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In The Matter Of The Application Of Black )  
Fork Wind Energy, LLC For A Certificate To )  
Site A Wind-Powered Electric Generating ) CASE NO. 10-02865-EL-BGN  
Facility In Richland And Crawford Counties. )  
)

Q. Please state your name, business address and title.

A. Thomas E. Beck, P.E., P.S. My business address is 77 N. Mulberry Street, Mansfield, Ohio 44902. I am the Richland County Engineer.

Q. Over what period of time have you held this position?

A. From 1989 to present.

Q. On what parties' behalf are you presenting this direct testimony?

A. This direct testimony is submitted on behalf of Intervenor, the Board of County Commissioners of Richland County, Ohio, the Richland County Engineer and the Board of Township Trustees of Plymouth, Sandusky and Sharon Townships (hereinafter the "Intervenor").

Q. What is the purpose of your testimony in this case?

A. The purpose of this testimony is to present the comments and positions of the Intervenor concerning the Application filed by Black Fork Wind Energy, LLC for a certificate to site a wind-powered generating facility in Richland and Crawford Counties and the Staff Report of Investigation filed on August 31, 2011. Each of the Intervenor has statutory

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jurisdiction and responsibility over county and township roadways, bridges and other transportation facilities within the Project Area for the proposed Black Fork Wind Project in Richland County. The interest of the Intervenor in this case largely relates to the potential impact of the Black Fork Wind Project on transportation infrastructure within Richland County, traffic control and financial assurance issues. Specifically, I will address recommended conditions to certification that are necessary to protect the interests of the Intervenor in administering their respective responsibilities and authority under the Ohio statutes.

Q. Please summarize your education and related work experience.

A. I received a B.S. degree in Civil Engineering from Ohio State University in 1964. I am a registered professional engineer in Ohio and a registered professional surveyor in Ohio. I was employed in the private sector in the construction industry after graduation. In 1988, I was elected Richland County Engineer and have served in that capacity since.

Q. Please summarize the duties and responsibilities of the County Engineer as respects transportation facilities within the county.

A. The duties and responsibilities of the County Engineer are directly addressed in Chapters 315 and 5543, Ohio Revised Code as well as various other statutes.

Chapter 5543, Ohio Revised Code addresses the duties of the County Engineer in detail. Pursuant to R.C. 5543.01(A), the County Engineer is responsible for the construction, reconstruction, improvement, maintenance and repair of all bridges and highways within the county under the jurisdiction of the Board of County Commissioners. The County Engineer also advises and recommends as requested by the Boards of Township Trustees regarding

construction, reconstruction, resurfacing or improvements of roads under their jurisdiction. The County Engineer's supervisory authority over county roadways includes supervisory authority over the construction and repair of all approaches or driveways from the public roads, authority over closing of traffic of highways, bridges or culverts during construction, improvement or repair as well as temporary improvements to direct traffic and authority over erection of signposts.

Q. Please summarize the authority and duties of the Board of County Commissioners over transportation improvements within the county.

A. The authority and duties of the Board of County Commissioners are also directly addressed in the various chapters contained within Title 55 of the Ohio Revised Code. The Board of County Commissioners, in conjunction with the Board of Township Trustees, has the authority to create and establish the "county highway system" as provided in further detail under Title 55, Ohio Revised Code.

Pursuant to R.C. 5555.02, the Board of County Commissioners has the authority to construct public roads by laying out and building a new road or by improving, reconstructing, or repairing any existing public road by grading, paving, widening, altering, straightening, vacating or changing the direction or surfacing of the road. Improvements are authorized by resolution which addresses the route and apportionment of costs of the improvement. In the resolution, the Board shall order the County Engineer to prepare the necessary surveys, plans and specifications for the improvement. The Board is also authorized to proceed with competitive bidding for the construction as required by R.C. 307.86 to 307.92 and shall determine the method of paying costs for the

improvement whether by special assessment, expenditure of funds, tax levy and allocation or otherwise.

Other provisions of Title 55 also address the authority of the Board of Commissioners over public roads and transportation improvements. For example, pursuant to R.C. 5547.03, the Board has authority to control road rights of way and can order removal of any structures that obstruct or interfere with use of a roadway, bridge or culvert. Chapter 5553, Ohio Revised Code addresses the authority of the Board of Commissioners over the location, alteration or vacation of roads and establish requirements for minimum width of county roads subject to the application of defined criteria. Pursuant to Chapter 5561, Ohio Revised Code, the Board also exercises authority over grade crossings. The Board also has authority to classify county and township roads and bridges with reference to maximum load weights and speeds under Chapter 5577, Ohio Revised Code. Finally, the Board has jurisdiction over bridges within the county as provided by Chapter 5591, Ohio Revised Code.

- Q. Please summarize the authority of the Board of Township Trustees over roadways within each township.
- A. Again the Board of Township Trustees of each of the townships within the county has responsibilities and jurisdiction over roadways within their respective townships as provided by statute. This essential authority includes the authority to construct, reconstruct, resurface or improve any public road under the township trustees' jurisdiction and includes maintenance obligations as provided in Chapters 5571, 5573 and 5575, Ohio

Revised Code. Pursuant to R.C. 5575.02, road improvements are also subject to public contract requirements including competitive bidding requirements.

Q. What are the competitive bidding requirements applicable to county or township roadway improvements?

A. R.C. 307.86 requires competitive bidding for the construction, reconstruction, improvement, maintenance, repair or service of county and township roadways, bridges and other transportation improvements. The competitive bid requirements are mandatory and the exceptions to competitive bidding are extremely limited. The competitive bidding requirements include public notice requirements, bid bond and performance bonds and surety requirements. The contract shall be awarded to the lowest and best bidder.

Q. Has the County Engineer adopted minimum specifications for the construction, reconstruction, improvement, maintenance and repair of bridges and roadways within the county?

A. Yes. We generally adopt specifications for any transportation project which is included in the bid documents. These specifications generally conform to ODOT specifications and may be varied as necessary for each project.

Q. Has the Richland County Board of County Commissioners also adopted rules regarding the issuance of permits for movement of overweight and over dimension vehicles on public roadways within the county?

A. Yes. On February 8, 2011, the Board of County Commissioners of Richland County passed a resolution adopting the "Amended County of Richland Ohio Rules Regarding the Issuance of Permits For Movement of Overweight and Over Dimension Vehicles"

pursuant to R.C. 4513.34. The Boards of Township Trustees of Plymouth, Springfield, Sharon and Sandusky Townships in Richland County have entered into agreements with the Richland County Board of Commissioners authorizing the Board to issue special permits and to exercise the authority of the Boards of Township Trustees in issuing these permits.

Q. Please identify Exhibit A attached to your Direct Testimony.

A. Exhibit A is a true and correct copy of the Boards' February 8, 2011 Resolution adopting the Amended Rules referenced above with a true and correct copy of the Amended Rules attached.

Q. What, in general, do these Amended Rules address?

A. The Amended Rules provide definitions, including specific definitions for over dimension and overweight vehicles as to maximum width, heights, or lengths specified in R.C. 5577.05 and 5777.02 to 5577.09. These Amended Rules require the issuance of permits in accordance with the rules and establish conditions for submission of permit applications. Rule 4 of the Amended Rules specifically establishes the conditions and procedures for issuance of permits. These rules address requirements for insurance, surety bond, direct pay letters of credit, escrow, construction agreements and other financial assurance requirements as deemed necessary by the Board of Commissioners to provide adequate financial assurance for new construction or road repair. The Amended Rules also address conditions on permitted movements, schedule of fees and payment procedures and responsibilities of accepting the permits issued. The Amended Rules also address other conditions, restrictions and conveyance requirements for permits once issued.

Q. Are you generally familiar with the Ohio Power Siting Board's rules governing wind-power generation facility applications to certification as respects traffic and transportation improvement issues?

A. Yes, I am generally familiar with the rules. OAC Rule 4906-17-08 addresses social and ecological data and subpart E of that rule addresses public responsibility. OAC Rule 4906-17-08(E)(2) requires that the applicant shall describe any insurance or other corporate programs for providing liability compensation for damages to the public resulting from construction or operation of the proposed facility. Subpart E(5) requires the applicant to evaluate and describe the anticipated impact to roads and bridges associated with construction vehicles and equipment delivery and shall describe measures that will be taken to repair roads and bridges to at least the condition present prior to the project. Finally, Subpart E(6) requires the applicant to describe the plan for decommissioning the proposed facility, including a discussion of any financial arrangements designed to assure the requisite financial issues.

Q. Have you had the opportunity to review the Application filed by Black Fork Wind Energy LLC in this proceeding?

A. Yes I have and I am prepared to address those portions of the Application that relate to OAC Rule 4906-17-08(E) and the interest of the Intervenors in this proceeding. This interest generally relates to traffic control, the potential impact on public roadway improvements and financial assurance obligations.

Q. Please proceed with your review of the Application.

A. First of all, the Project Area includes portions of Richland and Crawford Counties and portions of Auburn, Jackson, Jefferson and Vernon Townships in Crawford County and

Plymouth, Sandusky and Sharon Townships in Richland County. Portions of the Richland County "county highway system" including county and township roads, bridges, culverts and other public improvements are within the Project Area and are potentially impacted by the Project, including the construction, maintenance and decommissioning phases of the Project.

The requirements of OAC Rule 4906-17-08(E) that are of interest to the Intervenor are addressed at pages 142 to 144 of the Application and are further addressed in Applicant's Transportation Study attached as Appendix N which I will address in detail. The decommissioning plan is only referenced generally and does not specifically address potential impact on transportation improvements during the decommissioning phase.

- Q. Please address the highlights of the Applicant's Transportation Study attached as Appendix N to the Application.
- A. Based on my review of the Transportation Study prepared by K.E. McCartney & Associates, Inc., there will clearly be potential impact on the Richland County public roadways, bridges, culverts and other transportation improvements that will need to be addressed in certification conditions. The Project includes 91 proposed wind turbines and collection facilities covering an area of approximately 50 square miles. Although no specific final transportation route has yet been selected, the preliminary recommended route, or some variation thereof, will likely significantly impact county transportation infrastructures.
- Q. Please summarize the potential impact on county transportation infrastructure as addressed in Applicant's Transportation Study.



A. In summary, the potential impacts include:

- The minimum required inside turning radius of 148 feet is not met for any intersecting roads within the project boundaries. The current radius for each intersecting road is only 20 to 30 feet. Improvements will be required at all intersections requiring turning for transport vehicles. In addition, Figure 4 of the Transportation Study identifies utility pole and miscellaneous conflicts at intersections which may restrict transport movement.
- Fourteen (14) locations were identified where the roadway profile does not meet minimum requirements, including specifically the required minimum vertical radius of 1,640 feet. Each of these locations will require further analysis. The profile deficiencies within Richland County are reflected in Figure 2 of the Transportation Study.
- There are eight (8) locations where the roadways did not meet a roadway alignment curve of less than 20°. Figure 3 of the Transportation Study lists curve deficiencies within Richland County.
- Utility poles and aerial facilities exist on virtually all roads. These will have to be moved to meet clearance requirements. Again, the exact requirements will require further study once the final route is determined. These locations within Richland County are reflected in Figure 4 of the Transportation Study.
- There are ten (10) stream crossing structures in Crawford County and eighteen (18) in Richland County that are likely to be impacted. Seven (7) structures in Richland County have weight limit restrictions and six (6) are in poor condition. Again, a detailed study is required once the final route is determined. Figure 5 of the Transportation Study reflects the location of these structures.

- Once the final route is selected, a detailed analysis will be required to determine load bearing capacity and impacts. The general requirements are a 16 foot minimum width and 24 foot minimum clear width. Roadways are frost susceptible and load bearing capacities are greatly reduced in the spring.
- Sixty (60) access points are identified. Each access point to the public roadway will be most prone to failure. Most areas may require structural improvement prior to construction.
- It is anticipated that there will be 84 deliveries for each turbine location, a total of 7,644 truckloads. Sixty-seven (67) of the 84 deliveries would be legal weight of 80,000 lbs. or less. Seventeen (17) loads per turbine will require oversize/overweight permits.

Q. Do you have any other comments concerning Applicant's Transportation Study?

A. Yes. The Transportation Study at page 8 properly notes that the Crawford and Richland County Engineers are responsible for maintaining the roadways in a safe condition for the travelling public and the Boards of Township Trustees similarly maintain jurisdictional authority for their respective roadways. The Study also acknowledges that the construction project will involve public roadways and there is a need to coordinate traffic closures and temporary improvements to facilitate traffic.

The Study also properly concludes that a major concern of the local jurisdictional agencies is the potential impact to roadway and bridges caused by the transportation of heavy loads during construction. Improvements will need to be completed prior to, during and after construction. The Study specifically concludes at page 8:

"Another issue of concern for the local jurisdictional agencies is to coordinate the required roadway improvements.

Some improvements would need to be completed prior to beginning construction activities, some interim improvements may be required during construction, and final improvements may be needed to restore the roadway after completion of construction activities. The main concern is to maintain the pavement in its current condition and relieve the County and Township of expending funds or efforts to repair any pavement damaged by construction activities." (Emphasis added).

Q. You agree with these statements, but are there additional concerns you have?

A. Yes. I have significant additional concerns not completely addressed by Applicant in the Application or in the Transportation Study. These concerns include:

- There is no specific indication of the total costs of the proposed roadway improvements either during the construction phase, the maintenance phase or the decommissioning phase.
- Applicant acknowledges that new construction and improvements will be required to improve the transportation infrastructure to accommodate turning requirements and weight bearing requirements, that utilities and aerial structures will have to be moved and that roadway profiles and alignment curves will have to be reconfigured. There is no detail provided as to how the required work will be designed and engineered or how the work will proceed. Also, there may be impact on driveways for access road construction and county maintained ditches which is not addressed.
- Under the statutes as addressed above, the County Engineer has the mandatory duty to prepare all plans, specification and design for any roadway improvements. The County Engineer has the responsibility for construction, reconstruction, improvement and repair of all bridges, culverts and roadways and this responsibility includes supervisory responsibilities. The responsibilities and authority of the Board of County Commissioners and the Board of Township Trustees are also provided by statute.

Improvements must be authorized by resolution and the work must be competitively bid and performed pursuant to statute.

- Applicant fails to demonstrate how this required work will be performed in accordance with the specific and mandatory requirements of the applicable statutes and how the local governmental authorities will be reimbursed for all costs incurred. These include not only new construction and roadway improvements but also repair work and decommissioning. These costs would include engineering review and design work, preparation of plans and specifications, preparation of construction bid documents and contracts, preparation of bond and surety obligations, supervision and inspection costs and attorneys fees and other professional costs.
- Significantly, there is no indication as to how the Applicant proposes that the work be let in accordance with the mandatory competitive bidding statutes and other statutory requirements.
- Besides failing to itemize costs for the work, Applicant fails to adequately address financial assurance requirements including bond or other financial assurances during the construction phase, the maintenance phase or the decommissioning phase.

Q. Besides the transportation infrastructure issues, are there any other concerns raised by the Application?

A. Yes. In the Project Summary, Black Fork assumes that the Counties will grant right-of-way access for installation of the collection system. While the Project documentation seems to indicate that most of the collection lines will be installed in private easements within privately owned lands, it appears that some collection lines will be installed in at least some roadway rights-of-way and will cross the public roads. As discussed, under

statute, the Board of Commissioners has the responsibility and jurisdiction over roadway right-of-ways and may order removal of any structures that obstruct or interfere with the use of a roadway, bridge or culvert. Installation of 34.5 kv collection lines in the right-of-way poses risks to existing utilities in the right-of-way as well as maintenance and safety issues that need to be addressed.

Q. Have you had the opportunity to review the Staff Report of Investigation filed in this case?

A. Yes I have. I have reviewed those portions of the Staff Report that address the Project's anticipated impact on county roads, bridges, other transportation infrastructure, traffic control and financial assurance as well as the Staff's Recommended Conditions of Certificate beginning at page 53 of the Staff Report, specifically Recommended Conditions 18, 39, 46 through 49, 66 and 67.

Q. Do you have a response to the Staff's Recommended Conditions referenced above?

A. Yes I do. I believe, in general, the Staff's Recommended Conditions are appropriate and reasonable. However, I do have specific recommendations for additional minimum conditions to certification that should be in the final order.

Q. What are your recommendations for additional minimum conditions for certification that should be set forth in the final order of the Power Siting Board in this case?

A. I believe that the following are additional minimum conditions to certification that should be in the final order:

1. Applicant should be directed to comply with Richland County's rules regarding issuance of permits for movement of overweight and over dimension vehicles as addressed above and as may be modified or amended in the future. (Ref. Staff Report, Condition 49).

2. As recommended by the Staff, the Applicant should be directed to enter into a written “Road Use Agreement” with the appropriate county officials and supported by adequate financial assurances. (Ref. Staff Report, Conditions 47,48). The “Road Use Agreement” must be subject to approval by the Board of County Commissioners. Further, this “Road Use Agreement” must not supplant the County’s rules regarding issuance of permits for movement of overweight and over dimension vehicles and which are independently enforceable by the County.

3. Where improvements or repairs are necessary, Applicant should be directed to comply with all statutory requirements for the engineering, design, construction, improvement or repair of roads and bridges necessitated by the Project during the construction, maintenance and decommissioning phases. All work must be completed in accordance with the statutory requirements and under the jurisdiction of the local governmental authorities. This would include compliance with all statutes addressing engineering and design, construction, competitive bid requirements and prevailing wage and other statutory requirements applicable to public transportation improvements. These are mandatory statutory requirements that address not only quality of roadway construction but public safety issues as well. All work must be completed at Applicant’s cost, including engineering review and design work, preparation of plans and specifications, preparation of construction bid documents and contracts, preparation of bond and surety obligations, supervision and inspection costs, attorneys fees and other professional costs.

4. Applicant should be directed to finalize, and to provide to the County Engineer, the final delivery route plan and the required traffic and roadway improvement

structures at least thirty (30) days prior to the preconstruction conference. (Ref. Staff Report, Condition 46).

5. Applicant should be directed to repair at its cost, or to reimburse the County or Township, for any damage to public roadways, bridges and other transportation improvements to restore the improvement to at least original condition and to reimburse the County or Township for any other costs incurred. Again, any repair work must comply with all statutory requirements as would apply to any transportation improvement. (Ref. Staff Report, Condition 47).

6. Applicant should be directed to coordinate with, and obtain all approvals from, local authorities for all temporary or permanent road closures, road restoration or road improvements necessary for construction and operation. (Ref. Staff Report, Conditions 46, 49).

7. Applicant should be directed to post a bond, escrow or other financial assurance acceptable to the County and sufficient to provide adequate assurance for any damage to the public roadways and to cover all costs incurred during the construction, maintenance and decommissioning phases. (Ref. Staff Report, Conditions 48, 66).

8. Applicant should be directed to avoid or minimize any damage to field tile drainage systems and to make proper repair for any damage under the direction of the County Soil and Water Conservation District or other local authority. (Ref. Staff Report, Condition 18).

9. Applicant should also be directed to become a member of the Ohio Utility Protection Service ("OUPS") to coordinate with affected utilities. (Ref. Staff Report, Condition 39).

10. The collection systems should not be permitted in the public right-of-way without compliance with all safety requirements and subject to County approval.

Q. Does this complete your direct testimony?

A. Yes. However, depending on new issues raised in the Staff Report or Applicant's Direct Testimony, I would reserve the right to supplement this Direct Testimony at the evidentiary hearing.



### CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served by regular mail, facsimile and/or electronic mail on this 15th day of September, 2011, upon the following parties of record:

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Orla E. Collier

## RESOLUTION

RE: A RESOLUTION AMENDING THE COUNTY OF RICHLAND, OHIO RULES REGARDING THE ISSUANCE OF PERMITS FOR MOVEMENT OF OVERWEIGHT AND OVER DIMENSION VEHICLES

Whereas, on January, 13, 2011, the Board of County Commissioners of Richland County, Ohio (called the "Board of County Commissioners" herein) adopted the County Of Richland, Ohio Rules Regarding the Issuance Of Permits For Movement Of Overweight and Over Dimension Vehicles (called the "Rules" herein) pursuant to Ohio Revised Code Section 4513.34;

Whereas, pursuant to Ohio Revised Code Section 305.14, the Board of County Commissioners has entered into agreements with the following township boards of trustees: Plymouth, Springfield, Sharon and Sandusky;

that, pursuant to said agreements, with respect to the issuance of special permits under Ohio Revised Code Section 4513.34, the Board of County Commissioners agrees to undertake, and is authorized by said boards of township trustees, to exercise any power, perform any function, or render any service, on behalf of the board of township trustees, that the board of township trustees may exercise, perform, or render;

Whereas, the Board of County Commissioners desires to amend the definition of "County highway system" contained in paragraph (L) of Rule 1 of said Rules to identify said boards of township trustees that have entered into said agreements with the Board of County Commissioners.

NOW, THEREFORE BE IT RESOLVED by the Board of County Commissioners that:

Section 1. The Board of County Commissioners hereby approves and adopts the "Amended County Of Richland, Ohio Rules Regarding the Issuance Of Permits For Movement Of Overweight and Over Dimension Vehicles", which is attached hereto and made a part of this resolution.

Section 2. The Board of County Commissioners finds and determines that all formal actions of this Board concerning and relating to the adoption of this resolution were taken in an open meeting of this Board and that all deliberations of this Board that resulted in those formal actions were in meetings open to the public in compliance with the law.

EXHIBIT

A

The foregoing motion having been put to a vote, the result of the roll call was as follows:

Edward W. Olson      2/8/11  
Ed Olson  
Richland County Commissioner

Gary Utt SK      2-8-11  
Gary Utt  
Richland County Commissioner

Tim A. Wert      2/8/11  
Tim Wert  
Richland County Commissioner

I, Stacey Crall, Clerk of the Board of County Commissioners, do hereby certify that the foregoing is a true and correct copy of the resolution of the Board of County Commissioners, Richland County, Ohio, duly adopted February 8, 2011, and appearing upon the official records of said Board.

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Adopted: February 8, 2011

Dated: 2/8/11

Stacey L. Crall  
Clerk, Board of County Commissioners  
Richland County, Ohio

# **Amended County of Richland, Ohio**

## **Rules Regarding Issuance of Permits for**

### **Movement of Overweight and Over Dimension Vehicles**

#### Rule 1. Definitions.

As used in the movement of overweight and over dimension vehicle rules:

(A) "Administrative Code" means the Administrative Code of the State.

(B) "Applicant" means any person that applies for a permit for the movement of an overweight and/or over dimension vehicle on the county highway system and includes any agent or permit agency that is authorized to act on behalf of such person.

(C) "Approved facility" means any point of manufacture or processing facility designated as an "approved facility" in accordance with rule 5501:2-1-14 of the Administrative Code.

(D) "Bill of lading" means a receipt or ticket for property tendered for transportation by a motor common carrier in interstate, intrastate or foreign commerce containing the following information:

(1) Names of cosignor and consignee.

(2) Origin and destination points.

(3) Number of packages.

(4) Description of freight.

(5) Date.

(6) Weight, volume, or measurement of freight (if applicable to the rating of the freight).

(E) "Construction equipment permit" means a permit granting a special privilege which allows the unlimited number of movements of construction equipment to or from a construction worksite, not to exceed 365 calendar days. A construction equipment permit is not available for any superload.

(F) "Continuing permit" means any permit granting a special privilege which allows an unlimited number of movements of the same vehicle, including any approved load, axle weight, and axle spacing, between the same two specific locations over the same specified route not to exceed 90 calendar days. If issued as a steel coil continuing permit, such movement shall only originate from an approved facility. A continuing permit is not available for any superload.

(G) "Continuing annual permit" means any permit granting a special privilege which allows an unlimited number of movements of the same vehicle, including any approved load, axle weight, and axle spacing, between the same two specific locations over the same specified route not to exceed 365 calendar days. If issued as a steel coil continuing annual permit, such movement

shall only originate from an approved facility. A continuing annual permit is not available for any superload.

(H) "County" means County of Richland, Ohio.

(I) "County board of commissioners" means the Board of Commissioners of the County, or the county board of commissioners' designee.

(J) "County board of commissioners' designee" means the county engineer.

(K) "County engineer" means the Engineer of the County, or the county engineer's designee.

(L) "County highway system" means all highways, roads, streets and bridges under the jurisdiction of the county board of commissioners, and all highways, roads, streets under the jurisdiction of the boards of township trustees of the following townships located in the county: Plymouth, Springfield, Sharon and Sandusky.

(M) "Department" means Ohio department of transportation.

(N) "Director" means the director of the Department.

(O) "Emergency" means an occurrence or series of occurrences which causes, or threatens to cause, loss of life or otherwise endangers public health, safety or welfare.

(P) "Emergency permit" means any permit granted for a movement necessitated by any occurrence which causes or threatens to cause the loss of life or otherwise endangers public health, safety or welfare.

(Q) "Highway" means the entire real estate interest associated with each highway, including all appurtenances, including but not limited to, bridges, viaducts, grade separations, culverts, lighting, signalization, and approaches on or to each highway.

(R) "Legal holiday" is any day appointed and recommended by the governor of Ohio or the president of the United States as a holiday. These shall include, all State and federal holidays, including, but are not limited to the following: New Year's day, Martin Luther King day, Washington-Lincoln day, Memorial day, Independence day, Labor day, Columbus day, Veterans day, Thanksgiving day and Christmas day. If any day designated herein falls on Sunday, the next succeeding day is a legal holiday.

(S) "Marina permit" means a permit granting a special privilege which allows the unlimited number of movements of boats to and from a point of storage, repair or launch, not to exceed 365 calendar days. The permitted vehicle shall be part of an over dimension vehicle whose maximum weight does not exceed the limitations specified in or determined pursuant to sections 5577.02 to 5577.09 of the Revised Code and whose width is fourteen feet or less, and whose load length is sixty-five or less, and whose overall length is seventy-five feet or less. The pick-up and delivery may not exceed a ten mile radius of state point of origin over State and federal highways. Movement is not authorized on fully controlled or limited access highways. Power unit may consist of an agriculture tractor or land tug. Such vehicle must have a three digit unit number clearly displayed. Maximum operating height is not to exceed four inches below the least vertical clearance for overhead obstructions on the route, but in no case shall the operating height exceed *fourteen feet, six inches*. Properly placed slow moving vehicle signage shall be affixed to the transporting vehicle and at least one rear escort vehicle shall accompany the load at all times.

(T) "Manufactured building permit" means a permit granting a special privilege which allows an unlimited number of movements of a manufactured building or manufactured building component, not to exceed 365 calendar days. The permitted vehicle shall be part of an over dimension vehicle whose maximum weight, length and height do not exceed the limitations specified in or determined pursuant to sections 5577.02 to 5577.09 of the Revised Code and whose width is twelve feet or less.

(U) "Nondivisible load" means that which cannot be reduced in size or weight, or which is impractical to divide, or which cannot be so adjusted as to be within the size and weight limitations specified in or determined pursuant to sections 5577.02 to 5577.09 of the Revised Code, because to do so would:

(1) Compromise the intended use of the vehicle, i.e., make it unable to perform the function for which it was intended;

(2) Destroy the value of the load or vehicle, i.e., make it unusable for its intended purpose; or

(3) Require more than eight work hours to dismantle using appropriate equipment. The applicant for nondivisible load permit has the burden of proof as to the number of work hours required to dismantle the load.

For the purposes of this rule, three or fewer steel coils, transported by a vehicle, are deemed nondivisible loads.

(V) "Over dimension vehicle" means any vehicle, machinery, equipment, load, or combination thereof, which exceeds the maximum widths, heights or lengths specified in section 5577.05 of the Revised Code.

(W) "Overweight vehicle" means any vehicle, machinery, equipment, load or combination thereof, which exceeds the maximum weights specified in or determined pursuant to sections 5577.02 to 5577.09 of the Revised Code.

(X) "Overweight and/or over dimension vehicle" means any vehicle and/or load which exceeds the limitations specified in or determined pursuant to sections 5577.02 to 5577.09 of the Revised Code.

(Y) "Permit" means a written document, verified and issued by the county granting a special privilege which allows the movement of an overweight and/or over dimension vehicle, subject to the conditions and limitations specified on that document.

(Z) "Permittee" means any applicant that is granted a permit under these rules.

(AA) "Person" means any individual, trust, firm, joint stock company, federal agency, corporation (including government corporation), partnership, association, the State, municipality, commission, political subdivision of the State or any interstate body.

(BB) "Pneumatic tires" means tires of rubber and fabric or tires of similar material, inflated with air.

(CC) "Police officer" means the sheriff and deputy sheriffs of the county, officers of the state highway patrol and, on portions of the county highway system within their jurisdictions, township police officers or constables.

(DD) "Revised Code" means the Revised Code of the State.

(EE) "Rules" means the County of Richland, Ohio, Rules Regarding Movement of Overweight and Over Dimension Vehicles.

(FF) "Single trip permit" means any permit granting a special privilege which allows an overweight and/or over dimension vehicle to make one movement on the effective date of the permit during a five day period, between two specific points over prescribed routes.

(GG) "Single trip and return permit" means any permit granting a special privilege which allows an overweight and/or over dimension vehicle to make a movement between two specific points and returning to the origin, over prescribed routes. The return trip must take place within five days of the original movement.

(HH) "State" means the State of Ohio.

(II) "Steel coil permit" means a permit granting a special privilege which allows the movement of three or fewer steel coils with a maximum gross vehicle weight in excess of the eighty thousand pounds legal load limit, but not to exceed one hundred twenty thousand pounds, between two specific points, over prescribed routes. Such permits may be issued as a single trip, a continuing permit or annual continuing trip permit.

(JJ) "Superload" means any vehicle whose load width is greater than 14 feet or whose load height is greater than 14'6" or whose weight exceeds 120,000 pounds.

(KK) "Superload permit" means a single trip or single trip and return permit which allows movement of a superload.

(LL) "Unpermitted movement" means any movement involving a vehicle and load exceeding the weight and/or dimension limitations specified in or determined pursuant to sections 5577.01 to 5577.09 of the Revised Code that is made either without a permit issued pursuant to these rules or contrary to the conditions and limitations imposed by a permit issued pursuant to these rules.

(MM) "Vehicle" means every device in, upon, or by which any person or property may be transported or drawn upon a highway except devices other than bicycles moved by human power.

(NN) "Boat permit" means a permit issued for granting a special privilege which allows an unlimited number of movements of a vehicle hauling a trailer designed and used for the transportation of boats, not to exceed 365 calendar days. The permitted vehicle shall be part of an over dimension vehicle whose maximum weight, length and height do not exceed the limitations specified in or determined pursuant to sections 5577.02 to 5577.09 of the Revised Code and whose width is twelve feet or less.

## Rule 2. Scope and Administration.

(A) Pursuant to revised code section 4513.34, the county board of commissioners have enacted the rules to control the use, safety and conditions of the county highway system. Any person wishing to operate or move a vehicle or combination of vehicles of a size or weight of vehicle or load exceeding the maximum specified in revised code sections 5577.01 to 5577.09 on the county highway system shall obtain a permit issued by the county pursuant to the rules.



(B) The county board of commissioners' designee shall be responsible for administering the issuance of permits. This includes receiving and reviewing applications, inspecting proposed routes, and maintaining records of all applications and permits.

### Rule 3. Conditions for submission of permit applications.

(A) Every movement on the county highway system of a vehicle, with or without a load, whose weight and/or dimensions exceed the limitations specified in or determined pursuant to revised code sections 5577.01 to 5577.09, will be illegal unless such movement is made pursuant to a permit granted under these rules; provided that farm machinery as specified in division (U) of revised code section 4501.01 is exempt from the rules.

(B) Only permit applications for non-divisible loads will be considered. Each application shall be carefully reviewed to assure that all alternatives have been considered which allow movement in a manner which insures the safety of all motorists and protects the public investment in the county highway system. Such alternatives shall include but not be limited to, movement within legal limits without a permit and movement by other transportation means. The county board of commissioners' designee may waive this condition if in the discretion of the county board of commissioners' designee such waiver is in the best interest of the safety of the traveling public and the welfare of the county highway system.

(C) Permits will be issued for the movement of overweight or over dimension vehicles only if that vehicle or load is transported by a vehicle, trailer or semi-trailer with pneumatic tires; provided, however, permits may be issued for track-mounted vehicles or equipment if the county board of commissioners' designee determines that the county highway system will not be damaged by such vehicles or equipment.

### Rule 4. Permit Application Procedures.

(A) A written application must be submitted for all permits. The permit application shall be in the form prescribed by the county board of commissioners' designee.

(B) For the purpose of understanding the normal and expected damage caused by continuing permits on the maintenance of the county highway system, the county board of commissioners' designee shall request a permit applicant to disclose the information set forth in paragraph (C) of this rule. The county board of commissioners' designee shall strive to require the minimum amount of information necessary to administer this rule so that it would impose the least burden and cost to the permit applicant.

(C) The applicant shall provide an accurate and complete description of the vehicle and load to be moved and proposed routing thereof. The information shall include all physical dimensions, axle weights and the gross vehicle weight. Inaccurate or otherwise incomplete applications may result in a delay or denial of the issuance of a permit. Failure to propose a specific route on the application or failure of the proposed routing to accommodate the load shall result in the assignment of the best available route as initially determined and recommended by the county board of commissioners' designee. If applying for a continuing permit, the applicant shall provide the estimated number of movements to be made on the continuing permit. The applicant shall provide an interim report to the county board of commissioners' designee, within forty-five days of the effective date of the permit, certifying the actual number of trips traveled under authority of such permit. Upon the expiration of the permit, the applicant shall submit a final report to the county board of commissioners' designee certifying the total numbers of trips made on the continuing permit. Should a permit be voided, the permittee shall submit a report to the county board of commissioners' designee, certifying the actual number of trips for the time period in which the permit was effective. The certification report shall include the actual gross vehicle

weight and number of coils transported for each trip. The certification shall be submitted to the county board of commissioners' designee within seven business days of the permit expiration or void date. Certification reports shall be submitted to the county board of commissioners' designee.

(D) If an applicant submits an incomplete or untimely certification report, the county board of commissioners' designee shall send a letter to the applicant requesting correction of any errors, inaccuracies or omissions, or shall request submission of a timely report in the future. This letter shall provide the applicant with an opportunity to cure any such error, inaccuracy, or omission within a reasonable amount of time and shall waive any penalty for first time violations. Repeated errors, inaccuracies, or omissions, or failure to submit timely certification reports occurring after receipt of the first correction letter, may be cause for denial of a permit as set forth in paragraphs (I) and (J) of this rule and rule 15.

In the event that the applicant provides information that it considers to be a trade secret, the county shall not share with, or convey to, any person any information provided by the applicant, unless disclosure is required by law or the applicant gives prior written approval for such disclosure. The county agrees to keep all the trade secret information it may acquire concerning the applicant's commercial activity in confidence and use that information only in connection with the business purposes of the department. To determine what qualifies as trade secret information, refer to the definition of trade secret in revised code section 1333.61(D). Notwithstanding any provision of this rule to the contrary, in the event the county is required to disclose any information the applicant considers a trade secret pursuant to applicable law, prior to disclosing such information, the county shall notify applicant in writing. The county shall use reasonable efforts to give notice of disclosure at least three days in advance of release. At the applicant's request, the county shall return trade secret information to the applicant subject, however, to the record retention requirements imposed on the county by State law. The county shall not be obligated to maintain in confidence any information that is not a trade secret including information that (1) is already known by the state or the county, or (2) is or comes into the public domain through no fault of the county, or (3) is independently developed by the county, or (4) comes to the county from a third party in a manner not in violation of any obligation of confidentiality by such third party to the applicant. State law generally requires that documents which contain both confidential/trade secret and non-confidential information be disclosed with confidential information redacted.

(E) Where filed.

(1) Permit applications may be submitted by mail or in person by the applicant or the applicant's agent to the following address:

Special Hauling Permits Section  
Office of Richland County Engineer  
77 North Mulberry Street  
Mansfield, Ohio 44902  
(419) 774-5591

All permit applications submitted in person must be submitted during normal working hours of the county engineer's office (8:00 am to 3:30 pm). All permit applications shall bear the signature and title of the person (or his/her authorized representative) assuming full responsibility for the proposed move(s).

(2) The number of permits submitted by mail or in person may be limited at the discretion of the county board of commissioners' designee.

(F) Applications for permits must be accompanied by the fees designated in these rules, except as provided therein for advanced payments. Applications without accompanying fees may result in delay or denial of the issuance of the permit. Fees are waived for federal, State, local governments, and political subdivisions.

(G) After receiving the application, the county board of commissioners' designee will review the form for completeness and inspect the proposed route to examine the conditions of the applicable highways. Review time will be governed by the amount of weight and size of the vehicles or loads to be moved in conjunction with the length of the proposed route and the impact the move will have on the highway. Permits will be processed as soon as possible in the order in which they are received. Permittees should try to schedule their moves to allow as much time as possible for processing time. When characteristics of a movement require field review or structure analysis, a minimum of twenty (20) working days should be allowed for processing the application. All applications should be made as soon as possible to avoid unnecessary delays. If after reviewing the application and inspecting the proposed route, the county board of commissioners' designee makes an initial determination that the proposed move would materially affect the operation or maintenance of the highway, a conference may be scheduled at the applicant's request to discuss possible revisions to the proposed route and/or reductions in size and weight of the load.

(H) Prior to the issuance of any permit, the county board of commissioners' designee shall make an initial determination and recommendation to the county board of commissioners based upon the application and the present condition of the county highway system, whether any or all of the following items must be provided by the applicant:

(1) An insurance policy endorsement in the amounts specified by the county board of commissioners' designee unless a current endorsement is already on file with the county board of commissioners' designee. This requirement is waived for federal, State, local governments and political subdivisions. In no case will a permit be issued for a duration which extends beyond the expiration date of any policy of insurance provided as evidence of financial responsibility. Such endorsement must be on the form furnished by the county board of commissioners' designee to the applicant upon his request. This endorsement may be cancelled without cancelling the policy to which it is attached. Such cancellation may be effected by the insuring agency or the insured giving thirty days' notice in writing to the county board of commissioners' designee, such thirty days' notice to commence to run from the date the notice is actually received by the county board of commissioners' designee. Cancellation of the insurance policy to which the endorsement is attached will be effective as a cancellation of the endorsement and the thirty-day notice requirement must be met.

(2) A surety bond in the amounts initially determined and recommended by the county board of commissioners' designee. Such bond must be on the form furnished by the county board of commissioners' designee to the applicant upon request. Written confirmation of a bond being executed will be accepted from the surety, pending the receipt of the properly-executed bond form, if the written confirmation is signed by a duly authorized representative of the surety signing in his official capacity. Such bonds are continuous and remain in force until written notice of cancellation is received by the county board of commissioners' designee from the surety. Such cancellation shall take effect thirty days after the notice of cancellation is received.

(3) A direct pay letter of credit in the amount initially determined and recommended by the county board of commissioners' designee issued by an institution having unsecured, uninsured and unguaranteed long-term debt rated "A2" or higher by Moody's Investors Service or "A" or higher by Standard & Poor's Ratings Services. Such direct pay letter of credit must be in a form acceptable to the county board of commissioners' designee.

(4) Cash or securities in the amount initially determined and recommended by the county board of commissioners' designee held in escrow for the benefit of the county. The agreement providing for the escrow of such cash or securities must be in a form acceptable to the county board of commissioners.

(5) An agreement acceptable to the county board of commissioners prescribing the construction, reconstruction or repairs of the county highway system prior to, during and after the movement of oversize and over dimension vehicles subject to the permits.

(I) Prior to making a recommendation to the county board of commissioners regarding the issuance or denial of any requested permit, the county board of commissioners' designee may schedule a meeting at which the applicant may provide information showing cause why the requested permit should be issued.

(J) Within twenty (20) days after the written application has been submitted, the county board of commissioners' designee must make his initial determinations and submit a written recommendation to the county board of commissioners regarding the issuance or denial of any requested permit.

(K) The county board of commissioners shall review the initial determinations and recommendations of the county board of commissioners' designee regarding a permit and may issue a permit or may deny the issuance of a permit. Prior to issuance or denial of any requested permit, the county board of commissioners may schedule a meeting at which the applicant may present evidence showing cause why the requested permit should be issued. If such a meeting is scheduled, the applicant may be represented by counsel. All rights of appeal regarding the denial of a requested permit are described in rule 17. If a permit is issued, it shall be sent to the applicant or its legal agent by electronic transmission, in person, by first class mail, or as otherwise requested by the applicant.

(L) The permit application procedures described in this rule are fully applicable to all permits except emergency permits.

#### **Rule 5. Emergency Permit Applications Procedure.**

The permit application procedures described in rule 4 are fully applicable to emergency permit applications except that the permit application may be made by telephone and the permit may be granted by the county board of commissioners' designee and may be granted orally with written verification of the permit to be issued within 72 hours. If permission to make the emergency movement is granted orally, then a written application describing the movement and the required fee must be submitted on the next business day.

#### **Rule 6. Limitation on Permits.**

(A) The permit shall be in the possession of the driver at all times during the permitted movement and must be shown on demand to any police officer or the county board of commissioners' designee. A facsimile of a valid permit or a retransmission thereof, may be carried by a driver in lieu of the original valid permit. It shall be the responsibility of the driver to obtain verification of the original issuance of a validated permit to which the facsimile refers if such verification is requested by any police officer or the county board of commissioners' designee. The permit, any facsimile or retransmission, shall be clearly legible, free of any markings, writing, symbol, logo, letterhead, characters or inscriptions that are not part of the permit as transmitted by the county board of commissioners' designee. An additional tele-facsimile header is allowed. Verification shall be by the production of the valid permit itself or the

written or oral confirmation of the county board of commissioners' designee that the referenced permit is valid.

(B) Duration of permits shall be as follows:

- (1) Construction equipment permit shall not exceed 365 calendar days;
- (2) Manufactured building permit shall not exceed 365 calendar days;
- (3) Marina permit shall not exceed 365 calendar days;
- (4) Continuing permit shall not exceed 90 calendar days;
- (5) Continuing and return permit shall not exceed 90 calendar days;
- (6) Steel coil continuing permit shall not exceed 90 calendar days;
- (7) Single trip permit shall not exceed five calendar days;
- (8) Single trip and return permit shall not exceed five calendar days;
- (9) Steel coil single trip permit shall not exceed five calendar days;
- (10) Emergency single trip permit shall not exceed one calendar day;
- (11) Emergency single trip and return permit shall not exceed three calendar days;
- (12) Boat permit shall not exceed 365 calendar days;

In no case shall a permit be issued for a duration which extends beyond the expiration date of any instrument provided as evidence of financial responsibility.

(C) Extension of the duration of any previously-issued single or single trip and return permits *may be granted in the case of movements which were unable to be started or completed due to factors beyond the control of the permittee. Requests for extensions shall be made in writing to the county board of commissioners' designee. Such extensions shall not exceed one calendar day for a single trip permit and three calendar days for a single trip and return permit unless otherwise extended at the discretion of the county board of commissioners' designee.*

(D) Revisions to previously-issued permits may be granted to correct errors or to adjust the permit conditions for circumstances beyond the scope of knowledge of the applicant or the county board of commissioners at the time of permit issuance. Prior to the start of the permitted movement, *each request for a revision other than the correction of typographical errors shall be in writing to the county board of commissioners' designee. Following the start of the permitted movement, requests for revisions may be submitted orally where a change in the authorized route is necessitated by closures, traffic accidents or similar unforeseen circumstances, or where a substitution of equivalent towing units is necessitated by mechanical breakdown or other similar circumstance which precludes its use for the completion of the movement. Revisions will not be granted to change the name of permittee, alter the description of the load, change the origin or destination of the movement, or alter a permit that has been violated.*

(E) The permit restricts the movement of the vehicle(s) to the county highways specified in the permit, between the points designated, and the time allocated.

(F) The county board of commissioners' designee may be required to be present during the time of the movement if so stipulated in the permit. Notification of the exact time of the movement must be made during the normal working hours (8:00 am to 3:30 pm) of the county engineer. If the county board of commissioners' designee is required to be present during the movement, a minimum of 24 hours is required between the time of notification and the start of the move.

(G) The permits are for only the county highway system. The permits do not provide authorization for movements on highways that are a part of the state highway system under the jurisdiction of the department or highways under the jurisdiction of other local authorities as defined in revised code section 4511.01(AA).

#### **Rule 7. Conditions on Permitted Movements.**

(A) Unless otherwise provided in the permit, no movements except emergency movements shall be made at night (between the hours of sunset to sunrise) or from twelve noon of the day preceding and continuing until sunrise of the day following all legal holidays and legal holiday weekends or any other day or weekend as designated by the county board of commissioners.

(B) All movements shall be made at such speeds and in such manner so as to conform to the posted speed limits unless otherwise provided in the permit.

(C) No movements under permits shall be made during adverse weather and/or hazardous conditions, such as storms, slippery or snow-covered highways, thick fog or other conditions restricting visibility. The county board of commissioners' designee may waive this condition if in his discretion such waiver is in the best interest and welfare of the public.

(D) No vehicle or load operating under a permit shall be parked upon the highway or shoulder at any time, except as directed by a police officer or the county board of commissioners' designee, or in the event of a mechanical failure or traffic accident necessitating such stopping, in which case adequate protection shall immediately be provided for other users of the county highway system.

(E) Every vehicle operating under a permit shall maintain sufficient space, whenever conditions permit, between such vehicle and another vehicle ahead so that an overtaking motor vehicle may enter and occupy such space without danger.

(F) Every vehicle operating under a permit shall, when traveling on freeways, expressways, or multi-lane undivided highways, remain in the extreme right-hand lane of said highway except as necessary to maintain continuous through movement, to make left turns or exits, or to pass other vehicles. Overwidth vehicles shall not pass other vehicles traveling in the same direction.

(G) Flags and/or flag persons may be required. If flags and/or flag persons are necessary, that will be specified on the permit. Such flags and/or flag persons shall then conform to the following specifications:

(1) All flags shall be clean, bright solid red or orange in color, and at least eighteen inches square. They shall be displayed on all four corners of all overwidth vehicles or loads and at the extreme ends of all protrusions, projections, or overhangs.

(2) A flag person shall be equipped with a flag and a bright lime green or orange upper outer garment, such as a safety vest. Such person shall be familiar with proper flagging procedures and be responsible for directing traffic, through proper use of the flag and hand signals as described in the "Ohio Manual of Uniform Traffic Control Devices," at all locations where traffic may be obstructed, at all danger points such as narrow bridges, or when necessary to encroach upon an opposing traffic lane due to breakdown, pulling on or off the pavement, or other similar reasons.

(H) Flashing amber beacons may be required on over dimension vehicles or combinations of vehicles and loads at the discretion of and as prescribed by the county engineer. Special vehicle lighting over and above that required by law may be prescribed by the county engineer for emergency movements at night or during other periods of restricted visibility. If the county engineer determines that safety lighting devices are necessary, these requirements will be specified on the permit.

(I) All over dimension vehicles, when their overall height exceeds legal maximum, length exceeds legal maximum, and width meets or exceeds ten feet, operating under permits shall display signs on the front and rear in accordance with standard sign designs as furnished by the county board of commissioners' designee.

(J) Private escorts or police escort vehicles may be required. If escort service is necessary, it will be specified in the permit. Permittees may elect to utilize escorts but must advise the county board of commissioners' designee of such election in advance and conform to the escort conditions provided by the county board of commissioners' designee and the financial responsibility provisions of the revised code. Every person operating a private escort vehicle must be a licensed driver who is also capable of performing the duties of a flag person as described in paragraph (G)(2) of this rule.

(K) The operator or driver of any over dimension or overweight vehicle operating under a permit shall strictly adhere to the routing specified in the permit and shall not deviate therefrom except as authorized by the county board of commissioners' designee for unforeseen conditions that preclude the use of specified routing. The operator or driver shall also comply with all traffic laws governing the movement of traffic in general.

(L) The permit may specify additional limitations that the county determines to be necessary for the protection of pavements or structures or that the county determines to be necessary for the safety of other users of the county highway system.

(M) If an applicant in the past has failed to comply with the conditions of a permit or the rules, the permit may specify additional conditions deemed appropriate to assure future compliance.

#### **Rule 8. Schedule of Fees and Payment Procedures.**

(A) Permits are generally issued for one-way movements and the application processing fee is based on one-way movements. The application processing fee consists of the basic processing charge plus each unit of surcharge that is applicable to that movement. The application fee for one-way movements is as follows:

(1) Basic processing charge: ten dollars

(2) Units of surcharge to be added where applicable:

(a) Overweight up to one hundred twenty thousand pounds gross vehicle weight: sixty-five dollars

Return trip as of effective date of rule: thirty-five dollars

(b) Superloads: one hundred thirty-five dollars plus four cents per ton, over sixty tons, per mile traveled

Return trip as of effective date: sixty-five dollars plus four cents per ton, over sixty tons, per mile traveled

(c) Overall width up to fourteen feet and/or overall height up to fourteen feet six inches: sixty-five dollars

Return trip as of effective date of rule: thirty-five dollars

(d) Emergency trip: two hundred fifty dollars

Return trip: one hundred dollars

(e) Steel coil single trip permit: sixty-five dollars

(f) Permit revision fee: ten dollars

In addition to the basic revision fee, if the revision is to a permit under paragraph (A)(2)(b) of this rule, the additional fee is forty dollars.

(B) In accordance with paragraph (F) of rule 4, the basic processing charge and units of surcharge fees are waived for federal, State, local governments, and political subdivisions. If the overweight and over width and/or overheight movement is in conjunction with a bona fide public construction project for any federal, state, local governments or political subdivision, the applicable unit of surcharge will be waived by the county board of commissioners for a qualifying permit applicant.

(C) Continuing permits are only issued for repeated movements of the same vehicle, including any approved load and axle spacing, over the same routing between the same two locations. The total application processing fee consists of the basic processing charge plus each unit of surcharge that is applicable to that movement. The application fee for continuing permits is as follows:

(1) Basic processing charge: ten dollars

(2) Units of surcharge to be added where applicable:

(a) Overweight up to one hundred twenty thousand pounds gross vehicle weight: two hundred fifty dollars

Return trip as of effective date of rule: one hundred twenty-five dollars

(b) Overall width up to fourteen feet and/or overall height up to fourteen feet six inches: one hundred twenty-five dollars



Return trip as of effective date of rule: sixty-two dollars

(c) Steel coil continuing trip permit: five hundred dollars

(d) Permit revision fee: ten dollars

(D) In accordance with paragraph (F) of rule 4, the basic processing charge and units of charge fees for continuing permits are waived for federal, State, local governments, and political subdivisions. If the overweight and over width and/or overheight movement is in conjunction with a bona fide public construction project for any federal, State, local governments or political subdivision, the applicable unit of surcharge for a continuing permit will be waived by the department for a qualifying permit applicant.

(E) Construction equipment permit application processing fee. Construction equipment permits are only issued for repeated movements of the same vehicle, including trailer and/or equipment or machinery, whose width does not exceed twelve feet and whose weight, length and height do not exceed the limitations specified in or determined pursuant to sections 5577.02 to 5577.09 of the Revised Code. The total application processing fee consists of the basic processing charge only. Therefore, the application processing fee for construction equipment permits is: one hundred dollars.

(F) Manufactured building permit application processing fee. Manufactured building permits are issued for an unlimited number of movements of a manufactured building or manufactured building component. The manufactured building shall be part of an over dimension vehicle whose maximum weight, length, and height do not exceed the limitations specified in or determined pursuant to sections 5577.02 to 5577.09 of the Revised Code. The application processing fee for manufactured building permits is as of effective date of rule: one hundred dollars.

(G) Marina permit is issued for the unlimited number of movements of boats to and from a point of storage, repair or launch, not to exceed three hundred sixty-five calendar days. The permitted vehicle shall be part of an over dimension vehicle whose maximum weight does not exceed the limitations specified in or determined pursuant to sections 5577.02 to 5577.09 of the Revised Code and whose width is fourteen feet or less, and whose load length is sixty-five or less, and whose overall length is seventy-five feet or less. The pick-up and delivery may not exceed a ten mile radius of state point of origin over State and federal highways. Movement is not authorized on fully controlled or limited access highways. Power unit may consist of an agriculture tractor or land tug. Such vehicle must have a three digit unit number clearly displayed. Maximum operating height is not to exceed four inches below the least vertical clearance for overhead obstructions on the route, but in no case shall the operating height exceed fourteen feet, six inches. The permit fee for marina permits is as of effective date of rule: one hundred dollars

(H) Boat permit is issued for a vehicle hauling a trailer designed and used for the transportation of boats. The permitted vehicle shall be part of an over dimension vehicle whose maximum weight, length and height do not exceed the limitations specified in or determined pursuant to sections 5577.02 to 5577.09 of the Revised Code and whose width is twelve feet or less. Vehicles used to haul an oversize load must meet all safety and operational requirements of the State, must be capable of safely handling the load and must be able to maintain minimum speeds. The application processing fee for boat permits is one hundred dollars.

(I) If the movement will require special work by the county engineer such as special traffic control or special engineering analysis, the applicant will be responsible for the reimbursement of the total direct costs incurred by the county engineer in the performance of such special work. The county engineer will estimate the total direct costs to be incurred by the county engineer and the applicant shall deposit this amount with the county engineer in the form of cash, check,

or money order prior to the performance of such work by the county engineer. If the special work is not performed, the entire deposit will be returned to the applicant. If the work is performed and the total direct cost is less than the amount on deposit, then any excess will be returned to the applicant. If the work is performed and the total direct cost is greater than the amount on deposit, then the applicant will be billed for the deficiency. This fee for special work is in addition to the permit fees specified in this rule.

(J) The procedure for payment of permit fees is as follows:

(1) Direct payment may be made by cash, credit card, check or money order.

Checks and money orders must be made payable to the county. At the discretion of the county, a third party processor service may be utilized for credit card transactions.

(2) An advance payment account may be established by depositing with the county an amount sufficient to cover estimated fees for up to a six-month period. The deposit should be made by check or money order, made payable to the county. As permits are issued, the actual fees will be deducted from the account, with the current balance accessible at the office of the county board of commissioners' designee. The balance in the account will be returned to the depositor along with a record of fee payments upon his request or if the account remains inactive for a period of six months.

(K) Requests for the refunding of the permit application processing fees specified in paragraph (A), (B) or (C) of this rule shall be made to the county board of commissioners' designee in writing by the person who signed the original application. This request must state the justification for the refund. Refunds will not be granted for any cause arising from applicant error in completing and submitting the application. Refunds will be granted where the department was in error or where a permit could not be granted for the sole reason that an acceptable route for the requested movement could not be determined.

#### Rule 9. Issuance of Permits.

(A) Upon approval of a permit by the county board of commissioners, the permit will be signed by the county board of commissioners' designee.

#### Rule 10. Responsibilities of Accepting the Permit.

(A) Undertaking the movement authorized under a permit is evidence of acceptance of the permit by the permittee.

(B) Acceptance of a permit by the permittee is prima facie evidence of an unequivocal representation by the permittee that it:

(1) Is in compliance with all permit requirements.

(2) Is in compliance with all Ohio motor vehicle laws.

(C) By accepting the permit:

(1) The permittee agrees to hold harmless the County from all suits, claims, damages, or proceedings of any kind and to indemnify the county for any claim it may be required to pay arising from the movement.

(2) The permittee agrees that the permit does not guarantee in any way the condition, dimensions, or structural adequacy of any highway in the county highway system and does not guarantee that the load(s) described can be moved without damage to the highway and private property.

(3) The permittee is solely responsible for the actions of its employee(s) and/or agent(s), and for the operation of the vehicle and control of the load in a safe and lawful manner. The permittee is fully liable for any damages to the highway caused by the movement, and the permittee agrees to compensate the county for such damages.

(4) The permittee agrees that neither the county nor any of its officers, employees or agents can be held liable for any claims, damages (public or private), or proceedings of any kind directly or indirectly resulting from or associated with the transportation of said vehicle(s) or load(s).

(D) The permit constitutes a legal written agreement with the county board of commissioners giving the permittee the right only to use county highway system in a prescribed manner by a specific vehicle or combination of vehicle/load. The provisions contained in rule 10 shall survive any voiding of said right by nullification of the permit under rule 13(A).

**Rule 11. Responsibilities of Driver of Overweight and Over Dimension Vehicle.** No driver of an overweight and/or over dimension vehicle shall violate any of the conditions of a permit. Any driver of an overweight and/or over dimension vehicle shall comply with the conditions as set forth in rule 7. The driver shall, at all times, maintain in his possession throughout the duration of the permit issued:

(A) The facsimile or valid permit issued under these rules.

(1) The permit shall be open to inspection by any police officer or the county board of commissioners' designee.

(B) A complete copy of the two-page county form RC-1A, limitations/provisions on the use of a special hauling permit.

(C) A copy of the bill of lading or other document of like nature in lieu thereof, which bill or document is to accompany the shipment of goods or property so transported under the permit issued pursuant to these rules and may include a statement of gross vehicle weight.

(1) The driver or operator of the commercial car, trailer, or semitrailer shall retain any such statement of gross vehicle weight on his person, and any police officer may request that such driver or operator exhibit it to him.

(2) If, upon examining the statement of gross vehicle weight, a police officer has reason to believe that the information contained therein is correct in every respect, he shall endorse it with his name and the date and place where it was exhibited to him.

(3) If, upon examining the bill of lading or statement of gross vehicle weight, a police officer has reason to believe that the information contained therein is incorrect, the police officer may proceed to weigh the vehicle and take appropriate action if the vehicle proves to violate the permit and/or rules and laws contained herein.

(4) If the name of the shipper on the bill of lading or other document of like nature does not conform to the origin depicted on the verified permit, the permit shall be rendered null and void.

(D) Paragraph (C) of this rule does not apply to government owned vehicles, construction equipment and boats.

**Rule 12. Weighing Vehicle.**

(A) Any police officer having reason to believe that the weight of a vehicle and its load is unlawful may require the driver of said vehicle to stop and submit to a weighing of it as provided in section 4513.33 of the Revised Code.

(B) Whenever a police officer upon weighing a vehicle and load determines that the weight is unlawful, the police officer may require the driver to stop the vehicle in a suitable place and remain standing until such portion of the load is removed as is necessary to reduce the weight to a lawful limit.

#### **Rule 13. Permit Violations.**

(A) Non-compliance with the general or special provisions of the permit, exceeding the weight or dimensions granted, or operating on dates or upon highways other than those provided in a permit shall render right of operation or movement under the permit null and void and the operator of the vehicle subject to arrest or issuance of a citation by any police officer; all other provisions of the permit shall remain in full force and effect. If the operator is arrested or issued a citation, the police officer may seize the permit and shall deliver it to the office of the county board of commissioners' designee.

Following an arrest or issuance of a citation for a permit or traffic violation, the vehicle may be removed to a safe location at the direction of the arresting officer who may prevent further movement of the vehicle until a new permit is issued or authority is granted to continue the movement. If such authority or permit is refused, the vehicle and load may be required to be reduced to a legal size and/or weight.

(B) A record of permit violations and supporting evidence will be maintained in the permit files in the office of the county board of commissioners' designee and will be reviewed when future applications for permits are being considered.

#### **Rule 14. Liability.**

(A) Criminal liability. Any unpermitted movement will subject the person making the movement to the criminal liability imposed under sections 5577.99 and 4513.99 of the Revised Code for the penalties described therein.

(B) Civil liability. Any unpermitted movement resulting in damage to a highway will subject the person making the movement to the civil liability imposed under section 5577.12 of the Revised Code for the full amount of the damage caused.

#### **Rule 15. Denial of Permits.**

Upon review of the initial determinations and recommendations of the county board of commissioners' designee, the county board of commissioners may deny the issuance of a permit upon the following grounds:

(A) The applicant submitted an application that contains omissions, false or misleading information, or false travel routes, or that uses another company or individual's name, insurance, or escrow account without proper authorization.

(B) The applicant failed to cooperate in the application process for the permit or in any other procedures that are related to the issuance of the permit by refusing to provide required information or documents or by failing to respond to and correct matters related to the permit.

(C) The applicant failed to comply with the requirements of the rules or failed to furnish to the county board of commissioners each and every instrument, document, or form relating to the permit required by the rules.

(D) The applicant failed to comply with or perform under a previously issued permit according to the conditions contained in the permit or the rules.

(E) The applicant breached any term of any agreement entered into with the county board of commissioners under rule 4(H)(5).

(F) The applicant failed to pay all permit fees.

(G) The county board of commissioners cannot determine an acceptable route for the requested movement.

(H) For any of the reasons stated in the initial determinations and recommendations of the county board of commissioners' designee.

#### **Rule 16. Debarment of Applicant.**

The board of county commissioners may debar an applicant from applying for a permit under the rules upon a finding based on a reasonable belief that the applicant has done any of the following:

(A) Abused the process by repeatedly submitting false information or false travel plans or by using another company or individual's name, insurance, or escrow account without proper authorization.

(B) Failed to comply with or substantially perform under a previously issued permit according to its terms, conditions, and specifications within specified time limits or failed to substantially perform any agreement entered into with the county board of commissioners under rule 4(H)(5).

(C) Failed to cooperate in the application process for the permit or in any other procedures that are related to the issuance of the permit by refusing to provide information or documents required in a permit or by failing to respond to and correct matters related to the permit.

(D) Accumulated repeated justified complaints regarding performance under a permit that was previously issued to the applicant or previously failed to obtain a permit when such a permit was required.

(E) Attempted to influence a public employee to breach ethical conduct standards.

(F) Been convicted of a criminal offense related to the application for, or performance under, a permit, including, but not limited to, bribery, falsification, fraud or destruction of records, receiving stolen property, and any other offense that directly reflects on the applicant's integrity or commercial driver's license.

(G) Accumulated repeated convictions under a state or federal safety law governing commercial motor vehicles or a rule or regulation adopted under such a law.

(H) Accumulated repeated convictions under a law, rule, or regulation governing the movement of traffic over the public streets and highways.

(I) Failed to pay any fees associated with any permitted operation or movement.

(J) Deliberately or willfully submitted false or misleading information in connection with the application for, or performance under, a permit issued under these rules.

If the applicant is a partnership, association, or corporation, the county board of commissioners also may debar from consideration for permits any partner of the partnership, or the officers, directors, or employees of the association or corporation being debarred.

The debarment period may be of any length determined by the county board of commissioners, and the county board of commissioners may modify or rescind the debarment at any time. During the period of debarment, the county board of commissioners shall not issue, or consider issuing, a permit to any partnership, association, or corporation that is affiliated with a debarred person. After the debarment period expires, the person, and any partnership, association, or corporation affiliated with the person, may reapply for a permit.

#### **Rule 17. Hearing; Appeal.**

(A) If an application for a permit is denied by the board of commissioners, notice of such denial will be sent by first class mail to the applicant unless requested otherwise. For 30 days following notification of the denial of an application for a permit, the person so notified has the right to request a hearing before the county board of commissioners, or a representative designated by the county board of commissioners, for the purpose of showing cause as to why the permit should be issued. If a hearing is requested, the county board of commissioners will set the date, time and place for such hearing and so notify the person requesting the hearing. The date set for the hearing shall be within fifteen days, but not earlier than seven days, after the person has requested the hearing unless otherwise agreed. A stenographic record of the testimony and other evidence presented at such hearing will not be prepared unless the person requesting the hearing also (i) requests in writing that such record be prepared to serve as a basis for appeal from the final order of the county board of commissioners and (ii) deposits with the county board of commissioners sufficient moneys for payment of the stenographer. If a hearing is not requested within thirty days of the notification, or if such hearing is held, the decision of the county board of commissioners becomes a final order.

(B) When the county board of commissioners reasonably believes that grounds for debarment exist, the county board of commissioners shall send the person that is subject to debarment a notice of the proposed debarment. A notice of proposed debarment shall indicate the grounds for the debarment of the person and the procedure for requesting a hearing. If a hearing is requested, the county board of commissioners will set the date, time and place for such hearing and so notify the person requesting the hearing. The date set for the hearing shall be within fifteen days, but not earlier than seven days, after the person has requested the hearing unless otherwise agreed. A stenographic record of the testimony and other evidence presented at such hearing will not be prepared unless the person requesting the hearing also (i) requests in writing that such record be prepared to serve as a basis for appeal from the final order of the county board of commissioners and (ii) deposits with the county board of commissioners sufficient moneys for payment of the stenographer. If a hearing is not requested within thirty days of the notification, the county board of commissioners shall issue the debarment order without a hearing and shall notify the person of the order by certified mail, return receipt requested. Such debarment order, or if such hearing is held, the decision of the county board of commissioners becomes a final order.

(C) Any person adversely affected by the final order of the board of county commissioners under these rules may appeal from that order in the manner and with the rights prescribed under revised code chapter 2506.

**Rule 18. Records.**

The county board of commissioners and the county board of commissioners' designee shall keep, maintain, make available for inspection and copying, and release any and all records generated in the administration of these rules in accordance with state and federal law governing public records and their record retention schedules. The county board of commissioners and the county board of commissioners' designee shall remove and destroy said records in accordance with state and federal law governing public records and their record retention schedules.

**Rule 19. Operations Manual; Designated.**

(A) The county board of commissioners' designee may, in his or her discretion, publish an operational guide for distribution to the public summarizing the rules, and the county board of commissioners' designee may adopt the Operational Guide of the State of Ohio, Department of Transportation, Office of Maintenance Management, Special Hauling Permit Section, as an interim operational guide.

(B) The county board of commissioners' designee shall designate, certify and publish a list of weight scales that may be used to certify compliance with the rules.