

Ohio Legislative Service Commission

Legislative Budget Office Office of Research and Drafting

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Comparison Document Base

House Bill 62—133rd General Assembly

Transportation Budget

(FY 2020-FY 2021)

As Introduced

(LSC 133 0002-2)

February 25, 2019

Executive

OBMCD1 Limitations on use of capital appropriations**Section: 501.10**

Requires that the use of the capital appropriations in the bill be limited to: real property; buildings and structures; architectural, engineering, and professional services directly related to the projects; machinery; new computer systems; and furniture, fixtures, or equipment meeting certain criteria.

OBMCD2 State Arbitrage Rebate Authorization**Section: 503.10**

Appropriates any 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 of Ohio.

Requires OBM to approve and voucher payments for this purpose.

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 the bonds. Any payments that might be required under this section will be paid out of the bond fund in which excess earnings were realized.

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 2020-FY 2021 biennium pursuant to lease agreements for bonds or notes issued under Section 2i of Article VIII, Ohio Constitution, Chapters 152. and 154. of the Revised Code, and acts of the General Assembly. Requires payments to be made upon certification by the Treasurer of State of the dates and amounts due on those dates.

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

Provides for additional appropriations to cover debt service and bond financing costs if additional appropriations to cover those payments are necessary.

OBMCD5 Flexibility to process 27th paycheck in FY 2019**Section: 509.30**

Allows OBM to authorize additional expenditures in FY 2019 to pay agency payroll costs for the pay period ending June 22, 2019, which were not included in appropriations to agencies in FY 2019.

Establishes appropriations for any expenditures authorized by OBM for this purpose, and allows OBM to transfer cash between funds if necessary to make these expenditures and to reimburse funds from which cash was so transferred.

Fiscal effect: Typically there are 26 pay periods per fiscal year for the vast majority of state employees (those receiving bi-weekly paychecks). In FY 2020, there will be 27 pay periods. The authority granted in this section allows OBM to pay for the extra pay period at the end of FY 2019, if cash is available, instead of, under the normal payment schedule, agencies paying for the 27th paycheck for state employees in FY 2020.

Executive**DEVCD1 Roadwork Development Grant Program****Section: 207.20**

(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. Includes among eligible projects airport access roads or roads within public airport property. 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 Fund 4W00 money to be used in conjunction with 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 from the Highway Operating Fund (Fund 7002) according to the schedule.

Fiscal effect: The executive budget appropriates \$15.2 million in each of FY 2020 and FY 2021 for the Roadwork Development Program under Fund 4W00 appropriation item 195629, Roadwork Development. These amounts are identical to the sums appropriated under the current biennium's transportation budget.

Executive**DPSCD8 Implied consent for CDL holders****R.C. 4506.17**

Clarifies that refusal to submit to a test when arrested for operating a vehicle while impaired (OVI) leads to disqualification when a commercial driver's license (CDL) holder is driving any type of motor vehicle, not just a commercial motor vehicle.

Fiscal effect: None.

DPSCD9 Emergency medical personnel background checks**R.C. 4765.302**

- (1) Requires the State Board of Emergency Medical, Fire, and Transportation Services to participate in the Retained Applicant Fingerprint Database and Continuous Record Monitoring Service for any emergency medical responder (EMR), emergency medical technician (EMT), advanced emergency medical technician (AEMT), or paramedic certified by the Board.
- (2) Requires the Superintendent of the Bureau of Criminal Identification to promptly notify the Board, either electronically or by mail, when an individual in the database has been arrested for, convicted of, or pleaded guilty to any offense.
- (3) Requires an individual certified or applying for certification as an EMR, EMT, AEMT, or paramedic to submit one complete set of fingerprints for background check purposes to the Superintendent, unless the individual is already enrolled in the Continuous Record Monitoring Service.
- (4) Requires an individual to be fingerprinted at a location approved by the Board.
- (5) Requires the Department of Public Safety pay the initial or annual fee charged for background checks, except for an individual seeking certification by reciprocity who must pay the initial background check fee and fee for enrollment in the database.
- (6) Requires an individual seeking certification by reciprocity ask the Superintendent to request the individual's records from the Federal Bureau of Investigation.
- (7) Permits the Board to adopt rules establishing the standards and procedures for the provision of the background criminal records checks.
- (8) States that the results from the background criminal records checks and the reports containing those results are not considered public records.

Executive

Fiscal effect: Estimated annual expenditure increase of \$500,000, to be paid for with money appropriated from the Emergency Medical Services Fund (Fund 83M0) used by the Department of Public Safety (see DPSCD7).

DPSCD1 Motor vehicle registration**Section: 205.20**

- (1) Permits the Director of Public Safety to deposit certain motor vehicle registration fee revenues to meet the cash needs of the Public Safety – Highway Purposes Fund (Fund 5TM0).
 - (2) Requires the revenues that are deposited to be used to support appropriations for the administration and enforcement of laws relative to the operation and registration of motor vehicles, and for the payment of highway obligations and other statutory highway purposes.
 - (3) Requires these revenues be paid into Fund 5TM0 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 approved by the Director of Budget and Management.
 - (5) Requires the Director of Public Safety, prior to the beginning of each fiscal year (July 1), to submit a plan to the Director of Budget and Management requesting approval of the anticipated revenue amounts to be deposited into Fund 5TM0.
 - (6) Requires the Director of Public Safety, if during the fiscal year changes to the plan as approved by the Director of Budget and Management are necessary, to submit a revised plan to the Director of Budget and Management for approval prior to any change in the deposit of revenues.
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DPSCD2 Public Safety Facilities Lease Rental Bond Payments**Section: 205.20**

Requires that HSF Fund 5TM0 appropriation item 761401, Public Safety Facilities Lease Rental Bond Payments, be used to make certain debt service payments.

Executive

DPSCD3 Cash transfers – Highway Patrol**Section: 205.20**

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) to the Security, Investigations and Policing Fund (Fund 8400).

DPSCD4 Cash transfers to the Public Safety - Highway Purposes Fund – Shipley upgrades**Section: 205.20**

Permits the Director of Budget and Management, pursuant to a plan submitted by the Director of Public Safety or as otherwise determined by the Director of Budget and Management, to make appropriate 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 Public Safety – Highway Purposes Fund (Fund 5TM0) in order to reimburse expenditures for capital upgrades to the Shipley Building.

DPSCD5 Collective bargaining increases**Section: 205.20**

(1) Permits the Controlling Board, notwithstanding certain provisions of the Revised Code and 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, except for the GRF, to assist in paying the employee compensation cost increases that have occurred pursuant to collective bargaining agreements under R.C. Chapter 4117. and, for exempt employees, under R.C. 124.152.

(2) Appropriates any money approved for expenditure under provision (1) above.

Executive

DPSCD6 Cash balance fund review**Section: 205.20**

(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 to submit a written request to the Director of Budget and Management to transfer amounts from any of those funds to the credit of the Public Safety – Highway Purposes Fund (Fund 5TM0), as appropriate.

(2) Permits the Director of Budget and Management, upon receipt of such a request, to make appropriate transfers as requested by the Director of Public Safety or as otherwise determined by the Director of Budget and Management.

DPSCD7 Cash transfers from the State Fire Marshal Fund to the Emergency Medical Services Fund**Section: 205.20**

(1) Requires the Director of Budget and Management, on July 1 of each fiscal year, or as soon as possible thereafter, to transfer \$500,000 from the State Fire Marshal Fund (Fund 5460) used by the Department of Commerce to the Emergency Medical Services Fund (Fund 83M0) used by the Department of Public Safety.

(2) Requires the transferred cash amounts to be used by the Department of Public Safety to pay the State Board of Emergency Medical, Fire, and Transportation Services' costs to participate in the Retained Applicant Fingerprint Database and Continuous Record Monitoring Service as required in section 4765.302 of the Revised Code (see DPSCD9).

DPSCD11 Cash transfer from the General Revenue Fund to the Public Safety - Highway Purposes Fund**Section: 205.20**

Permits the Director of Budget and Management, during the biennium ending June 30, 2021, to transfer up to \$35,000,000 cash from the General Revenue Fund to the Public Safety - Highway Purposes Fund (Fund 5TM0).

Executive

DPSCD10 Transfer of capital appropriation items from the Public Safety - Highway Purposes Fund to the Administrative Building Fund**Sections: 512.10, 610.03, and 610.04**

(1) Requires the Director of Budget and Management, on July 1, 2019, or as soon as possible thereafter, to transfer the unencumbered and unallotted balance, as of June 30, 2019, of all capital appropriation items from the Public Safety – Highway Purposes Fund (Fund 5TMO) to the Administrative Building Fund (Fund 7026).

(2) Requires the Director of Budget and Management, on July 1, 2019, or as soon as possible thereafter, to cancel any existing encumbrances against capital appropriation items in Fund 5TMO and reestablish them in Fund 7026 and appropriates the reestablished amounts.

(3) Amends Section 213.20 of H.B. 529 of the 132nd General Assembly, as amended by Am. Sub. S.B. 51 of the 132nd General Assembly, to increase by \$10,000,000, from \$112,800,000 to \$122,800,000, the amount of original obligations in an aggregate principal amount that the Treasurer of State is authorized to issue and sell to provide sufficient moneys to the credit of Fund 7026, in addition to the original issuance of obligations authorized by prior acts of the General Assembly.

Executive

PWCCD1 Reappropriations**Section: 209.20**

Reappropriates unencumbered capital appropriations at the end of FY 2019 from the Local Transportation Improvement Program Fund (Fund 7052) made in H.B. 26 of the 132nd GA for the same purposes in FY 2020.

Reappropriates unencumbered capital appropriations and reappropriations at the end of FY 2020 from the Local Transportation Improvement Program Fund (Fund 7052) made in H.B. 62 of the 133rd GA for the same purposes in FY 2021.

PWCCD2 Temporary cash transfers**Section: 209.20**

Allows the Director of PWC to request that the Director of OBM 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 the Director of OBM, when there is a sufficient cash balance in the fund that received such a temporary cash transfer, to repay Fund 7052 for the amount originally transferred.

Requires all such cash 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 cash 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

TAXCD5 Increase in the motor fuel tax**R.C. 5735.05**

Increases the per gallon rate of the motor fuel tax from \$0.28 to \$0.46 in FY 2020.

Adjusts the motor fuel tax rate for inflation starting in FY 2021, by adding a tax adjustment factor calculated by the Tax Commissioner. Requires the Commissioner to determine the factor by April 30 each year starting in 2020, and provides that the factor should equal \$0.46 multiplied by the cumulative percent change in the consumer price index (CPI, all items, all urban consumers) from January 1, 2019 to December 31 of the calendar year preceding the determination.

Fiscal effect: Increases motor fuel tax revenue by approximately \$1.21 billion in FY 2020 and \$1.28 billion in FY 2021. The increase in allocation for FY 2020, based on codified law, is approximately the following: \$873 million for the Highway Operating Fund (Fund 7002, used by ODOT), \$121 million for municipal governments, \$105 million for county governments, \$57 million for townships, \$42 million for the Local Transportation Improvement Program Fund (Fund 7052, used by PWC), and \$12 million for other state agencies. These estimated shares do not reflect the temporary law MFT provisions (see TAXCD1 and TAXCD3). In FY 2021 and beyond, total motor fuel tax revenue is projected to grow by approximately 2.2% per year.

TAXCD7 Motor fuel tax administration fund transfer**R.C. 5735.053, Section 757.40**

Modifies the amount of MFT revenue that the Treasurer of State must credit to the motor fuel tax administration fund (Fund 5V70), from 0.275% of that revenue to the amount of appropriation assigned to Fund 5V70 beginning in FY 2020.

Fiscal effect: The appropriation item associated with Fund 5V70 is 110622, Motor Fuel Tax Administration, in the Department of Taxation budget. The amount of that appropriation is determined in the main operating budget, so is not yet known. Actual spending from that line item was about \$4.5 million in FY 2018. This provision will effectively decouple the amount of the transfer from the increase in the MFT rate (see TAXCD5).

Executive

TAXCD8 **Motor fuel tax reimbursement rate for school districts****R.C.** **5735.142, Section 757.50**

Increases the motor fuel tax reimbursement rate for school districts from six cents per gallon to 24 cents per gallon beginning in FY 2020.

Fiscal effect: Based on FY 2018 fuel usage by school districts, the increased reimbursement rate will decrease net motor fuel tax revenue by approximately \$4 million per year, and increase the MFT reimbursement to school districts by an equivalent amount. Increases the amount of the reimbursement to school districts by the increase in MFT they would otherwise pay due to the increase in the tax rate to 46 cents per gallon (see TAXCD5).

TAXCD1 **Motor fuel tax distributions to Highway Operating Fund****Section:** **757.10**

Requires the Treasurer of State, beginning on July 31, 2019 and on the last day of each month through the end of the FY 2020-FY 2021 biennium, 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.

Fiscal effect: This is an ongoing temporary law provision that results in a gain in revenue to Fund 7002 and an offsetting decline in revenue to state and local government funds that also receive state MFT distributions according to statutory formulas set in ORC 5735.051. In FY 2018, this resulted in about \$38 million in funding to Fund 7002 before the distributions required by permanent law. Overall, since Fund 7002 retains about 60% of all MFT revenue under the distribution method, this provision netted about \$15 million in additional revenue to Fund 7002 (\$38 million x 40%) based on FY 2018 results. Factoring in the MFT increase (see TAXCD5) and the cash transfer out of Fund 7002 to local governments (see TAXCD3), this provision would net around \$25 million more to Fund 7002 in FY 2020.

TAXCD2 **Motor fuel evaporation tax credit****Section:** **757.20**

Continues a temporary reduction in MFT credits, in which a temporary motor fuel tax evaporation allowance is set for motor fuel distributors at 1% (less 0.5% of the gallonage sold to retail dealers) and at 0.5% for retail dealers.

Executive

Fiscal effect: Increases the amount the state retains in MFT revenue over what would be collected under codified law that provides for higher allowances for distributors and retailers. Based on FY 2018 MFT data, under the statutory discount and using a 28-cents per gallon tax rate, the total credits would have amounted to approximately \$57.9 million. Under this continuing provision, in FY 2018 the credits amounted to \$19.3 million. Thus, the state retained approximately \$38.6 million in additional MFT revenue. (If a new tax rate is enacted, the amount retained by the state from this provision could be found by multiplying \$38.6 million times the ratio of the new rate to 28 cents per gallon.)

TAXCD3 Monthly transfers to the Gasoline Excise Tax Fund**Section: 757.30**

Requires OBM to transfer cash in equal monthly increments totaling \$302,624,042 in FY 2020 and \$311,209,209 in FY 2021 from Fund 7002 to the Gasoline Excise Tax Fund (Fund 7060) and requires the transferred amounts be distributed to municipal corporations, counties, and townships.

Requires that the transfers follow the formula set under Division (A)(2)(b) of section 5735.051 of the Revised Code: 42.86% to municipalities, 37.14% to counties, and 20.0% to townships.

Fiscal effect: After taking into account this temporary law provision, the evaporation credit temporary law provision (TAXCD2), and the permanent law MFT changes in TAXCD5, TAXCD7, and TAXCD8, the total estimated MFT revenue distributed to entities in FY 2020 is projected to be approximately \$1.95 billion to ODOT (62%), \$1.04 billion to local governments (33%), \$109 million to the Public Works Commission (3.5%), and around \$50 million to other state agencies (1.5%). Distributions to local governments are funded under the main operating budget through Revenue Distribution Fund Group Fund 7060 line item 110960.

Executive**DOTCD25 Entry on private property for maintenance of transportation facilities****R.C. 163.03**

Authorizes any agency (meaning any governmental or business entity that is authorized to appropriate property by eminent domain) to enter upon lands, waters, and premises as necessary to access and perform maintenance on transportation facilities. Declares that such an entry does not constitute a trespass.

Requires the agency to give reasonable notice to the owner or possessor of the property to be entered between 48 hours and 30 days before the entry.

Applies existing law to such entries specifying that: (1) the agency must make restitution or reimbursement for damages caused on the property as a result of the entry, and (2) damages may be recoverable by civil action, in the event that the parties are unable to reach a settlement.

Fiscal effect: Uncertain, but may resolve disputes about lawful access to transportation facilities. These can include garages, district offices, highways, bridges, rights-of-way, parking facilities, as well as rail, port, and aviation operations, for example.

DOTCD21 Outdoor advertising device control**R.C. 163.31**

Clarifies that a nonconforming outdoor advertising device cannot be restored if it is destroyed by an "act of God," thereby aligning Ohio law with federal requirements.

Fiscal effect: None.

DOTCD19 Variable speed limit authority and other speed limit changes**R.C. 4511.21**

(1) Expands ODOT's authority to establish variable speed limits to all highways by removing prior restrictions that only portions of three specific highways could have variable speed limits: Interstate Route 670; Interstate Route 275; and Interstate Route 90 between the intersections with Interstate Route 71 and the border of Pennsylvania.

Executive

(2) Specifies that any changes to speed limits established in statute must occur based on criteria established by an engineering study, as defined by ODOT, rather than based on either (1) a "geometric and traffic characteristic study" or (2) "an engineering and traffic investigation," as is specified in current law.

(3) Allows local governments to request that ODOT declare variable speed limits at certain locations on highways within their jurisdictions, if the fixed speed limit set by statute is greater than is reasonable and safe for a location. (Current law only allows local governments to request that ODOT declare a reasonable and safe prima-facie speed limit at such locations.)

Fiscal effect: For ODOT, a potential increase in expenditures from Fund 7002 to pay for analysis, planning, and installation of signs that display variable speed limits. This also results in permissive costs to local governments that request that ODOT review and approve variable speed limits on highways in their jurisdictions, primarily for traffic enforcement and sign installation.

DOTCD22 Deposition of the Director of Transportation**R.C. 5501.21**

Specifies that the Director of Transportation need not produce, for evidence in a court, original electronic records or documents. (Current law also specifies that the Director need not produce nonelectronic plans and drawings.)

Eliminates the presumed authorization to depose the Director in all pending lawsuits. (Current law allows the Director to be deposed in all such suits as long as the deposition takes place at the Director's office.)

Fiscal effect: Some potential reduction in administrative costs in locating electronic records or documents for evidence and preparing for fewer likely depositions. The bill does not prohibit the Director from being deposed - it merely removes the presumption that the Director can be deposed in every lawsuit.

DOTCD23 Excess road salt**R.C. 5501.41**

Permits ODOT to provide road salt to a political subdivision if ODOT has excess road salt, the political subdivision is otherwise unable to acquire road salt, and the political subdivision is in an emergency situation.

Requires ODOT to seek reimbursement for road salt provided to political subdivisions and specifies that the reimbursement shall be equal to the prices at which ODOT purchased the road salt.

Fiscal effect: None. According to ODOT, this codifies the Department's current policy regarding excess road salt.

Executive

DOTCD20 Scenic byway designation

R.C. 5516.05

Authorizes ODOT to designate any portion of the state highway system as a scenic byway, rather than any portions of the interstate system, the national highway system, or the primary system as under current law.

Fiscal effect: Potential increase in costs for ODOT to designate additional scenic byways and install signage. Additionally, ODOT's regulations of outdoor advertising devices, such as billboards, are typically more stringent on scenic byways, but vary on each byway. There are currently 27 scenic byways designated across the state.

DOTCD1 Transportation facilities lease rental bond payments

Section: 203.20

Requires Highway Operating Fund (Fund 7002) appropriation item 770003, Transportation Facilities Lease Rental Bond Payments, to be used to meet all payments under leases and agreements for facilities made under Chapter 154. of the Revised Code during the FY 2020-FY 2021 biennium.

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 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: Provides ODOT with cash management flexibility to transfer appropriations after debt service payments have been made where needed among these other line items that are used for highway construction, maintenance, and administration, respectively.

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

Section: 203.30

(1) Requires portions of funding in each of FY 2020 and FY 2021 to be used from Fund 7002 appropriation item 772421, Highway Construction - State, 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.

Executive

(2) Earmarks \$2,562,000 in each of FY 2020 and FY 2021 from line item 772421 for the construction, reconstruction, or maintenance of park drives or park roads within the boundaries of metropolitan parks.

(3) Allows the line item to be used for road work on behalf of the Ohio Expositions Commission at the state fairgrounds, and road work on behalf of the Ohio History Connection, at the request of each entity and approval by ODOT.

DOTCD3**Transportation Improvement Districts****Section: 203.40**

(1) Earmarks \$4.5 million in each fiscal year from Fund 7002 appropriation item 772421, Highway Construction - State, for transportation improvement districts (TIDs) that have facilitated funding for the cost of a project or projects 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 regarding 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 within the TID's area. 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 25% of total project costs not to exceed \$250,000 per fiscal year. Specifies that TIDs co-sponsoring a specific project may individually apply for up to \$250,000 for that project, but prohibits more than 25% of a project's total costs coming from funding provided by ODOT.

(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.

(5) Requires that TIDs be registered with ODOT in order to receive funding from ODOT under this provision. Authorizes ODOT to register a TID only if the TID has a specific eligible project.

(6) Prohibits ODOT from registering a TID, or requires ODOT to cancel the registration of any TID, unless the TID has: (A) designated a project or program of projects and facilitated funding of at least \$10 million during the eight-year period beginning January 1, 2005; (B) designated a project or program and facilitated funding of at least \$15 million since the project or program commenced; or (C) designated a project or program 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 exceed \$10 million and that the TID is facilitating funding for the project or program.

Executive

Fiscal effect: Currently, there are 40 TIDs across the state registered by ODOT.

DOTCD4 Issuance authority for state highway bonds

Section: 203.50

Authorizes the issuance of \$57 million in bonds for highway purposes, in addition to original issuance of obligations authorized by prior acts of the General Assembly. Specifies that proceeds from these bonds shall be credited to the Highway Capital Improvement Fund (Fund 7042).

Requires that obligations must not total more than \$220 million in principal, plus the principal amount of obligations that in prior fiscal years could have been, but were not, issued within the \$220 million limit, provided that not more than \$1.2 billion in original principal amount of obligations may be outstanding at any one time.

DOTCD5 Transfers of appropriations within the Highway Operating Fund

Section: 203.60

Allows OBM to approve ODOT requests to transfer Highway Operating Fund (Fund 7002) appropriations for highway planning and research, highway construction, debt service, highway maintenance, federal public transit 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, and 779491. Appropriates the amounts transferred under this provision and requires such transfers to be reported to the Controlling Board.

Specifies that this transfer authority is intended to provide for emergency situations and flexibility to meet unforeseen conditions that could arise in the FY 2020-FY 2021 biennium. Specifies, also, that the provision is intended to permit ODOT to optimize the use of available resources and adjust to circumstances affecting the obligation and expenditure of federal funds.

Fiscal effect: Provides ODOT with cash management flexibility to transfer these appropriations when needed.

Executive

DOTCD6 Transfers of appropriations: federal highway, transit, aviation, rail, and local transit**Section: 203.60**

Allows OBM to approve requests from ODOT to transfer appropriations between several federally funded Fund 7002 appropriation items, including line items 772422, 775452, 775454, 775459, 776475, and 777472. Appropriates these transfers. Requires that the transfers be reported to the Controlling Board.

Fiscal effect: Provides ODOT with cash management flexibility to transfer these appropriations when needed.

DOTCD7 Transfers of appropriations: State Infrastructure Bank**Section: 203.60**

Allows OBM to approve requests from ODOT to transfer appropriations and cash in the State Infrastructure Bank (SIB) funds created in R.C. 5531.09, including transfers between FY 2020 and FY 2021.

Allows OBM to transfer appropriations and cash between Fund 7002 and 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. Appropriates these transfers and requires that they be reported to the Controlling Board.

Fiscal effect: Provides ODOT with cash management flexibility to transfer these appropriations when needed.

DOTCD8 Transfers of appropriations: tolling funds**Section: 203.60**

Allows OBM to approve requests from ODOT to transfer appropriations and cash of the Ohio Toll Fund, including transfers between FY 2020 and FY 2021. Appropriates the amounts transferred. Requires that the transfers be reported to the Controlling Board.

Fiscal effect: Provides ODOT with cash management flexibility to transfer these appropriations when needed.

Executive

DOTCD9 Increasing appropriations: state funds**Section: 203.60**

Allows the Controlling Board, upon the request of ODOT, to increase appropriations from 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 state moneys that are credited to Fund 7002 over the biennium, such as additional motor fuel tax revenues.

DOTCD10 Increasing appropriations: federal and local funds**Section: 203.60**

Allows the Controlling Board, upon the request of ODOT, to increase appropriations of federal or local moneys credited to Fund 7002 in the event that receipts or unexpected balances credited to Fund 7002 exceed the estimates upon which the appropriations for FY 2020-FY 2021 have been made.

Fiscal effect: Provides ODOT the ability to use revenues available from the federal government and local governments that exceed appropriations.

DOTCD11 Transfers of cash between Highway Operating Fund and Highway Capital Improvement Fund**Section: 203.60**

Allows OBM to transfer cash, upon the request of ODOT, from Fund 7002 to the Highway Capital Improvement Fund (Fund 7042). Allows OBM to transfer cash from Fund 7042 to Fund 7002 in an amount equal to the amount of cash previously transferred to Fund 7042.

Fiscal effect: Provides ODOT with cash management flexibility to transfer these appropriations when needed.

Executive

DOTCD12 Deputy Inspector General for ODOT funding**Section: 203.60**

Requires OBM to make semiannual cash transfers of \$200,000, occurring on July 1 and January 1 or as soon as possible thereafter in each fiscal year, from Fund 7002 to the Deputy Inspector General for ODOT Fund (Fund 5FA0).

Permits the Inspector General, with the consent of OBM, 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.

DOTCD13 Reappropriations**Section: 203.60**

Allows ODOT, in each of FY 2020 and FY 2021, to request that OBM transfer any remaining unencumbered appropriations to Fund 7002, Fund 7042, and the State Infrastructure Bank funds for the same purpose in the following fiscal year.

Requires 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. Reappropriates the amounts as determined by OBM 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 the ODOT director.

Fiscal effect: Allows ODOT to continue to use unencumbered funds from prior fiscal years, subject to OBM authorization.

DOTCD14 Liquidation of unforeseen liabilities**Section: 203.60**

Allows for any 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.

Executive

DOTCD15 Maintenance of interstate highways**Section: 203.70**

Authorizes ODOT to provide services, such as snow and ice removal, maintenance, repair, or lighting, 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 between ODOT and the municipalities to do so.

DOTCD16 Public transportation highway purpose grants**Section: 203.80**

Allows ODOT to use state motor fuel tax revenues to match 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 public transportation highway projects. Specifies that public transportation highway purposes include: (1) the construction or repair of high occupancy vehicle lanes; (2) the acquisition or construction of park-and-ride facilities or transit loops; (3) the construction or repair of bridges used by public transportation vehicles; and (4) other such eligible public transportation highway purposes.

Prohibits motor fuel tax revenues from being used for operating assistance or for the purchase of vehicles, equipment, or maintenance of facilities.

DOTCD17 Agreements related to federal environmental permits**Section: 203.90**

Authorizes ODOT to enter into agreements with certain federal agencies to review federal environmental permit documents. Requires that the agreements be solely for the purpose of dedicating ODOT staff to the expeditious and timely review of environmentally related documents submitted by ODOT as necessary for federal permits. Requires ODOT to receive Controlling Board approval of any agreement between ODOT and a federal agency for services performed relating to environmental permit reviews.

Executive

Fiscal effect: No net increase in administrative costs to ODOT. The cost that ODOT incurs is offset by federal reimbursements under the agreements.

DOTCD18 Authorization to use indefinite delivery indefinite quantity (IDIQ) contracts**Section: 203.100**

- (1) Requires ODOT to enter into indefinite delivery indefinite quantity (IDIQ) contracts for not more than two projects in each year of the FY 2020-FY 2021 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.
- (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 ODOT's duties and obligations related to IDIQ contracts.
- (4) Specifies that current law requirements ODOT must follow for the advertising bids and awarding contracts also apply to IDIQ contracts.

Fiscal effect: Potential savings on the selected projects where the IDIQ contract type is used, 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.

DOTCD24 Vehicle size and weight limit exemptions for towing vehicles**Section: 755.10**

Extends, for two years, a temporary exemption for towing vehicles from size and weight limitations when the vehicle is: (1) engaged in the initial towing of a wrecked or disabled motor vehicle from the site of an emergency on a public highway to the nearest storage facility; (2) en route to the site of an emergency on a public highway to tow a wrecked or disabled motor vehicle; or (3) returning from delivering a wrecked or disabled motor vehicle to the nearest site where the vehicle can be brought into conformance with the statutory size and weight requirements, the nearest qualified repair facility, or the nearest storage facility.

Specifies that penalties for size or weight limit violations or civil penalties cannot be imposed on a person operating a towing vehicle under the conditions noted above.

Executive

Fiscal effect: Continues temporary law in place in the current FY 2018-FY 2019 biennium, resulting in a potential ongoing but minimal loss in fine revenue for government entities that would have issued size and weight fines for towing vehicles within their jurisdictions.

Executive**LOCCD1 Open Container Law exemption****R.C. 4301.62**

Eliminates the exemption to the Opened Container Law that allows a person to possess an opened container of beer or intoxicating liquor while in or on a stationary motor vehicle within a Designated Outdoor Refreshment Area (DORA) if the motor vehicle is not being operated in a lane of vehicular travel.

Fiscal effect: Local law enforcement monitors activity within DORAs, of which there are 15 statewide as of February 2019. Eliminating this exemption puts Ohio in compliance with federal law. Otherwise, Ohio is subject to limitations on the use of some federal transportation funds.
