

PUCO RESPONSE MEMORANDUM

To: Jacob Ritzenthaler
Regulatory Policy Advocate
Ohio Lieutenant Governor's Common Sense Initiative Office

From: Angela Hawkins
Legal Director
Public Utilities Commission of Ohio

Date: March 23, 2019

Re: PUCO Response for: Ohio Adm.Code Chapters 4901:2-6 (Registration of Hazardous Materials Carriers), 4901:2-8 (Routing Requirements for Carriers of Non-radioactive Hazardous Materials), 4901:2-21 (Registration of Intrastate Property Carriers), and 4901:3-1 (Railroads, Street, Suburban, and Interurban Railroads).

In Case No. 18-254-TR-ORD, the Public Utilities Commission of Ohio (PUCO) conducted its five year review of rules in Ohio Adm.Code Chapters 4901:2-6 (Registration of Hazardous Materials Carriers), 4901:2-8 (Routing Requirements for Carriers of Non-radioactive Hazardous Materials), 4901:2-21 (Registration of Intrastate Property Carriers), and 4901:3-1 (Railroads, Street, Suburban, and Interurban Railroads).

Authorization for the preceding chapters is as follows: for Ohio Adm.Code 4901:2-6, the rules are authorized by R.C. 4921.81 and 4921.15; for Ohio Adm.Code 4901:2-8, authorization is from R.C. 4905.81 and 4923.11; for Ohio Adm.Code 4901:2-21, the rules are authorized by R.C. 4905.81, 4921.04, 4923.03, 4921.05, 4921.13, and 4921.07; for Ohio Adm.Code 4901:3-1, authorization is from R.C. 4901.13, 4906.06, and 4907.02.

Prior to issuing the proposed rules for written comment, the PUCO held a workshop on March 27, 2018, to enable interested stakeholders to offer proposals for Staff's consideration. No stakeholders attended the workshop.

Following the comment period, the PUCO issued a Finding and Order on August 29, 2018, adopting proposed Ohio Adm.Code 4901:2-8 (Routing Requirements for Carriers

of Non-radioactive Hazardous Materials) , 4901:2-21 (Registration of Intrastate Property Carriers), and Ohio Adm.Code 4901:3-1 (Railroads, Street, Suburban, and Interurban Railroads) and rescinding Ohio Adm.Code Chapters 4901:2-6 (Registration of Hazardous Materials Carriers).

On March 18, 2019, CSI replied to the PUCO, stating that CSI had no recommendations, and concluding that that the PUCO should proceed with formal filing of the rules package with the Joint Committee on Agency Rule Review (JCARR). In light of CSI's conclusion, the PUCO will proceed and file Ohio Admin.Code Chapters 4901:2-6, 4901:2-8, and 4901:2-21, and 4901:3-1 with JCARR.

cc: John Williams, Director, Transportation Department, PUCO
Nick Walstra, Chief of Transportation, Legal Department, PUCO