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To: The Commission

From: Milan Orbovich, Director 
Transportation Department

Date: March 18, 2015

Re: 15-0528-TR-UNC

Staff of the Transportation Department reviewed the request submitted in case 15-0528-TR-UNC from the Ohio Agri Business Association that seeks a waiver from the age requirements for drivers of hazardous materials. Based upon the information provided, staff believes that a one-time temporary waiver limited in scope and applicability is warranted.

The request submitted seeks temporary relief from the age restriction for drivers of hazardous materials who transport anhydrous ammonia. Furthermore, the requested waiver would only be in effect from April 1, 2015 through June 30, 2015, and be limited to transportation within a 150 air mile radius of the source.

Staff recognizes that the timing of changes to Rule 4901:2-5, Ohio Administrative Code, that increased the age requirement for drivers of hazardous materials from 18 to 21 years of age coupled with the rural nature of the industry has made it difficult for some members of the agricultural community to come into compliance with the new requirements. We also understand that industry has attempted to comply with the requirement, but time is of the essence since transportation of this commodity takes place primarily over a limited time-frame in spring. Granting this waiver will afford the industry an opportunity to come into compliance with the new requirements over the course of the next year, while ensuring the agricultural community is not unduly burdened by the new rules.

Staff believes that a one time waiver with the following conditions would be appropriate:

- Limited to a three-month period (April 1, 2015 – June 30, 2015);
- Applicable only to Anhydrous Ammonia;
- Applicable only to the agricultural community;
- Limited to a 150 air mile radius from the source; and,
- Applicable only to intrastate commerce

Under these conditions, staff does not believe that there will be a measureable increase in risk to public safety by providing the industry additional time to comply with the regulations.

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