



Ohio Legislative Service Commission

Bill Analysis

Bethany Boyd

H.B. 239

130th General Assembly
(As Reported by H. State and Local Government)

Reps. Ruhl and Brenner, Hackett

BILL SUMMARY

- Allows a county transit board or board of county commissioners operating a transit system to enter into an agreement with a public or private entity to obtain or provide certain services, materials, equipment, supplies, or other property, if determined necessary by the board, for the generation of operating funds.

CONTENT AND OPERATION

Authority to enter into agreements

The bill authorizes a county transit board or board of county commissioners operating a transit system, for the purpose of generating operating funds and if determined to be necessary by the board, to enter into an agreement with any department, agency, or political subdivision of the state, or with any private entity, for any of the following:

- To obtain or provide services, materials, equipment, supplies, or other property that is intended for use by individuals utilizing the transit system, including vending machines and bus shelters.
- To provide advertising services wherein the county transit board or board of county commissioners operating a transit system agrees, for a negotiated fee, to display advertisements for any department, agency, or political subdivision of the state, or any private entity, on county transit system property.
- To obtain any license, certification, or private designation that authorizes a transit system employee to perform maintenance and repair work.

➤ To provide maintenance and repair work for vehicles or equipment owned by any department, agency, or political subdivision of the state.

➤ To obtain or provide any other services, materials, equipment, supplies, or other property that the board is authorized to obtain or provide under existing law that establishes the board's powers and duties.¹

That existing law² authorizes a county transit board or board of county commissioners operating a transit system to do all of the following:

(1) Acquire in its name by gift, grant, purchase, or condemnation, and hold and operate, real estate and interests therein and personal property suitable for its purposes;

(2) In its name purchase, acquire, construct, enlarge, improve, equip, repair, maintain, sell, exchange, lease as lessee or lessor, receive a right of use of, and manage, control, and operate, in or out of the county, a county transit system consisting of all real estate and interests therein, personal property, and a combination thereof, for or related to the movement of persons, including street railway, tramline, subways, rapid transits, monorails, and passenger bus systems, but excluding trucks, the movement of property by truck, and facilities designed for use in the movement of property by truck for hire;

(3) Issue, with the approval of the county commissioners when the issuance is made by the transit board, county revenue bonds to secure funds to accomplish its purposes;

(4) Enter into contracts in the exercise of the rights, powers, and duties conferred upon it, and execute all instruments necessary in the conduct of its business;

(5) Fix, alter, and charge rates and other charges for the use of its real estate and interests therein, personal property, and combinations thereof;

(6) Employ financial consultants, accountants, appraisers, consulting engineers, architects, construction experts, attorneys-at-law, managers and other supervisory personnel, and other officers, employees, and agents as the board determines necessary to conduct its business, and fix their compensation and duties;

¹ R.C. 306.06(C).

² R.C. 306.04(C), not in the bill.



(7) Pledge, hypothecate, or otherwise encumber its revenues and other income as security for its obligations and enter into trust agreements or indentures for the benefit of revenue bondholders;

(8) Borrow money or accept, or contract to accept, advances, loans, gifts, grants, devises, or bequests from, and enter into contracts or agreements with, any federal, state, or other governmental or private source, and hold and apply advances, loans, gifts, grants, devises, or bequests according to the terms thereof, including provisions that are required by the source to protect the interest of employees affected by the advances, loans, gifts, grants, devises, or bequests;

(9) Conduct investigations and surveys into the needs of the public within or without the county for transportation services to provide for the movement of persons within, into, or from the area serviced or to be serviced by the county transit system;

(10) Enter into lawful arrangements with the appropriate federal or state department or agency, county, township, municipal corporation, or other political subdivision or public agency for the planning and installation of any public facilities that are determined necessary in the conduct of its business;

(11) Purchase fire, extended coverage, and liability insurance for the real estate and interests therein, personal property, and any combination thereof, used by or in connection with the county transit system, and insurance covering the board and the county transit system and its officers and employees for liability for damage or injury to persons or property;

(12) Procure and pay all or any part of the cost of group hospitalization, surgical, major medical, or sickness and accident insurance, or a combination thereof, for the officers and employees of the county transit system and their immediate dependents, issued by an insurance company, duly authorized to do business in Ohio;

(13) Sell, lease, release, or otherwise dispose of real estate or interests therein or personal property owned by it and grant such easements across its real estate and interests therein as will not interfere with its use by the county transit system;

(14) Establish rules for the use and operation of the county transit system, including the real estate or interests therein, personal property, or a combination of the foregoing used by or in connection with the system;

(15) Exercise the power of eminent domain to appropriate any real estate or interests therein, personal property, franchises, or any combination thereof, within or without the county, necessary or proper in the exercise of its powers provided in existing law;



(16) If required to do so, pay a specified amount of money in lieu of taxes annually to the county treasurer of the county in which real property is acquired if the property is located outside the county and is removed from the tax duplicate;

(17) Sue or be sued, plead or be impleaded, and be held liable in any court of proper jurisdiction for damages received by reason of negligence, in the same manner and to the same extent as if the county transit system were privately operated, provided, that no funds of a county other than those of the county transit board or, if the transit system is operated by the board of county commissioners, other than those in the account for the county transit system created are available for the satisfaction of judgments rendered against that system;

(18) Annually prepare and make available for public inspection a report in condensed form showing the financial results of the county transit system's operation;

(19) With the approval of the county commissioners when the action is taken by the transit board, and without competitive bidding, sell, lease, or grant the right of use of all or a portion of the county transit system to any other political subdivision, taxing district, or other public body or agency having the power to operate a transit system;

(20) Enter into and supervise franchise agreements for the operation of a county transit system;

(21) Accept the assignment of and then supervise an existing franchise agreement for the operation of a county transit system.

HISTORY

ACTION	DATE
Introduced	07-31-13
Reported, H. State and Local Gov't	06-04-14

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