

Rule Summary and Fiscal Analysis (Part A)**Department of Transportation**

Agency Name

Division of Highways

Division

Alea Brown

Contact

1980 West Broad Street Columbus OH 43223-0000 **614-387-0843**

Agency Mailing Address (Plus Zip)

Phone

Fax

5501:2-1-16

Rule Number

NEW

TYPE of rule filing

Rule Title/Tag Line

Special Oversize and Overweight Permits for Sealed Containerized Loads.**RULE SUMMARY**

1. Is the rule being filed consistent with the requirements of the RC 119.032 review? **No**

2. Are you proposing this rule as a result of recent legislation? **No**

3. Statute prescribing the procedure in accordance with the agency is required to adopt the rule: **119.03**

4. Statute(s) authorizing agency to adopt the rule: **4513.34**

5. Statute(s) the rule, as filed, amplifies or implements: **4513.34**

6. State the reason(s) for proposing (i.e., why are you filing,) this rule:

The proposed rule will create a permit type that will enable sealed international containers to be loaded at increased weight limits for exports to overseas markets, allowing Ohio businesses and industry greater flexibility when competing in the global market.

7. If the rule is an AMENDMENT, then summarize the changes and the content of the proposed rule; If the rule type is RESCISSION, NEW or NO CHANGE, then summarize the content of the rule:

The proposed rule will allow ODOT to issue permits for sealed international containers as non-divisible loads at increased weight limits.

8. If the rule incorporates a text or other material by reference and the agency claims the incorporation by reference is exempt from compliance with sections 121.71 to 121.74 of the Revised Code because the text or other material is **generally available** to persons who reasonably can be expected to be affected by the rule, provide an explanation of how the text or other material is generally available to those persons:

This rule references state and federal statutes and regulations which are available electronically and in hard copy, and are easily accessible by the public or interested persons.

9. If the rule incorporates a text or other material by reference, and it was **infeasible** for the agency to file the text or other material electronically, provide an explanation of why filing the text or other material electronically was infeasible:

The federal and state statutes and rules referenced in this rule are voluminous and easily accessible by interested persons electronically or in hard copy.

10. If the rule is being **rescinded** and incorporates a text or other material by reference, and it was **infeasible** for the agency to file the text or other material, provide an explanation of why filing the text or other material was infeasible:

Not Applicable.

11. If **revising** or **refiling** this rule, identify changes made from the previously filed version of this rule; if none, please state so:

In (B)(2) the language was revised to read:

"The container retains throughout its transit, until reaching its point of destination, the original unbroken seal, or a replacement seal affixed by a federal or state enforcement official pursuant to an inspection of its contents"

In (D) the language was revised in the second paragraph to read:

"The bill of lading shall include the following readily available information: Consignor; Point of origin; Point of destination; and the number of the packer's cargo seal."

In (I) the reference to the "Hazardous Materials Transportation Act" was revised to

read:

"88 Stat. 2156 (1975), 49 U.S.C. 5101 et seq., and regulations adopted under it."

12. 119.032 Rule Review Date:

(If the rule is not exempt and you answered NO to question No. 1, provide the scheduled review date. If you answered YES to No. 1, the review date for this rule is the filing date.)

NOTE: If the rule is not exempt at the time of final filing, two dates are required: the current review date plus a date not to exceed 5 years from the effective date for Amended rules or a date not to exceed 5 years from the review date for No Change rules.

FISCAL ANALYSIS

13. Estimate the total amount by which *this proposed rule* would **increase/decrease** either **revenues/ expenditures** for the agency during the current biennium (in dollars): Explain the net impact of the proposed changes to the budget of your agency/department.

This will increase revenues.

up to \$500,000

The Department issues approximately 210,000 permits per year. It is estimated that this rule will increase the annual volume by 1000 permits and generate up to an estimated \$500,000.

The additional revenue generated by this rule will not significantly alter the department's budget.

With regard to any possible expenditures, ODOT has the authority to charge fees to cover the impact from the use of these permits on the road system. The fees collected will allow the department to expend these funds on highway and bridge improvements.

14. Identify the appropriation (by line item etc.) that authorizes each expenditure necessitated by the proposed rule:

N/A

15. Provide a summary of the estimated cost of compliance with the rule to all directly affected persons. When appropriate, please include the source for your

information/estimated costs, e.g. industry, CFR, internal/agency:

The department has made a meaningful change to the permit process through this rule in order to generate economic development and make Ohio a leader in exports to foreign countries. While the fees for these new permits will result in a new cost to the commercial trucking industry, it will allow expansion of Ohio exports and make Ohio products competitive by improving market access for manufacturers.

16. Does this rule have a fiscal effect on school districts, counties, townships, or municipal corporations? **No**

17. Does this rule deal with environmental protection or contain a component dealing with environmental protection as defined in R. C. 121.39? **No**