

COMPARISON DOCUMENT BASE

House Bill 53
131st General Assembly
Transportation Budget Bill
(FY 2016-FY 2017)

As Introduced

**Legislative Service Commission
February 10, 2015**

Executive**DASCD1 DAS Capital Appropriation****Section: 401.10**

Establishes new capital appropriation item C10035, Building Improvement, with an appropriation of \$1,252,000 from the Building Improvement Fund (Fund 5KZ0) for the FY 2015-FY 2016 biennium.

Executive**OBMCD1 Limitations on use of capital appropriations****Section: 401.20**

Specifies that the appropriations made in this bill for buildings or structures, remodeling, or renovations, be limited to: acquisition of real property or interests in real property; buildings and structures of certain types listed; architectural, engineering, and professional services; equipment under certain criteria.

Excludes the capital appropriations from the State Capital Improvement Fund (Fund 7038) and the State Capital Improvements Revolving Loan Fund (Fund 7040) from this provision.

OBMCD2 State and local rebate authorization**Section: 503.10**

Appropriates, from the funds designated by or pursuant to the applicable proceedings authorizing the issuance of state obligations, amounts computed at the time to represent the portion of investment income to be rebated or amounts in lieu of or in addition to any rebate amount to be paid to the federal government in order to maintain the exclusion from gross income for federal income tax purposes of interest on those state obligations under sections 148(f) of the Internal Revenue Code. Requires OBM to approve and voucher rebate agreements.

Fiscal effect: None. Rebate payments, if any, will be paid out of the bond fund in which excess earnings were realized. Federal laws prohibit tax-exempt bond issuers, in this case the state of Ohio, from earning a higher rate of interest from investment of bond proceeds than the interest paid on the bonds.

Executive

OBMCD3 Authorization for Treasurer of State and OBM to effectuate lease rental Payments**Section: 509.10**

Requires OBM to initiate and process payments from lease rental payment appropriation items during the FY 2016-FY 2017 biennium, pursuant to lease agreements for bonds or notes issued under Section 2i of Article VIII, Ohio Constitution and Chapters 152. and 154. of the Revised Code. Requires payments to be made upon certification by the Treasurer of State of the dates and amounts due on those dates.

OBMCD4 Lease and debt service payments**Section: 509.20**

Provides for increased appropriations for certain lease rental and other payments under leases and agreements related to bonds or notes issued under the Ohio Constitution and acts of the General Assembly, should additional appropriations be necessary.

OBMCD25 Federal money for fiscal stabilization and recovery**Section: 521.10**

States that federal money received by the state for fiscal stabilization and recovery purposes shall be used in accordance with the preferences for products and services made or performed in the U.S. and Ohio established in section 125.09 of the Revised Code.

Executive**DEVCD1 Roadwork Development Grant Program****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 ODOT to provide funds in accordance with the guidelines and requirements of other Development Services Agency (DSA) programs, including Controlling Board review and approval, as well as constitutional requirements for the use of motor fuel tax revenues. Permits ODOT to assist DSA with project completion and to enter into contracts on behalf of DSA. Permits funds to be used in conjunction with appropriation item 195623 or any other state funding for infrastructure improvements.

(3) Requires OBM, pursuant to a plan submitted by DSA 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).

Executive

DPSCD23 Commercial motor vehicle registration taxes

R.C. 126.06, 127.14, 4501.03, 4501.04, 4501.044,
 4501.045, 4501.06, 5528.19 (repealed),
 5528.30, 5528.31, 5528.32 (repealed),
 5528.33 (repealed), 5528.35 (repealed),
 5528.36 (repealed), 5528.38 (repealed),
 5528.39 (repealed), 5528.40, 5728.08,
 5735.23, 5735.26, 5735.291, 5735.30, Section
 512.40

(1) Requires certain commercial vehicle registration taxes that currently are deposited to the credit of the Highway Operating Fund (Fund 7002) and the Highway Obligations Bond Retirement Fund (Fund 7071) to be deposited instead to the credit of the State Highway Safety Fund (Fund 7036).

(2) Eliminates Fund 7071, and provisions from the R.C., relating to highway bonds associated with Fund 7071 that no longer are outstanding.

(3) Abolishes Fund 7071.

Fiscal effect: Gain in revenues of approximately \$59 million to Fund 7036 annually, with a corresponding loss in revenues to Fund 7002. No impact to Fund 7071, as it is no longer in use.

DPSCD7 Security, Investigations, and Policing Fund

R.C. 4501.11

Removes coordinating Homeland Security activities as one of the purposes for which the money in the Security, Investigations, and Policing Fund (Fund 8400) may be used.

Executive

Fiscal effect: Potentially: (1) increases, by around \$600,000 annually, the amount of money available for the Ohio State Highway Patrol's non-highway enforcement duties (e.g., Ohio State Fair, Ohio State Fairgrounds, and Capitol Square security), and (2) requires the Department, if necessary, to tap other moneys in its operating budget to support homeland security activities.

DPSCD11 Unidentified Public Safety Receipts Fund
R.C. 4501.26

Requires all investment earnings of the Unidentified Public Safety Receipts Fund (Fund R024) to be credited not to that fund but instead to the credit of the State Bureau of Motor Vehicles Fund (Fund 4W40).

Fiscal effect: Potential minimal annual revenue gain to Fund 4W40 with a corresponding annual revenue loss to Fund R024.

DPSCD1 Abstract fee revenue distribution

**R.C. 4501.34, 4503.26, 4505.14, 4506.08, 4509.05,
4513.263, 4519.63, 5502.131 (repealed),
5502.39, 5502.67, Section 512.40**

(1) Requires those portions of fees collected by the Department of Public Safety, the Registrar of Motor Vehicles, and clerks of courts of common pleas from the sale of lists containing information relating to driver licenses, motor vehicle certificates of registration, and certificates of title that are currently deposited to the credit of the Trauma and Emergency Medical Service Fund (Fund83M0), the Emergency Management Agency Service and Reimbursement Fund (Fund 4V30), the Homeland Security Fund (Fund 5DS0), the Investigations Fund (Fund 5FL0), and the Justice Program Services Fund (Fund 4P60) to be deposited to the credit of the State Bureau of Motor Vehicles Fund (Fund 4W40).

(2) Eliminates the authority of the Director of Budget and Management to transfer excess money from Fund 4V30 and Fund 4P60 to the Highway Safety Fund (Fund 7036).

(3) Eliminates Fund 5DS0 and Fund 5FL0 from the Revised Code.

(4) Requires the Director of Budget and Management, effective March 1, 2016, or as soon as possible thereafter, to transfer the cash balances in Fund 5DS0 and Fund 5FL0 to Fund 4W40, and abolishes Fund 5DS0 and Fund 5FL0 upon

Executive

completion of the transfer.

Fiscal effect: Gain in revenues to Fund 4W40 with corresponding revenue losses to Fund 83M0, Fund 4V30, Fund 5DS0, Fund 5FL0, and Fund 4P60. From FYs 2009-2014, abstract fee revenues for these latter five state funds as a group totaled, on average, approximately \$6.5 million annually.

DPSCD5 Non-permanent trailer registration transfers
R.C. 4503.103

Specifies that a permanent trailer or semitrailer registration is not transferable, rather than any multi-year trailer or semitrailer registration as under current law.

Fiscal effect: Potential loss in revenue if a vehicle owner pays for a multi-year trailer or semi-trailer registration and then transfers that multi-year registration to another trailer or semi-trailer instead of registering it under current law.

DPSCD9 Commercial driver's licenses

**R.C. 4506.01, 4506.03, 4506.05, 4506.06, 4506.07,
4506.071, 4506.09, 4506.10, 4506.12,
4506.13, 4506.15, 4506.16, 4506.17, 4506.20,
4506.21**

(1) Includes a violation of any state or local law prohibiting using a handheld mobile telephone in the definition of a "serious traffic offense," which, upon conviction of two or more serious traffic offenses within a three-year period, may result in the person being disqualified from operating a commercial motor vehicle for a specified period of time, and defines "using a handheld mobile telephone" and redefines "texting" for purposes of the commercial driver's license (CDL) law.

(2) Generally establishes a gross vehicle weight standard for operating commercial motor vehicles and combination vehicles, in addition to a gross vehicle weight rating, and in so doing allows enforcement of commercial motor vehicle laws based on actual vehicle weight.

(3) Revises the endorsements and restrictions for CDL holders and establishes endorsements and restrictions for CDL temporary instruction permit holders who, generally, may not operate vehicles requiring a hazardous materials

Executive

endorsement and may not operate commercial motor vehicles with passengers.

(4) Prohibits employers from knowingly permitting or authorizing a driver to operate a commercial motor vehicle without a CDL bearing the proper class or endorsement for the vehicle or in violation of any restrictions on the driver's CDL and makes a violation of the prohibition a first degree misdemeanor.

(5) Requires criminal background checks for private CDL test examiners, requires private test examiners to maintain a bond as determined by the Director of Public Safety sufficient to pay retesting costs in the event test examiners are involved in fraudulent testing, requires test examiners to pass a prescribed training course and be certified by the state as qualified; requires test examiners to use designated test routes; requires certain records to be maintained by test examiners; prohibits a driver training school examiner from testing an applicant that the examiner trained; and requires skills test examiners to conduct complete skills tests on a minimum of 32 different individuals per calendar year.

(6) Modifies the circumstances under which the Director of Public Safety may authorize a waiver of CDL skills tests under specified circumstances.

(7) Requires a minimum of 14 days between issuance of a CDL temporary instruction permit and eligibility for taking a skills test.

(8) Generally establishes interstate reciprocity for CDL skills testing and the provision of conviction and disqualification records.

(9) Expressly references CDL temporary instruction permits in the prohibitions and other provisions governing commercial driver's licenses.

(10) Prohibits any person under the age of 21 who possesses a CDL or CDL permit from operating a commercial motor vehicle in interstate commerce.

Fiscal effect: Uncertain

Executive

DPSCD8 Testing for driver's licenses, probationary license holders, driver training, and distracted driving

**R.C. 4507.071, 4507.11, 4507.21, 4508.01,
4508.02, 4508.03, 4508.04, 4508.05, 4508.06,
4508.10, 4508.11, 4511.043, 4511.206**

- (1) Requires all applicants for an initial driver's license to show proof of having successfully completed an approved driver education or driver training course.
- (2) Permits the waiver of the maneuverability and road tests for driver's license applicants who successfully complete an advanced driver skills course.
- (3) Permits the Director of Public Safety to require every applicant for an initial driver's license to pass a driving test using a driving simulator before taking the maneuverability and road tests.
- (4) Makes changes in the provisions of law that govern driving by holders of probationary driver's licenses and driver training schools.
- (5) Creates the offense of "distracted driving," but limits application and prosecution of the offense to persons who also commit a moving violation or a vehicular homicide offense at the same time as the distracted driving offense.

Fiscal effect: Uncertain

DPSCD10 Private Investigator and Security Guard Provider Fund

R.C. 4749.07

Includes the revenue from penalties to be deposited to the credit of the Private Investigator and Security Guard Provider Fund (Fund 5B90).

Fiscal effect: None, codifies current practice.

Executive

DPSCD13 Motor vehicle registration**Section: 205.10**

- (1) Permits the Director of Public Safety to deposit certain motor vehicle registration fee revenues to meet the needs of the State Bureau of Motor Vehicles Fund (Fund 4W40).
 - (2) Requires the revenues that are deposited to be used to support, in part, appropriations for operating expenses, to defray the cost of manufacturing and distributing license plates and license plate stickers, and enforcing the law relative to the operation and registration of motor vehicles.
 - (3) Requires these revenues be paid into Fund 4W40 before being paid into any other fund.
 - (4) Requires that the deposit of these revenues be in approximately equal amounts on a monthly basis or as otherwise determined by the Director of Budget and Management pursuant to a plan submitted by the Director of Public Safety.
-

DPSCD14 Public Safety Facilities Lease Rental Bond Payments**Section: 205.10**

Requires that HSF Fund 7036 appropriation item 761401 be used to make certain debt service payments.

DPSCD15 Cash transfers between funds**Section: 205.10**

Permits the Director of Budget and Management, upon written request from the Director of Public Safety, to transfer cash between the State Bureau of Motor Vehicles Fund (Fund 4W40) and the State Highway Safety Fund (Fund 7036).

Executive

DPSCD16 Cash transfers - Highway Patrol**Section: 205.10**

Permits the Director of Budget and Management, upon written request of the Director of Public Safety, to transfer cash from the State Highway Patrol Contraband, Forfeiture and Other Fund (Fund 83C0) or the Highway Safety Salvage and Exchange Highway Patrol Fund (Fund 8410) to the Security, Investigations and Policing Fund (Fund 8400).

DPSCD17 Cash transfers to the Highway Safety Fund - Shipley upgrades**Section: 205.10**

Permits the Director of Budget and Management (OBM), pursuant to a plan submitted by the Director of Public Safety or as other determined by the Director of OBM, to make cash transfers on a pro-rata basis from other funds used by the Department of Public Safety, excluding the Public Safety Building Fund (Fund 7025), to the State Highway Safety Fund (Fund 7036) to have other departmental operations help pay for capital improvements to the Shipley Building.

DPSCD18 Cash transfers - federal funds**Section: 205.10**

Permits the Director of Budget and Management, upon written request of the Director of Public Safety, to take the following actions:

- (1) Transfer cash from the Highway Safety Federal Reimbursement Fund (Fund 8310) to the Highway Safety Federal Reimbursement Fund (Fund 3GU0).
- (2) Transfer cash from the Traffic Safety Fund (Fund 8320) to the Traffic Safety Fund (Fund 3GV0).
- (3) Transfer cash from the Highway Patrol Justice Contraband Fund (Fund 83J0) to the Highway Patrol Justice Contraband Fund (Fund 3GR0).

Executive

(4) Transfer cash from the Highway Patrol Treasury Contraband Fund (Fund 83T0) to the Highway Patrol Treasury Contraband Fund (Fund 3GS0).

DPSCD19 Collective bargaining increases**Section: 205.10**

Permits the Controlling Board, upon the request of either the Director of Budget and Management or the Director of Public Safety with the approval of the Director of Budget and Management, to authorize expenditures in excess of appropriations and transfer appropriations, as necessary, for any fund used by 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. Appropriates any money approved for expenditure under this provision.

DPSCD20 Cash balance fund review**Section: 205.10**

(1) Requires the Director of Public Safety to review the cash balances for each fund in the State Highway Safety Fund Group, and permits the Director of Budget and Management, upon written request of the Director of Public Safety, to transfer amounts from any of those funds to the credit of the State Highway Safety Fund (Fund 7036) or the State Bureau of Motor Vehicles Fund (Fund 4W40), as appropriate.

(2) Permits the Director of Budget and Management, upon receipt of such a request, to make appropriate transfers.

DPSCD29 Crediting of moneys received**Section: 205.10**

(1) Requires, beginning July 1, 2015, or as soon as possible thereafter, all moneys received pursuant to R.C. 4501.08 be deposited to the credit of the Highway Safety Federal Reimbursement Fund (Fund 3GU0).

Executive

(2) Requires, beginning July 1, 2015, or as soon as possible thereafter, all moneys received pursuant to R.C. 4501.09 be deposited to the credit of the Traffic Safety Fund (Fund 3GV0).

(3) Requires, beginning July 1, 2015, or as soon as possible thereafter, all moneys received pursuant to R.C. 2981.14 be deposited to the credit of the Highway Patrol Justice Contraband Fund (Fund 3GR0).

(4) Requires, beginning July 1, 2015, or as soon as possible thereafter, all moneys received pursuant to R.C. 2981.14 be deposited to the credit of the Highway Patrol Treasury Contraband Fund (Fund 3GS0).

DPSCD22 Fund consolidation

Sections: *512.40, R.C. 4501.19 (repealed), 4503.233, 4505.09, 4519.59, 4509.101, 4509.81*

(1) Eliminates from R.C.: (a) the Law Enforcement Reimbursement Fund (83R0), which consists of fees related to court-ordered motor vehicle immobilizations that are collected by the Registrar of Motor Vehicles and are used to make payments to law enforcement agencies under specified R.C. provisions, (b) the Motor Vehicle Dealers Board Fund (Fund 5390), which consists of fees charged for the issuance of certificates of title for specified vehicles, and © the Financial Responsibility Compliance Fund (Fund 8350), which consists of money derived from specified fees paid under the Motor Vehicle Financial Responsibility Law.

(2) Requires all the above fees or portions of fees to be deposited instead to the credit of the State Bureau of Motor Vehicles Fund (Fund 4W40).

(3) Requires the Director of Budget and Management, on January 1, 2016, or as soon as possible thereafter, to transfer the cash balances in Fund 8350, Fund 5390, and Fund 83R0 to the State Bureau of Motor Vehicles Fund (Fund 4W40), and abolishes each fund upon completion of their respective cash balances being transferred to Fund 4W40.

Fiscal effect: Gain in revenues to Fund 4W40. From FY 2009-FY 2014, Funds 5390, 8350, and 83R0 averaged approximately \$18.8 million in revenues annually.

Executive**DPSCD24 MARCS Operation Fund****Sections: 512.40, R.C. 4501.28 (repealed)**

- (1) Eliminates the MARCS Operation Fund (Fund 4W60) from the R.C.
- (2) Requires the Director of Budget and Management, to transfer the cash balance in Fund 4W60 to the MARCS Administration Fund (Fund 5C20), used by the Department of Administrative Services, and abolishes Fund 4W60 upon completion of the transfer.

Fiscal effect: Negligible onetime cash transfer.

DPSCD25 Highway Safety Federal Reimbursement Fund**Section: 512.40**

- (1) Requires the Director of Budget and Management (OBM), on March 1, 2016, or soon as possible thereafter to transfer the cash balance in the Highway Safety Federal Reimbursement Fund (Fund 8310) to the Highway Safety Federal Reimbursement Fund (Fund 3GU0), and abolishes Fund 8310 upon completion of the transfer.
- (2) Requires the Director of OBM to cancel any existing encumbrances against HSF Fund 8310 appropriation item 761610, Information and Education - Federal, and reestablish them against FED Fund 3GU0 appropriation item 761610, Information and Education Grant, and appropriates the reestablished encumbrance amounts.
- (3) Requires the Director of OBM to cancel any existing encumbrances against HSF Fund 8310 appropriation item 764608, FARS Grant Federal, and reestablish them against FED Fund 3GU0 appropriation item 764608, Fatality Analysis Report Systems Grant, and appropriates the reestablished encumbrance amounts.
- (4) Requires the Director of OBM to cancel any existing encumbrances against HSF Fund 8310 appropriation item 764610, Patrol - Federal, and reestablish them against FED Fund 3GU0 appropriation item 764610, Highway Safety Programs Grant, and appropriates the reestablished encumbrance amounts.
- (5) Requires the Director of OBM to cancel any existing encumbrances against HSF Fund 8310 appropriation item 764659, Transportation Enforcement - Federal, and reestablish them against FED Fund 3GU0 appropriation item 764659, Motor Carrier Safety Assistance Program Grant, and appropriates the reestablished encumbrance amounts.

Executive

(6) Requires the Director of OBM to cancel any existing encumbrances against HSF Fund 8310 appropriation item 765610, EMS - Federal, and reestablish them against FED Fund 3GU0 appropriation item 765610, Emergency Medical Services Grants, and appropriates the reestablished encumbrance amounts.

(7) Requires the Director of OBM to cancel any existing encumbrances against HSF Fund 8310 appropriation item 769610, Investigative Unit Federal Reimbursement, and reestablish them against FED Fund 3GU0 appropriation item 769610, Investigations Grants - Food Stamps, Liquor, and Tobacco Laws, and appropriates the reestablished encumbrance amounts.

(8) Requires the Director of OBM to cancel any existing encumbrances against HSF Fund 8310 appropriation item 769631, Homeland Security - Federal, and reestablish them against FED Fund 3GU0 appropriation item 769631, Homeland Security Disaster Grants, and appropriates the reestablished encumbrance amounts.

DPSCD26**Traffic Safety Fund****Section: 512.40**

Requires the Director of Budget and Management (OBM), on March 1, 2016, or as soon as possible thereafter, to transfer the cash balance in the Traffic Safety Fund (Fund 8320) to the Traffic Safety Fund (Fund 3GV0), abolishes Fund 8320 upon completion of the transfer, requires the Director of OBM to cancel any existing encumbrances against HSF Fund 8320 appropriation item 761612, Traffic Safety - Federal, and reestablish them against FED Fund 3GV0 appropriation item 761612, Traffic Safety - Federal, and appropriates the reestablished encumbrance amounts.

Executive

DPSCD27 Highway Patrol Justice Contraband Fund**Section: 512.40**

Requires the Director of Budget and Management (OBM), on March 1, 2016, or as soon as possible thereafter, to transfer the cash balance in the Highway Patrol Justice Contraband Fund (Fund 83J0) to the Highway Patrol Justice Contraband Fund (Fund 3GR0), abolishes Fund 83J0 upon completion of the transfer, requires the Director of OBM to cancel any existing encumbrances against HSF Fund 83J0 appropriation item 764693, Highway Patrol Justice Contraband, and reestablish them against FED Fund 3GR0 appropriation item 764693, Highway Patrol Justice Contraband, and appropriates the reestablished encumbrance amounts.

DPSCD28 Highway Patrol Treasury Contraband Fund**Section: 512.40**

Requires the Director of Budget and Management (OBM), on March 1, 2016, or as soon as possible thereafter, to transfer the cash balance in the Highway Patrol Treasury Contraband Fund (Fund 83T0) to the Highway Patrol Treasury Contraband Fund (Fund 3GS0), abolishes Fund 83T0 upon completion of the transfer, requires the Director of OBM to cancel any existing encumbrances against HSF Fund 83T0 appropriation item 764694, Highway Patrol Treasury Contraband, and reestablish them against FED Fund 3GS0 appropriation item 764694, Highway Patrol Treasury Contraband, and appropriates the reestablished encumbrance amounts.

DPSCD12 Minor Capital Projects

**Sections: 610.10,
Amends Section 227.10 of H.B. 497 of the
130th G.A.**

Creates new capital appropriation item C76043, Minor Capital Projects, with an appropriation of \$1,250,000 from the Highway Safety Fund (Fund 7036) to pay for minor capital projects at Ohio State Highway Patrol facilities.

Executive

PWCCD1 Public Works Commission SCIP operating expenses**Section: 209.10**

Requires Fund 7038 appropriation item 150321, State Capital Improvements Program - Operating Expenses, to be used by PWC 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 PWC to use investment earnings from the State Capital Improvements Fund (Fund 7038) and the Local Transportation Improvement Program Fund (Fund 7052) for a District Administration Costs Program, which covers 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.

Requires PWC to define allowable costs for the program. Specifies that indirect costs, elected official salaries and benefits, and project-specific costs are not allowable. Requires district public works committees to approve such costs in order to participate in the program.

PWCCD3 Reappropriations**Section: 209.10**

Reappropriates unencumbered appropriations from the Local Transportation Improvement Program Fund (Fund 7052) from Am. Sub. H.B. 114 of the 129th General Assembly for the same purposes during FY 2016 and FY 2017, subject to the availability of revenue as determined by PWC. Reappropriates unencumbered FY 2016 appropriations under Fund 7052 for the same purposes subject to availability of revenue in FY 2017.

Executive

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

PWCCD4 Temporary transfers

Section: 209.10

Allows the Director of PWC to request that the Director of Budget and Management transfer moneys from the Local Transportation Improvement Fund (Fund 7052) to the State Capital Improvement Fund (Fund 7038) and the Clean Ohio Conservation Fund (Fund 7056). Permits OBM to approve temporary transfers if they are needed for capital outlays for which notes or bonds will be issued. Requires all such transfers to be reported to the Controlling Board by June 30 of the fiscal year in which the transfer occurred.

Fiscal effect: Provides PWC with the flexibility to make temporary transfers to Fund 7038 and Fund 7056 in order to ensure timely payments to contractors and local governments when the funds' cash flows are insufficient due to the timing of bond issuances.

Executive

DOTCD5 Elimination of alternative fuel usage requirements for state vehicles**R.C. 125.834**

Eliminates the requirement that motor vehicles owned or leased by the state annually use "minimum" amounts of E85 blend gasoline and blended gasoline, which under current law, minimum amounts increase annually.

Fiscal effect: Potential reduction in fuel costs to various state agencies, since alternative fuels are generally higher priced than gasoline or standard diesel fuels. A June 2013 performance audit by the Auditor of State estimated that, if the alternative fuel requirement was removed, ODOT would save up to \$800,000 annually.

DOTCD4 Abolishment of Ohio Rail Development Commission, creation of the Division of Freight, and rail safety oversight

**R.C. 5501.58, 126.11, 163.06, 163.09, 163.15,
163.21, 166.25, 307.202, 717.01, 4117.10,
5501.55-5501.661, 5501.03, 5512.02-5512.06,
5519.01, 5705.19**

(1) Eliminates the Ohio Rail Development Commission (ORDC) and establishes a new Division of Freight within ODOT. (In current law, the Ohio Rail Development Commission is an independent state agency within ODOT.)

(2) Specifies that the Division of Freight, and ODOT at large in other cases, must assume the duties formerly under ORDC in developing and implementing rail service across the state, as well as any other duties involved with the transportation of freight across the state.

(3) Grants ODOT, as the designated state safety oversight agency responsible for overseeing the safety practices of rail fixed guideway systems, the authority to both (A) enforce the correction of identified hazardous conditions and make plans to minimize, control, correct, or eliminate those identified hazardous conditions, and (B) approve, oversee, and enforce the development, updating, and implementation of a transit agency's public transportation safety plan.

(4) Authorizes the Director of Transportation to appoint a Deputy Director of the Division of Freight to oversee the operations of the Division, and allows the Deputy Director to select and appoint necessary employees to carry out his or her responsibilities.

Executive

(5) Requires the Transportation Review Advisory Council (TRAC) to review and approve rail projects initiated under the Division.

(6) Eliminates the current cap of six public hearings that TRAC may hold across the state in receiving public comments on the project selection process of TRAC.

Fiscal effect: Potential increase in administrative costs to reflect the move of ORDC to be incorporated as a division within ODOT. (The budget for ORDC is currently housed under ODOT's budget, so appropriations to ODOT should not be significantly modified as a result of this provision.)

DOTCD6 Local construction cost matching**R.C. 5531.08**

Modifies the Director of Transportation's authority to issue a waiver of the county, municipal, or township portion of the costs of a highway project by eliminating the requirement that all of the following occur before such a waiver is issued:

- (1) the completion of the preliminary engineering design of the project;
- (2) the acquisition of all necessary rights-of-way; and
- (3) the performance or acquisition of all federal, state, and local environmental studies and permits.

Fiscal effect: Potential increase in expenditures from Fund 7002 line item 772421, Highway Construction-State, to provide additional state funds to cover local matching requirements.

DOTCD3 Assumption of duties from federal agencies**R.C. 5531.30**

Authorizes ODOT to enter into agreements with federal agencies for purposes of assuming certain duties of the Secretary of the United States Department of Transportation as authorized under federal law involved with environmental decisions and planning.

Waives state immunity from civil liability with regard to actions taken by ODOT pursuant to such an agreement with a federal agency.

Executive

Fiscal effect: ODOT already incurs costs in preparing environmental review documents; the assumption of these functions from federal offices like the Federal Highway Administration will add no additional costs.

DOTCD7 Transportation facilities lease rental bond payments**Section: 203.20**

Requires Fund 7002 appropriation item 770003, Transportation Facilities Lease Rental Bond Payments, to be used in the FY 2016-FY 2017 biennium to meet all payments under leases and agreements for facilities made under Chapter 154 of the Revised Code.

Allows an amount equal to the balance of the appropriation to the line item in either fiscal year to be transferred to line items 772421, 773431, or 779491 upon the written request of ODOT with the approval of OBM. Requires the transfer to be reported to the Controlling Board.

Fiscal effect: Appropriation item 770003 will be used to pay debt service on bonds issued for the rehabilitation and construction of ODOT maintenance facilities, outposts, and storage areas. The provision allows any excess appropriation to be transferred to other specified appropriation items, all within the Highway Operating Fund (Fund 7002), providing ODOT with flexibility in using excess appropriations for other highway costs.

DOTCD8 Public access roads for DNR Sites, Exposition Commission, Ohio History Connection and metropolitan parks**Section: 203.30**

Requires Fund 7002 appropriation item 772421, Highway Construction - State, to be used for the construction, reconstruction, or maintenance of public access roads and support features to and within facilities owned or operated by the Department of Natural Resources, in addition to roadwork at the boundaries of metropolitan parks.

Allows the line item to be used for road work on behalf of the Ohio Expositions Commission at the state fairgrounds, and roadwork on behalf of the Ohio History Connection for their facilities, at the request of each of the agencies and approval by ODOT.

Executive

DOTCD9 Transportation Improvement Districts

Section: 203.40

- (1) Earmarks \$3.5 million in each fiscal year from Fund 7002 appropriation item 772421, Highway Construction - State, to be made available for distribution to transportation improvement districts (TIDs) that have facilitated funding for the cost of a project or project in conjunction with other governmental agencies.
- (2) Requires a TID to submit requests for project funding to ODOT no later than September 1 of each fiscal year and requires ODOT to notify the TID whether it has approved or disapproved the project funding request within 90 days after the day the request was submitted by the TID.
- (3) Prohibits any ODOT funding provided to a TID from being used for administrative costs. Requires the funding to be used for a specific project or projects. Prohibits the total amount of a project's cost from being fully funded by the ODOT funds, and limits the total amount of ODOT funding for each project to 10% of total project costs or \$250,000 per fiscal year, whichever is greater. Specifies that TIDs co-sponsoring a specific project may individually apply for up to \$250,000 for that project, but prohibits ODOT funds from providing more than 10% of a project's total costs.
- (4) Permits ODOT funds for TIDs to be used for preliminary engineering, detailed design, right-of-way acquisition, and construction of a specific project and other project costs under certain circumstances. Requires ODOT to reimburse a TID for such expenditures upon receipt of a copy of an invoice for work performed on a specific project.
- (5) Requires any TID requesting ODOT funds to register with ODOT. Permits ODOT to register a TID only if the TID has a specific, eligible project and allows ODOT to cancel the registration of a TID that is not eligible to receive ODOT funds. Prohibits ODOT from providing funds to a TID if the TID is not registered.
- (6) Prohibits ODOT from registering, or requires ODOT to cancel the registration of, any TID unless the TID has: (1) designated by resolution or resolutions a project or program of projects and facilitated funding for the project or program of projects, including in conjunction with other governmental agencies, of at least \$10 million during the eight-year period beginning July 1, 2005; (2) designated by resolution or resolutions a project or program of projects and facilitated funding for the project or program of projects, including in conjunction with other governmental agencies, of at least \$15 million since the project or program was commenced; or (3) designated by a resolution or resolutions a project or program of projects that has estimated aggregate costs in excess of \$10 million and the County Engineer of the county in which the TID is located has attested by a sworn affidavit that the costs of the project or program of projects exceeds \$10 million and

Executive

that the TID is facilitating a portion of funding for that project or program of projects.

Fiscal effect: Outlines how the \$3.5 million earmarked in each fiscal year for TIDs under line item 772421, Highway Construction - State, are to be distributed.

DOTCD10 Issuance of bonds**Section: 203.50**

Authorizes the issuance of \$313 million in state highway bonds for highway purposes and credits bond proceeds to the Highway Capital Improvement Fund (Fund 7042).

DOTCD11 Transfers of appropriations: Highway Operating Fund**Section: 203.60**

Allows OBM to approve requests for transfer of Highway Operating Fund (Fund 7002) appropriations for highway planning and research, highway construction and GARVEE debt service, highway maintenance, federal public transportation programs, rail grade crossings, aviation, and administration, so that transfers could occur between appropriation items 770003, 771411, 771412, 772421, 772422, 772424, 772425, 772437, 772438, 773431, 775452, 775459, 776462, 777475, 779491. Requires such transfers to be reported to the Controlling Board.

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

DOTCD12 Transfers of appropriations: Federal highway, transit, aviation, and rail**Section: 203.60**

Allows OBM to approve requests for the transfer of appropriations for emergency situations or funding flexibility between appropriation items 772422, 775452, 775454, 775459, 776475, and 777472. Requires that the transfers be reported to the Controlling Board.

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

Executive

DOTCD13 Transfers of appropriations: State Infrastructure Bank**Section: 203.60**

Allows OBM to transfer appropriations and cash in the State Infrastructure Bank (SIB) funds used by ODOT, including transfers between fiscal years 2016 and 2017. Allows OBM to transfer appropriations and cash 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 ODOT with cash management flexibility to transfer these funds where needed.

DOTCD14 Transfers of appropriations: Tolling funds**Section: 203.60**

Allows OBM to transfer appropriations and cash of the Ohio Toll Fund, including transfers between FY 2016 and FY 2017. Requires that the transfers be reported to the Controlling Board.

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

DOTCD15 Increasing appropriations: State funds**Section: 203.60**

Allows the Controlling Board, upon the request of the Director of Transportation, 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 ODOT to use additional moneys that are credited to Fund 7002 over the biennium, such as additional motor fuel tax revenues.

Executive

DOTCD16 Increasing appropriations: Federal and local funds**Section: 203.60**

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

Fiscal effect: Allows ODOT 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.

DOTCD17 Reappropriations**Section: 203.60**

Allows ODOT, in each fiscal year of the FY 2016-FY 2017 biennium, to request that OBM transfer any remaining unencumbered appropriations to the Highway Operating Fund (Fund 7002), Highway Capital Improvement Fund (Fund 7042), and the Infrastructure Bank funds for the same purpose in the following fiscal year. Requires the ODOT to identify the appropriate funds and line items and the amount of the transfer, allows OBM to request additional information, and requires ODOT to provide any information requested. Requires OBM to determine the amounts to be transferred by fund and line item based on the information provided by ODOT, appropriates any approved reappropriations, and requires the reappropriations to be reported to the Controlling Board. Specifies that any unencumbered balances for which reappropriations are requested and approved are subject to the availability of revenue as determined by ODOT.

Fiscal effect: Allows ODOT to continue to use unencumbered funds from prior fiscal years for various transportation projects, subject to the discretion of OBM.

Executive

DOTCD18 Liquidation of unforeseen liabilities**Section: 203.60**

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.

DOTCD19 Maintenance of interstate highways**Section: 203.70**

Authorizes ODOT 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.

Fiscal effect: State spending under these agreements would be made from the Highway Operating Fund (Fund 7002).

DOTCD20 Public transportation highway purpose grants**Section: 203.80**

Allows ODOT 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.

Fiscal effect: State spending for this purpose would be made from the Highway Operating Fund (Fund 7002).

Executive

DOTCD21 ARRA highway infrastructure or transit funds**Section: 203.90**

Requires the federal payments for highway infrastructure and transit agencies under the American Recovery and Reinvestment Act of 2009 (ARRA) to be credited to the Highway Operating Fund (Fund 7002).

DOTCD22 Transfers of cash between Highway Operating Fund and Highway Capital Improvement Fund**Section: 512.10**

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

DOTCD23 Monthly transfers to Gasoline Excise Tax Fund**Section: 512.20**

Requires the Director of Budget and Management to transfer cash in equal monthly increments totaling \$165,664,404 in each year of the FY 2016-FY 2017 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.

Executive

DOTCD24 Deputy Inspector General for ODOT funding**Section: 512.30**

Requires 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).

Permits the Inspector General, with the consent of the Director of Budget and Management, to seek Controlling Board approval for additional transfers of cash and increase the appropriation in Fund 5FA0 line item 965603, Deputy Inspector General for ODOT, in the amounts needed.

DOTCD25 Agreements related to federal permits**Section: 755.10**

Authorizes ODOT to enter agreements with the federal government, and specifically certain agencies within the federal government, to dedicate ODOT staff to the review of federal environmental permit documents.

Requires ODOT to acquire Controlling Board approval of any agreement between ODOT and a federal agency for services performed relating to environment permit reviews.

Fiscal effect: Potential increase in administrative costs to ODOT in performing services under these agreements. However, these costs would be offset by federal reimbursements under the agreements.

DOTCD2 Authorization to use Indefinite Delivery and Indefinite Quantity (IDIQ) contracts**Section: 755.20**

(1) Requires ODOT to enter into indefinite delivery indefinite quantity (IDIQ) contracts for not more than two projects in each year of the FY 2016-FY 2017 biennium.

(2) Defines an IDIQ contract as a contract for an indefinite quantity, within stated limits, of supplies or services that will be delivered by the awarded bidder over a defined contract period.

Executive

(3) Requires ODOT to prepare bidding documents, establish contract forms, determine contract terms and conditions, develop and implement a work order process, and take any other action necessary to fulfill the ODOT's duties and obligations related to IDIQ contracts.

(4) Specifies that current law requirements ODOT must follow for the advertisement of bids and awarding of contracts also apply to IDIQ contracts.

Fiscal effect: Potential savings on the selected projects that utilize the IDIQ contract opportunity, depending on the supplies or services to be provided, and the circumstances involved with the projects; however, there is a possibility of additional costs as a result of these contracts as well.

DOTCD1**Authorization for Construction Manager General Contractor (CMGC) project delivery pilot****Section: 755.30**

(1) Authorizes a single pilot project allowing ODOT to engage a firm to provide professional engineering services and Construction Manager General Contractor (CMGC) work.

(2) Specifies the process by which the CMGC firm will be selected, and describes the procedure in which ODOT will contract with the firm in completing preconstruction services, including design, feasibility and material availability reviews, and costing guidance.

(3) Allows a subsequent contract with the CMGC firm to be entered into for the actual construction of the project on a fixed price, fixed unit price, or guaranteed maximum price basis, as long as the construction contract price is within 10% of the official engineer's estimate and the estimate prepared by a contracted independent third-party who is required to review the proposed contract.

(4) If ODOT and the CMGC firm cannot negotiate a price for the construction services, ODOT may advertise and award a contract to other firms in accordance with current practices.

Fiscal effect: ODOT could realize some savings or could complete the selected project more quickly than possible under the current contracting process. The fiscal effects will depend on the terms of the contract or contracts, the supplies or services to be provided, and the circumstances involved with the project.

Executive

DOTCD26 Motor Fuel Tax distributions**Section: 757.10**

Requires the Treasurer of State, beginning July 1, 2015, and on the first day of the month for each month thereafter, to deposit the first 2% of the amount of motor fuel tax received for the preceding calendar month to the credit of the Highway Operating Fund (Fund 7002) before making any other distributions required by law.

DOTCD27 Motor fuel evaporation tax credit**Section: 757.20**

Continues a temporary reduction in MFT credits in effect for the FY 2014-FY 2015 biennium for the FY 2016-FY 2017 biennium. Fixes the temporary motor fuel tax evaporation allowance for motor fuel distributors at 1% (less 0.5% of the gallonage sold to retail dealers) and at 0.5% for retail dealers.

Fiscal effect: Increases the amount the state retains in motor fuel tax over what would be collected under permanent law, which provides for higher allowances for distributors and retailers. Based on FY 2014 MFT data, under the statutory discount, the total credits would have amounted to approximately \$51.0 million. Under this continuing provision, in FY 2014 the credits amounted to \$17.8 million. Thus, the state retained approximately \$33.2 million in additional MFT revenue.
