



The Ohio Senate
Transportation, Commerce and Workforce. Committee

Senator Rob McColley, Chair

AMENDED HOUSE BILL 62
INTERESTED PARTY WRITTEN TESTIMONY

Chairman McColley, Vice Chair Uecker, Ranking Member Antonio, and members of the Senate Transportation, Commerce and Workforce Committee, thank you for the opportunity to provide this written testimony on Amended House Bill 62.

My name is Shelley Dickstein and I have the privilege of serving as the City Manager for the City of Dayton. Together with our Mayor Nan Whaley and the members of our City Commission, we appreciate the leadership Governor DeWine and this committee has shown in discussing the critical needs of Ohio's infrastructure system and the impact this has on the economic vitality and quality of life in Ohio's cities. However, we are sharing this testimony as you consider Amended House Bill 62 (Am HB 62) to not only voice our support for increased investment in our transportation infrastructure, but also to share our concerns about several provisions currently included in the proposed legislation.

As you may know, the City of Dayton is the sixth largest city in Ohio and serves 140,000 residents in 65 neighborhoods and throughout a growing business community. Long a hub for industry and invention, Dayton today is a center for advanced manufacturing, emerging technologies, logistics/distribution, education and healthcare, with a renowned arts community and a downtown that is reaching new heights as a place to live, learn, work and play.

As the City Manager, my focus centers on overseeing the operations and services of the city. Working to keep our roads maintained and safe for our citizens, businesses and visitors is a top priority for our staff. Yet like most other Ohio cities, with cuts in state funding, increased costs, changes in vehicles, we see the need for increased investment in municipal transportation infrastructure.

On average, the City of Dayton spends \$11.5 million on roadway infrastructure maintenance for the 1,700 lane miles of roadway throughout the city. The cuts in local government funds made it necessary to seek additional funding for our residents. As a result, two years ago we passed an additional income tax initiative to fill a portion of the funding gap in our general revenue funds. While our staff works incredibly hard to use our resources effectively and efficiently, the city still has major capital improvement needs that lack funding, and continued cost containment will be necessary since the cost of maintenance and repair will likely outpace revenue growth. This has pushed us to apply for as much funding as possible through Miami Valley Regional Planning Commission and Ohio Public Works Commission. Yet, there is still a \$7.5 million gap between transportation needs and funds, annually.

As you know, earlier this month, Governor DeWine's Transportation Infrastructure Advisory Committee issued their report and the Governor proposed an 18 cent increase in the gas tax to provide vital funding for our transportation infrastructure across the state. This increase will go a long way in helping cities like Dayton address our transportation infrastructure needs. In the House proposal, this is reduced to 10.5 cents and while this is a step in the right direction, we ask that you support the Governor's full request to move Ohio forward for public safety and for our economy,

We are also concerned about the language that was included in the House passed version of the bill regarding the use of automatic traffic cameras. Am HB 62 attempts to limit municipal home-rule authority without serving an overriding statewide interest. This bill states specifically that it will (1) Eliminate municipal administrative hearings; (2) Require municipalities to pay court costs for every notice of violation issued; (3) Prohibit court costs from being assessed to the violator even when the violator is found to be liable; and (4) Reduce Local Government Funding by the gross amount of money that the municipality receives from photo enforcement notice of violations. None of these provisions serve an overriding statewide interest and in fact will create a much more inefficient process and system for the municipality, court, and ticket recipient, again for no reason other than to make photo enforcement prohibitively expensive as a public safety tool for municipalities. Further, we believe the magnitude and frequency of this topic being raised is a compelling reason to address it in a separate, independent format from this bill.

We ask that you protect Ohio's Home-Rule Amendment which provides municipalities with "the exclusive power to govern themselves, as well as the power to enact local health and safety measures not in conflict with the general law." *Am. Fin. Servs. Assn. v. City of Cleveland*, 112 Ohio St.3d 170, 2006-Ohio-6043, 858 N.E.2d 776, ¶ 26. The Home-Rule Amendment would be rendered useless if the General Assembly could financially punish a municipality for exercising its constitutional rights. With the inclusion of this bill's provisions regarding the use of automatic traffic cameras, there would be no protection. In addition, the Ohio Supreme Court has already found that regulations like those in Am HB 62 were unconstitutional in *Dayton v. State*, 2017-Ohio-6909. The Court found the provisions violated the Home-Rule Amendment because they were not general laws, but served only to limit municipal legislative authority.

Again, thank you Chairman McColley, Vice Chair Uecker, Ranking Member Antonio and members of the Senate Transportation, Commerce and Workforce Committee, for this opportunity to share our views on the need for infrastructure funding as it is a critical economic development and public safety matter, as well as to address some of the troubling aspects now included in the bill in regards to our ability as a city to govern.



Shelley Dickstein
City Manager

City of Dayton

101 West 3rd Street

Dayton, OH 45402

Shelley.Dickstein@daytonohio.gov

Phone: 937-333-3600