



Ohio Administrative Code Rule 5537-10-01 Infrastructure project funding.

Effective: August 30, 2013

The procedures and criteria under which the commission may approve an application received from the director of transportation for funding infrastructure projects with infrastructure funds are set forth in this rule.

(A) For purposes of this rule, the following definitions shall apply:

(1) "Infrastructure project" means any public express or limited access highway, super highway, or motorway, including all bridges, tunnels, overpasses, underpasses, interchanges, entrance plazas, approaches, and those portions of connecting public roads that serve interchanges, that is constructed or improved, in whole or in part, with infrastructure funding approved pursuant to criteria established under section 5537.18 of the Revised Code.

(2) "Infrastructure fund" means the applicable fund or funds created by the bond proceedings, which shall be used to pay or defray the cost of infrastructure projects recommended by the director of transportation and evaluated and approved by the commission.

(3) "Ohio turnpike system" means all existing and future turnpike projects constructed, operated, and maintained under the jurisdiction of the commission.

(4) "Ohio turnpike and infrastructure system" means turnpike projects and infrastructure projects funded by the commission existing on and after July 1, 2013, that facilitate access to, use of, and egress from the Ohio turnpike system, and also facilitate access to and from areas of population, commerce, and industry that are connected to the Ohio turnpike system.

(B) The director of transportation may submit applications to the commission for infrastructure project funding. Any application to the commission for infrastructure project funding, as submitted by the director, shall include only infrastructure projects that previously have been reviewed and recommended by the transportation review advisory council pursuant to the selection process



followed by the council under Chapter 5512. of the Revised Code. An application submitted by the director of transportation may request infrastructure funding for all or a portion of any single infrastructure project, or an application may request funding that combines separate infrastructure projects, provided each individual project within such an application meets the requirements of paragraph (C) of this rule. The commission may proscribe a form for the director of transportation to utilize in submitting applications to the commission for infrastructure project funding. The application form shall include a request for the following information:

(1) Identification of the infrastructure project or projects that are the subject of the infrastructure funding request;

(2) A description of the type of construction or improvement work to be performed;

(3) The amount of infrastructure funds being requested; and

(4) The anticipated benefit to the system of public highways in the state of Ohio and transportation-related nexus with, and relationship to, the Ohio turnpike system and the Ohio turnpike and infrastructure system based on the criteria set forth under paragraph (C) of this rule.

(C) The commission shall not approve an application received from the director of transportation for infrastructure project funding unless the commission has first determined that the infrastructure project or projects for which funding is being requested shall have an anticipated benefit to the system of public highways in the state of Ohio and transportation-related nexus with, and relationship to, the Ohio turnpike system and the Ohio turnpike and infrastructure system. In making this determination, each infrastructure project that is the subject of an application from the director of transportation shall be evaluated by the commission in accordance with the following criteria:

(1) The physical proximity of the infrastructure project to, and a direct or indirect physical connection between, the infrastructure project and the Ohio turnpike system;

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



(3) The impact of the infrastructure project on the Ohio turnpike system, toll revenue or other revenues;

(4) The impact of the infrastructure project on the movement of goods and services on, or in the area of, the Ohio turnpike system; and

(5) 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.

(D) Each application for infrastructure project funding submitted by the director of transportation pursuant the procedures enumerated under paragraph (B) of this rule shall be evaluated by the commission in accordance with the criteria set forth under paragraph (C) of this rule. Upon the commissions formal approval of an application from the director of transportation to fund all or a portion of an infrastructure project or projects with infrastructure funds, the commission shall enter into an agreement with the Ohio department of transportation to provide the infrastructure project funds in accordance with the terms and conditions of that agreement. A determination or approval made by the commission under this rule is conclusive and incontestable.

(E) Nothing in this rule shall interfere with the authority of the director of transportation under Chapter 5512. of the Revised Code.