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BEFORE THE PUBLIC UTILITIES COMMISSION OF OHIO

- - -

In Re: : Case No.
Transportation Rules : 09-223-TR-ORD

- - -

PROCEEDINGS

Before Steven D. Lesser, Commissioner, and Scott Farkas, Attorney Examiner, held at the Cambridge City Hall, 1131 Steubenville Avenue, Cambridge, Ohio, on Tuesday, March 1, 2011, at 5:00 P.M.

- - -

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- - -

1 Tuesday Evening,

2 March 1, 2011.

3 - - -

4 ATTORNEY EXAMINER: The Commission
5 has called for hearing at this time and place
6 the matter of the Commission's review of its
7 rules for safety standards in Chapter 4901.2-5,
8 Ohio Administrative Code, Case No.
9 09-223-TR-ORD.

10 And I will call Dan Oswald. If you
11 would just come up closer to the -- I think
12 there is a microphone up there. And I am going
13 to swear -- anybody that wants to provide
14 testimony I am going to give you an oath or
15 affirmation. And I will ask you to state you
16 name, spell your last name, and give your
17 address.

18 (WITNESS SWORN)

19 - - -

20 DAN OSWALD

21 called as a witness, being first duly sworn,
22 testified as follows:

23 MR. OSWALD: My name is Dan Oswald,
24 O-S-W-A-I-D. I just have a brief, quick
25 comment.

1 ATTORNEY EXAMINER: Can you give
2 your address too, please?

3 MR. OSWALD: My address 110 East
4 Ohio Avenue, Dover, Ohio.

5 ATTORNEY EXAMINER: Thank you.

6 MR. OSWALD: I just have a brief
7 comment, not whether the bill that is being
8 spoken about tonight is good or bad, but I for
9 one and many of us I don't believe were aware of
10 any glaring safety problems in the State of
11 Ohio. And I believe the safety record in Ohio
12 has been relatively good from what we all can
13 see and ascertain.

14 I believe this rule in general will
15 be unnecessary and further prohibit interstate
16 commerce. And in addition to that I am
17 wondering if this bill would be held until
18 the outcome of HB 82 which in my understanding
19 would be in opposition with this bill to rescind
20 what is in this bill.

21 So, I was just commenting on that
22 wanting to know the outcome of HB 22. Or 82.
23 Excuse me.

24 COMMISSIONER LESSER: Well, I don't
25 know what the outcome of the House bill will be.

1 But, the Commission has pledged to not have any
 2 enforcement of the rules until next January 1st.

3 MR. OSWALD: Okay. It just seems to
 4 me the two bills are in opposition to each
 5 other. So, we would want to wait on this action
 6 until HB 82 is finalized. So, that was my
 7 comment.

8 COMMISSIONER LESSER: Thank you.

9 ATTORNEY EXAMINER: Thank you. Mike
 10 Young.

11 (WITNESS SWORN)

12 - - -

13 MIKE YOUNG

14 called as a witness, being first duly sworn,
 15 testified as follows:

16 ATTORNEY EXAMINER: Please give us
 17 your name.

18 MR. YOUNG: Mike Young.

19 ATTORNEY EXAMINER: And your
 20 address?

21 MR. YOUNG: Vargo Road, Bell Valley,
 22 Ohio.

23 ATTORNEY EXAMINER: Thank you.

24 MR. YOUNG: I just have a couple of
 25 questions. I am a collector of antique tractors

1 and I want to know how that is going to affect
2 me if like now I don't have commercial license
3 plates on my truck. My truck since it's a ton
4 or 3,500, and my trailer, I weigh about 10,000
5 pounds empty now.

6 So, if I go to an auction and buy an
7 antique tractor, if I work on a tractor at my
8 house or take it to my son's, if I want to go to
9 a show, am I going to fall under these rules?
10 Am I going to have to go buy commercial tags for
11 my plate? Or license plate for my trailer? Or
12 trailer and truck because my trailer is under
13 the weight limit currently.

14 COMMISSIONER LESSER: Milan, can I
15 make sure you are in the room and see if we can
16 break this question down a little bit. Go
17 ahead.

18 MR. YOUNG: But now --

19 ATTORNEY EXAMINER: The first
20 question is if you are getting at auction a
21 tractor?

22 MR. YOUNG: If I go buy an antique
23 tractor, want to bring it home, redo it, go to
24 tractor shows. We go to antique tractor pulls,
25 I am doing nothing commercial, I have no

1 commercial -- my plates on my truck is not
2 commercial now, my trailer is under weight for
3 commercial trailers. But in total weight they
4 weigh almost 10,000 pounds empty before I put
5 anything on my trailer.

6 COMMISSIONER LESSER: So this is not
7 a business, this is a hobby?

8 MR. YOUNG: It's not a business,
9 it's all pleasure. And I want to know, you
10 know, if I am going to come under these
11 regulations, you know, I understand there is
12 going to be log books involved.

13 I already have a commercial license
14 plate. I am a retired truck driver. Medical
15 card, all the trimmings that way. Hazmat,
16 everything.

17 But I am concerned about, you know,
18 am I going to have to put a DOT number on my
19 pickup because of this law? I am not
20 commercial, but --

21 MR. ORBOVITCH: The only time these
22 rules are going to apply to you is if you are
23 actually in commerce. Personal use, personal
24 conveyance, these rules do not apply to you.

25 MR. YOUNG: Well, the thing of it is

1 is this rumor is if I go with one of my antique
2 tractors to the local fair or Tallmadge, Ohio or
3 Akron, Ohio to a tractor pull, antique track
4 pull, I am paying a \$20 entry fee and that makes
5 me commercial because they are going to give \$20
6 to win. You know, that is my question and why I
7 was here.

8 You know, how much of this is going
9 to affect me.

10 COMMISSIONER LESSER: You know what
11 I would suggest? If you send to Milan or to the
12 Transportation Department a letter, you know,
13 stating your fact situation you will get a reply
14 and you can keep it in your truck.

15 MR. YOUNG: All right. Well, the
16 other part of this question, are these rules,
17 this bill, how is that going to be honored in
18 other states? And the reason I am asking these
19 questions, we belong to the National Antique
20 Tractor Pullers Association, and we go all over
21 eastern United States to pull.

22 Illinois laws are totally different
23 than Ohio now. And I was threatened with up to
24 \$5,000 fine a couple years ago. And I go around
25 Illinois now, or we don't go west.

1 COMMISSIONER LESSER: Even I can
2 answer that one. I can't help you with
3 Illinois. The new rules are strictly as to
4 intrastate, within the State of Ohio. As you
5 are going between states there would be
6 interstate rules. But if there is anything
7 particular to Illinois that they are attempting
8 to apply to you, I can't help you.

9 MR. YOUNG: Well, we didn't have
10 commercial tags on -- we was within the weight
11 limit, we was not overweight, but we didn't have
12 commercial tags, didn't have a log book. We
13 thought we was exempt.

14 And I don't know how many of these
15 other guys here that might affect, but it's a
16 question I wanted to bring up here to you guys

17 COMMISSIONER LESSER: I wish I could
18 help you, but, I can't help you with Illinois.

19 MR. YOUNG: You know, I assume
20 farmers are exempt with direct farm operations;
21 is that correct? Or not?

22 COMMISSIONER LESSER: Yes.

23 MR. ORBOVITCH: Yes.

24 MR. YOUNG: I will talk to you after
25 while.

1 ATTORNEY EXAMINER: Roy Patterson.

2 MR. PATTERSON: I am just here to
3 listen

4 ATTORNEY EXAMINER: Okay. George
5 Dann.

6 MR. DANN: Just here to listen.

7 ATTORNEY EXAMINER: Jeff Swigle.

8 MR. SWIGEL: He answered just about
9 everything I had.

10 ATTORNEY EXAMINER: Scott Hill.

11 MR. HILL: He answered. I was
12 concerned about the farm.

13 ATTORNEY EXAMINER: Tom Lanning.

14 (WITNESS SWORN)

15 - - -

16 TOM LANNING

17 called as a witness, being first duly sworn,
18 testified as follows:

19 ATTORNEY EXAMINER: If you would
20 please state your name, spell your last name.

21 MR. LANNING: Tom Lanning,
22 L-A-N-N-I-N-G. 11066 Cadiz Road, Cambridge
23 43725. I am the street superintendent for
24 the City of Cambridge. Just kind of interested
25 on how this would affect government.

1 COMMISSIONER LESSER: You gave me
2 another easy one. Government is not a person as
3 defined under the law, and we do not regulate
4 government owned vehicles.

5 MR. LANNING: Okay. Right now our
6 guys have to have a CDL license for trucks that
7 are required to have a license.

8 COMMISSIONER LESSER: CDL is
9 different from these rules.

10 MR. LANNING: Okay. But by lowering
11 the weight limits to 10,000 it won't lower
12 the --

13 COMMISSIONER: No.

14 MR. LANNING: Nothing to do with the
15 CDL?

16 COMMISSIONER LESSER: CDL is
17 different. Don't put the two together. These
18 are different.

19 MR. LANNING: That is the rumor that
20 has been coming to me that everything now,
21 anything ton or bigger --

22 COMMISSIONER LESSER: You know, the
23 problem with rumors is that sometimes they are
24 true.

25 MR. LANNING: That is why I am here.

1 COMMISSIONER LESSER: I am glad you
 2 came up and asked the question. I would rather
 3 you ask the question than listen to the rumors.

4 MR. LANNING: So the CDL is going to
 5 stay at the 26,000?

6 COMMISSIONER LESSER: CDL is
 7 whatever it is. That is out of another agency.
 8 But, these rules would not apply to you.

9 MR. LANNING: Okay. Thank you.

10 ATTORNEY EXAMINER: Victor
 11 Hottinger.

12 MR. HOTTINGER: I am just here to
 13 listen.

14 ATTORNEY EXAMINER: Mike Shepperson.

15 (WITNESS SWORN)

16 - - -

17 MICHAEL SHEPPERSON
 18 called as a witness, being first duly sworn,
 19 testified as follows:

20 ATTORNEY EXAMINER: Please state and
 21 spell your last name.

22 MR. SHEPPERSON: Michael Shepperson,
 23 S-H-E-P-P-E-R-S-O-N. 29750 Patterson Road,
 24 Dennison, Ohio 44621.

25 I guess the first thing I would like

1 to know is why are these rules even promulgated
2 or being put forth? From what I have seen on
3 the websites of the Ohio Department of Public
4 Safety I don't see a real need for these rules.
5 So, that is my first question.

6 They will be very burdensome on a
7 lot of businesses and farmers. You stated
8 earlier that if it's your own personal items
9 then you are not subject to them.

10 But, if you are trying to help out
11 your fellow farmer or your neighbor and you are
12 hauling his cattle to market or something else,
13 his tractor or vehicles or equipment, then you
14 would be under these rules because it's not your
15 personal stuff.

16 COMMISSIONER LESSER: Well, actually
17 I would encourage you to talk to our staff
18 because I believe the farm exemption has to do
19 with the product to market, not what kind of
20 vehicle it's on. Alan Martin can probably give
21 you the reference.

22 MR. SHEPPERSON: From what I read in
23 your rule, the to and from market is okay. But,
24 if you are hauling your personal items, but if
25 you are hauling for somebody else, your

1 neighbor, and with the COOL regulations out
2 there, country of origin labeling, they are
3 going to know that these aren't your cattle or
4 animals.

5 So then that kind of throws you into
6 the commercial side of things.

7 MR. MARTIN: If you are helping a
8 neighbor out as a friend and you are not doing
9 it for compensation, then it's under that
10 personal conveyance issue. So, you are not
11 doing it for profit.

12 MR. SHEPPERSON: Not doing it for
13 profit, but they may pay you for your gas
14 mileage and --

15 MR. MARTIN: It's inconsequential.
16 If it's not being done for hire then you are not
17 covered. And if you are doing it for your farm
18 you are not covered.

19 So, if you are helping a neighbor
20 out you are not covered. If they are helping to
21 reimburse your cost for doing it, that is not
22 the same as for hire.

23 COMMISSIONER LESSER: Actually if
24 you are doing it for hire then you are already
25 covered and these rules have nothing to do with

1 it.

2 MR. SHEPPERSON: I understand that.
3 But, I have been around the block once or twice
4 and I have seen where people say, well, this is
5 the way it is, and then it's all left up to the
6 officers in charge, their discretion to read
7 the rules and regs and say, no, that is not what
8 this says. This says to and from the market.

9 The way I read it in the book was
10 just to and from the market, and if we wanted to
11 take our vehicles to the repair shop we couldn't
12 do it, because it's not going to and from
13 the market.

14 COMMISSIONER LESSER: We are
15 the agency that the legislature said is in
16 charge of interpreting the rules. If you have
17 an officer and you ever have a situation which
18 you think that is wrong you need to let us know
19 and we will take care of it.

20 MR. SHEPPERSON: Well, that is fine.

21 COMMISSIONER LESSER: We mean what
22 we say and we will implement it.

23 MR. SHEPPERSON: And while we are on
24 that subject, you know, going back to you not
25 implementing this, and there will be a person

1 here testifying to this a little bit later, I
2 think, that you wasn't going to implement it
3 unless it was egregious, that you wouldn't take
4 anybody out of service and things of that
5 nature.

6 COMMISSIONER LESSER: From now until
7 January 1st.

8 MR. SHEPPERSON: Correct. From now
9 until January 1st. In this room we have a
10 person that was pulled over, red flagged, wasn't
11 on the back end, and the guy took him out of
12 service until he gets a red flag.

13 I don't consider that egregious.
14 Everybody's vocabulary is going to be a little
15 different, and that is how I feel that when you
16 don't delineate things out specifically,
17 egregious can mean a lot of different things.

18 COMMISSIONER LESSER: I don't
19 disagree with you, and we would like to hear
20 more about that.

21 MR. SHEPPERSON: As far as
22 businesses, I own a couple convenience stores,
23 and we haul home heat and agricultural fuels and
24 things of that nature. But, oils -- and I think
25 what you are going to find is that a lot of

1 people are going to try to get under the law,
2 meaning they are not going to buy the one ton
3 trucks that they need to have so they don't
4 overload the truck.

5 So, they are going to buy
6 three-quarter ton, overload it to get underneath
7 the laws. That is going to create more hazards,
8 more problems, for the state and individuals on
9 the highway.

10 So, I think you have to look at
11 that. I don't know if you guys have done, I
12 don't know if you have to or not, environmental
13 impact statement or not on how this is going to
14 affect businesses and socioeconomic impact on
15 the people in Ohio.

16 COMMISSIONER LESSER: That is one of
17 the purposes of this hearing.

18 MR. SHEPPERSON: Okay. But,
19 the rules are already promulgated and put into
20 place, to be in affect next year. This probably
21 in my opinion should have been taken place
22 before they were promulgated and things of that
23 nature.

24 As far as small businesses and
25 things, you know, landscapers and those type of

1 people are going to have big problems with it.

2 You will hear from them.

3 But, as far as me, you know, I am
4 not going to buy one ton trucks. I am going to
5 try to get out of -- underneath the law and haul
6 55 gallon drum or a couple 55 gallon drums out
7 to the people that we service and things of that
8 nature, just because I don't want to put up with
9 all the rigmarole.

10 You say that you have to have the
11 CDL, but all the requirements, and I think eight
12 pages on your website of all the requirements
13 that you do have to have would be just like,
14 real close to having a CDL. And all
15 the requirements for the businesses to handle it
16 like a CDL.

17 So, to me that is just playing with
18 words whether it's CDL or not CDL, all
19 the requirements for the CDL you have to abide
20 by.

21 Another way it's going to hurt the
22 small businesses is that you can't pull people
23 off the line to go make deliveries or anything
24 else because you are going to have to check and
25 see how many hours they have, whether they are

1 in service, out of service, how much driving
2 time. And it's going to make it very difficult
3 to service people quickly.

4 Somebody calls in, I need this right
5 away, right away. Now you are going to have to
6 go check and see, oh, other drivers are out, who
7 else I have, how many hours of service does he
8 have available, or is he out.

9 It's going to be a nightmare for
10 businesses.

11 COMMISSIONER LESSER: What product
12 are you delivering?

13 MR. SHEPPERSON: Well, anything.
14 Like 55 gallon drum of glycal, or motor oil or
15 anything like that.

16 COMMISSIONER LESSER: Okay.

17 MR. SHEPPERSON: Okay. We talked
18 about fellow farmers, helping them out. I want
19 to relate two more stories to you real quick on
20 the -- which to me will go back to the egregious
21 deals.

22 A friend of mine has vehicles,
23 30,000 pound limit, which he is over limit.
24 First time his father was driving the vehicle
25 back, coming back from PA, just crossing the

1 Youngstown area.

2 Got pulled over by PUCO. Checked
3 out his vehicle. He keeps his vehicles very
4 well. Very well. Couldn't find anything.

5 Kept him there, kept going over the
6 truck. Finally the trailer inside dual, the
7 gentleman put the air pressure gauge on it, let
8 some air out, and the driver said, you know, you
9 are letting air out, you are not seated properly
10 on it.

11 Don't tell me how to do my job. Go
12 up in front of the truck and sit. Come back,
13 wrote him up for too little air on the inside
14 dual, tagged him, put him out of service until
15 he went and got air and put in there.

16 And mind you that this was an empty
17 trailer. Empty truck. Instead of asking to go
18 to the next exit and get air and things of that
19 nature.

20 That is hurtful to business. It
21 hurts the business trying to do their work in an
22 every day, normal fashion and trying to take
23 care of the safety ends of things.

24 Another time, same company,
25 different person, coming back, Youngstown area

1 again, couldn't find anything, got pulled over
2 again, PUCO, couldn't find anything. Didn't
3 have a GVW tag on the trailer, and it was a
4 chassis build, so no GVW on their truck.

5 Went over for an hour, two hours,
6 weighed him, scale is not right. Called in
7 another set of portable scales. Six PUCO agents
8 there.

9 COMMISSIONER LESSER: Did you say
10 scales?

11 MR. SHEPPERSON: PUCO. Excuse me,
12 sir.

13 COMMISSIONER LESSER: Did you say it
14 was portable scales?

15 MR. SHEPPERSON: Portable scales.

16 COMMISSIONER LESSER: We don't do
17 weight.

18 MR. SHEPPERSON: Six agents there.
19 They put him out of service because they took
20 too long, three hours this went on, and he was
21 over his time limit and couldn't continue on.
22 So you have to bring another person there, get
23 it out, and it's very detrimental to business.

24 These are some of the egregious
25 parts on the other side, and it also boils

1 down --

2 COMMISSIONER LESSER: Do you know
3 when those inspections occurred?

4 MR. SHEPPERSON: Last year.

5 COMMISSIONER LESSER: Okay. We
6 don't -- the inspectors are not PUCO. They
7 haven't been for about 12 years.

8 MR. SHEPPERSON: Okay.

9 COMMISSIONER LESSER: We don't do
10 weight either.

11 MR. SHEPPERSON: Okay. But, still
12 the point is that it leaves a lot of discretion
13 to the inspectors which is a bad idea. They
14 need to be specific so that everybody knows what
15 is egregious and what isn't egregious. So I
16 would like to thank you for my time.

17 COMMISSIONER LESSER: Thank you very
18 much.

19 MR. SHEPPERSON: And again I would
20 like somebody to answer me on why this was
21 promulgated, because the numbers here don't show
22 that it's needed.

23 COMMISSIONER LESSER: Okay. Right
24 behind you is Alan Martin and he has done a lot
25 of research on some of the actual mortality

1 rates and the deaths that have occurred. And if
2 you would like to step out with him he can even
3 go through some of it with you. It's been in
4 some of our orders too.

5 MR. KIMBLE: I would like him to
6 address that up front. As I read these things
7 you are at .001 percent. Okay? One one
8 hundredths percent on these types of vehicles
9 for safety crash. This is insane.

10 It's beyond safety issues. This is
11 another government agency who is infiltrating
12 the whole society, okay, with their rules and
13 regulations and putting a target on the working
14 man's back. Okay? And you are really there to
15 further your own interests and grow your own
16 utility.

17 COMMISSIONER LESSER: Actually, sir,
18 it would be very helpful if you would come up to
19 the mike and give your name so we can have this
20 on the record.

21 (WITNESS SWORN)

22 - - -

23 GARY KIMBLE

24 called as a witness, being first duly sworn,
25 testified as follows:

1 MR. KIMBLE: My name is Gary Kimble,
2 I run a company called Dutch Valley Industries
3 in Urichsville, Ohio. I live at 7667 Blizzard
4 Ridge Road in Urichsville 44683.

5 I have worked in this state and run
6 a company for 30 years. I have employed 10 to
7 15 employees during that time every year. I
8 paid a lot of money to the state.

9 We run large trucks and small
10 trucks. We run a number of one ton dump trucks,
11 we run some 5th wheel one ton combinations. We
12 run more trucks than we have employees because
13 our trucks are differentiated to the jobs we do.

14 We are a small company, but we do a
15 lot of different types of work. We are
16 basically in the excavation work, but we do some
17 gas and oil business. We run some pipeline
18 stuff.

19 I also have a farm and I raise
20 cattle. And I have had employees that work for
21 me that have CDL licenses for 30 years. And I
22 have employees who have run my smaller trucks
23 and don't have CDLs. Okay? These people know
24 their jobs and have done this type of work with
25 that type of equipment.

1 Some of them, one guy has one eye.
2 Okay? He can't get a CDL, but has he for 30
3 years not had an accident or a record on the
4 road? Yes.

5 You are ruling out my capability
6 with only 10 people of utilizing my equipment
7 when it's needed, okay, by putting this
8 burdensome -- if you read your rules I think
9 there is eight or ten pages of compliance stuff
10 in there.

11 The cost of doing this is
12 astronomical. I can tell you what my answer is
13 today. I am 10 years away from what I consider
14 to be terminating my business on a normal basis.
15 If this law goes through and this is applied
16 there will be 10 people, 10 families, out of
17 work at the end of this year, because I am not
18 putting up with anymore government agencies and
19 anymore growth, okay, into the fabric of what we
20 are trying to work for now.

21 We can't afford it. I can tell you
22 in the last few years that PUCO stopped into my
23 office, and for paperwork infractions I paid
24 over \$4,000. We are a small company. We can't
25 do it.

1 And I am not going to fight you guys
2 and the rest of them. You have got you,
3 the EPA, OSHA, PUCO. You go down the list.
4 Okay? The Department of Natural Resources, and
5 all you guys are pushing safety.

6 We got at least six agencies in this
7 state pushing safety and every one of them has
8 different rules for the same compliance stuff.
9 Okay? You are banged around on this thing until
10 can't even move. All you have to do is hire
11 extra people to keep care of the paperwork. The
12 costs are outrageous, especially on small
13 businesses. What I am saying to you is the
14 truth.

15 COMMISSIONER LESSER: Thank you.

16 ATTORNEY EXAMINER: I had another
17 individual on the list. I will read his phone
18 number because I can't read his last name.
19 740-269-0255.

20 MR. CALDWELL: Chuck Caldwell.

21 (WITNESS SWORN)

22 - - -

23 CHUCK CALDWELL

24 called as a witness, being first duly sworn,
25 testified as follows:

1 ATTORNEY EXAMINER: Please state
2 your name spelling your last name and give your
3 address.

4 MR. CALDWELL: Chuck Caldwell,
5 C-A-L-D-W-E-L-L. 7105 Frank Road,
6 Sherrodsville, Ohio.

7 Part of my questions I had were
8 already answered, but I want to reiterate the
9 fact that this seems to be so unnecessary. With
10 the safety record that we have in this state it
11 appears that PUCO is building a PUCO entity
12 domain in Ohio in order to have jobs. And I see
13 no use for this.

14 I see in a state where our debt is
15 out of control, we still have agencies who want
16 to increase people who work for the state and
17 increase the tax dollars that is needed to run
18 this state. And I just can't understand it. I
19 will be honest with you. I don't understand
20 this.

21 It's like when someone goes to work
22 for the state they go into a cocoon and lose all
23 touch with reality of what is out there for
24 the working man, what we have -- what people
25 have to go through to continue working in Ohio.

1 And we have the governor and we have
2 people saying how they want to increase jobs in
3 the state, and then we have agencies that work
4 for the state who just do their darnedest it
5 seems like to drive business out of this state.
6 And I don't understand it.

7 And I would like for you to have
8 this man stand up and explain this to us why
9 this is necessary. Because so far you have
10 pushed it out in the hall, or you pushed guys
11 off, and you haven't let him come up here and
12 explain to us why this is necessary. I would
13 like to hear that.

14 Also, as far as this not being
15 enforced right now, my truck was pulled over. I
16 am the one that the gentleman was talking about
17 who had a scaffold on his truck, the red flag
18 came off somewhere. We usually have them on,
19 but it was gone. PUCO pulled me over. Not me,
20 pulled two of my guys over.

21 Would not let them go until they put
22 the red flag on. They had to call me, I had to
23 drive to the job, give them a red flag. When I
24 got to the job, or to the site where he had them
25 pulled over, when I got there he also informed

1 me, which I did not understand this, but I had
2 to have four ratchet straps on one plank. I had
3 two.

4 He would not let us move the truck
5 until I got two more ratchet straps on that
6 vehicle.

7 COMMISSIONER: Do you have a copy of
8 that report with you?

9 MR. CALDWELL: No, I don't. I
10 didn't bring it. I wish --

11 COMMISSIONER LESSER: That is okay.
12 Could you give us a copy?

13 MR. CALDWELL: And after I talked to
14 him for a while and I tried to explain to him,
15 listen, we don't have that far to go with this
16 truck, why can't I just take this truck home,
17 you know. We will put the extra ratchet straps
18 on if it's necessary. Finally he said, okay,
19 but I will have to follow you. And he pulled
20 out with his lights on and followed me, followed
21 me with his lights on because I didn't have two
22 ratchet straps.

23 This is a waste of taxpayer dollars.
24 This is foolishness.

25 COMMISSIONER LESSER: I too would

1 like to see a copy of the report.

2 MR. CALDWELL: I can get you a copy
3 of the report. But, this is the kind of stuff
4 that we put up, as working people, put up with.
5 You set in Columbus or wherever you are and you
6 mandate these things then it's out of your
7 hands.

8 COMMISSIONER LESSER: Now, who
9 inspected you? Was it the Highway Patrol or one
10 of our inspectors?

11 MR. CALDWELL: It was PUCO with the
12 four-wheel drive vehicle. I don't know what the
13 man's name was.

14 COMMISSIONER LESSER: Was it a --

15 MR. KIMBEL: PUCO, okay, drive
16 little blue striped cars and that kind of thing.
17 I know you say they are not, PUCO, but they are
18 PUCO enforcement people, whether it's through
19 the Highway Patrol or who it is.

20 MR. CALDWELL: I don't care who he
21 was, he did work through the Highway Patrol. He
22 was driving a PUCO truck. He was doing a PUCO
23 inspection. What you want to call him I don't
24 care. He was doing the 10,000 pound --

25 COMMISSIONER LESSER: I am just

1 trying to figure out who it was and what
2 the circumstance was, but if you give us a copy
3 of the report we would like to look into it.

4 MR. CALDWELL: I can do that. I can
5 give you a copy of the report. I would still
6 like for this gentleman, whoever, is going to
7 explain to us why this is necessary, I would
8 really, really like to hear this.

9 COMMISSIONER LESSER: I understand
10 that you do, this really isn't the evening for
11 that. We are really here to hear your comments
12 and your concerns. We have put out some of
13 this, we will be putting out additional reports.
14 If people want them they are available, but
15 tonight is for us to listen.

16 MR. CALDWELL: You know what? It's
17 one thing for you to put out a report whenever
18 you are somewhere else and you send us a report
19 and we read it, I like for a man to look me in
20 the eye and tell me why this is necessary. Not
21 just send me a piece of paper. I like to look
22 him in the eye and say this is why it has to be
23 done, and make it sound believable.

24 COMMISSIONER LESSER: I understand.

25 MR. CALDWELL: That is all I have to

1 say.

2 ATTORNEY EXAMINER: That was the
3 list of people that had signed up. Is there
4 anyone else that -- okay.

5 (WITNESS SWORN)

6 - - -

7 STEVE DRONGOWSKI
8 called as a witness, being first duly sworn,
9 testified as follows:

10 ATTORNEY EXAMINER: Please state
11 your name, spell your last name and give your
12 address.

13 MR. DRONGOWSKI: My name is Steve
14 Drongowski, D-R-O-N-G-O-W-S-K-I. I live at 5728
15 Morgich Square in Dublin, Ohio.

16 ATTORNEY EXAMINER: Okay.

17 MR. DRONGOWSKI: I have got a
18 couple things. One is I don't even have a
19 truck. I don't know how to drive a truck. I am
20 a marketing guy and an entrepreneur. And I
21 spend my time, and I have spent a great bit of
22 it in this part of the state, the eastern and
23 northern area here working in the area of --
24 that is a very big opportunity in the
25 entrepreneur and brand building world.

1 The ability to invent local brands,
2 locally produced farm and local brands that are
3 very, very big in the organic space and in the
4 health food markets. I meet a lot of
5 entrepreneurs. In the process of doing that I
6 have come to really appreciate what guys in
7 small businesses are running into.

8 I have met Mike Shepperson, I
9 understood he walked away from an acquisition of
10 a competitor that would have grown his business
11 because compliance was going to get in the way.
12 It was going to be too cumbersome and too much
13 of his overhead and take his margin out of
14 the mix.

15 I have known Gary for some time and
16 I have seen what he has had to deal with in
17 terms of his business. I could give you a long
18 list of other entrepreneurs that are walking
19 away from business and walking away from
20 opportunities.

21 And I think that is a part of this
22 that needs to be considered when you talk about
23 somebody walking away from an existing business
24 and walking away from the opportunity to create
25 and grow businesses. And I think that is a big

1 part of where the future growth in the state is
2 going to be.

3 As I have learned more about this,
4 one of the things that I have done is looked
5 into some of the agencies that are affecting
6 entrepreneurs. I looked into the PUCO website a
7 little bit and I ran across, and this gets to
8 that last gentleman, I can't even remember your
9 name, but he was asking why we are doing this.
10 And I ran across a letter from then
11 Representative Todd Snitchler, who I guess now
12 is the Commissioner, and he was doing some work
13 for his constituency and he brought up some of
14 the concerns that they had.

15 And one of the things that he wanted
16 to know is if this is the time to institute
17 these kinds of regulations solely for
18 the purpose of retaining federal dollars. Is
19 that why we are doing this? Are we doing this
20 for safety purposes, or are we doing this for
21 budget reasons.

22 Are we doing this for reasons to
23 somehow institute a bigger and better PUCO? Are
24 we are supporting a bureaucracy? Is this going
25 to make any difference for safety? I think that

1 is a big difference maker for a lot of
 2 businesses.

3 And if there are other ways to do
 4 it, and if this one is not going to make a
 5 difference other than to absolutely limit the
 6 opportunity or the desire of people to grow a
 7 business I think it's a big, big, mistake.

8 I would like to know why we are
 9 doing it.

10 COMMISSIONER: Thank you.

11 ATTORNEY EXAMINER: Thank you.

12 (WITNESS SWORN)

13 - - -

14 MARCELENE WILLIAMS

15 called as a witness, being first duly sworn,
 16 testified as follows:

17 ATTORNEY EXAMINER: Please state
 18 your name and spell your last name.

19 MS. WILLIAMS: My name is Marcelene
 20 Williams, M-A-R-C-E-L-E-N-E Williams. My
 21 address is 11404 Appleton Road in Croton.

22 I apologize if anything I ask or say
 23 now is something that is repetitious because I
 24 got lost between where you were supposed to be
 25 and where you are now.

1 ATTORNEY EXAMINER: We apologize for
2 that.

3 MS. WILLIAMS: And I am just now
4 finding the place. We farm in northwestern
5 Licking County. This has been the closest one
6 that I could come to to ask questions, which
7 evidently didn't seem to be what I am going to
8 be allowed to do.

9 But, we farm and we are very
10 concerned about what is going to happen with our
11 products and our commodities that we sell. My
12 husband and son both have their CDL. We have
13 three semis, but what happens on the day that we
14 need that third person to come in and drive to
15 take a load of grain to the market that morning
16 at 4:00 o'clock in the morning, and we can't
17 find somebody that is going to be meeting your
18 requirements and everything that so far you have
19 put down.

20 I can't find exactly what I want in
21 your literature. I don't know -- from what I
22 see it doesn't list all commodities. There is
23 no hay listed as far as what is exempt. There
24 is too many gray areas.

25 We are not sure when we leave home

1 whether we are breaking a law or not. Not only
2 do we haul our own commodities, I show horses.
3 My one ton trailer and three horse trailer,
4 three horse slant load trailer with living
5 quarters is over your 10,000.

6 So, I am receiving money at shows.
7 Am I exempt from this? Is that my personal
8 commodities that I have? Or if I am a trainer
9 and I am hauling somebody else's horse with me
10 and they are paying me to go do that, does that
11 make it professional and means that I have to
12 have a CDL for that truck?

13 We have people that come in and buy
14 truckloads of hay from us. Are they going to
15 have to have a CDL because their truck is over
16 the weight limit?

17 There is just too many unanswered
18 questions with this. And I disagree with you,
19 respectfully, I am sorry. I think you not only
20 need a listening session, you need a session
21 where we can ask questions and answers can be
22 given to us. I don't want to wait for some
23 paper that I probably won't find because I was
24 forever finding this information.

25 COMMISSIONER LESSER: Actually we do

1 have staff here. I think I heard four different
2 questions.

3 One is farm supplies directly to
4 market. One is carrying your own show horses.
5 One was carrying other people's show horses.
6 And one was doing, carrying, or maybe it was
7 just three.

8 UNIDENTIFIED SPEAKER: Substitution
9 of drivers.

10 COMMISSIONER LESSER: I think that
11 was still farm to market. If you would, you
12 know, meet with one of our transportation
13 people, I believe most of what your -- at least
14 beginning with the farm to market is the
15 clearest one. They might need some more facts
16 on the particular showing of the horses in some
17 situations as opposed to running it as a
18 business.

19 But, we do have people here to
20 answer the questions as they pertain to a
21 particular business.

22 MS. WILLIAMS: That is fine. And I
23 appreciate that I can answer those questions
24 tonight, but there are hundreds of people
25 throughout Ohio that have no idea that this is

1 being put into affect that are showing horses.

2 We also have a pulling truck. We
3 haul with our farm truck, but the truck is in
4 our name. So, if we leave at 11:00 o'clock in
5 the morning to take a leisurely time to get to
6 an event that starts at 4:00 o'clock, we arrive
7 at 4:00 o'clock, the event does not start until
8 7:00 o'clock, our class is not until probably
9 10:00 o'clock and we don't get to leave those
10 fairgrounds until 11:00 o'clock, are we going to
11 be within the hours that we can drive home?

12 Or as well as my husband, if he gets
13 up at 4:00 o'clock in the morning to go to a
14 grain terminal to deliver grain that he has
15 harvested the day before because he has to get
16 there that early to get in line so he can get
17 home before noon, and if he works until 10 or
18 11:00 o'clock the next night, is he going to be
19 able to drive that truck home from the field?

20 There are too many unanswered
21 questions here, too many gray areas, things that
22 people need to address and get the information
23 out.

24 You have access to everyone that
25 owns a three-quarter ton truck. If they are

1 going to be made responsible for any of these
2 laws they should of had a ruling on this. They
3 should of had the information. They shouldn't
4 of had to go, oh, my God, you mean I had to go
5 look that up myself?

6 There is no reason for them not to
7 have had that information in front of them. If
8 there is someone out here that can answer my
9 questions tonight I would appreciate it very
10 much.

11 COMMISSIONER LESSER: I believe
12 there are.

13 MS. WILLIAMS: Thank you.

14 (WITNESS SWORN)

15 - - -

16 JAY GRAY

17 called as a witness, being first duly sworn,
18 testified as follows:

19 ATTORNEY EXAMINER: Please state
20 your name.

21 MR. GRAY: Jay Gray, 2654 Campground
22 Road, Tippecanoe.

23 ATTORNEY EXAMINER: How do you spell
24 your last name?

25 MR. GRAY: G-R-A-Y. I am a small

1 business owner, small farmer, and we have one
2 ton trucks and gooseneck trailers. Had
3 gooseneck trailers for 16 years and haven't even
4 worn out a set of tires on them.

5 We pay approximately \$400 a year for
6 license plates for one tons for trailers we may
7 or may not pull in that year. And when we do
8 pull the trailer I fall into the PUCO category,
9 I must -- if I pull one time in a quarter, every
10 time I get into my personal vehicle, which is
11 the truck I pull the trailer with, I am required
12 to do a pre-trip inspection even if I am going
13 to the grocery store.

14 That is just some of the regulations
15 that are out there that I don't think anybody
16 realizes what this is that you have to follow.

17 COMMISSIONER LESSER: Would you get
18 with our staff? I am not sure if that is the
19 case.

20 MR. GRAY: Your staff told me
21 the deal when I called Columbus and spent three
22 or four days on the phone a year and a half ago.
23 We had a PUCO -- or we had a DOT, I am sorry, it
24 was a DOT audit came in and that was part --

25 COMMISSIONER LESSER: This time it

1 is PUCO.

2 MR. GRAY: So that was part of our
3 audit, something that we have to do now. Those
4 trucks, whether we are pulling the gooseneck
5 trailer or the single trailer -- we deliver
6 maybe four or five times a year where we need
7 the truck and trailer.

8 In fact, like the one gentleman
9 said, we will probably go to a smaller truck
10 and overload it. What advantage -- I mean, they
11 are not going to bother a little truck with
12 no -- without commercial plates on it. So,
13 think about that before you start changing
14 the rules.

15 ATTORNEY EXAMINER: Is there anyone
16 else that wants to provide any comments. Yes,
17 sir.

18 (WITNESS SWORN)

19 - - -

20 DOUG GUINSLER

21 called as a witness, being first duly sworn,
22 testified as follows:

23 ATTORNEY EXAMINER: Please state you
24 your full name and spell your last name and give
25 your address.

1 MR. GUINSLER: Doug Guinsler,
2 G-U-I-N-S-L-E-R, 200 Spry Road, Zanesville,
3 Ohio.

4 I am currently President of
5 the Greater Ohio Showman's Association. That is
6 an organization of amusement ride companies,
7 food vendors and operators and straight sales
8 people. We are greatly opposed to this for
9 several reasons. I will try to be brief and go
10 through these.

11 Number one, like the gentleman
12 talked about the mileage, most of our guys don't
13 average over 2,000 miles in the whole season
14 traveling around the State of Ohio.

15 The log books and the testing for
16 the different medical tests you have to take,
17 some of us guys, we might have 20 different
18 employees in a season's time. You know, they
19 come, they go. And to get all these people
20 tested, qualified, the cost is just prohibitive.

21 It seems to me what I like heard
22 here this evening, the rules interpretations is
23 just terrible. You got somebody working up here
24 on 250 that is just absolutely, positively out
25 of line. And I don't want to go into that, but

1 we have had some people had a lot of problems
2 right up here in the Urichsville area where this
3 gentleman is from. I think he is shaking his
4 head yes. He knows what I am talking about.

5 The mileage rules, with us every
6 week we have a new back yard. We might be in
7 Dover one week and over into Cleveland the next.
8 Where is our home base? Is our home base -- my
9 base is Zanesville, Ohio or is it in Dover that
10 week, and you go on forward to Cleveland.

11 Is that the 150 mile radius? There
12 is, like the lady said, there is just so many
13 rules that I just don't -- there is no
14 explanation for them.

15 The log books and all the paperwork,
16 it's just not needed. According to your
17 website, which I observed and several of our
18 members have, the accident rate for these rated
19 trucks is .001 percent, something like that. I
20 don't see the problem. I think safety, I think
21 personally the PUCO is using safety as a crutch
22 to increase numbers and make more money. It's
23 all a money deal.

24 Another question I had, and if
25 anybody is interested, there is House Bill 82.

1 And I do have some copies of it here, if anybody
2 wants to look at it. We are going to need some
3 support in Columbus, Ohio, when that comes up
4 for hearings.

5 But, the question I got is ma and
6 pa, old aged, retired, they go out and buy a
7 46,000 pound motor home, drag the family car, or
8 the trailer behind, who is regulating them? And
9 they have got a bad heart, diabetes, maybe one
10 eye. Who is going to watch them?

11 Myself, I can't get a medical. I am
12 an amputee. I can't get a medical card. But, I
13 am also a diabetic, but I can get treated with
14 medication.

15 So, just some questions for you guys
16 to think about before you go implementing this.
17 And, like I said, our people, we feel personally
18 and the carnival industry, we are going to be
19 targeted because we are marked. Our trailers
20 are all marked going down the road. You know
21 when you are in the carnival or circus, you know
22 when we are going down the road.

23 And these guys tend to pick on us.
24 That is -- some of us deserve it. We have no
25 problem with the safety, with the safety part of

1 your rules I personally, and I think most of our
2 members, have no problem with the safety end.

3 But, breakaway switches, cross your chains,
4 lights, the safety tape. We are all for that.

5 We are in a time sensitive business.
6 Like I said, we might be in Dover one day and
7 need to be open in Cleveland, Ohio the next.
8 And we got to get there. So, safety is primary,
9 good tires. We got to have all that stuff.

10 But, to force us to do all this
11 other stuff that comes with it. And the only
12 other question I had, and then I will answer
13 your questions, it says in the first rule you
14 must speak English.

15 Well, right up in Cleveland, Ohio I
16 have a good friend that went into the BMV or
17 whatever it is the other day, and it says right
18 there they are giving out CDL license whether
19 you speak Spanish or English. So, there seems
20 to be no conformity at all, in my opinion.

21 I just wish you guys would
22 reconsider these weight classifications. And I
23 know the 450 miles, our organization is going to
24 be there and testify for House Bill 82 which
25 will rescind all this. We need to get

1 everyone's help when this comes up. Thank you.

2 COMMISSIONER LESSER: Thank you.

3 ATTORNEY EXAMINER: Thank you. Do
4 you want to make another comment?

5 MR. DRONGOWSKI: Steve Drongowski.
6 I just wondered who I could talk to out there to
7 find out why we are doing this. You say to go
8 out in the hall to find out who it is, and I
9 don't know.

10 COMMISSIONER LESSER: Well, Rob is
11 the Director of the Transportation Department
12 and can probably give you some of the
13 information and direct you to the rest. But, as
14 Mr. Farkas started it off, the PUCO doesn't get
15 any extra money out of it. We don't get any
16 extra employees. The Commission's only concern
17 is safety. That is it.

18 MR. DRONGOWSKI: What was the
19 reference to the budget dollars?

20 COMMISSIONER LESSER: I don't know.
21 That wasn't my reference.

22 MR. KIMBEL: The purpose is to
23 retain federal dollars; is that right?

24 COMMISSIONER LESSER: The issue is
25 not getting federal dollars to implement this.

1 The issue is -- there is an extra issue of
2 retaining the federal dollars that we get for
3 our entire trucking safety program. There are
4 no additional dollars from this.

5 MR. KIMBEL: This helps to retain
6 the dollars, evidently. Justify the retention
7 of the dollars?

8 COMMISSIONER LESSER: It could. It
9 could, yes. But that is not the reason for it,
10 but it is a factor. The Commission would be
11 concerned if the federal government was going to
12 have an impact on the trucking program that
13 includes hazardous materials, large trucks for
14 hire. But, there is no extra dollars coming
15 from this.

16 MR. KIMBEL: But there is a
17 retention of dollars, but it requires more
18 bureaucracy to retain the dollars?

19 COMMISSIONER LESSER: No. There is
20 an issue that could come up in which the federal
21 government is looking for uniformity in the
22 rules. And this is one of the factors.

23 MR. KIMBEL: And there are only 22
24 states that are actually in this composite right
25 now that are agreeing with these new rules?

1 business or whether it's they are going for
2 circus location to circus location. Whether
3 they are people that are entrepreneurs and
4 running a business in their market, the impact
5 that I am hearing from the things that --
6 concerns that they are expressing tonight is
7 they are going to lose the motivation and
8 the opportunity to create jobs, to maintain
9 jobs.

10 And what I am hearing from
11 the business community is that that is going to
12 wildly outweigh whatever safety value comes up
13 from an already safe highway.

14 I don't understand why this is going
15 on. It's sustaining a bureaucracy. So, I don't
16 understand. I think these gentlemen and ladies
17 that have businesses and have employees and have
18 opportunities deserve an explanation why they
19 have this cross to bear. That is all.

20 COMMISSIONER LESSER: Thank you.

21 ATTORNEY EXAMINER: There was a
22 gentleman back there. Did you want to provide
23 some comments?

24 - - -

25 DAN OSWALD

1 recalled as a witness, being previously duly
2 sworn, testified further as follows:

3 MR. OSWALD: Dan Oswald. Am I to
4 understand, are we to understand then that the
5 impetus for this bill came from the federal
6 government to PUCO and the states for their
7 implementation for the promise of grant money?
8 Is that --

9 COMMISSIONER LESSER: No. That is
10 absolutely not. There is no additional money
11 coming for this.

12 MR. OSWALD: Or to maintain that
13 money that you have already?

14 COMMISSIONER LESSER: That is one of
15 the factors, but it's a secondary factor. The
16 number one factor was the analysis that this
17 would enhance safety.

18 MR. OSWALD: We have heard a lot of
19 numbers tonight, especially the 0.001 accident
20 rate, which would seem to negate everything that
21 you are promulgating in this rule, therefore,
22 making it unnecessary. And with the addition of
23 HB 82 it seems doubly unnecessary. So, those
24 are my further comments.

25 COMMISSIONER LESSER: Thank you.

1 ATTORNEY EXAMINER: I think there is
2 another gentleman back there.

3 (WITNESS SWORN)

4 - - -

5 CARL HEIMRICH
6 called as a witness, being first duly sworn,
7 testified as follows:

8 ATTORNEY EXAMINER: Please state
9 your name, spell your last name, and give your
10 address.

11 MR. HEIMRICH: Carl Heimrich,
12 H-E-I-M-R-I-C-H, from Reno, Ohio. I have
13 another question about this sheet here where it
14 lists driver requirements.

15 The fourth one down, drivers will be
16 disqualified for leaving the scene of accidents
17 and other things. And the one I have a question
18 on is committing a felony. Is that a felony
19 traffic violation, or somebody that has a felony
20 on their record from a prior offense?

21 COMMISSIONER LESSER: I am not
22 exactly sure what that provision is. Can you
23 get one of the other ones in here? Can you
24 repeat that, please?

25 MR. HEIMRICH: Yes, sir. This

1 sheet here is talking about drivers will be
2 disqualified for a number of things. One of
3 them is committing a felony.

4 Is that committing a motor vehicle
5 felony, or somebody who has got a felony on
6 their record from years ago?

7 MR. ORBOVITCH: No. That is
8 committing a felony while driving a commercial
9 motor vehicle.

10 MR. HEIMRICH: Okay. It doesn't
11 apply to somebody that has committed a felony,
12 gone to prison, served their sentence, and stays
13 on one or two years?

14 MR. MARVIN: Two years it falls off.

15 MR. HEIMRICH: That is what I needed
16 clarification on. Because a lot of times you
17 can hire these people on their rehabilitation

18 MR. MARVIN: We have heard from
19 Volunteers of America and some other outfits
20 like that and that is who they employ.

21 MR. HEIMRICH: That answers my
22 question.

23 ATTORNEY EXAMINER: Is there anybody
24 else that wants to give any testimony? Yes,
25 sir.

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MICHAEL SHEPPERSON

recalled as a witness, being first duly sworn,
testified further as follows:

MR. SHEPPERSON: Michael Shepperson.

I went out at your request and talked to some of
your people and things, and on the question of
going to and from market and maybe having to go
out for repairs --

COMMISSIONER: Will you make sure
some transportation people are in here?

MR. SHEPPERSON: There was one
person and another person, and Milan was of the
opinion that you would be out of compliance by
going to a repair facility even if you was a
farmer and supposed to be out of the compliance
issues.

COMMISSIONER LESSER: Were you part
of that conversation?

MR. MARTIN: I think so. I didn't
hear the first part of it.

MR. SHEPPERSON: He was on the
opposite side. He thought that it was -- that
it wouldn't play into that.

COMMISSIONER LESSER: We deserve,

1 you deserve, an answer in writing. If you would
2 lay out your fact situation, and you shouldn't
3 have to be in a position of not knowing the
4 answer. A lot of times these depend on the
5 facts. If you would give it to us in writing
6 you will get an answer in writing. I promise
7 you that.

8 MR. SHEPPERSON: Okay. I can do
9 that. But, the point here is going back to the
10 rules and regulations and how they are
11 interpreted. And when you have a lot of people
12 out there and a lot of discretion out per
13 officer you are going to get a lot of different
14 things.

15 And I think if you are going to
16 implement this you guys need to sit back and
17 rethink and make sure this is what you want.
18 Because even in this room between your own
19 people you do not have a coalesced format.

20 COMMISSIONER LESSER: You make a
21 good point.

22 MR. SHEPPERSON: The other thing
23 that we talked about was why, I don't want to
24 speak out of turn, the gentleman didn't have his
25 facts and figures with him to show me where he

1 got his numbers at and things, so, if I misspeak
2 please -- but it was 23 percent of the 10,000
3 GVW vehicles and up were --

4 MR. MARTIN: It's 18 percent,
5 approximately, approximately, use my wiggle
6 words, approximately 18 percent of
7 the fatalities and 17, 18 percent of the
8 non-fatal injury crashes are involving a vehicle
9 that is between 10 and 26,000 pounds period.

10 Of that, 34 percent of the fatal
11 crashes are operating solely inside the State of
12 Ohio. That was the figure that we discussed.

13 And I can't remember, it's another
14 30 some percent of the non-fatal jury crashes
15 also are operating inside the State of Ohio.
16 Now, that 34 percent is of the 18 percent.

17 I don't have the exact numbers with
18 me. Someone stole my sheet, so I can't quote it
19 and give you the statistics.

20 I also indicated that a lot of these
21 numbers are likely to go up because we are
22 working on refining how we determine what is and
23 isn't reportable based on audits that were done
24 by the federal government. So, those may go up.
25 But, that is what we discussed.

1 MR. SHEPPERSON: And I agree. I
2 agree. And my point being there is a lot of
3 these, 66 percent, are not Ohioans. Not Ohio
4 driver's license.

5 MR. MARTIN: Actually that is not
6 correct. That means that the vehicle at the
7 time was operated in interstate commerce, or
8 crossing state lines, not that -- it may have
9 been Ohio based, it may have been Ohio drivers,
10 but the trip at the time was interstate in
11 nature, not intrastate.

12 MR. SHEPPERSON: That is fine. But,
13 you also don't know if they were Ohio drivers.

14 MR. MARTIN: That's correct. We
15 haven't done that analysis.

16 MR. SHEPPERSON: Look at the other
17 side of the coin. The other part on that is
18 that -- I lost my train of thought. I am sorry.

19 COMMISSIONER LESSER: Would you make
20 sure you get some phone numbers of our people
21 before you leave?

22 MR. SHEPPERSON: Sure.

23 COMMISSIONER LESSER: You are going
24 to remember it as soon as you get home.

25 MR. DRONGOWSKI: Steve Drongowski.

1 How many agencies are represented here at this
2 meeting?

3 COMMISSIONER LESSER: Just the PUCO.

4 MR. DRONGOWSKI: I thought you
5 referred to the transportation guy.

6 COMMISSIONER LESSER: Transportation
7 division of the PUCO.

8 MR. DRONGOWSKI: Okay. I don't
9 know -- I am trying to figure out how this works.

10 ATTORNEY EXAMINER: There are
11 several. The PUCO regulates utilities in Ohio.
12 Electric, gas, water companies, telephone
13 companies, motor carriers, railroads. So all
14 those utilities are regulated. So the people
15 here are just from the transportation section.

16 MR. DRONGOWSKI: Of the PUCO?

17 ATTORNEY EXAMINER: Yes.

18 MR. DRONGOWSKI: I didn't know if
19 there were different agencies

20 COMMISSIONER LESSER: No.

21 MR. DRONGOWSKI: All right.

22 ATTORNEY EXAMINER: Anybody else?
23 Since there are no more people here who want to
24 make comments we are going to adjourn the
25 hearing then. And we thank you all for coming,

1 and if you have any concerns please get
 2 the phone number of some of the staff people
 3 that are outside.

4 COMMISSIONER LESSER: Staff will
 5 stay available if you have particular business
 6 questions and you want to go through your fact
 7 situation, you know, grab ahold of them, ask
 8 your question. And thank you very much for
 9 coming.

10 ATTORNEY EXAMINER: Okay. We are
 11 adjourned.

12 - - -

13 (At 6:15 P.M. the PUCO hearing was
 14 concluded)

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CERTIFICATE

I do hereby certify that the foregoing is a true and correct transcript of the proceedings taken by me in this matter on March 1, 2011, and carefully compared with my original stenographic notes.

Michael O. Spencer,
Registered Professional
Reporter.

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Summary: Transcript Transcript of Transportation Rules hearing held on 03/01/11.
electronically filed by Mrs. Jennifer Duffer on behalf of Armstrong & Okey, Inc. and Spencer,
Michael O. Mr.