

THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF THE COMMISSION'S
REVIEW OF OHIO ADMINISTRATIVE
CODE 4901:2-7-01, 4901:2-7-06, AND
4901:2-7-07.

CASE NO. 19-618-TR-ORD

ENTRY

Entered in the Journal on March 12, 2019

{¶ 1} R.C. 111.15(B) and R.C. 106.03(A) require all state agencies to conduct a review of their rules to determine whether those rules should be continued without change, be amended, or be rescinded. The Commission has opened this docket to review Ohio Adm.Code 4901:2-7-01, 4901:2-7-06, and 4901:2-7-07, which in part determines the amount of forfeiture for violations of the Commission's transportation rules.

{¶ 2} In performing this review, R.C. 106.03(A) requires the Commission to 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- (a) Should be continued without amendment, be amended, or be rescinded, taking into consideration the purpose, scope, and intent of the statute under which the rules were adopted;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 or rescission 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;
- (g) Contain words or phrases having meanings that in contemporary usage are understood as being derogatory or offensive; and
- (h) Require liability insurance, a bond, or any other financial responsibility instrument as a condition of licensure.

{¶ 3} The Commission must also consider several factors set forth in Executive Order 2011-01K, entitled “Establishing the Common Sense Initiative” and issued by Governor Kasich on January 10, 2011. Under the Common Sense Initiative, the Commission must review its rules to determine the impact a rule has on small businesses; attempt to balance the critical objectives of regulation with the cost of compliance by regulated parties; and amend or rescind rules that are unnecessary, ineffective, contradictory, redundant, inefficient, or needlessly burdensome. The Commission must also assess whether a rule has had negative, unintended consequences or has unnecessarily impeded business growth.

{¶ 4} Also, under R.C. 121.82, in the course of developing draft rules, the Commission must evaluate whether those rules will have an adverse effect on businesses and prepare a business impact analysis (BIA). If there will be an adverse impact on businesses, as defined in R.C. 107.52, the Commission is tasked to incorporate features into the draft rules to eliminate or adequately reduce the adverse business impact. R.C. 121.82 also requires the Commission to provide a copy of the draft rules and BIA to the Common Sense Initiative office for comment.

{¶ 5} Before issuing any proposed revisions to the rules, the attorney examiner finds it appropriate to require Staff to hold a workshop with interested stakeholders. At the workshop, Staff may elicit feedback on any proposed revisions which Staff may have, and stakeholders may propose their own revisions for consideration. Interested stakeholders should come to the workshop with technical experts prepared 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.

{¶ 6} Accordingly, the attorney examiner finds that a workshop should be scheduled for March 28, 2019, at 10:30 a.m., at the offices of the Commission, 180 East Broad Street, Hearing Room 11-B, Columbus, Ohio. The workshop will be conducted concurrently with the workshop in *In the Matter of the Commission's Review of Ohio Adm.Code Chapter 4901-5, regarding the Commission's Procedure in Motor Carrier and Railroad Cases*, Case No. 19-145-TR-ORD.

{¶ 7} It is, therefore,

{¶ 8} ORDERED, That a workshop be scheduled for March 28, 2019, as stated in Paragraph 6. It is, further,

{¶ 9} 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 Transportation list-serve, and all interested persons of record in this case.

THE PUBLIC UTILITIES COMMISSION OF OHIO

/s/Nicholas J. Walstra

By: Nicholas J. Walstra
Attorney Examiner

JRJ/hac

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Summary: Attorney Examiner Entry scheduling workshop electronically filed by Heather A Chilcote on behalf of Nicholas Walstra, Attorney Examiner, Public Utilities Commission