



MEMORANDUM

TO: Angela Hawkins, Public Utilities Commission of Ohio

FROM: Jacob Ritzenthaler, Regulatory Policy Advocate

DATE: November 21, 2018

RE: **CSI Review – Safety Rules and Regulations for Motor Carriers and Shippers of Hazardous Materials: Purpose and Scope (OAC 4901:2-5-02)**

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 one amended rule proposed by the Public Utilities Commission of Ohio (PUCO). The rule package was submitted to the CSI Office on July 25, 2018. In the Commission's original order, comments were due August 3, 2017 with reply comments due August 10, 2018. No comments were received during this time. A Finding and Order was issued by PUCO on August 29, 2018.

Ohio Administrative Code (OAC) 4901:2-5-02 sets forth the purpose and scope of the safety rules and regulations for motor carriers and shippers of hazardous materials. The rule establishes the scope to apply to all motor carriers, exempted carriers, hazardous materials transporters, and offerors, as well as stating that the Commission may waive certain requirements. The rule is being amended to change the effective date of the Code of Federal Regulations references cited throughout the Chapter.

During early stakeholder outreach, PUCO provided the rule to industry stakeholders, including

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trucking and railroad shipping professional associations. PUCO also held a stakeholder workshop on March 27, 2018 and invited stakeholders to present feedback. No stakeholders attended this workshop. During the CSI public comment period, PUCO did not receive any comments from stakeholders. PUCO submitted its Finding and Order on August 29, 2018.

The business community impacted by this rule includes all motor carriers, excepted carriers, and hazardous materials transporters operating in the State. The adverse impact created by the rule includes the time and effort spent by businesses complying with the regulations required by the rule. PUCO states in the BIA that the requirements of the rule are necessary to comply with the Federal Motor Carrier Safety Regulations, which allows for continued funding through the Motor Carrier Safety Assistance Program. After reviewing the proposed rule and the BIA, the CSI Office has determined that the rule satisfactorily meets the standards espoused by the CSI Office, and the purpose of the rule package is justified.

Recommendations

For the reasons described above, the CSI Office has no recommendations on this rule package.

Conclusion

Based on its review of the proposed rule package, the CSI Office recommends the Public Utilities Commission of Ohio should proceed in filing the proposed rules with the Joint Committee on Agency Rule Review.