



Common Sense Initiative

Mike DeWine, Governor
Jon Husted, Lt. Governor

Joseph Baker, Director

MEMORANDUM

TO: Angela Hawkins, Public Utilities Commission of Ohio

FROM: Michael Bender, Business Advocate

DATE: November 23, 2022

RE: **CSI Review – Safety Standards (OAC 4901:2-5-01, 4901:2-5-02, 4901:2-5-03, 4901:2-5-04, 4901:2-5-05, 4901:2-5-07, 4901:2-5-08, 4901:2-5-10, 4901:2-5-11, 4901:2-5-13, 4901:2-5-14, and 4901:2-5-15)**

On behalf of Lt. Governor Jon Husted, 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 Commission as provided for in ORC 107.54.

Analysis

This rule package consists of ten amended rules and two no-change rules proposed by the Public Utilities Commission of Ohio (PUCO) as part of the statutory five-year review process. This rule package was submitted to the CSI Office on September 22, 2022, and the public comment period was held open through October 19, 2022. Unless otherwise noted below, this recommendation reflects the version of the proposed rules filed with the CSI Office on September 22, 2022.

Ohio Administrative Code (OAC) 4901:2-5 sets forth the safety standards that are applicable to motor carriers, excepted carriers, hazardous materials transporters, and offerors. OAC 4901:2-5-01, 4901:2-5-03, 4901:2-5-04, 4901:2-5-05, 4901:2-5-07, 4901:2-5-10, 4901:2-5-11, 4901:2-5-13, 4901:2-5-14, and 4901:2-5-15 are amended to update language and to streamline the procedure for motor carrier safety compliance. No revisions are proposed for OAC 4901:2-5-02 and 4901:2-5-08.

During early stakeholder outreach, the PUCO issued an Entry on July 25, 2022, in Case No. 22-692-TR-ORD indicating that a workshop would be conducted on August 23, 2022, to listen to

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stakeholders' concerns regarding the rules in OAC 4901:2-5. The Entry was served upon the Ohio Petroleum Marketers Association, National Tank Truck Carriers, Inc., Ohio State Highway Patrol, the Ohio Trucking Association, Ohio Department of Public Safety, Ohio Department of Transportation, Ohio Association of Chiefs of Police, Buckeye State Sheriff's Association, Ohio Municipal League, County Commissioners' Association of Ohio, Ohio Township Association, WreckMaster Inc. USA, Towing and Recovery Association of America, North American Towing Academy, American Towing and Recovery Institute, Ohio Insurance Institute, Towing and Recovery Association of Ohio, AAA Ohio, all household goods carriers, Ohio Association of Movers, Ohio Brokers of household goods as identified by the Federal Motor Carrier Safety Administration, and the transportation listserv. No comments were provided by stakeholders at the workshop. No comments were received during the CSI public comment period.

The business community impacted by the rules includes motor carriers, excepted carriers, hazardous materials transporters, and offerors. The adverse impacts created by the rules include employer time and/or expense for compliance and can vary with the particular rule that a motor carrier, excepted carrier, hazardous materials transporter, or offeror must comply with. According to the PUCO, regulated entities should anticipate minimal impact related to adhering to certification updates and cooperating with authorized personnel during inspections. The PUCO notes that the proposed revisions were drafted in an effort to minimize any adverse impact on business while maintaining the safety of the traveling public. The PUCO states that the adverse impacts to business are justified to fulfill ORC requirements and to ensure that highway transportation of persons and property is conducted in a safe and efficient manner.

Recommendations

Based on the information above, the CSI Office has no recommendations on this rule package.

Conclusion

The CSI Office concludes that the Commission should proceed in filing the proposed rules with the Joint Committee on Agency Rule Review.