



**Ohio Senate Transportation Committee
Proponent Testimony, SB 155
April 17, 2024
Northeast Ohio Areawide Coordinating Agency (NOACA)
Grace Gallucci, Executive Director and CEO**

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Grace Gallucci, Executive Director & CEO

Chair Kunze, Vice Chair Reineke, Ranking Member Antonio, and members of the Ohio Senate Transportation Committee – thank you for the opportunity to submit written proponent testimony on SB 155, to remove the requirement that the Department of Transportation construct certain interstate highway interchanges.

My name is Grace Gallucci, and I am Executive Director and CEO of the Northeast Ohio Areawide Coordinating Agency (NOACA), the federally designated metropolitan planning organization (MPO) for Northeast Ohio. NOACA is the transportation and environmental planning agency that represents state, county, city, village, and township officials in Greater Cleveland. NOACA addresses the transportation, air quality, and water quality needs of Cuyahoga, Geauga, Lake, Lorain and Medina counties. The agency and its partners cooperatively develop and implement plans to ensure that travel throughout the region is safe, cost-effective and environmentally sound.

NOACA previously submitted similar testimony to this committee on November 15, 2023. Subsequently, on December 1, 2023, the NOACA Board of Directors unanimously adopted a resolution to support SB 155 and companion legislation HB 276, to overturn the language adopted in the 2024-2025 Biennial Transportation Budget regarding interstate highway interchanges. The resolution is attached to this testimony.

NOACA supports SB 155, to overturn a provision that was signed into law on March 31, 2023, as part of the Ohio Biennial Transportation Budget for Fiscal Years 2024-2025, enacted as House Bill 23. Specifically, this provision attempts to legislatively require the development of new interstate highway interchanges at specific locations based on very specific metrics that, in fact, currently apply to only one particular location in Ohio – on Interstate 71 between Boston Road in Medina County and Drake Road in Cuyahoga County. This provision appears to have been initiated on behalf of one community that proposes the development of a new interstate highway interchange over the objection of an impacted community and an impacted county that strongly object to this proposal.

Importantly, this provision seeks to bypass long-established federal, state, and MPO legal requirements and processes regarding new or modified interstate highway interchanges, including the longstanding requirements by the Federal Highway Administration (FHWA) -- Title 23, United States Code, Highways Section 111 (23 U.S.C. 111) -- that a comprehensive Interchange Justification Study be completed by the relevant state department of transportation (in this case, the Ohio Department of Transportation/ODOT), and that a proposed interstate be included in the relevant MPO's (NOACA's) Transportation



Improvement Program (TIP). Final approval by FHWA/U.S. Department of Transportation (U.S. DOT) also requires full compliance with the National Environmental Protection Act (NEPA).

As an MPO with clear authority over the development and modification of highway interchanges, NOACA has strong concerns over the enacted provision, which goes to the very core of why MPOs were created in the first place. MPOs like NOACA were established by federal law in 1962 to carry out a continuous, cooperative, and comprehensive (3-C) transportation planning process. This process enables consensus-building among communities and local elected officials to facilitate a regional approach to transportation planning and funding, to address needs that are specific to the region, and to give local elected officials a voice in major transportation decisions that impact the region, like the development or modification of interstate highway interchanges.

In December 2020, in order to further clarify NOACA's approach to fulfilling its federally mandated MPO responsibilities, and in accordance with 23 CFR Part 450, Subpart C - Metropolitan Transportation Planning and Programming, the NOACA Board of Directors adopted a New or Modified Highway Interchange Projects Policy as part of its Regional Transportation Investment Policy (RTIP), to guide Board consideration of proposed new or modified interchanges, and establish a coordinated approach to the review and assessment of such proposals. This policy requires a thorough examination of a proposal's impacts with regard to transportation planning, fiscal responsibility, economic development, environmental protection, safety, quality of life, and racial equity – including impacts that may extend beyond the immediate vicinity of the project site and beyond the completion of the project into the future.

Moreover, this policy establishes specific methodology and criteria to evaluate new or modified highway interchange projects in order to facilitate a fair and comprehensive consideration of these project proposals and ensure coordination among project sponsors (including ODOT), impacted communities, and adjacent metropolitan planning organizations. The policy also requires that project sponsors demonstrate whether a proposed new or modified highway interchange results in net benefit for the entire NOACA region. This policy now serves as the institutional protocol for consideration and evaluation of highway interchange proposals and related capital investment decisions by NOACA.

During Statehouse consideration of the Transportation Budget, NOACA testified before the Ohio House Finance Committee in February 2023, and before the Senate Transportation Committee in March 2023, to oppose the proposed interstate provision on the grounds that it seeks to bypass existing federal and state law and processes, as well as the long-established decision-making authority of local elected officials collaborating through their federally designated MPO. Then and now, NOACA opposes any such attempt to skirt the established legal and procedural requirements for a new or modified interchange, and strongly supports SB 155 and its companion legislation, HB 276, to overturn the enacted interchange provision. Thank you for the opportunity to submit written testimony; a copy of the December 2023 NOACA Board resolution follows.



NORTHEAST OHIO AREAWIDE COORDINATING AGENCY
MEMORANDUM

TO: NOACA Board of Directors
FROM: Grace Gallucci, Executive Director and Chief Executive Officer
DATE: November 24, 2023
RE: **Resolution 2023-045: Interstate Highway Interchanges**

ACTION REQUESTED

The NOACA Board of Directors is asked to Adopt Resolution 2023-045: Interstate Highway Interchanges. This item was recommended by the Executive Committee.

BACKGROUND/JUSTIFICATION FOR CURRENT ACTION

This resolution reaffirms NOACA's commitment to full compliance with all relevant federal, state, and metropolitan planning organization (MPO) legal requirements, as well as NOACA Board policy, regarding consideration of new or modified interstate highway interchanges. This proposed action relates to a provision enacted through the Ohio Biennial Transportation Budget for Fiscal Years 2024-2025 that attempts to prescribe the development of a new interchange at a specific location in the NOACA region, notwithstanding established federal, state, and MPO legal requirements. This resolution affirms that NOACA will continue to adhere to all such legal requirements, including NOACA's New or Modified Highway Interchange Projects Policy adopted by the Board of Directors in 2020.

FINANCIAL IMPACT

There is no financial impact.

CONCLUSION/NEXT STEPS

Pending adoption, this resolution will be forwarded to Governor Mike DeWine, Ohio administration officials, and members of the Ohio General Assembly.

GG:bb

Attachment 1: Resolution 2023-045: Interstate Highway Interchanges Resolution

RESOLUTION OF THE BOARD OF DIRECTORS
OF THE
NORTHEAST OHIO AREAWIDE COORDINATING AGENCY

WHEREAS, the Northeast Ohio Areawide Coordinating Agency (NOACA) is the Metropolitan Planning Organization (MPO) for the counties of Cuyahoga, Geauga, Lake, Lorain, Medina, and the City of Cleveland and the areawide water quality management agency for the same region; and

WHEREAS, federal law (Title 23, United States Code, Highways Section 111) requires the U.S. Department of Transportation (U.S. DOT) to establish policies and procedures for the approval of new or modified interstate highway interchanges; and

WHEREAS, pursuant to federal law, the Federal Highway Administration (FHWA), an agency of the U.S. DOT, has developed regulations that establish specific steps that must be completed by states and MPOs prior to federal approval of any new or modified interstate highway interchanges, including completion of an Interchange Justification Report (IJR) and documentation of compliance with the National Environmental Protection Act (NEPA); and

WHEREAS, MPOs like NOACA were established by federal law in 1962 to enable continuous, cooperative, and comprehensive planning in order to facilitate a regional approach to transportation planning and funding within a region, and federal law contains numerous references to MPO authority to approve or reject a proposed or modified interchange on the interstate highway system, including but not limited to the MPO's roles in developing the region's Transportation Improvement Program (TIP), conducting conformity analyses related to attainment of air quality standards under the Clean Air Act, and as part of the MPO congestion management process; and

WHEREAS, according to Title 49 U.S. Code Subtitle III Chapter 53 Sec. 5303, Metropolitan transportation planning: "In a transportation management area, transportation plans shall be based on a continuing and comprehensive transportation planning process carried out by the metropolitan planning organization in cooperation with the State and public transportation operators," and "Projects carried out within the boundaries of a metropolitan planning area serving a transportation management area on the National Highway System shall be selected for implementation from the approved TIP by the State in cooperation with the metropolitan planning organization designated for the area," and

WHEREAS, in accordance with federal law -- including 23 CFR Part 450 Subpart C, Metropolitan Transportation Planning and Programming -- the NOACA Board of Directors adopted a New or Modified Highway Interchange Projects Policy (hereafter referred to as the NOACA Interchange Policy) as part of its Regional Transportation Investment Policy (RTIP) in December 2020, to guide Board consideration of proposed new or modified interstate highway interchanges and enable the agency to perform its due diligence under federal law; and

WHEREAS, the 2020 NOACA Interchange Policy established a coordinated approach to review and assess the merits of proposals for new or modified interstate highway interchanges, requiring a thorough examination of a proposal's impacts with regard to transportation planning, fiscal responsibility, economic development, environmental protection, safety, quality of life, and racial equity -- including impacts that may extend beyond the immediate vicinity of the project site and beyond the completion of the project into the future; and

RESOLUTION 2023-045
(Interstate Highway Interchanges)

WHEREAS, the 2020 NOACA Interchange Policy established specific methodology and criteria to evaluate new or modified highway interchange projects in order to facilitate the NOACA Board's fair and comprehensive consideration of these project proposals and ensure coordination among project sponsors, including ODOT and adjacent metropolitan planning organizations; and

WHEREAS, the 2020 NOACA Interchange Policy requires that project sponsors demonstrate whether a proposed new or modified highway interchange results in net benefit for the entire NOACA region, and now serves as the official institutional protocol for consideration and evaluation of highway interchange proposals and related capital investment decisions by NOACA; and

WHEREAS, the Ohio Biennial Transportation Budget for Fiscal Years 2024-2025, enacted as House Bill 23 by the Ohio Legislature and signed into law by Governor DeWine on March 31, 2023, includes a provision that attempts to circumvent established federal and state legal requirements, particularly MPO policies and procedures, regarding new or modified interstate highway interchanges, including requirements for IJR development and NEPA compliance, prior to the development of new or modified interstate highway interchanges, and

WHEREAS, the aforementioned provision attempts to authorize – without regard for federal or state legal requirements, particularly MPO policies and procedures -- the approval of new interstate highway interchanges at specific locations based on very specific metrics that currently only apply to one particular location in Ohio – on Interstate 71 between Boston Road in Medina County and Drake Road in Cuyahoga County; and

WHEREAS, the aforementioned provision reflects the plans of one community that proposes the development of a new interstate highway interchange notwithstanding the objections of another impacted municipality and county in the region; and

WHEREAS, NOACA testified before the Ohio House Finance Committee in February 2023, and before the Senate Transportation Committee in March 2023, to state that the aforementioned provision represents an attempt to circumvent federal and state legal requirements, particularly MPO policies and procedures; and

WHEREAS, NOACA recently submitted written proponent testimony to two Statehouse hearings (Ohio House Economic & Workforce Development Committee on October 17, 2023; and Ohio Senate Transportation Committee on November 15, 2023) in support of House Bill 276 and Senate Bill 155 to repeal the aforementioned provision; and

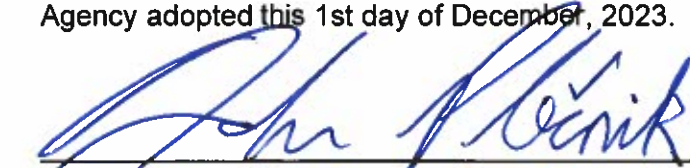
NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Northeast Ohio Areawide Coordinating Agency, consisting of forty-eight principal officials serving general purpose local governments throughout and within the counties of Cuyahoga, Geauga, Lake, Lorain, Medina, and the City of Cleveland that:

Section 1: The NOACA Board of Directors opposes the creation of this proposed interchange as directed through enactment of a provision in the Fiscal Year 2024-2025 Ohio Transportation Budget that attempts to circumvent federal and state legal requirements, particularly MPO policies and procedures, for the approval of new and modified interstate highway interchanges; and supports the passage of House Bill 276 and Senate Bill 155 to repeal the interchange construction requirement codified at Ohio Revised Code Section 5501.60.

**RESOLUTION 2023-045
(Interstate Highway Interchanges)**

Section 2: The NOACA Board of Directors hereby affirms that it will continue to adhere to all applicable federal and state legal requirements, particularly MPO policies and procedures -- including requirements for the completion of an Interstate Justification Report, NEPA compliance, and compliance with the 2020 NOACA Interchange Policy -- with regard to Board recommendations and intergovernmental coordination related to any proposed new or modified interstate highway interchanges within its five-county jurisdiction.

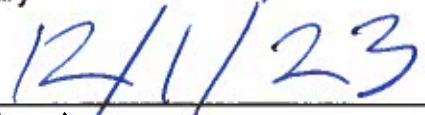
Certified to be a true copy of a Resolution of the Board of Directors of the Northeast Ohio Areawide Coordinating Agency adopted this 1st day of December, 2023.



Handwritten signature of John P. Klink in blue ink, written over a horizontal line.

Secretary

Date Signed



Handwritten date 12/1/23 in blue ink, written below the signature line.