

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 5501:2-1-06

Rule Type: New

Rule Title/Tagline: Sealed Containerized Loads and Approved Ohio Intermodal Facility.

Agency Name: Department of Transportation

Division: Division of Highways

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I. Rule Summary

1. Is this a five year rule review? No
 - A. What is the rule's five year review date?
2. Is this rule the result of recent legislation? No
3. What statute is this rule being promulgated under? 119.03
4. What statute(s) grant rule writing authority? 4513.34
5. What statute(s) does the rule implement or amplify? 4513.34
6. Does the rule implement a federal law or rule in a manner that is more stringent or burdensome than the federal law or regulation requires? No
 - A. If so, what is the citation to the federal law or rule? Not Applicable
7. What are the reasons for proposing the rule?

Five year rule review and an attempt to reduce regulatory restrictions prompted an overhaul of Chapter 5501:2 which resulted in the consolidation of many rules for redundancy and/or clarity and streamlining. This rule is a consolidation of current rule 5501:2-1-14 into a new rule with some amendments for clarity.

8. Summarize the rule's content, and if this is an amended rule, also summarize the rule's changes.

The rule discusses the bill of lading requirements for all sealed containerized loads and requirements for approved Ohio intermodal facilities.

9. Does the rule incorporate material by reference? No
10. If the rule incorporates material by reference and the agency claims the material is exempt pursuant to R.C. 121.75, please explain the basis for the exemption and how an individual can find the referenced material.

Not Applicable

11. If revising or re-filing the rule, please indicate the changes made in the revised or re-filed version of the rule.

Not Applicable

II. Fiscal Analysis

12. Please estimate the increase / decrease in the agency's revenues or expenditures in the current biennium due to this rule.

This will have no impact on revenues or expenditures.

0

Not Applicable

13. What are the estimated costs of compliance for all persons and/or organizations directly affected by the rule?

Not Applicable

14. Does the rule increase local government costs? (If yes, you must complete an RSFA Part B). No

15. Does the rule regulate environmental protection? (If yes, you must complete an RSFA Part C). No

16. If the rule imposes a regulation fee, explain how the fee directly relates to your agency's cost in regulating the individual or business.

Not Applicable

III. Common Sense Initiative (CSI) Questions

17. Was this rule filed with the Common Sense Initiative Office? No

18. Does this rule have an adverse impact on business? Yes

A. Does this rule require a license, permit, or any other prior authorization to engage in or operate a line of business? Yes

The rule does not impose any new requirements from what is required currently in the Ohio Revised Code and current rule. As explained above, the rule is a five-year rule review and an attempt to reduce regulatory restrictions prompted an overhaul of Chapter 5501:2 which resulted in the consolidation of many rules for redundancy and/or clarity and streamlining. This rule is a consolidation of current rule 5501:2-1-14 into a new rule.

B. Does this rule impose a criminal penalty, a civil penalty, or another sanction, or create a cause of action, for failure to comply with its terms? No

C. Does this rule require specific expenditures or the report of information as a condition of compliance? Yes

The applicant has several pieces of information to provide to the department that are required in order to be a proper bill of lading and/or to be designated an Approved Ohio Intermodal facility. Again, this requirement is in current rule and is required by statute and is not a new requirement.

D. Is it likely that the rule will directly reduce the revenue or increase the expenses of the lines of business of which it will apply or applies? No

IV. Regulatory Restriction Requirements under S.B. 9. Note: This section only applies to agencies described in R.C. 121.95(A).

19. Are you adding a new or removing an existing regulatory restriction as defined in R.C. 121.95? Yes

A. How many new regulatory restrictions do you propose adding to this rule? 4

5501:2-1-06(A)- add "shall"

5501:2-1-06(C)- add "shall"

5501:2-1-06(B)- add "must"

5501:2-1-06(C)- add "require"

- B. How many existing regulatory restrictions do you propose removing from this rule? 0**
- C. If you are not removing existing regulatory restrictions from this rule, please list the rule number(s) from which you are removing restrictions.**
Rescinded rule 5501:2-1-14
- D. Please justify the adoption of the new regulatory restriction(s).**
We are not adding any NEW restrictions in the new verbiage that has been added into 5501:2-1-06. This rule is the result of a combining of current rule 5501:2-1-14 and others and the regulatory restrictions that remain in place and have not been removed from that consolidation are required statutorily and/or federally.