

Chairman Mica, Representatives Gibbs, Stivers and Schmidt, and Congressional staff:

Good morning. My name is Bill Lozier and I am the deputy county engineer in Licking County Ohio. I am here representing the County Engineer's Association of Ohio and I will provide comments for the record from two affiliate national organizations, the National Associations of County Engineers and County Officials (NACE and NACO.) My background and career includes serving at the Ohio Department of Transportation as a deputy director, I have worked for two local governments and in the private sector in transportation consulting. My entire career has been spent either managing federally funded transportation projects, profiting from it, or being immobilized by it.

Ohio's statutes require that each of the 88 counties elect a County Engineer to have authority over the County road system, and to act in an advisory capacity for the Township road system. The Ohio Department of Transportation (ODOT) is responsible for interstates, US routes and state routes. This is different than some of our neighboring states where the state department of transportation is responsible for maintenance, operations and roadway improvements projects for the entire roadway network. Additionally, Ohio is a home rule state, where incorporated municipal governments have authority over all non-interstate highways within their incorporated boundaries. Municipalities and the local governments that are subdivisions of the state have federal highway funds available to them that are passed down from FHWA and through ODOT.

In the past there have been different levels of FHWA and ODOT oversight for federal/local programs. In the 1980's and in prior years engineers from both agencies not only were involved in project initiation, but also had approval authority of project scope, NEPA documentation, design elements and construction engineering. Needless to say this was a very cumbersome, time consuming and costly process. (I was involved in the tail end of a local project in northwest Ohio known as the Greenbelt Parkway that lasted 25 years from inception through construction. During the course of that time, both the environmental document and design criteria became obsolete making it necessary to revise the E.I.S. and construction plans after they were completed.) Late in 1991, the new federal transportation bill loosened up federal oversight requirements, but there were anecdotal reports of this being slow to implement, and the levels of oversight are still not uniform nationwide. In 1996 ODOT implemented a new program for Local Public Agencies where there was less oversight certainly by the central office, and gave the locals a much greater role in managing federally funded projects, provided they made a contractual obligation to meet all the current FHWA requirements for right of way acquisition, environmental documentation and design standards. In a sense we were taking over the ODOT role for program compliance.

Since that time the LPA program has devolved into greater oversight responsibility by ODOT than in the earlier stages. This oversight reversion has been precipitated by various instances of lapses in management of the program requirements by the locals. These situations reflected poorly on the LPA and ODOT, and presented risk to ODOT's own good standing with FHWA. I mention these lapses because over time they have resulted in ODOT re-claiming much of the oversight authority for federal/local programs, but also because it demonstrates inherent problems. In many instances local governments are forced to turn the entire project management over to third party consultants, because they have neither the resources nor knowledge to navigate through all potential pitfalls and process violations. This is a common limitation to many small municipalities and counties statewide and underscores the short term need for making the necessary resources available to assist local governments in navigating the process, **but ultimately the need for complete regulatory reform.**

In spite of the strides we had made toward local public agency ownership, in Ohio we are back to square one, as evidenced by the fact that many of our county engineers have laid down their efforts to demand reform, while others have eschewed the programs altogether. We are highly optimistic that ODOT's new Director Jerry Wray and his leadership team will do everything in their power to facilitate these programs for local governments, as he has a proven track record of doing just that when he was the previously the ODOT director. However, if the DOT is still bound by the myriad of FHWA regulations that currently govern the federal/local programs we can see history repeating itself. Let me be clear- it is not enough to facilitate getting through the federal highway project development process- In the longer term we need complete regulatory reform.

In order to achieve that goal, we are offering 5 suggestions for your consideration for inclusion into the federal bill. They are as follows:

1 – Make an allowance for local public agency governing authorities like the County Engineers Association of Ohio to develop their own design standards and approve their own design exceptions. Although there may already be an implied allowance for this in the federal rules, definitive enabling language should be added to the new highway bill in order to eliminate interpretation ambiguities.

2 – Make an allowance to pass the federal funded projects of certain size and scope through agencies like the CEAO and/or Ohio Public Works Commission thereby replicating a proven programmatic process that minimizes DOT oversight. The suggested size of project would be \$1 Million or less, and would include all roadways under local authority, even those on the NHS. This would be a move toward a block grant style program. Although this accommodation

would require programmatic agreements between the CEAO, OPWC and ODOT, enabling language in the new federal bill would also be required. **See Exhibit 1.**

3 – Require that best practices for federal/local programs oversight by state DOT's be identified with specific emphasis on those that offer the greatest flexibilities, and require continuous process improvements by the DOT's during the term of the bill. NACE has determined that several states have adapted their programs to better meet the needs of their local constituents, but that widespread program implementation inconsistencies exist. The goal would be to create a menu of options for use by state DOT's as they improve their own governance procedures. Although the state DOT's will be responsible for increasing responsibilities of oversight, the continuous improvement role of the FHWA will discourage lapses in program flexibilities over time. Local constituent organizations like NACE should be included in this effort.

4- Maintain the current federal/local programs but gain better value through program reforms and continual improvement. County governments own about 1.77 million miles of highways – 45% of the nation's 4 million mile roadway network, and 256,000 bridges, or 44% of the total bridges nationally. Declining revenues and increasing material costs impact local governments as they do state DOT's. Ohio's County Engineers maintain 25,805 federal bridges of which 6,023 are structurally deficient, functionally obsolete, or closed. ODOT maintains 10,812 federal bridges, of which 2,207 are structurally deficient or functionally obsolete. Almost two-thirds of the nation's fatalities occur on rural roads. Fatalities are 2.75 times higher on rural roads than on other roads.

5- Strengthen technology transfer and other training programs for local public agencies. Although the primary focus must be on reform, training and communication efforts must get greater emphasis in the short term.

NACE recommendations for specific language in the federal transportation bill are shown on **Exhibit 2**. Supporting information to this language is included in **Exhibit 3**, NACE Federal-Aid Process Streamlining Issue Paper (4/19/2009), and in **Exhibit 4**, the Findings of the 10 Regional Every Day Counts Summits hosted by FHWA.

Thank you for your time and consideration to these recommendations for inclusion in to the new highway bill.