

# Memo

**Date:** June 2, 2023  
**To:** Joe Shaw, Chair  
Mike Pniewski, Vice Chair  
Members of the Transportation Council  
**From:** David Gedeon, Vice President of Transportation  
**Subject:** **TRANSPORTATION COUNCIL REPORT - JUNE 7, 2023 MEETING**

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This report is an update of staff activity and background on selected agenda items for our next Transportation Council meeting to be held on Wednesday, June 7, 2023. The agenda and meeting materials are available at <https://tmacog.org/councils-committees/transportation-council>. If you would like a hard copy or have any problems accessing any of the information, please contact Jodi Cole (ext. 1120). If you have any questions or concerns on any agenda items, please contact me (ext. 1125).

Congestion Management Process (CMP) Report (Agenda IV – for approval) – As the population in the Toledo Urbanized Area (TMA) exceeds 200,000, our region is subject to the planning requirements that apply to TMAs including the development and implementation of a Congestion Management Process (CMP). Over the past several months, staff has been preparing a CMP report and presented an update to the System Performance and Performance Committee on April 17<sup>th</sup> and to the Transportation Planning Committee on May 16<sup>th</sup>. The Congestion Management Process is intended to provide decision-makers with the following:

- 1) a status on the transportation system congestion
- 2) an understanding of existing and anticipated system performances
- 3) information on congestion management strategies
- 4) specific performance measures
- 5) recommended next steps for implementation

Staff seeks approval of the CMP at this meeting for the document to go to the Board of Trustees on June 21<sup>st</sup>.

Multimodal Needs Assessment Report (Agenda V – for approval) – Marissa Bechstein will present information on the Multimodal Needs Assessment. The report identifies gaps and needs in the regional transportation system and is used as an information resource in the Long Range Transportation Plan process.

HB 64 Opposition (Agenda VI – For Approval) – Ohio HB 64 as proposed would make broad changes to the state's eminent domain laws. Among the changes are the following:

- Excludes the use of property as a recreational trail as a “public use” for which property may be appropriated.
- Voids appropriations (the taking of property through eminent domain) that do not follow statutorily mandated procedures.
- Increases the taking agency's (the government or private entity appropriating property) burden of proof in appropriation proceedings.
- Narrows factual presumptions made in favor of taking agencies in appropriations proceedings.

- Prohibits a taking agency from reducing any offer it makes in an effort to acquire property, if the attempts may result in appropriations proceedings, or subsequently arguing for a lower valuation in an appropriation proceeding.
- Expands required attorneys' fee, cost, and expense awards due to property owners in appropriation actions.
- Allows property owners who allege their property has been appropriated outside of the required judicial process to sue for inverse condemnation.
- Requires courts hearing inverse condemnation cases to award successful property owners attorneys' fees, costs, and expenses.
- Requires courts hearing appropriations cases to award property owners damages if the taking agency uses coercive actions.
- Lengthens certain appropriation proceeding deadlines.

Public Comment Period (Agenda VIII) – Comments from the public.

Standing and Ad Hoc Committee Reports (Agenda IX) – From Committee chairs

Vice President's Report (Agenda X – for discussion) – In addition to the above agenda topics and information covered in the Committee Reports, the following are other items members of Transportation Council should be aware of.

- TMACOG will host DriveOhio on Thursday, June 22<sup>nd</sup> at 11:00 am in the Grand Lobby to hear about progress made thus far and offer feedback on candidate charging locations and other plan updates. The meeting is open to the public. Following the session, a vehicle showcase will begin in the TMACOG parking lot at noon.
- ODOT has informed MPO's statewide that the process to review Urban Area Boundaries will begin during the first week of September of 2023. It is ODOT's goal to have the urban boundary adjustments completed and approved by FHWA by June 30, 2024. Following FHWA approval, the process to update the Ohio Highway Functional Classification system will begin. A target date for approval of the Functional Classification has not yet been determined.
- The OKI Conference on Freight will be held from September 5<sup>th</sup> – 7<sup>th</sup> in Cincinnati. Featured Keynote Speakers include Jack Marchbanks, Director, Ohio Department of Transportation, and Jim Gray, Secretary, Kentucky Transportation Cabinet. More information on the program, events and registration can be found here - <https://ohioconferenceonfreight.com/>
- Staff has set dates and locations for the 2023 Gas Cap Testing and Replacement Program. Each event will take place from 10:00 am – 1:00 pm.
  - Wednesday, July 19: Bowling Green State University (Lot 13, Wooster Street and Alumni Drive, near Doyt Perry Stadium)
  - Thursday, July 20: Westgate Village (3450 Central Ave., Toledo)
  - Wednesday, July 26: Perrysburg Junior High (550 E. South Boundary St., back parking lot)
  - Thursday, July 27: Monroe Community College (Whitman Center, 7777 Lewis Ave., Temperance, MI)

- TMACOG welcomed back Saiful Alam as our summer intern for another season. Saiful is a Master's Degree candidate in the University of Toledo's Geography and Planning program. He will be collecting traffic counts throughout the summer.
- Registration is now open for TMACOG's annual Summer Caucuses and Panel Forum with State Lawmakers. The event will be held on Wednesday, August 2<sup>nd</sup> at Penta Career Center. A breakfast reception begins at 7:45 a.m., followed by caucus breakout sessions at 8:15 a.m. The panel forum featuring lawmakers from northwest Ohio and southeast Michigan begins at 10 a.m., followed by lunch at 11:45. Registration is \$20 for TMACOG members and students, and \$30 for non-members. Please note that this is the same date as our next Transportation Council meeting. <http://www.tmacog.org/events>
- Bipartisan Infrastructure Law Update – The table below identifies the current BIL solicitations amount available and the due dates. This information is regularly updated and can be found here: [www.transportation.ohio.gov/BIL](http://www.transportation.ohio.gov/BIL)

Program & NOFO Link	Amount Available	Applications Due
<a href="#">Charging and Fueling Infrastructure</a>	\$700,000,000	6/13/2023
<a href="#">Reduction of Truck Emissions at Port Facilities</a>	\$160,000,000	6/26/2023
<a href="#">Safe Streets and Roads for All</a>	\$1,177,213,000	7/10/2023
<a href="#">Interstate Rail Compacts Grant Program</a>	\$5,815,800	7/10/2023
<a href="#">Airport Improvement Program Discretionary Grants</a>	\$1,500,000,000	7/14/2023
<a href="#">Passenger Ferry Grant Program</a>	\$50,100,000	7/17/2023
<a href="#">Ferry Service for Rural Communities</a>	\$170,000,000	7/17/2023
<a href="#">Wildlife Crossing Pilot Program</a>	\$111,850,000	8/1/2023
<a href="#">Protect</a>	\$848,000,000	8/18/2023
<a href="#">Clean School Bus</a>	\$400,000,000	8/22/2023