



Ohio Legislative Service Commission

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Fiscal Note & Local Impact Statement

Bill: Sub. S.B. 187 of the 129th G.A. **Date:** July 13, 2011
Status: As Reported by House Transportation, Public Safety & Homeland Security **Sponsor:** Sen. Grendell

Local Impact Statement Procedure Required: No

Contents: Designates two memorial highways, renames a memorial highway, establishes maximum wheel and axle load limits for vehicles subject to vehicle weight allowances, and declares an emergency

State and Local Fiscal Highlights

Maximum vehicle weight limits

- The bill establishes maximum wheel and axle load limits for certain vehicles transporting specified commodities subject to vehicle weight allowances when operated under certain conditions. This change addresses an oversight in H.B. 114 that could have caused damage to noninterstate roads and bridges. The bill also increases the gross vehicle weight tolerance from 5.0% to 7.5% for vehicles transporting commodities such as minerals, asphalt, concrete, turf, sod, and various wood products, when the vehicles are operated under those specified conditions, making the tolerance consistent with that of vehicles transporting other materials, such as coal, timber, farm commodities, and solid waste.

Memorial highway designations

- The Ohio Department of Transportation (ODOT) will incur minimal costs to manufacture and install suitable markers for the designated portion of United States Route 322 in Geauga County and the designated portion of Interstate Route 71 in Franklin County. There may also be maintenance costs for repairs if the signs are damaged.

Detailed Fiscal Analysis

Maximum vehicle weight limits

The bill addresses an inadvertent result of changes to maximum vehicle weight limits made under H.B. 114 of the 129th General Assembly, the FY 2012-FY 2013 transportation budget act. Under current law effective under H.B. 114, certain specified vehicles, such as coal trucks, farm trucks, log trucks, solid waste haul vehicles, surface mining trucks, and vehicles transporting certain other commodities, when operated under specified conditions, are permitted to exceed statutory gross vehicle weight limits by either 5.0% or 7.5%, depending on the vehicle, on noninterstate roads or roads that are not subject to reduced maximum weights. In addition, H.B. 114 specifies that no wheel or axle load limits, and thus no penalties, apply to such vehicles as long as the vehicle's gross weight does not exceed the tolerance specified. This latter provision was intended to provide some flexibility for loads that have a tendency to shift while being transported. Prior to the H.B. 114 change, drivers of such vehicles faced citations for wheel or axle load limits that exceeded statutory limits even though the overall gross vehicle weight was within the tolerance. The unintended consequence of the relaxed wheel and axle limits is that the weight of a load can now be primarily focused on one axle. This can cause much greater wear and tear on roads and bridges than does a load that is spread more uniformly across all wheels and axles.

To resolve this problem, the bill establishes wheel or axle load limits for vehicles subject to the vehicle weight allowances described above that are consistent with the tolerances for gross vehicle weight. Thus, in accordance with the change described below, the load on each wheel or axle may exceed statutory limits by 7.5% without penalty. The bill also increases the gross vehicle weight tolerance from 5.0% to 7.5% for surface mining trucks and vehicles transporting hot mix asphalt material, concrete, manure, turf, sod, or silage, chips, sawdust, mulch, bark, pulpwood, biomass or firewood, when the vehicles are operated under specified conditions. This change makes the tolerance for these vehicles the same as those for coal trucks, farm trucks, log trucks, and solid waste haul vehicles. These changes would go into effect immediately as a result of the bill's emergency clause.

The likely result of these changes in wheel and axle weight limits and gross vehicle weight tolerances is three-fold. The change to wheel and axle weight limits could prevent the damage to noninterstate roads and bridges that would have been caused by trucks having loads that are unevenly distributed. In contrast, the increase in gross vehicle weight tolerance for certain vehicles by 2.5% may cause some greater wear and tear on those roads. Finally, reinstating wheel and axle load limits may result in some fine revenues being collected that otherwise would not be under current law. Violators of the vehicle weight tolerances are subject to fines depending on the amount

by which the overweight vehicle exceeds the established weight limits, as well as civil liability for the damage inflicted on the roadway or bridge.

The distribution of fine revenue depends on who issues the citation. If a local law enforcement official issues the citation, the fine revenue is retained locally. If the State Highway Patrol issues the citation, a portion is credited to the GRF after sufficient revenue is credited to the Security, Investigations, and Policing Fund (Fund 8400) to support specific activities of the Patrol. A small portion is also credited to the Trauma and Emergency Medical Services Grants Fund (Fund 83P0), and the remainder is distributed based on the court that imposes the fine.

Memorial highway designations

The bill designates a portion of United States Route 322 in Geauga County as the "Chief Warrant Officer Christopher R. Thibodeau Memorial Highway" and designates a portion of Interstate Route 71 in Franklin County as the "Deputy Marty Martin Memorial Highway." Finally, the bill renames the "Heath Warner Memorial Highway" the "U.S.M.C. Pvt. Heath Warner Memorial Highway." This last memorial highway was designated in Am. Sub. H.B. 65 of the 129th General Assembly, which was recently passed by the General Assembly, but has not yet taken effect. The Ohio Department of Transportation (ODOT) would incur minimal costs to install suitable signs along both of the newly designated portions of road based on guidance in Ohio's Traffic Engineering Manual (TEM).

Nearly all of the designated portion of United States Route 322 in Geauga County is functionally classified as rural. The designated route does not pass through any municipal corporations. The designated portion of Interstate Route 71 falls within the municipal corporation limits of Grove City. The TEM directs the appropriate ODOT district to furnish and install signs for memorial highways on the rural state highway system or for memorial highways on interstate highways within municipal corporation limits that are designated by the legislature under Chapter 5533. of the Revised Code.

Current costs to manufacture, install, and maintain a single set of flatsheet signs at one location are estimated to be about \$600, depending on the size of the sign(s), equipment and materials needed to install them, and the frequency of maintenance. Once a set of signs is installed, typically there are no maintenance costs unless the signs are knocked down or damaged. Signs are usually in need of replacement every 12 to 15 years. When a highway is designated as a memorial, the Department's policy is to first install a memorial marker in a rest area, scenic overlook, recreational area, or other appropriate location. If this is not practical, a marker is installed along the highway instead. Two markers are usually installed, one in each direction at each location.