

Dear Members of the Economic and Workforce Development Committee,

My name is Stephen Hanudel. I have been a resident of Brunswick for over the past six years. I am also an attorney who has litigated statutory and rule interpretation in the Ohio appellate courts as well as the Ohio Supreme Court.

Ohio Revised Code Section 5501.60 is poorly written. Its interpretation and application will inevitably be highly contested in litigation as more questions are raised as to what the statute's words mean and how they are applied to the facts on the ground.

In statutory interpretation, Ohio courts must give effect to the words used and not insert words not used. *Bernardini v. Board of Education for the Conneaut Area City School District*, 58 Ohio St.2d 1, 4, 387 N.E.2d 1222, 1224 (1979). Courts read undefined words or phrases in context and then construe them according to rules of grammar and common usage. *Erwin v. Bryan*, 125 Ohio St.3d 519, 523, 2010-Ohio-2202, ¶22, 929 N.E.2d 1019. If a statute is unambiguous, it is applied as written. *State v. Miller*, Slip Opinion No. 2023-Ohio-3448, ¶18.

Given these considerations, let's examine ORC 5501.60 a little more closely. It speaks of a highway traveling through two municipal corporations. It does not mention townships. This already creates ambiguity and complication as applied to the situation with I-71 traveling through Brunswick and Strongsville.

Brunswick is an oddly shaped city. It never fully took over Brunswick Hills Township. There continues to be isolated landlocked pockets within the City that still remain as the Township. As you may see from the map enclosed with my written testimony, one of those involves I-71. Just south of Boston Road, I-71 leaves the City and enters the Township. It then reenters the City north of State Route 303. A short time later, it leaves the City for good at Laurel Road. This raises the first question – can the statute force an interchange in Brunswick Hills Township?

Also, it is not clear how the statute's 4.5 mile interval requirement is measured in relation to the two municipal corporations. Where does the interval measurement begin or end when I-71 briefly travels through the City of Brunswick twice with Brunswick Hills Township in between?

Further, can the wording in ORC 5501.60(A) be read to mean that just because I-71 happens to travel through two municipal corporations that satisfy the criteria in subsections (A)(1), (2), and (3), the entire length of I-71 in Ohio must have interchanges every 4.5 miles? Again, the courts are tasked to apply the law as written, not discern legislative intent. This reading fits within in the plain language. In fact, it may be the only way to involve Brunswick Hills Township in the statute's application.

This statute is poorly written and not well thought out. If left to stand, it will surely be contested in litigation with the courts having the final word as to how it will be interpreted and applied. That is a game of chance that everyone potentially affected by this statute cannot afford to lose. Even to win, it will take thousands upon thousands of dollars in attorney fees.

The best remedy to avoid this impending mess is an outright repeal. Besides, the decisions on where to build interchanges are best left to the professionals in ODOT and other agencies who dedicate their careers studying and understanding, on a scientific and technical level, what works and what does not.

I urge all of you to support HB 276 and repeal ORC 5501.60. Thank you.