

As Introduced

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H. B. No. 773

Representatives Williams, Klopfenstein

**Cosponsors: Representatives Manning, Salvo, Workman, Brennan, Peterson,
King, Daniels, Kishman, Newman, Glassburn, Creech**

To amend sections 5537.01 and 5537.04 and to enact 1
section 5537.31 of the Revised Code to require 2
the sale of E15 blended fuel at turnpike service 3
facilities and a feasibility study related to 4
the sale of biodiesel fuel at those facilities. 5

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 5537.01 and 5537.04 be amended 6
and section 5537.31 of the Revised Code be enacted to read as 7
follows: 8

Sec. 5537.01. As used in this chapter: 9

(A) "Commission" means the Ohio turnpike and 10
infrastructure commission created by section 5537.02 of the 11
Revised Code or, if that commission is abolished, the board, 12
body, officer, or commission succeeding to the principal 13
functions thereof or to which the powers given by this chapter 14
to the commission are given by law. 15

(B) "Turnpike project" means any express or limited access 16
highway, super highway, or motorway constructed, operated, or 17
improved, under the jurisdiction of the commission and pursuant 18

to this chapter and approved by the governor, including all 19
bridges, tunnels, overpasses, underpasses, interchanges, 20
entrance plazas, approaches, those portions of connecting public 21
roads that serve interchanges and are determined by the 22
commission and the director of transportation to be necessary 23
for the safe merging of traffic between the turnpike project and 24
those public roads, toll booths, service facilities, and 25
administration, storage, and other buildings, property, and 26
facilities that the commission considers necessary for the 27
operation or policing of the turnpike project, together with all 28
property and rights which may be acquired by the commission for 29
the construction, maintenance, or operation of the turnpike 30
project, and includes any sections or extensions of a turnpike 31
project designated by the commission as such for the particular 32
purpose. Each turnpike project shall be separately designated, 33
by name or number, and may be constructed, improved, or extended 34
in such sections as the commission may from time to time 35
determine. Construction includes the improvement and renovation 36
of a previously constructed turnpike project, including 37
additional interchanges, whether or not the turnpike project was 38
initially constructed by the commission. 39

(C) "Infrastructure project" means any public express or 40
limited access highway, super highway, or motorway, including 41
all bridges, tunnels, overpasses, underpasses, interchanges, 42
entrance plazas, approaches, and those portions of connecting 43
public roads that serve interchanges, that is constructed or 44
improved, in whole or in part, with infrastructure funding 45
approved pursuant to criteria established under section 5537.18 46
of the Revised Code. 47

(D) "Cost," as applied to construction of a turnpike 48
project or an infrastructure project, includes the cost of 49

construction, including bridges over or under existing highways 50
and railroads, acquisition of all property acquired either by 51
the commission or by the owner of the infrastructure project for 52
the construction, demolishing or removing any buildings or 53
structures on land so acquired, including the cost of acquiring 54
any lands to which the buildings or structures may be moved, 55
site clearance, improvement, and preparation, diverting public 56
roads, interchanges with public roads, access roads to private 57
property, including the cost of land or easements therefor, all 58
machinery, furnishings, and equipment, communications 59
facilities, financing expenses, interest prior to and during 60
construction and for one year after completion of construction, 61
traffic estimates, indemnity and surety bonds and premiums on 62
insurance, title work and title commitments, insurance, and 63
guarantees, engineering, feasibility studies, and legal 64
expenses, plans, specifications, surveys, estimates of cost and 65
revenues, other expenses necessary or incident to determining 66
the feasibility or practicability of constructing or operating a 67
turnpike project or an infrastructure project, administrative 68
expenses, and any other expense that may be necessary or 69
incident to the construction of the turnpike project or an 70
infrastructure project, the financing of the construction, and 71
the placing of the turnpike project or an infrastructure project 72
in operation. Any obligation or expense incurred by the 73
department of transportation with the approval of the commission 74
for surveys, borings, preparation of plans and specifications, 75
and other engineering services in connection with the 76
construction of a turnpike project or an infrastructure project, 77
or by the federal government with the approval of the commission 78
for any public road projects which must be reimbursed as a 79
condition to the exercise of any of the powers of the commission 80
under this chapter, shall be regarded as a part of the cost of 81

the turnpike project or an infrastructure project and shall be 82
reimbursed to the state or the federal government, as the case 83
may be, from revenues, state taxes, or the proceeds of bonds as 84
authorized by this chapter. 85

(E) "Owner" includes all persons having any title or 86
interest in any property authorized to be acquired by the 87
commission for turnpike projects under this chapter, or the 88
public entity for whom an infrastructure project is funded, in 89
whole or in part, by the commission under this chapter. 90

(F) "Revenues" means all tolls, service revenues, 91
investment income on special funds, rentals, gifts, grants, and 92
all other moneys coming into the possession of or under the 93
control of the commission by virtue of this chapter, except the 94
proceeds from the sale of bonds. "Revenues" does not include 95
state taxes. 96

(G) "Public roads" means all public highways, roads, and 97
streets in the state, whether maintained by a state agency or 98
any other governmental agency. 99

(H) "Public utility facilities" means tracks, pipes, 100
mains, conduits, cables, wires, towers, poles, and other 101
equipment and appliances of any public utility. 102

(I) "Financing expenses" means all costs and expenses 103
relating to the authorization, issuance, sale, delivery, 104
authentication, deposit, custody, clearing, registration, 105
transfer, exchange, fractionalization, replacement, payment, and 106
servicing of bonds including, without limitation, costs and 107
expenses for or relating to publication and printing, postage, 108
delivery, preliminary and final official statements, offering 109
circulars, and informational statements, travel and 110

transportation, underwriters, placement agents, investment 111
bankers, paying agents, registrars, authenticating agents, 112
remarketing agents, custodians, clearing agencies or 113
corporations, securities depositories, financial advisory 114
services, certifications, audits, federal or state regulatory 115
agencies, accounting and computation services, legal services 116
and obtaining approving legal opinions and other legal opinions, 117
credit ratings, redemption premiums, and credit enhancement 118
facilities. 119

(J) "Bond proceedings" means the resolutions, trust 120
agreements, certifications, notices, sale proceedings, leases, 121
lease-purchase agreements, assignments, credit enhancement 122
facility agreements, and other agreements, instruments, and 123
documents, as amended and supplemented, or any one or more or 124
any combination thereof, authorizing, or authorizing or 125
providing for the terms and conditions applicable to, or 126
providing for the security or sale or award or liquidity of, 127
bonds, and includes the provisions set forth or incorporated in 128
those bonds and bond proceedings. 129

(K) "Bond service charges" means principal, including any 130
mandatory sinking fund or mandatory redemption requirements for 131
the retirement of bonds, and interest and any redemption premium 132
payable on bonds, as those payments come due and are payable to 133
the bondholder or to a person making payment under a credit 134
enhancement facility of those bond service charges to a 135
bondholder. 136

(L) "Bond service fund" means the applicable fund created 137
by the bond proceedings for and pledged to the payment of bond 138
service charges on bonds provided for by those proceedings, 139
including all moneys and investments, and earnings from 140

investments, credited and to be credited to that fund as 141
provided in the bond proceedings. 142

(M) "Bonds" means bonds, notes, including notes 143
anticipating bonds or other notes, commercial paper, 144
certificates of participation, or other evidences of obligation, 145
including any interest coupons pertaining thereto, issued by the 146
commission pursuant to this chapter. 147

(N) "Infrastructure fund" means the applicable fund or 148
funds created by the bond proceedings, which shall be used to 149
pay or defray the cost of infrastructure projects recommended by 150
the director of transportation and evaluated and approved by the 151
commission. 152

(O) "Net revenues" means revenues lawfully available to 153
pay both current operating expenses of the commission and bond 154
service charges in any fiscal year or other specified period, 155
less current operating expenses of the commission and any amount 156
necessary to maintain a working capital reserve for that period. 157

(P) "Pledged revenues" means net revenues, moneys and 158
investments, and earnings on those investments, in the 159
applicable bond service fund and any other special funds, and 160
the proceeds of any bonds issued for the purpose of refunding 161
prior bonds, all as lawfully available and by resolution of the 162
commission committed for application as pledged revenues to the 163
payment of bond service charges on particular issues of bonds. 164

(Q) "Service facilities" means service stations, 165
restaurants, and other facilities for food service, roadside 166
parks and rest areas, parking, camping, tenting, rest, and 167
sleeping facilities, hotels or motels, and all similar and other 168
facilities providing services to the traveling public in 169

connection with the use of a turnpike project and owned, leased, 170
licensed, or operated by the commission. 171

(R) "Service revenues" means those revenues of the 172
commission derived from its ownership, leasing, licensing, or 173
operation of service facilities. 174

(S) "Special funds" means the applicable bond service fund 175
and any accounts and subaccounts in that fund, any other funds 176
or accounts permitted by and established under, and identified 177
as a "special fund" or "special account" in, the bond 178
proceedings, including any special fund or account established 179
for purposes of rebate or other requirements under federal 180
income tax laws. 181

(T) "State agencies" means the state, officers of the 182
state, and boards, departments, branches, divisions, or other 183
units or agencies of the state. 184

(U) "State taxes" means receipts of the commission from 185
the proceeds of state taxes or excises levied and collected, or 186
appropriated by the general assembly to the commission, for the 187
purposes and functions of the commission. State taxes do not 188
include tolls, or investment earnings on state taxes except on 189
those state taxes referred to in Section 5a of Article XII, Ohio 190
Constitution. 191

(V) "Tolls" means tolls, special fees or permit fees, or 192
other charges by the commission to the owners, lessors, lessees, 193
or operators of motor vehicles for the operation of or the right 194
to operate those vehicles on a turnpike project. 195

(W) "Credit enhancement facilities" means letters of 196
credit, lines of credit, standby, contingent, or firm securities 197
purchase agreements, insurance, or surety arrangements, 198

guarantees, and other arrangements that provide for direct or 199
contingent payment of bond service charges, for security or 200
additional security in the event of nonpayment or default in 201
respect of bonds, or for making payment of bond service charges 202
and at the option and on demand of bondholders or at the option 203
of the commission or upon certain conditions occurring under put 204
or similar arrangements, or for otherwise supporting the credit 205
or liquidity of the bonds, and includes credit, reimbursement, 206
marketing, remarketing, indexing, carrying, interest rate hedge, 207
and subrogation agreements, and other agreements and 208
arrangements for payment and reimbursement of the person 209
providing the credit enhancement facility and the security for 210
that payment and reimbursement. 211

(X) "Person" has the same meaning as in section 1.59 of 212
the Revised Code and, unless the context otherwise provides, 213
also includes any governmental agency and any combination of 214
those persons. 215

(Y) "Refund" means to fund and retire outstanding bonds, 216
including advance refunding with or without payment or 217
redemption prior to stated maturity. 218

(Z) "Governmental agency" means any state agency, federal 219
agency, political subdivision, or other local, interstate, or 220
regional governmental agency, and any combination of those 221
agencies. 222

(AA) "Property" has the same meaning as in section 1.59 of 223
the Revised Code, and includes interests in property. 224

(BB) "Administrative agent," "agent," "commercial paper," 225
"floating rate interest structure," "indexing agent," "interest 226
rate hedge," "interest rate period," "put arrangement," and 227

"remarketing agent" have the same meanings as in section 9.98 of 228
the Revised Code. 229

(CC) "Outstanding," as applied to bonds, means outstanding 230
in accordance with the terms of the bonds and the applicable 231
bond proceedings. 232

(DD) "Ohio turnpike system" or "system" means all existing 233
and future turnpike projects constructed, operated, and 234
maintained under the jurisdiction of the commission. 235

(EE) "Ohio turnpike and infrastructure system" means 236
turnpike projects and infrastructure projects funded by the 237
commission existing on and after July 1, 2013, that facilitate 238
access to, use of, and egress from the Ohio turnpike system, and 239
also facilitate access to and from areas of population, 240
commerce, and industry that are connected to the Ohio turnpike 241
system. 242

(FF) "E15 blended fuel" means gasoline that contains more 243
than ten and not more than fifteen volume per cent ethanol. 244

(GG) "Authorized motor fuel retailer" means any person 245
licensed in this state to offer motor fuel for retail sale to 246
the public and under contract with the commission to sell such 247
motor fuel at a service facility connected to the Ohio turnpike 248
system. 249

Sec. 5537.04. (A) The Ohio turnpike and infrastructure 250
commission may do any of the following: 251

(1) Adopt bylaws for the regulation of its affairs and the 252
conduct of its business; 253

(2) Adopt an official seal, which shall not be the great 254
seal of the state and which need not be in compliance with 255

section 5.10 of the Revised Code;	256
(3) Maintain a principal office and suboffices at such places within the state as it designates;	257 258
(4) With respect to the Ohio turnpike system and turnpike projects, sue and be sued in its own name, plead and be impleaded, provided any actions against the commission shall be brought in the court of common pleas of the county in which the principal office of the commission 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 commission by leaving a copy thereof at its principal office with the secretary-treasurer or executive director of the commission;	259 260 261 262 263 264 265 266 267 268 269
(5) With respect to infrastructure projects only, sue and be sued in its own name, plead and be impleaded, provided any actions against the commission shall be brought in the court of common pleas of Franklin county, and all summonses, exceptions, and notices of every kind shall be served on the commission by leaving a copy thereof at its principal office with the secretary-treasurer or executive director of the commission.	270 271 272 273 274 275 276
(6) Construct, maintain, repair, police, and operate the turnpike system, and establish rules for the use of any turnpike project;	277 278 279
(7) 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 turnpike projects or infrastructure projects;	280 281 282 283
(8) Fix, and revise from time to time, and charge and	284

collect tolls by any method approved by the commission, 285
including, but not limited to, manual methods or through 286
electronic technology accepted within the tolling industry; 287

(9) Acquire, hold, and dispose of property in the exercise 288
of its powers and the performance of its duties under this 289
chapter; 290

(10) Designate the locations and establish, limit, and 291
control such points of ingress to and egress from each turnpike 292
project as are necessary or desirable in the judgment of the 293
commission and of the director of transportation to ensure the 294
proper operation and maintenance of that turnpike project, and 295
prohibit entrance to such a turnpike project from any point not 296
so designated; 297

(11) Make and enter into all contracts and agreements 298
necessary or incidental to the performance of its duties and the 299
execution of its powers under this chapter, including 300
participation in a multi-jurisdiction electronic toll collection 301
agreement and collection or remittance of tolls, fees, or other 302
charges to or from entities or agencies that participate in such 303
an agreement; the commission also may enter into agreements with 304
retail locations, including deputy registrars, to allow the 305
general public to acquire electronic toll collection devices, 306
commonly known as transponders, from the retail locations for 307
such reasonable fees as are established by the commission; 308

(12) Employ or retain or contract for the services of 309
consulting engineers, superintendents, managers, and any other 310
engineers, construction and accounting experts, financial 311
advisers, trustees, marketing, remarketing, and administrative 312
agents, attorneys, and other employees, independent contractors, 313
or agents that are necessary in its judgment and fix their 314

compensation, provided all such expenses shall be payable solely 315
from the proceeds of bonds or from revenues of the Ohio turnpike 316
system; 317

(13) Receive and accept from any federal agency, subject 318
to the approval of the governor, and from any other governmental 319
agency grants for or in aid of the construction, reconstruction, 320
repair, renovation, maintenance, or operation of any turnpike 321
project, and receive and accept aid or contributions from any 322
source or person of money, property, labor, or other things of 323
value, to be held, used, and applied only for the purposes for 324
which such grants and contributions are made; 325

(14) Provide coverage for its employees under Chapters 326
4123. and 4141. of the Revised Code; 327

(15) Fix and revise by rule, from time to time, such 328
permit fees, processing fees, or administrative charges for the 329
prepayment, deferred payment, or nonpayment of tolls and use of 330
electronic tolling equipment or other commission property; 331

(16) Adopt rules for all of the following: 332

(a) The issuance of citations by a policing authority, the 333
issuance of citations through administrative means, and the 334
issuance of invoices by the commission to any person that fails 335
to pay the tolls or fees established for the use of any turnpike 336
project; 337

(b) The issuance of a second invoice to any person who 338
fails to remit payment of a toll or fee to the commission for 339
more than thirty days after issuance of the first invoice and 340
for the imposition of associated late fees; 341

(c) The implementation of procedures whereby a person may 342
dispute an invoice with the commission through an administrative 343

hearing at the commission's principal office as authorized under 344
section 5537.041 of the Revised Code; 345

(d) The implementation of procedures whereby a person may 346
appeal the decision of an administrative hearing in the manner 347
described in section 5537.041 of the Revised Code. 348

(17) Approve funding and authorize agreements with the 349
department of transportation for the funding of infrastructure 350
projects recommended by the director of transportation pursuant 351
to the criteria established by rule under section 5537.18 of the 352
Revised Code; 353

(18) Adopt rules related to equipment standards, safety 354
compliance, timelines, and funding agreements for the 355
installation, retrofitting, or other construction associated 356
with ensuring that E15 blended fuel is made available by 357
authorized motor fuel retailers at service facilities in 358
accordance with section 5537.31 of the Revised Code. 359

(B) The commission may do all acts necessary or proper to 360
carry out the powers expressly granted in this chapter. 361

(C) As used in this section and section 5537.041 of the 362
Revised Code, "person" has the same meaning as in section 363
1745.05 of the Revised Code. 364

Sec. 5537.31. (A) Not later than July 1, 2027, the Ohio 365
turnpike and infrastructure commission shall contract with one 366
or more authorized motor fuel retailers to ensure that each 367
service facility connected to the Ohio turnpike system offers 368
for sale E15 blended fuel in pumps that are adjacent to or 369
comparable to all other forms of fuel offered for sale at those 370
service facilities. 371

(B) The installation, retrofitting, or other construction 372

associated with ensuring each service facility is capable of 373
selling E15 blended fuel is a turnpike project. As such, the 374
costs associated with the project may be paid from revenues, 375
state taxes, or the proceeds of bonds as authorized under this 376
chapter. The commission may also seek federal grants that are 377
available for alternative fuel infrastructure or other funds 378
available through similar incentive programs. 379

(C) (1) Prior to July 1, 2027, the commission shall include 380
the following in its annual comprehensive financial report made 381
under division (E) of section 5537.17 of the Revised Code: 382

(a) Information regarding the installation progress and 383
costs of the turnpike project required by this section; 384

(b) Once each installation is completed, certification of 385
the availability of E15 blended fuel at each service facility. 386

(2) Beginning July 1, 2027, the commission shall certify 387
each year the continued availability of E15 blended fuel at each 388
service facility in the annual comprehensive financial report. 389

Section 2. That existing sections 5537.01 and 5537.04 of 390
the Revised Code are hereby repealed. 391

Section 3. The Ohio Turnpike and Infrastructure Commission 392
shall conduct a feasibility study for the installation, 393
retrofitting, or other construction associated with ensuring 394
each service facility along the turnpike is capable of selling 395
biodiesel fuel. As part of the study, the Commission shall 396
perform a cost analysis related to the expansion of fuel options 397
to include biodiesel fuel and an analysis of what 398
infrastructure, if any, would need to be changed to accommodate 399
a biodiesel pump at the service facilities. 400

The Commission shall complete the feasibility study not 401

later than twelve months after the effective date of this
section.

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