



OHIO DEPARTMENT OF TRANSPORTATION

CENTRAL OFFICE, 1980 WEST BROAD STREET, COLUMBUS, OH 43223

TED STRICKLAND, GOVERNOR • JAMES G. BEASLEY, P.E., P.S., DIRECTOR

December 30, 2008

Mr. Warren E. Henry, V.P. of Transportation
TMACOG
P.O. Box 9508
Toledo, OH 43697-9508

RE: Michigan Legal Permits

Dear Mr. Henry:

Today, the Ohio Department of Transportation filed amendments to its administrative rules with the Joint Committee on Agency Review (JCARR) regarding fees for a type of a permit commonly referred to as a "Michigan Legal" permit. My staff stands ready to proceed through the JCARR process so that the amendment will become effective at the earliest date possible. I outline that process in more detail later in this letter.

During this transition period until the proposed new fees go into effect, the Ohio Department of Transportation (ODOT) asks that you encourage stakeholders to purchase any new permits judiciously.

As you are aware, ODOT is responsible for issuing permits to vehicles that exceed Ohio's legal weight and size limits. These special hauling permits allow overweight/oversized vehicles to legally travel on Ohio's highway system.

Ohio's legal limit for a vehicle is 80,000 lbs.; the legal limit for a vehicle in Michigan is up to 160,000 lbs. ODOT issues special permits called "Michigan Legal" permits to vehicles weighing up to 154,000 lbs and traveling between a specified point in Williams, Fulton, or Lucas counties in Ohio and the Michigan border over prescribed routes. Section 4513.34 of the Ohio Revised Code provides that the director, in accordance with Chapter 119 of the Revised Code, shall establish a schedule of fees for permits issued by the director. Rule 5501:2-1-10(K) sets forth the fee schedule for a Michigan Legal permit.

Through our discussion with elected officials and transportation leaders in Northwest Ohio and evaluation of our permit processes, ODOT agreed that the permit fee for a Michigan legal vehicle up to one hundred twenty thousand pounds gross vehicle weight shall be one hundred twenty-five dollars (\$125.00) per quarter. The permit fee for a Michigan legal vehicle exceeding one hundred twenty thousand pounds gross vehicle weight and up to 154,000 pounds gross vehicle weight, shall be one hundred sixty-five dollars (\$165.00) per quarter.

The normal process for amending a rule takes approximately 75 days from the date of filing with the Joint Committee on Agency Rule Review. Because we are in the month of December and at the end of the legislative session, however, JCARR can not act on any rule filing until the start of the new legislative session which begins January 5, 2009. The first step is for ODOT to conduct a public rule hearing no

sooner than January 30, 2009, and no later than February 8, 2009. ODOT will hold its public hearing on January 30th, from 10:00 am to 12:00 pm in Room GA of the Ohio Department of Transportation Building at 1980 West Broad Street, Columbus.

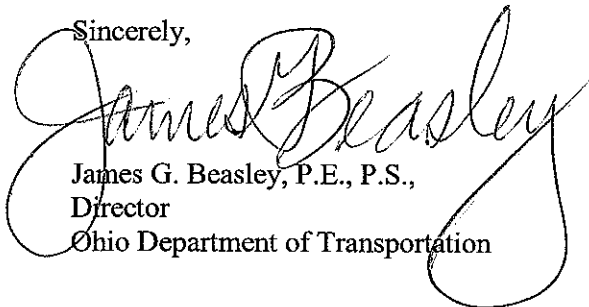
After ODOT's public hearing, JCARR will likely conduct its hearing on February 17, 2009. If JCARR determines that ODOT's rule meets its jurisdictional standards, the amended rule can go into effect Monday, March 23, 2009.

As you know, under current rule the next scheduled phase-in of fees is March 1, 2009. Until then, companies in need of a Michigan Legal permit may continue to purchase a 90 day permit at the current rate of \$200.00. We will be educating those who hold a permit that expires between March 1st and March 22nd and those who purchase these types of permits, historically, to encourage them to purchase new permits judiciously during this transition period. Therefore, they will be able to take advantage of the proposed new rates to the best of their ability.

I am in receipt of your letter to the Honorable Matthew A. Szollosi, dated December 24, 2008. In the letter you convey proposals from your stakeholders regarding the conditions and terms of the Michigan Legal permits. Although the current rules do not contemplate changing the permit conditions or propose future fee increases, we do encourage you to use our public hearing to formally convey your positions. Relatedly, ODOT is conducting a study, pursuant to an amendment to House Bill 30 of the current General Assembly, to examine the impacts of the use of overweight permits on our transportation system and other policy questions. This study likely will comment on alternative ways to regulate and charge for overweight permits.

I believe this letter conveys our intentions to adjust fees per our discussion. Thank you for working with us on this matter. If you have any questions or concerns, please contact Steve Campbell or I at 614-466-2335.

Sincerely,



James G. Beasley, P.E., P.S.,
Director
Ohio Department of Transportation

cc Rep. Matt Szollosi
Rep. Peter Ujvagi
Rep. Edna Brown
Rep. Randy Gardner
Rep. Barbara Sears
Rep. Lynn Wachtmann
Sen. Teresa Fedor
Sen. Steve Buehrer
Sen. Mark Wagoner