



## Ohio Revised Code

### Section 4981.02 Ohio rail development commission.

Effective: June 30, 2023

Legislation: House Bill 23

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(A) There is hereby created the Ohio rail development commission, as an independent agency of the state within the department of transportation, consisting of the following members:

(1) Two members of the Ohio senate, one of whom shall be appointed by and serve at the pleasure of the president of the senate and one of whom shall be appointed by and serve at the pleasure of the minority leader of the senate;

(2) Two members of the Ohio house of representatives, one of whom shall be appointed by and serve at the pleasure of the speaker of the house of representatives and one of whom shall be appointed by and serve at the pleasure of the minority leader of the house of representatives;

(3) Two members representing the general public, one of whom shall be appointed by the president of the senate and one of whom shall be appointed by the speaker of the house of representatives;

(4) The director of transportation, or the director's designee, who shall be an ex officio member;

(5) The director of development, or the director's designee, who shall be an ex officio member;

(6) The following members appointed by the governor with the advice and consent of the senate:

(a) One member, who shall serve as chairperson of the commission until October 21, 2025, or an earlier date if the member resigns or otherwise leaves office;

(b) One member, who shall represent the interests of a freight rail company;

(c) One member, who shall represent the interests of passenger rail service;

(d) One member, who shall have expertise in infrastructure financing;



(e) One member, who shall represent the interests of organized labor;

(f) One member, who shall represent the interests of manufacturers;

(g) One member who shall represent the general public, subject to division (B) of this section.

(B) Beginning on October 21, 2025, or at an earlier date if there is a vacancy in the position of chairperson, the director of transportation or the director's designee shall serve as the chairperson of the commission. Upon the director or director's designee assuming the position of chairperson, the governor shall appoint an additional member to the commission to represent the general public.

(C) All members shall be reimbursed for actual expenses incurred in the performance of their duties. The members of the commission from the Ohio senate and the Ohio house of representatives shall serve as nonvoting members. No more than four members of the seven appointed to the commission by the governor shall be from the same political party. Each member of the commission shall be a resident of this state.

(D) Within sixty days after October 20, 1994, the governor shall make initial appointments to the commission. Of the initial appointments made to the commission, three shall be for a term ending three years after October 20, 1994, and three shall be for a term ending six years after that date. Terms for all other appointments made to the commission shall be for six years. Vacancies shall be filled in the manner provided for original appointments. Any member appointed to fill a vacancy shall have the same qualifications as the member's predecessor. Each term shall end on the same day of the same month of the year as did the term which it succeeds. Each appointed member shall hold office from the date of the member's appointment until the end of the term for which the member was appointed. Any member appointed to fill a vacancy before the expiration of the term for which the member's predecessor was appointed shall hold office for the remainder of that term. Any appointed member shall continue in office subsequent to the expiration date of the member's term until the member's successor takes office, or for a period of sixty days, whichever occurs first. All members shall be eligible for reappointment.

(E) The commission may employ an executive director, who shall have appropriate experience as



determined by the commission, and a secretary-treasurer and other employees that the commission considers appropriate. The commission may fix the compensation of the employees.

(F) Six members of the commission shall constitute a quorum, and the affirmative vote of six members shall be necessary for any action taken by the commission. No vacancy in the membership of the commission shall impair the rights of a quorum to exercise all the rights and perform all the duties of the commission.

(G) All members of the commission are subject to Chapter 102. of the Revised Code.

(H) The department of transportation may use all appropriate sources of revenue to assist the commission in developing and implementing rail service.

(I) Expenditures by the department of transportation, the Ohio rail development commission, or any other state agency for capital improvements for the development of passenger rail shall be subject to the approval of the controlling board with an affirmative vote of not fewer than five members, including the affirmative vote of a majority of the controlling board members appointed by the president of the senate and a majority of the controlling board members appointed by the speaker of the house of representatives. All public funds acquired by the commission shall be used for developing, implementing, and regulating rail service and not for operating rail service unless the general assembly specifically approves the expenditure of funds for operating rail service.