

FILE

09-223-TR-ORD

January 9, 2011

The Honorable John Kasich
Governor, State of Ohio
77 South High Street, 30th FL.
Columbus, Ohio 43215

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RECEIVED-BOOKETING DIV

Dear Sir or Madam:

We are writing with our concerns about the mobile food service industry (concession stands) being placed under the PUCO Intrastate Motor Carrier Rules. We are Jerry and Penny Otterbacher, lifetime residents of Ohio in Medina County. We are 2nd. Generation concession stand owner/operators and that is our sole income. These rules will have a negative impact on our industry. Our members are not hauling hazardous waste, but hauling popcorn, corn dogs elephant ears, games and other fair and festival items. We normally travel within the state and usually not over 4 hours from one location to the next. Among the regulations my company will be required to meet is that a driver pass a medical exam every two years and a copy of this must be kept in the vehicle when operating the vehicle. Who has time for all this paperwork we are just a small family run business, we don't have a secretary to sit in an office and do paperwork! If my driver has poor vision, high blood pressure or diabetes requiring insulin, the PUCO document said they will be medically disqualified and unable to drive. Well, you just put us out of business! My husband has high blood pressure and we both wear glasses! This doesn't make sense, all those conditions may be corrected by a hearing aid, glasses or medication. In addition my drivers will need to keep a copy of his medical exam in the truck when he/she drives. We have 5 trucks, we often drive 2 trucks to a location and come back in 1 truck. So, if I need to drive another truck I will have to remember to move all this information each time. I don't know if copies will suffice that I could leave in each truck and if so then I will have to worry each time another driver gets in or out or other employees riding with me that the information will get moved, misplaced or blow out of the truck or ruined in some way. These motor carrier regulations will be very expensive to our business, my brother-in-law figured about \$350 per each of our units. In a time when our business is having trouble making ends meet, it does not make sense to add all these new regulations to our troubles. Have there been that many problems with our type of business? I don't know that we have been any less safe than the other persons pulling a house trailer or boat or farm wagon.

If I am going to require a medical exam of my drivers, as the employer I am going to have to cover the cost of the exam. Most companies in our industry do not make a lot of money, and very few, if any, offer health coverage to their predominantly seasonal employees. Our insurance for my husband, self and son is currently costing us \$1100.00 a month and we only work 6 months. Also under these rules, the drivers are to annually provide their employers with a list of all violations involving a conviction, forfeited bond or collateral (what does any of that have to do with driving?) and the employer is to retain this information for three years. More paper work to try and keep in 5 trucks and keep track of! Many of our drivers come and go, few last the summer and I must accept the information they give me. This is not a job most people make a career of, why would they want to bare their sole to me to drive a couple of days a year! I generally give someone driving for me a road test and make sure they have pulled before, a lot of our driver helpers are farm boys, friends of our sons from high school 10 years ago. I have copies of all driver's licenses on file for my insurance company but other than that these requirements are excessive for a seasonal business in Ohio. These rules require me to have company markings in sharply contrasting colors on both side of my vehicle and include the legal name or trade name of the company, more expense and what about when I want to use the truck for personal use or sell it. Plus, we are a small business that work out of our home, I am now advertising that I am not at home! We are members of the GOSA, Greater Ohio Showman's Association, who work seasonally and should not have to meet all these requirements and perform all these reviews like hazardous waste companies do.

[Handwritten signatures]
Jerry Otterbacher
Penny Otterbacher

[Handwritten notes]
We are pro
House Bill 82