

CHAPTER #  
MULTIMODALWAY DEPARTMENT

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§ #.01. Definitions.

As used in this chapter:

(A) "Department" means the State multimodalway department created by section #.02 of the Revised Code or, if that department is abolished, the board, body, officer, or department succeeding to the principal functions thereof or to which the powers given by this chapter to the department are given by law.

(B) "Person" has the same meaning as in [section 1.59 of the Revised Code](#) and, unless the context otherwise provides, also includes any governmental agency and any combination of those persons.

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

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

(E) "Common carrier" includes every corporation, company, association, joint-stock association, person, firm, or copartnership, and their lessees, legal or personal representatives, trustees, and receivers or trustees appointed by any court, when actively or formerly engaged or proposing to engage in the business of transporting passengers or property including energy and other utility resources, or when actively or formerly engaged or proposing to engage in the business of transmitting telegraphic, telephonic, audio, video, data, Internet Protocol data, or storage of communications by wire, radio, or radio transmission of energy, whether directly or by lease or other arrangement, for government agencies, for hire carriers, private carriers, private enterprises, and end users in general utilizing any medium in, on, over, under, or through any mode of transportation or telecommunication in this state using government agencies', its own, or private carriers' infrastructures, and may make access and use of its own infrastructures available for use by government agencies, other common carriers, for hire carriers, private carriers, private enterprises, and end users at its discretion.

(F) "For hire carrier", or "contract carrier" includes every corporation, company, association, joint-stock association, person, firm, or copartnership, and their lessees, legal or personal representatives, trustees, and receivers or trustees

appointed by any court not included in the definition under division (E) of this section, when actively or formerly engaged or proposing to engage in the business of transporting passengers or property including energy and other utility resources, or when actively or formerly engaged or proposing to engage in the business of transmitting telegraphic, telephonic, audio, video, data, Internet Protocol data, or storage of communications by wire, radio, or radio transmission of energy, whether directly or by lease or other arrangement, for government agencies, common carriers, private carriers, private enterprises, and end users in general utilizing any medium in, on, over, under, or through any mode of transportation or telecommunication in this state using government agencies', common carriers', or private carriers' infrastructures.

(G) "Private carrier" means any form of business organization engaged in the creation and/or provision of products, services, or information including, but not limited to, any partnership, sole proprietorship, or corporation, including an S corporation as defined in section 1361 of the Internal Revenue Code and any corporation that is majority work-owned either directly through the ownership of stock or indirectly through participation in an employee stock ownership plan, and is actively or formerly engaged or proposing to engage in the business of transporting passengers or property including energy and other utility resources, or when actively or formerly engaged or proposing to engage in the business of transmitting telegraphic, telephonic, audio, video, data, Internet Protocol data, or storage of communications by wire, radio, or radio transmission of energy, for its own private enterprise's WAN whether directly or by lease or other arrangement with its contracted shippers and receivers utilizing any medium in, on, over, under, or through any mode of transportation or telecommunication in this state using government agencies', common carriers', or its own infrastructures.

(H) "Private enterprise" means any form of business organization engaged in the creation and/or provision of products, services, or information including, but not limited to, any partnership, sole proprietorship, or corporation, including an S corporation as defined in section 1361 of the Internal Revenue Code and any corporation that is majority work-owned either directly through the ownership of stock or indirectly through participation in an employee stock ownership plan.

(I) "End user" means all persons who use, finally consumes, or benefits from the use or receipt of products, services, and information as transported and transmitted via infrastructure provision.

(J) "Owner" includes all persons having any title or interest in any property authorized to be acquired by the department under this chapter.

(K) "State multimodalway system" or "multimodalway" means all existing and future multimodalway projects constructed, controlled, operated, maintained, or repaired under the jurisdiction of the department.

(1) "Multimodalway" means multimodal and intermodal distribution via public way transportation and telecommunication infrastructures, and real property used for other beneficial purposes coordinately, separately, and safely sharing the same rights-of-way. Each multimodalway infrastructure may be used in approved multiple ways and purposes by providers and end users.

(AA) "Public way" means the surface of, and the space within, through, on, across, above, or below any infrastructure, and any other land dedicated or otherwise designated for compatible multimodalway use, which, on or after the effective date of this section, is owned or controlled by the department. "Public way" excludes a private easement.

(BB) "Multimodal" means the access and use of multiple modes and providers of transportation and telecommunication within a select corridor or location.

(CC) "Intermodal" means interfacing dissimilar modes of transportation or telecommunication with each other to provide ideally virtual seamless access, use, interchange, and routing.

(L) "Project" or "multimodalway project" means any project enterprise operation or operations constructed, controlled, operated, maintained, and repaired under the jurisdiction of the department and pursuant to this chapter, at a location or locations reviewed by the multimodalway oversight committee and approved by the governor, necessary to facilitate, expedite, and optimize competitive provision and use of multimodal intermodal modes of transportation and telecommunication and for other beneficial purposes, and to feasibly and safely separate and interface with other participating infrastructure providers not affiliated with multimodalway projects, together with all property, infrastructures, shared facilities, and rights which may be acquired by the department for the construction, control, operation, maintenance, and repair of the project, and includes any sections or extensions of a multimodalway project designated by the department as such for the particular purpose. Each multimodalway project shall be separately designated, by name or number, and

may be constructed, improved, or extended in such sections as the department may from time to time determine. Construction includes the improvement and renovation of a previously constructed project, or public or private infrastructure or facility, including additional routes, branches and network access points, whether or not the project was initially constructed by the department.

(1) "Project enterprise operation" means an activity which may be comprised of the administration and provision of property, infrastructures, and shared facilities of select modes of transportation and telecommunication, and the administration and use of property for other beneficial purposes, for coordinated and controlled access and use by government agencies, common carriers, private enterprises, and end users.

(AA) "Railway" means an activity comprised of guideway (wheeled, magnetic levitation, etc.) trackage or channels situated on, above, or below ground infrastructure, facilities, appurtenances, and other necessary elements whereby vehicles may travel throughout the network.

(BB) "Telecommunications" means an activity comprised of pipes, mains, conduits, cables, wires, strands,  $\lambda$ 's (lambdas, meaning wavelengths or frequencies lasers network equipment transmits light at),  $\theta$ 's (thetas, meaning the polar orientation in degrees/minutes/seconds laser-based network equipment transmits light at), radio frequencies, towers, antennas, poles, and other infrastructure, equipment and appliances whereby wireline and wireless telecommunication service may be transmitted, received, processed, amplified, regenerated, or re-transmitted.

(CC) "Pipeline" means an activity comprised of a pipe channel situated on, above, or below ground infrastructure, facilities, compressors, pumps, appurtenances, and other necessary elements whereby various products may travel throughout the network.

(DD) "Transmission line" means an activity comprised of an electric power line situated on, above, or below ground infrastructure, facilities, transformers, appurtenances, and other necessary elements whereby electricity may travel throughout the network.

(EE) "Public roads" means an activity comprised of all public highways, roads, and street infrastructures in the state, whether maintained by a state agency or any other governmental agency.

(FF) "Maintenance road" means an activity comprised of an improved or unimproved road network infrastructure and facilities, whereby vehicles may travel and gain access to infrastructures for construction, maintenance, surveillance, security, emergency, and backup services.

(GG) "Trailway" means an activity comprised of an improved or unimproved road infrastructure, either discrete from or a controlled and restricted secondary joint use of a maintenance road, whereby pedestrians, non-motorized and regulated motorized vehicles, pets, and animal-assisted transport may travel throughout the network for recreational, tourism, and personal fitness and wellness needs.

(HH) "Water and sewer" means an activity comprised of pipes, mains, and conduit infrastructure, with pumps, valves, and all appurtenances necessary to provide potable water and sanitary sewer service throughout the network.

(II) "Canalway" means an activity comprised of trenches, aqueducts, locks, and reservoir infrastructures, facilities, appurtenances, and other necessary elements to hold and convey water, whereby watercraft may travel throughout the network. An adjacent towpath used to manually haul watercraft may be jointly used as a trailway activity.

(JJ) "Tramway", which includes "Inclined plane railway", means an activity comprised of trestle or tower infrastructures using lines of cables, chains, belts, or ropes, whereby vehicles may travel or be towed throughout the network.

(KK) "Conveyor" means an activity comprised of trestle or tower infrastructures using lines of belts and/or scoops whereby vehicles, products, or persons may travel or be transported throughout the network.

(LL) "Evacuated tube infrastructure" means an activity comprised of a tubular network infrastructure evacuated of air, whereby guided (wheeled or Maglev) or guideless capsules may travel throughout the network.

(MM) "Amusement ride" means an activity whereby a fixed, restricted, or defined infrastructure permits devices, vehicles, and passengers to be carried or

conveyed on, along, around, over, or through the network for the purpose of giving its passengers amusement, pleasure, or excitement.

(NN) "Reclamation" means an activity comprised of backfilling, grading, resoiling, planting, and other work that has the effect of restoring property affected by past uses so that it may be used for multimodalways, forest growth, grazing, agricultural, recreational, and wildlife purpose, or some other useful purpose of equal or greater value than the aftereffects of past uses.

(OO) "Agricultural" means an activity whereby property is used for grazing, crop, and horticulture purposes.

(PP) "Drainage" means an activity comprised of culverts, ditches, levees, and other infrastructure and facilities designed to channel excess rainwater from project enterprise operations property efficiently to creeks, streams, rivers, lakes, reservoirs, and other flood control projects.

(2) "Property" has the same meaning as in [section 1.59 of the Revised Code](#), and includes interests in property and rights-of-way, which may be required to host infrastructures and shared facilities.

(3) "Infrastructure" means the administration, networking, facilities, equipment, appurtenances, and other elements necessary to facilitate, expedite, and optimize use of a particular mode of transportation or telecommunication, and the administration and use of property for other beneficial purposes

(AA) "Network" means tracks, lines, cables, frequencies, channels, trenches, roads, pipes, tubes, equipment, appurtenances, and other elements necessary for access and use of an infrastructure.

(BB) "Network access point" is a controlled, coordinated, and regulated point hosted at a select site or facility where a network may be accessed for use, or interchanged or interfaced with intermodally or multimodally by other infrastructure providers.

(CC) "Project facilities" means real property, buildings, stations, station platforms, docks, ports, loading and unloading facilities, intermodal yards, team tracks, equipment racks, network equipment hosting sites and rooms, network access points, maintenance of way garages, storage, vehicle inspection sites, fee payment sites, network operation centers, security monitoring centers,

dispatch centers, kiosks, parking lots, and all similar facilities necessary by the project administration for project enterprise operations, access, and use.

(4) "Shared facilities" means project facilities owned, leased, licensed, controlled, or operated and provided by the department for coordinated, shared infrastructure use by government agencies, common carriers, for hire carriers, private carriers, private enterprises, and end users necessary for fairly and equally shared project enterprise operations access and use.

(5) "Bridge" means a physical or wireless connection or jumper between two networks.

(6) "Wide Area Network" means a private network that connects a government agency's, common carrier's, for hire carrier's, private carrier's, private enterprise's or end user's facilities with other related or affiliated facilities over a distance. Such a network is typically closed to access and use by third parties and the public.

(7) "Intranetwork" means a private network that connects a government agency's, common carrier's, for hire carrier's, private carrier's, private enterprise's or end user's internal facilities together. Such a network is typically closed to access and use by third parties and the public. A Local Area Network is considered a telecommunications intranetwork.

(8) "Functions" means the provided access and ability for government agencies, common carriers, for hire carriers, private carriers, private enterprises, and end users to use project enterprise operations.

(M) "Cost", as applied to construction of a multimodalway project, includes the cost of construction, acquisition of all property and rights acquired by the department for the construction, demolishing or removing any buildings or structures on land so acquired, including the cost of acquiring any lands to which the buildings or structures may be moved, site clearance, improvement, and preparation, interfacing with or diverting infrastructures not affiliated with a multimodalway project, public roads, network access points, interchanges with public roads, access roads to private property, access roads and means to connect private properties bisected by projects, access trails and paths to connect private properties and wildlife preserves for wildlife crossings bisected by projects, including the cost of land or easements therefor, all machinery, furnishings, and equipment, communications facilities, financing expenses,

interest prior to and during construction and for one year after completion of construction, traffic and use estimates, indemnity and surety bonds and premiums on insurance, title work and title commitments, insurance, and guarantees, engineering, feasibility studies, and legal expenses, plans, specifications, surveys, estimates of cost and revenues, other expenses necessary or incident to determining the feasibility or practicability of constructing or operating a project, administrative expenses, and any other expense that may be necessary or incident to the construction of the project, the financing of the construction, and the placing of the project in operation. Any obligation or expense incurred by other state departments or commissions with the approval of the department for surveys, borings, preparation of plans and specifications, and other engineering services in connection with the construction of a project, or by the federal government with the approval of the department for any projects which must be reimbursed as a condition to the exercise of any of the powers of the department under this chapter, shall be regarded as a part of the cost of the project and shall be reimbursed to the state or the federal government, as the case may be, from revenues, state taxes, or the proceeds of bonds as authorized by this chapter.

(N) "Revenues" means all fees, leases, service revenues, investment income on special funds, rentals, gifts, grants, and all other monies coming into the possession of or under the control of the department by virtue of this chapter, except the proceeds from the sale of bonds. "Revenues" does not include state taxes.

(O) "Property revenues" means those revenues of the department derived from its ownership, leasing, licensing, operation, access or use of properties by government agencies, common carriers, for hire carriers, private carriers, private enterprises, and end users.

(P) "Infrastructure revenues" means those revenues of the department derived from its ownership, leasing, licensing, operation, access or use of infrastructures by government agencies, common carriers, for hire carriers, private carriers, private enterprises, and end users.

(Q) "Shared facility revenues" means those revenues of the department derived from its ownership, leasing, licensing, control, operation, access or use of shared facilities by government agencies, common carriers, for hire carriers, private carriers, private enterprises, and end users.

(R) "Financing expenses" means all costs and expenses relating to the authorization, issuance, sale, delivery, authentication, deposit, custody, clearing, registration, transfer, exchange, fractionalization, replacement, payment, and servicing of bonds including, without limitation, costs and expenses for or relating to publication and printing, postage, delivery, preliminary and final official statements, offering circulars, and informational statements, travel and transportation, underwriters, placement agents, investment bankers, paying agents, registrars, authenticating agents, remarketing agents, custodians, clearing agencies or corporations, securities depositories, financial advisory services, certifications, audits, federal or state regulatory agencies, accounting and computation services, legal services and obtaining approving legal opinions and other legal opinions, credit ratings, redemption premiums, and credit enhancement facilities.

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

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

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

(V) "Bonds" means bonds, notes, including notes anticipating bonds or other notes, commercial paper, certificates of participation, or other evidences of obligation, including any interest coupons pertaining thereto, issued by the department pursuant to this chapter.

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

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

(Y) "Special funds" means the applicable bond service fund and any accounts and subaccounts in that fund, any other funds or accounts permitted by and established under, and identified as a "special fund" or "special account" in, the bond proceedings, including any special fund or account established for purposes of rebate or other requirements under federal income tax laws.

(Z) "State taxes" means receipts of the department from the proceeds of state taxes or excises levied and collected, or appropriated by the general assembly to the department, for the purposes and functions of the department. State taxes do not include fees, or investment earnings on state taxes except on those state taxes referred to in [Section 5a of Article XII, Ohio Constitution](#).

(AB) "Fees" means assessments, use fees, access fees, special fees, permit fees, or other charges assessed by the department to government agencies, common carriers, for hire carriers, private carriers, private enterprises, and end users of a multimodalway project.

(AC) "Credit enhancement facilities" means letters of credit, lines of credit, standby, contingent, or firm securities purchase agreements, insurance, or surety arrangements, guarantees, and other arrangements that provide for direct or contingent payment of bond service charges, for security or additional security in the event of nonpayment or default in respect of bonds, or for making payment of bond service charges and at the option and on demand of bondholders or at the option of the department or upon certain conditions occurring under put or similar arrangements, or for otherwise supporting the credit or liquidity of the bonds, and includes credit, reimbursement, marketing,

remarketing, indexing, carrying, interest rate hedge as defined in [section 133.01 of the Revised Code](#), and subrogation agreements, and other agreements and arrangements for payment and reimbursement of the person providing the credit enhancement facility and the security for that payment and reimbursement.

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

(AE) "Administrative agent," "agent," "commercial paper," "floating rate interest structure," "indexing agent," "interest rate period," "put arrangement," and "remarketing agent" have the same meanings as in [section 9.98 of the Revised Code](#).

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

§ #.02. State multimodalway department.

(A) There is hereby created a department to be known as the "State multimodalway department." The department is a body both corporate and politic, constituting an instrumentality of the state, and the exercise by it of the powers conferred by this chapter in the construction, control, operation, maintenance, and repair of the State multimodalway system are and shall be held to be essential governmental functions of the state, but the department shall not be immune from liability by reason thereof. The department is subject to all provisions of law generally applicable to state agencies which do not conflict with this chapter.

(B) (1) The department shall consist of six members as follows:

(a) Four members appointed by the governor with the advice and consent of the senate, no more than two of whom shall be members of the same political party;

(b) One member of the senate, appointed by the president of the senate, who shall represent either a district in which is located or through which passes a portion of a multimodalway project that is part of the State multimodalway system or a district located in the vicinity of a multimodalway project that is part of the State multimodalway system;

(c) One member of the house of representatives, appointed by the speaker of the house of representatives, who shall represent either a district in which is located or through which passes a portion of a multimodalway project that is part of the State multimodalway system or a district located in the vicinity of a multimodalway project that is part of the State multimodalway system.

(2) The members appointed by the governor shall be residents of the state, shall have been qualified electors therein for a period of at least five years next preceding their appointment, and shall serve terms of eight years commencing on the first day of July and ending on the thirtieth day of June. Those members appointed by the president of the senate or the speaker of the house of representatives shall serve a term of the remainder of the general assembly during which the senator or representative is appointed. Each appointed member shall hold office from the date of appointment until the end of the term for which the member was appointed. If a department member dies or resigns, or if a senator or representative cease to be a senator or

representative, the vacancy shall be filled in the same manner as provided in division (B)(1) of this section. Any member who fills a vacancy occurring prior to the end of the term for which the member's predecessor was appointed shall, if appointed by the governor, hold office for the remainder of such term or, if appointed by the president of the senate or the speaker of the house of representatives, shall hold office for the remainder of the term or for a shorter period of time as determined by the president or the speaker. Any member appointed by the governor shall continue in office subsequent to the expiration date of the member's term until the member's successor takes office, or until a period of sixty days has elapsed, whichever occurs first. A member of the department is eligible for reappointment. Each member of the department appointed by the governor, before entering upon the member's duties, shall take an oath as provided by [Section 7 of Article XV, Ohio Constitution](#). The governor, the president of the senate, or the speaker of the house of representatives, may at any time remove their respective appointees to the department for misfeasance, nonfeasance, or malfeasance in office.

(3) A member of the department who is appointed by the president of the senate or the speaker of the house of representatives shall not participate in any vote of the department. Serving as an appointed member of the department under divisions (B)(1)(c), (1)(d), or (2) of this section does not constitute grounds for resignation from the senate or the house of representatives under [section 101.26 of the Revised Code](#).

(C) The voting members of the department shall elect one of the appointed voting members as chairperson and another as vice-chairperson, and shall appoint a secretary-treasurer who need not be a member of the department. Three of the voting members of the department constitute a quorum, and the affirmative vote of three voting members is necessary for any action taken by the department. No vacancy in the membership of the department impairs the rights of a quorum to exercise all the rights and perform all the duties of the department.

(D) Each member of the department appointed by the governor shall give a surety bond to the department in the penal sum of twenty-five thousand dollars and the secretary-treasurer shall give such a bond in at least the penal sum of fifty thousand dollars. The department may require any of its officers or employees to file surety bonds including a blanket bond as provided in [section 3.06 of the Revised Code](#). Each such bond shall be in favor of the department and shall be conditioned upon the faithful performance of the duties of the

office, executed by a surety company authorized to transact business in this state, approved by the governor, and filed in the office of the secretary of state. The costs of the surety bonds shall be paid or reimbursed by the department from revenues. Each member of the department appointed by the governor shall receive an annual salary of five thousand dollars, payable in monthly installments. Each member of the department appointed by the governor is entitled to health care benefits comparable to those generally available to state officers and employees under [section 124.82 of the Revised Code](#). [If Section 20 of Article II, Ohio Constitution](#), prohibits the Ohio multimodalway department from paying all or a part of the cost of health care benefits on behalf of a member of the department for the remainder of an existing term, the member may receive these benefits by paying their total cost from the member's own financial resources, including paying by means of deductions from the member's salary. Each member shall be reimbursed for the member's actual expenses necessarily incurred in the performance of the member's duties. All costs and expenses incurred by the department in carrying out this chapter shall be payable solely from revenues and state taxes, and no liability or obligation shall be incurred by the department beyond the extent to which revenues have been provided for pursuant to this chapter.

§ #.03. Multimodalway projects.

In order to remove present and anticipated handicaps and potential hazards on congested, downgraded, threatened, rationalized, and abandoned transportation and telecommunication corridors and infrastructures in this state, to facilitate, expedite, and optimize transportation and telecommunication use throughout the state, to promote the agricultural, commercial, recreational, tourism, and industrial development of the state, and to provide for the general welfare by the construction, control, operation, maintenance, and repair of modern, technologically advanced, and safe infrastructures, with grade separations at intersections with other infrastructures, the State multimodalway department, subject to section #.26 of the Revised Code, may construct, control, operate, maintain, and repair a system of multimodalway projects at locations that are reviewed by the multimodalway oversight committee and approved by the governor, and issue revenue bonds of this state, payable solely from pledged revenues, to pay the cost of those projects. The multimodalway projects authorized by this chapter are hereby or shall be made part of the State multimodalway system.

§ #.04. Authority and powers of multimodalway department.

(A) The State multimodalway department may do any of the following:

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

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

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

(4) Sue and be sued in its own name, plead and be impleaded, provided any actions against the department shall be brought in the court of common pleas of the county in which the principal office of the department is located, or in the court of common pleas of the county in which the cause of action arose if that county is located within this state, and all summonses, exceptions, and notices of every kind shall be served on the department by leaving a copy thereof at its principal office with the secretary-treasurer or executive director of the department;

(5) Construct, control, operate, maintain, and repair the multimodalway system, and establish rules for the access and use of any multimodalway project;

(AA) Provide the sole administration, real property, infrastructure, and shared facilities where real property, infrastructure, or shared facility space is limited necessary to facilitate, expedite, and optimize public way access and use of transportation or telecommunication modes and for other beneficial purposes, by common carriers, for hire carriers, private carriers, private enterprises, and end users in locations where real property, infrastructure, and shared facilities have been considered traditional natural monopolistic utilities;

(BB) Provide administration, real property, infrastructure, and shared facilities where real property, infrastructure, or shared facility space is limited necessary to facilitate, expedite, and optimize public way access and use of transportation or telecommunication modes and for other beneficial purposes, for national defense and homeland security, government agencies', and the department's own infrastructure, WAN, and intranetworking needs, in locations where real

property, infrastructure, and shared facilities have been considered traditional natural monopolistic utilities;

(CC) Provide administration, real property, infrastructure, and shared facilities where real property, infrastructure, or shared facility space is safely, securely, fairly, and practically available necessary to facilitate, expedite, and optimize public way access and use of transportation or telecommunication modes and for other beneficial purposes, by common carriers, for hire carriers, private carriers, private enterprises, and end users for their own infrastructure, WAN, and intranetworking needs, in locations where real property, infrastructure, and shared facilities have been considered traditional natural monopolistic utilities;

(DD) Prohibit multimodalway real property, infrastructures, and shared facilities leased by the department to common carriers, for hire carriers, private carriers, private enterprises, or end users from being sublet by lessees;

(EE) Prohibit multimodalway real property, infrastructures, and shared facilities from being leased to common carriers, for hire carriers, private carriers, private enterprises, and end users wholly or partially owned or controlled by international governments, or to international common carriers, for hire carriers, private carriers, private enterprises, and end users which may be wholly or partially owned or controlled by international governments currently under surveillance or scrutiny of Homeland Security, Defense, or other federal government agencies.

(FF) Refrain from for-profit competitive carriage against common carriers, for hire carriers, private carriers, private enterprises, or end users;

(GG) Restrict multimodalway access and use by common carriers, for hire carriers, private carriers, private enterprises, and end users currently under surveillance or scrutiny of Homeland Security, Defense, or other federal government agencies;

(6) 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 multimodalway projects;

(7) Fix, and revise from time to time, and charge and collect fees;

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

(9) Designate the locations and establish, limit, and control network access points to and from each multimodalway project as are necessary or desirable in the judgment of the department to ensure the proper operation, safety, and maintenance of that project, and prohibit access to such a project from any point not so designated;

(10) 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;

(11) Employ or retain or contract for the services of consulting engineers, technicians, superintendents, managers, and any other engineers, construction and accounting experts, financial advisers, trustees, marketing, remarketing, and administrative agents, attorneys, and other employees, independent contractors, or agents that are necessary in its judgment and fix their compensation, provided all such expenses shall be payable solely from the proceeds of bonds or from revenues of the multimodalway system;

(12) Receive and accept from any federal agency, subject to the approval of the governor, and from any other governmental agency grants for or in aid of the construction, control, operation, maintenance, or repair of any multimodalway project, and receive and accept aid or contributions from any source or person of money, property, labor, or other things of value, to be held, used, and applied only for the purposes for which such grants and contributions are made;

(13) Provide coverage for its employees under [Chapters 4123. and 4141. of the Revised Code](#).

(B) The department may do all acts necessary or proper to carry out the powers expressly granted in this chapter.

§ #.05. Construction of grade separations; change of location of infrastructures; right of entry; reimbursement for damages.

(A) The State multimodalway department may construct grade and other physical separations at intersections of any multimodalway project with other infrastructures not affiliated with a multimodalway project, and change and adjust the grades, networking, appurtenances, facilities, and other aspects of those infrastructures, which change and adjustment of grades, networking, appurtenances, facilities, and other aspects of those infrastructures shall be subject to a Memorandum of Understanding between the department and the governmental agency, common carrier, for hire carrier, private carrier, private enterprise, or end user having jurisdiction over the infrastructure, so as to accommodate them to the design of the grade separation. The cost of the grade separation and any damage incurred in changing and adjusting the grades, networking, appurtenances, facilities, and other aspects of infrastructures shall be ascertained and paid by the department as a part of the cost of the multimodalway project or from revenues or state taxes.

(1) If the department finds it necessary to change the location of any portion of an infrastructure not affiliated with the multimodalway, it shall cause the same to be reconstructed at the location the governmental agency, common carrier, for hire carrier, private carrier, private enterprise, or end user having jurisdiction over such infrastructure considers most favorable. The construction shall be of substantially the same type and in as good condition as the existing infrastructure. The cost of the reconstruction, relocation, or removal and any damage incurred in changing the location shall be ascertained and paid by the department as a part of the cost of the multimodalway project or from revenues or state taxes.

(2) The department may petition the board of county commissioners of the county in which is situated any public road or part thereof affected by the location therein of any multimodalway project, for the grade relocation of the road or any part thereof, in the same manner and with the same force and effect as is given to the director of transportation pursuant to [sections 5553.04 to 5553.11 of the Revised Code](#).

(B) The department and its authorized agents and employees, after proper notice, may enter upon any lands, waters, and premises in the state for the purpose of making surveys, soundings, drillings, and examinations that are necessary or proper for the purposes of this chapter, and the entry shall not be

deemed a trespass, nor shall an entry for those purposes be deemed an entry under any appropriation proceedings which may then be pending, provided that before entering upon the premises of any governmental agency, common carrier, for hire carrier, private carrier, private enterprise, or end user notice shall be given to the superintendent of the governmental agency, common carrier, for hire carrier, private carrier, private enterprise, or end user involved at least five days in advance of entry, and provided that no survey, sounding, drilling, and examination shall be made between or so close to infrastructure as would render the infrastructure unusable. The department shall make reimbursement for any actual damage resulting to such lands, waters, and premises and to private property located in, on, along, over, or under such lands, waters, and premises, as a result of such activities. The state, subject to the approval of the governor, hereby consents to the use of all lands owned by it, including lands lying under water, that are necessary or proper for the construction, control, operation, maintenance, or repair of any multimodalway project, provided adequate consideration is provided for the use.

(C) The department may make reasonable provisions or rules for the installation, construction, maintenance, repair, renewal, relocation, and removal of infrastructures not affiliated with a multimodalway project in, on, along, over, or under any multimodalway project. Whenever the department determines that it is necessary that any infrastructures not affiliated with a multimodalway project located in, on, along, over, or under any multimodalway project should be relocated within or removed from the multimodalway project, the governmental agency, common carrier, for hire carrier, private carrier, private enterprise, or end user having jurisdiction over the infrastructure shall relocate or remove them in accordance with the order of the department. Except as otherwise provided in any license or other agreement with the department, the cost and expenses of such relocation or removal, including the cost of installing the infrastructure in a new location, the cost of any lands, or any rights or interests in lands, and any other rights, acquired to accomplish the relocation or removal, shall be ascertained and paid by the department as part of the cost of the multimodalway project or from revenues of the State multimodalway system. In case of any such relocation or removal of infrastructures, the governmental agency, common carrier, for hire carrier, private carrier, private enterprise, or end user, their successors or assigns, may maintain and operate the infrastructure, with the necessary networking, appurtenances, facilities, and other aspects of the infrastructure, in the new location, for as long a period, and upon the same terms, as it had the right to maintain and operate the infrastructure in their former location.

(D) The department is subject to [Chapters 1515., 6131., 6133., 6135., and 6137. of the Revised Code](#) and shall pay any assessments levied under those chapters for an improvement or maintenance of an improvement on land under the control or ownership of the department.

§ #.06. Acquisition and disposition of property; adjacent landowner rights.

(A) The State multimodalway department may acquire by purchase, lease, lease-purchase, lease with option to purchase, appropriation, or otherwise and in such manner and for such consideration as it considers proper, any public or private property or infrastructure necessary, convenient, or proper for the construction, control, operation, maintenance, or repair of the multimodalway system. The department may pledge net revenues, to the extent permitted by this chapter with respect to bonds, to secure payments to be made by the department under any such lease, lease-purchase agreement, or lease with option to purchase. Title to personal property, and interests less than a fee in real property, shall be held in the name of the department. Title to real property held in fee shall be held in the name of the state for the use of the department. In any proceedings for appropriation under this section, the procedure to be followed shall be in accordance with the procedure provided in [sections 163.01 to 163.22 of the Revised Code](#), including [division \(B\) of section 163.06 of the Revised Code](#) notwithstanding the limitation in that division of its applicability to roads open to the public without charge. Except as otherwise agreed upon by the owner, full compensation shall be paid for public property so taken.

(B) This section does not authorize the department to take or disturb pre-existing property, infrastructures, or facilities belonging to any common carrier, for hire carrier, private carrier, private enterprise or end user, which property, infrastructures, or facilities are required for the proper and convenient operation of the common carrier, for hire carrier, private carrier, private enterprise, or end user unless provision is made for the restoration, relocation, replication, or duplication of the property, infrastructures, or facilities elsewhere at the sole cost of the department.

(1) Common carriers, for hire carriers, private carriers, private enterprises, or end users may convey any or all parts of their real properties, infrastructures, or facilities to the department for inclusion within a multimodalway project, pending approval of the oversight committee.

(C) Real property acquired by the department and subject to pre-existing adjacent landowner access and use rights, terms, and conditions, and leased by adjacent landowners to common carriers, for hire carriers, private carriers, private enterprises, or end users for access and other uses, may be sublet by common carriers, for hire carriers, private carriers, private enterprises, or end user lessees by agreement of adjacent landowners.

(1) The department shall enact a Memorandum of Understanding with adjacent landowners and their common carrier, for hire carrier, private carrier, private enterprise, or end user lessees, and their lessees thereof, regarding select department responsibilities with associated costs, and controlled and coordinated access to and use of adjacent landowners' real property within multimodalway real property boundaries subject to pre-existing adjacent landowner access and use rights.

(D) Adjacent landowners may convey full title and rights of pre-existing access and use rights of easements within multimodalway real property boundaries to the department, pending a MOU regarding their controlled and coordinated access to and use of multimodalway infrastructures.

(E) Common carriers, for-hire carriers, private carriers, private enterprises, and end users may acquire real and personal property adjacent to multimodalway real property boundaries pending approval of Homeland Security, Defense, or other federal government agencies, and be granted access to and use of multimodalway real property and infrastructures pending an MOU regarding select department responsibilities with associated costs, controlled and coordinated access to and use of multimodalway infrastructures at designated network access points, pending approval of Homeland Security, Defense, or other federal government agencies.

(F) Disposition of real property shall be by the department in the manner and for the consideration it determines if to a state agency or other governmental agency, and otherwise in the manner provided [in section 5501.45 of the Revised Code](#) for the disposition of property by the directors of transportation. Disposition of personal property shall be in the manner and for the consideration the department determines pending approval of Homeland Security, Defense, or other federal government agencies,.

(1) Real property acquired by the department and subject to pre-existing adjacent landowner access and use rights, terms, and conditions shall be reverted to the adjacent landowner, pending approval of Homeland Security, Defense, or other federal government agencies, in equivalent or better condition than it was acquired.

(G) Any instrument by which real property is acquired pursuant to this section shall identify the agency of the state that has the use and benefit of the real property as specified in [section 5301.012 \[5301.01.2\] of the Revised Code](#).

§ #.07. Bidding required for contracts exceeding \$35,000; bond.

(A) When the cost to the State multimodalway department under any contract with a person other than a governmental agency involves an expenditure of more than thirty-five thousand dollars, the department shall make a written contract with the lowest responsive and responsible bidder in accordance with [section 9.312 \[9.31.2\] of the Revised Code](#) after advertisement for not less than two consecutive weeks in a newspaper of general circulation in State Capitol county, the department's website, email, listserv, and in such other publications as the department determines, which notice shall state the general character of the work and the general character of the materials to be furnished, the place where plans and specifications therefor may be examined, and the time and place of receiving bids. The department may reject any and all bids. The requirements of this division do not apply to contracts for the acquisition of real property or compensation for professional or other personal services.

(B) Each bid for a contract for construction, demolition, alteration, repair, improvement, renovation, or reconstruction shall contain the full name of every person interested in it and shall meet the requirements of [section 153.54 of the Revised Code](#).

(C) Each bid for a contract, other than for a contract referred to in division (B) of this section, shall contain the full name of every person interested in it and shall be accompanied by a sufficient bond or certified check on a solvent bank that if the bid is accepted a contract will be entered into and the performance of its proposal secured.

(D) A bond with good and sufficient surety, approved by the department, shall be required of every contractor awarded a contract, other than a contract referred to in division (B) of this section, in an amount equal to at least fifty per cent of the contract price, conditioned upon the faithful performance of the contract.

§ #.08. Issuance of revenue bonds; interim receipts, temporary bonds or bond anticipation notes.

(A) The State multimodalway department may provide by resolution for the issuance, at one time or from time to time, of revenue bonds of the state for the purpose of paying all or any part of the cost of any one or more multimodalway projects. The bond service charges shall be payable solely from pledged revenues pledged for such payment pursuant to the applicable bond proceedings. The bonds of each issue shall be dated, shall bear interest at a rate or rates or at variable rates, and shall mature or be payable at such time or times, with a final maturity not to exceed forty years from their date or dates, all as determined by the department in the bond proceedings. The department shall determine the form of the bonds, including any interest coupons to be attached thereto, and shall fix the denomination or denominations of the bonds and the place or places of payment of bond service charges.

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

(C) Subject to the bond proceedings and provisions for registration, the bonds shall have all the qualities and incidents of negotiable instruments under [Title XIII \[13\] of the Revised Code](#). The bonds may be issued in such form or forms as the department determines, including without limitation coupon, book entry, and fully registered form, and provision may be made for the registration of any coupon bonds as to principal alone and also as to both principal and interest, and for the exchange of bonds between forms. The department may sell such bonds by competitive bid on the best bid after advertisement or request for bids or by private sale in the manner, and for the price, it determines to be for the best interest of the state. The determination of the department as to the manner of sale, by competitive bid or by private sale, shall be approved by the controlling board.

(D) The proceeds of the bonds of each issue shall be used solely for the payment of the costs of the multimodalway project or projects for which such bonds were issued, and shall be disbursed in such manner and under such restrictions as the department provides in the bond proceedings.

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

(F) [Sections 9.98 to 9.983 \[9.98.3\] of the Revised Code](#) apply to the bonds.

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

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

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

(2) Other terms of the bonds;

(3) Limitations on the issuance of additional bonds;

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

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

(6) Any provision that may be made in a trust agreement;

(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.

(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 department 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 department 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 department 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 multimodalway project or other property of the department.

(J) Each duty of the department and the department's officers and employees, undertaken pursuant to the bond proceedings, is hereby established as a duty of the department, and of each such officer, member, or employee having

authority to perform the duty, specifically enjoined by law resulting from an office, trust, or station within the meaning of [section 2731.01 of the Revised Code](#).

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

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

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

(N) The department may pledge all, or such portion as it determines, of the pledged revenues to the payment of bond service charges, and for the establishment and maintenance of any reserves and special funds, as provided in the bond proceedings, and make other provisions therein with respect to pledged revenues, revenues, and net revenues as authorized by this chapter, which provisions are controlling notwithstanding any other provisions of law pertaining thereto.

§ #.09. Refunding bonds.

The State multimodalway department may provide by resolution for the issuance of revenue bonds of the state, payable solely from pledged revenues, for the purpose of refunding any bonds then outstanding, including the payment of related financing expenses and, if considered advisable by the department, for the additional purpose of paying costs of improvements, extensions, renovations, or enlargements of any multimodalway project. The issuance of refunding bonds, the maturities and other details thereof, the rights of the holders thereof, and the rights, duties, and obligations of the department in respect to such bonds shall be governed by the provisions of this chapter insofar as they are applicable and by the applicable bond proceedings.

§ #.10. Multimodalway bonds need not comply with other laws applicable to issuance of bonds.

This chapter provides an additional and alternative method for doing the things and taking the actions authorized by this chapter. This chapter shall be regarded as supplemental and additional to powers conferred by other laws, and shall not be regarded as in derogation of any powers existing on or after September 1, 1949. The issuance of bonds under this chapter need not comply with any other law applicable to the issuance of bonds.

§ #.11. Bonds not a debt of the state or any subdivision.

(A) The bonds do not constitute a debt, or a pledge of the faith and credit, of the state or of any political subdivision of the state. Bond service charges on outstanding bonds are payable solely from the pledged revenues pledged for their payment as authorized by this chapter and as provided in the bond proceedings. All multimodalway revenue bonds shall contain on their face a statement to that effect.

(B) All expenses incurred in carrying out this chapter shall be payable solely from revenues provided under this chapter and from state taxes. This chapter does not authorize the State multimodalway department to incur indebtedness or liability on behalf of or payable by the state or any political subdivision of the state.

§ #.12. Trust agreement for security of bonds.

(A) In the discretion of the State multimodalway department any bonds may be secured by a trust agreement between the department and a corporate trustee, which may be any trust company or bank having the powers of a trust company within or without the state but authorized to exercise trust powers within this state.

(B) Any trust agreement may pledge or assign the revenues to be received, but shall not convey or mortgage any multimodalway project, any part of a multimodalway project, or any part of the State multimodalway system. Any such trust agreement or other bond proceedings may contain provisions for protecting and enforcing the rights and remedies of the bondholders that are reasonable and proper and not in violation of law, including covenants setting forth the duties of the department in relation to the acquisition of property, and the construction, control, operation, maintenance, repair, and insurance of the multimodalway project or projects in connection with which the bonds are authorized, the rates of fees to be charged, and the custody, safeguarding, and application of all moneys, and provisions for the employment or retention of the services of consulting engineers in connection with the construction, control, operation, maintenance, and repair of the multimodalway project or projects. Any bank or trust company incorporated under the laws of this state which may act as depository of the proceeds of bonds or of revenues may furnish such indemnifying bonds or may pledge such securities as are required by the department. Any such trust agreement may set forth the rights and remedies of the bondholders and of the trustee, may restrict the individual right of action by bondholders as is customary in revenue bond trust agreements of public bodies, and may contain other provisions that the department considers reasonable and proper for the security of the bondholders. All expenses incurred in entering into or carrying out the provisions of such a trust agreement may be treated as a part of the cost, or of the cost of the operation, of the multimodalway project or projects.

§#.13. Contracts; bids; fees; sinking fund; lien of the pledge.

(A) Subject to section #.26 of the Revised Code, the State multimodalway department may fix, revise, charge, and collect fees for each multimodalway project, and contract in the manner provided by this section with any governmental agency, common carrier, for-hire carrier, private carrier, private enterprise, or end user desiring the access or use of a project or for other beneficial purposes, and fix the terms, conditions, rents, and rates of charge for such uses.

(B) Contracts for the leasing of available multimodalway real properties shall be made in writing. All contracts for leased real properties shall be preserved in the principal office of the department.

(C) Contracts for the franchised operation of certain shared facility enterprise operations shall be made in writing. Such contracts, except contracts with state agencies or other governmental agencies, shall be made with the bidder whose bid is determined by the department to be the best bid received, after advertisement for two consecutive weeks in a newspaper of general circulation in State Capitol county, the department's website, email, listserv, and in other publications that the department determines. The notice shall state the general character of the shared facilities enterprise operation proposed, the place where plans and specifications may be examined, and the time and place of receiving bids. Bids shall contain the full name of each person interested in them, and shall be in such form as the department requires. The department may reject any and all bids. All contracts for shared facilities enterprise operations shall be preserved in the principal office of the department.

(D) Fees shall be so fixed and adjusted as to provide funds at least sufficient with other revenues of the State multimodalway system, if any, to pay:

(1) The cost of optimally constructing, controlling, operating, maintaining, and repairing the State multimodalway system, and to create and maintain any reserves for those purposes;

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

(E) Fees are not subject to supervision, approval, or regulation by any state agency other than the multimodalway department.

(F) Revenues derived from each multimodalway project in connection with which any bonds are outstanding shall be first applied to pay the cost of construction, control, operation, maintenance, and repair, and to provide any reserves therefor that are provided for in the bond proceedings authorizing the issuance of those outstanding bonds, and otherwise as provided by the department, and the balance of the pledged revenues shall be set aside, at such regular intervals as are provided in the bond proceedings, in a bond service fund, which is hereby pledged to and charged with the payment of the bond service charges on any such outstanding bonds as provided in the applicable bond proceedings. The pledge shall be valid and binding from the time the pledge is made; the revenues and the pledged revenues thereafter received by the department immediately shall be subject to the lien of the pledge without any physical delivery thereof or further act, and the lien of the pledge shall be valid and binding as against all parties having claims of any kind in tort, contract, or otherwise against the department, whether or not those parties have notice thereof. The bond proceedings by which a pledge is created need not be filed or recorded except in the records of the department. The use and disposition of moneys to the credit of a bond service fund shall be subject to the applicable bond proceedings. Except as is otherwise provided in such bond proceedings, such a bond service fund shall be a fund for all such bonds, without distinction or priority of one over another.

§ #.14. Holding, deposit and use of proceeds.

All moneys received by the State multimodalway department under this chapter, whether as proceeds from the sale of bonds or as revenues, are to be held and applied solely as provided in this chapter and in any applicable bond proceedings. Such moneys shall be kept in depositories as selected by the department in the manner provided in [sections 135.01 to 135.21 of the Revised Code](#), insofar as such sections are applicable, and the deposits shall be secured as provided in [sections 135.01 to 135.21 of the Revised Code](#). Bond proceedings shall provide that any officer to whom, or any bank or trust company to which, revenues or pledged revenues are paid shall act as trustee of such moneys and hold and apply them for the purposes thereof, subject to applicable provisions of this chapter and the bond proceedings.

§ #.15. Rights of bondholders and trustees.

Any holder of bonds issued and outstanding under this chapter, or any of the coupons appertaining thereto, and the trustee under any trust agreement, except to the extent the rights given by this chapter may be restricted or modified by the bond proceedings, may by suit, action, mandamus, or other proceedings, protect and enforce any rights under the laws of the state or granted under this chapter or the bond proceedings, and may enforce and compel the performance of all duties required by this chapter or the bond proceedings, to be performed by the State multimodalway department or any officer of the department, including the fixing, charging, collecting, and application of fees.

§ #.16. Powers; disposal of fines.

(A) The State multimodalway department may adopt such bylaws and rules as it considers advisable for the control and regulation of access and use of any multimodalway project, for the protection and preservation of property under its jurisdiction and control, and for the maintenance and preservation of good order within the property under its control. The rules of the department with respect to aspects including but not limited to the access, use, speed, axle loads, vehicle loads, vehicle dimensions, throughputs, pressures, volumes, amperages, voltages, network equipment specifications, assigned radio frequencies, assigned right-of-way infrastructure positioning and location, assigned conduits, wires, strands, 's, 's, slots, spacing, and other aspects and characteristics for vehicles, traffic, networking, data, signals, and users on multimodalway projects shall apply notwithstanding sections ## of the Revised Code or superceding regulation by federal government agencies. Such bylaws and rules shall be published in a newspaper of general circulation in State Capitol county, via the department's website, email, listserv, or other communications media, public facilities, and in such other manner and places as the department prescribes.

(B) Such rules shall provide that public police officers and all other emergency and governmental agency personnel shall be afforded ready access, while in the performance of their official duty, to all property under the jurisdiction of the department and without the payment of fees.

(C) No person shall violate any such bylaws or rules of the department. All fines collected for the violation of applicable laws of the state and the bylaws and rules of the department or moneys arising from bonds forfeited for such violation shall be disposed of in accordance with [section 5503.04 of the Revised Code](#).

§ #.17. Maintenance and repair of multimodalway project; restoration or repair of damaged property; cooperation by governmental agencies; real property, infrastructure, facilities inspection; annual audit.

(A) Each multimodalway project shall be maintained and kept in optimal condition and repair by the State multimodalway department. The State multimodalway system shall be policed and operated by a force of police, fee collectors, and other employees and agents that the department employs or contracts for.

(B) All public or private property damaged or destroyed in carrying out the powers granted by this chapter shall be restored or repaired and placed in its original condition, as nearly as practicable, or adequate compensation or consideration made therefor out of moneys provided under this chapter.

(C) All governmental agencies may lease, lend, grant, or convey to the department at its request, upon terms that the proper authorities of the governmental agencies consider reasonable and fair and without the necessity for an advertisement, order of court, or other action or formality, other than the regular and formal action of the authorities concerned, any property and infrastructures that are necessary or convenient to the effectuation of the purposes of the department, including public roads, alleys, trailways, towpaths, canalways, reclamation areas, flood control areas, and other property and infrastructures already devoted to public use.

(D) All property, infrastructure, and shared facilities constituting part of a multimodalway project shall be comprehensively inspected at least once each year by a professional engineer employed or retained by the department.

(E) On or before the first day of April in each year, the department shall make an annual report of its activities for the preceding calendar year to the governor and the legislature. Each such report shall set forth a complete operating and financial statement covering the department's operations during the year. The department shall cause an audit of its books and accounts to be made at least once each year by certified public accountants, and the cost thereof may be treated as a part of the cost of operations of the department. The department shall use to the greatest extent possible the eXtensible Business Reporting Language (xBR) or similar industry standard accounting computer language in generating its financial publications for exchange and analysis, and mount all publications on its website. The auditor of state, at least once a year and

without previous notice to the department, shall audit the accounts and transactions of the department.

(F) The department shall submit a copy of its annual audit by the auditor of state and its proposed annual budget for each calendar or fiscal year to the governor, the presiding officers of each house of the legislature, the director of budget and management, and the legislative budget office of the legislative service department no later than the first day of that calendar or fiscal year.

§ #.18. Fee, lease, real, and personal property taxation responsibilities.

(A) Where the State multimodalway department is the sole provider of infrastructure on its real property with original real property easements dictating specific infrastructures or other uses only, all common carriers, for-hire carriers, private carriers, private enterprises, and end users shall access and use only that infrastructure for said purposes, shall be responsible for all multimodalway access and use fees, and shall not be assessed real or personal property taxes.

(1) For-hire carriers, private carriers, private enterprises, and end users shall be designated as for-hire carriers, private carriers, private enterprises, and end users respectively for taxation purposes while accessing and using multimodalway infrastructure within multimodalway real property boundaries.

(2) Common carriers shall be designated as common carriers while accessing and using multimodalway infrastructure within multimodalway real property boundaries, and shall be responsible for all multimodalway access, lease, and use fees, which with other pertinent information shall be collected and reported by the department to the Department of Taxation for credit to the common carriers' personal property taxation assessments.

(3) A common carrier desiring access to and use of multimodalway infrastructure within multimodalway real property boundaries may establish an independent for-hire carrier, private carrier, or private enterprise subsidiary to provide carriage and other related services solely within multimodalway infrastructure boundaries.

(AA) Common carriers' independent for-hire carrier, private carrier, or private enterprise subsidiaries shall restrict tangible personal property movements solely within multimodalway infrastructure boundaries, and shall report any personal property transfers or services rendered to common carrier personal properties to the multimodalway administration and on common carrier real and personal property taxation reports.

(B) For existing right-of-way lease agreements between adjacent landowner lessors and common carrier, for-hire carrier, private carrier, private enterprise, and end user lessees having infrastructure, facilities, appurtenances and other tangible personal property located within multimodalway boundaries, lessees

shall be responsible for designated common carrier, for-hire carrier, private carrier, private enterprise, and end user real and personal property taxes.

(C) Where the multimodalway department having acquired all rights, terms, and conditions to the original right-of-way easements from adjacent landowners, and being the sole provider of infrastructure(s) on its real property, all common carriers, for-hire carriers, private carriers, private enterprises, and end users may access and use only that infrastructure(s), shall be responsible for all multimodalway access and use fees, and shall not be assessed real or personal property taxes.

(1) For-hire carriers, private carriers, private enterprises, and end users shall be designated as for-hire carriers, private carriers, private enterprises, and end users respectively for taxation purposes while accessing and using multimodalway infrastructure within multimodalway real property boundaries.

(2) Common carriers shall be designated as common carriers while accessing and using multimodalway infrastructure within multimodalway real property boundaries, and shall be responsible for all multimodalway access, lease, and use fees, which with other pertinent information shall be collected and reported by the department to the Department of Taxation for credit to the common carriers' personal property taxation assessments.

(3) A common carrier desiring access to and use of multimodalway infrastructure within multimodalway real property boundaries may establish an independent for-hire carrier, private carrier, or private enterprise subsidiary to provide carriage and other related services solely within multimodalway infrastructure boundaries.

(AA) Common carriers' independent for-hire carrier, private carrier, or private enterprise subsidiaries shall restrict tangible personal property movements solely within multimodalway infrastructure boundaries, and shall report any personal property transfers or services rendered to common carrier personal properties to the multimodalway administration and on common carrier real and personal property taxation reports.

(D) Where the multimodalway department having acquired all rights, terms, and conditions to the original real property easements from adjacent landowners, and making its real property available to common carriers, for-hire carriers, private carriers, private enterprises, and end users for their own infrastructures,

access, and uses, for-hire carriers, private carriers, private enterprises, and end users shall be responsible for all multimodalway real property leases, and shall not be assessed real property taxes.

(1) For-hire carriers, private carriers, private enterprises, and end users shall be assessed personal property taxation rates for their own infrastructures fixed and located within multimodalway real property.

(2) Common carriers shall be assessed personal property taxation rates for their own infrastructures fixed and located within multimodalway real property, which with other pertinent information shall be collected and reported by the department to the Department of Taxation for credit to the common carriers' personal property taxation assessments.

(3) A common carrier desiring to fix and locate their own infrastructure within multimodalway real property boundaries may establish an independent for-hire carrier, private carrier, or private enterprise subsidiary to provide infrastructure, carriage and other related services solely within multimodalway infrastructure boundaries.

(AA) Common carriers' independent for-hire carrier, private carrier, or private enterprise subsidiaries shall restrict tangible personal property movements solely within multimodalway infrastructure boundaries, and shall report any personal property transfers or services rendered to common carrier personal properties to the multimodalway administration and on common carrier real and personal property taxation reports.

(E) Common carriers, for-hire carriers, private carriers, private enterprises, and end users owning real and personal property adjacent to multimodalway real property boundaries with permitted access to multimodalway real property and infrastructures shall be considered common carriers, for-hire carriers, private carriers, private enterprises, and end user private property owners respectively for real and personal property taxation purposes.

(1) Spur line rail segments past the switch clearance point of multimodalway rail infrastructures, and spurs off and clear of other solely provided multimodalway infrastructures leading off multimodalway real property boundaries onto common carrier, for-hire carrier, private carrier, private enterprise, and end user private adjacent properties shall be assessed common carrier, for-hire carrier,

private carrier, private enterprise, and end user private personal property taxation rates respectively.

(2) A point on a network or infrastructure bridge connection midway or at a mutually agreed upon site shall delineate common carriers', for-hire carriers', private carriers', private enterprises', and end users' own infrastructures as being either fixed and located within multimodalway real property boundaries and being responsible for any and all multimodalway access, lease, and use fees, and being fixed and located on adjacent common carrier, for-hire carrier, private carrier, private enterprise, and end user private property, and being assessed common carrier, for-hire carrier, private carrier, private enterprise, and end user private personal property taxation rates respectively.

(3) A point on a network or infrastructure bridge connection midway or at a mutually agreed upon site shall delineate the multimodalway's own infrastructure(s) fixed location within multimodalway real property boundaries with common carriers, for-hire carriers, private carriers, private enterprises, and end users being responsible for any and all multimodalway infrastructure access, lease, and use fees, and being fixed and located on adjacent common carrier, for-hire carrier, private carrier, private enterprise, and end user private property, and being assessed common carrier, for-hire carrier, private carrier, private enterprise, and end user private personal property taxation rates respectively.

(F) The operation of a passenger tramway shall not constitute the operation of a common carrier as defined in [section 4169.01 of the Revised Code](#).

(G) The operation of radio broadcasting via radio transmission of energy shall not constitute the operation of a common carrier as defined in [section 2933.51 of the Revised Code](#).

*Department of Taxation note - real & personal property taxes must consequently be broken out from each other. Other modifications to common carrier tax assessment rules may be needed too.*

§ #.19. Studies of multimodalway project.

(A) The department shall expend such monies as it considers necessary for studies of any multimodalway project, whether proposed, under construction, being controlled, operated, maintained, or repaired, and may employ consulting engineers, traffic engineers, network engineers, researchers, and any other individuals or firms that the department considers necessary to properly implement the studies. The cost of the studies may be paid from revenues, eligible state and federal grants, state taxes available to the department and permitted by law to be spent for such purposes, or the proceeds of bonds.

(B) The department shall encourage academic and training institutions and organizations interested in testing, monitoring, observing, training, instructing, and other related activities on multimodalway infrastructures, and on governmental agency, common carrier, for-hire carrier, private carrier, private enterprise, and end user infrastructures pending their prior written approval.

§ #.20. Multimodalway project, property, income, and bonds free from taxation.

(A) The exercise of the powers granted by this chapter is in all respects for the benefit of the people of the state, for the increase of their commerce and prosperity, and for the improvement of their health and living conditions, and as the construction, control, operation, maintenance, and repair of the State multimodalway system by the State multimodalway department constitute the performance of essential governmental functions, the department, except as provided in division (D) of section #.05 of the Revised Code, shall not be required to pay any state or local taxes or assessments upon any multimodalway project, or upon revenues or any property acquired or used by the department under this chapter, or upon the income therefrom. The bonds issued under this chapter, their transfer, and the income therefrom, including any profit made on the sale thereof, shall at all times be free from taxation within the state.

§ #.21. Continuance as a user fee multimodalway after debts paid; fixing and use of fees.

(A) When bond service charges on all outstanding bonds issued in connection with any multimodalway project have been paid or provision for that payment has been made, as provided in the applicable bond proceedings, or in the case of a multimodalway project in connection with which no bonds have been issued, the project shall continue to be or be controlled, operated, maintained, and repaired by the Ohio multimodalway department as a part of the Ohio multimodalway system and as a user fee multimodalway, and all revenues received by the department relating to that project shall be applied as provided in division (B) of this section.

(B) Subject to the bond proceedings for bonds relating to any multimodalway project, fees relating to a multimodalway project as referred to in division (A) of this section shall be so fixed and adjusted that the aggregate of revenues relating to that project and available for the purpose are in amounts to provide moneys sufficient, and those revenues shall be used, to pay the costs described in division (C)(1) of section #.13 of the Revised Code.

§ #.22. Journal.

All final actions of the State multimodalway department shall be journalized and mounted online on the department's website, and such journal shall be open to the inspection of the public at all reasonable times, and such website shall be available online at all times pending scheduled data backups or other system failures.

§ #.23. Liberal construction of sections.

This chapter, being necessary for the welfare of the state and its inhabitants, shall be liberally construed to effect the purposes thereof.

§ #.24. Multimodalway oversight committee and subcommittees.

(A) There is hereby created a multimodalway oversight committee consisting of six members as follows:

(1) Three members of the senate, no more than two of whom shall be members of the same political party, one of whom shall be the chairperson of the committee dealing primarily with distribution matters, one of whom shall be appointed by the president of the senate, and one of whom shall be appointed by the minority leader of the senate.

Both the senate member who is appointed by the president of the senate and the senate member appointed by the minority leader of the senate shall represent either districts in which is located or through which passes a portion of a multimodalway project that is part of the State multimodalway system or districts located in the vicinity of a multimodalway project that is part of the State multimodalway system.

The president of the senate shall make the president of the senate's appointment to the committee first, followed by the minority leader of the senate, and they shall make their appointments in such a manner that their two appointees represent districts that are located in different areas of the state. If the chairperson of the senate committee dealing primarily with distribution matters represents a district in which is located or through which passes a portion of a multimodalway project that is part of the State multimodalway system or a district located in the vicinity of a multimodalway project that is part of the State multimodalway system, the president of the senate and the minority leader of the senate shall make their appointments in such a manner that their two appointees and the chairperson of the senate committee dealing primarily with distribution matters all represent districts that are located in different areas of the state.

(2) Three members of the house of representatives, no more than two of whom shall be members of the same political party, one of whom shall be the chairperson of the house of representatives committee dealing primarily with distribution matters, one of whom shall be appointed by the speaker of the house of representatives, and one of whom shall be appointed by the minority leader of the house of representatives.

Both the house of representatives member who is appointed by the speaker of the house of representatives and the house of representatives member appointed by the minority leader of the house of representatives shall represent either districts in which is located or through which passes a portion of a multimodalway project that is part of the State multimodalway system or districts located in the vicinity of a multimodalway project that is part of the State multimodalway system.

The speaker of the house of representatives shall make the speaker of the house of representative's appointment to the committee first, followed by the minority leader of the house of representatives, and they shall make their appointments in such a manner that their two appointees represent districts that are located in different areas of the state. If the chairperson of the house of representatives committee dealing primarily with distribution matters represents a district in which is located or through which passes a portion of a multimodalway project that is part of the State multimodalway system or a district located in the vicinity of a multimodalway project that is part of the State multimodalway system, the speaker of the house of representatives and the minority leader of the house of representatives shall make their appointments in such a manner that their two appointees and the chairperson of the house of representatives committee dealing primarily with distribution matters all represent districts that are located in different areas of the state.

The chairperson of the house of representatives committee shall serve as the chairperson of the multimodalway oversight committee for the year ####. Thereafter, the chair annually shall alternate between, first, the chairperson of the senate committee and then the chairperson of the house of representatives committee.

(B) Each member of the multimodalway oversight committee who is a member of the general assembly shall serve a term of the remainder of the general assembly during which the member is appointed or is serving as chairperson of the specified senate or house committee. In the event of the death or resignation of a committee member who is a member of the general assembly, or in the event that a member ceases to be a senator or representative, or in the event that the chairperson of the senate committee dealing primarily with distribution matters or the chairperson of the house of representatives committee dealing primarily with distribution matters ceases to hold that position, the vacancy shall be filled through an appointment by the president of the senate or the speaker of the house of representatives or minority leader of

the senate or house of representatives, as applicable. Any member appointed to fill a vacancy occurring prior to the end of the term for which the member's predecessor was appointed shall hold office for the remainder of the term or for a shorter period of time as determined by the president or the speaker. A member of the committee is eligible for reappointment.

(C) The multimodalway oversight committee shall meet at least quarterly and may meet at the call of its chairperson, or upon the written request to the chairperson of not fewer than four members of the committee. At least three of the quarterly meetings shall be held at sites located along a multimodalway project as determined by the chairperson of the committee. At each meeting, the State multimodalway department shall make a report to the committee on department matters, including but not limited to financial and budgetary matters and proposed and on-going construction, control, operation, maintenance, and repair projects of the department. At each meeting, oversight subcommittee chairpersons shall make reports to the committee on subcommittee matters pertaining to all stakeholders' interests each infrastructure.

The committee, by the affirmative vote of at least four of its members, may submit written recommendations to the department, either at meetings held pursuant to this section or at any other time, on matters pertaining to each modes' providers, access, use, uses, stakeholder interests, new multimodal projects, new project enterprise operations, or new network access points located on existing projects that the committee believes the department should consider constructing and providing.

(D) There is hereby created one oversight subcommittee per each mode of provided transportation and telecommunication infrastructure and other beneficial uses for all multimodalway projects, consisting of members representing stakeholder interests, one of whom shall be the chairperson, as follows:

(1) One member representing the multimodalway's mode of infrastructure provision or beneficial use administration;

(2) One member representing each infrastructure provider classification including government agencies, common carriers, for hire carriers, private carriers, private enterprises, and end users;

(3) One member representing each infrastructure user and shared facility user classification including government agencies, common carriers, for hire carriers, private carriers, private enterprises, and end users;

(4) One member representing revenue bondholders;

(5) One member representing National Defense government agencies;

(6) One member representing Homeland Security government agencies;

(7) One member representing adjacent landowners;

(8) One member representing each discipline grouping of academia and research institutions including infrastructure engineering research (i.e., civil, mechanical, fluid, communications, etc.) interests, infrastructure technological research (i.e., systems analysis, energy, operations, logistics, etc.) interests, and social research (i.e., health, welfare, pollution, safety) interests;

(9) One member representing finance and economics interests;

(10) One member representing legal and liability interests;

(11) One member representing labor interests;

(12) One member representing economic development interests.

(E) Each oversight subcommittee shall meet at least quarterly, may meet jointly with another oversight subcommittee, and may meet at the call of its chairperson, or upon the written request to the chairperson of not fewer than a majority of members of the subcommittee. At least three of the quarterly meetings shall be held at sites located along a multimodalway project as determined by the chairperson of the subcommittee.

Each subcommittee chairperson, by the affirmative vote of a majority of its members, may present written concerns and recommendations to the oversight committee, either at meetings held pursuant to this section or at any other time, detailing new and proposed projects, new project enterprise operations, new network access points located on existing projects that the subcommittee believes the committee should recommend to the department to consider constructing, access, use, infrastructure interfacing, intermodalistic expediency,

project progress, problems, standards, rules, regulations, fee assessments, audits, and other issues and aspects pertaining to multimodalway projects and enterprise operations.

(F) The members of the oversight committee who are members of the general assembly shall serve without compensation, but shall be reimbursed by the department for their actual and necessary expenses incurred in the discharge of their official duties as committee members. Serving as a member of the oversight committee does not constitute grounds for resignation from the senate or house of representatives under [section 101.26 of the Revised Code](#).

(G) The members of the oversight subcommittees shall serve without compensation, but shall be reimbursed by the department for their actual and necessary expenses incurred in the discharge of their official duties as subcommittee members. Oversight subcommittee members may serve jointly on multiple oversight subcommittees with the approval of their stakeholders.

§ #.25. Department may not employ lobbyist.

(A) Notwithstanding any provision of law to the contrary, the State multimodalway department shall make no expenditure to engage the services of any person to influence either of the following:

(1) Administrative actions or decisions of the governor, the director of any department listed in [section 121.02 of the Revised Code](#), any member of the staff of any public officer or employee listed in this section, the president of the United States, or any federal officer or employee;

(2) Legislation pending in this state or any other state, a subdivision of this state or any other state, or the federal government, including the executive approval or veto of any such pending legislation.

(B) This section shall not be interpreted to prohibit the department from designating officers or members of the department, or full-time, permanent employees of the department, to act as administrative or legislative agents for the department.

§ #.26. Notice and hearing requirements for change in fee rate structure.

(A) Except as provided in division (D) of this section, no change by the State multimodalway department in the fee rate structure that is applicable to users of a multimodalway project shall become effective unless the department complies with the notice and hearing requirements prescribed in division (B) of this section, and the department shall not take any action that expands, has the effect of expanding, or will to any degree at any time in the future have the effect of expanding the sphere of responsibility of the department beyond the State multimodalway, unless the department complies with the notice and hearing requirements prescribed in division (B) of this section.

(B) Not less than ninety days prior to the date on which the department will vote to change any part of the fee rate structure that is applicable to users of a multimodalway project, and not less than ninety days prior to the date on which the department will vote to take an action that expands, has the effect of expanding, or will to any degree at any time in the future have the effect of expanding the sphere of responsibility of the department beyond the State multimodalway, the department shall commence holding public hearings on the proposed change in the fee rate structure or the proposed action. If the department is proposing a change in the fee rate structure that is applicable to users of a multimodalway project, it shall hold not less than three public meetings in three geographically diverse locations in this state that are in the immediate vicinity of the affected fee project. If the department is proposing to take an action that expands, has the effect of expanding, or will to any degree at any time in the future have the effect of expanding the sphere of responsibility of the department beyond the State multimodalway, it shall hold not less than three public meetings in three locations in the immediate vicinity where the expanded responsibilities will arise.

The department shall hold the third or, if it holds more than three hearings, the last hearing of any set of hearings required to be held under this section not less than thirty days prior to the date on which it will vote to change part of the fee rate structure that is applicable to users of a multimodalway project or to take an action that expands, has the effect of expanding, or will to any degree at any time in the future have the effect of expanding the sphere of responsibility of the department beyond the State multimodalway.

The department shall inform the public of all the meetings required to be held under this section by causing a notice to be published in a newspaper of general

circulation in the county in which each meeting is to be held, not less than once per week for two weeks prior to the date of the meeting, and via the department's website, email, listserv, or other communications media.

(C) If the department does not comply with the notice and hearing requirements contained in division (B) of this section and is proposing a change in the fee rate structure that is applicable to users of a multimodalway project, the proposed change in the fee rate structure shall not take effect, any attempt by the department to implement the change in the fee rate structure is void, and, if necessary, the attorney general shall file an action in the court of common pleas of the county in which the principal office of the department is located to enjoin the department from implementing the change. The department shall not implement the proposed change until it complies with division (B) of this section.

If the department does not comply with the notice and hearing requirements contained in division (B) of this section and is proposing to take an action that expands, has the effect of expanding, or will to any degree at any time in the future have the effect of expanding the sphere of responsibility of the department beyond the State multimodalway, the department shall not take the proposed action and, if necessary, the attorney general shall file an action in the court of common pleas of the county in which the principal office of the department is located to enjoin the department from taking the proposed action. The department shall not take the proposed action until it complies with the notice and hearing requirements prescribed in division (B) of this section.

§ #.27. Application by subdivisions or agencies for projects.

The State multimodalway department and another person designated by the governor shall establish a procedure whereby a political subdivision or other government agency or agencies may submit a written application to the department, requesting the department to construct, control, and operate a project and project enterprise operations within the boundaries of the subdivision, agency, or agencies making the request. The procedure shall include a requirement that the department send a written reply to the subdivision, agency, or agencies, explaining the disposition of the request. The procedure established pursuant to this section shall not become effective unless it is approved by the department and by the director or the director's designee and the designee of the governor, and shall require submission of the proposed project to the multimodalway oversight committee if the project must be approved by the governor.

§ #.28. Fee revenues generated by multimodalway project not to be applied to any other project.

(A) Notwithstanding any other provision of law, on and after the effective date of this section, the State multimodalway department shall not expend any revenues that are generated by an existing multimodalway project to fund or cross-subsidize in any manner or to any degree the construction, control, operation, maintenance, or repair of another multimodalway project, the location of which must be reviewed by the multimodalway oversight committee and approved by the governor.

In paying the cost of such a project, the department may issue bonds and bond anticipation notes as permitted by this chapter, and may accept moneys from any source to pay the cost of any portion of the project, including, but not limited to, the federal government, any department or agency of this state, and any political subdivision or other government agency. Each such project shall be constructed, controlled, operated, maintained, and repaired entirely with funds generated by that project or otherwise specifically acquired for that project from sources permitted by this chapter.

(B) The department shall not expend any revenues generated by the Ohio multimodalway to pay any amount of the principal amount of, or interest due on, any bonds or bond anticipation notes issued by the department to pay any portion of the cost of another multimodalway project the location of which must be reviewed by the multimodalway oversight committee and approved by the governor. The department shall not expend any revenues generated by any multimodalway project to pay any amount of the principal amount of, or interest due on, any bonds or bond anticipation notes issued by the department to pay any portion of the cost of a new multimodalway project the location of which must be reviewed by the multimodalway oversight committee and approved by the governor or the cost of the construction, control, operation, maintenance, or repair of any multimodalway project other than the project that generated those revenues.

§ #.99. Penalties.

Whoever violates division (C) of section #.16 of the Revised Code is guilty of a minor misdemeanor on a first offense; on each subsequent offense such person is guilty of a misdemeanor of the fourth degree.