

## THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF THE COMMISSION'S  
REVIEW OF OHIO ADM.CODE CHAPTERS  
4901-5, 4901:2-13, AND 4901:2-5 REGARDING  
THE COMMISSION'S TRANSPORTATION  
MOTOR CARRIER AND RAILROAD RULES.

CASE NOS. 19-145-TR-ORD  
19-146-TR-ORD  
19-147-TR-ORD

### ENTRY

Entered in the Journal on February 12, 2019

{¶ 1} R.C. 111.15(B) requires all state agencies to conduct a review, every five years, of their rules and to determine whether to continue their rules without change, amend their rules, or rescind their rules. At this time, the Commission is reviewing the rules contained in Ohio Adm.Code Chapters 4901-5, 4901:2-13, and 4901:2-5. The rules in Ohio Adm.Code Chapter 4901-5 address motor carrier citation and cancelation of certificates, the procedures to be followed in railroad complaint cases, and railroad safety rules. Ohio Adm.Code Chapter 4901:2-13 addresses motor carrier insurance requirements. The rules in Ohio Adm.Code Chapter 4901:2-5 address transportation safety standards.

{¶ 2} R.C. 106.03(A) requires that the Commission determine whether the rules:

- (a) Should be continued without amendment, be amended, or be rescinded, taking into consideration the purpose, scope, and intent of the statute under which the rules were adopted;
- (b) Need amendment or rescission to give more flexibility at the local level;
- (c) Need amendment to eliminate unnecessary paperwork;
- (d) Incorporate a text or other material by reference and, if so, whether the text or other material incorporated by reference is deposited or displayed as required by R.C. 121.74, and whether

the incorporation by reference meets the standards stated in R.C. 121.71, 121.75, and 121.76;

- (e) Duplicate, overlap with, or conflict with other rules;
- (f) Have an adverse impact on businesses, as determined under R.C. 107.52; and
- (g) Contain words or phrases having meanings that in contemporary usage are understood as being derogatory or offensive.
- (h) Require liability insurance, a bond, or any other financial responsibility instrument as a condition of licensure.

{¶ 3} Additionally, in accordance with R.C. 121.82, in the course of developing draft rules, the Commission must evaluate the rules against the business impact analysis (BIA). If there will be an adverse impact on businesses, as defined in R.C. 107.52, the agency is to incorporate features into the draft rules to eliminate or adequately reduce any adverse impact. Furthermore, the Commission is required, pursuant to R.C. 121.82, to provide the Common Sense Initiative office the draft rules and the BIA.

{¶ 4} The attorney examiner finds that, prior to issuing Staff's proposed revisions to the rules for comment, it is appropriate to require Staff to hold a workshop with interested stakeholders. At the workshop, Staff may elicit feedback on any proposed revisions to the rules which Staff may have and may permit stakeholders to propose their own revisions to the rules for Staff's consideration. Interested stakeholders should come to the workshop prepared with necessary technical experts to provide appropriate feedback. After Staff has an opportunity to consider the feedback received at the workshop, proposed rule amendments will be issued for comments and reply comments by interested parties.

{¶ 5} Accordingly, the attorney examiner finds that, at this time, a workshop should be scheduled for March 28, 2019 at 10:00 a.m., at the offices of the Commission, 180 East Broad Street, Hearing Room 11-B, Columbus, Ohio.

{¶ 6} It is, therefore,

{¶ 7} ORDERED, That a workshop be scheduled for March 28, 2019. It is, further,

{¶ 8} ORDERED, That a copy of this Entry be served upon the Ohio Trucking Association, National Tank Truck Carriers, Inc., Ohio Department of Transportation, Ohio State Highway Patrol, the Ohio Railroad Association, Ohio State Legislative Board/United Transportation Union, the Transportation listserve, the Railroad listserve, and all other interested persons of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO

s/Stacie Cathcart

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By: Stacie E. Cathcart  
Attorney Examiner

JRJ/sc

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**Case No(s). 19-0145-TR-ORD, 19-0146-TR-ORD, 19-0147-TR-ORD**

Summary: Attorney Examiner Entry scheduling workshop for 03/28/2019 at 10:00 a.m. at the offices of the Commission, 180 East Broad St., Hearing Rm. 11-B, Columbus, Ohio - electronically filed by Sandra Coffey on behalf of Stacie Cathcart, Attorney Examiner, Public Utilities Commission of Ohio