

**MEMORANDUM**

TO: Angela Hawkins, Legal Director, Public Utilities Commission of Ohio
FROM: Mark Hamlin, Deputy Chief of Staff
DATE: December 19, 2016
RE: **CSI Review – Motor Carrier Safety Standards (OAC 4901:2-05-02)**

On behalf of Lt. Governor Mary Taylor, and pursuant to the authority granted to the Common Sense Initiative (CSI) Office under Ohio Revised Code (ORC) section 107.54, the CSI Office has reviewed the abovementioned administrative rule package and associated Business Impact Analysis (BIA). This memo represents the CSI Office's comments to the Agency as provided for in ORC 107.54.

Analysis

This rule package consists of a single amended rule submitted by the Public Utilities Commission of Ohio (PUCO), addressing safety standards for drivers of commercial motor vehicles pursuant to requirements of the Federal Motor Carrier Safety Administration (FMCSA). On November 10, 2016, PUCO filed an emergency rule with the Joint Committee on Agency Rule Review, and submitted this rule package to the CSI Office at the same time, representing the permanent version of the rule as amended in the emergency rule. The comment period closed on November 30 with no comments submitted. On December 14, the Commission issued a finding & order that the rule move forward with the rulemaking process.

According to the BIA submitted by PUCO, the proposed amendment to the rule was necessitated by a recent change to the FMCSA rules related to hours of service requirements. Because the state's requirements must be consistent with the federal requirements, the PUCO rule is being amended to reflect the date of the most recent FMCSA rule revision. As such, the CSI Office finds the proposed amendment justified.

Recommendations

For the reasons discussed above, the CSI Office does not have any recommendations for this rule package.

Conclusion

Based on the above comments, the CSI Office concludes that the PUCO should proceed with the formal filing of this rule package with the Joint Committee on Agency Rule Review.