

CSI - Ohio

The Common Sense Initiative

Business Impact Analysis

Agency Name: Ohio Department of Transportation

Regulation/Package Title: Oversize/Overweight Permit Definitions

Rule Number(s): 5501:2-1-01

Date: 6/27/2019

Rule Type:

New
☒ Amended

5-Year Review
☐ Rescinded

Use new language from Template

Regulatory Intent

1. Please briefly describe the draft regulation in plain language.

A: This amendment removes the one hundred fifty (150) mile limitation of regional heavy haul permits to reflect the changes made to Ohio Revised Code 4513.34 (A)(1)(c) in H.B. 62, effective 7/3/2019.

2. Please list the Ohio statute authorizing the Agency to adopt this regulation.

A: Ohio Revised Code 4513.34

3. Does the regulation implement a federal requirement? Is the proposed regulation being adopted or amended to enable the state to obtain or maintain approval to administer and enforce a federal law or to participate in a federal program?

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A: No. There is nothing in the federal requirements as to mileage limitations.

4. If the regulation includes provisions not specifically required by the federal government, please explain the rationale for exceeding the federal requirement.

A: Not applicable.

5. What is the public purpose for this regulation (i.e., why does the Agency feel that there needs to be any regulation in this area at all)?

A: This amendment will expand usage of regional heavy hauling permits.

6. How will the Agency measure the success of this regulation in terms of outputs and/or outcomes?

A: The number of permits issued will gauge ODOT's impact on economic development, tracking incidents and issues will measure the impact of these permits on other highway users and ODOT can monitor the impact on the highway infrastructure.

Development of the Regulation

7. Please list the stakeholders included by the Agency in the development or initial review of the draft regulation.

If applicable, please include the date and medium by which the stakeholders were initially contacted.

A: This amendment is mandated by the change in the Ohio Revised Code that was stakeholder driven and not Agency driven. As a result, stakeholders were not contacted for the change to rule **5501:2-1-01 Definitions** which simply removed the phrase 'with the permitted trip not to exceed one hundred fifty miles.'

8. What input was provided by the stakeholders, and how did that input affect the draft regulation being proposed by the Agency?

A: Stakeholders were instrumental in the removal of the mileage limitation in the Revised Code.

9. What scientific data was used to develop the rule or the measurable outcomes of the rule? How does this data support the regulation being proposed?

A: Not applicable.

10. What alternative regulations (or specific provisions within the regulation) did the Agency consider, and why did it determine that these alternatives were not appropriate? If none, why didn't the Agency consider regulatory alternatives?

A: Not Applicable.

11. Did the Agency specifically consider a performance-based regulation? Please explain. *Performance-based regulations define the required outcome, but don't dictate the process the regulated stakeholders must use to achieve compliance.*

A: Not applicable.

12. What measures did the Agency take to ensure that this regulation does not duplicate an existing Ohio regulation?

A: ODOT conducted a search of its rules and only identified this rule that contains the mileage limitation.

13. Please describe the Agency's plan for implementation of the regulation, including any measures to ensure that the regulation is applied consistently and predictably for the regulated community.

A: ODOT will plan to announce to stakeholders and post all relevant information via website and applicable permit forms.

Adverse Impact to Business

14. Provide a summary of the estimated cost of compliance with the rule. Specifically, please do the following:

a. Identify the scope of the impacted business community;

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b. Identify the nature of the adverse impact (e.g., license fees, fines, employer time for compliance); and

c. Quantify the expected adverse impact from the regulation.

The adverse impact can be quantified in terms of dollars, hours to comply, or other factors; and may be estimated for the entire regulated population or for a “representative business.” Please include the source for your information/estimated impact.

A: Ohio Revised Code requires Oversize/Overweight haulers to apply and receive a permit to transport on roadways and bridges in Ohio. These permits actually provide a useful and safe mechanism to simplify and aid in the movement of exceptional vehicles which would otherwise be illegal to move. However, the scope of the impacted business community includes all shippers and haulers within and through the state of Ohio that would need to transport Oversize/Overweight items. The hauler would be required to pay a permit fee to allow the travel of an Oversize/Overweight load. While there is a fee to acquire a permit, it is less burdensome than the previous rule imposing a 150-mile restriction.

15. Why did the Agency determine that the regulatory intent justifies the adverse impact to the regulated business community?

A: This rule is mandated by statute. Oversize/overweight permits actually provide a useful and safe mechanism to simplify and aid in the movement of exceptional vehicles which would otherwise be illegal to move.

Regulatory Flexibility

16. Does the regulation provide any exemptions or alternative means of compliance for small businesses? Please explain.

A: There is no differentiation between a large or small business.

17. How will the agency apply Ohio Revised Code section 119.14 (waiver of fines and penalties for paperwork violations and first-time offenders) into implementation of the regulation?

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A: ODOT takes great effort to assure applicants submit the proper documentation. ODOT does not impose any penalty for paperwork issues.

18. What resources are available to assist small businesses with compliance of the regulation?

A: ODOT has a web page which provides all necessary information on the process to obtain an Oversize/Overweight permit. Additionally, the application system is web-based user-friendly software that is made available free-of-charge. There are instructional materials provided on the web page also. The ODOT Office of permits is available during normal working hours to assist applicants with permit processes.