

**MEMORANDUM**

**TO:** Patrick Smith, Ohio Department of Transportation

**FROM:** Jacob Ritzenthaler, Regulatory Policy Advocate

**DATE:** July 13, 2018

**RE:** **CSI Review – Movement of Overweight and Overdimension Vehicles (OAC 5501:2-1-1 through 5501:2-1-17)**

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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This rule package consists of seven amended rules, nine no-change rules, and one rescinded rule proposed by the Ohio Department of Transportation (ODOT) for their statutorily-required five-year review. The rule package was submitted to the CSI Office on April 13, 2018 and the public comment period was held open through April 27, 2018.

The rules in this package establish the process through which a business may apply for and maintain a permit for moving overweight and overdimension vehicles through the state. The rules are being amended to make changes to the cost of permits and processing fees, remove certain requirements, and correct errors.

During early stakeholder outreach, ODOT sent the proposed rules to relevant industry associations and organizations. ODOT received comments that suggested changes to round trip permits and fees, as well as the creation of a new permit. ODOT added some of the suggestions to the rules. ODOT stated that the suggestions that were not included in the rules were either unlawful, outside

**77 South High Street | 30th Floor | Columbus, Ohio 43215-6117**  
**[CSIOhio@governor.ohio.gov](mailto:CSIOhio@governor.ohio.gov)**

the scope of the rulemaking process, or unnecessarily burdensome on the business community.

One comment was received during the CSI public comment period. The comment suggested the creation of a new permit that would allow overweight or overdimension vehicles to travel through certain Ohio counties that border Pennsylvania to adhere to Pennsylvania laws regarding weight. ODOT responded to the comment and did not add the suggested language to the rules. ODOT stated that a similar permit pertaining to the Michigan border exists to address the significant difference between the weight limits of the states. The difference between the Ohio and Pennsylvania weight limits is less significant and is already addressed by an existing permit, thus making an additional permit unnecessary. Additionally, ODOT describes previous attempts to create new permits as costly and lacking in usage.

The business communities impacted by these rules include all businesses that ship and haul overweight and overdimension cargo throughout the state. The rule creates an adverse cost to businesses through the permit fees. The fees for permits vary in cost, from \$125 for a single trip oversize/overweight permit to over \$2,000 in fees and surcharges for a continuous annual permit. The amendments made to the rules make changes to the permit processing fees and certain permits. Processing fees are being changed from \$10 to \$20, which ODOT states will allow more applications to be processed electronically and increase efficiency for businesses by operating outside of business hours. Also, the costs of certain permits are being decreased by \$10, in order to account for the increase to processing fees. After reviewing the proposed rules and the BIA, the CSI Office has determined that the rules satisfactorily meet the standards espoused by the CSI Office, and the purpose of the rule package is justified.

### **Recommendations**

For the reasons described above, the CSI Office has no recommendations on this rule package.

### **Conclusion**

Based on its review of the proposed rule package, the CSI Office recommends the Ohio Department of Transportation should proceed in filing the proposed rules with the Joint Committee on Agency Rule Review.