

**As Introduced**

**130th General Assembly  
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**H. B. No. 427**

**Representative Budish**

**Cosponsors: Representatives Pillich, Lundy, Hagan, R., Williams, Boyd,  
Foley, Rogers, Ashford, Antonio, Redfern, Fedor, Sheehy**

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**A B I L L**

To amend sections 5537.01, 5537.03, 5537.04, 5537.08, 1  
and 5537.13, to enact new section 5537.18, and to 2  
repeal section 5537.18 of the Revised Code to 3  
expand the authorized use of money in the 4  
Infrastructure Fund (derived from proceeds from 5  
Ohio Turnpike revenue bonds) to include 6  
infrastructure projects that consist of the 7  
maintenance or repair of existing infrastructure, 8  
and to modify the process for approval of 9  
infrastructure projects. 10

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

**Section 1.** That sections 5537.01, 5537.03, 5537.04, 5537.08, 11  
and 5537.13 be amended and new section 5537.18 of the Revised Code 12  
be enacted to read as follows: 13

**Sec. 5537.01.** As used in this chapter: 14

(A) "Commission" means the Ohio turnpike and infrastructure 15  
commission created by section 5537.02 of the Revised Code or, if 16  
that commission is abolished, the board, body, officer, or 17  
commission succeeding to the principal functions thereof or to 18

which the powers given by this chapter to the commission are given 19  
by law. 20

(B) "Turnpike project" means any express or limited access 21  
highway, super highway, or motorway constructed, operated, or 22  
improved, under the jurisdiction of the commission and pursuant to 23  
this chapter, at a location or locations reviewed by the turnpike 24  
legislative review committee and approved by the governor, 25  
including all bridges, tunnels, overpasses, underpasses, 26  
interchanges, entrance plazas, approaches, those portions of 27  
connecting public roads that serve interchanges and are determined 28  
by the commission and the director of transportation to be 29  
necessary for the safe merging of traffic between the turnpike 30  
project and those public roads, toll booths, service facilities, 31  
and administration, storage, and other buildings, property, and 32  
facilities that the commission considers necessary for the 33  
operation or policing of the turnpike project, together with all 34  
property and rights which may be acquired by the commission for 35  
the construction, maintenance, or operation of the turnpike 36  
project, and includes any sections or extensions of a turnpike 37  
project designated by the commission as such for the particular 38  
purpose. Each turnpike project shall be separately designated, by 39  
name or number, and may be constructed, improved, or extended in 40  
such sections as the commission may from time to time determine. 41  
Construction includes the improvement and renovation of a 42  
previously constructed turnpike project, including additional 43  
interchanges, whether or not the turnpike project was initially 44  
constructed by the commission. 45

(C) "Infrastructure project" means any public express or 46  
limited access highway, super highway, or motorway, including all 47  
bridges, tunnels, overpasses, underpasses, interchanges, entrance 48  
plazas, approaches, and those portions of connecting public roads 49  
that serve interchanges, that is constructed ~~or~~ improved. 50

repaired, or maintained, in whole or in part, with infrastructure 51  
funding approved pursuant to criteria established under section 52  
5537.18 of the Revised Code. 53

(D) "Cost," as applied to construction of a turnpike project 54  
or an infrastructure project, includes the cost of construction, 55  
including bridges over or under existing highways and railroads, 56  
acquisition of all property acquired either by the commission or 57  
by the owner of the infrastructure project for the construction, 58  
demolishing or removing any buildings or structures on land so 59  
acquired, including the cost of acquiring any lands to which the 60  
buildings or structures may be moved, site clearance, improvement, 61  
and preparation, diverting public roads, interchanges with public 62  
roads, access roads to private property, including the cost of 63  
land or easements therefor, all machinery, furnishings, and 64  
equipment, communications facilities, financing expenses, interest 65  
prior to and during construction and for one year after completion 66  
of construction, traffic estimates, indemnity and surety bonds and 67  
premiums on insurance, title work and title commitments, 68  
insurance, and guarantees, engineering, feasibility studies, and 69  
legal expenses, plans, specifications, surveys, estimates of cost 70  
and revenues, other expenses necessary or incident to determining 71  
the feasibility or practicability of constructing or operating a 72  
turnpike project or an infrastructure project, administrative 73  
expenses, and any other expense that may be necessary or incident 74  
to the construction of the turnpike project or an infrastructure 75  
project, the financing of the construction, and the placing of the 76  
turnpike project or an infrastructure project in operation. Any 77  
obligation or expense incurred by the department of transportation 78  
with the approval of the commission for surveys, borings, 79  
preparation of plans and specifications, and other engineering 80  
services in connection with the construction of a turnpike project 81  
or an infrastructure project, or by the federal government with 82  
the approval of the commission for any public road projects which 83

must be reimbursed as a condition to the exercise of any of the 84  
powers of the commission under this chapter, shall be regarded as 85  
a part of the cost of the turnpike project or an infrastructure 86  
project and shall be reimbursed to the state or the federal 87  
government, as the case may be, from revenues, state taxes, or the 88  
proceeds of bonds as authorized by this chapter. 89

(E) "Owner" includes all persons having any title or interest 90  
in any property authorized to be acquired by the commission for 91  
turnpike projects under this chapter, or the public entity for 92  
whom an infrastructure project is funded, in whole or in part, by 93  
the commission under this chapter. 94

(F) "Revenues" means all tolls, service revenues, investment 95  
income on special funds, rentals, gifts, grants, and all other 96  
moneys coming into the possession of or under the control of the 97  
commission by virtue of this chapter, except the proceeds from the 98  
sale of bonds. "Revenues" does not include state taxes. 99

(G) "Public roads" means all public highways, roads, and 100  
streets in the state, whether maintained by a state agency or any 101  
other governmental agency. 102

(H) "Public utility facilities" means tracks, pipes, mains, 103  
conduits, cables, wires, towers, poles, and other equipment and 104  
appliances of any public utility. 105

(I) "Financing expenses" means all costs and expenses 106  
relating to the authorization, issuance, sale, delivery, 107  
authentication, deposit, custody, clearing, registration, 108  
transfer, exchange, fractionalization, replacement, payment, and 109  
servicing of bonds including, without limitation, costs and 110  
expenses for or relating to publication and printing, postage, 111  
delivery, preliminary and final official statements, offering 112  
circulars, and informational statements, travel and 113  
transportation, underwriters, placement agents, investment 114

bankers, paying agents, registrars, authenticating agents, 115  
remarketing agents, custodians, clearing agencies or corporations, 116  
securities depositories, financial advisory services, 117  
certifications, audits, federal or state regulatory agencies, 118  
accounting and computation services, legal services and obtaining 119  
approving legal opinions and other legal opinions, credit ratings, 120  
redemption premiums, and credit enhancement facilities. 121

(J) "Bond proceedings" means the resolutions, trust 122  
agreements, certifications, notices, sale proceedings, leases, 123  
lease-purchase agreements, assignments, credit enhancement 124  
facility agreements, and other agreements, instruments, and 125  
documents, as amended and supplemented, or any one or more or any 126  
combination thereof, authorizing, or authorizing or providing for 127  
the terms and conditions applicable to, or providing for the 128  
security or sale or award or liquidity of, bonds, and includes the 129  
provisions set forth or incorporated in those bonds and bond 130  
proceedings. 131

(K) "Bond service charges" means principal, including any 132  
mandatory sinking fund or mandatory redemption requirements for 133  
the retirement of bonds, and interest and any redemption premium 134  
payable on bonds, as those payments come due and are payable to 135  
the bondholder or to a person making payment under a credit 136  
enhancement facility of those bond service charges to a 137  
bondholder. 138

(L) "Bond service fund" means the applicable fund created by 139  
the bond proceedings for and pledged to the payment of bond 140  
service charges on bonds provided for by those proceedings, 141  
including all moneys and investments, and earnings from 142  
investments, credited and to be credited to that fund as provided 143  
in the bond proceedings. 144

(M) "Bonds" means bonds, notes, including notes anticipating 145  
bonds or other notes, commercial paper, certificates of 146

participation, or other evidences of obligation, including any 147  
interest coupons pertaining thereto, issued by the commission 148  
pursuant to this chapter. 149

(N) "Infrastructure fund" means the applicable fund or funds 150  
created by the bond proceedings, which shall be used to pay or 151  
defray the cost of infrastructure projects ~~recommended by the~~ 152  
~~director of transportation and evaluated and approved by the~~ 153  
~~commission~~ under section 5537.18 of the Revised Code. 154

(O) "Net revenues" means revenues lawfully available to pay 155  
both current operating expenses of the commission and bond service 156  
charges in any fiscal year or other specified period, less current 157  
operating expenses of the commission and any amount necessary to 158  
maintain a working capital reserve for that period. 159

(P) "Pledged revenues" means net revenues, moneys and 160  
investments, and earnings on those investments, in the applicable 161  
bond service fund and any other special funds, and the proceeds of 162  
any bonds issued for the purpose of refunding prior bonds, all as 163  
lawfully available and by resolution of the commission committed 164  
for application as pledged revenues to the payment of bond service 165  
charges on particular issues of bonds. 166

(Q) "Service facilities" means service stations, restaurants, 167  
and other facilities for food service, roadside parks and rest 168  
areas, parking, camping, tenting, rest, and sleeping facilities, 169  
hotels or motels, and all similar and other facilities providing 170  
services to the traveling public in connection with the use of a 171  
turnpike project and owned, leased, licensed, or operated by the 172  
commission. 173

(R) "Service revenues" means those revenues of the commission 174  
derived from its ownership, leasing, licensing, or operation of 175  
service facilities. 176

(S) "Special funds" means the applicable bond service fund 177

and any accounts and subaccounts in that fund, any other funds or 178  
accounts permitted by and established under, and identified as a 179  
"special fund" or "special account" in, the bond proceedings, 180  
including any special fund or account established for purposes of 181  
rebate or other requirements under federal income tax laws. 182

(T) "State agencies" means the state, officers of the state, 183  
and boards, departments, branches, divisions, or other units or 184  
agencies of the state. 185

(U) "State taxes" means receipts of the commission from the 186  
proceeds of state taxes or excises levied and collected, or 187  
appropriated by the general assembly to the commission, for the 188  
purposes and functions of the commission. State taxes do not 189  
include tolls, or investment earnings on state taxes except on 190  
those state taxes referred to in Section 5a of Article XII, Ohio 191  
Constitution. 192

(V) "Tolls" means tolls, special fees or permit fees, or 193  
other charges by the commission to the owners, lessors, lessees, 194  
or operators of motor vehicles for the operation of or the right 195  
to operate those vehicles on a turnpike project. 196

(W) "Credit enhancement facilities" means letters of credit, 197  
lines of credit, standby, contingent, or firm securities purchase 198  
agreements, insurance, or surety arrangements, guarantees, and 199  
other arrangements that provide for direct or contingent payment 200  
of bond service charges, for security or additional security in 201  
the event of nonpayment or default in respect of bonds, or for 202  
making payment of bond service charges and at the option and on 203  
demand of bondholders or at the option of the commission or upon 204  
certain conditions occurring under put or similar arrangements, or 205  
for otherwise supporting the credit or liquidity of the bonds, and 206  
includes credit, reimbursement, marketing, remarketing, indexing, 207  
carrying, interest rate hedge, and subrogation agreements, and 208  
other agreements and arrangements for payment and reimbursement of 209

the person providing the credit enhancement facility and the 210  
security for that payment and reimbursement. 211

(X) "Person" has the same meaning as in section 1.59 of the 212  
Revised Code and, unless the context otherwise provides, also 213  
includes any governmental agency and any combination of those 214  
persons. 215

(Y) "Refund" means to fund and retire outstanding bonds, 216  
including advance refunding with or without payment or redemption 217  
prior to stated maturity. 218

(Z) "Governmental agency" means any state agency, federal 219  
agency, political subdivision, or other local, interstate, or 220  
regional governmental agency, and any combination of those 221  
agencies. 222

(AA) "Property" has the same meaning as in section 1.59 of 223  
the Revised Code, and includes interests in property. 224

(BB) "Administrative agent," "agent," "commercial paper," 225  
"floating rate interest structure," "indexing agent," "interest 226  
rate hedge," "interest rate period," "put arrangement," and 227  
"remarketing agent" have the same meanings as in section 9.98 of 228  
the Revised Code. 229

(CC) "Outstanding," as applied to bonds, means outstanding in 230  
accordance with the terms of the bonds and the applicable bond 231  
proceedings. 232

(DD) "Ohio turnpike system" or "system" means all existing 233  
and future turnpike projects constructed, operated, and maintained 234  
under the jurisdiction of the commission. 235

(EE) "Ohio turnpike and infrastructure system" means turnpike 236  
projects and infrastructure projects funded by the commission 237  
existing on and after July 1, 2013, that facilitate access to, use 238  
of, and egress from the Ohio turnpike system, and also facilitate 239



access to and from areas of population, commerce, and industry 240  
that are connected to the Ohio turnpike system. 241

**Sec. 5537.03.** In order to remove present and anticipated 242  
handicaps and potential hazards on the congested highways in this 243  
state, to facilitate vehicular traffic throughout the state, to 244  
finance infrastructure projects that improve and enhance mobility 245  
in Ohio, and also to promote the agricultural, recreational, 246  
tourism, and commercial, industrial, and economic development of 247  
the state, and to provide for the general welfare by the 248  
construction, improvement, and maintenance of modern express 249  
highways embodying safety devices, including without limitation 250  
center divisions, ample shoulder widths, longsight distances, 251  
multiple lanes in each direction, and grade separations at 252  
intersections with other public roads and railroads, the Ohio 253  
turnpike and infrastructure commission may do the following: 254

(A) Subject to section 5537.26 of the Revised Code, 255  
construct, maintain, repair, and operate a system of turnpike 256  
projects at locations that are reviewed by the turnpike 257  
legislative review committee and approved by the governor, and in 258  
accordance with alignment and design standards that are approved 259  
by the director of transportation, and issue revenue bonds of this 260  
state, payable solely from pledged revenues, to pay the cost of 261  
those projects. The turnpikes and turnpike projects authorized by 262  
this chapter are hereby or shall be made part of the Ohio turnpike 263  
system. 264

(B) Provide money from the infrastructure ~~funds~~ fund to pay 265  
the cost or a portion of the cost of infrastructure projects as 266  
~~recommended by the director of transportation pursuant to a~~ 267  
~~determination made by the commission based on criteria set forth~~ 268  
~~in rules adopted by the commission~~ approved under section 5537.18 269  
of the Revised Code. ~~A determination by the commission to provide~~ 270

~~infrastructure funds for an infrastructure project shall be~~ 271  
~~eonclusive and incontestable.~~ 272

**Sec. 5537.04.** (A) The Ohio turnpike and infrastructure 273  
commission may do any of the following: 274

(1) Adopt bylaws for the regulation of its affairs and the 275  
conduct of its business; 276

(2) Adopt an official seal, which shall not be the great seal 277  
of the state and which need not be in compliance with section 5.10 278  
of the Revised Code; 279

(3) Maintain a principal office and suboffices at such places 280  
within the state as it designates; 281

(4) With respect to the Ohio turnpike system and turnpike 282  
projects, sue and be sued in its own name, plead and be impleaded, 283  
provided any actions against the commission shall be brought in 284  
the court of common pleas of the county in which the principal 285  
office of the commission is located, or in the court of common 286  
pleas of the county in which the cause of action arose if that 287  
county is located within this state, and all summonses, 288  
exceptions, and notices of every kind shall be served on the 289  
commission by leaving a copy thereof at its principal office with 290  
the secretary-treasurer or executive director of the commission; 291

(5) With respect to infrastructure projects only, sue and be 292  
sued in its own name, plead and be impleaded, provided any actions 293  
against the commission shall be brought in the court of common 294  
pleas of Franklin county, and all summonses, exceptions, and 295  
notices of every kind shall be served on the commission by leaving 296  
a copy thereof at its principal office with the 297  
secretary-treasurer or executive director of the commission. 298

(6) Construct, maintain, repair, police, and operate the 299  
turnpike system, and establish rules for the use of any turnpike 300

project;	301
(7) Issue revenue bonds of the state, payable solely from pledged revenues, as provided in this chapter, for the purpose of paying any part of the cost of constructing any one or more turnpike projects or infrastructure projects;	302 303 304 305
(8) Fix, and revise from time to time, and charge and collect tolls by any method approved by the commission, including, but not limited to, manual methods or through electronic technology accepted within the tolling industry;	306 307 308 309
(9) Acquire, hold, and dispose of property in the exercise of its powers and the performance of its duties under this chapter;	310 311
(10) Designate the locations and establish, limit, and control such points of ingress to and egress from each turnpike project as are necessary or desirable in the judgment of the commission and of the director of transportation to ensure the proper operation and maintenance of that turnpike project, and prohibit entrance to such a turnpike project from any point not so designated;	312 313 314 315 316 317 318
(11) Make and enter into all contracts and agreements necessary or incidental to the performance of its duties and the execution of its powers under this chapter, including participation in a multi-jurisdiction electronic toll collection agreement and collection or remittance of tolls, fees, or other charges to or from entities or agencies that participate in such an agreement; the commission also may enter into agreements with retail locations, including deputy registrars, to allow the general public to acquire electronic toll collection devices, commonly known as transponders, from the retail locations for such reasonable fees as are established by the commission;	319 320 321 322 323 324 325 326 327 328 329
(12) Employ or retain or contract for the services of consulting engineers, superintendents, managers, and any other	330 331

engineers, construction and accounting experts, financial 332  
advisers, trustees, marketing, remarketing, and administrative 333  
agents, attorneys, and other employees, independent contractors, 334  
or agents that are necessary in its judgment and fix their 335  
compensation, provided all such expenses shall be payable solely 336  
from the proceeds of bonds or from revenues of the Ohio turnpike 337  
system; 338

(13) Receive and accept from any federal agency, subject to 339  
the approval of the governor, and from any other governmental 340  
agency grants for or in aid of the construction, reconstruction, 341  
repair, renovation, maintenance, or operation of any turnpike 342  
project, and receive and accept aid or contributions from any 343  
source or person of money, property, labor, or other things of 344  
value, to be held, used, and applied only for the purposes for 345  
which such grants and contributions are made; 346

(14) Provide coverage for its employees under Chapters 4123. 347  
and 4141. of the Revised Code; 348

(15) Fix and revise by rule, from time to time, such permit 349  
fees, processing fees, or administrative charges for the 350  
prepayment, deferred payment, or nonpayment of tolls and use of 351  
electronic tolling equipment or other commission property; 352

(16) Adopt rules for the issuance of citations either by a 353  
policing authority or through administrative means to individuals 354  
or corporations that evade the payment of tolls established for 355  
the use of any turnpike project; 356

(17) Approve funding and authorize agreements with the 357  
department of transportation for the funding of infrastructure 358  
projects ~~recommended by the director of transportation pursuant to~~ 359  
~~the criteria established by rule approved~~ under section 5537.18 of 360  
the Revised Code. 361

(B) The commission may do all acts necessary or proper to 362

carry out the powers expressly granted in this chapter. 363

**Sec. 5537.08.** (A) The Ohio turnpike and infrastructure 364  
commission may provide by resolution for the issuance, at one time 365  
or from time to time, of revenue bonds of the state for the 366  
purpose of paying all or any part of the cost of any one or more 367  
turnpike projects or infrastructure projects. The bond service 368  
charges shall be payable solely from pledged revenues pledged for 369  
such payment pursuant to the applicable bond proceedings. The 370  
bonds of each issue shall be dated, shall bear interest at a rate 371  
or rates or at variable rates, and shall mature or be payable at 372  
such time or times, with a final maturity not to exceed forty 373  
years from their date or dates, all as determined by the 374  
commission in the bond proceedings. The commission shall determine 375  
the form of the bonds, including any interest coupons to be 376  
attached thereto, and shall fix the denomination or denominations 377  
of the bonds and the place or places of payment of bond service 378  
charges. 379

(B) The bonds shall be signed by the chairperson or 380  
vice-chairperson of the commission or by the facsimile signature 381  
of that officer, the official seal of the commission or a 382  
facsimile thereof shall be affixed thereto or printed thereon and 383  
attested by the secretary-treasurer of the commission, which may 384  
be by facsimile signature, and any coupons attached thereto shall 385  
bear the facsimile signature of the chairperson or 386  
vice-chairperson of the commission. In case any officer whose 387  
signature, or a facsimile of whose signature, appears on any bonds 388  
or coupons ceases to be such officer before delivery of bonds, 389  
such signature or facsimile shall nevertheless be valid and 390  
sufficient for all purposes the same as if the officer had 391  
remained in office until such delivery. 392

(C) Subject to the bond proceedings and provisions for 393

registration, the bonds shall have all the qualities and incidents 394  
of negotiable instruments under Title XIII of the Revised Code. 395  
The bonds may be issued in such form or forms as the commission 396  
determines, including without limitation coupon, book entry, and 397  
fully registered form, and provision may be made for the 398  
registration of any coupon bonds as to principal alone and also as 399  
to both principal and interest, and for the exchange of bonds 400  
between forms. The commission may sell such bonds by competitive 401  
bid on the best bid after advertisement or request for bids or by 402  
private sale in the manner, and for the price, it determines to be 403  
for the best interest of the state. 404

(D) The proceeds of the bonds of each issue shall be used 405  
solely for the payment of the costs of the turnpike project or 406  
projects for which such bonds were issued, or for the payment of 407  
the costs of the infrastructure project or projects as approved by 408  
~~the commission~~ under section 5537.18 of the Revised Code. The 409  
proceeds shall be disbursed in such manner and under such 410  
restrictions as the commission provides in the applicable bond 411  
proceedings. 412

(E) Prior to the preparation of definitive bonds, the 413  
commission may, under like restrictions, issue interim receipts or 414  
temporary bonds or bond anticipation notes, with or without 415  
coupons, exchangeable for definitive bonds when such bonds have 416  
been executed and are available for delivery. The commission may 417  
provide for the replacement of any mutilated, stolen, destroyed, 418  
or lost bonds. Bonds may be issued by the commission under this 419  
chapter without obtaining the consent of any state agency, and 420  
without any other proceedings or the happening of any other 421  
conditions or things than those proceedings, conditions, or things 422  
that are specifically required by this chapter or those 423  
proceedings. 424

(F) Sections 9.98 to 9.983 of the Revised Code apply to the 425

bonds. 426

(G) The bond proceedings shall provide, subject to the 427  
provisions of any other applicable bond proceedings, for the 428  
pledge to the payment of bond service charges and of any costs of 429  
or relating to credit enhancement facilities of all, or such part 430  
as the commission may determine, of the pledged revenues and the 431  
applicable special fund or funds, which pledges may be made to 432  
secure the bonds on a parity with bonds theretofore or thereafter 433  
issued if and to the extent provided in the bond proceedings. 434  
Every pledge, and every covenant and agreement with respect 435  
thereto, made in the bond proceedings may in the bond proceedings 436  
be extended to the benefit of the owners and holders of bonds and 437  
to any trustee and any person providing a credit enhancement 438  
facility for those bonds, for the further security for the payment 439  
of the bond service charges and credit enhancement facility costs. 440

(H) The bond proceedings may contain additional provisions as 441  
to: 442

(1) The redemption of bonds prior to maturity at the option 443  
of the commission or of the bondholders or upon the occurrence of 444  
certain stated conditions, and at such price or prices and under 445  
such terms and conditions as are provided in the bond proceedings; 446

(2) Other terms of the bonds; 447

(3) Limitations on the issuance of additional bonds; 448

(4) The terms of any trust agreement securing the bonds or 449  
under which the same may be issued; 450

(5) Any or every provision of the bond proceedings being 451  
binding upon the commission and state agencies, or other person as 452  
may from time to time have the authority under law to take such 453  
actions as may be necessary to perform all or any part of the duty 454  
required by such provision; 455

(6) Any provision that may be made in a trust agreement;	456
(7) Any other or additional agreements with the holders of the bonds, or the trustee therefor, relating to the bonds or the security for the bonds, including agreements for credit enhancement facilities.	457 458 459 460
(I) Any holder of bonds or a trustee under the bond proceedings, except to the extent that the holder's or trustee's rights are restricted by the bond proceedings, may by any suitable form of legal proceedings, protect and enforce any rights under the laws of this state or granted by the bond proceedings. Those rights include the right to compel the performance of all duties of the commission and state agencies required by this chapter or the bond proceedings; to enjoin unlawful activities; and in the event of default with respect to the payment of any bond service charges on any bonds or in the performance of any covenant or agreement on the part of the commission contained in the bond proceedings, to apply to a court having jurisdiction of the cause to appoint a receiver to receive and administer the revenues and the pledged revenues which are pledged to the payment of the bond service charges on such bonds or which are the subject of the covenant or agreement, with full power to pay, and to provide for payment of, bond service charges on such bonds, and with such powers, subject to the direction of the court, as are accorded receivers in general equity cases, excluding any power to pledge additional revenues or receipts or other income, funds, or moneys of the commission or state agencies to the payment of such bond service charges and excluding the power to take possession of, mortgage, or cause the sale or otherwise dispose of any turnpike project or other property of the commission.	461 462 463 464 465 466 467 468 469 470 471 472 473 474 475 476 477 478 479 480 481 482 483 484
(J) Each duty of the commission and the commission's officers and employees, undertaken pursuant to the bond proceedings, is hereby established as a duty of the commission, and of each such	485 486 487



officer, member, or employee having authority to perform the duty, 488  
specifically enjoined by law resulting from an office, trust, or 489  
station within the meaning of section 2731.01 of the Revised Code. 490

(K) The commission's officers or employees are not liable in 491  
their personal capacities on any bonds issued by the commission or 492  
any agreements of or with the commission relating to those bonds. 493

(L) The bonds are lawful investments for banks, savings and 494  
loan associations, credit union share guaranty corporations, trust 495  
companies, trustees, fiduciaries, insurance companies, including 496  
domestic for life and domestic not for life, trustees or other 497  
officers having charge of sinking and bond retirement or other 498  
funds of the state or its political subdivisions and taxing 499  
districts, the commissioners of the sinking fund of the state, the 500  
administrator of workers' compensation, the state teachers 501  
retirement system, the public employees retirement system, the 502  
school employees retirement system, and the Ohio police and fire 503  
pension fund, notwithstanding any other provisions of the Revised 504  
Code or rules adopted pursuant thereto by any state agency with 505  
respect to investments by them, and are also acceptable as 506  
security for the repayment of the deposit of public moneys. 507

(M) Provision may be made in the applicable bond proceedings 508  
for the establishment of separate accounts in the bond service 509  
fund and for the application of such accounts only to the 510  
specified bond service charges pertinent to such accounts and bond 511  
service fund, and for other accounts therein within the general 512  
purposes of such fund. 513

(N) The commission may pledge all, or such portion as it 514  
determines, of the pledged revenues to the payment of bond service 515  
charges, and for the establishment and maintenance of any reserves 516  
and special funds, as provided in the bond proceedings, and make 517  
other provisions therein with respect to pledged revenues, 518  
revenues, and net revenues as authorized by this chapter, which 519

provisions are controlling notwithstanding any other provisions of 520  
law pertaining thereto. 521

**Sec. 5537.13.** (A) Subject to division (C)(1) of this section 522  
and section 5537.26 of the Revised Code, the Ohio turnpike and 523  
infrastructure commission may fix, revise, charge, and collect 524  
tolls for each turnpike project, and contract in the manner 525  
provided by this section with any person desiring the use of any 526  
part thereof, including the right-of-way adjoining the paved 527  
portion, for placing thereon telephone, electric light, or power 528  
lines, service facilities, or for any other purpose, and fix the 529  
terms, conditions, rents, and rates of charge for such use, 530  
provided that no toll, charge, or rental may be made by the 531  
commission for placing in, on, along, over, or under the turnpike 532  
project, equipment or public utility facilities that are necessary 533  
to serve service facilities or to interconnect any public utility 534  
facilities. 535

(B) Contracts for the operation of service facilities shall 536  
be made in writing. Such contracts, except contracts with state 537  
agencies or other governmental agencies, shall be made with the 538  
bidder whose bid is determined by the commission to be the best 539  
bid received, after advertisement for two consecutive weeks in a 540  
newspaper of general circulation in Franklin county, and in other 541  
publications that the commission determines. The notice shall 542  
state the general character of the service facilities operation 543  
proposed, the place where plans and specifications may be 544  
examined, and the time and place of receiving bids. Bids shall 545  
contain the full name of each person interested in them, and shall 546  
be in such form as the commission requires. The commission may 547  
reject any and all bids. All contracts for service facilities 548  
shall be preserved in the principal office of the commission. 549

(C)(1) Except as necessary to comply with covenants in bond 550

proceedings in existence before July 1, 2013, for calendar years 551  
2013 through 2023, the commission shall not increase the toll 552  
rates for any class of passenger vehicle as fixed on ~~the effective~~ 553  
~~date of this amendment~~ July 1, 2013, when both of the following 554  
apply: 555

(a) The tolls are collected and remitted in accordance with a 556  
multi-jurisdiction electronic toll collection agreement; and 557

(b) The distance traveled is thirty miles or less. 558

(2) Subject to division (C)(1) of this section, tolls shall 559  
be so fixed and adjusted as to provide funds at least sufficient 560  
with other revenues of the Ohio turnpike system, if any, to pay: 561

(a) The cost of maintaining, improving, repairing, 562  
constructing, and operating the Ohio turnpike system and its 563  
different parts and sections, and to create and maintain any 564  
reserves for those purposes; 565

(b) Any unpaid bond service charges on outstanding bonds 566  
payable from pledged revenues as such charges become due and 567  
payable, and to create and maintain any reserves for that purpose. 568

(D) Toll is not subject to supervision, approval, or 569  
regulation by any state agency other than the turnpike and 570  
infrastructure commission. 571

(E) Revenues derived from each turnpike project shall be 572  
first applied to pay the cost of maintenance, improvement, repair, 573  
and operation and to provide any reserves therefor that are 574  
provided for in the bond proceedings authorizing the issuance of 575  
those outstanding bonds, and otherwise as provided by the 576  
commission. The bond proceedings also shall provide, subject to 577  
the provisions of any other applicable bond proceedings, for the 578  
pledge of all, or such part as the commission may determine of the 579  
pledged revenues and the applicable special fund or funds to the 580  
payment of the bond service charges, which pledge may be made to 581

secure the bonds senior or subordinate to or on a parity with 582  
bonds theretofore or thereafter issued, if and to the extent 583  
provided in the bond proceedings. The pledge shall be valid and 584  
binding from the time the pledge is made; the revenues and the 585  
pledged revenues thereafter received by the commission immediately 586  
shall be subject to the lien of the pledge without any physical 587  
delivery thereof or further act, and the lien of the pledge shall 588  
be valid and binding as against all parties having claims of any 589  
kind in tort, contract, or otherwise against the commission, 590  
whether or not those parties have notice thereof. The bond 591  
proceedings by which a pledge is created need not be filed or 592  
recorded except in the records of the commission. The use and 593  
disposition of moneys to the credit of a bond service fund shall 594  
be subject to the applicable bond proceedings. 595

(F) The commission shall deposit the proceeds of bonds issued 596  
for the payment of the costs of infrastructure projects, ~~net of~~ 597  
minus the payment of all financing expenses and deposits into debt 598  
service reserves or other special funds as may be required in the 599  
applicable bond proceedings, ~~shall be deposited to~~ in the 600  
infrastructure fund ~~or funds~~ and shall ~~be exclusively used~~ use 601  
money in the infrastructure fund exclusively to pay the cost of 602  
infrastructure projects approved ~~by the commission, except that~~ 603  
under section 5537.18 of the Revised Code. However, the commission 604  
may use income earned by the infrastructure fund ~~may be used by~~ 605  
~~the commission towards~~ for the payment of bond service charges. 606

**Sec. 5537.18.** (A) The Ohio turnpike and infrastructure 607  
commission shall allocate fifty per cent of the moneys in the 608  
infrastructure fund to finance infrastructure projects that are 609  
new transportation capacity projects approved under division (B) 610  
of this section. The commission shall allocate the remaining fifty 611  
per cent of the moneys in the infrastructure fund to finance 612  
infrastructure projects that consist of the maintenance or repair 613

of existing infrastructure approved under division (C) of this 614  
section. 615

(B)(1) The director of transportation may submit an 616  
application for infrastructure project funding to the commission 617  
for an infrastructure project that is a new transportation 618  
capacity project. The director shall comply with all applicable 619  
rules established by the commission under division (B)(2) of this 620  
section and shall include in any application only new 621  
transportation capacity infrastructure projects that previously 622  
have been reviewed and recommended by the transportation review 623  
advisory council pursuant to the selection process followed by the 624  
council under Chapter 5512. of the Revised Code. In selecting an 625  
infrastructure project for which an application will be made to 626  
the commission for infrastructure project funding, the director 627  
shall consider the physical proximity of the project to the Ohio 628  
turnpike system. The director shall ensure that not less than 629  
ninety per cent of the total cost of the infrastructure project 630  
funding requests submitted to the commission under division (B) of 631  
this section are for infrastructure projects that are at least 632  
partially located within seventy-five miles of the Ohio turnpike 633  
system. 634

(2) The Ohio turnpike and infrastructure commission shall 635  
adopt rules establishing the procedures and criteria under which 636  
the commission may approve an application received from the 637  
director of transportation for infrastructure project funding 638  
under division (B)(1) of this section. The commission shall 639  
require in the rules that an infrastructure project have an 640  
anticipated benefit to the system of public highways in the state 641  
of Ohio and a transportation-related nexus with and relationship 642  
to the Ohio turnpike system and the Ohio turnpike and 643  
infrastructure system. In order to determine if an infrastructure 644  
project has the required nexus and relationship to the Ohio 645

turnpike system and the Ohio turnpike and infrastructure system 646  
and for the purpose of approving an application for infrastructure 647  
project funding submitted by the director of transportation, the 648  
commission shall adopt criteria that address all of the following: 649

(a) The physical proximity of the infrastructure project to 650  
the Ohio turnpike system and the direct or indirect physical 651  
connection between the infrastructure project and the Ohio 652  
turnpike system; 653

(b) The impact of the infrastructure project on traffic 654  
density, flow through, or capacity on the Ohio turnpike system; 655

(c) The impact of the infrastructure project on the Ohio 656  
turnpike system toll revenue or other revenues; 657

(d) The impact of the infrastructure project on the movement 658  
of goods and services on or in the area of the Ohio turnpike 659  
system; and 660

(e) The enhancement or improvement by and through the 661  
infrastructure project of access to, use of, and egress from the 662  
Ohio turnpike system and access to and from connected areas of 663  
population, commerce, and industry. 664

(3) The commission shall evaluate each application for 665  
infrastructure project funding submitted under division (B)(1) of 666  
this section in accordance with the procedures and criteria 667  
established in rules adopted under division (B)(2) of this 668  
section. A determination or approval made under this section is 669  
conclusive and incontestable. 670

(C)(1) The legislative authority of a municipal corporation, 671  
county, or township may submit an application to the director of 672  
transportation for approval of an infrastructure project that 673  
consists of the maintenance or repair of existing infrastructure. 674  
The legislative authority shall comply with all applicable rules 675  
established by the director of transportation under division 676

(C)(2) of this section. In selecting infrastructure projects for 677  
which applications will be made to the director for infrastructure 678  
project funding, the legislative authority shall consider the 679  
physical proximity of the project to the Ohio turnpike system. A 680  
legislative authority shall limit requests for infrastructure 681  
project funding to infrastructure projects that are at least 682  
partially located within seventy-five miles of the Ohio turnpike 683  
system. 684

(2) The director shall adopt rules establishing the 685  
procedures and criteria under which the director may approve an 686  
application received from the legislative authority of a municipal 687  
corporation, county, or township under division (C)(1) of this 688  
section. The director shall require in the rules that an 689  
infrastructure project have an anticipated benefit to the system 690  
of public highways in the state of Ohio and a 691  
transportation-related nexus with and relationship to the Ohio 692  
turnpike system and the Ohio turnpike and infrastructure system. 693  
In order to determine if an infrastructure project has the 694  
required nexus and relationship to the Ohio turnpike system and 695  
the Ohio turnpike and infrastructure system and for the purpose of 696  
approving an application for infrastructure project funding 697  
submitted by a legislative authority, the director shall adopt 698  
criteria that address all of the following: 699

(a) The physical proximity of the infrastructure project to 700  
the Ohio turnpike system and the direct or indirect physical 701  
connection between the infrastructure project and the Ohio 702  
turnpike system; 703

(b) The impact of the infrastructure project on traffic 704  
density, flow through, or capacity on the Ohio turnpike system; 705

(c) The impact of the infrastructure project on the Ohio 706  
turnpike system toll revenue or other revenues; 707

(d) The impact of the infrastructure project on the movement of goods and services on or in the area of the Ohio turnpike system; and 708  
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(e) The enhancement or improvement by and through the infrastructure project of access to, use of, and egress from the Ohio turnpike system and access to and from connected areas of population, commerce, and industry. 711  
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(3) The director shall evaluate each application for infrastructure project funding submitted under division (C)(1) of this section in accordance with the procedures and criteria established in rules adopted under division (C)(2) of this section. A determination or approval made under this section is conclusive and incontestable. 715  
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(D) Nothing in this section shall interfere with the authority of the director of transportation under Chapter 5512. of the Revised Code. 721  
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**Section 2.** That existing sections 5537.01, 5537.03, 5537.04, 5537.08, and 5537.13 and section 5537.18 of the Revised Code are hereby repealed. 724  
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