

# Ohio Legislative Service Commission

Legislative Budget Office    Office of Research and Drafting

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## Comparison Document

House Bill 23—135th General Assembly

Transportation Budget  
(FY 2024-FY 2025)

As Passed by the House

March 1, 2023

Executive

As Passed By House

DOTCD30    Overweight permits for machinery

No provision.

R.C.            4513.34

Requires, rather than authorizes, the ODOT Director and every county, to issue an annual permit for: (1) vehicles that haul farm machinery, when the farm machinery otherwise qualifies for the ODOT "Farm Equipment Permit" or a similar county permit for farm machinery and equipment; and (2) vehicles that haul agricultural produce or agricultural production materials that otherwise could be hauled by farm machinery under the ODOT "Farm Equipment Permit" or a similar county permit for farm machinery and equipment.

No provision.

Authorizes the Director and counties to continue to issue permits for those vehicles for less than a year in addition to the annual permit as required under the provision.

**Fiscal effect: ODOT currently issues these permits. The blanket permit fee associated with farm equipment is \$100.**

DOTCD22    Rail Development Commission membership

R.C.            4981.02

Requires that no later than October 21, 2025, the ODOT Director or the Director's designee, serve as chairperson of the Ohio Rail Development Commission, instead of a member appointed by the Governor. Accordingly, requires the Governor to appoint an additional member of the general public instead of a chairperson.

R.C.            4981.02

Same as the Executive.

**Fiscal effect: None. The number of appointees to the ORDC remains 15. Members are unpaid but are reimbursed for actual expenses.**

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

DOTCD44    Passenger rail transportation system

No provision.

R.C.            4981.04

Authorizes the Ohio Rail Development Commission (ORDC) or its designees, rather than solely ORDC, to construct and operate an intercity conventional or high speed passenger transportation system under ORDC's authority.

Executive	As Passed By House
No provision.	<div>Requires that the plan for the system provide for the connection of any points in Ohio and nearby states rather than only for the connection of Cleveland, Columbus, and Cincinnati and any points in between, as under current law.</div> <div>Fiscal effect: This would allow for passenger rail operators, such as Amtrak, to build and provide service along rail corridors identified by the state. Ohio has applied to the Federal Railroad Administration for funding (\$500,000 per corridor) to study options and create a service development plan.</div>
DOTCD35 Construction on interstate exit ramps	
No provision.	<div>R.C. 5501.60</div> <div>Requires ODOT to ensure that limited access exit and entrance ramps to interstate highways exist at least every 4.5 miles in adjacent municipal corporations, provided that: (1) each city has a population above 35,000; (2) the cities are located in different counties; and (3) at least one of the cities is in a county with a population above 1 million. Requires ODOT to pay for these ramps.</div> <div>Fiscal effect: Increase in construction costs to comply with required spacing for entrance and exit ramps.</div>
DOTCD23 Expanding ODOT design-build authority	
R.C. 5517.011	
Expands the type of ODOT projects that can be bid as a design-build contract to include projects pertaining to all transportation facilities, not just highways or bridges.	No provision.
Authorizes the ODOT Director to accept another bid or to reject all bids and re-bid the contract if it is determined that a best-value bidder for a design-build contract is not in the best interests of the state.	No provision.
Fiscal effect: Increases the number of projects that ODOT will be able to bid using design-build. ODOT has 40 anticipated projects that will be bid as design-build contracts, of which 34 will be bid during the FY 2024-FY 2025 biennium.	

Executive	As Passed By House
<b>DOTCD37</b> State Infrastructure Bank loans to small cities	
No provision.	<div>R.C.            5531.09, 5531.10</div> <div>Requires any loan made to a small city from the State Infrastructure Bank (SIB) to carry zero interest. Specifies that a small city is one listed as eligible under ODOT's Small City Program.</div> <div><b>Fiscal effect: For ODOT, loss of interest income on SIB loans made to small cities. The interest on SIB loans is 3% and have terms up to 30 years. Receipts from interest on all SIB loans were \$27.4 million in FY 2022. There would be a savings for small cities who apply for SIB loan in the future. The Small City Program applies to cities of 5,000 to 24,999 people located outside of a Metropolitan Planning Organization.</b></div>
<b>DOTCD42</b> Electric vehicle weight limits	
No provision.	<div>R.C.            5577.044</div> <div>Specifies that a vehicle powered primarily by electric battery power may exceed the statutory gross vehicle weight and axle load limits by not more than 2,000 pounds.</div>
<b>DOTCD1</b> Transportation Lease Rental Bond Payments	
<b>Section:    203.20</b>	<b>Section:    203.20</b>
Requires Fund 7002 ALI 770003, Transportation Facilities Lease Rental Bond Payments, to be used to meet all payments under leases and agreements for facilities during the FY 2024-FY 2025 biennium.	Same as the Executive.
Authorizes an amount equal to the balance of the appropriation remaining after the debt service has been paid in either fiscal year to be transferred to Fund 7002 ALIs 772421, 773431, or 779491 upon written request of the ODOT Director and approval of the OBM Director. Requires the transferred appropriations to be reported to the Controlling Board.	Same as the Executive.

Executive

As Passed By House

**DOTCD2 Public access roads for DNR, parks, Exposition Commission and Ohio History Connection**

**Section: 203.30**

Requires the ODOT Director to determine portions of funding in each fiscal year from Fund 7002 ALI 772421, Highway Construction - State, to be used to construct, reconstruct, or maintain public access roads and support features to and within facilities owned or operated by ODNR and earmarks the following:

- (1) \$2,562,000 in each fiscal year to construct, reconstruct, or maintain drives or roads within the boundaries of metropolitan parks;
- (2) \$500,000 in each fiscal year for drives and roads within state parks and wildlife areas greater than 10,000 contiguous acres that were purchased in a single, or series of transactions; and
- (3) \$500,000 in each fiscal year for roads leading to such state parks and wildlife areas.

Allows ALI 772421 to be used for road work at the state fair grounds on behalf of the Ohio Expositions Commission and at the Ohio History Connection at the request of each entity and approval by the ODOT Director.

**Section: 203.30**

Same as the Executive.

Same as the Executive.

Same as the Executive.

Same as the Executive.

Same as the Executive.

**DOTCD3 Transportation Improvement Districts**

**Section: 203.40**

Earmarks \$4,500,000 in each fiscal year from Fund 7002 ALI 772421 for certain transportation improvement districts (TIDs).

Requires a TID to submit requests for project funding to ODOT within a timeline determined by the ODOT Director. Requires ODOT to notify the TID of its decision on the request within 90 days.

**Section: 203.40**

Same as the Executive.

Same as the Executive.

Executive

As Passed By House

Prohibits any ODOT funding provided to a TID from being used for administrative costs or staffing and requires the funding to be used for specific projects within the TID. Prohibits the total amount of a project's cost from being fully funded by the amount provided by ODOT funds. Limits the total amount provided by ODOT for each project to \$500,000 per fiscal year. Allows TIDs co-sponsoring a specific project to apply individually for up to \$500,000 for that project per fiscal year.

Same as the Executive.

Requires that TIDs be registered with ODOT in order to receive funding and authorizes ODOT to register a TID only if the TID has a specific eligible project.

Same as the Executive.

Prohibits ODOT from registering a TID and authorizes ODOT to cancel the registration of a currently registered TID, unless the TID has either: (1) designated a project or program of projects and facilitated funding of at least \$15,000,000 from the commencement date of the project or program; or (2) designated that a program or project has costs in excess of \$10,000,000 as attested to in a sworn affidavit by the County Engineer in the county in which the TID is located.

Same as the Executive.

**DOTCD4 Highway Construction - Federal**

**Section: 203.43**

Earmarks \$33,000,000 in each fiscal year from Fund 7002 ALI 772422, Highway Construction - Federal, to support public transportation statewide through the Federal Highway Administration (FHWA) flexible funding program.

**Section: 203.43**

Same as the Executive.

**DOTCD5 Regional Transportation Planning Organizations**

**Section: 203.45**

Earmarks \$2,600,000 in each fiscal year from Fund 7002 ALI 772422, Highway Construction - Federal, to be used by the six Regional Transportation Planning Organizations (RTPOs) in the state to oversee rural transportation planning grant programs.

**Section: 203.45**

Same as the Executive, but increases the earmark to \$10,000,000 in each fiscal year.

Executive

As Passed By House

**DOTCD6 Strategic Transportation and Development Analysis**

**Section: 203.47**

Requires Fund 7002 ALI 776672, Strategic Transportation and Development Analysis, to be used for a statewide study of the Ohio transportation system in collaboration with the Department of Development and the Governor's Office of Workforce Transformation. Allows ODOT to contract with third parties as needed to do the study.

Requires the study to (1) analyze statewide and regional demographics, (2) investigate economic development growth opportunities, (3) examine current transportation systems and capacities, (4) forecast passenger and freight travel needs over a 10, 20, and 30 year time frame, (5) identify current and future transportation links, (6) evaluate and rank current and potential risks of future system congestion, and (7) make actionable recommendations for transportation system projects to support statewide economic growth, including improving links between Columbus and Toledo. Specifies that individual hotspot locations may receive advanced analysis of conceptual remedies with planning-level costs.

**Section: 203.47**

Same as the Executive.

Same as the Executive, but includes links from Columbus to Sandusky in the study parameters.

**DOTCD7 Brent Spence Bridge Corridor Project**

**Section: 203.47**

Requires that all spending related to the Brent Spence Bridge Corridor Project be documented in the state's accounting system (OAKS) and made visible in the Ohio State and Local Government Expenditure Database (the Ohio Checkbook website).

**Section: 203.47**

Same as the Executive.

**DOTCD8 Bond issuance authority for state highway bonds**

**Section: 203.50**

Authorizes the issuance of an additional \$251,000,000 in bonds for highway purposes to be credited to the Highway Capital Improvement Fund (Fund 7042).

Specifies that not more than \$220,000,000 in principal obligations may be used in any fiscal year, and not more than \$1,200,000,000 may be outstanding at any one time.

**Section: 203.50**

Same as the Executive.

Same as the Executive.

Executive

As Passed By House

**DOTCD41 Controlling Board approval to spend IIJA funds on electric vehicle charging stations**

**Section: 203.60**

No provision.

Requires ODOT to obtain Controlling Board approval to spend federal Infrastructure Investment and Jobs Act funds for building or maintaining electric vehicle charging stations.

**DOTCD9 Transfers of appropriation within the Highway Operating Fund**

**Section: 203.60**

Allows the ODOT Director to request Controlling Board authorization to transfer Fund 7002 appropriations for highway planning and research, highway construction, debt service, highway maintenance, federal public transit programs, rail grade crossings, aviation, and administration. Allows the ODOT Director to request appropriation transfers out of debt service appropriation items, but only when it is determined that the appropriated amounts exceed actual and projected debt service requirements.

**Section: 203.60**

Same as the Executive.

Specifies that this transfer authority is intended to provide for three scenarios that may arise during the FY 2024-FY2025 biennium: (1) responding to emergency situations; (2) purchasing goods and services related to inclement weather; and (3) adjusting to circumstances affecting the obligation and expenditure of federal funds.

Same as the Executive.

**DOTCD11 Transfers of federal and local funded appropriations - federal highway, planning, transit, rail, and aviation**

**Section: 203.60**

Allows the ODOT Director to request Controlling Board authorization for the transfer of appropriations between ALLs 772422, 771412, 775452, 775454, 776475, 776462, 777472 and appropriates amounts authorized by the Controlling Board.

**Section: 203.60**

Same as the Executive.

**DOTCD10 Transfers of appropriations and cash - State Infrastructure Bank**

**Section: 203.60**

Allows the ODOT Director to request Controlling Board authorization for the transfer of appropriations and cash of the State Infrastructure Bank (SIB) funds, including transfers between FY 2024 and FY 2025.

**Section: 203.60**

Same as the Executive.



Executive

As Passed By House

Allows the ODOT Director to request Controlling Board authorization for the transfer of appropriations and cash from Fund 7002 to SIB funds and limits transfers from SIB funds to Fund 7002 to the amounts originally transferred to the SIB funds. Prohibits transfers between transportation modes and different funding sources.

Same as the Executive.

**DOTCD12 Transfers of appropriations and cash - tolling funds**

**Section: 203.60**

**Section: 203.60**

Allows the ODOT Director to request Controlling Board authorization for the transfer of appropriations and cash of the Ohio Toll Fund and any subaccounts, including transfers between FY 2024 and FY 2025.

Same as the Executive.

**DOTCD13 Increasing appropriations - State funds**

**Section: 203.60**

**Section: 203.60**

Allows the ODOT Director, if receipts exceed estimated appropriations to Fund 7002, to request Controlling Board to authorize expenditures in excess of appropriations. Appropriates these funds as authorized by the Controlling Board.

Same as the Executive.

**DOTCD26 Increasing appropriations - Federal and local funds**

**Section: 203.60**

**Section: 203.60**

Allows the ODOT Director to seek Controlling Board authorization to increase spending of federal or local moneys credited to Fund 7002 if receipts or unexpected balances credited to Fund 7002 exceed estimates. Appropriates the additional amounts authorized by Controlling Board.

Same as the Executive.

**DOTCD14 Transfers between the Highway Operating Fund and Highway Capital Improvement Fund**

**Section: 203.60**

**Section: 203.60**

Allows the OBM Director, upon request of the ODOT Director, to transfer cash from Fund 7002 to Fund 7042, and permits the OBM Director to transfer this cash from Fund 7042 back to Fund 7002.

Same as the Executive.

Executive

As Passed By House

**DOTCD15 Deputy Inspector General for ODOT funding**

**Section: 203.60**

Requires the OBM Director to make semiannual cash transfers of \$200,000 each fiscal year from Fund 7002 to the Deputy Inspector General for ODOT Fund (Fund 5FA0).

Permits the Inspector General, with the consent of the OBM Director, to seek Controlling Board authorization for additional transfers of cash and for expenditures in excess of appropriations in Fund 5FA0 ALI 965603, Deputy Inspector for ODOT, if additional amounts are needed. Appropriates the amounts approved by the Controlling Board.

**Section: 203.60**

Same as the Executive.

Same as the Executive.

**DOTCD16 Liquidation of unforeseen liabilities**

**Section: 203.60**

Allows for any appropriation made from Fund 7002 not otherwise 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: 203.60**

Same as the Executive.

**DOTCD17 Reappropriations**

**Section: 203.65**

Allows the OBM Director to request Controlling Board approval to transfer any remaining unencumbered appropriations in Funds 7002 and 7042, and the State Infrastructure Bank funds for the same purpose in the following fiscal year. Reappropriates the amounts authorized by the Controlling Board.

Requires the ODOT Director to develop and submit a reappropriation request plan to the OBM Director detailing the amounts to be reappropriated by fund and ALI. Allows the OBM Director to ask the ODOT Director for more information if needed to evaluate the plan. Specifies that any approved reappropriations are subject to the availability of revenue in the funds.

**Section: 203.65**

Same as the Executive, but adds the Ohio Highway Transportation Safety Fund (Fund 5XI0) to the list.

Same as the Executive, but adds Fund 5XI0 to the list of funds.

Executive

As Passed By House

**DOTCD18 Maintenance of interstate highways**

**Section: 203.70**

Authorizes ODOT to enter into agreements with political subdivisions for them to provide services such as snow and ice removal, maintenance, repair, or lighting, on interstate highways located within their boundaries, as long as the services provided meet federal requirements. Authorizes ODOT to reimburse political subdivisions for all or any part of the costs they incur for these services.

**Section: 203.70**

Same as the Executive.

**DOTCD19 Public transportation highway purpose grants**

**Section: 203.80**

Allows the ODOT Director to use state motor fuel tax revenue to match approved federal grants awarded to ODOT, regional transit authorities, or eligible public transportation systems, for public transportation highway purposes, or to support local or state-funded projects for public transportation highway purposes.

**Section: 203.80**

Same as the Executive.

Specifies that public transportation projects highway purposes include: (1) construction or repair of high-occupancy vehicle traffic lanes; (2) acquisition or construction of park and ride facilities; (3) acquisition or construction of public transportation vehicle loops; (4) construction or repair of bridges used by public transportation vehicles or that are the responsibility of a regional transit authority or other public transit system; and (5) other similar construction that is designated as an eligible public transportation highway purpose. Prohibits motor fuel tax revenue from being used for operational expenses, or for buying vehicles, equipment, or maintenance facilities.

Same as the Executive.

Executive

As Passed By House

**DOTCD20   Agreements with federal agencies for environmental review**

**Section:    203.90**

Authorizes the ODOT Director to enter into agreements with certain federal agencies to review federal environmental permit documents. Requires the agreements to be solely for the purpose of dedicating staff to review materials submitted by ODOT that are needed to obtain federal environmental permits. Allows for the agreements to provide for ODOT to make advance payments for staff and all other identifiable costs federal agencies incur for providing these services to ODOT.

Requires the ODOT Director to submit a request to the Controlling Board relating to its agreement with any federal agency providing staff working to approve federal permits required for ODOT projects.

**Fiscal effect: Typically, 80% of administrative costs incurred up front are reimbursed to ODOT by federal agencies under these agreements.**

**Section:    203.90**

Same as the Executive.

Same as the Executive.

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

Executive

As Passed By House

**DOTCD21 Indefinite Delivery Indefinite Quantity (IDIQ) contracts**

**Section: 203.100**

Requires the ODOT Director to seek bids for and award no more than two IDIQ contracts per fiscal year.

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

Requires the ODOT Director 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 ODOT's duties and obligations related to IDIQ contracts. Requires the contracts to specify: (1) the maximum overall contract value, which may include an allowable increase of \$100,000 or 5% of the advertised contract value, whichever is less; (2) the contract duration, including a time extension of up to one year; and (3) the defined geographical area to which the contract applies, but no larger than one ODOT district.

**Fiscal effect: Under this authority in the FY 2022-FY 2023 biennium, four IDIQ contracts have been awarded for a total cost of \$2.4 million.**

**Section: 203.100**

Same as the Executive.

Same as the Executive.

Same as the Executive.

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

**DOTCD43 Rural Highway Fund**

No provision.

No provision.

**Section: 513.10, 203.49**

Transfers \$1,000,000,000 cash from the FY 2023 ending GRF balance to the Rural Highway Fund (Fund 5ZR0) and reappropriates the available balance of ALI 776673, Rural Highway Construction, at the end of FY 2024 for the same purpose in FY 2025.

Requires Fund 5ZR0 ALI 776673 to be used to provide supplemental funding for rural highway construction projects approved by the Transportation Review Advisory Council (TRAC), under the Major/New Construction Program.

Executive

As Passed By House

No provision.

Specifies that 80% of this appropriation amount be used for any such new rural highway construction projects, and the remaining 20% be used to provide any required local matching funds necessary for those projects. Specifies any qualifying rural highway project that receives funding through Fund 5ZR0 may not receive additional funding through any other funds used to support TRAC projects.

No provision.

Specifies that eligible rural highway construction projects are those (1) on federal or state highways in counties with no cities having a population greater than 65,000, and (2) that add capacity or reduce commute times to urban areas or employment centers. Excludes construction projects on Interstate routes from eligibility. Requires awards be to only those rural highway projects that have received previous TRAC approval.

No provision.

Allows the ODOT Director, at the end of FY 2024, to use the remaining portion of cash in Fund 5ZR0 to fund other previously approved TRAC projects once all rural highway project funding has been determined.

**Fiscal effect: 80 of Ohio's 88 counties would be eligible to submit applications for projects through the Rural Highway Fund.**

**DOTCD31 ODOT pavement selection process analysis**

**Section: 755.10**

No provision.

Requires ODOT to contract with a neutral third-party entity to conduct a study of the Department's pavement selection process.

No provision.

Requires the ODOT Director to appoint an advisory council to recommend the neutral third-party entity, oversee the study, and make final recommendations based on the study.

No provision.

Requires ODOT to make changes to its pavement-selection process based on the neutral third-party entity's study and recommendations included in the advisory council's final report.

**Fiscal effect: The study costs would likely be paid from Fund 7002 771411, Planning and Research-State. It is uncertain what impact the study results will have on pavement selection and related costs.**

Executive

As Passed By House

**DOTCD38 Ohio Workforce Mobility Partnership Program**

No provision.

**Section: 755.20, 203.45**

Creates the Ohio Workforce Mobility Partnership Program, to be run by ODOT and provide grants to RTAs for workforce mobility initiatives.

No provision.

Authorizes the boards of trustees of one or more RTAs, from either urban or rural locations, to singularly or jointly apply for program grants. Requires the grants to be used for the following: (1) transporting the resident workforce within or between RTA service territories; (2) supporting the employment needs of economically significant employment centers located within or near the service territories of the applicant RTAs; and (3) supporting easy, efficient, and economical transportation for a resident workforce either living in an RTA service territory with little or no public transit access to an economically significant employment center, or living within one RTA's service territory but working full-time within another RTA's service territory.

No provision.

Earmarks \$15,000,000 in each fiscal year under Fund 7002 ALI 772422, Highway Construction-Federal, for ODOT to administer the program.

**DOTCD40 Private transit voucher study**

No provision.

**Section: 755.30**

Requires the ODOT Office of Transit to conduct a study and evaluate the use of private transit vouchers for low-income individuals. Specifies that a "private transit voucher" is a voucher for ridesharing, transportation network company, taxicab, or other similar vehicle for hire arrangements. Specifies that a "low-income individual" is an individual residing within a family unit with an income that is equal to or less than 400% of the federal poverty level.

No provision.

Requires the study to evaluate both: (1) whether the use of private transit vouchers would benefit low-income individuals in maintaining effective access to transportation services; and (2) whether the distribution of private transit vouchers is a cost-effective option to eliminate public transit routes with low ridership.

Executive

As Passed By House

No provision.	Requires the Office to submit a report of its findings and recommendations by July 1, 2024, to the President of the Senate, the Speaker of the House of Representatives, and the chairs of the respective committees of the House of Representatives and Senate responsible for transportation-related matters.
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Executive

As Passed By House

<b>DASCD1</b>	<b>Exempt employee pay schedule changes affecting Ohio State Highway Patrol</b>		
<b>R.C.</b>	<b>124.152, 5503.031; Section 812.15</b>	<b>R.C.</b>	<b>124.152, 5503.031; Section 812.15</b>
<p>(1) Eliminates a requirement enacted in H.B. 462 of the 134th G.A. that DAS adopt rules to (a) create pay range 19 in exempt employee pay Schedule E-1, and (b) establish step value 7 in existing pay range 17 of exempt employee pay schedule E-1 (pay range 19 and pay range 17, step 7, take effect FY 2024).</p> <p>(2) No provision.</p> <p>(3) Requires that, beginning in FY 2024, OSHP lieutenant colonels be paid according to pay range 45 from schedule E-2 of the exempt employee pay schedule in continuing law instead of pay range 19 of Schedule E-1.</p> <p>(4) No provision.</p> <p><b>Fiscal effect: None from (1) since DAS has not made those changes. The change in (3) affects pay for DPS lieutenant colonels. The annual salary for E-2 pay range 45 is from \$49,941 to \$156,790. The timing of the salary change for certain lieutenant colonels (currently two) will depend on when they are scheduled to advance through the pay classifications. The net change in the upper limit of the pay range is approximately \$25,000.</b></p>		<p>(1) Replaces the Executive provision with one that establishes pay range 19 with six steps ranging from \$57.83 per hour (\$120,286 annually) to \$75.79 per hour (\$157,643 annually) and step value 7 in existing pay range 17 (\$65.97 per hour, \$137,217 annually) in the version of schedule E-1 that will take effect starting in FY 2024, instead of requiring DAS adopt rules to establish them as under H.B. 462 of the 134th G.A.</p> <p>(2) Prohibits any exempt employee other than a captain or equivalent OSHP officer from being placed in step value 7 in pay range 17 of schedule E-1.</p> <p>(3) No provision.</p> <p>(4) Beginning in FY 2024, places exempt OSHP sergeants or equivalent officers in pay range 14 of schedule E-1 (current law assigns lieutenants, captains, majors, and lieutenant colonels to specific pay ranges).</p> <p><b>Fiscal effect: OSHP payroll costs will increase by several millions as eligible employees are placed in the new pay range 19 (lieutenant colonels) and step value 7 of pay range 17 (captains). Eligible employees in pay range 14 (sergeants) would receive between \$35.74 and \$51.03 per hour (\$74,339 to \$106,142 annually).</b></p>	

Executive

As Passed By House

**DEVCD1 Roadwork Development**

**Section: 207.20**

Requires Fund 4W00 ALI 195629, Roadwork Development, to be used for road improvements associated with economic development opportunities.

Defines "road improvements" as improvements to public roadway facilities connected to a project site, including construction, reconstruction, maintenance or repair of public roads connected to a public airport.

Permits the ALI to be used in conjunction with any other state funds appropriated for infrastructure improvements.

Requires the OBM Director, to transfer cash from the Highway Operating Fund (Fund 7002) to Fund 4W00 according to a schedule set by OBM with input from the DEV Director.

Requires that cash in Fund 4W00 be used in accordance with the guidelines and requirements of other DEV programs, including Controlling Board review and approval, as well as constitutional requirements for the use of motor fuel tax revenues. Permits DEV to require ODOT to assist with project completion and to enter into contracts on behalf of DEV.

**Section: 207.20**

Same as the Executive.

Same as the Executive.

Same as the Executive.

Same as the Executive.

Same as the Executive.

Executive	As Passed By House
<b>DNRCD24</b> <b>Fallen Timbers Capital Improvements</b>	
No provision.	<div>Section:   <b>601.10</b></div> <div>Amends H.B. 687 of the 134th General Assembly, the capital budget for the FY 2023-FY 2024 biennium, to change the name of a community project from "Fallen Timbers Family Recreation Center Pool Replacement" to "Fallen Timbers Capital Improvements."</div>

Executive	As Passed By House
<b>DPSCD61</b> Noncommercial trailer permanent registration	
	<b>R.C.            4503.10, 4503.103, 4503.107, 4503.11, 4503.191</b>
No provision.	Requires the Registrar of Motor Vehicles to authorize an owner or a lessee of a noncommercial trailer to register the trailer permanently.
No provision.	Establishes the one-time cost of a permanent registration to be eight times each of the following single year taxes and fees:
No provision.	(1) The registration tax for a noncommercial trailer (which is determined by the weight of the trailer);
No provision.	(2) The \$11 Bureau of Motor Vehicles fee;
No provision.	(3) The amount of any local motor vehicle taxes (if applicable); and
No provision.	(4) The \$5 deputy registrar/BMV service fee.
No provision.	Specifies that a permanent registration is not transferable to any other trailer and is nonrefundable.
	<b>Fiscal effect: Potential initial increase, and decrease over time, in registration taxes and fee revenue collected by the state and political subdivisions. The magnitude of which will depend on the number of permanent registrations issued for noncommercial trailers.</b>
<b>DPSCD66</b> Plug-in hybrid electric motor vehicle fee	
	<b>R.C.            4503.10, Section 812.10</b>
No provision.	Beginning January 1, 2024, reduces from \$200 to \$100, the additional registration fee applicable to plug-in hybrid electric motor vehicles.
	<b>Fiscal effect: The estimated revenue loss would be up to \$1.2 million in FY 2024 and up to \$2.7 million in FY 2025. The actual revenue loss may be lower or higher than the estimated amounts due to uncertainties related to the future development of the market for these types of vehicles. Of the total revenue loss, about 55% would be borne by the state Highway Operating Fund (Fund 7002) and the remaining 45% by local governments (i.e. counties, municipalities, and townships).</b>

Executive

As Passed By House

**DPSCD65 Accessible parking laws**

No provision.

**R.C. 4503.44**

Extends the maximum validity period for a removable windshield placard issued to a person with a disability that limits or impairs the ability to walk from five to ten years.

**Fiscal effect: None.**

**DPSCD62 Choice of electronic or physical certificate of title**

No provision.

**R.C. 4505.131**

Requires the purchaser of a financed motor vehicle to affirmatively choose between receiving a physical certificate of title or having the title remain electronic upon completion of all payments financing the motor vehicle.

No provision.

Requires a lender to send a form (either electronically or non-electronically) to the purchaser after the completion of payments for the purchaser to make their selection.

No provision.

Requires the lender to have a physical certificate of title delivered to the purchaser, without any additional fee, if the purchaser elects to have a physical certificate.

No provision.

Specifies that this process does not apply if the completion of payments is due to the purchaser selling or trading the motor vehicle (and thus, no longer having an ownership interest in that motor vehicle).

**Fiscal effect: None.**

**DPSCD64 Enhanced driver's licenses and identification cards**

No provision.

**R.C. 4506.01, 4506.072, 4506.11, 4507.01, 4507.021, 4507.061, 4507.063, 4507.13, 4507.511, 4507.52**

Requires the ODPS Director to enter into an agreement with the U.S. Department of Homeland Security in order to obtain approval to issue enhanced driver's licenses, enhanced commercial driver's licenses (CDL), and enhanced identification (ID) cards.

Executive	As Passed By House
No provision.	Requires the Registrar of Motor Vehicles to adopt rules governing the issuance and security of enhanced driver's licenses, CDLs, and ID cards, all of which facilitate land and sea border crossings between the U.S. and Canada, Mexico, and the Caribbean.
No provision.	Requires an applicant for an enhanced driver's license, CDL, or ID card to comply with specified application requirements, including providing proof of citizenship and paying an additional \$25 fee.
No provision.	Specifies that the Ohio laws applying to driver's licenses, CDLs, and ID cards apply to their enhanced versions, unless otherwise specified. <b>Fiscal effect: Potential increase in costs for the Bureau of Motor Vehicles to issue the enhanced driver's license, commercial driver's license, or state identification card, which is expected to be offset by the collection of the bill's \$25 fee.</b>
<b>DPSCD60</b> Traffic cameras	<b>R.C.        4511.092, 4511.093, 4511.0913</b>
No provision.	Eliminates the authority of a county or township to operate a traffic camera program for civil enforcement of red light and speeding offenses.
No provision.	Clarifies that continuing law applicable to the use of a traffic law photo-monitoring device does not apply to a county or township use of a traffic law photo-monitoring device or an associated license plate reader for the purpose of detecting and assisting in the enforcement of criminal offenses. <b>Fiscal effect: Potential revenue loss for counties and townships that currently operate a traffic camera program.</b>
<b>DPSCD63</b> Window tinting	<b>R.C.        4513.241</b>
No provision.	Reduces the criminal penalty for both of the following minor misdemeanor window tinting violations from a fine of up to \$150 to a fine of up to \$25:

Executive	As Passed By House
No provision.	(1) Operating, parking, leasing, or renting a motor vehicle that is in violation of window tinting requirements; and
No provision.	(2) Using reflectorized materials on or in any front windshield, side windows, sidewings, or rear window.
No provision.	Expands an exception to existing window tinting prohibitions to allow a law enforcement agency to use tinted windows for any vehicle used within the scope of an agency's duties, rather than limiting the use of tinted windows to vehicles used for a special investigatory purpose and in a canine unit.  <b>Fiscal effect: Potential decrease in the amount of fine revenue collected for window tint violations. The magnitude of any decrease would depend on the number of citations issued.</b>

Executive

As Passed By House

EDUCD19 School bus purchase program

No provision.

Section: 610.10, 610.11

Amends Section 265.325 of H.B. 110 of the 134th General Assembly to permit a recipient of a school bus purchasing grant awarded under continuing law in FY 2022 or FY 2023 to use the funds through FY 2024.



Executive

As Passed By House

LOCCD15 Force account and scope of work for counties

No provision.

R.C. 117.16, 117.161, 5543.19, 5543.191, and 5543.192

Removes force account monetary limits that apply to county engineers for road, highway, bridge, and culvert projects. Replaces the monetary limits with scope of work limits, above which competitive bidding is required.

No provision.

Specifies the scope of work parameters for work that may be done without competitive bidding are as follows: (1) Constructing, replacing, or widening any bridge or replacing any superstructure of a bridge up to 60 feet from abutment to abutment; (2) replacing the concrete deck of a bridge up to 75 feet from abutment to abutment; (3) constructing, replacing, or lengthening any pipe, including multi-cell pipe, under a roadway when the total waterway opening for all cells does not exceed 85 square feet; (4) constructing, replacing, or lengthening any culvert, including a multi-cell culvert, under a roadway when the total span does not exceed 10 feet; (5) performing any full-width asphalt surface paving operation up to 400 feet per centerline mile; (6) widening an existing roadway up to 1,800 square yards per lane mile; (7) performing a chip-and seal operation on a two-lane roadway up to 15,000 square yards per centerline mile per layer, excluding any noncontinuous turn lanes; and (8) performing a partial or full-depth concrete pavement repair up to 120 square yards per lane mile.

No provision.

Exempts scope of work operations done by the county engineer from the force account assessment form required by the AOS and the related audit, except for determining compliance with the applicable size limitations.

No provision.

Prohibits the county engineer from dividing projects into separate sections or work items to circumvent the scope of work and competitive bidding requirements.

## Executive

## As Passed By House

No provision.

Authorizes a board of county commissioners and a county engineer to keep the engineer's total cost estimate for a competitively bid project confidential, and stipulates that when the total cost estimate for a project is kept confidential, the final contract entered into by the county is exempt from the general statutory requirement that the contract not exceed the county engineer's estimate plus ten percent.

**Fiscal effect: Uncertain and depends on the project circumstances. Removing the statutory requirement of rejecting bids in excess of 10% of the county estimate could provide counties the ability to accept higher contract bids.**

## LOCCD14 Aggregate mining

No provision.

R.C. 303.02, 519.02

Requires a county or township to allow aggregate mineral surface mining activities in any zoning district (i.e., residential, commercial, industrial) as either a permitted use or a conditional use through the board of zoning appeals when those activities are to be added to an existing mineral mining operation as authorized by a permit issued by ODNR.

## LOCCD5 Sale of a municipal railroad - Cincinnati Southern Railway

R.C. 746.01, 746.02-746.07; Section 610.51

Permits a railway board of trustees created under the Ferguson Act of 1869 to sell a railway or portion of a railway if approved by a majority of residents of the city that established the railway at an election. Requires that minimum payments to the city resulting from the terms of the sale also be approved by the electorate.

R.C. 746.01, 746.02-746.07; Section 610.51

Same as the Executive.

Executive	As Passed By House
Requires the board to establish a trust fund to contain the proceeds from the sale, and allows the board to invest the proceeds. Requires the board to retain at least one independent financial advisor to help with investments and requires the board to invest using the prudent investor standard of care. Allows the board to hire managers, administrative staff, and other personnel that may be necessary to oversee the assets of the trust fund. Requires the board to pay for the cost of these services and other reasonable expenses from the investment earnings.	Same as the Executive.
Requires the board to adopt management and investment policies with objectives and criteria that ensure the trust fund is self-sustaining and run efficiently, and that the policies yield income sufficient to make payments to a city as provided for in the sale of the railway.	Same as the Executive.
Requires the management and investment policies of the board to be public and prohibits members of the board from having any direct or indirect interest in investments of the trust fund, as well as prohibits railway trustees or persons connected with them from borrowing or using the money in the trust fund other than to make payments as authorized by the board.	Same as the Executive.
Requires the railroad board of trustees to report the financial results of the trust fund every calendar year through audited financial statements, including transactions, the value of accumulated cash and investments, and a balance sheet, to the fiscal officer of the city.	Same as the Executive.
Requires the board, no later than September 30 each year, to certify the cash amounts to be disbursed from the trust fund’s investment earnings, after expenses, to the city during the next fiscal year according to a schedule agreed to by the board and the fiscal officer of the city. Requires these payments to be made from the trust fund principal if investment earnings in a year are not sufficient to do so.	Same as the Executive.
Requires the city receiving payments under this provision to designate a fund to receive the payments from the railway trust fund. Specifies that the city may use the money it receives solely to rehabilitate, modernize, or replace existing infrastructure.	Same as the Executive.

## Executive

## As Passed By House

Clarifies that all net earnings and income under a lease of a municipally owned railway must be paid to the city treasury and credited to the sinking fund or bond retirement fund.

Same as the Executive.

**Fiscal effect: The provision affects the City of Cincinnati and the Cincinnati Southern Railway. Cincinnati receives approximately \$25.0 million per year under the current lease between the Cincinnati Southern Railway and Norfolk Southern Corporation. There is a pending proposal to sell the railway to Norfolk Southern for \$1.62 billion.**

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

#### LOCCD13 Inclusion of park district property in Special Improvement Districts

No provision.

R.C. 1710.02, 1710.01, 1710.03 and 1710.13

Prohibits park district property from being included in a special improvement district (SID) unless the park district consents to its inclusion.

#### LOCCD6 Regional Transit Authority audits

R.C. 5501.09, (Repealed)

Eliminates a requirement that the State Auditor annually conduct an audit of one large and two small regional transit authorities (RTA).

R.C. 5501.09, (Repealed)

Same as the Executive.

**Fiscal effect: None apparent from eliminating this requirement. The State Auditor is currently required to audit public offices at least once every two years.**

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

#### LOCCD11 Agreements between Transportation Improvement Districts and Regional Transit Authorities

No provision.

R.C. 5540.01, 5540.03, 5540.06, 306.353

Authorizes a Transportation Improvement District (TID) to enter into an agreement (including a multi-year agreement) with a Regional Transit Authority (RTA) in Hamilton County regarding road and bridge projects as counties, municipal corporations, or townships may under current law.

No provision.

Authorizes the TID, along with any participating county, municipal corporation, or township, to fund and finance qualifying projects, which are projects involving the general construction or maintenance of roads or bridges related to the provision of service by the RTA.

## Executive

## As Passed By House

No provision.

Authorizes the TID to issue bonds to assist in its provision of funding and financing. Authorizes the RTA to levy, pledge, and assign sales and use taxes to reimburse the TID for the debt service on qualifying bonds issued by the TID.

No provision.

Applies the current law authority, immunity, and responsibilities granted to a TID for other projects to a qualifying project with the RTA.

No provision.

Authorizes a TID to fund and finance projects, in addition to its current law powers to directly manage projects, and to employ, hire, or retain auditors.

No provision.

Authorizes the qualifying RTA to pledge its sales and use tax revenue to similarly pay debt service on county, municipal, and township bonds to fund qualifying projects.

**Fiscal effect: Enables the Southwestern Ohio Transit Authority (SORTA) to use its county sales and use tax receipts to back debt issued by the Hamilton County TID to build a replacement Western Hills viaduct.**

**LOCCD9** Authority for political subdivisions outside a TID to share costs

**R.C. 5540.02**

No provision.

Authorizes any county, municipal corporation, or township to make appropriations to pay costs incurred by a TID, rather than only the local governments that are part of the TID as in current law.

**Fiscal effect: Allows for cost sharing between political subdivisions that are part of a TID and areas benefiting from, but that are not part of, a TID.**

## Executive

## As Passed By House

**LOCCD10 TID agreements with contiguous counties**

No provision.

**R.C. 5540.03**

Authorizes a TID to enter into an agreement with the board of county commissioners that created the TID and with the boards of county commissioners of any contiguous group of counties to exercise all powers of the TID for projects that are both: (1) partially or wholly within any county that is a party to the agreement; and (2) partially funded with federal money.

**Fiscal effect: This enables the Lucas County TID to undertake transportation system improvements benefiting Lucas, Wood, Ottawa, and Sandusky counties if these counties win a federal Safe Streets and Roads for All grant to do this work.**

**LOCCD12 LGF reimbursements for public safety technology**

No provision.

**R.C. 5747.502**

Allows a political subdivision to use Local Government Fund (LGF) reimbursements for traffic camera fines collected by the subdivision for school zone infractions to acquire or upgrade public safety technology, including body cameras, license plate readers, and gunfire locator or detection systems, not just for school safety purposes as under current law.

**Fiscal effect: Expands the types of safety equipment that can be acquired using this source of funding.**

Executive	As Passed By House
<b>OBMCD1</b> <b>Limitations on use of capital appropriations</b>  <b>Section:    501.10</b>  Requires that the use of capital appropriations for buildings and structures in the bill be limited to: (1) real property; (2) buildings and structures; (3) certain architectural, engineering, and professional services; (4) machinery; (5) new computer systems; and (6) furniture, fixtures, or equipment.	<b>Section:    501.10</b>  Same as the Executive.
<b>OBMCD2</b> <b>State Arbitrage Rebate Authorization</b>  <b>Section:    503.10</b>  Appropriates an amount necessary to make payments to the federal government of investment income rebates to maintain the federal income tax exemption of interest on bonds issued by the state, and requires OBM to approve and voucher payments for this purpose.  <b>Fiscal effect: Federal law prohibits tax-exempt bond issuers, such as the state of Ohio, from earning a higher rate of interest from investment of bond proceeds than the interest paid on bonds. Any payments that may be required under this section will be paid out of the bond fund in which excess earnings were realized.</b>	<b>Section:    503.10</b>  Same as the Executive.  <b>Fiscal effect: Same as the Executive.</b>
<b>OBMCD3</b> <b>Authorization for Treasurer of State and OBM to effectuate lease rental payments</b>  <b>Section:    509.10</b>  Requires OBM to make payments from lease rental payment appropriation items during the FY 2024-FY 2025 biennium to meet lease agreements for capital improvement bonds.	<b>Section:    509.10</b>  Same as the Executive.
<b>OBMCD4</b> <b>Lease and debt service payments</b>  <b>Section:    509.20</b>  Provides for additional appropriations to cover debt service and bond financing costs if additional appropriations to cover those payments are necessary.	<b>Section:    509.20</b>  Same as the Executive.

Executive

As Passed By House

PUCCD2    Wayside detector systems

No provision.

**R.C.            4955.50**

Requires PUCO and ODOT to work with each railroad company doing business in Ohio to ensure that the wayside detector systems used by those companies are operational, effective, and current. Specifies the criteria that PUCO, ODOT, and the company must consider while doing so. Requires PUCO and ODOT to investigate the safety practices of any railroad that does not work with them in good faith, in accordance with federal law that governs state involvement in railroad safety, and to issue a report to the Federal Railroad Administration recommending enforcement action against a company if the results of the investigation show that it is not in compliance with federal safety standards. Requires that copies of the report be sent to the Governor, the Senate President, the Speaker, and the minority leader in both the House and Senate.

No provision.

Requires a person who receives a message regarding a defect detected by a wayside detector system to immediately notify the operator of the applicable train, rolling stock, or on-track equipment, if the receiver of the message is not the operator. Requires PUCO and ODOT to ensure that wayside detector system message are sent and received in compliance with the requirement.

**Fiscal effect: Potential increase in expenditures, likely minimal, for PUCO and ODOT. PUCO expenditures would be paid from the Public Utilities Fund (Fund 5F60).**

PUCCD3    Two-person freight train crews

No provision.

**R.C.            4999.09**

Requires a freight train or light engine to have at least a two-person crew. Permits PUCO to assess a civil penalty against a person who violates this requirement. Requires AGO to bring a civil action to collect the penalty when PUCO requests AGO to do so.



## Executive

## As Passed By House

No provision.

Specifies that this requirement is solely related to safety, including ensuring that a train or light engine is not left without a functional crew due to a medical emergency.

No provision.

Provides that the two-person crew section no longer applies if the federal government adopts a requirement that a train or light engine used in connection with the movement of freight in Ohio must have a crew of at least two individuals.

**Fiscal effect: Potential revenue to the Public Utilities Fund (Fund 5F60), from penalties the amounts of which may range from \$250 up to \$10,000, depending in part on the number of violations previously found.**

**PUCCD5 Hazardous waste transportation report**

**Section: 749.10**

No provision.

Requires PUCO, in collaboration with Ohio EPA, to compile and submit a written report to the General Assembly, within 90 days of the bill's effective date, pertaining to the transportation of hazardous materials and hazardous waste.

No provision.

Requires the report to detail all of the following: (a) current applicable state and federal laws; (b) recommendations to strengthen safety requirements for the transportation of hazardous materials and hazardous waste; and (c) recommendations to enhance related civil and criminal penalties for violating those transportation safety requirements.

**Fiscal effect: Increase in expenditures, likely minimal. PUCO expenditures would likely be paid from the Public Utilities Fund (Fund 5F60).**

Executive

As Passed By House

PWCCD1    Reappropriations

Section:    209.20

Reappropriates unencumbered capital appropriations from the Local Transportation Improvement Program Fund (Fund 7052) at the end of FY 2023 and FY 2024 for the same purposes in the following fiscal year.

Section:    209.20

Same as the Executive.

PWCCD2    Temporary transfers

Section:    209.20

Allows the OBM Director to transfer cash 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 cash transfers if they are needed for capital outlays for which notes or bonds will be issued. Requires OBM to make cash transfers to repay Fund 7052 when cash balances are sufficient to do so. Requires all such cash transfers to be reported to the Controlling Board by the end of the fiscal year.

Section:    209.20

Same as the Executive.

Executive	As Passed By House
<div><div>TAXCD1Motor fuel tax distributions to Highway Operating Fund</div><div>Section: 757.10</div><div>Requires the Treasurer of State, on the last day of each month of the biennium, to deposit the first 2% of the amount of motor fuel tax (MFT) received for the preceding calendar month to the credit of the Highway Operating Fund (Fund 7002) after transfers to the Tax Refund Fund, but before other distributions required in continuing law.</div><div>Fiscal effect: This provision would result in about \$24 million per fiscal year in net revenue gain to Fund 7002 and offsetting revenue loss, by the same amount, primarily to local governments but also to other state funds.</div></div>	<div><div>Section: 757.10</div><div>Same as the Executive.</div><div>Fiscal effect: Same as the Executive.</div></div>
<div><div>TAXCD2Motor fuel evaporation tax credit</div><div>Section: 757.20</div><div>Continues, for the FY 2024-FY 2025 biennium, a temporary reduction in MFT credits, in which a temporary motor fuel tax evaporation allowance is set for motor fuel distributors to 1% (less 0.5% of the gallonage sold to retailers), and at 0.5% for retail dealers.</div><div>Fiscal effect: Increases the amount of MFT revenue that will be retained by the state and subsequently distributed to local governments and applicable state agencies, compared to codified law. Under codified law, the percentage of allowance for motor fuel dealers is 3% (less 1% of the gallonage sold to retailers), and for retail dealers the percentage of shrinkage refund is 1% of total MFT paid on fuel purchased during each of the semiannual filing periods. Under the same provision in the transportation budget of the 134th General Assembly, the net shrinkage deduction was about \$24 million in FY 2022. Based on FY 2022 experience this provision would decrease the shrinkage allowance by roughly \$48 million in each year of the biennium and increase funding available for the Highway Operating Fund, other state funds, municipalities, counties, and townships in total by about that amount.</div></div>	<div><div>Section: 757.20</div><div>Same as the Executive.</div><div>Fiscal effect: Same as the Executive.</div></div>

Executive	As Passed By House
<div><div>TAXCD3    Monthly transfers to Gasoline Excise Tax Fund</div><div>Section:    757.30</div><div>Requires the OBM Director to transfer cash, in equal monthly increments totaling \$166,055,868 in FY 2024 and \$168,885,288 in FY 2025, from the Highway Operating Fund (Fund 7002) to the Gasoline Excise Tax Fund (Fund 7060) and requires the transferred amounts be distributed to municipal corporations (42.86%), counties (37.14%), and townships (20.0%).</div><div>Fiscal effect: Increases funding to municipalities statewide by \$71.2 million in FY 2024 and \$72.4 million in FY 2025; increases funding to counties by \$61.7 million in FY 2024 and \$62.7 million in FY 2025; increases funding to townships by \$33.2 million in FY 2024 and \$33.8 million in FY 2025. Decreases amounts available to Fund 7002 by the total transfer amounts.</div></div>	<div><div>Section:    757.30</div><div>Same as the Executive.</div><div>Fiscal effect: Same as the Executive.</div></div>