

COMPARISON DOCUMENT BASE

Substitute House Bill 114
129th General Assembly

Transportation Budget Bill
(FY 2012-FY 2013)

As Introduced
(LSC 129 0947-2)

Legislative Service Commission
February 25, 2011

Executive**DEVCD1 Roadwork Development Fund****Section: 207.10**

- (1) Requires the Roadwork Development Fund (Fund 4W00) to be used for road improvements associated with economic development projects to retain or attract businesses in Ohio. Defines "road improvements" as improvements to public roadway facilities located on, serving, or that are capable of serving a project site.
- (2) Requires the Department of Transportation to provide funds in accordance with the guidelines and requirements of Department of Development appropriation item 195412, Business Development, including Controlling Board review and approval, as well as constitutional requirements for the use of motor fuel tax revenues. Permits the Department of Transportation to assist the Department of Development with project completion and to enter into contracts on behalf of the Department of Development. Permits funds to be used in conjunction with appropriation item 195412 or any other state funding for infrastructure improvements.
- (3) Requires the Director of Budget and Management, pursuant to a plan submitted by the Director of Development or as otherwise determined, to set a cash transfer schedule to meet the needs of Fund 4W00, and requires such transfers to be made according to the schedule from the Highway Operating Fund (Fund 7002).
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DEVCD2 Transportation Improvement Districts**Section: 207.10**

Requires \$250,000 in each fiscal year from Fund 4W00 appropriation item 195629, Roadwork Development, to be distributed to each of the Transportation Improvement Districts in Belmont, Butler, Clermont, Hamilton, Lorain, Medina, Montgomery, Muskingum, and Stark counties and to the Rossford Transportation Improvement District in Wood County.

DEVCD3 Security Deposit Fund Cash Transfer**Section: 207.10**

Requires the Director of Budget and Management to transfer \$32,027.17 in cash from the Security Deposit Fund (Fund R052) to the Roadwork Development Fund (Fund 4W00).

Executive

DPSCD19 Director of Public Safety and the Registrar of Motor Vehicles Grant Authority**R.C. 4501.02, 5502.011**

Permits the Director of Public Safety and the Registrar of Motor Vehicles to apply for, allocate, disburse, and account for grants from federal, state, or private sources.

Fiscal effect: None.

DPSCD17 Clerk of Courts Title Fee Increases**R.C. 4501.06, 4505.09, 4519.59**

Increases the \$15 fee that currently is charged for certain certificate of title and duplicate certificate of title to \$25 effective October 1, 2011, and requires the \$10 increase to be credited to the State Highway Safety Fund (Fund 7036).

Fiscal effect: This fee increase could, depending on the number of transactions in a given year, generate up to \$31.5 million or more annually for deposit in Fund 7036.

DPSCD18 Bonds Issues Pursuant to Article VIII, Section 2g of the Ohio Constitution**R.C. 4501.06**

Removes obsolete language relating to the State Highway Safety Fund (Fund 7036), the Highway Improvement Bond Retirement Fund, and bonds issued pursuant to Article VIII, Section 2g of the Ohio Constitution.

Fiscal effect: None.

Executive

DPSCD21 Uses of "Share the Road" License Plate Contributions

R.C. 4503.521

Permits the \$5 contribution that a person pays when obtaining "Share the Road" license plates to be used to create and distribute bicycle safety education materials rather than just to distribute a booklet on proper methods and procedures of riding bicycles on the streets and highways.

Fiscal effect: None.

DPSCD20 Registration of Apportionable Motor Vehicles

R.C. 4503.62

(1) Requires the Registrar of Motor Vehicles to establish a program to permit the registration of apportionable motor vehicles over the Internet no later than December 31, 2012.

(2) Permits the program to provide for the registration of nonapportionable commercial vehicles over the Internet.

(3) Requires the program to provide an option for the payment of all registration taxes and fees by use of a financial transaction device.

(4) Permits, if the Director of Public Safety approves, the Registrar to contract with a third party to accept and process payments on behalf of the Bureau of Motor Vehicles.

Fiscal effect: The cost for the Bureau of Motor Vehicles to develop, implement, and maintain the required Internet Registration Program is uncertain.

DPSCD16 Elimination of the Late Fee for Driver's License Renewals

R.C. 4506.08, 4507.23

Eliminates the \$20 late fee that is imposed if a driver or commercial driver license is renewed more than seven days after its expiration date.

Executive

Fiscal effect: The late fee for driver's licenses generates approximately 25% of the total annual amount of late fee revenues (for both driver licenses and motor vehicle registrations). In calendar year (CY) 2010, the revenue from driver's license late fees amounted to approximately \$4,000,000. As people become aware of the late fee and more promptly renew a license to avoid its imposition, the annual revenue loss to the Department and, more specifically, the State Highway Safety Fund (Fund 7036), in future years would likely be lower than the \$4,000,000 received in CY 2010.

DPSCD23 **Deposit of Immobilizing and Disabling Device Certification Payments**

R.C. 4510.43

Requires that a manufacturer's payment to the Director of Public Safety for certifying its immobilizing or disabling device be credited to the existing state Indigent Drivers Alcohol Treatment Fund (Fund 7049) used by the Ohio Department of Alcohol and Drug Addiction Services rather than to the Drivers' Treatment and Intervention Fund, which no longer exists.

Fiscal effect: A negligible amount of additional revenue may be generated annually for deposit in Fund 7049.

DPSCD22 **Public Safety Participation in the Retained Applicant Fingerprint Database for Licensed Private Investigators and Security Guards**

R.C. 4749.031

Requires: (1) the Department of Public Safety to participate in receiving notifications through the Bureau of Criminal Identification and Investigation's (BCII) Retained Applicant Fingerprint (RAP) Database of the arrest or conviction of licensed private investigators and security guard providers and (2) license applicants to pay any initial or annual fee established by BCII for the continuous record monitoring services.

Fiscal effect: BCII currently charges each individual entered into the RAP Database an initial \$5 fee and annual fee of \$5 thereafter. BCII would likely collect up to \$150,000 or more annually from up to 30,000 or more private investigators and security guard providers (30,000 x \$5). Those moneys would be deposited to the credit of the General Reimbursement Fund (Fund 1060) used by the Attorney General and will likely be sufficient cover any additional RAP Database operating expenses BCII incurs in monitoring the criminal records of licensed private investigators and security guard providers.

Executive

DPSCD1 Motor Vehicle Registration**Section: 205.10**

(1) Permits the Registrar of Motor Vehicles to deposit certain motor vehicle registration fee revenues to meet the cash needs of the State Bureau of Motor Vehicles Fund (Fund 4W40).

(2) Requires the revenues deposited in (1) above 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 of motor vehicles.

(3) Requires certain state motor vehicle registration revenues 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.

DPSCD2 Capital Projects**Section: 205.10**

Permits 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 (headquarters building and warehouse facility).

DPSCD3 OBA Bond Authority/Lease Rental Payments**Section: 205.10**

Requires HSF Fund 7036 appropriation item 761401, Lease Rental Payments, be used to make lease payments to the Ohio Building Authority (OBA), and permits the OBA, with approval of the Director of Budget and Management, to lease capital facilities to the Department of Public Safety.

Executive**DPSCD4 Hilltop Transfer****Section: 205.10**

Requires the Director of Public Safety to determine, per an agreement with the Director of Transportation, the latter's share of the debt service payments made out of HSF Fund 7036 appropriation 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).

DPSCD5 Cash Transfers Between Funds**Section: 205.10**

Permits the Director of Budget and Management, upon the request of the Director of Public Safety, to approve the transfer of cash between the following six funds: the Trauma and Emergency Medical Services Fund (Fund 83M0), the Homeland Security Fund (Fund 5DS0), the Investigations Fund (Fund 5FL0), the Emergency Management Agency Service and Reimbursement Fund (Fund 4V30), the Justice Program Services Fund (Fund 4P60), and the State Bureau of Motor Vehicles Fund (Fund 4W40).

DPSCD6 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).

Executive**DPSCD7 State Disaster Relief****Section: 205.10**

Permits the State Disaster Relief Fund (Fund 5330):

- (1) To accept cash and appropriations transferred from Controlling Board appropriation items for Ohio Emergency Management Agency (Ohio EMA) disaster response costs and disaster program management costs.
- (2) To accept transfers of cash and appropriations from Controlling Board appropriation items for Ohio 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 and transfer cash to reimburse the costs associated with Emergency Management Assistance Compact (EMAC) deployments.
- (5) To accept disaster-related reimbursement from federal, state, and local governments, and permits the Director of Budget and Management to transfer cash from reimbursements to other state funds from which transfers were originally approved by the Controlling Board.
- (6) 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, and 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.

DPSCD8 Justice Assistance Grant Fund**Section: 205.10**

Requires that the federal payments made to the state for the Byrne Justice Assistance Grants Program under Title II of Division A of the American Recovery and Reinvestment Act of 2009 be deposited to the credit of the Justice Assistance Grant Fund (Fund 3DE0).

Executive**DPSCD9 Federal Stimulus - Justice Programs****Section: 205.10**

Requires that the federal payments made to the state for the Violence Against Women Formula Grant under Title II of Division A of the American Recovery and Reinvestment Act of 2009 be deposited to the credit of the Federal Stimulus - Justice Programs Fund (Fund 3DH0).

DPSCD10 Transfer from State Fire Marshal Fund to Emergency Management Agency Service and Reimbursement Fund**Section: 205.10**

Requires: (1) the Director of Budget and Management to transfer \$200,000 in cash in each of FYs 2012 and 2013 from the State Fire Marshal Fund (Fund 5460) used by the Department of Commerce to the Emergency Management Agency Service and Reimbursement Fund (Fund 4V30) used by the Department of Public Safety and (2) the transferred cash to be distributed to the Ohio Task Force One - Urban Search and Rescue Unit and other urban search and rescue programs around the state.

DPSCD11 Family Violence Prevention Fund**Section: 205.10**

Requires: (1) 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 SSR appropriation item 768689, Family Violence Shelter Programs, (2) the next \$400,000 in revenues received in each fiscal year be appropriated to SSR appropriation item 768687, Criminal Justice Services - Operating, and (3) any remaining revenues received be appropriated to SSR appropriation item 768689, Family Violence Shelter Programs, with the approval of the Controlling Board, to be disbursed as grants to family violence shelters in Ohio.

Executive

DPSCD12 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 R.C. Chapter 3750.

DPSCD13 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 the General Revenue Fund) 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 R.C. Chapter 4117. and, for exempt employees, under R.C. 124.152.

DPSCD14 Cash Balance Fund Review**Section: 205.10**

Requires the Director of Budget and Management to review in each of FYs 2012 and 2013, the cash balances for each fund in the State Highway Safety Fund Group, except the State Highway Safety Fund (Fund 7036) and the State Bureau of Motor Vehicles Fund (Fund 4W40), and recommend to the Controlling Board an amount to be transferred from each of those funds to the credit of Fund 7036 or Fund 4W40, as appropriate.

Executive

DPSCD15 Title Defect Recision Fund and Certain Automated Title Processing Fund Certificate of Title Fees

Section: 755.20

(1) Reduces, until July 1, 2013, the fee paid for each certificate of title issued to a motor vehicle dealer for resale purposes from \$5 to \$4.50, and the amount of each fee for a certificate of title issued to a motor vehicle dealer for resale purposes that is distributed to the Automated Title Processing Fund (Fund 8490) from \$2 to \$1.50 and (2) establishes, until July 1, 2013, a \$0.50 fee collected at the time a certificate of title is issued to a licensed motor vehicle dealer for resale purposes that is paid into the Title Defect Recision Fund (Fund 4Y70) used by the Office of the Attorney General.

Fiscal effect: The annual revenue loss to Fund 8490 and the resulting revenue gain to Fund 4Y70 is estimated at \$400,000 in each of FYs 2012 and 2013.

Executive**PWCCD4 Cuyahoga County Public Works Integrating Committee****R.C. 164.04**

Permits two members of the District One (Cuyahoga County) Public Works Integrating Committee to be appointed by the Chief Executive Officer of Cuyahoga County, in addition to any who were appointed by the Board of County Commissioners, which ceased to exist on January 1, 2011.

Fiscal effect: None.

PWCCD1 Public Works Operating Expenses**Section: 209.10**

Requires Fund 7038 appropriation item 150321, State Capital Improvements Program-Operating Expenses, to be used by the Ohio Public Works Commission to administer the State Capital Improvement Program under sections 164.01 to 164.16 of the Revised Code.

PWCCD2 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. 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.

Executive

PWCCD3 Reappropriations

Section: *209.10*

Reappropriates unencumbered appropriations from the Local Transportation Improvement Program Fund (Fund 7052) from Am. Sub. H.B. 2 of the 128th General Assembly for use during FY 2012 and FY 2013 for the same purpose.

Fiscal effect: Allows PWC to continue to use unencumbered funds from prior fiscal years for various local road and bridge projects.

Executive

DOTCD1 Traffic Generator Sign Program**R.C. 4511.108**

- (1) Allows the Director of DOT to contract with any person to operate, construct, maintain, or market the traffic generator sign (brown signs) program used to promote areas of recreational and cultural interest.
- (2) Permits the Director to consider the skill, expertise, prior experience, and other qualifications of each applicant in awarding the contract.
- (3) Requires any contract to allow for a reasonable profit by the successful applicant.
- (4) Directs money collected from fees for participating in the program to the Highway Operating Fund (Fund 7002).

Fiscal effect: Potential gain in revenue to the Highway Operating Fund (Fund 7002).

DOTCD2 Revocation of Overweight Vehicle Permits**R.C. 4513.34**

Gives the Director of DOT and local authorities the power to deny or revoke an overweight or oversize vehicle permit if the permit holder violates the terms or conditions of the permit, rather than their current authority to withhold permits.

Fiscal effect: No apparent direct fiscal effect, although this provision could help in limiting potential roadway damage caused by vehicle operators violating the terms of their permits. This new authority would apply most commonly to multi-day permits (permits covering 90 or 365-day periods, for example).

DOTCD3 Reimbursement of a Utility for Certain Relocation Costs**R.C. 5501.51**

Restricts the utility relocation costs necessitated by the construction of a highway project for which a utility may claim reimbursement to those costs that are eligible for reimbursement under federal law.

Fiscal effect: Potential reduction in utility reimbursements to the extent that utility companies currently request reimbursement for costs that are not eligible under federal law.

Executive

DOTCD4 Investigations of Incidents by Transit Systems Operating a Rail Fixed Guideway System

R.C. 5501.55

Makes a report that results from the investigation of an incident by a transit agency operating a rail fixed guideway system confidential and not subject to disclosure under the Public Records Law.

Fiscal effect: None. The change is in response to a recent court ruling that current law does not protect investigations of incidents by rail fixed guideway authorities.

DOTCD5 Public-Private Partnership Authority

R.C. 5501.70, 5501.71-5501.83

- (1) Authorizes DOT to enter into public-private agreements based on solicited and unsolicited proposals from private entities relating to transportation facilities.
- (2) Establishes the procedures for selecting a proposal and the terms of an agreement, including grounds for terminating an agreement.
- (3) Allows affected local governments to participate in a public-private agreement.
- (4) Allows State Infrastructure Bank obligations to be issued to fund the development or financing of a transportation facility.
- (5) Allows DOT to combine federal, state, local, and private funds to finance a transportation facility operated under a public-private partnership and authorizes DOT to (a) accept federal grants, loans, or other financial assistance, (b) enter into any necessary agreements for the federal funds, and (c) accept any grant, donation, gift, or other form of conveyance of land, money, other real or personal property, or other item of value from any source.
- (6) Exempts transportation facilities operated under a public-private agreement from state taxes and local property taxes.
- (7) Allows DOT to use eminent domain to acquire property, rights-of-way, or other rights in property for transportation projects that are part of a public-private initiative.
- (8) Provides that all state and local law enforcement officers (a) have the same powers and jurisdiction within the limits of the transportation facility operated under a public-private agreement as they have in their respective jurisdictions and (b) access to the facility at any time for the purpose of exercising their powers and jurisdiction.
- (9) Grants DOT rule-making authority to carry out the purposes of the public-private agreements.

Executive

Fiscal effect: Provides an additional tool for DOT to use in order to finance, construct, operate, or maintain transportation projects. While the overall goals of public-private partnerships are to leverage private investment for and transfer the risk of building or operating transportation facilities, such agreements can take many forms. Specific fiscal effects would depend on the terms of each arrangement.

DOTCD6 Outdoor Advertising Control by Local Zoning Authorities**R.C. 5516.11**

(1) Declares that the state law that governs outdoor advertising along interstate and state primary highways does not affect the authority of local zoning authorities to establish rules and regulations controlling the size, lighting, and spacing of outdoor advertising devices within commercial and industrial areas.

(2) Allows the Director of DOT to certify to the Federal Highway Administration that a zoning authority has established rules and regulations controlling outdoor advertising devices that are consistent with (not equivalent and consistent with, as under current law) the intent of the Highway Beautification Act of 1965, and establishes that upon certification, the rules are accepted in lieu of the statutory provisions governing outdoor advertising.

(3) Eliminates a current requirement that a zoning authority furnish DOT with a copy of new comprehensive zoning rules or regulations adopted.

Fiscal effect: By allowing greater local control over outdoor advertising, state compliance costs associated with the Highway Beautification Act of 1965 are likely to be reduced.

DOTCD7 Design-Build Contracting Authority**R.C. 5517.011**

(1) Permanently authorizes DOT to use a value-based selection process for design-build projects, combining technical qualifications and competitive bidding elements. (Current law grants this authority to DOT for FY 2010 and FY 2011 only.)

(2) Establishes that the amount of money that may be spent on design-build projects per fiscal year cannot exceed \$1 billion, rather than \$1 billion for the current biennium and \$250 million per biennium thereafter under existing law.

(3) Authorizes DOT to pay compensation for a preliminary design concept to an unsuccessful bidder, but limits to compensation from exceeding the value of the concept.

Executive

Fiscal effect: This contract type would be used in circumstances where it is likely to increase project delivery efficiencies and reduce overall design and construction costs for the state.

DOTCD8 Confidentiality of Certain Portions of DOT Cost Estimates

R.C. 5525.15

Provides that, for a DOT construction project, unit price components of the official engineer's estimate of the project's costs are not public records even after the bid opening for the project has occurred.

DOTCD9 Public Access Roads for DNR Facilities

Section: 203.20

Earmarks \$5 million in each fiscal year from Highway Operating Fund appropriation item 772421, Highway Construction - State, for the construction, reconstruction, or maintenance of public access roads, including support features, to and within state facilities owned or operated by the Department of Natural Resources.

DOTCD10 Public Access Roads for Parks and Expositions Commission Facilities

Section: 203.30

Earmarks \$2,228,000 in each fiscal year from Highway Operating Fund appropriation item 772421, Highway Construction - State, for the construction, reconstruction, or maintenance of park drives or park roads within the boundaries of metropolitan parks.

Allows the Department of Transportation to use Highway Operating Fund appropriation item 772421, Highway Construction - State, to perform related roadwork on behalf of the Ohio Expositions Commission at the state fairgrounds.

Executive**DOTCD11 Issuance of Bonds****Section: 203.40**

Authorizes the issuance of \$123 million in state highway bonds for highway purposes. Credits bond proceeds to the Highway Capital Improvement Fund (Fund 7042).

DOTCD12 Transfer of Highway Operating Fund Appropriations**Section: 203.50**

Allows the Director of OBM to approve requests for transfer of Highway Operating Fund appropriations for highway planning and research, highway construction and GARVEE debt service, highway maintenance, federal public transportation programs, 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.

DOTCD13 Transfer of Appropriations - Federal Highway, Transit, Aviation, and Rail and Local Transit**Section: 203.50**

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, 775459, Elderly and Disabled Special Equipment, 776475, Federal Rail Administration, and 777472, Airport Improvements - Federal. Requires that the transfers be reported to the Controlling Board.

Fiscal effect: Provides DOT with cash management flexibility.

Executive**DOTCD14 Transfer of Appropriations - ARRA****Section: 203.50**

Allows the Director of OBM to approve requests for the transfer of appropriations between appropriation items 771412, Planning and Research - Federal, 772422, Highway Construction - Federal, 772424, Highway Construction - Other, 775452, Public Transportation - Federal, 776462, Grade Crossings - Federal, and 777472, Airport Improvements - Federal, based on the requirements of the American Recovery and Reinvestment Act that apply to the money appropriated. Requires that the transfers be reported to the Controlling Board.

DOTCD15 Transfer of Appropriations and Cash - State Infrastructure Bank**Section: 203.50**

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 2012 and 2013. 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. Requires such transfers to be reported to the Controlling Board.

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

DOTCD16 Transfer of Appropriations and Cash - Tolling Funds**Section: 203.50**

Allows the Director of OBM to transfer appropriations and cash of the Ohio Toll Fund, including transfers between FY 2012 and FY 2013. Requires that the transfers be reported to the Controlling Board.

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

Executive**DOTCD17 Increasing Appropriations - State Funds****Section: 203.50**

Allows the Controlling Board to increase appropriations from the Highway Operating Fund (Fund 7002) in the event that receipts or unexpended balances credited to Fund 7002 exceed the estimates upon which the appropriations have been made.

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

DOTCD18 Increasing Appropriations - Federal and Local Funds**Section: 203.50**

Allows the Controlling Board to increase appropriations of federal or local 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.

DOTCD19 Reappropriations**Section: 203.50**

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 2011 and FY 2012 be reappropriated in FY 2012 and FY 2013, 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 transportation projects.

Executive

DOTCD20 Liquidation of Unforeseen Liabilities**Section: 203.50**

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.

DOTCD21 Maintenance of Interstate Highways**Section: 203.60**

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.

DOTCD22 Public Transportation Highway Purpose Grants**Section: 203.70**

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, including 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

DOTCD23 ARRA Highway Infrastructure or Transit Funds**Section: 203.80**

Requires the federal payments for highway infrastructure and transit agencies under ARRA to be credited to the Highway Operating Fund (Fund 7002).

Executive

Fiscal effect: Permits DOT to continue directing federal reimbursement received for highway and transit projects funded by ARRA to Fund 7002.

DOTCD24 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 2012-FY 2013 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.

DOTCD25 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 should additional appropriations be necessary.

DOTCD26 Transfers of Cash Between the Highway Operating Fund and the Highway Capital Improvement Fund**Section: 511.10**

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.

Executive

DOTCD27 Monthly Transfers to Gasoline Excise Tax Fund**Section: 511.20**

Requires the Director of OBM to transfer cash in equal monthly increments totaling \$163,918,656 in FY 2012 and in equal monthly increments totaling \$170,424,912 in FY 2013 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. The total amounts slated for transfer are lower than the \$183,493,000 transferred annually in FY 2010 and FY 2011.

DOTCD28 Deputy Inspector General for ODOT Fund Transfers**Section: 511.30**

Requires the Director of OBM to make semiannual transfers of cash of \$200,000, occurring on July 1 and January 1 in each fiscal year, from the Highway Operating Fund (Fund 7002) to the Deputy Inspector General for ODOT Fund (Fund 5FA0) in order to fund the Deputy Inspector General's duties.

Permits the Inspector General, with the consent of the Director of OBM, to seek Controlling Board approval for additional transfers of cash and an increase in the amount appropriated from Fund 5FA0 appropriation item 965603, Deputy Inspector General for ODOT, in the amount of the additional transfers if additional amounts of cash and appropriation are necessary.

DOTCD29 Cash Transfer to the GRF**Section: 511.40**

Transfers the cash balance of the Transit Capital Fund (Fund 5E70) as of June 30, 2011 to the GRF.

Fiscal effect: GRF gain of approximately \$300.

Executive

DOTCD30 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.

DOTCD31 Motor Fuel Evaporation Tax Credit

Section: 755.30

Continues the motor fuel tax evaporation allowance at 1.0% (less 0.5% of the gallonage sold to retail dealers) for distributors and 0.5% for retail dealers in temporary law for the FY 2012-FY 2013 biennium.

Fiscal effect: Absent this provision, the allowance would revert to 3.0% as provided in permanent law. The bill thereby increases revenue from the motor fuel tax by approximately \$36 million each year. Section 755.40 of the bill would reserve this increase to Fund 7002. (Absent that provision, Fund 7002 would receive approximately \$25.7 million of the increase each year, with the remainder going to various state and local funds.)

DOTCD32 Motor Fuel Tax Revenue Distribution

Section: 755.40

Requires the first 2% of monthly motor fuel tax receipts to be deposited into the Highway Operating Fund (Fund 7002).

Permits the Director of OBM, upon the request of the Director of Public Safety, to make periodic transfers of cash totaling \$15,000,000 in each fiscal year from Fund 7002 to the State Highway Safety Fund (Fund 7036).

Executive

Fiscal effect: Suspends existing statutory formulas for distribution of motor fuel tax receipts for approximately \$36 million of those receipts each year. Absent this provision, Fund 7002 would receipt approximately \$25.7 million of the \$36 million each year, with the remainder split among the Waterways Safety Fund and the Wildlife Boater Angler Fund used by the Department of Natural Resources, the Local Transportation Improvement Program Fund used by the Public Works Commission, and counties, municipalities, and townships according to existing statutory formulas.

DOTCD33 ARRA Buy Ohio and Buy American Preferences

Section: 755.50

Requires that, to the extent permitted by federal law, federal stimulus moneys be used in accordance with preferences for goods and services under the Buy Ohio and Buy American programs in Ohio law.

Executive**OTCCD1 Electronic Tolling Transponder Display****R.C. 4513.24**

Allows, as an exception to the general prohibition against the display of material on a windshield, the display of an electronic tolling transponder (used on the Ohio Turnpike for EZ-Pass) in the lower corner of a windshield if it does not exceed four inches in height by six inches in width and does not conceal the vehicle identification number.

Executive

Other Provisions

MISCD1 Buy Ohio Revisions

R.C. 125.11

Eliminates, in regard to the general preference for Ohio products in competitively bid purchase contracts of the state that are made by DAS or other state agencies that follow DAS purchasing, a provision of current law deeming that "there is sufficient competition to prevent an excessive price for a product or the acquiring of a disproportionately inferior product" if there are two or more qualified bids that offer products that have been produced or mined in Ohio.

Fiscal effect: This provision is intended to increase DOT's opportunity to acquire road salt at the most competitive rates possible, but could also affect the process other state agencies use to purchase products.
