



Common Sense Initiative

Mike DeWine, Governor
Jon Husted, Lt. Governor

Joseph Baker, Director

MEMORANDUM

TO: Jeffrey Jones, Public Utilities Commission of Ohio

FROM: Michael Bender, Business Advocate

DATE: October 5, 2023

RE: CSI Review – Regulation of Motor Carriers (OAC 4901:2-5-02, 4901:2-13-02, and 4901:2-19-02)

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 three amended rules proposed by the Public Utilities Commission of Ohio (PUCO). This rule package was submitted to the CSI Office on August 24, 2023, and the public comment period was held open through September 8, 2023. Unless otherwise noted below, this recommendation reflects the version of the proposed rules filed with the CSI Office on August 24, 2023.

Ohio Administrative Code (OAC) 4901:2-5-02 declares that the purpose of its respective chapter is to govern the establishment and enforcement of safety standards applicable to the operations of motor carriers, excepted carriers, hazardous materials transporters, and offerors. The rule is amended to update the applicable version of the federal regulations cited in the chapter. OAC 4901:2-13-02 declares that the purpose of its respective chapter is to govern the establishment of insurance requirements applicable to motor carriers operating in intrastate commerce. The rule is amended to update the applicable version of the federal regulations cited in the chapter. OAC 4901:2-19-02 declares that the purpose of its respective chapter is to set forth requirements for the transportation

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of household goods by carriers of household goods regulated by the PUCO. The rule is amended to update the applicable version of the federal regulations cited in the chapter.

During early stakeholder outreach, the PUCO issued an Entry in Case No. 23-693-TR-ORD to solicit comments from interested parties during the CSI public comment period. The Entry was served upon the PUCO's transportation industry service list, the Ohio Petroleum Marketers Association, National Tank Truck Carriers, Inc., the Ohio State Highway Patrol, the Ohio Trucking Association, the Ohio Department of Public Safety, the Ohio Department of Transportation, the Ohio Association of Chiefs of Police, the Buckeye State Sheriff's Association, the Ohio Association of Movers, the Ohio Municipal League, the County Commissioners' Association of Ohio, the Ohio Township Association, WreckMaster Inc. USA, the Towing and Recovery Association of America, the Towing and Recovery Association of Ohio, the North American Towing Academy, the American Towing and Recovery Institute, the Ohio Insurance Institute, AAA Ohio, and other interested persons of record. No comments were received during the CSI public comment period.

The business community impacted by the rules includes for-hire carriers, motor carriers, excepted carriers, hazardous materials transporters and offerors that provide transportation of persons or property in intrastate and interstate commerce in Ohio. The adverse impacts created by the rules include abiding by safety standards and complying with requirements related to both the insurance and the transportation of household goods. The PUCO states that the adverse impacts to business are justified to align state regulations with current federal regulations, implement statutory requirements, ensure that the highway transportation of persons and property is conducted in a safe and efficient manner, and protect consumers.

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.