while children are going to or 564
leaving school during the school's opening or closing hours, a 565
misdemeanor of the fourth degree. 566

(3) Notwithstanding division (P)(1) of this section, if the 567
offender operated a motor vehicle in a construction zone where a 568
sign was then posted in accordance with section 4511.98 of the 569
Revised Code, the court, in addition to all other penalties 570
provided by law, shall impose upon the offender a fine of two 571
times the usual amount imposed for the violation. No court shall 572
impose a fine of two times the usual amount imposed for the 573
violation upon an offender if the offender alleges, in an 574
affidavit filed with the court prior to the offender's sentencing, 575
that the offender is indigent and is unable to pay the fine 576
imposed pursuant to this division and if the court determines that 577
the offender is an indigent person and unable to pay the fine. 578

Sec. 5501.03. (A) The department of transportation shall: 579

(1) Exercise and perform such other duties, powers, and 580
functions as are conferred by law on the director, the department, 581
the assistant directors, the deputy directors, or on the divisions 582
of the department; 583

(2) Coordinate and develop, in cooperation with local, 584

regional, state, and federal planning agencies and authorities, 585
comprehensive and balanced state policy and planning to meet 586
present and future needs for adequate transportation facilities in 587
this state, including recommendations for adequate funding of the 588
implementation of such planning; 589

(3) Coordinate its activities with those of other appropriate 590
state departments, public agencies, and authorities, and enter 591
into any contracts with such departments, agencies, and 592
authorities as may be necessary to carry out its duties, powers, 593
and functions; 594

(4) Cooperate with and assist the public utilities commission 595
in the commission's administration of sections 4907.47 to 4907.476 596
of the Revised Code, particularly with respect to the federal 597
highway administration; 598

(5) Cooperate with and assist the Ohio power siting board in 599
the board's administration of Chapter 4906. of the Revised Code; 600

(6) Give particular consideration to the development of 601
policy and planning for public transportation facilities, and to 602
the coordination of associated activities relating thereto, as 603
prescribed under divisions (A)(2) and (3) of this section; 604

(7) Conduct, in cooperation with the Ohio legislative service 605
commission, any studies or comparisons of state traffic laws and 606
local traffic ordinances with model laws and ordinances that may 607
be required to meet program standards adopted by the United States 608
department of transportation pursuant to the "Highway Safety Act 609
of 1966," 80 Stat. 731, U.S.C.A. 401; 610

(8) Prepare, print, distribute, and advertise books, maps, 611
pamphlets, and other information that, in the judgment of the 612
director, will inform the public and other governmental 613
departments, agencies, and authorities as to the duties, powers, 614
and functions of the department; 615

(9) In its research and development program, consider 616
technologies for improving roadways, including construction 617
techniques and materials to prolong project life, being used or 618
developed by other states that have geographic, geologic, or 619
climatic features similar to this state's, and collaborate with 620
those states in that development. 621

(B) Nothing contained in division (A)(1) of this section 622
shall be held to in any manner affect, limit, restrict, or 623
otherwise interfere with the exercise of powers relating to 624
transportation facilities by appropriate agencies of the federal 625
government, or by counties, municipal corporations, or other 626
political subdivisions or special districts in this state 627
authorized by law to exercise such powers. 628

(C) The department may use all appropriate sources of revenue 629
to assist in the development and implementation of rail service as 630
defined by division (C) of section 4981.01 of the Revised Code. 631

(D) The director of transportation may enter into contracts 632
with public agencies including political subdivisions, other state 633
agencies, boards, commissions, regional transit authorities, 634
county transit boards, ~~and~~ port authorities, transportation 635
innovation authorities, and any corporation organized under the 636
laws of Ohio, to administer the design, qualification of bidders, 637
competitive bid letting, construction inspection, and acceptance 638
of any projects administered by the department, provided the 639
administration of such projects is performed in accordance with 640
all applicable state and federal laws and regulations with 641
oversight by the department. 642

Sec. 5501.311. (A) Notwithstanding sections 123.01 and 127.16 643
of the Revised Code the director of transportation may lease or 644
lease-purchase all or any part of a transportation facility to or 645
from one or more persons, one or more governmental agencies, a 646

transportation improvement district, transportation innovation 647
authority, or any combination thereof, and may grant leases, 648
easements, or licenses for lands under the control of the 649
department of transportation. The director may adopt rules 650
necessary to give effect to this section. 651

(B) Plans and specifications for the construction of a 652
transportation facility under a lease or lease-purchase agreement 653
are subject to approval of the director and must meet or exceed 654
all applicable standards of the department. 655

(C) Any lease or lease-purchase agreement under which the 656
department is the lessee shall be for a period not exceeding the 657
then current two-year period for which appropriations have been 658
made by the general assembly to the department, and such agreement 659
may contain such other terms as the department and the other 660
parties thereto agree, notwithstanding any other provision of law, 661
including provisions that rental payments in amounts sufficient to 662
pay bond service charges payable during the current two-year lease 663
term shall be an absolute and unconditional obligation of the 664
department independent of all other duties under the agreement 665
without set-off or deduction or any other similar rights or 666
defenses. Any such agreement may provide for renewal of the 667
agreement at the end of each term for another term, not exceeding 668
two years, provided that no renewal shall be effective until the 669
effective date of an appropriation enacted by the general assembly 670
from which the department may lawfully pay rentals under such 671
agreement. Any such agreement may include, without limitation, any 672
agreement by the department with respect to any costs of 673
transportation facilities to be included prior to acquisition and 674
construction of such transportation facilities. Any such agreement 675
shall not constitute a debt or pledge of the faith and credit of 676
the state, or of any political subdivision of the state, and the 677
lessor shall have no right to have taxes or excises levied by the 678

general assembly, or the taxing authority of any political 679
subdivision of the state, for the payment of rentals thereunder. 680
Any such agreement shall contain a statement to that effect. 681

(D) A municipal corporation, township, or county may use 682
service payments in lieu of taxes credited to special funds or 683
accounts pursuant to sections 5709.43, 5709.75, and 5709.80 of the 684
Revised Code to provide its contribution to the cost of a 685
transportation facility, provided such facility was among the 686
purposes for which such service payments were authorized. The 687
contribution may be in the form of a lump sum or periodic 688
payments. 689

(E) Pursuant to the "Telecommunications Act of 1996," 110 690
Stat. 152, 47 U.S.C. 332 note, the director may grant a lease, 691
easement, or license in a transportation facility to a 692
telecommunications service provider for construction, placement, 693
or operation of a telecommunications facility. An interest granted 694
under this division is subject to all of the following conditions: 695

(1) The transportation facility is owned in fee simple or 696
easement by this state at the time the lease, easement, or license 697
is granted to the telecommunications provider. 698

(2) The lease, easement, or license shall be granted on a 699
competitive basis in accordance with policies and procedures to be 700
determined by the director. The policies and procedures may 701
include provisions for master leases for multiple sites. 702

(3) The telecommunications facility shall be designed to 703
accommodate the state's multi-agency radio communication system, 704
the intelligent transportation system, and the department's 705
communication system as the director may determine is necessary 706
for highway or other departmental purposes. 707

(4) The telecommunications facility shall be designed to 708
accommodate such additional telecommunications equipment as may 709

feasibly be co-located thereon as determined in the discretion of 710
the director. 711

(5) The telecommunications service providers awarded the 712
lease, easement, or license, agree to permit other 713
telecommunications service providers to co-locate on the 714
telecommunications facility, and agree to the terms and conditions 715
of the co-location as determined in the discretion of the 716
director. 717

(6) The director shall require indemnity agreements in favor 718
of the department as a condition of any lease, easement, or 719
license granted under this division. Each indemnity agreement 720
shall secure this state and its agents from liability for damages 721
arising out of safety hazards, zoning, and any other matter of 722
public interest the director considers necessary. 723

(7) The telecommunications service provider fully complies 724
with any permit issued under section 5515.01 of the Revised Code 725
pertaining to land that is the subject of the lease, easement, or 726
license. 727

(8) All plans and specifications shall meet with the 728
director's approval. 729

(9) Any other conditions the director determines necessary. 730

(F) In accordance with section 5501.031 of the Revised Code, 731
to further efforts to promote energy conservation and energy 732
efficiency, the director may grant a lease, easement, or license 733
in a transportation facility to a utility service provider that 734
has received its certificate from the Ohio power siting board or 735
appropriate local entity for construction, placement, or operation 736
of an alternative energy generating facility service provider as 737
defined in section 4928.64 of the Revised Code. An interest 738
granted under this division is subject to all of the following 739
conditions: 740

(1) The transportation facility is owned in fee simple or in 741
easement by this state at the time the lease, easement, or license 742
is granted to the utility service provider. 743

(2) The lease, easement, or license shall be granted on a 744
competitive basis in accordance with policies and procedures to be 745
determined by the director. The policies and procedures may 746
include provisions for master leases for multiple sites. 747

(3) The alternative energy generating facility shall be 748
designed to provide energy for the department's transportation 749
facilities with the potential for selling excess power on the 750
power grid, as the director may determine is necessary for highway 751
or other departmental purposes. 752

(4) The director shall require indemnity agreements in favor 753
of the department as a condition of any lease, easement, or 754
license granted under this division. Each indemnity agreement 755
shall secure this state from liability for damages arising out of 756
safety hazards, zoning, and any other matter of public interest 757
the director considers necessary. 758

(5) The alternative energy service provider fully complies 759
with any permit issued by the Ohio power siting board under 760
Chapter 4906. of the Revised Code and complies with section 761
5515.01 of the Revised Code pertaining to land that is the subject 762
of the lease, easement, or license. 763

(6) All plans and specifications shall meet with the 764
director's approval. 765

(7) Any other conditions the director determines necessary. 766

(G) Money the department receives under divisions (E) and (F) 767
of this section shall be deposited into the state treasury to the 768
credit of the highway operating fund. 769

(H) A lease, easement, or license granted under division (E) 770

or (F) of this section, and any telecommunications facility or 771
alternative energy generating facility relating to such interest 772
in a transportation facility, is hereby deemed to further the 773
essential highway purpose of building and maintaining a safe, 774
energy-efficient, and accessible transportation system. 775

Sec. 5531.09. (A) The state infrastructure bank shall consist 776
of the highway and transit infrastructure bank fund, the aviation 777
infrastructure bank fund, the rail infrastructure bank fund, ~~and~~ 778
the infrastructure bank obligations fund, and the new generation 779
infrastructure bank funds, which are hereby created as funds of 780
the state treasury, to be administered by the director of 781
transportation and used for the purposes described in division (B) 782
of this section. The highway and transit infrastructure bank fund, 783
the aviation infrastructure bank fund, and the rail infrastructure 784
bank fund shall consist of federal grants and awards or other 785
assistance received by the state and eligible for deposit therein 786
under applicable federal law, payments received by the department 787
in connection with providing financial assistance for qualifying 788
projects under division (B) of this section, and such other 789
amounts as may be provided by law. The infrastructure bank 790
obligations fund shall consist of such amounts of the proceeds of 791
obligations issued under section 5531.10 of the Revised Code as 792
the director of transportation determines with the advice of the 793
director of budget and management; and such other amounts as may 794
be provided by law. The new generation infrastructure bank funds 795
shall consist of such other assistance received by the state as 796
may be provided by law. The director of budget and management, 797
upon the request of the director of transportation, may transfer 798
amounts between the funds created in this division, except the 799
infrastructure bank obligations fund. The investment earnings of 800
each fund created by this division shall be credited to such fund. 801

(B)(1) The director of transportation shall use the state 802

infrastructure bank, except the new generation infrastructure bank 803
funds, to encourage public and private investment in 804
transportation facilities that contribute to the multi-modal and 805
intermodal transportation capabilities of the state, develop a 806
variety of financing techniques designed to expand the 807
availability of funding resources and to reduce direct state 808
costs, maximize private and local participation in financing 809
projects, and improve the efficiency of the state transportation 810
system by using and developing the particular advantages of each 811
transportation mode to the fullest extent. In furtherance of these 812
purposes, the director shall use the state infrastructure bank to 813
provide financial assistance to public or private entities for 814
qualified projects. Such assistance shall be in the form of loans, 815
loan guarantees, letters of credit, leases, lease-purchase 816
agreements, interest rate subsidies, debt service reserves, and 817
such other forms as the director determines to be appropriate. All 818
fees, charges, rates of interest, payment schedules, security for, 819
and other terms and conditions relating to such assistance shall 820
be determined by the director. 821

(2) The director shall use the new generation infrastructure 822
bank funds to encourage transportation innovation authorities 823
created under Chapter 5539. of the Revised Code to invest in 824
transportation facilities that contribute to the multi-modal and 825
intermodal transportation capabilities of the state, develop a 826
variety of financing techniques designed to expand the 827
availability of funding resources and to reduce direct state 828
costs, maximize transportation innovation authorities' 829
participation in financing projects, and improve the efficiency of 830
the state transportation system by using and developing the 831
particular advantages of each transportation mode to the fullest 832
extent. In furtherance of these purposes, the director shall use 833
the new generation infrastructure bank funds to provide financial 834
assistance to transportation innovation authorities for qualified 835

projects. Such assistance shall be in the form of loans, loan 836
guarantees, letters of credit, leases, lease-purchase agreements, 837
interest rate subsidies, debt service reserves, and such other 838
forms of assistance as the director determines to be appropriate. 839
All fees, charges, rates of interest, payment schedules, security 840
for, and other terms and conditions relating to such assistance 841
shall be determined by the director. 842

(C) The director of transportation shall adopt rules 843
establishing guidelines necessary for the implementation and 844
exercise of the authority granted by this section, including rules 845
for receiving, reviewing, evaluating, and selecting projects for 846
which financial assistance may be approved. 847

(D) As used in this section and in section 5531.10 of the 848
Revised Code, "qualified project" means any public or private 849
transportation project as determined by the director of 850
transportation, including, without limitation, planning, 851
environmental impact studies, engineering, construction, 852
reconstruction, resurfacing, restoring, rehabilitation, or 853
replacement of public or private transportation facilities within 854
the state, studying the feasibility thereof, and the acquisition 855
of real or personal property or interests therein; any highway, 856
public transit, aviation, rail, or other transportation project 857
eligible for financing or aid under any federal or state program; 858
and any project involving the maintaining, repairing, improving, 859
or construction of any public or private highway, road, street, 860
parkway, public transit, aviation, or rail project, and any 861
related rights-of-way, bridges, tunnels, railroad-highway 862
crossings, drainage structures, signs, guardrails, or protective 863
structures. 864

(E) The general assembly finds that state infrastructure 865
projects, as defined in division (A)(8) of section 5531.10 of the 866
Revised Code, and the state infrastructure bank, will materially 867

contribute to the economic revitalization of areas of the state 868
and result in improving the economic welfare of all the people of 869
the state. Accordingly, it is declared to be the public purpose of 870
the state, through operations under sections 5531.09 and 5531.10 871
of the Revised Code, and other applicable laws adopted pursuant to 872
Section 13 of Article VIII, Ohio Constitution, and other authority 873
vested in the general assembly, to assist in and facilitate the 874
purposes set forth in division (B) of section 5531.10 of the 875
Revised Code, and to assist and cooperate with any governmental 876
agency in achieving such purposes. 877

Sec. 5531.18. The director of transportation shall establish 878
a procedure whereby a political subdivision or other governmental 879
agency or agencies may submit a written application to the 880
director in accordance with Chapter 5539. of the Revised Code 881
requesting the department of transportation to construct and 882
operate a toll project within the boundaries of the subdivision, 883
agency, or agencies making the request. The procedure shall 884
include a requirement that the director send a written reply to 885
the subdivision, agency, or agencies explaining the disposition of 886
the request. The procedure established pursuant to this section 887
shall not become effective unless it is approved by the Ohio 888
transportation finance commission created under section 5531.12 of 889
the Revised Code. 890

Sec. 5539.01. As used in this chapter: 891

"Governmental agency" means a county, township, or municipal 892
corporation, and any agency thereof; any other political 893
subdivision; any county transit system, regional transit 894
authority, or regional transit commission created under Chapter 895
306. of the Revised Code; any new community authority organized 896
under Chapter 349. of the Revised Code; one or more municipal 897
corporations and one or more townships acting pursuant to a 898

cooperative economic development agreement entered into under 899
section 701.07 of the Revised Code; any joint economic development 900
zone or joint economic development district organized under 901
Chapter 715. of the Revised Code; any metropolitan planning 902
organization; any port authority created under Chapter 4582. of 903
the Revised Code; any transportation improvement district created 904
under Chapter 5540. of the Revised Code; the Ohio rail development 905
commission created under Chapter 4981. of the Revised Code; any 906
other public corporation, agency, or commission established 907
pursuant to state law; and any combination of the above. 908

"Multimodal and intermodal transportation system" means a 909
system of roads and highways, rail lines, water ports, airports, 910
bicycle paths, pedestrian walkways, or public transit systems, 911
including connections between them, and related facilities. 912

"Passenger rail service" means passenger railroad service 913
that connects two or more urbanized areas. 914

"Public transportation" has the same meaning as in section 915
5501.01 of the Revised Code. 916

"Transportation innovation authority" means a body corporate 917
and politic created pursuant to section 5539.03 of the Revised 918
Code. 919

"Transportation project" means a project constructed, 920
improved, operated, or managed under this chapter, including the 921
construction, reconstruction, alteration, repair, improvement, 922
operation, or management of any road, highway, bridge, or other 923
transportation facility as defined in section 5501.01 of the 924
Revised Code; any multimodal and intermodal systems; any public 925
transit system; and any freight or intercity passenger rail 926
system. 927

Sec. 5539.02. (A) The director of transportation is hereby 928

authorized to establish a transportation innovation authority 929
pilot project and shall approve not more than two transportation 930
innovation authorities per district of the department of 931
transportation pursuant to division (B) of section 5539.03 of the 932
Revised Code and shall report to the general assembly pursuant to 933
division (C) of section 5539.07 of the Revised Code. 934

(B) The purpose of a transportation innovation authority 935
established under this chapter is to foster and encourage the 936
investment of public and private resources in the planning and 937
implementation of innovative transportation projects to enhance 938
the efficiency of the state's transportation system, enhance 939
intermodal and multimodal systems to streamline the transportation 940
of goods and persons, and encourage the improvement and 941
development of public transit systems and intercity passenger rail 942
service throughout the state. A transportation innovation 943
authority shall assist governmental agencies in the identification 944
of transportation needs that will foster growth and economic 945
development in the region conducive to the transportation projects 946
and shall assist in funding priority projects through cooperative 947
arrangements involving public and private partnerships. 948

(C) In determining which transportation innovation 949
authorities to approve, the director shall give greater weight and 950
consideration to transportation projects of potential authorities 951
where transportation, water, sewer, and other utility 952
infrastructure already is in existence, and shall adopt rules to 953
reflect these weights and preferences. 954

Sec. 5539.03. (A) Subject to approval by the director of 955
transportation under division (B) of this section, any 956
governmental agency, by resolution, ordinance, or other formal 957
action by the appropriate legislative authority of such 958
governmental agency, as applicable, may enter into an agreement 959

with one or more other governmental agencies proposing to form a 960
transportation innovation authority. The agreement between all 961
participating governmental agencies, at a minimum, shall do all of 962
the following: 963

(1) Identify all members of the authority; 964

(2) Designate the geographical area to be included in the 965
jurisdiction of the authority; 966

(3) Specify the role and voting rights of the authority's 967
board of directors from among the governmental agencies that are 968
not counties, townships, or municipal corporations; 969

(4) Identify the transportation needs of the geographical 970
area covered by the authority and define the transportation 971
projects necessary to meet such needs; 972

(5) Provide for the planning, construction, operation, and 973
maintenance of transportation projects proposed to be undertaken 974
by the authority; 975

(6) Establish the dates for the existence and operation of 976
the authority, which shall include a date of creation, the means 977
for determining when the authority shall cease to exist, how the 978
authority may expand its membership, and how a member may end its 979
membership; 980

(7) Allow for and establish the terms of funding arrangements 981
for the identified projects through any combination of funding 982
sources authorized by this chapter or otherwise authorized by law; 983

(8) Subject to section 5539.031 of the Revised Code, require 984
all political subdivisions participating as members of the 985
authority to agree, in a time and manner specified in the 986
agreement, to adopt zoning and land use policies and laws that are 987
consistent with and that complement the transportation innovation 988
authority priorities, objectives, and identified projects; 989

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(9) Designate how its members shall provide the authority with any clerical, legal, and other staff assistance necessary to implement the agreement and pay for copying, mailing, and any other such expenses incurred by the authority in meeting the requirements imposed by sections 5539.01 to 5539.11 of the Revised Code;

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(10) Specify the process by which the boards or legislative authorities of member governmental agencies may ratify a transportation project and the funding thereof as recommended by the authority. The ratification process may specify the adoption by all governmental agencies, a majority of governmental agencies, the governmental agencies of the most populous jurisdictions participating in the authority, or other acceptable process.

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(11) Specify the types of funding mechanisms that the members of the transportation innovation authority agree to use for the transportation project and the implementation procedures, including notification, as may be provided in the Revised Code or appropriate local law, for such mechanisms.

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(B) Upon entering into an agreement, a proposed transportation innovation authority shall provide a copy of the agreement to the director of transportation, who shall approve or disapprove the agreement or suggest modifications to ensure consistency with the purposes of this chapter. Each member shall be notified of the director's approval, disapproval, or suggested modifications, with a deadline for any action that is required to be taken. If the authority has not adopted an agreement on or before the deadline, the authority shall cease to exist.

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(C) A transportation innovation authority is deemed to be created upon the adoption by each participating governmental agency, acting by resolution, ordinance, or other formal action,

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as applicable, of an agreement approved by the director. 1021

(D) A governmental agency that is a member of a 1022
transportation innovation authority may exercise any powers 1023
granted to such authority members by this chapter, but no other 1024
power is granted to such a governmental agency solely by virtue of 1025
its participation as a member of an authority. A governmental 1026
agency that is a member of an authority retains all powers granted 1027
to it by law, subject to any limitations imposed on authority 1028
members by this chapter and by any agreements entered into by the 1029
governmental agency pursuant to this chapter as a member of an 1030
authority. 1031

Sec. 5539.031. (A) As soon as practicable after approval of 1032
an agreement under division (C) of section 5539.03 of the Revised 1033
Code and before engaging in any transportation project 1034
development, a transportation innovation authority shall develop a 1035
proposed land use plan for the area within the authority that 1036
includes recommended changes to current land use and zoning 1037
policies and other measures that promote land use consistent with 1038
the authority's proposed transportation projects. The proposed 1039
land use plan shall be submitted to each member governmental 1040
agency and the department of transportation. The plan shall 1041
include a document that specifically details the changes required 1042
of each such governmental agency to that agency's current land use 1043
and zoning policies. Upon receipt of the proposed land use plan, 1044
the appropriate legislative authority of the governmental agency, 1045
in the time and manner specified in the agreement adopted under 1046
section 5539.03 of the Revised Code, shall express its intent to 1047
take action to change its land use policies and regulations. 1048

(B) Upon approval of a proposed land use plan, the authority 1049
shall develop a transportation project, including proposed funding 1050
sources for the project. The authority shall submit a draft of its 1051

proposed plan to the board of directors for approval. If approved, 1052
the members of the authority shall submit the proposed plan to 1053
their respective boards or legislative authorities, which shall 1054
take appropriate action to ratify or disapprove the proposed plan. 1055
Each such board or legislative authority shall notify the 1056
transportation innovation authority in writing of its ratification 1057
or disapproval of the proposed plan. 1058

Sec. 5539.04. (A) A transportation innovation authority shall 1059
be governed by a board of directors, the membership of which shall 1060
be established by the governmental agencies comprising the 1061
authority; provided, that there shall be an equal number of board 1062
members representing each governmental agency comprising the 1063
authority. Each member of the board serves at the pleasure of the 1064
member's appointing authority, and the appointing authority may 1065
remove an appointee the appointing authority has appointed at any 1066
time and for any reason. Members of the board shall receive no 1067
compensation but may be reimbursed for their necessary and actual 1068
expenses incurred in the course of duties as board members. The 1069
affirmative vote of a majority of the board is necessary to 1070
transact business. 1071

(B) An authority shall adopt bylaws for the regulation of its 1072
affairs and the conduct of its business and shall provide for 1073
public notice and opportunity for public comment on the 1074
identification of transportation projects and plans for funding 1075
the construction, operation, and maintenance of such projects. 1076

(C) A transportation innovation authority is a body both 1077
corporate and politic. The exercise by it of the powers conferred 1078
by this chapter are considered to be essential governmental 1079
functions and shall be governed by all applicable state and 1080
federal laws in the planning, construction, operation, and 1081
maintenance of transportation projects proposed to be undertaken 1082

by the authority. 1083

(D) Membership on the board of directors of a transportation 1084
innovation authority is not the holding of a public office or 1085
employment within the meaning of any section of the Revised Code 1086
or any municipal charter provision prohibiting the holding of 1087
other public office or employment. Membership on such a board is 1088
not a direct or indirect interest in an agreement or expenditure 1089
of money by a governmental agency with which a member may be 1090
affiliated. Notwithstanding any provision of law or a municipal 1091
charter to the contrary, no member of a board of directors of a 1092
transportation innovation authority shall forfeit or be 1093
disqualified from holding any public office or employment by 1094
reason of membership on the board. 1095

(E) The board of directors of a transportation innovation 1096
authority is a public body for the purposes of section 121.22 of 1097
the Revised Code. Chapter 2744. of the Revised Code applies to 1098
such a board and the transportation innovation authority. 1099

Sec. 5539.05. A transportation innovation authority may: 1100

(A) Sue and be sued in its own name, plead, and be impleaded; 1101
provided, any actions against the authority shall be brought in 1102
the court of common pleas in the county in which the authority is 1103
headquartered or in the court of common pleas of the county in 1104
which the cause of action arose, and all summonses and notices of 1105
any kind shall be served on the authority by leaving a copy 1106
thereof at its headquarters; 1107

(B) Purchase, construct, maintain, repair, sell, exchange, 1108
secure, operate, or lease a project as defined by this chapter; 1109

(C) Make and enter into all contracts and agreements 1110
necessary or incidental to the performance of its functions in 1111
designing, planning, and implementing a project and the execution 1112

of its powers under this chapter; 1113

(D) Employ, retain, or contract for the services of local 1114
governments, including councils of governments, regional planning 1115
commissions, community improvement corporations, and other forms 1116
of cooperative local governments, consultants, engineers, 1117
construction and accounting experts, financial advisers, trustees, 1118
attorneys, or other employees, independent contractors, or agents 1119
as are necessary in its judgment for the exercise of its powers 1120
and performance of its duties under this chapter; 1121

(E) Acquire, hold, and dispose of property in the exercise of 1122
its powers and the performance of its duties under this chapter; 1123

(F) Direct its agents or employees, when properly identified 1124
in writing and after reasonable notice, to enter upon lands within 1125
its jurisdiction to make surveys and examinations preliminary to 1126
the location and construction of projects for the authority, 1127
without liability of the authority or its agents or employees 1128
except for actual damages arising solely out of such entry; 1129

(G) Enter into contracts, agreements, or any other 1130
partnerships with private entities, where appropriate, to 1131
streamline and enhance the planning and implementation and funding 1132
of identified projects; 1133

(H) Do all acts necessary and proper to carry out the powers 1134
expressly granted in this chapter. 1135

Sec. 5539.06. The board and members of a transportation 1136
innovation authority shall invite the participation of any new 1137
community authority, county transit system, regional transit 1138
authority, regional transit commission, joint economic development 1139
zone or joint economic development district, transportation 1140
improvement district, port authority, or metropolitan planning 1141
organization whose jurisdiction is within or substantially within 1142

the geographical area as agreed to by the authority. 1143

Sec. 5539.07. (A) The director of transportation may provide 1144
grants for planning and project development, funding from the 1145
state infrastructure bank under section 5531.09 of the Revised 1146
Code, and support for the priority transportation projects 1147
identified by a transportation innovation authority. 1148

(B) In accordance with Chapter 119. of the Revised Code, the 1149
director may adopt rules to assist in the creation and operation 1150
of transportation innovation authorities consistent with the 1151
purposes of this chapter. 1152

(C) The director shall issue an annual report to the general 1153
assembly summarizing the effectiveness of the authorities created 1154
under this chapter in identifying and funding the transportation 1155
needs of the state. 1156

Sec. 5539.08. (A) A transportation innovation authority shall 1157
hold and apply such funds as it considers necessary to carry out 1158
the powers and duties conferred by this chapter and as set forth 1159
in the agreement adopted by the authority. 1160

(B) An authority shall adopt an operating budget to hire 1161
employees, contract for services, and conduct normal business 1162
functions. All funding for such operating budget shall be paid 1163
from contributions from each governmental agency constituting the 1164
authority. No state funds shall be used for the operating budget 1165
of an authority. 1166

(C) An authority shall submit an annual audited financial 1167
report to the general assembly and the director of transportation 1168
setting forth all sources and uses of funds obtained or otherwise 1169
generated by the authority and a detailed breakdown of the 1170
different classes of expenditures made by the authority during 1171

each calendar year of operation. Such report also shall contain 1172
two-year budget projections for the operating expenses for the 1173
authority and specific transportation project funding. 1174

Sec. 5539.09. (A) A transportation innovation authority may 1175
acquire by purchase, lease, lease-purchase, lease with option to 1176
purchase, or otherwise, and in such manner and for such 1177
consideration as it considers proper, any public or private 1178
property necessary, convenient, or proper for the construction, 1179
maintenance, repair, or operation of a transportation project. 1180
Title to real and personal property shall be held in the name of 1181
the authority. Except as otherwise agreed to by the owner, full 1182
compensation shall be paid for public property taken. 1183

(B) A governmental agency may exercise the power of eminent 1184
domain to acquire property necessary for or in connection with a 1185
transportation project, but only to the extent such power is 1186
granted to the governmental agency individually. In any 1187
proceedings for appropriation, the procedure to be followed shall 1188
be in accordance with that provided in sections 163.01 to 163.22 1189
of the Revised Code or as otherwise provided by law for the 1190
governmental agency. Nothing in this chapter shall be construed as 1191
permitting a transportation innovation authority to exercise the 1192
power of eminent domain as a collective entity to acquire property 1193
necessary for or in connection with a transportation project. 1194

(C) This section does not authorize an authority to take or 1195
disturb property or facilities belonging to any public utility or 1196
to a common carrier engaged in interstate commerce or to a cable 1197
operator as defined in section 4939.01 of the Revised Code if the 1198
property or facilities are required for the proper and convenient 1199
operation of the public utility or common carrier or cable 1200
operator unless provision is made for the restoration, relocation, 1201
replication, or duplication of the property or facilities 1202

elsewhere at the sole cost of the authority. 1203

(D) Except as otherwise provided in this chapter, disposition 1204
of real property shall be by sale, lease-purchase agreement, lease 1205
with option to purchase, or otherwise in such manner and for such 1206
consideration as the authority determines if to a governmental 1207
agency or to a private entity involved in the transportation 1208
project funding, and otherwise in the manner provided in section 1209
5501.45 of the Revised Code for the disposition of property by the 1210
director of transportation. Disposition of personal property shall 1211
be in such manner and for such consideration as the authority 1212
determines. 1213

Sec. 5539.10. The board of directors of a transportation 1214
innovation authority may acquire real property in fee simple in 1215
the name of the authority in connection with, but in excess of 1216
that needed for, a project, by any method other than appropriation 1217
and hold the property for such period of time as the board 1218
determines. All right, title, and interest of the authority in the 1219
property may be sold at public auction or otherwise, as the board 1220
considers in the best interests of the authority, but in no event 1221
shall the property be sold for less than two-thirds of its 1222
appraised value. Sale at public auction shall be undertaken only 1223
after the board advertises the sale in a newspaper of general 1224
circulation in the area of the jurisdiction of the authority for 1225
at least two weeks prior to the date set for the sale. 1226

Sec. 5539.11. (A) A governmental agency may fund or assist in 1227
funding a transportation project as set forth in this chapter 1228
using the authority granted to any governmental agency 1229
participating as a member of a transportation innovation 1230
authority, but only to the extent such power is granted to the 1231
governmental agency individually. Nothing in this section shall be 1232
construed as permitting a transportation innovation authority or 1233

granting such authority the right to levy any fee, assessment, 1234
payment, or tax as a collective entity. 1235

(B) Projects identified by a transportation innovation 1236
authority under this chapter may be funded through any combination 1237
of revenue generated under the authority granted by this chapter 1238
or under the authority granted to any governmental agency 1239
participating as a member of an authority. Subject to the 1240
following limitations, such funding sources may include special 1241
fees and assessments levied by a governmental agency, fair share 1242
payments, payments in lieu of property tax on improvements, cash 1243
payments by private participants, dedicated portions of local 1244
sales tax and local income tax receipts, loans or grants from 1245
local, state, or federal sources, implementation of tolling 1246
arrangements or other charges as authorized and governed by 1247
section 5531.12 of the Revised Code, or any other revenue raising 1248
or tax incentive authority available to an authority or any 1249
governmental agency acting as a member of an authority: 1250

(1) A transportation innovation authority may participate in 1251
the levy of special assessments by a governmental agency to assist 1252
in the payment of costs for the construction, reconstruction, 1253
alteration, repair, improvement, operation, or management of an 1254
identified transportation project if the authority determines that 1255
the project will benefit the geographical area as agreed to by the 1256
authority. 1257

(2) When it is determined that a project will benefit both a 1258
single political subdivision and the geographical area as agreed 1259
to by the authority, any governmental agency participating as a 1260
member of a transportation innovation authority may exercise its 1261
taxing authority on income, sales, or property under Title LVII of 1262
the Revised Code, or provide for payments in lieu of property tax 1263
on improvements, to benefit the geographical area as agreed to by 1264

the authority. 1265

(3) A transportation innovation authority may obtain loans or grants from local, state, or federal sources. Loans or grants from federal or state sources may be used for funding transportation projects and may not be applied to the operating expenses of an authority; provided, that an authority may use such loans or grants to pay the expenses it incurs in planning a transportation project even if such planning costs normally are categorized as operating expenses by the authority. 1266
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(4) An authority may issue bonds to pay for all or part of the cost of an identified project. 1274
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(5) When it is determined that a project will benefit both a single political subdivision and the geographical area as agreed to by the authority, each governmental agency participating as a member of the authority may issue bonds for a portion of the cost of any project if Chapter 133. of the Revised Code would authorize the issuance of those bonds as if the governmental agency alone were undertaking the project, subject to the same conditions and restrictions. 1276
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(6) Any governmental agency participating as a member of an authority may appropriate money available to the agency to pay costs incurred by the authority in the exercise of its powers and duties. 1284
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(7) An authority may enter into agreements with private entities to assist with the construction, improvement, operation, or management of transportation projects. Such agreements may include fair share payments to be made by the private entities to fund the projects. 1288
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(8)(a) An authority may charge tolls or fees for the use of its transportation projects or facilities pursuant to section 5531.12 of the Revised Code. The authority may retain a portion of 1293
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the fees charged as its administrative fee, provided the amount of 1296
the fee is reviewed and approved by the director of transportation 1297
on an annual basis. Subject to division (B)(8)(b) of this section, 1298
all other revenues shall be utilized to support construction, 1299
improvement, repair, maintenance, administration, and operation 1300
costs for transportation projects within the geographical area as 1301
agreed to by the authority. All projects for which a toll or fee 1302
is proposed to be charged shall be subject to the review and 1303
approval of the transportation review advisory council in 1304
accordance with Chapter 5512. of the Revised Code. 1305

(b)(i) If an authority charges tolls or fees for the use of a 1306
transportation project or facility, the authority shall expend 1307
those tolls or fees only on that project or facility and on no 1308
other project or facility. 1309

(ii) If a transportation project or facility is composed of 1310
more than one transportation mode and the authority charges tolls 1311
or fees for any of the different transportation modes that 1312
comprise the project or facility, the authority shall expend those 1313
tolls or fees that are collected for the use of a particular 1314
transportation mode only on that project or facility, only on that 1315
particular transportation mode of that project or facility, and on 1316
no other project or facility. 1317

(C) The exercise of the powers granted by this chapter is in 1318
all respects for the benefit of the people of the state, for the 1319
improvement of their safety, convenience, and welfare, and for the 1320
enhancement of their residential, agricultural, recreational, 1321
economic, commercial, and industrial opportunities and is a public 1322
purpose. As the operation and maintenance of transportation 1323
projects constitute the performance of essential governmental 1324
functions, a transportation innovation authority shall not be 1325
required to pay any taxes or assessments upon any transportation 1326
project, or upon any property acquired or used by the authority 1327

under this chapter, or upon the income therefrom. The transfer to 1328
or from the transportation innovation authority of title or 1329
possession of any transportation project, part thereof, or item 1330
included or to be included in any such project, is not subject to 1331
the taxes levied pursuant to Chapters 5739. and 5741. of the 1332
Revised Code, and any bonds and notes, their transfer, and the 1333
income therefrom, including any gain made on the sale thereof, 1334
shall at all times be free from taxation within the state. 1335

Sec. 5539.12. (A) Prior to taking formal action to adopt or 1336
enter into any instrument granting a tax exemption that provides 1337
for payments in lieu of property tax on improvements located 1338
within a township to fund a transportation project pursuant to 1339
section 5539.11 of the Revised Code, the board of township 1340
trustees of that township shall notify the board of county 1341
commissioners of the county in which the proposed tax-exempted 1342
property is located. The notice shall include a copy of the 1343
instrument or application. The notice shall be delivered not later 1344
than forty-five days prior to the day the board of township 1345
trustees takes formal action to adopt or enter into the 1346
instrument. If the board of county commissioners comments on the 1347
instrument or application to the board of township trustees not 1348
later than thirty days from the date of delivery of the notice, 1349
the board of township trustees shall consider the comments. 1350

(B) Prior to taking formal action to adopt or enter into any 1351
instrument granting a tax exemption that provides for payments in 1352
lieu of property tax on improvements located within a county to 1353
fund a transportation project pursuant to section 5539.11 of the 1354
Revised Code, the board of county commissioners of that county 1355
shall notify the board of township trustees of each township 1356
within that county in which the proposed tax-exempted property is 1357
located. The notice shall include a copy of the instrument or 1358
application. The notice shall be delivered not later than 1359

forty-five days prior to the day the board of county commissioners 1360
takes formal action to adopt or enter into the instrument. If a 1361
board of township trustees comments on the instrument or 1362
application to the board of county commissioners not later than 1363
thirty days from the date of delivery of the notice, the board of 1364
county commissioners shall consider the comments. 1365

(C) Prior to taking formal action to adopt or enter into any 1366
instrument granting a tax exemption that provides for payments in 1367
lieu of property tax on improvements located within a municipal 1368
corporation to fund a transportation project pursuant to section 1369
5539.11 of the Revised Code, the legislative authority of that 1370
municipal corporation shall notify the board of county 1371
commissioners of the county in which the proposed tax-exempted 1372
property is located and the board of township trustees of any 1373
township of which the municipal corporation is a part in which the 1374
proposed tax-exempted property is located. The notice shall 1375
include a copy of the instrument or application. The notice shall 1376
be delivered not later than forty-five days prior to the day the 1377
legislative authority of the municipal corporation takes formal 1378
action to adopt or enter into the instrument. If a board of county 1379
commissioners or board of township trustees comments on the 1380
instrument or application to the legislative authority of the 1381
municipal corporation not later than thirty days from the date of 1382
delivery of the notice, the legislative authority of the municipal 1383
corporation shall consider the comments. 1384

Section 2. That existing sections 4511.21, 5501.03, 5501.311, 1385
5531.09, and 5531.18 of the Revised Code are hereby repealed. 1386
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Section 3. All items in this section are hereby appropriated 1388
as designated out of any moneys in the state treasury to the 1389
credit of the New Generation Infrastructure Bank funds created in 1390

section 5531.09 of the Revised Code. For all appropriations made 1391
in this act, those in the first column are for fiscal year 2010 1392
and those in the second column are for fiscal year 2011. The 1393
appropriations made in this act are in addition to any other 1394
appropriations made for the FY 2010-2011 biennium. 1395

Appropriations

DOT Department of Transportation				1396
Highway Operating Fund Group				1397
2160	772439	New Generation	\$ 50,000,000 \$	0 1398
Highway Loan				
2160	772440	New Generation	\$ 50,000,000 \$	0 1399
Highway Bond				
2180	775461	New Generation Multi	\$ 120,000,000 \$	0 1400
Modal Loan				
2180	775462	New Generation Multi	\$ 120,000,000 \$	0 1401
Modal Bond				
				1402
TOTAL HOF	Highway Operating Fund		\$ 340,000,000 \$	0 1403
Group				
TOTAL ALL BUDGET FUND GROUPS			\$ 340,000,000 \$	0 1404

Within the limits set forth in this act, the Director of 1405
Budget and Management shall establish accounts indicating the 1406
source and amount of funds for each appropriation made in this 1407
act, and shall determine the form and manner in which 1408
appropriation accounts shall be maintained. Expenditures from 1409
appropriations contained in this act shall be accounted for as 1410
though made in Am. Sub. H.B. 2 of the 128th General Assembly. 1411

The appropriations made in this act are subject to all 1412
provisions of Am. Sub. H.B. 2 of the 128th General Assembly that 1413
are generally applicable to such appropriations. 1414