

**MEMORANDUM**

TO: Andrew M. Bremer, Deputy Director of Legislative Affairs, Ohio Department of Transportation

FROM: Mark Hamlin, Director of Regulatory Policy

DATE: November 1, 2013

RE: **CSI Review – Oversize/Overweight Permit Review (OAC 5501:2-1-01 through 5501:2-1-17)**

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 sixteen rules being proposed by the Ohio Department of Transportation (ODOT) related to the movement of oversized and overweight vehicles on Ohio roads. Fifteen of the rules currently exist and have been reviewed by ODOT pursuant to the five-year review requirement of ORC 119.032. Of these, nine are being proposed with amendments and six are being proposed with no changes. In addition, the Department is proposing a new rule, OAC 5501:2-1-17, which creates a Regional Heavy Haul Permit pursuant to ORC 4513.34, which was enacted in House Bill 51 effective July 1, 2013.

The rule package was submitted to the CSI Office on October 3, 2013 and the comment period was held open through October 17, 2013. No comments were submitted during the CSI review period. However, the BIA submitted by ODOT describes outreach to a number of stakeholders, who were generally supportive of the rule package. Changes were made to the rules – and specifically the price structure and requirements for the Regional Heavy Haul Permit – as a result of discussion with the Ohio Trucking Association. Finally, the BIA describes a concern raised by the Ohio

Railroad Association (ORA) with regard to reporting requirements that ODOT is proposing to eliminate in the existing rules. ODOT explained that it has access to significant data about traffic volume on the roadway network, so the reports are no longer necessary.

The BIA identifies the adverse impacts to the rules as the restriction on oversize/overweight loads from traveling on Ohio roadways and the application and associated fee for a permit to allow such travel. ODOT justifies these impacts by stating that the permitting system strikes the balance between ensuring the interests of commerce while protecting the safety and integrity of the state's roadways. Moreover, as stated above, the Department identified an opportunity through its five-year review process to reduce the impact of the rules by eliminating reporting requirements it determined were no longer necessary.

Recommendations

For the reasons discussed above, the CSI Office does not have any recommendations for this rule package.

Conclusion

Based on the above comments, the CSI Office concludes that ODOT should proceed with the formal filing of this rule package with the Joint Committee on Agency Rule Review.