



Ohio House Economic and Workforce Development Committee House Bill 276

Proponent Testimony
June 18, 2024

*Northeast Ohio Areawide Coordinating Agency (NOACA)
Grace Gallucci, Executive Director and CEO*

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Grace Gallucci, Executive Director & CEO

Chair Swearingen, Vice Chair Santucci, Ranking Member Upchurch, and members of the Ohio Economic and Workforce Development Committee – thank you for the opportunity to submit testimony in support of House Bill 276, to remove the requirement to construct certain interstate interchanges.

I am Grace Gallucci, Executive Director and CEO of the Northeast Ohio Areawide Coordinating Agency (NOACA), the federally designated metropolitan planning organization (MPO) that conducts transportation and environmental planning for Cuyahoga, Geauga, Lake, Lorain, and Medina Counties. On behalf of NOACA, I appreciate the opportunity to testify, and NOACA looks forward to working with ODOT and all impacted communities to develop a mutually agreeable solution to the traffic congestion in Strongsville and other communities along I-71 in Cuyahoga and Medina Counties.

The NOACA Board, comprised of 48 elected and appointed officials representing NOACA's five counties, has been very clear in support of HB 276 and its companion bill, SB 155, to remove Ohio Revised Code (ORC) Section 5501.60 that requires interstate interchanges be constructed every 4.5 miles in adjacent municipal corporations with populations exceeding 35,000, provided they are located in different counties with one county's population exceeding one million. Currently, this formula would result in construction of a new interstate interchange in only one location in Ohio: on Interstate 71 (I-71) between Boston Road in Medina County and Drake Road in Cuyahoga County.

The NOACA Board understands that significant transportation decisions and investments must be made through collaboration and coordination among communities – rather than one community dictating an outcome that may harm a neighboring community. They also understand that, ultimately, federal approval of any new or modified interchange on the federal interstate highway system must follow a prescribed process laid out in federal law and regulations, and that final approval by the Secretary of Transportation is contingent on adherence to this process. Short cuts – even via state law – are not part of this process. In December 2023, following enactment of the interchange language as part of Ohio's Transportation Budget, the NOACA Board unanimously adopted Resolution 2023-045 to 1) oppose the creation of this interchange as a directive of state law in violation of the federally prescribed process, and 2) support passage of HB 276 and SB 155 to repeal the interchange construction requirement codified at ORC 5501.60.

I should note that when Ohio's Transportation Budget bill (HB 23) was originally drafted to include the interchange language now being discussed, I testified before committees in the Ohio House and Senate in opposition to this proposal.



I stated then, and I will state now, that this language – prescribing the construction of federal highway interchanges based on a unique formula that only applies to one location in Ohio – infringes on the decision-making authority of local elected officials as established under federal law.

MPOs, like NOACA, were established to enable consensus-building among communities and local officials to facilitate a regional approach to transportation planning and funding, and address needs that are specific to the region. Federal law and regulations give MPOs significant authority in decisions regarding interchanges on the federal highway system. In fact, in 2020, the NOACA Board adopted an official interchange policy that determines how the Board will evaluate proposals for new or modified interchanges in the NOACA region – to ensure that future decisions are merit-based -- using data, public input, and thorough analysis of a proposal's impact on the entire region.

In response to this ongoing issue, as well as concerns raised by impacted residents and communities, NOACA and the Ohio Department of Transportation (ODOT) recently committed to conducting a far-reaching, thorough and comprehensive study to determine the best way forward – to find a solution that is mutually beneficial and acceptable to all surrounding communities, including both Strongsville and Brunswick. We have issued a request for proposals to procure a professional firm to conduct this study, and we anticipate awarding a contract in September 2024. The study will produce a federally compliant feasibility study that meets the requirements of the National Environmental Policy Act (NEPA). The study will use up-to-date forecasting models and data, along with significant stakeholder engagement, to analyze and evaluate various potential improvements to the transportation network in the area of concern and throughout the Northeast Ohio region.

I am here today to state that this process is already moving forward with a clear timeline: the RFP was posted on May 28, 2024, with a deadline to submit proposals on June 25, 2024. A decision will be made shortly thereafter, and work will commence in September 2024. In light of this strong commitment, I would like to again express the NOACA Board's unanimous support for HB 276 and SB 155, and respectfully request that the Committee give all due consideration to moving HB 276 forward so that the federally established, merit-based process for making decisions about interstate highway interchanges can move forward.

In fact, some NOACA Board members, as well as members of the public, have expressed concern that the continued existence of the offending ORC language unduly biases the feasibility study as it moves forward. I would concur that there is a strong argument for repealing the offending language as quickly as possible, to provide a clean state and better facilitate an open-minded, fair, and unbiased process with no predisposed outcomes.

Thank you for your consideration of this testimony, and I am happy to answer any questions from the Committee.



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

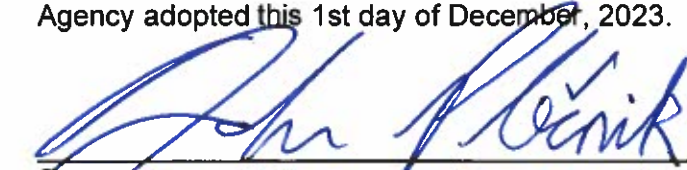
NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Northeast Ohio Areawide Coordinating Agency, consisting of forty-eight principal officials serving general purpose local governments throughout and within the counties of Cuyahoga, Geauga, Lake, Lorain, Medina, and the City of Cleveland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

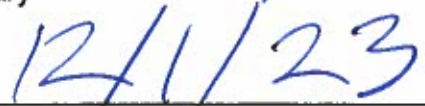
Section 1: The NOACA Board of Directors opposes the creation of this proposed interchange as directed through enactment of a provision in the Fiscal Year 2024-2025 Ohio Transportation Budget that attempts to circumvent federal and state legal requirements, particularly MPO policies and procedures, for 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.


Secretary


Date Signed