



**Ohio House Transportation and Public Safety Committee**  
*Testimony on House Bill 16*

William O’Gorman  
Ohio Department of Transportation

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Chairman Baldrige, Vice Chair McClain, Ranking Member Sheehy, and members of the committee – my name is Will O’Gorman and I’m the Legislative Director for the Ohio Department of Transportation. Thank you for allowing me to testify today to raise some questions and concerns about some possible unintended consequences of House Bill 16.

Since the inception of the State highway system, the responsibility for designing, maintaining and constructing Ohio’s bridges and roads has been a partnership between the State and local governments. If Ohio were to alter the balance of this long-standing partnership by shifting primary responsibilities for village routes to ODOT, numerous constitutional, legal and fiscal concerns would need to be carefully considered to determine what impact this policy decision would have on the State, local governments and to the public.

Ohio has a long tradition of upholding the importance of local control. The legislature and Ohio Supreme Court have been very careful to weigh whether new laws conflict with the “Home Rule” provision of the Ohio Constitution. While the powers granted to local governments to act on matters of local concern obviously extend well beyond the scope of this legislation, requiring ODOT to undertake responsibility for all state routes within villages may be in conflict with the Home Rule provision. The department would have serious concerns with policies that either threaten or are in direct conflict with the constitutional or statutory authorities granted to Ohio’s local governments.

Removing local jurisdiction from the upkeep of village routes may also result in substantial increases in legal challenges to ODOT, which could ultimately end with more taxpayer dollars being spent while services may be reduced. Municipalities, townships, and villages enjoy a separate and distinct protection in law for incidents that occur on roads under their jurisdiction while ODOT does not enjoy the same protections as political subdivisions. Assuming responsibilities for routes over which it has not previously had design or maintenance control would place ODOT at a distinct disadvantage in the likelihood of any legal challenge. For example, as a result of the myriad of local ordinances, traffic design and

standards often vary by municipality and may not be in compliance with ODOT's design standards. If ODOT were to assume responsibility for village routes, these inconsistencies could pose a significant legal liability for the State since the legal litmus test begins with whether design standards were followed and whether the responsible entity used sound engineering judgment.

In order to place the state on better legal footing, ODOT would be forced to bring every roadway element into compliance with its design standards. This would need to include updating all signage, pavement markings, school flashers, speed limits, and traffic signals to ensure compliance. The capital costs associated with these upgrades are unknown; however, it would be imperative that these village routes meet ODOT's strict design standards otherwise the department could be at risk for significant litigation costs. Without necessary resources to bring all local design elements in line with ODOT's standards, the department would not be able to assume responsibility of such village routes.

Since maintenance of the roads are vital to meeting the needs of a region, it is equally important to weigh how community expectations would be impacted if the State were to assume control of village routes. The public has deservedly come to expect certain responses from their local officials on road maintenance such as repairs, mowing and snow removal. While ODOT is currently responsible for such maintenance on state routes outside of a village, local governments maintain control over rehabilitation and snow removal along their roads. Along with this control are expectations from the public toward the manner and timeframe of when roads are plowed, when streets are repaired, and other maintenance issues that are unique to their respective community. ODOT feels that the local officials are in the best position to be responsive to the local demands.

Shifting responsibility of village routes to ODOT would also pose substantial financial obstacles. HB 16 would add roughly 2,800 miles of roads to ODOT's inventory of assets – roughly the size of ODOT District 12 (Cuyahoga, Lake, Geauga). Eroding revenues, coupled with increased programmatic demands and inflationary pressures, has forced ODOT to take a critical review of how best to allocate the State's limited transportation resources in order to preserve our existing assets and invest in necessary infrastructure upgrades. In order to meet today's fiscal challenges, ODOT has made it a priority to streamline operations and achieve efficiencies that result in cost-savings so resources can be redirected toward Ohio's major new construction or maintenance programs.

Shifting responsibility of village routes to ODOT would further exacerbate the financial challenges facing the department. In order to maintain the safety of our roads and bridges, the State would need to allocate additional moneys for maintenance for such routes – whether from new or existing revenue sources. Without additional resources, the department's other highway programs would be placed in serious jeopardy. For example: during the pandemic we have seen decreases in revenue due to lower traffic volumes, but ODOT has continued to maintain its discretionary Local Program (programs where we partner to help our local partners) at a fully-funded level of \$359m per year. A reduction in

the level of services, elimination or reduction of discretionary spending to local governments, or a reduction or elimination of major new construction would all need to be considered in order to meet new demands. During the Transportation budget deliberations of the last General Assembly, ODOT supported the new funding formula that directed more revenue to local governments rather than ODOT.

Further consideration would also need to be made for the significant one-time costs that the State would need to incur. The purchase of additional equipment, upgrades to existing structures and roadways to bring them into compliance with ODOT design standards, and infrastructure improvements are just some of the one-time expenses that would be incurred. ODOT spent significant time and resources on putting all our facilities (i.e. roads, bridges, culverts, etc) into our sophisticated asset management system so we can better manage maintenance and preservation and to ensure they are up to the standards we are required to follow. It would be a significant undertaking just to survey and include thousands of miles of roadways, additional culverts, storm drains, and other assets for which we would now be responsible.

This bill would have other unintended consequences that would need to be considered, as well. Among those concerns:

- If villages lose responsibility for the maintenance of their roads and other assets, they lose the ability to control village streets that are also state routes (when Main Street is a state route, for example).
- ODOT has uniform standards for speed limits, traffic signals, and control access – these are standards that we are responsible for with the Federal Highway Administration (FHWA)
  - As a point of local community pride, many villages do not want ODOT to remove traffic signals, even if they are not warranted
  - If we did not remove unwarranted signals, ODOT would assume legal liability for any safety issues
  - We estimate that between one-third and half of traffic signals currently in villages on state routes are unwarranted by our standards
  - We estimate roughly \$38m to remove or upgrade these signals if we were given responsibility
  - \$1.7m in additional traffic signal inspections (hire more staff)
- Who assumes responsibility for the maintenance of public utilities that are within ODOT right-of-way? Villages would need permission from ODOT to work on utilities that fall under this obligation – many have utilities buried under these roads. Would ODOT then be responsible for re-paving if a village dug the utilities out?
- Highway lighting: many lighting locations have electric supply agreements between municipalities and local power companies – do these agreements get transferred to ODOT?

- Many village assets have a connected system that extends beyond the state route's right of way (coordinated traffic signals, lighting circuits, storms sewer systems, etc) – how would the maintenance responsibilities be divided?
- Access to the road: ODOT has a process that we must follow when we allow driveway access to new or existing properties. If the road is within the village limits, they can work to their liking to grant access whereas ODOT may have stricter standards.
- Maintenance of decorative items: many villages have decorative items (flower beds, flags, murals, etc) – who is responsible for maintaining them? What if they don't comport with ODOT standards?

Many villages do a great job maintaining their assets and partnering with ODOT on projects. However, the reality is that we would likely inherit a lot of work for which we previously had no responsibility. Therefore, if a village did not properly maintain assets, it now falls on the Ohio taxpayers for maintenance and repair – which can be much more expensive if the assets were not historically maintained properly.

None of these concerns or conclusions are meant to ignore the many challenges that our local governments are facing. ODOT recognizes that all levels of government are trying to do more with less – which is why we have kept our Local Program fully funded and supported the updated funding formula last General Assembly that gave locals a larger share of the motor fuel tax. However, ODOT believes absorbing control of village routes would be incredibly challenging and put a strain on our core mission. It would also have a detrimental impact on locals while also running counter to the long-established concept of Home Rule.

As stewards of Ohio's transportation system, ODOT is committed to working with our local and private partners as we build a safer transportation system. We all share the same goal of creating a transportation system that spurs economic development and job creation, and revitalizes our cities, townships, and villages. The current state-local partnership in building and maintaining roadways helped lay the foundation to make Ohio one of the transportation and logistics leaders in the country. ODOT believes that this very partnership is critical to creating a modern transportation system that will drive economic growth, provide safe and effective connectivity, enhance our communities, and improve the lives for every Ohioan.

Mr. Chairman, thank you for the opportunity to bring our questions and concerns to the committee for consideration.