



# COMPARISON DOCUMENT

## *Substitute House Bill 2* *128th General Assembly*

### *Transportation Budget Bill*

**As Introduced**  
**In House Finance and Appropriations**

**Legislative Service Commission**  
**February 26, 2009**

Executive

In House Finance and Appropriations

1      DAS - 46      Professional Design Services

No provision.

R.C.      153.71

Increases from \$25,000 to \$50,000 the minimum amount of professional design fees that make a public construction project subject to the Professional Design Services Act.

**Fiscal effect: Raising this threshold could lead to quicker selection of vendors for architectural, engineering, and other design services, but the effect on overall project costs is unclear.**

## Executive

## In House Finance and Appropriations

**2          DEV - 1          Roadwork Development Fund****Section: 207.10**

Requires the Department of Development to use the Roadwork Development Fund (Fund 4W00) for roadwork improvements in support of economic development opportunities that create or retain jobs. Requires DOT to provide funds for this line item in accordance with guidelines for the Department of Development's Business Development grant program and constitutional and statutory requirements for the disbursement of motor fuel tax revenue. Permits the Department of Transportation to enter into contracts on behalf of the Department of Development if necessary for projects under the Roadwork Development Fund, and requires the Director of OBM to set a schedule to transfer cash from the Highway Operating Fund (Fund 7002) to the Roadwork Development Fund (Fund 4W00).

**Section: 207.10**

Same as the Executive.

Executive

In House Finance and Appropriations

3      INS - 19      Reimbursement Insurance for Tire or Wheel Road Hazard Contracts

No provision.

R.C.      3905.425, 3905.423

Requires motor vehicle tire or wheel road hazard contracts to be covered by reimbursement insurance policies. Such contracts are contracts to pay for repairs or replacement of tires or wheels damaged because of a road hazard. This provision essentially requires such contracts to be backed by a policy issued by an insurance company licensed to do business in Ohio by the Department of Insurance. The provision includes other requirements governing the marketing of such contracts, and requirements governing the insurance policies.

**Fiscal effect: No direct fiscal effect to local governments. It may increase the Department of Insurance's administrative costs related to regulation of reimbursement insurance policies; if there is any such increase, it would likely be minimal and would be paid out of the Department of Insurance Operating Fund (Fund 5540).**

**The requirement to carry insurance could increase GRF revenue from the domestic and foreign insurance taxes. Any such increase is likely to be minimal.**

Executive

In House Finance and Appropriations

4      DPS - 20      Ohio Pet Fund

No provision.

**R.C.      955.201, 955.202, and 4501.21**

Permits the organization Ohio Pet Fund to use the money it receives from persons who make contributions when they obtain "Pets" license plates to pay the expenses it incurs in obtaining and maintaining its tax-exempt status and performing its duties, and eliminates the Pets Program Funding Board and replaces references to "Pets Program Funding Board" with "Ohio Pet Fund."

**Fiscal effect: None.**

5      DPS - 22      Clerk of Court Titling Fees

No provision.

**R.C.      1548.10, 4505.032, 4505.09, and 4519.59**

Increases the following fees charged by the Clerk of the Court of Common Pleas for services related to certificates of title from \$5 to \$15: (1) issuance of a watercraft certificate of title (other than to a licensed watercraft dealer for resale purposes, which remains \$5), (2) motor vehicle title assignment (other than an assignment to a dealer for resale, which remains \$5), (3) issuance of a motor vehicle certificate of title (other than to a licensed motor vehicle dealer for resale purposes, which remains \$5), (4) issuance of off-highway motorcycle or all-purpose vehicle certificate of title (other than to a licensed motor vehicle dealer for resale purposes, which remains \$5), and (5) duplicate copy of a watercraft, motor vehicle, off-highway motorcycle, or all-purpose vehicle certificate of title.

Executive

In House Finance and Appropriations

**Fiscal effect: Based on the number of FY 2007 title transactions - 2,577,044 - the titling fee increases will generate up to \$25.8 million or more additional revenue annually, depending upon the number of title transactions conducted in subsequent years. Of that estimated annual amount, county clerks of courts will retain \$23.8 million. The remainder - \$2.0 million - will be transmitted to the state, with most of that amount being deposited in the State Bureau of Motor Vehicles Fund (Fund 4W40) and a smaller portion being deposited in the Waterways Safety Fund (Fund 7086).**

6            DPS - 14            Increase in Driver, Motor Vehicle, and Certificate of Title Abstract Fees

R.C.            *1548.14, 4501.34, 4503.26, 4505.14, 4506.08, 4509.05, and 4513.263*

(1) Increases seven abstract fees by \$6, from \$2 to \$8 (four fee increases that relate to abstracts containing driver and vehicle information become effective on the bill's normal effective date for permanent law amendments and enactments, while the three fee increases that relate to abstracts containing certificate of title information become effective October 1, 2009).

(2) Specifies of the \$6 increase is to be distributed to five funds as follows: \$1.25 to the existing Trauma and Emergency Medical Services Fund (Fund 83M0); \$1.25 to the Homeland Security Fund (Fund 5DS0), which the bill creates; \$0.75 to Investigations Fund (Fund 5FL0), which the bill creates; \$2.25 to the existing Emergency Management Agency Service and Reimbursement Fund (Fund 4V30); and \$0.50 to the existing Justice Program Services Fund (Fund 4P60).

R.C.            *1548.14, 4501.34, 4503.26, 4505.14, 4506.08, 4509.05, and 4513.63*

(1) Same as the Executive.

(2) Same as the Executive.

Executive

In House Finance and Appropriations

**Fiscal effect:** This provision will allow the Department of Public Safety to no longer receive funding from the GRF. The Department's four GRF line items would be eliminated, and the Emergency Management Agency (\$2.25), Investigative Unit (\$0.75), and the Office of Criminal Justice Services (\$0.50) will receive their funding from this fee increase. In addition, the Division of Emergency Medical Services (\$1.25) and the Division of Homeland Security (\$1.25) will receive additional funding from this fee increase. The annual revenue generated by the fee increase is estimated at approximately \$25.8 million.

7            DPS - 16            Drug Law Enforcement Fund

R.C.            *2949.094, 5502.67, and 5502.68*

Alters current law, which transmits \$3.50 (35%) of the \$10 additional court cost for moving violations to the Drug Law Enforcement Fund (Fund 5ET0), to redirect 3% of that \$3.50 to the Justice Program Services Fund (Fund 4P60).

**Fiscal effect:** Of the up to \$4.5 million or more estimated to generated annually for deposit in Fund 5ET0 under current law, this provision will redirect up to \$135,000 or more annually for deposit in Fund 4P60.

R.C.            *2949.094, 5502.67, and 5502.68*

Same as the Executive.

Executive

In House Finance and Appropriations

8      DPS - 18      Shipping Radioactive Waste

No provision.

**R.C.      4163.01, 4163.07, 4163.08, and 4163.09**

Requires a person shipping certain radioactive material within or through this state to provide the Emergency Management Agency (EMA) with notice of the shipment and pay the Department of Public Safety a fee for each shipment (\$2,500 for each shipment by motor carrier and \$4,500 per cask plus \$3,000 for each additional cask shipped by rail by the same entity in the same shipment), establishes civil penalties for violating the notice and fee requirements, and the Radiation Response Fund, which consists of the fees and fines used by the Director of Public Safety for purposes related to the safe shipment of such material.

**Fiscal effect: The additional workload and related operating expenses, if any, that this provision may create for the EMA, as well as the amount of shipping fee and civil penalty that could be generated, is uncertain.**

Executive

In House Finance and Appropriations

9            DPS - 15            Fee Increases to State Highway Safety Fund

R.C.        *4501.01, 4501.03, 4501.044, 4501.06,  
4503.04, 4503.042, 4503.07, 4503.10,  
4503.182, 4503.65, 4506.08, 4507.23, and  
4507.24*

Increases or establishes the following fees and directs that the fees be deposited into the State Highway Safety Fund (Fund 7036): (1) new late fee for vehicle registrations and driver's license applications, \$10, (2) additional passenger vehicle registration fee, \$5.75, (3) additional in-state commercial vehicle registration fee, \$19, (4) increased out-of-state apportioned registration tax for commercial cars and buses, ranging from \$2 to \$33.50, depending on the vehicle weight, (5) additional temporary registration tag fee, \$5, and (6) additional vision screening fee, \$1.

**Fiscal effect: The fee increases in this provision will generate an estimated \$106.3 million in revenues for deposit in the Stat Highway Safety Fund (Fund 7036). This amount, along with \$40 million in annual spending reductions, would allow Fund 7036 to remain solvent since it no longer receives revenues via the motor vehicle fuel tax.**

R.C.        *4501.01, 4501.03, 4501.044, 4501.06,  
4503.04, 4503.042, 4503.07, 4503.10,  
4503.182, 4503.65, 4506.08, 4507.23, and  
4507.24*

Same as the Executive.

Executive

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10      DPS - 23      Inquiries Pertaining to Veteran's Status or Current Status in the U.S. Military or Ohio National Guard

(1) No provision.

R.C.      *4501.026, 4506.07, and 5902.09*

(1) Requires the Registrar of Motor Vehicles or a deputy registrar to ask individuals with whom they conduct driver's license and identification card transactions to inquire as to their veteran's status or current status in the United States military or the Ohio National Guard, requires such information to be provided to the Department of Veterans Services if an individual so agrees, and eliminates current law that requires such inquires to be made by state and local governmental agencies and instrumentalities and certain private entities.

(2) No provision.

(2) Permits a person who is a veteran, active duty, or reservist of the United States armed forces to have an identifying mark placed on the person's commercial driver's license indicating that fact.

**Fiscal effect: The additional workload and related operating expenses, if any, that this provision may create for the state is uncertain. The state's political subdivisions appear unlikely to be affected, as generally political subdivisions do not perform the services of a deputy registrar.**

Executive

In House Finance and Appropriations

11      DPS - 13      Enforcement of the Seat Belt Use Requirements

R.C.      *4507.05, 4507.071, 4511.093, and 4513.263;  
Sections 755.20 and 815.10*

(1) Removes all the secondary enforcement limitations that apply to seat belt requirements, whereby a law enforcement officer cannot stop a vehicle in which the officer has observed a person in the vehicle violating a seat belt use requirement unless the officer observes another separate motor vehicle violation for which the officer can legally stop the vehicle.

(2) Provides that, as a result of the provision providing for the primary enforcement of seat belt use violations in this state, (1) the Ohio Department of Transportation (ODOT) is required to apply for a one-time federal grant (estimated at \$26.7 million) from the National Highway Traffic Safety Administration offered in the Safe, Accountable, Flexible and Efficient Transportation Equity Act of 2003 – A Legacy for Users (SAFETEA-LU), (2) of the grant money ODOT receives, \$1 million must be transferred to the Ohio Department of Public Safety and expended on safety activities in accordance with applicable federal law, and (3) ODOT must expend all the remaining grant money on eligible transportation safety issues.

R.C.      *4507.05, 4507.071, 4511.093, and 4513.263;  
Sections 755.20 and 815.10*

(1) Same as the Executive, except specifies that a seat belt violation by itself does not constitute probable cause justifying the search of an automobile by a law enforcement officer, requires the Department of Public Safety to develop a cultural competency training program for law enforcement agencies to eliminate practices of differential enforcement, and requires the Department to enter into an agreement with an outside entity to study the primary enforcement of the seat belt use law in this state as permitted by the bill, including any differential enforcement that may occur.

(2) Same as the Executive.

## Executive

**Fiscal effect:** As a result of this provision, the number of citations for seat belt violations could increase, thereby resulting in a revenue gain. LSC fiscal staff's preliminary review of the available evidence from the experience of other states suggests, however, that when the law moves from a secondary to primary offense, the voluntary compliance rate increases dramatically. As a result, seat belt citations declined significantly. If this were to happen in Ohio, then revenues from seat belt citations could decrease, the magnitude of which is uncertain.

The fine for a seat belt violation is generally \$30 for an operator and \$20 for a passenger. All fines collected for violations of the state's mandatory seat belt law, or for violations of any ordinance or resolution of a political subdivision that is substantively comparable, are forwarded for deposit in the state treasury and apportioned between five state funds as follows: (1) Seat Belt Education Fund, 8%, (2) Elementary School Program Fund, 8%, (3) Occupational Licensing and Regulatory Fund, 2%, (4) Trauma and Emergency Medical Services Fund, 28%, and (5) Trauma and Emergency Medical Services Grants Fund, 54%.

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**Fiscal effect:** Same as the Executive, except there likely would be additional costs related to developing a cultural competency training program, as well as entering into an agreement with an outside entity to study the primary enforcement of the seat belt use law in this state.

Executive

In House Finance and Appropriations

12      DPS - 19      Road Service and Emergency Vehicles

No provision.

R.C.      *4511.01, and 4511.213*

Requires a driver to move over or slow down upon approaching a stationary road service vehicle or emergency vehicle that is displaying a flashing, oscillating, or rotating amber light, and defines "road service vehicle" as wreckers, utility repair vehicles, and state, county, and municipal service vehicles equipped with flashing, rotating, or oscillating lights.

**Fiscal effect: As a result of violations of this provision, the state may gain locally collected court cost revenues that are deposited in the state treasury to the credit of the GRF and the Victims of Crime/Reparations Fund (Fund 4020), and counties, municipalities, and townships involved in the enforcement and processing of violations may collect additional court costs and fines. The magnitude of the potential revenue gains for the state or any affected political subdivisions is uncertain. If most of the violations are in fact citation-based minor misdemeanors, then, to the degree that the number of violations creates tangible enforcement costs for county, municipal, and township law enforcement agencies and case processing costs for county and municipal criminal justice systems, those operating expenses appear unlikely to exceed minimal annually.**

Executive

In House Finance and Appropriations

13      DPS - 21      Vehicle Headlights

No provision.

R.C.      *4513.03*

Requires the headlights of a vehicle to be lighted when its windshield wipers are in use.

**Fiscal effect: Minimal cost depending on how many people actually get pulled over for not having their lights on when their windshield wipers are on. Unlikely that there would need to be additional police cars or State Highway Patrol cars just to look for violations. Potential increase in revenue depending on the number of tickets issued for violations.**

14      DPS - 27      Transfer of Excess Money from Certain Funds to the State Highway Safety Fund

R.C.      *4513.263, 5502.03, 5502.131, 5502.39, and 5502.67*

Permits the Director of Budget and Management to transfer excess money from the Homeland Security Fund (Fund 5DS0), Investigations Fund (Fund 5FL0), Trauma and Emergency Medical Services Fund (83M0), Emergency Management Agency Service and Reimbursement Fund (Fund 4V30), or Justice Program Services Fund (Fund 4P60) to the State Highway Safety Fund (Fund 7036), if the Director of Public Safety determines that the amount of money in any of these funds exceeds the amount required to cover the costs payable from the fund.

R.C.      *4513.263, 5502.03, 5502.131, 5502.39, and 5502.67*

Same as the Executive.

## Executive

## In House Finance and Appropriations

15      DPS - 25      Homeland Security Fund

R.C.      5502.03

Creates in the state treasury the Homeland Security Fund (Fund 5DS0), consisting of \$1.25 of each of the driver, vehicle, and certificate of title abstract fee increases contained in the bill, restricts use of the fund's money for the purpose of paying the expenses of administering the law relative to the powers and duties of the Executive Director of the Division of Homeland Security, and permits the Director of Budget and Management to transfer excess money from the fund to the State Highway Safety Fund (Fund 7036), if the Director of Public Safety determines that the amount of money in the fund exceeds the amount required to cover such costs incurred by the Division of Homeland Security and requests the Director of Budget and Management to make the transfer.

**Fiscal effect: Annual revenue generated for deposit in Fund 5DS0 estimated at \$5.4 million.**

R.C.      5502.03

Same as the Executive.

Executive

In House Finance and Appropriations

16      DPS - 26      Investigations Fund

R.C.      5502.131

Creates in the state treasury the Investigations Fund (Fund 5FL0), consisting of \$0.75 of each of the driver, vehicle, and certificate of title abstract fee increases contained in the bill, restricts use of the fund's money for the purpose of covering investigative costs incurred by the Investigative Unit, and permits the Director of Budget and Management to transfer excess money from the fund to the State Highway Safety Fund (Fund 7036), if the Director of Public Safety determines that the amount of money in the fund exceeds the amount required to cover investigative costs incurred by the Investigative Unit and requests the Director of Budget and Management to make the transfer.

**Fiscal effect: Annual revenue generated for deposit in Fund 5FL0 estimated at \$3.2 million.**

R.C.      5502.131

Same as the Executive,

17      DPS - 1      Motor Vehicle Registration

**Section: 205.10**

(1) Permits the Registrar of Motor Vehicles to deposit revenues obtained pursuant to sections 4503.02 and 4504.02 of the Revised Code, less all other available cash, to meet the cash needs of the State Bureau of Motor Vehicles Fund (Fund 4W40).

(2) Requires revenues deposited pursuant to this provision be used to support, in part, appropriations for operating expenses and defray the cost of manufacturing and distributing license plates and license plate stickers and enforcing the law relative to the operating and registration

**Section: 205.10**

(1) Same as the Executive.

(2) Same as the Executive.

**Executive**

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of motor vehicles.

(3) Requires, notwithstanding section 4501.03 of the Revised Code, revenues obtained pursuant to sections 4503.02 and 4504.02 of the Revised Code be paid into Fund 4W40 before being paid into any other fund.

(4) Requires the deposit of revenues to meet the cash needs be in approximate equal amounts on a monthly basis or as otherwise determined by the Director of Budget and Management pursuant to a plan submitted by the Registrar of Motor Vehicles.

(3) Same as the Executive.

(4) Same as the Executive.

**18          DPS - 2          Cash Transfers from the State Bureau of Motor Vehicles Fund**

**Section: 205.10**

Permits the Director of Budget and Management to transfer, from the State Bureau of Motor Vehicles Fund (Fund 4W40), cash in the amounts of up to \$635,293 to the Justice Program Services Fund (Fund 4P60), up to \$3,284,464 to the EMA Service and Reimbursement Fund (Fund 4V30), and up to \$879,060 to the Investigations Fund (Fund 5FL0).

**Section: 205.10**

Same as the Executive.

**19          DPS - 3          Capital Projects**

**Section: 205.10**

Authorizes the Registrar of Motor Vehicles to transfer cash from the State Bureau of Motor Vehicles Fund (Fund 4W40) to the State Highway Safety Fund (Fund 7036) to meet its obligations for two specified capital projects (office building and warehouse facility).

**Section: 205.10**

Same as the Executive.

Executive

In House Finance and Appropriations

20      DPS - 4      OBA Bond Authority/Lease Rental Payments

**Section: 205.10**

Requires line item 761401, Lease Rental Payments, be used to make lease payments to the Ohio Building Authority (OBA), and authorizes the OBA, with approval of the Director of Budget and Management, to lease capital facilities to the Department of Public Safety

**Section: 205.10**

Same as the Executive.

21      DPS - 5      Hilltop Transfer

**Section: 205.10**

Requires the Director of Public Safety, per an agreement with the Director of Transportation, the latter's share of the debt service payments made out of line item 761401, Lease Rental Payments, that relates to Transportation's portion of the Hilltop Building Project, and requires the Director of Budget and Management to transfer that share in cash from the Highway Operating Fund (Fund 7002) to the State Highway Safety Fund (Fund 7036).

**Section: 205.10**

Same as the Executive.

Executive

In House Finance and Appropriations

22      DPS - 6      Cash Transfers of Seat Belt Fine Revenues

**Section: 205.10**

Permits the Controlling Board, upon the request of the Director of Public Safety, to transfer cash between the following four funds that receive fine revenues from enforcement of the mandatory seat belt law: the Trauma and Emergency Medical Services Fund (Fund 83M0), the Elementary School Program Fund (Fund 83N0), the Trauma and Emergency Medical Services Grants Fund (Fund 83P0), and the Seat Belt Education Fund (Fund 8440).

**Section: 205.10**

Same as the Executive.

Executive

In House Finance and Appropriations

23      DPS - 7      State Disaster Relief

**Section: 205.10**

(1) Authorizes the State Disaster Relief (Fund 5330) to: (1) accept cash and appropriations transferred from Controlling Board appropriation items for Ohio Emergency Management Agency (EMA) disaster response costs and disaster program management costs, (2) to accept transfers of cash and appropriations from Controlling Board appropriation items for EMA public assistance and mitigation program match costs to reimburse eligible local governments and private nonprofit organizations for disaster-related costs, (3) to accept and transfer cash to reimburse the costs associated with Emergency Management Assistance Compact (EMAC) deployments, (4) to accept disaster-related reimbursement from federal, state, and local governments, and (5) to accept transfers of cash and appropriations from Controlling Board appropriation items to fund the State Disaster Relief Program for disasters declared by the Governor, and the State Individual Assistance Program for disasters declared by the Governor and the federal Small Business Administration.

(2) Requires the Ohio EMA to publish and make available application packets outlining procedures for the State Disaster Relief Program and the State Individual Assistance Program.

**Section: 205.10**

(1) Same as the Executive.

(2) Same as the Executive.

Executive

In House Finance and Appropriations

24      DPS - 8      Family Violence Prevention Fund

**Section: 205.10**

Requires the first \$750,000 in revenues received to the credit of the Family Violence Prevention Fund (Fund 5BK0) in each fiscal year be appropriated to line item 768689, Family Violence Shelter Programs, the next \$400,000 in revenues received in each fiscal year be appropriated to line item 768687, Criminal Justice Services - Operating, and any remaining revenues received be appropriated to line item 768689, Family Violence Shelter Programs, with the approval of the Controlling Board, to be disbursed as grants to family violence shelters in Ohio.

**Section: 205.10**

Same as the Executive.

25      DPS - 9      SARA Title III HAZMAT Planning

**Section: 205.10**

Authorizes the SARA Title III HAZMAT Planning Fund (Fund 6810) to receive grant funds from the Emergency Response Commission to implement the Emergency Management Agency's responsibilities under Chapter 3750. of the Revised Code.

**Section: 205.10**

Same as the Executive.

**Executive**

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**26      DPS - 10      Collective Bargaining Increases**

**Section: 205.10**

Permits the Controlling Board, upon the request of either the Director of Budget and Management, or the Department of Public Safety with the approval of the Director of Budget and Management, to increase the appropriation for any fund, except of the GRF, as necessary for the Department of Public Safety, to assist in paying the costs of increases in employee compensation that have occurred pursuant to collective bargaining agreements under Chapter 4117. of the Revised Code and, for exempt employees, under section 124.152 of the Revised Code.

**Section: 205.10**

Same as the Executive.

**27      DPS - 11      Cash Balance Fund Review**

**Section: 205.10**

Requires the Director of Budget and Management to review, not later than the first day of April in each fiscal year, the cash balances for each fund, except the State Highway Safety Fund (Fund 7036) and the State Bureau of Motor Vehicles Fund (Fund 4W40), in the State Highway Safety Fund Group, and recommend to the Controlling Board an amount to be transferred to the credit of Fund 7036 or Fund 4W40, as appropriate.

**Section: 205.10**

Same as the Executive.

Executive

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28      DPS - 12      Construction Zone Automated Speed Enforcement System Pilot Project

**Section: 755.30**

- (1) Creates the two-year Construction Zone Automated Speed Enforcement System Pilot Project, under which a state speeding violation that occurs within a construction zone that is located on an interstate highway and is detected by an automated speed enforcement system constitutes a civil offense for which a civil penalty not exceeding \$250 is assessed against the owner of the motor vehicle that was involved in the offense.
- (2) Requires the Department of Public Safety to administer the Pilot Project, with the advice and assistance of the Ohio Department of Transportation (ODOT).
- (3) Requires, if the automated speed enforcement system determines a motor vehicle has committed a state speeding violation, a State Highway Patrol trooper to review the photographic image or digitally recorded image of the motor vehicle to determine if the speeding violation did indeed occur, inform the Department of Public Safety or the Department's designee of that fact, and requires the Department or the Department's designee to issue to the motor vehicle owner a citation for the offense.
- (4) Provides generally that a motor vehicle owner who is issued a citation is liable for the violation and for payment, and specifies the circumstances in which an owner or operator of a motor vehicle is not liable for the violation and payment of the civil penalty.

**Section: 755.30**

- (1) Same as the Executive.
- (2) Same as the Executive, except provides that ODOT is to grant to the Department, or its designee, any permits as may be necessary to implement the Pilot Project, rather than any easements.
- (3) Same as the Executive.
- (4) Same as the Executive.

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(5) Requires the Department of Public Safety to establish a nonjudicial, administrative hearing procedure at which a motor vehicle owner who receives a citation is able to appear in person to challenge the citation

(5) Same as the Executive.

(12) Prohibits any municipal corporation, county, or township from enacting an ordinance or adopting a resolution authorizing the use of an automated speed enforcement system on any interstate highway within its boundaries.

(12) Same as the Executive.

(13) Permits the Department of Public Safety to enter into a contract with a private entity for the establishment and operation of the automated speed enforcement system.

(13) Same as the Executive.

(14) Requires the Department of Public Safety erect signs that inform traffic approaching the construction zone that the construction zone contains an automated speed enforcement system to enforce the speed limit, and makes the Department responsible for all costs associated with the erection, maintenance, and replacement, if necessary, of the signs.

(14) Same as the Executive.

(15) Creates in the state treasury the Automated Speed Enforcement System Fund, consisting of the administrative fees collected under the Pilot Project, to be used only to pay expenses associated with the Pilot Project, including paying a private entity to establish, operate, and administer the Pilot Project.

(15) Same as the Executive.

(6) Permits an owner or operator of a motor vehicle who challenges the citation to appeal a decision of the Department of Public Safety or the Department's designee that imposes liability on the owner or operator and the civil penalty to the municipal court or county court within whose territorial jurisdiction the violation occurred, and requires

(6) Same as the Executive.

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that court to affirm the decision if the court finds that the decision is supported by sufficient reliable, credible evidence and is in accordance with the law.

(7) Specifies that a state speeding violation that is detected by an automated speed enforcement system and is processed under the Pilot Project is a civil violation for which a maximum civil penalty of \$250 must be assessed and requires the Department of Public to establish the amount of the civil penalty.

(8) Distributes each civil penalty collected as follows (1) 55% to the treasury of the municipal corporation in which the violation occurred, or if the violation occurred outside the territorial jurisdiction of a municipal corporation, into the treasury of the county in which the violation occurred, (2) 45% to the state treasury to the credit of the General Revenue Fund, and (3) 5% must be deposited into the state treasury to the credit of the existing Trauma and Emergency Medical Services Fund.

(9) Provides that, in addition to the civil penalty, the Department must impose an administrative fee in every such case, determine the amount of the fee by rule, and all such fees must be deposited into the state treasury to the credit of the Automated Speed Enforcement System Fund, which the bill creates.

(10) Requires the Department of Public Safety, in consultation with ODOT and in accordance with the Administrative Procedure Act, to adopt all rules necessary and proper for the establishment, implementation, and administration of the Pilot Project.

(7) Same as the Executive, except requires the citations issued under the Pilot Project to indicate clearly the amount of the civil penalty and amount of the administrative fee that will be paid to the private entity that operates the Pilot Project, if any.

(8) Same as the Executive, except changes the percentage that is distributed to the municipal corporation or county in which the violation occurred from 55% to 50%.

(9) Same as the Executive.

(10) Same as the Executive.

**Executive**

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(11) Provides that no points may be assessed against a violator's driver's license.

(11) Same as the Executive.

(16) Terminates on the Pilot Project on July 1, 2011, and requires, subsequent to reaching final resolution on all citations issued and all payments that are due the Department's have been paid, the Director of Budget and Management transfer all remaining money in the Automated Speed Enforcement System Fund to the General Revenue Fund.

(16) Same as the Executive.

**Fiscal effect: The additional workload and related operating expenses that this provision will create for the state, as well as the amount of revenue that may be generated for the state and certain municipalities or counties is uncertain.**

29      DPS - 24      Department of Public Safety Study Group

No provision.

**Section: 755.40**

Requires the Department of Public Safety to form a study group to consider ways to improve services related to vehicle registrations, driver's license and identification card issuance, and vehicle title issuance and requires the study group to issue a report six months after the bill's effective date.

**Fiscal effect: The one-time cost associated with the time and effort that various state and local governmental officials and staff will expend to produce the required study is uncertain.**

## Executive

## In House Finance and Appropriations

## 30 PWC - 1 Clean Ohio Program Debt Authority Expansion

R.C. 133.52, 151.01, 151.09, 151.40, Sections 610.20 and 610.21

Amends the statutes governing debt issuance to support the Clean Ohio program to reflect the recent adoption of Section 2q of Article VIII, Ohio Constitution, which provides additional debt authority for conservation and revitalization programs.

Increases existing Clean Ohio capital appropriation items for the FY 2009-FY 2010 biennium in H.B. 562 of the 127th General Assembly by a total of \$120,000,000. Individual appropriations are increased by the following amounts:

- (1) Department of Development appropriation item C19500, Clean Ohio Revitalization, from \$32,000,000 to \$80,000,000 and appropriation item C19501, Clean Ohio Assistance, from \$8,000,000 to \$20,000,000;
- (2) Public Works Commission appropriation item C15060, Clean Ohio Conservation, from \$30,000,000 to \$75,000,000;
- (3) Department of Agriculture appropriation item C70009, Clean Ohio Agricultural Easements, from \$5,000,000 to \$12,500,000; and
- (4) Department of Natural Resources appropriation item C72514, Clean Ohio Trail - Grants, from \$5,000,000 to \$12,500,000

R.C. 133.52, 151.01, 151.09, 151.40, Sections 610.20 and 610.21

Same as the Executive.

Same as the Executive.

## Executive

## In House Finance and Appropriations

## 31 PWC - 2 District Administration Costs

**Section: 209.10**

Authorizes the Director of the Public Works Commission to use investment earnings from the State Capital Improvements Fund (Fund 7038) and the Local Transportation Improvement Program Fund (Fund 7052) for administrative costs incurred by individual District Public Works Integrating Committees (DPWIC). Permits no more than \$1,235,000 per fiscal year to be made available for reimbursement and prohibits any of the 19 Districts from receiving more than \$65,000 per fiscal year for these costs.

**Section: 209.10**

Same as the Executive.

## 32 PWC - 3 Reappropriations

**Section: 209.10**

Reappropriates unencumbered appropriations from the Local Transportation Improvement Program Fund (Fund 7052) from Am. Sub. H.B. 67 of the 127th General Assembly for use during the period July 1, 2009 through June 30, 2010 and from the period July 1, 2010 through June 30, 2011 for the same purpose.

**Fiscal effect: Reappropriating encumbrances allows the Public Works Commission to continue to provide financial assistance for projects that require an extended time frame to complete.**

**Section: 209.10**

Same as the Executive.

**Fiscal effect: Same as the Executive.**

## Executive

## In House Finance and Appropriations

## 33 PWC - 4 Local Transportation Improvement Program Cash Transfers

**Sections: 512.30, 610.10**

Authorizes the Director of OBM to make periodic transfers of cash from the Highway Operating Fund (Fund 7002) to the Local Transportation Improvement Program Fund (Fund 7052) totaling \$100 million in each fiscal year.

Eliminates a transfer of \$200 million from the Budget Stabilization Fund to Fund 7052 that was included in H.B. 554, the Jobs Stimulus bill of the 127th G.A.

**Fiscal effect: Transfers \$100 million cash in FY 2010 and FY 2011 from Fund 7002 to Fund 7052 to provide additional funding for the Local Transportation Improvement Program (LTIP). This is in place of a \$200 million transfer from the Budget Stabilization Fund in FY 2009 that was authorized by H.B. 554, the Jobs Stimulus Bill of the 127th General Assembly.**

**Sections: 512.30, 610.10**

Same as the Executive.

**Fiscal effect: Same as the Executive.**

Executive

In House Finance and Appropriations

34 DOT - 3 Deputy Inspector General for ODOT Funding

R.C. 121.51, Section 512.40

Removes the requirements that (1) the Inspector General certify to OBM the costs expected to be incurred by the Deputy Inspector General for the Department of Transportation, and (2) OBM transfer that amount to the Deputy Inspector General for ODOT Fund (Fund 5FA0) from Department of Transportation appropriations made for general administrative purposes.

States that Fund 5FA0 is to consist of money credited to the fund for payment of costs incurred in the performance of the Deputy Inspector General's duties.

Requires the Inspector General to recoup the costs of investigating DOT via ISTV billings and limits the amount that may be reimbursed to \$400,000 annually, to be paid out of Highway Operating Fund appropriation item 799491, Administration - State. Specifies that the Director of DOT may seek Controlling Board approval for additional appropriations, if needed.

Transfers \$115,000 in cash from the Highway Operating Fund (Fund 7002) to Fund 5FA0 in FY 2010 and appropriates this amount to provide seed money for investigations before the Inspector General begins billing DOT for these expenses.

R.C. 121.51, Section 512.40

Same as the Executive.

Same as the Executive.

Same as the Executive.

Same as the Executive.

Executive

In House Finance and Appropriations

35 DOT - 1 Snow and Ice Removal Contracts

R.C. 125.11

Exempts contracts for snow and ice removal materials from Buy Ohio requirements deeming that two or more qualified bids offering products produced or mined in Ohio constitutes sufficient competition.

**Fiscal effect: In effect, removes a preference for Ohio products that may or may not affect the cost of these materials bought by DOT for its own use or on behalf of political subdivisions.**

R.C. 125.11, Section 812.30

Same as the Executive, but puts this provision into immediate effect.

**Fiscal effect: Same as the Executive.**

36 DOT - 36 Traffic Generator Sign Program

No provision.

No provision.

R.C. 4511.108

Requires DOT to operate, construct, and maintain the program and allows the Director of DOT to establish an annual participation fee for a qualifying business, which would be deposited into the Highway Operating Fund (Fund 7002).

Requires the Director of DOT to establish a traffic generator sign program and to develop the specifications for a uniform system of traffic generator signs and the criteria for participation in the program.

**Fiscal effect: Increase in Fund 7002 expenditures for program operation, to be offset by gains in fee revenue from participating businesses.**

Executive

In House Finance and Appropriations

37 DOT - 11 Aircraft Exempt from License Tax

R.C. 4561.17, 4561.18

Removes from the listing of aircraft exempt from the annual aircraft license tax a reference to aircraft operated under a certificate of convenience and necessity issued by the Civil Aeronautics Board or its successor.

**Fiscal effect: None apparent. This certificate is not issued by the Federal Aviation Administration, successor to the Civil Aeronautics Board, but rather by the U.S. Department of Transportation.**

R.C. 4561.17, 4561.18

Same as the Executive.

**Fiscal effect: Same as the Executive.**

38 DOT - 12 Commercial Cargo Aircraft License Tax

R.C. 4561.18

Changes the annual aircraft license tax on commercial cargo aircraft based in Ohio from \$750 per aircraft to an amount equal to \$15 per seat, based on the manufacturer's maximum listed seating capacity.

**Fiscal effect: Gain in revenue to the Airport Assistance Fund (Fund 5W90) of an estimated \$500,000.**

R.C. 4561.18

Same as the Executive.

**Fiscal effect: Same as the Executive.**

39 DOT - 13 Disposition of Fine Imposed for Failure to Register Aircraft

R.C. 4561.21

Requires that fines imposed for each aircraft that an owner fails to register be deposited in the Airport Assistance Fund (Fund 5W90) instead of the GRF, as required under current law.

R.C. 4561.21

Same as the Executive.

Executive

In House Finance and Appropriations

**Fiscal effect: Potential gain in revenue to the Airport Assistance Fund (Fund 5W90) and corresponding loss in revenue to the GRF.**

**Fiscal effect: Same as the Executive.**

40 DOT - 40 Ohio Rail Development Commission Membership

No provision.

R.C. **4981.02**

Adds an additional member to the 14-member Ohio Rail Development Commission, to be appointed by the Governor, representing the interests of manufacturers and having contracting responsibility for rail and nonrail freight transportation. Modifies the voting requirements so that an affirmative vote of six members is necessary to take action.

**Fiscal effect: Potential minimal increase in meals, mileage, and lodging reimbursements, which are paid from the GRF.**

41 DOT - 41 Rail Study

No provision.

R.C. **4981.40**

Requires DOT and the Ohio Rail Development Commission (ORDC) to include all federally designated high-speed rail corridors in Ohio and all passenger rail corridors in the Ohio Hub Study in any overall programmatic environmental impact study or other comprehensive high-speed rail project development study.

No provision.

Requires DOT and ORDC to work with Amtrak to improve existing service between Toledo and Cleveland.

No provision.

Requires DOT and ORDC to examine the financial and economic feasibility of developing a passenger rail system between Toledo and Columbus, including necessary characteristics of a viable connection between the cities.

Executive

In House Finance and Appropriations

**Fiscal effect: Potential increase in costs to examine the feasibility of developing a passenger rail system between Toledo and Columbus.**

42 DOT - 2 Department of Transportation Collaboration with Local Governments and the Private Sector

R.C. 5501.03, 5501.311, 5515.01, 5515.07

Permits DOT to (1) enter into agreements with utilities for the construction of alternative energy generating facilities on DOT property, (2) enter into leases or lease-purchase agreements with the proposed transportation innovation authorities for land under DOT control, and (3) contract with local authorities and private entities to maintain and operate highway rest areas and other appropriate facilities in exchange for a fee or concession rights.

**Fiscal effect: Potential gain in fee or concession revenue, as well as lease or lease purchase payments, for the Highway Operating Fund (Fund 7002). Potential decrease in direct costs from reduced facilities maintenance expenditures. Potential decrease in energy costs by allowing local governments and the private sector to place solar and wind power generating equipment on DOT property.**

R.C. 5501.03, 5501.311, 5515.01, 5515.07

Same as the Executive.

**Fiscal effect: Same as the Executive.**

43 DOT - 4 Sale of Surplus DOT Real Property

R.C. 5501.34

Increases from \$2,000 to \$5,000 the maximum value a surplus parcel of DOT real property that can be sold at public auction to the highest bidder without regard to the appraised value if an abutting landowner chooses not to buy the parcel.

R.C. 5501.34

Same as the Executive.

Executive

In House Finance and Appropriations

Permits the Director of Transportation to accept a survey or appraisal of a surplus parcel of real property that DOT owns and wishes to sell that was commissioned by an interested party, but prohibits DOT from reimbursing the party for the cost of the survey or appraisal.

Same as the Executive.

**Fiscal effect: Might allow DOT to sell more surplus real property than under the current \$2,000 threshold.**

**Fiscal effect: Same as the Executive.**

44 DOT - 5 Design-build Contracts

R.C. 5517.011

Suspends until July 1, 2015, the provisions of law limiting the total dollar value of DOT design-build contracts to \$250 million per biennium.

R.C. 5517.011

Same as the Executive, but moves forward the date upon which the \$250 million per biennium limitation would apply again to July 1, 2011.

**Fiscal effect: Potential increase in project delivery efficiencies and potential decrease in overall design and construction costs if design-build contracts are used more frequently.**

**Fiscal effect: Same as the Executive.**

45 DOT - 37 Incentive to Certain DOT Project Bidders

No provision.

R.C. 5525.012

Permits the Director of DOT to provide an incentive to bidders who have adopted business practices that reduce harmful air emissions and other threats to the environment in the form of a reduction of up to 5% in such bidder's lowest competent and responsible bid.

**Fiscal effect: Likely no effect on overall project cost.**

Executive

In House Finance and Appropriations

46 DOT - 6 Publication of DOT Confidential Cost Estimates

R.C. 5525.15

Requires DOT's confidential cost estimate for a construction project to be published after all bids have been received rather than the cost estimate being publicly read at that time before the bids are opened.

**Fiscal effect: Negligible.**

R.C. 5525.15

Same as the Executive.

**Fiscal effect: Same as the Executive.**

47 DOT - 8 Tolling Authority

R.C. 5531.11 - 5531.18, 5531.99

Allows DOT to construct and operate tolled new capacity projects and requires the Director of DOT to adopt a plan for tolls in rule. Allows the Director to adjust proposed plans, schedules, or systems to implement a toll or other charge without further public notice and opportunity for public comment. Requires the Director to establish a procedure for a transportation innovation authority (TIA) to request that DOT construct and operate a tolled project and grants other authority necessary for the operation of tolled projects.

Creates the Ohio Toll Fund to receive toll revenues and allows toll revenue to be pledged for the repayment of bonds and the cost of maintaining, improving, repairing, constructing, and operating the tolled project as well as the Ohio transportation system.

Requires the State Highway Patrol to police tolled projects and enforce the traffic control rules DOT develops that are punishable as criminal offenses.

R.C. 5531.11 - 5531.18, 5531.99

Same as the Executive, but specifies that adjustments to a plan, schedule or system of tolls cannot be made without public notice and comment, but must be made in accordance with the Administrative Procedure Act, Chapter 119. of the Revised Code.

Same as the Executive, but specifies that money generated by toll projects must be used for tolled projects and other highway projects within one mile of a tolled project.

Same as the Executive.

**Executive**

**In House Finance and Appropriations**

Provides that all public or private property damaged or destroyed in connection with DOT tolled projects must be repaired and placed in its original condition, or adequate compensation or consideration be paid from tolled project money.

Provides that if property is damaged, an action for damages against the state must be filed in the Court of Claims, rather than the property be repaired or restored or consideration paid from tolled project money.

**48 DOT - 7 New Generation State Infrastructure Bank**

**R.C. 5531.09**

Creates the New Generation Infrastructure Bank Fund within the State Infrastructure Bank, consisting of assistance received by the state as may be provided by law, to provide financial assistance to transportation innovation authorities (TIAs), a new form of special district proposed in the bill.

Removes authority to use the Highway and Transit Infrastructure Bank Fund, the Aviation Infrastructure Bank Fund, and the Rail Infrastructure Bank Fund (all within the State Infrastructure Bank) to pay debt service on obligations whose proceeds have been deposited into the Infrastructure Bank Obligations Fund (federal GARVEE bonds).

**R.C. 5531.09**

Same as the Executive, but recognizes that the New Generation State Infrastructure Bank Fund may consist of more than one fund.

Same as the Executive.

Executive

In House Finance and Appropriations

**Fiscal effect: Creates a new form of project financing intended to contribute to the multi-modal transportation capabilities, including roads, bridges, transit, freight, and passenger rail. Project financing methods may involve loans or bonds. New Generation Infrastructure Bank Funds will come from a variety of sources, such as state motor fuel taxes for highway projects and non-gas tax revenues for public transit and rail portion projects. Tolling may also be used to support bonds issued for such projects. Funds not used in FY 2010 may be carried forward into FY 2011 under temporary law provided in the bill.**

**Fiscal effect: Same as the Executive.**

49 DOT - 9 Transportation Innovation Authorities (TIAs)

R.C. 5539.01 - 5539.11

Subject to the approval of the Director of DOT, authorizes the creation of a transportation innovation authority (TIA) by specified governmental agencies for the purpose of encouraging the investment of public and private resources in the planning and implementation of innovative transportation projects to enhance the efficiency of the state's transportation system.

Establishes the powers of a TIA, which include the authority to acquire and dispose of property, but not the authority to appropriate property, the authority to issue bonds but not the authority to levy taxes, and the authority to develop toll projects under the proposed toll authority being given to DOT.

Requires an authority to submit an annual audited financial report to the Director of DOT, which must also contain two-year budget projections of the operating expenses for the authority and specific transportation

R.C. 5539.01 - 5539.11

Same as the Executive.

Same as the Executive, but requires toll revenues generated by an authority to be used for transportation projects within the geographical jurisdiction of the authority.

Same as the Executive, but requires an authority to submit its annual audited financial report to the General Assembly, in addition to the Director of DOT.

Executive

In House Finance and Appropriations

project funding.

**Fiscal effect: Creates a new transportation funding mechanism, or Transportation Innovation Area (TIA), which can be formed by local governments and other organizations to construct multimodal projects. Gives TIAs the authority to issue bonds and toll, potentially allow certain projects to be funded that otherwise would not have been. Prohibits state dollars from being used to support the operating costs of TIAs.**

**Fiscal effect: Same as the Executive.**

50 DOT - 10 Motor Fuel Evaporation Tax Credit

R.C. 5703.053, 5703.70, 5735.06, 5735.141 (repealed), 5735.145, 5735.16, 5735.23, Section 503.10

Eliminates the motor fuel shrinkage allowance for distributors and retail dealers of motor fuel.

Specifies that, beginning July 1, 2009 and on the first day of every month thereafter and before making certain statutory distributions of the motor fuel tax, the Treasurer of State is to deposit the first 3% of motor fuel tax receipts received for the preceding month to the credit of the Highway Operating Fund (Fund 7002).

Specifies that, of the amounts transferred, \$54 million annually must be used to offset the cost of requirements that direct DOT to use proceeds in the Highway Operating Fund (Fund 7002) for the following purposes:

- (1) At least \$24,350,000 in FY 2010 and at least \$14,350,000 in FY 2011 to support public transit, rail, maritime, and aviation, or any planning and design activity related to those modes in Ohio; and

R.C. 5703.053, 5703.70, 5735.06, 5735.141, 5735.145, 5735.16, 5735.23, Section 503.10

Restores the allowance for distributors of motor fuel to 0.5% and for retailers to 0.15% for fuel lost through evaporation or other unaccounted causes.

Same as the Executive, but reduces to 2.5% the percentage of motor fuel tax receipts deposited into Fund 7002 before any other allocations are paid.

Same as the Executive, but reduces the amount required to be used to offset the costs of the funding requirements each year from \$54,000,000 to \$43,500,000. Reduces the funding requirement for non-highway modes of transportation to \$14,500,000 in FY 2010 and to \$4,500,000 in FY 2011. Reduces the funding requirement for transportation purposes to \$19,000,000 in each fiscal year.

## Executive

## In House Finance and Appropriations

(2) Up to \$19,650,000 in each fiscal year for transportation purposes.

In addition, up to \$10 million in FY 2010 and up to \$20 million in FY 2011 must be used to offset the amounts transferred by the Treasurer of State to pay for the debt service of state highway capital improvement bonds.

**Fiscal effect: Gain in motor fuel tax revenue (MFT) receipts to Fund 7002 from the elimination of the motor fuel evaporation allowance for distributors (3% allowance currently) and retail dealers (1% allowance currently). This would not have any fiscal effect, however, on distributions to the Waterways Safety Fund, the Wildlife Boater-Angler Fund, and municipalities, counties, and townships.**

**Revenue retained from eliminating the credit will be used to offset the cost of the \$54 million in earmarked funding noted above. DOT would use flexible federal dollars to fulfill those funding requirements. The moneys generated by the elimination of the credit will be available to backfill the federal dollars directed toward non-highway modes.**

**The portion allocated to debt service makes DOT whole for the additional debt service costs created by authorizing an additional \$200 million of state highway bonds over DOT's original bonding plan. The extra bonding offsets the transfer of \$200 million over the biennium to the Local Transportation Improvement Program Fund (Fund 7052).**

Same as the Executive.

**Fiscal effect: Same as the Executive, but reduces the gain in revenue to Fund 7002 by \$10,500,000 each fiscal year.**

## Executive

## In House Finance and Appropriations

## 51 DOT - 14 Direct Investment in Public Transit

**Section: 203.13**

Earmarks \$10 million in each fiscal year from Highway Operating Fund appropriation item 772422, Highway Construction - Federal, to provide grants to local transit authorities to purchase or improve public transit vehicles. Requires that new transit vehicles purchased and improvements made to a local transit authority's existing fleet of vehicles with these funds must foster the goals of increasing fuel efficiency, reducing emissions, and using alternative fuels, as appropriate.

**Section: 203.13**

Same as the Executive, but decreases the amount of the earmark to \$7.5 million.

## 52 DOT - 34 Diesel Emissions Reduction Pilot Program

No provision.

**Section: 203.16**

Earmarks \$600,000 in FY 2010 from Highway Operating Fund appropriation item 772422, Highway Construction - Federal, for a truck stop electrification pilot project to reduce diesel emissions from commercial vehicles.

## 53 DOT - 15 Issuance of Bonds

**Section: 203.20**

Authorizes the issuance of \$352 million in state highway bonds for highway purposes. Bond proceeds will be credited to the Highway Capital Improvement Fund (Fund 7042).

**Section: 203.20**

Same as the Executive.

Executive

In House Finance and Appropriations

**Fiscal effect: The debt service on the bonds is paid with state motor fuel tax revenues. Bonds are typically issued after appropriate state and federal motor fuel tax revenues are used for project funding and additional cash is needed.**

**Fiscal effect: Same as the Executive.**

54 DOT - 16 Transfer of Highway Operating Fund Appropriations

**Section: 203.30**

Allows the Director of OBM to approve requests for transfer of Highway Operating Fund appropriations for highway planning and research, highway construction, highway maintenance, rail grade crossings, aviation, and administration. Requires such transfers to be reported to the Controlling Board.

**Fiscal effect: Provides DOT with cash management flexibility during emergency situations or unforeseen conditions over the biennium.**

**Section: 203.30**

Same as the Executive.

**Fiscal effect: Same as the Executive.**

55 DOT - 17 Transfer of Appropriations - Federal Highway and Federal Transit

**Section: 203.30**

Allows the Director of OBM to approve requests for the transfer of appropriations between appropriation items 772422, Highway Construction - Federal, 775452, Public Transportation - Federal, 775454, Public Transportation - Other, and 775459, Elderly and Disabled Special Equipment as long as the transit project meets federal funding guidelines. Requires that the transfers be reported to the Controlling Board.

**Fiscal effect: Provides DOT with cash management flexibility to meet federal funding guidelines for transit capital projects.**

**Section: 203.30**

Same as the Executive.

**Fiscal effect: Same as the Executive.**

Executive

In House Finance and Appropriations

56 DOT - 18 Transfer of Appropriations and Cash - State Infrastructure Bank

Section: 203.30

Allows the Director of OBM to transfer appropriations and cash in the State Infrastructure Bank (SIB) funds used by DOT, including transfers between fiscal years 2010 and 2011. Allows the Director of OBM to transfer appropriations between the Highway Operating Fund (Fund 7002) to SIB funds. Specifies that transfers from the SIB funds to Fund 7002 can only be up to the amounts originally transferred to the SIB funds. Prohibits transfers between modes and different funding sources. The transfers are to be reported to the Controlling Board.

**Fiscal effect: Provides DOT with cash management flexibility to transfer these funds where needed.**

Section: 203.30

Same as the Executive.

**Fiscal effect: Same as the Executive.**

57 DOT - 19 Transfer of Appropriations and Cash - Tolling Funds

Section: 203.30

Allows the Director of OBM to transfer appropriations and cash of the Ohio Toll Fund, including transfers between FY 2010 and FY 2011. Requires that the transfers be reported to the Controlling Board.

**Fiscal effect: Provides DOT the cash management flexibility to transfer these funds where needed.**

Section: 203.30

Same as the Executive.

**Fiscal effect: Same as the Executive.**

Executive

In House Finance and Appropriations

58 DOT - 20 Increasing Appropriations - State Funds

Section: 203.30

Allows the Controlling Board to increase appropriations from the Highway Operating Fund (Fund 7002) in the event receipts or unexpended balances are credited to Fund 7002 over the biennium.

**Fiscal effect: Allows DOT to use additional moneys that are credited to Fund 7002 over the biennium, such as additional motor fuel tax revenues.**

Section: 203.30

Same as the Executive.

**Fiscal effect: Same as the Executive.**

59 DOT - 21 Increasing Appropriations - Federal and Local Funds

Section: 203.30

Allows the Controlling Board to increase appropriations of federal moneys from the Highway Operating Fund (Fund 7002).

**Fiscal effect: Allows DOT to use receipts or unexpected balances, apportionments, or allocations made available from the federal government and local governments that exceed appropriations. Such a case may be when allocations from the federal Highway Trust Fund are greater than expected or local participation amounts are more than budgeted.**

Section: 203.30

Same as the Executive.

**Fiscal effect: Same as the Executive.**

Executive

In House Finance and Appropriations

60 DOT - 22 Reappropriations

**Section: 203.30**

Requires that all appropriations of the Highway Operating Fund (Fund 7002), Highway Capital Improvement Fund (Fund 7042), and the Infrastructure Bank funds remaining unencumbered at the end of FY 2009 and FY 2010 be reappropriated in FY 2010 and FY 2011, respectively. Requires these amounts to be reported to the Controlling Board.

**Fiscal effect: Allows DOT to continue to use unencumbered funds from prior fiscal years for various highway projects.**

**Section: 203.30**

Same as the Executive.

**Fiscal effect: Same as the Executive.**

61 DOT - 23 Liquidation of Unforeseen Liabilities

**Section: 203.30**

Allows for any Highway Operating Fund (Fund 7002) appropriation, unless restricted by law, to be used to liquidate unforeseen liabilities arising from contractual agreements of prior years when the prior year encumbrance is insufficient.

**Section: 203.30**

Same as the Executive.

62 DOT - 24 Maintenance of Interstate Highways

**Section: 203.40**

Authorizes DOT to provide maintenance on interstate highways located within the boundaries of municipal corporations and to reimburse municipalities for their costs in providing such maintenance if there are agreements to do so.

**Section: 203.40**

Same as the Executive.

## Executive

## In House Finance and Appropriations

## 63 DOT - 25 Public Transportation Highway Purpose Grants

**Section: 203.50**

Allows the Director of DOT to use state motor fuel tax revenues to match federal grants to support local or state funded public transportation highway projects. Includes the construction and repair of high-occupancy vehicle lanes; the acquisition and construction of park and ride facilities and transit loops; and repair of bridges used by public transportation vehicles. Prohibits motor fuel tax revenues from being used for operating assistance or for the purchase of vehicles, equipment, or maintenance of facilities.

**Section: 203.50**

Same as the Executive.

## 64 DOT - 26 Rental Payments - OBA

**Section: 203.60**

Requires Highway Operating Fund appropriation item 770003, Administration - State - Debt Service, to be used to pay rent to the Ohio Building Authority for various buildings used by DOT. Requires rental payments to be made from revenues from the state motor fuel tax. Provides the Director of DOT with the responsibility of overseeing the capital construction of DOT's buildings. Allows for current and prior year appropriations that exceed rental payments to be transferred to appropriation items for state construction, maintenance, and administration.

**Section: 203.60**

Same as the Executive.

Executive

In House Finance and Appropriations

**Fiscal effect: If appropriations exceed rental payments, there may be additional appropriation amounts available in Highway Operating Fund appropriation items 772421, Highway Construction - State, 773431, Highway Maintenance - State, and 779491, Administration - State.**

**Fiscal effect: Same as the Executive.**

65 DOT - 27 Passenger Rail

**Section: 503.20**

Permits the Ohio Rail Development Commission to use funds made available to it by direct appropriation or through DOT to meet state obligations for the operation of intercity passenger rail service in accordance with section 4981.02 of the Revised Code.

**Section: 503.20**

Same as the Executive.

66 DOT - 28 Authorization for Ohio Building Authority and OBM to Effectuate Certain Lease Rental Payments

**Section: 509.10**

Requires the Director of OBM to initiate and process payments from lease rental payment appropriation items during the FY 2010-FY 2011 biennium, pursuant to lease agreements for bonds or notes issued under Section 2i of Article VIII, Ohio Constitution and Chapter 152. of the Revised Code. Requires payments to be made upon certification by the Ohio Building Authority of the dates and amounts due on those dates.

**Section: 509.10**

Same as the Executive.

Executive

In House Finance and Appropriations

67 DOT - 29 Lease Payments to OBA and Treasurer

Section: 509.20

Provides for increased appropriations for certain lease payments to the Ohio Building Authority (OBA) or the Treasurer of State (TOS) should additional appropriations be necessary.

Section: 509.20

Same as the Executive.

68 DOT - 30 Transfers of Cash Between the Highway Operating Fund and the Highway Capital Improvement Fund

Section: 512.10

Allows the Director of OBM to transfer cash from the Highway Operating Fund (Fund 7002) to the Highway Capital Improvement Fund (Fund 7042). Allows the Director of OBM to transfer from Fund 7042 to Fund 7002 up to the amounts previously transferred to Fund 7042.

Section: 512.10

Same as the Executive.

69 DOT - 31 Monthly Transfers to Gasoline Excise Tax Fund

Section: 512.20

Requires the Director of OBM to transfer cash in equal monthly increments totaling \$183,493,000 in each fiscal year of the biennium from the Highway Operating Fund (Fund 7002) to the Gasoline Excise Tax Fund (Fund 7060) and specifies how these amounts are to be distributed to municipalities, counties, and townships.

**Fiscal effect: Provides transfers of motor fuel tax revenues to local governments for road and bridge projects in the following percentages pursuant to a statutory formula: 42.86% to municipalities, 37.14% to counties, and 20.0% to townships.**

Section: 512.20

Same as the Executive.

**Fiscal effect: Same as the Executive.**

Executive

In House Finance and Appropriations

70 DOT - 35 Diesel Emissions Reduction Grant Program

No provision.

**Section: 512.43**

Establishes a Diesel Emissions Reduction Grant Program using Congestion Mitigation and Air Quality (CMAQ) program funds for public entities, small businesses and disadvantaged business enterprises to be administered by the Department of Development in consultation with the Directors of EPA and Transportation.

No provision.

Allows program funds to be used to fund projects involving hybrid or alternative fuel vehicles eligible under Congestion Mitigation and Air Quality (CMAQ) program guidelines.

No provision.

Provides funds for this program using the Highway Operating Fund (Fund 7002) or transfers from Fund 7002 to the Diesel Emissions Reduction Grant Fund (Fund 3BD0), dependent on the recipient.

No provision.

Establishes an appropriation of \$4.4 million in FY 2010 in Department of Development appropriation item 195697, Diesel Emissions Reduction Grants, for the purposes of the grant program.

71 DOT - 32 Cash Transfer to GRF

**Section: 512.50**

Transfers the cash balances of the ODOT Memorial Fund (Fund 4T50) and the Transportation Building Fund (Fund 7029) as of June 30, 2009, to the GRF. Abolishes the funds upon completion of the transfers.

**Fiscal effect: GRF gain of approximately \$100.**

**Section: 512.50**

Same as the Executive.

**Fiscal effect: Same as the Executive.**

## Executive

## In House Finance and Appropriations

72      DOT - 33      DOT Environmental Reviews

**Section: 755.10**

Permits the Director of DOT to enter into agreements with an agency of the U.S. government for the purposes of dedicating staff to the review of environmentally related documents submitted by DOT that are necessary for the approval of federal permits. Specifies the agreements may include advance payment by DOT for labor and all other identifiable costs. Requires the Director of DOT to submit a request to the Controlling Board indicating the amount of the agreement, the services to be performed by the federal agency, and the circumstances giving rise to the agreement.

**Fiscal effect: Allows DOT to maintain agreements with federal agencies to assist in expeditious environmental reviews, potentially limiting project delays.**

**Section: 755.10**

Same as the Executive.

**Fiscal effect: Same as the Executive.**

73      DOT - 39      Study on State Routes

No provision.

No provision.

**Section: 755.50**

Requires DOT to produce a report on the financial and policy implications of DOT assuming the primary responsibility for all state routes throughout Ohio regardless of local government jurisdiction.

Requires DOT to submit the report to the Speaker of the House of Representatives, the President of the Senate, and the Governor no later than December 15, 2009.

**Fiscal effect: Potential minimal increase in expenditures from the Highway Operating Fund (Fund 7002) to fund any costs associated with the study.**

## Executive

## In House Finance and Appropriations

## 74 OTC - 1 Bidding for Turnpike Contracts

R.C. 5537.07

Requires bid guaranty and surety bonds for Ohio Turnpike Commission bids and contract awards that are over \$150,000 and for any service facility contract, rather than for all bids and contracts over \$50,000.

**Fiscal effect: Potential decrease in commodity costs for the Ohio Turnpike Commission if the increased threshold for bid guaranty and surety bonds enables additional contractors to bid on smaller projects and the additional bids result in lower contract costs.**

R.C. 5537.07

Same as the Executive.

**Fiscal effect: Same as the Executive.**

## 75 OTC - 2 Design-build contracts

R.C. 5537.07

Allows the Turnpike Commission to establish a program to expedite special projects by combining the design and construction elements of any public improvement project into a single contract.

**Fiscal effect: Potential increase in project delivery efficiencies and a potential decrease in overall design and construction costs for Ohio Turnpike projects to the extent that design-build contracts are employed.**

R.C. 5537.07

Same as the Executive.

**Fiscal effect: Same as the Executive.**

## Executive

## In House Finance and Appropriations

## 76 OTC - 3 Fines for Overweight Vehicles on the Turnpike

R.C. 5537.99

Establishes that violations of vehicle weight limits on the Turnpike are subject to the same fines as such violations occurring on other roads (dependent generally on the amount by which the overweight vehicle exceeds the established weight limits), rather than being a minor misdemeanor on a first offense and fourth degree misdemeanor on subsequent offenses.

**Fiscal effect: Potential increase or decrease in the fine revenues distributed, depending on the weight violation. A portion of the revenue from vehicle weight fines is distributed to the GRF after specific amounts are credited to the Security, Investigations, and Policing Fund (Fund 8400) to support certain State Highway Patrol activities. A small portion is credited to the Trauma and Emergency Medical Services Grants Fund (Fund 83P0) and the remainder is distributed to the court that imposes the fine. The bill does not change the distribution of the fine money.**

R.C. 5537.99

Same as the Executive.

**Fiscal effect: Same as the Executive.**

## 77 OTC - 4 Ohio Turnpike Commission Green Technology Study

No provision.

No provision.

Section: 755.60

Requires the Ohio Turnpike Commission to conduct a study to examine ways to increase the application of green technology, including the reduction of diesel emissions in the construction, maintenance, improvement, repair, and operation of Ohio Turnpike Commission facilities.

Requires the study to evaluate all opportunities to develop energy alternatives, including solar, geothermal, natural

## Executive

## In House Finance and Appropriations

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No provision.

gas, and wind, in cooperation with the Power Siting Board and DOT.

Requires the Commission to issues its report no later than six months after the effective date of the bill.

**Fiscal effect: Increase in Commission expenditures to conduct the study.**

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