

4582.21 Newly created or adopting port authority definitions.

As used in sections 4582.22 to 4582.59 of the Revised Code:

(A) "Port authority" means a body corporate and politic created pursuant to the authority of section 4582.22 of the Revised Code.

(B) "~~Authorized purposes projects~~" or "~~purpose project~~" means either of the following:

Changes "purposes" to "projects"

(1) Activities that enhance, foster, facilitate, aid, provide, or promote transportation, telecommunication, and teleportation of people, passengers, packages, express matter, United States mail, baggage, freight, services, and information, and economic, agricultural, commercial, and industrial development, housing, recreation, education, governmental operations, culture, tourism, or research, the general welfare, safety, security, expedience, competitiveness, and other beneficial purposes within the designated project jurisdiction of the port authority;

Adds telecommunication projects and teleportation projects (emerging field of physical objects' characteristics being digitized, their structures and other information transported via telecommunication means, and reconstructed into their original forms at the destination). Examples include railways (traditional, inclined-plane, monorail, elevated, light rail, interurban, electric, maglev, or alternative fueled), airways (airports), wireless and wireline telecommunications, trailways, canalways, towpaths, tramways, evacuated tubes, etc. Adds agricultural, commercial and industrial economic sector project promotion. Other beneficial purposes example: gardens and horticulture on rights of way.

(2) Activities authorized by Sections 13 and 16 of Article VIII, Ohio Constitution.

(C) "Governmental agency" means a department, division, or other unit of state government of this state or any other state, a municipal corporation, county, township, or other political subdivision, or any other public corporation or agency created under the laws of this state, any other state, the United States, or any department or agency thereof, and any agency, commission, or authority established pursuant to an interstate compact or agreement.

(D) "Person" means any individual, firm, partnership, association, or corporation, or any combination thereof.

(E) "Port authority facility" or "facility" means real or personal property, or any combination of such facilities thereof owned, leased, or otherwise controlled or financed by a port authority and related to, useful for, or in furtherance of, one or more authorized purposes projects. Port authority facilities may be shared equally by all persons reasonably accommodable therein, franchised exclusively to a select person, or utilized for administrative purposes only per the project. Shared port authority facilities may be used to interconnect and interexchange one or more persons' rights of way, infrastructures, facilities, and services together. Shared port authority facilities should encourage generally short term personal operations such as transloading or interchange, whereas long term operations including warehousing or administrative offices should be franchised or privatized.

The definition of Facility is changed in ORC 4582.21 to 4582.59 from meaning a project to meaning a physical structure that may be a part of a project. Facilities may include passenger receiving, processing, and departing stations and terminals and gates, freight depots and platforms, loading, unloading, and transloading docks, marshalling and classification yards, terminals, way stations, safety, storage, and maintenance garages, roundhouses, warehouses, stores, workshops, machine shops, fueling depots, fuel storage, district offices, office buildings, centralized and shared network operations center, bridging and peering sites, points of presence, equipment rooms and closets, control towers, dispatch desks, service stations, restaurants, food service, vending, roadside parks

and rest areas, parking, vehicle storage, camping, tenting, rest, shelter, sleeping, wayside parks, hotels or motels, and all similar and other facilities providing comfort, aid, information, and accommodation services to the traveling public, and other related buildings and structures therefore. The last point regarding short vs. long term shared facility use should be dynamic policy made after a fair period of observation to determine if facility users are unfairly utilizing too much space, time, or other aspects.

(F) "Cost" as applied to a port authority facility project means the cost of acquisition or construction of the facility project, and the cost of acquisition of all land, rights-of-way, property rights, easements, infrastructures, facilities, franchise rights, and interests required for that acquisition or construction, the cost of demolishing or removing any buildings or structures on land so acquired, including the cost of acquiring any lands to which those buildings or structures may be moved, the cost of acquiring or constructing and equipping a principal office of the port authority, the cost of diverting highways, interchange of highways, and access roads to private property, including the cost of land or easements for the access roads, the cost of public utility and common carrier relocation or duplication, the cost of all machinery, furnishings, and equipment, financing charges, interest prior to and during construction and for no more than eighteen months after completion of construction, engineering, expenses of research and development with respect to port authority facilities projects, legal expenses, plans, specifications, surveys, studies, estimates of cost and revenues, other expenses necessary or incident to determining the feasibility or practicability of acquiring or constructing the facility project, administrative expense, and other expenses as may be necessary or incident to the acquisition or construction of the facility project, the financing of the acquisition or construction, including the amount authorized in the resolution of the port authority providing for the issuance of port authority revenue bonds to be paid into any special funds from the proceeds of such bonds and the financing of the placing of the facility project in operation. Any obligation, cost, or expense incurred by any governmental agency or person for surveys, borings, preparation of plans and specifications, and other

engineering services, or any other cost described above, in connection with the acquisition or construction of a facility project may be regarded as part of the cost of the facility project and may be reimbursed out of the proceeds of port authority revenue bonds as authorized by this chapter.

(G) "Revenues" means all rentals and other charges received by the port authority for the use or services of any port authority facility project, any gift or grant received with respect to any port authority facility project, any moneys received with respect to the lease, sublease, sale, including installment sale or conditional sale, or other disposition of a port authority facility project, moneys received in repayment of and for interest on any loans made by the port authority to a person or governmental agency, whether from the United States or any department, administration, or agency thereof, or otherwise, proceeds of port authority revenue bonds to the extent the use thereof for payment of principal or of premium, if any, or interest on the bonds is authorized by the port authority, proceeds from any insurance, condemnation, or guaranty pertaining to a facility project or property mortgaged to secure bonds or pertaining to the financing of the facility project, and income and profit from the investment of the proceeds of port authority revenue bonds or of any revenues.

(H) "Public roads" includes all public highways, roads, and streets in the state, whether maintained by the state or by a county, township, municipal corporation, or other political subdivision.

(I) "Construction," unless the context indicates a different meaning or intent, includes alteration, construction, creation, development, enlargement, improvement, installation, reconstruction, remodeling, and renovation.

(J) "Port authority revenue bonds," unless the context indicates a different meaning or intent, includes revenue notes, revenue renewal notes, and revenue refunding bonds.

(K) "Contracting subdivision" means any governmental subdivision or

taxing district of the state that, by action of its legislative authority, enters into an agreement with a port authority or a port authority and one or more other governmental subdivisions or taxing districts of the state. "Contracting subdivision" does not mean a transportation improvement district.

(L) "Governmental subdivision" includes, but is not limited to, any county, municipal corporation, township, port authority, water or sewer district, solid waste management district, school district, health district, park district, soil and water conservation district, water conservancy district, regional transit authority, airport authority, or other district, authority, or commission created pursuant to the laws of this state. "Governmental subdivision" does not include a transportation improvement district.

(M) "Right-of-way" means land, property, or the interest therein, in the configuration of a strip including shoulders or berm, ditch, and slopes extending to the right-of-way limits, utilized as the way for an infrastructure or multiple infrastructures.

(N) "Infrastructure" means the systems, networking, technologies, equipment, and other appurtenances used, available for use, or designed for use to aid in the safely and securely separated provision of a project.

In this definition, Infrastructure excludes facilities and is more oriented to networking. Infrastructure may include main tracks, connecting tracks, sidetracks, turnouts, tunnels, bridges, piers, stays, supports, stairways, approaches, power systems, telegraph, telephone, signal service for traffic control purposes, signal masts, poles, towers, monopoles, antennae, maintenance roadways, paths, pipes, mains, conduits, cables, wires, fuel bins and depots, water tanks, standpipes, landing strips, searchlights, marker lights, radars, security and monitoring systems, and other equipment, appliances, and structures of like character.

(O) "Public utility" means each person referred to as a telephone company, telegraph company, electric company, natural gas company, pipe-line company, water-works company, water transportation company,

heating company, rural electric company, railroad company, or combined company.

(P) "Common carrier" means 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 transportation, telecommunication, or teleportation of property, passengers, services or information in this state, and being the sole owner and or sole operator of rights of way, infrastructure, and facilities or combinations thereof, and is the sole provider of services utilizing the same rights of way, infrastructure, and facilities or combinations thereof, for hire, whether directly or by lease or other arrangement, by persons in general. A "common carrier" is also referred to as a "natural utility" when multiple rights of way, infrastructures, facilities, and services or combinations thereof utilized or proposed to be utilized by additional right of way, infrastructure, facility, and service providers or combinations thereof in the same market area would be inefficient, impractical, or impossible to implement, thereby resulting in a concentrated provision market and increasing the needs for government market regulation.

The definition of Common Carrier for ORC ORC 4582.21 to 4582.59 refers back to its original meaning of a sole carrier that as a monopoly also owns and/or operates rights of way, infrastructures, and facilities or combinations thereof that all users must use if they desire a particular type of telecommunications or transportation service between locations.

(Q) "For hire carrier", or "contract carrier" means 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 transportation, telecommunication, or teleportation of property, passengers, services or information in this state, and being a competitive owner and or a competitive operator of rights of way, infrastructures, and

facilities or combinations thereof, or is a competitive provider of services utilizing the same rights of way, infrastructures, and facilities or combinations thereof, or is a competitive provider of services utilizing rights of way, infrastructures, and facilities or combinations thereof belonging to common carriers, government agencies, or other for hire carriers, for hire, whether directly or by lease or other arrangement, by persons in general. A "for hire carrier" is distinguished from a "common carrier" or "natural utility" when multiple rights of way, infrastructures, facilities, and services or combinations thereof utilized or proposed to be utilized by additional right of way, infrastructure, facility, and service providers or combinations thereof are efficient, practical, and possible to implement, thereby resulting in a competitive provision market and reducing the needs for government market regulation.

(R) "Private carrier" means 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 transportation, telecommunication, or teleportation of property, passengers, services or information in this state, and being a private owner and or a private operator of rights of way, infrastructures, and facilities or combinations thereof, and is a private user of services utilizing the same rights of way, infrastructures, and facilities or combinations thereof, or is a private user of services utilizing the rights of way, infrastructures, and facilities or combinations thereof belonging to common carriers, government agencies, or for hire carriers, for its own wide area networks, supply chains, and distribution networks in general.