

IN THE SUPREME COURT OF OHIO

CITY OF INDEPENDENCE)	
)	
Plaintiff-Appellee,)	Case No. 2013-0984
)	
v.)	
)	On Appeal from the Cuyahoga County
OFFICE OF THE CUYAHOGA COUNTY)	Court of Appeals
EXECUTIVE, et al.,)	Eighth Appellate District
)	Case No. 97167
Defendant-Appellants)	
)	

**MERIT BRIEF OF AMICUS CURIAE COUNTY ENGINEERS ASSOCIATION OF OHIO
IN SUPPORT OF DEFENDANT-APPELLANT OFFICE OF THE CUYAHOGA COUNTY EXECUTIVE**

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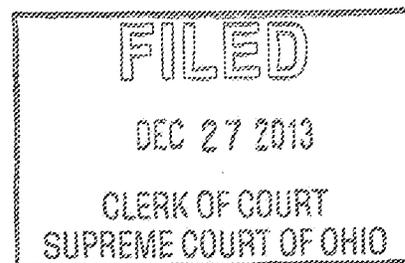
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STATEMENT OF INTEREST OF AMICUS CURIAE

The County Engineers Association of Ohio (“CEAO”) is a private, not-for-profit corporation whose membership consist of the independently elected county engineers of 87 of Ohio’s 88 counties and the appointed county engineer of Cuyahoga County. CEAO provides information and education to its members, their staffs and others in order to enhance the ability of the members to better carry out their duties and works with the public sector, legislators, and state, county, municipal, township and other public officials to create an environment in which their members can best assist the public.

CEAO’s members are responsible for the provision of safe roads, bridges and culverts on county roads and safe bridges on township roads and in some instances on certain bridges on improved roads, the latter being the question in this case. Sometimes when issues affect their members’ ability to best serve the public, CEAO will file an amicus curiae statement or provide briefing on relevant legal issues as is so in this case.

The condition of roads and bridges and who has the responsibility to fix bridges and pay the cost to fix the bridges, and whose bridge gets fixed and when it is fixed is a matter of great interest to CEAO’s members. The American Society of Civil Engineer’s 2013 Report Card on the Nation’s Infrastructure found that 2,462 of the 27,045 bridges in Ohio (9.1%) are considered structurally deficient and another 4,311 of its total bridges in Ohio (an additional 15.9%) are considered functionally obsolete and need replacement. (Report Card at <http://www.infrastructurereportcard.org/ohio/ohio-overview/>).

The Ohio Department of Transportation (ODOT) recognized the need to provide additional funds for the repair or replacement of locally owned bridges and recently announced

Ohio's Bridge Partnership program. The program will invest \$120 million in local bridges over the next three years which is expected to repair or replace more than 200 county and city bridges that meet criteria established by ODOT. The bridge on Old Rockside Road is not one of the bridges selected for repair or replacement by ODOT under this program. (News Release at www.dot.state.oh.us/news.)

However, the pool of funds for use to construct or repair bridges is finite. There is a big backlog of bridge projects that need to be done and await funding. If one community can demand funding of its bridge repair, other communities are put back further on the list of needed projects. That is why this case is so important to the CEO's membership. By their decisions, the courts below have added to the responsibilities of the county engineers by judicial decree. The Courts below have done so by determining that the bridge, located in the City of Independence and the Village of Valley View, is the default responsibility of Cuyahoga County, apparently because the bridge straddles the two municipalities. Despite being constrained to a limited review of administrative determinations, these Courts have so ruled, even though the County vacated the road on which the bridge is located more than 30 years ago.

The City's Evolving Positions after the Trial Court's Reversal of the BOCC Determination.

This year the City of Independence recently sought and received approval for funding to replace the Old Rockside Road Bridge from both the Ohio Department of Transportation (ODOT) and the Northeast Ohio Area Wide Coordinating Agency (NOACA). See Appx. 001-003. In fact, "the City has received a \$2,500,000.00 grant commitment from [ODOT] to assist with the replacement of the Old Rockside Road Bridge[.]" See City of Independence City Council Resolution No: 2013-16 passed February 13, 2013 (Appx. 058-059) and NOACA

resolutions No. 2013-029¹ and 2013-030². See Appx. 004-006 and Appx. 007-010. The estimated total cost of the bridge is \$5.3 million dollars. See Appx. 001³. The actions taken by the City of Independence and NOACA occurred *after* the trial court and Court of Appeals reached their decisions in this case. Id. By its own actions and representations, the City of Independence has recognized that it is responsible for maintaining or replacing the Old Rockside Road Bridge, not the County.

STATEMENT OF THE CASE AND STATEMENT OF FACTS

Amicus Curiae County Engineers Association of Ohio adopts the Statements of Case and Facts set forth in the Defendants-Appellant's Brief.

ARGUMENT IN SUPPORT OF APPELLANT'S PROPOSITION OF LAW

Appellant's Proposition of Law:

A county has no duty to repair or replace a bridge on dead-end private drive serving a limited number of businesses. The county's duty to repair or replace such a bridge depends upon whether the road served by the bridge is a road of general and public utility, and such a road primarily serves a small number of special and private interests. *Interurban Ry. & Terminal Co. v. City of Cincinnati*, 94 Ohio St. 269 (1916); 1990 Ohio Op. Atty. Gen. 2-334, followed.

A court can not impose a requirement to keep in repair or reconstruct a bridge based on the use of the bridge without considering the use of the road on which the bridge is located.

Old Rockside Road was vacated by the county in 1967 and the Court of Appeals correctly so found. See Ap. Op. ¶7. Cuyahoga County vacated the road in accordance with the

¹ Also available online at <http://www.noaca.org/modules/showdocument.aspx?documentid=1111>

² Also available online at <http://www.noaca.org/modules/showdocument.aspx?documentid=1130>

³ Also available online at <http://www.noaca.org/index.aspx?page=211>. ("Old Rockside Road is functionally classified as an urban **local** road") (emphasis added).

provisions of R.C. Chapter 5553. No issue was raised in this case about the validity of the vacation.

For many years the City of Independence has maintained maintenance responsibility for the Old Rockside Road and the bridge. In recent years the City of Independence filed applications to seek funding from the State of Ohio Public Works Commission from funds specifically earmarked for municipalities to pay for the reconstructions costs of bridges. After the City of Independence's request for state funding for the Old Rockside Road Bridge was denied, the City of Independence's Law Director sent a request to the Cuyahoga County Board of Commissioners to hold a hearing to determine if the Old Rockside Road was a road of general and public utility. On December 2, 2010, a hearing was held and based upon testimony provided by the Cuyahoga County Prosecutor's office and Engineer's office, the Board of County Commissioners held that Old Rockside Road Bridge was **not** a road of general and public utility. Id at ¶3. The result of this decision was that Cuyahoga County was not responsible for the cost of the bridge's repair or maintenance. Id.

The City of Independence filed an administrative appeal of the decision by the Cuyahoga Board of County Commissioners to the Cuyahoga County Court of Common Pleas. Id at ¶3. In July 2011, the Cuyahoga County Court of Common Pleas overturned the decision by the Board of County Commissioners and found that the Old Rockside Road Bridges was a bridge of "general and public utility". Id at ¶5. On appeal this decision by the Cuyahoga County Court of Common Pleas was upheld by the Eight District Court of Appeals. Id.

The Court of Appeals erred in finding that R.C. 5591.02 and R.C. 5591.21 will fix liability for repair and construction of the bridge on the grounds that the Old Rockside Road Bridge (not Old Rockside Road) is a bridge of general and public utility. See Court's

determinations and affirmances of the Trial Court decision at *Ap. Op.* ¶¶1, 14, 30, 37. Trial Court Judgment in *Ap. Op.* at ¶5.

In making such a finding, the Eighth District Court of Appeals engaged in rewriting the statutory language and only the legislature can rewrite statutes. The Court's decision based only upon usage of the bridge, instead of the usage of the road that includes the bridge, must be reversed as non-compliant with the two applicable statutes, R.C. 5591.02 and R.C. 5591.21.

R.C. 5591.02 reads:

The board of county commissioners shall construct and keep in repair all necessary bridges in municipal corporations on all county roads and improved roads that are of general and public utility, running into or through the municipal corporations, and that are not on state highways.

The plain meaning of this statute is that the road, not the bridge, must be of general and public utility and to find otherwise as the Court of Appeals did, requires reversal.

The first paragraph and applicable part of R.C. 5591.21 reads:

Except as provided in section 5501.49 of the Revised Code, the board of county commissioners shall construct and keep in repair necessary bridges over streams and public canals on or connecting state, county, and improved roads.

Ohio law is clear that the term "improved roads" in R.C. 5591.21 must be read in *pari materia* with the use of that term in 5591.02 and thus is qualified and limited to those roads that "are of general and public utility, running into and through" the municipal corporation. See *State ex rel. Moraine v. Bd. of Cty. Commrs. Of Montgomery Cty.*, 2nd Dist No. 10033, 1987 WL 6638 at *4 (1987); *Washington Court House v. Dumford* 22 Ohio App. 2d 75,77, 258 NE.2d 261 (2nd Dist, 1969).

Limiting the county's responsibility to roads and bridges that provide for general as opposed to local traffic was established long ago in Ohio. In the *City of Piqua v. Geist*, 59 Ohio St. 163, 52 N.E. 124 (1898) this Court stated that county commissioners were required to

construct and keep in repair bridges over natural streams and public canals on streets established by a city or village for the use and convenience of the municipality, and not a part of a state or county road. Instead, this Court held that it was the duty of the city or village to keep such bridges in repair. *Id.* at Syllabus.

Following this Court's instruction, in *Washington Court House v. Dumford* 22 Ohio App.2d 75, 78, 258 NE.2d 261, 264 (2nd Dist, 1969), the Court of Appeals stated that 5591.02 and R.C. 5591.21 "must be read in pari materia *** so that R.C. 5591.21 is qualified and limited by the words 'which are of general and public utility running into or through the municipal corporation[.]'". There, the trial court was asked to apportion responsibility for a number of bridges within the city of Washington Court House. See Appx. at 062-067. In the trial court's opinion, Judge Coffman found seven bridges were **not** on roads of general and public utility, and four bridges were on such roads. *Id.* Looking at these bridges found to be Fayette County's responsibility plotted on a map, it is readily apparent that these bridges are on main arteries of Washington Court House. See Appx. at 068. Indeed, all of the bridges determined to be "County Bridges" by Judge Coffman are on existing or "old" U.S. Highways. *Id.*

In contrast, the bridges found to be the City's responsibility in the *Dumford* case were noted by the trial court to be "on intra-city streets and not on state and county roads and improved roads of general public utility. . ." See Appx. 067. These seven "city" bridges are found mapped in Appx. at 069. Applying the *Dumford* analysis to this case, the Old Rockside Road Bridge is even less deserving of designation as a County Bridge because it goes to an isolated business enclave. See County's Memo in Support of Jur. at p. 5. At least each of the seven bridges in Fayette County determined to be the city's responsibility actually went through to some other road. See Appx. at 69.

In a more recent case, *State ex rel. Moraine v. Bd. of Cty. Commrs. Of Montgomery Cty.*, 2nd Dist No. 10033, 1987 WL 6638 at *4 (1987), the court stated that the purpose of R.C. 5591.21 and 5591.02 is to place responsibility for bridge construction and maintenance upon a city where the bridge is situated on a city street and is meant to facilitate local traffic primarily.” Id at *4.

It also should be noted that the Court of Appeals throughout its Opinion stated contrary to the record that the County Prosecutor’s office, and County Engineer argued that the bridge was not a bridge of general and public utility. Ap. Op. ¶3, 9, 10, 21. The record of both the oral recording of the hearing and the various documents in the record clearly show that the county was focused on the use of the road. Representatives from the County Prosecutor and County Engineer’s Offices are in the record as claiming “it was a dead end road” and the “traffic count on the road did not justify finding the road was of general and public utility”. Ap. Op. ¶21.

The Eighth District’s decision further states (contrary to the record) that the Board of Commissioners found the bridge to be a bridge of general and public utility. Ap.Op. ¶¶1, 3, 10, 25. The record is clear that the Board of County Commissioners (“BOCC”) focused on the fact that the road was not a road of general and public utility and made no findings relative to a bridge being of general and public utility.

The BOCC at the beginning of the hearing, stated that it had received a request from the County Prosecutor for a determination of whether or not Old Rockside Road, located in the City of Independence and Village of Valley View, is a road of general and public utility, as that term is used in Ohio Revised Code Sections 5591.02 and 5591.21. The Board considered this item and made the determination that Old Rockside Road is not a road of general and public utility. The determination was adopted by majority vote, with Commissioner Dimora recusing himself

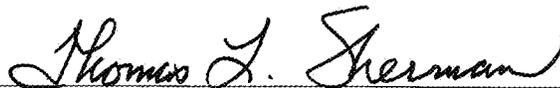
from the vote. Clearly no determination was made by the Board with respect to the bridge being a bridge of general and public utility and it is inaccurate for the Court of Appeals to so report.

The mistaken finding by the Court relative to the positions of the County Prosecuting Attorney and the County Engineer and the actions taken by the BOCC, results in the affirmance of the trial court's decision as not being supported by a preponderance of reliable, probative, and substantial evidence. The Eighth District's decision below must be reversed on this ground as well as the Court of Appeal's judicial rewrite of R.C. 55591.02 and R.C. 5591.21.

CONCLUSION

For all the reasons set forth in this Brief, Amicus Curiae County Engineers Association of Ohio urges the Court to reverse the decision of the trial court and the Court of Appeals and reinstate the decision of the Cuyahoga County Commissioners that Old Rock Bridge Road is not a road of general and public utility

Respectfully Submitted,



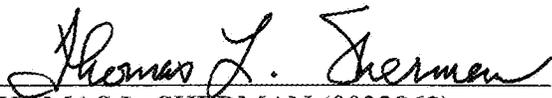
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CERTIFICATE OF SERVICE

I certify that a copy of the foregoing Brief of Amicus Curiae County Engineers Association of Ohio in support of Defendant-Appellant Office of the Cuyahoga County Executive was served by U.S. mail this 27th day of December, 2013, upon the following counsel:

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Replace Bridge on Old Rockside Road in Independence

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On September 13, 2013, the NOACA Board of Directors approved the following regarding this project: Resolution No. 2013-029 Project Planning Review and Resolution No. 2013-030 Plan and TIP Amendment. The project Planning Review (PPR) and Intergovernmental Review and Consultation (IGRC) processes for this project are now complete.

Title: Replace Bridge on Old Rockside Road in Independence

Sponsor: City of Independence

Name: CUY OLD ROCKSIDE RD BRIDGE

PID No.: 91563

Estimated Total Cost: \$5,300,000 (preliminary engineering, right-of-way and construction)

Proposed Source of Federal Funds: ODOT and NOACA

History/Background: In June 2011, the City of Independence obtained \$2,500,000 in Municipal Bridge (MBR) Program funding, through the Ohio Department of Transportation (ODOT) for the replacement of the bridge on Old Rockside Road in the City of Independence. The project is listed in the NOACA state fiscal years (SFY) 2014 – 2017 TIP dated May 10, 2013 with construction (C) programmed for SFY 2015. On February 13, 2010, the City of Independence passed Resolution No. 2013-16, authorizing the mayor to submit an application to the (NOACA) for grant funds for use in connection with the replacement of the Old Rockside Road Bridge and declaring an emergency.

Current Conditions: Old Rockside Road is functionally classified as an urban local road. The road is a two-lane facility with twelve-foot-wide lanes and with a pavement width of 26 feet. The sponsor reports that there is a 4½-foot wide sidewalk only on the south side. The posted speed limit is 25 miles per hour. The Old Rockside Road Bridge was built in July 1960. The bridge has a pavement width of 22 feet with two eleven-foot-wide lanes. There are no sidewalks on the bridge.

According to the sponsor, the Old Rockside Road Bridge is a vital link to commerce and recreation for the City of Independence and Cuyahoga County. The bridge provides access to seven acres of commercial/industrial activity in the City of Independence. The sponsor reports that the structure is the only ingress/egress available to the commercial/industrial area. It also provides access to the northern most rail depot for the Cuyahoga Valley Scenic Railroad (CVSR). The bridge has a general appraisal rating of 4A (poor condition, no restrictions) with a sufficiency rating of 25.5 (structurally deficient).

According to the sponsor, the following elements predispose this structure to be a serious problem for the City of Independence businesses, buildings, and owners/employees, of the commercial/industrial subdivision on the west side of the Cuyahoga River, the Cuyahoga Valley National Park (CVNP) and CVSR:

lack of alternate access. The bridge is the only route in and out of the seven-acre commercial/industrial area west of the Cuyahoga River;

All Crane Rentals is an employer on the west side of the Cuyahoga River. The nature of their business requires super loads traversing this bridge every day;

any load reduction placed on this structure would be a detrimental economic impact;

the flood prone nature of the area makes the original sandstone abutments extremely vulnerable to scour damage.

the existing pre-stressed concrete box beams are 53-years old and their remaining useful life is limited;

the narrow width of the existing structure does not allow 2-way traffic to be maintained during construction. This may result in a new structure being built north of the existing structure;

lack of adequate pedestrian accommodations on the existing structure; and

numerous existing safety issues: sub-standard deck width of 22 feet is narrow for normal commercial vehicles, much less super and oversized vehicles; lack of re-directional parapet railings; lack of safety walks; and river geometrics that equate to constant maintenance

problems beyond the City's ability to adequately manage.

According to the sponsor, if the structure were to have a load limit or a total closure becomes necessary, many, if not all of these businesses and CVNP/CVSR Depot would be forced to abandon the area before a new structure could be built.

Proposed Project: The proposed project involves the replacement of a structurally deficient box beam bridge on Old Rockside Road over the Cuyahoga River in Independence (illustration). The sponsor reports that the proposed pavement width of the bridge depends on the bridge type study, but the bridge will be two lanes with 12 foot-wide lanes. The sponsor also proposes a ten-foot-wide sidewalk only on the south side of the bridge.

The estimated total cost, provided by the sponsor, is \$5,300,000. The estimated cost of preliminary engineering preliminary development (PEPD) is \$450,000. The estimated cost of preliminary engineering detailed design (PEDD) is \$450,000. The estimated cost of right-of-way (RW) is \$200,000. PEPD, PEDD and RW will be funded entirely by the City of Independence. The estimated construction cost is \$4,200,000. The sponsor obtained \$2,500,000 in ODOT MBR funds toward the construction cost. The sponsor must provide a 20 percent match (\$625,000) to the MBR funds. The difference between the estimated construction cost and the identified funding is \$1,075,000. The sponsor requests eighty percent (\$860,000) of the difference be funded with NOACA-administered Surface Transportation Program (STP) funds. The sponsor will provide the twenty percent match (\$215,000).

Staff Comment (Summary):

Short Range Planning: Project Development and Member Services Team

- This project is consistent with NOACA's Connections+ 2035 Goals #3 (Preserve and Improve the Efficiency and Safety of the Existing Transportation System), #4 (Establish a Balanced System which Enhances Modal Choices), #7 (Foster Reinvestment in Existing Urban Core Areas) and #10 (Quality of Life through Attention to Aesthetics in Planning).
- This project is currently portrayed in NOACA's SFYs 2014 – 2017 Transportation Improvement Program (TIP), dated May 10, 2013, with Municipal Bridge Program funds, but no NOACA-controlled funds. The sponsor's request for NOACA-controlled STP funds toward the project's construction cost warrants its processing through project planning review (PPR).
- Recommend committee and public review in order to obtain comments.

Long Range Planning: Technical Support

- This project facilitates goods movement and economic development. Old Rockside Road is the only access point for several large industrial and freight related commercial businesses. This project will improve the safety and efficiency on Old Rockside Road.

Intergovernmental Review and Consultation (IGRC):

If you are a representative of a governmental entity and would like to comment on this project, please email us.

ODOT District 12:

"ODOT District 12 supports the continued development of this project."

Public Involvement:

NOACA encourages comments from the public on this proposed transportation improvement project. We would appreciate it if you include your city of residence, although it is not required. The public review period lasts until the Governing Board makes a decision about them.

Committee Review:

Regional Transportation Investment Subcommittee (RTIS) / Transportation Subcommittee:

- No comments; recommended for amendment to NOACA's Transportation Plan and Transportation Improvement Program (TIP).

Bicycle and Pedestrian Advisory Council:

- The BPAC supports this project.

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, and Medina, and the areawide water quality management agency for the same region; and

WHEREAS, the Congress of the United States, through law, and the U.S. Department of Transportation, through regulation, have determined that a long-range transportation plan and a Transportation Improvement Program (TIP) that include federal-aid transportation projects expected to be implemented during their time frames shall be prepared; and

WHEREAS, the NOACA Board's Regional Transportation Investment Policy (Resolution No. 2012-023) requires that all proposed federal-aid transportation projects be processed through project planning review in order to meet transportation plan goals and federal requirements; and

WHEREAS, project planning review consists of staff technical and policy assessment, committee review, public involvement, and Intergovernmental Review and Consultation; and

WHEREAS, the following projects have been processed through project planning review:

- a. City of Cleveland: CUY CANAL RD: PID No. 89064 - This project involves replacing a bridge on Canal Road, located over the CSX railroad and under the Norfolk-Southern railroad, in Cleveland.
- b. City of Independence: CUY OLD ROCKSIDE RD BRIDGE: PID No. 91563 - This project involves the replacement of a bridge on Old Rockside Road, over the Cuyahoga River, in Independence.
- c. Lake County Engineer: LAK HOPKINS RD: PID No. 93498 - This project involves the replacement of a bridge on Hopkins Road, located over Marsh Creek, in Mentor.
- d. City of Cleveland: CUY LORAIN AVE - This project involves streetscape improvements and amenities and landscaping enhancements within the limits of a project that involves the rehabilitation of Lorain Avenue, from West 150th Street to West 117th Street, in Cleveland.
- e. Ohio Department of Transportation (ODOT): GEA SR-87 2.73: PID No. 83634 - This project involves the addition of left-turn lanes on Kinsman Road at the intersection of Auburn Road to be included in resurfacing SR-87, from SR-306 (Chillicothe Road) to Auburn Road, in Russell Township and Newbury Township.
- f. Lorain County Engineer: LOR BAUMHART RD - This project involves resurfacing Baumhart Road, from Garfield Road (west) to Russia Road, in Henrietta Township.
- g. Lorain County Engineer: LOR OBERLIN RD - This project involves resurfacing Oberlin Road, from the City of Oberlin north corporation line (NCL) to Russia Road, in New Russia Township.

**RESOLUTION NO. 2013-029
(PROJECT PLANNING REVIEWS
1st QUARTER SFY 2014)**

- h. Lorain County Engineer: LOR SR-82 9.05: PID No: 92836 - This project involves realigning the north and south approaches of Boone Road to create a four-leg intersection with SR-82, in Columbia Township.
- i. City of Cleveland Heights: CUY MAYFIELD RD SIGNALS - This project involves replacing traffic signals at intersections along Mayfield Road, in Cleveland Heights.
- j. City of Strongsville: CUY STRONGSVILLE SIGNALS - This project involves replacing or upgrading signals at intersections along Prospect Road, Pearl Road (US-42), Howe Road, Royalton Road (SR-82) and Sprague Road, in Strongsville.
- k. City of Broadview Heights: CUY IR-77/SR-82-2.82/11.76 (INTERCHANGE MODIFICATION): PID No. 92528 - This project involves improvements to the interchange at IR-77 and SR-82, including signaling IR-77 exit ramps to eliminate unsafe weaves on SR-82 and interconnecting the new signals with existing signals at South Hills Boulevard, Treeworth Boulevard and Ken Mar Industrial Parkway, in Broadview Heights.
- l. Village of Cuyahoga Heights: CUY CUYAHOGA HEIGHTS MULTI-PURPOSE TRAIL (PHASE IIIA) - This project involves the construction of a multi-purpose trail, from an existing bicycle path in Bacci Park to the Cuyahoga Heights Village Hall, in Cuyahoga Heights.
- m. City of Cleveland: CUY CLEVELAND DOWNTOWN CONNECTOR TRAIL - This project involves design and construction of a shared use path from Fleet Avenue to Broadway and the design of a shared use path at the Booth Avenue underpass, in Cleveland.
- n. Laketran: LAK LAKETRAN FFY 2013 GRANT AMENDMENT - This project involves relocating a bus stop from the west side of St. Clair Street to the east side of St. Clair Street, to establish an off-street bus lane for passenger transfer, drop-off and pick-up, in Painesville.
- o. Medina County Public Transit (MCPT): MED MCPT NEW FIXED ROUTE SERVICE - This project involves MCPT providing improved transit service in Medina and Wadsworth by converting several MCPT on demand routes and deviated fixed routes to fixed routes in the cities of Medina and Wadsworth.

WHEREAS, the project planning reviews may contain recommendations that require project sponsor attention or action; and

WHEREAS, it is expected that the project sponsors will, in good faith, endeavor to address comments and recommendations and will provide evidence of such, prior to the project advancing; and

WHEREAS, the above project planning reviews were approved and recommended by the Transportation Advisory Committee (TAC).

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Northeast Ohio Areawide Coordinating Agency, consisting of 45 principal officials serving general purpose local governments throughout and within the counties of Cuyahoga, Geauga, Lake, Lorain, and Medina that:

Section 1: The referenced projects have successfully completed project planning review. The project planning reviews are a part of the projects' permanent record, and will be used in future

**RESOLUTION NO. 2013-029
(PROJECT PLANNING REVIEWS
1ST QUARTER SFY 2014)**

programming and prioritization decisions. The projects are not subject to additional planning review unless there are significant changes in scope or finances, as determined by the Regional Transportation Investment Subcommittee.

Section 2: The project sponsors must endeavor to comply with any recommendations that have occurred as a result of the project planning review and will provide evidence of such in coordination meetings with NOACA staff. NOACA staff will report back to appropriate NOACA committees and the Board regarding the coordination meetings.

Section 3: The Executive Director is authorized to transmit certified copies of this resolution to appropriate federal, state, and local agencies.

Certified to be a true copy of a Resolution of the Board of Directors of the Northeast Ohio Areawide Coordinating Agency adopted this 13th day of September 2013.

Secretary: *Daniel P. Troy*

Date Signed: 9/13/13

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, and Medina, and the areawide water quality management agency for the same region; and

WHEREAS, the Congress of the United States, through law, and the U.S. Department of Transportation, through regulation, have determined that MPOs shall create a long-range, 20-year transportation plan and a four-year Transportation Improvement Program (TIP) that list federal-aid transportation projects expected to be implemented in each of the program years; and

WHEREAS, the NOACA Board's Regional Transportation Investment Policy requires that all proposed federal-aid transportation projects be processed through project planning review in order to meet transportation plan goals and federal requirements; and

WHEREAS, the following projects are proposed amendment to the NOACA long-range transportation plan (Connections+ 2035):

- a. City of Cleveland: CUY BOOTH AVE EXTENSION (PEDD) - This project involves detailed design of a shared use path at the Booth Avenue underpass, in Cleveland.
- b. City of Cleveland: CUY CANAL RD: PID No. 89064 - This project involves replacing a bridge on Canal Road, located over the CSX railroad and under the Norfolk-Southern railroad, in Cleveland.
- c. City of Cleveland: CUY CLEVELAND DOWNTOWN CONNECTOR TRAIL (PEDD) - This project involves detailed design of a shared use path from Fleet Avenue to Pershing Avenue (Phase 1) and from Pershing Avenue to Broadway (Phase 2), in Cleveland.
- d. City of Cleveland: CUY CLEVELAND DOWNTOWN CONNECTOR TRAIL (PHASE 1) - This project involves the construction of a shared use path from Fleet Avenue to Pershing Avenue, in Cleveland.
- e. Village of Cuyahoga Heights: CUY CUYAHOGA HEIGHTS MULTI-PURPOSE TRAIL (PHASE IIIA) - This project involves the construction of a multi-purpose trail, from an existing bicycle path in Bacci Park to the Cuyahoga Heights Village Hall, in Cuyahoga Heights.
- f. City of Cleveland: CUY LORAIN AVE - This project involves streetscape improvements and amenities and landscaping enhancements within the limits of a project that involves the rehabilitation of Lorain Avenue, from West 150th Street to West 117th Street, in Cleveland.
- g. City of Cleveland Heights: CUY MAYFIELD RD SIGNALS - This project involves replacing traffic signals at intersections along Mayfield Road, in Cleveland Heights.

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1st QUARTER SFY 2014)**

- h. City of Independence: CUY OLD ROCKSIDE RD BRIDGE: PID No. 91563 - This project involves the replacement of a bridge on Old Rockside Road, over the Cuyahoga River, in Independence.
- i. City of Strongsville: CUY STRONGSVILLE SIGNALS - This project involves replacing or upgrading signals at intersections along Prospect Road, Pearl Road (US-42), Howe Road, Royalton Road (SR-82) and Sprague Road, in Strongsville.
- j. City of Broadview Heights: CUY IR-77/SR-82-2.82/11.76 (INTERCHANGE MODIFICATION): PID No. 92528 - This project involves improvements to the interchange at IR-77 and SR-82 including signaling IR-77 exit ramps to eliminate unsafe weaves on SR-82 and interconnecting the new signals with existing signals at South Hills Boulevard, Treeworth Boulevard and Ken Mar Industrial Parkway, in Broadview Heights.
- k. Ohio Department of Transportation (ODOT): GEA SR-87 2.73: PID No. 83634 - This project involves the addition of left-turn lanes on Kinsman Road at the intersection of Auburn Road to be included in resurfacing SR-87, from SR-306 (Chillicothe Road) to Auburn Road, in Russell Township and Newbury Township.
- l. Lake County Engineer: LAK HOPKINS RD: PID No. 93498 - This project involves the replacement of a bridge on Hopkins Road, located over Marsh Creek, in Mentor.
- m. Lorain County Engineer: LOR BAUMHART RD - This project involves resurfacing Baumhart Road, from Garfield Road (west) to Russia Road, in Henrietta Township.
- n. Lorain County Engineer: LOR OBERLIN RD - This project involves resurfacing Oberlin Road, from the City of Oberlin north corporation line (NCL) to Russia Road, in New Russia Township.
- o. Lorain County Engineer: LOR SR-82 9.05: PID No: 92836 - This project involves realigning the north and south approaches of Boone Road to create a four-leg intersection with SR-82, in Columbia Township.
- p. Laketran: LAK LAKETRAN FFY 2013 GRANT AMENDMENT - This project involves relocating a bus stop from the west side of St. Clair Street to the east side of St. Clair Street to establish an off-street bus lane for passenger transfer, drop-off and pick-up, in Painesville.
- q. Medina County Public Transit (MCPT): MED MCPT NEW FIXED ROUTE SERVICE - This project involves MCPT providing improved transit service in Medina and Wadsworth by converting several MCPT on demand routes and deviated fixed routes to fixed routes in the cities of Medina and Wadsworth.

WHEREAS, the following projects are proposed amendments to the state fiscal year (SFY) 2014 - 2017 TIP:

- a. City of Cleveland: CUY CANAL RD: PID No. 89064 - This project involves replacing a bridge on Canal Road, located over the CSX railroad and under the Norfolk-Southern railroad, in Cleveland.
- b. Village of Cuyahoga Heights: CUY CUYAHOGA HEIGHTS MULTI-PURPOSE TRAIL (PHASE IIIA) - The preliminary engineering preliminary development (PEPD), preliminary engineering

**RESOLUTION NO. 2013-030
(PLAN AND TIP AMENDMENT
1ST QUARTER SFY 2014)**

detailed design (PEDD) and right-of-way phases of a project that involves the construction of a multi-purpose trail, from an existing bicycle path in Bacci Park to the Cuyahoga Heights Village Hall, in Cuyahoga Heights.

- c. City of Cleveland: CUY LORAIN AVE - This project involves streetscape improvements and amenities and landscaping enhancements within the limits of a project that involves the rehabilitation of Lorain Avenue, from West 150th Street to West 117th Street, in Cleveland.
- d. City of Cleveland Heights: CUY MAYFIELD RD SIGNALS - The preliminary engineering preliminary development (PEPD), preliminary engineering detailed design (PEDD) and right-of-way phases of a project that involves replacing traffic signals at intersections along Mayfield Road, in Cleveland Heights.
- e. City of Independence: CUY OLD ROCKSIDE RD BRIDGE: PID No. 91563 - This project involves the replacement of a bridge on Old Rockside Road, over the Cuyahoga River, in Independence.
- f. City of Strongsville: CUY STRONGSVILLE SIGNALS - The preliminary engineering preliminary development (PEPD) and preliminary engineering detailed design (PEDD) phases of a project that involves replacing or upgrading signals at intersections along Prospect Road, Pearl Road (US-42), Howe Road, Royalton Road (SR-82) and Sprague Road, in Strongsville.
- g. City of Broadview Heights: CUY IR-77/SR-82-2.82/11.76 (INTERCHANGE MODIFICATION): PID No. 92528 - This project involves improvements to the interchange at IR-77 and SR-82 including signalizing IR-77 exit ramps to eliminate unsafe weaves on SR-82 and interconnecting the new signals with existing signals at South Hills Boulevard, Treworth Boulevard and Ken Mar Industrial Parkway, in Broadview Heights.
- h. Ohio Department of Transportation (ODOT): GEA SR-87 2.73: PID No. 83634 - This project involves the addition of left-turn lanes on Kinsman Road at the intersection of Auburn Road to be included in resurfacing SR-87, from SR-306 (Chillicothe Road) to Auburn Road, in Russell Township and Newbury Township.
- i. Lake County Engineer: LAK HOPKINS RD: PID No. 93498 - The preliminary engineering preliminary development (PEPD) and preliminary engineering detailed design (PEDD) phases of a project that involves the replacement of a bridge on Hopkins Road, located over Marsh Creek, in Mentor.
- j. Lorain County Engineer: LOR SR-82 9.05: PID No: 92836 - This project involves realigning the north and south approaches of Boone Road to create a four-leg intersection with SR-82, in Columbia Township.
- k. Laketrans: LAK LAKETRAN FFY 2013 GRANT AMENDMENT - This project involves relocating a bus stop from the west side of St. Clair Street to the east side of St. Clair Street to establish an off-street bus lane for passenger transfer, drop-off and pick-up, in Painesville.
- l. Medina County Public Transit (MCPT): MED MCPT NEW FIXED ROUTE SERVICE - This project involves MCPT providing improved transit service in Medina and Wadsworth by converting several MCPT on demand routes and deviated fixed routes to fixed routes in the cities of Medina

RESOLUTION NO. 2013-030
(PLAN AND TIP AMENDMENT
1ST QUARTER SFY 2014)

and Wadsworth.

WHEREAS, the above projects are excluded from regional emissions analysis and as such do not affect the existing TIP's air quality conformity determination; and

WHEREAS, the above projects are consistent with current financial forecasts and plans; and

WHEREAS, it is expected that the project sponsors will, in good faith, endeavor to address comments and recommendations raised during project planning review and will provide evidence of such, prior to the project advancing; and

WHEREAS, the above projects are recommended by the Transportation Advisory Committee (TAC) as amendments to the Plan and TIP as appropriate.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Northeast Ohio Areawide Coordinating Agency, consisting of 45 principal officials serving general purpose local governments throughout and within the counties of Cuyahoga, Geauga, Lake, Lorain, and Medina that:

Section 1: The referenced projects in Attachment A have had appropriate review and are recommended for approval.

Section 2: The NOACA transportation plan and TIP are amended to include the projects in Attachment A for project development and processing review purposes.

Section 3: The Executive Director is authorized to transmit certified copies of this resolution to appropriate federal, state, and local agencies.

Certified to be a true copy of a Resolution of the Board of Directors of the Northeast Ohio Areawide Coordinating Agency adopted this 13th day of September 2013.

Secretary: _____

Daniel P. Troy

Date Signed: _____

9/13/13

ATTACHMENT A

Resolution No. 2013-030



SFY 2014 - 2017 Transportation Improvement Program
Highway and Bikeway Element
Amendments

9/6/2013

PID	Project Description	Type of Work	Funding Data	AQ required?
	CUY BOOTH AVE EXTENSION (PEDD)	Design Shared Use Path	PEDDCleve \$16,100 PEDDTA \$64,400 \$80,500	Plan Plan exempt
	Cleveland: Booth Ave Underpass/Extension			
89064	CUY CANAL RD BRIDGE	Bridge Replacement	CE Cleve \$19,650 CO Cleve \$176,850 CE STP \$78,600 CO STP \$707,400 CE Cleve \$62,500 CE BR \$250,000 CO Cleve \$562,500 CO BR \$2,250,000 \$4,107,500	2015 2015 2015 2015 2015 2015 2015 2015 exempt
	Cleveland: Commercial Rd bridge over CSX and under N & S RR			
	CUY CLEVELAND DOWNTOWN CONNECTOR TRAIL (PEDD)	Design Shared Use Path	PEDDCleve \$84,537 PEDDTA \$338,146 \$422,683	Plan Plan exempt
	Cleveland: Detailed Design Phases 1 and 2 Phase 1 - Fleet Ave to Pershing Ave Phase 2 - Pershing Ave to Broadway			
	CUY CLEVELAND DOWNTOWN CONNECTOR TRAIL (PHASE 1)	Construct Shared Use Path	CE Cleve \$26,299 CO Cleve \$236,694 CE TA \$105,197 CO TA \$946,777 \$1,314,967	Plan Plan Plan Plan exempt
	Cleveland: Fleet Ave to Pershing Ave along west side of IR-77			

PE=preliminary engineering, RW=right of way, C=construction, CE=construction engineering, CO=construction contract, PEDD=preliminary engineering detailed design, PEPD=preliminary engineering preliminary development, AR=archeological recovery

**SFY 2014 - 2017 Transportation Improvement Program
Highway and Bikeway Element**



9/6/2013

PID	Project Description	Type of Work	Funding Data	AQ required?
	Amendments			
	CUY CUYAHOGA HEIGHTS MULTI-PURPOSE TRAIL (PH IIIA)	Construct Shared Use Path	PEPDCuy Hts \$150,000 2014	exempt
	Cuyahoga Hts:		PEPDCuy Hts \$15,000 2014	
	Bacci Park to Cuyahoga Hts Village Hall		RW Cuy Hts \$175,000 2015	
			CE Cuy Hts \$17,800 Plan	
			CO Cuy Hts \$160,200 Plan	
			CE TA \$71,200 Plan	
			CO TA \$640,800 Plan	
			\$1,230,000	
	CUY LORAIN AVE	Rehabilitate & Streetscape Improvements	PEPDCleve \$450,000 2014	exempt
	Cleveland:		PEPDCleve \$450,000 2014	
	W 150th St to W 117th St	1.80 miles	CE Cleve \$126,541 2015	
			CO Cleve \$1,138,869 2015	
			CE NOACA \$120,000 2015	
			CO NOACA \$1,080,000 2015	
			CE ODOT \$144,000 2015	
			CO ODOT \$1,296,000 2015	
			CE OPWC \$654,596 2015	
			CO OPWC \$5,891,360 2015	
			\$11,351,366	
	CUY MAYFIELD RD SIGNALS	Traffic Signal Upgrade	PEPDCleve Hts \$49,152 2014	exempt
	Cleveland Hts:		PEPDCleve Hts \$246,548 2015	
	Intersections along Mayfield Rd (US 322)		RW Cleve Hts \$40,000 2016	
	Cleveland Hts WCL to ECL		CE Cleve Hts \$67,586 Plan	
			CO Cleve Hts \$608,274 Plan	
			CE NOACA \$270,344 Plan	
			CO NOACA \$2,433,096 Plan	
			\$3,715,000	

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**SFY 2014 - 2017 Transportation Improvement Program
Highway and Bikeway Element
Amendments**

9/6/2013

PID	Project Description	Type of Work	Funding Data		AQ required?
			2014	2015	
91563	CUY OLD ROCKSIDE RD BRIDGE Independence: Old Rockside Rd bridge over Cuyahoga River	Bridge Replacement	PEPDIndprc \$450,000	2014	exempt
			PEPDIndprc \$450,000	2014	
			RW Indprc \$200,000	2015	
			CE STP \$86,000	2016	
			CO STP \$774,000	2016	
			CE Indprc \$84,000	2016	
			CO Indprc \$756,000	2016	
			CO BR \$2,500,000	2016	
			\$5,300,000		
CUY STRONGSVILLE SIGNALS					
	Strongsville: Intersections along Propect Rd, US-42 (Pearl Rd), Howe Rd, SR-82 (Royallon Rd) and Sprague Rd	Traffic Signal Upgrade	PEPDStrings \$11,000	2014	exempt
			PEDDStrings \$430,000	2015	
			CE Strings \$85,932	Plan	
			CO Strings \$773,388	Plan	
			CE NOACA \$343,728	Plan	
			CO NOACA \$3,093,552	Plan	
			\$4,737,600		
92528	CUY IR 77/SR 82-2.82/11.59 (INTERCHANGE MODIFICATION) Broadview Hts: Modify IR-77 SB exits to SR-82 WB & EB; SR-82 ent. to IR-77 SB. New signals at IR-77 NB exit to SR-82; IR-77 SB exits to SR-82, & SR-82 ent. to IR-77 SB. Synchronize w/ signals at Ken Mar Ind Pkwy, Treeworth Blvd & South Hills Blvd	Modify Interchange/ Synchronize Signals 0.01 mile 0.71 mile	RW Bdvw Hts \$425,000	2014	exempt
			PEDDBdvw Hts \$280,000	2014	
			PEPDBdvw Hts \$145,000	2014	
			CO Bdvw Hts \$961,112	2015	
			CO Bdvw Hts \$114,397	2015	
			CO NOACA \$457,568	2015	
			CE Bdvw Hts \$220,000	2015	
			CE ODOT \$100	2015	
			CE HSIP \$900	2015	
			CO HSIP \$1,115,000	2015	
			CO Bdvw Hts \$242,015	2015	
			\$3,961,112		

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**SFY 2014 - 2017 Transportation Improvement Program
Highway and Bikeway Element
Amendments**

9/6/2013

PID	Project Description	Type of Work	Funding Data	AQ required?
83634	GEA SR087-02.73 Russell Twp, Newbury Twp: SR 306 (Chillicothe Rd) to Auburn Rd (add left-turn lane on SR-87 at Auburn Rd intersection)	Resurfacing & Add Left Turn Lane 4.97 miles	CO Russell \$50,000 2014 CE ODOT \$12,600 2014 CE S/STP \$50,400 2014 CO ODOT \$410,000 2014 CO S/STP \$1,640,000 2014 \$2,163,000	exempt
93498	LAK HOPKINS RD Mentor: Over Marsh Creek	Replace Bridge	PEPDLAK CO \$20,000 2016 PEDDLAK CO \$60,000 2017 CE LAK CO \$17,120 Plan CO LAK CO \$154,080 Plan CO LBR \$616,320 Plan CE LBR \$68,480 Plan \$935,000	exempt
	LOR BAUMHART RD (CR 51)-04.40 Henrietta Twp: Garfield Rd (west) to Russia Rd	Resurfacing 1.71 miles	CE LOR CO \$16,632 Plan CO LOR CO \$149,688 Plan CE STP \$66,528 Plan CO STP \$598,752 Plan \$831,600	exempt
	LOR OBERLIN RD (CR 39)-01.37 New Russia Twp: Oberlin north corporation line to Russia Rd	Resurfacing 2.75 miles	CE LOR CO \$23,365 Plan CE STP \$93,462 Plan CO LOR CO \$210,289 Plan CO STP \$841,154 Plan \$1,168,270	exempt

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PEPD=preliminary engineering preliminary development, AR=archeological recovery



**SFY 2014 - 2017 Transportation Improvement Program
Highway and Bikeway Element
Amendments**

9/6/2013

PID	Project Description	Type of Work	Funding Data	AQ required?
92836	LOR SR082-09.05 (BOONE RD) Columbia Twp: SR 82 (Elyria-Twinsburg Rd) and Boone Rd Project involves realigning the north and south approaches of Boone Rd to create a four leg intersection with SR 82, installing left turn lanes on SR 82 and the installation of a traffic signal.	Realign intersection & add LT lanes	RW HSIP \$39,039 2014 RW ODOT \$22,500 2014 RW HSIP \$202,500 2014 RW ODOT \$12,794 2014 RW ODOT \$9,760 2014 RW HSIP \$51,178 2014 PEPDSIP \$435,793 2014 PEDDDOT \$10,603 2014 PEPDSIP \$42,412 2014 PEPDDOT \$48,421 2014 CO HSIP \$990,000 2016 CO STP \$360,000 2016 CE HSIP \$110,000 2016 CO LOR CO \$90,000 2016 CE STP \$40,000 2016 CE LOR CO \$10,000 2016	exempt
			\$2,475,000	

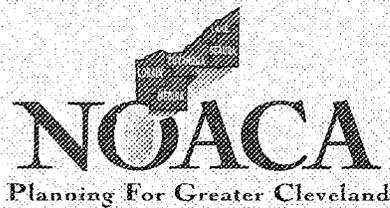
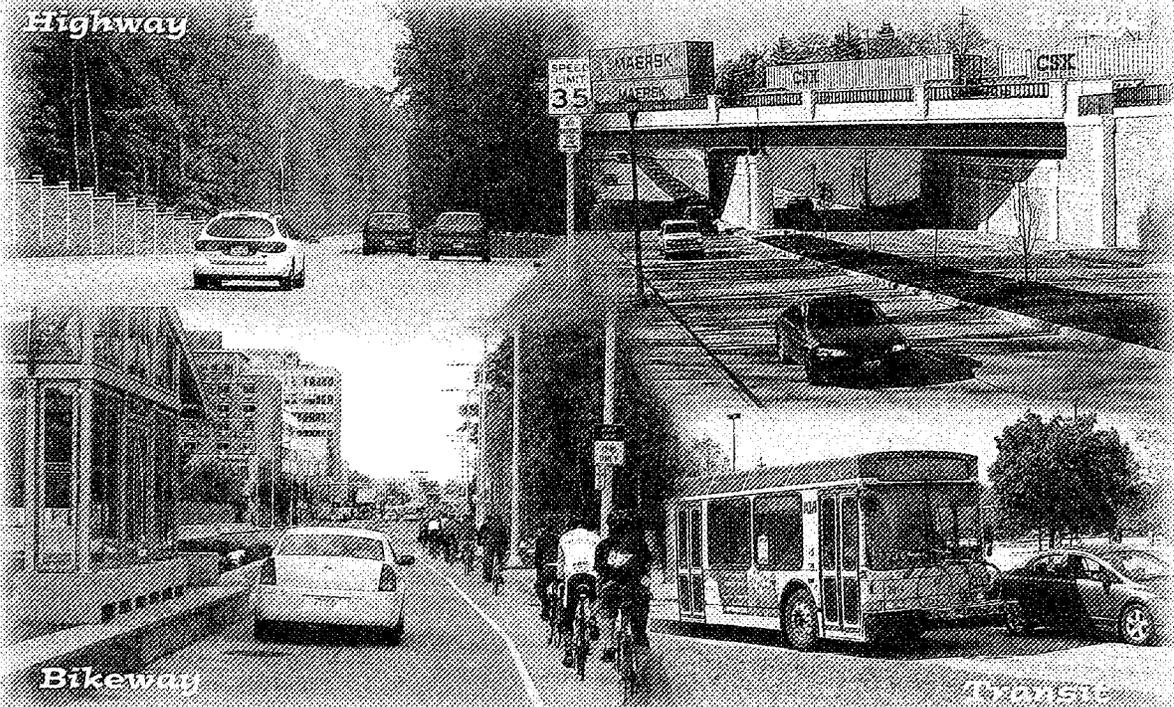
PE=preliminary engineering, RW=right of way, C=construction, CE=construction engineering, CO=construction contract, PEDD=preliminary engineering detailed design,
PEPD=preliminary engineering preliminary development, AR=archeological recovery

**SFY 2014 - 2017 TRANSPORTATION IMPROVEMENT PROGRAM (TIP)
TRANSIT ELEMENT AMENDMENT
LAKETRAN and Medina County Public Transit (MCPT)**

Sorted by PID No.

PID	City	Project Name (ie. CNS)	Project Description	Ph	Supplies	Committed Estimate	Committed Total	SFY	Fed/State/Local	SAC	Obli. Code	Obligation Description	Activity Line Item: All Code	Air Quality Status
	LAK	Laketran St. Clair St. Bus Stop Relocation (Painesville)	Relocate stop from west side to east side of St. Clair St.	Capital	Cap	\$258,575		2014	Federal Transit Direct	FTAD	5339	Bus and Bus Facilities Program	12.34.10	Exempt
	LAK	Laketran St. Clair St. Bus Stop Relocation (Painesville)	Relocate stop from west side to east side of St. Clair St.	Capital	Cap	\$64,844	\$323,219	2014	Local Match	TOTH	0003	Local Other	12.34.10	Exempt
	MED	MCPT Fixed Route Service in Medina and Wadsworth	Operate Fixed Route Service	Operating	Transit/Av	\$448,084		2014	Federal	4TB7	L40E	CMAQ	30.80.01	Exempt
	MED	MCPT Fixed Route Service in Medina and Wadsworth	Operate Fixed Route Service	Operating	Transit/Av	\$112,274		2014	Local Match	TOTH	0003	Local Other	30.80.01	Exempt
	MED	MCPT Fixed Route Service in Medina and Wadsworth	Operate Fixed Route Service	Operating	Transit/Av	\$448,084		2015	Federal	4TB7	L40E	CMAQ	30.80.01	Exempt
	MED	MCPT Fixed Route Service in Medina and Wadsworth	Operate Fixed Route Service	Operating	Transit/Av	\$112,274		2015	Local Match	TOTH	0003	Local Other	30.80.01	Exempt
	MED	MCPT Fixed Route Service in Medina and Wadsworth	Operate Fixed Route Service	Operating	Transit/Av	\$448,084		2016	Federal	4TB7	L40E	CMAQ	30.80.01	Exempt
	MED	MCPT Fixed Route Service in Medina and Wadsworth	Operate Fixed Route Service	Operating	Transit/Av	\$112,274	\$1,584,104	2016	Local Match	TOTH	0003	Local Other	30.80.01	Exempt

Application Packet for Proposed Federal-Aid Projects



Northeast Ohio Areawide Coordinating Agency

The metropolitan planning organization (MPO) for Greater Cleveland, serving the counties of Cuyahoga, Geauga, Lake, Lorain and Medina

Application for Proposed Federal-Aid Projects and Programs

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Updated 06/1/12

Introduction

It is a goal of the NOACA Governing Board to implement its regional transportation plan, *Connections 2030: A Framework for the 2030 Transportation System*. An important way to achieve that goal is to ensure that all proposed federal-aid transportation projects in the region help carry out the plan. In July 2000 the Governing Board approved a *Regional Transportation Investment Policy* to achieve that purpose. The policy sets guidelines for all proposed federal-aid projects in the region. The policy can be accessed on NOACA's website: www.noaca.org.

The policy requires that proposed Federal Highway Administration (FHWA) and Federal Transit Administration (FTA) funded projects undergo Project Planning Review (PPR) prior to being placed on the long-range Transportation Plan and/or (short range) Transportation Improvement Program. NOACA's Project Planning Review (PPR) consists of:

- Staff review and assessment
- Committee review, assessment, and recommendations
- Intergovernmental Review and Consultation (IGRC)
- Public Involvement

The information you provide will help us facilitate the PPR for your project and achieve the goals of *Connections 2030: A Framework for the 2030 Transportation System*.

As a first step, all sponsors of proposed projects must complete the portions of the following application packet that pertain to their proposed project. The application is designed to determine your project's planning history and eligibility under all USDOT based federal aid programs. This is a fillable PDF form. Project sponsors should complete the form, save a copy, and email it to: projects@mpo.noaca.org

Note: If the proposed project is located on the NOACA Bicycle Facility Plan and is seeking NOACA federal-aid funds for new construction, reconstruction, or widening, see page 15 of the *Regional Bicycle Transportation Plan*: <http://www.noaca.org/finalbike-plan.pdf>. The Bicycle transportation Plan outlines bicycle accommodation requirements that must be met for this type of project.

For other new construction, reconstruction or widening projects, see NOACA's bicycle and pedestrian requirements on page 23 of NOACA's *Regional Transportation Investment Policy* at www.noaca.org/rtiprev108.pdf.

Application Process Overview:

In general, the process consists of:

Step 1:

Sponsor completes attached application and any necessary addendums (e.g. Information Form for Road and Bridge Projects), attaches appropriate documentation, and emails the information to projects@mpo.noaca.org

Projects applications are currently reviewed on a quarterly cycle. Applications must be received at NOACA at least one month in advance of the start of a quarter. Quarters currently begin July 1, October 1, January 1, and April 1 with associated application deadlines of June 1, September 1, December 1, and March 1.

Step 2:

NOACA staff reviews application and submitted information for completeness. Staff will make reasonable efforts to aid a project sponsor in completing a largely complete application in time for it to be considered in the current application round.

In addition to staff review, some NOACA subcommittees review and comment on proposed projects from their viewpoint. For example, the Bicycle / Pedestrian Advisory Committee may provide comments and/or recommendations related to the bicycle and pedestrian aspects of a proposed project.

Step 3:

- If the information is complete, the project is eligible for federal-aid, and there has been sufficient planning for the project (see 1.4 of the application), NOACA staff completes review of the project. For the majority of project applications, this will result in the following committee review schedule.
 - Month 1 (July, October, January, and April): Presentation of project description, with staff and subcommittee comments to the Transportation Advisory Committee (TAC) for information
 - Month 2 (August, November, February, and May): Presentation of project to TAC, which typically recommends appropriate Board action for it.
 - Month 3 (September, December, March, and June): Board acts to either add the project to the long range transportation plan and possibly TIP, or to decline the project.
- If the information is incomplete, and efforts to fill in gaps have failed, it is returned to the project sponsor for possible resubmission in future application cycle.
- If the project is ineligible for federal aid, the project sponsor is notified.

If you have any questions regarding this application, please contact Ed May: 216-241-2414, extension 287 or Renee Daniels: extension 285.

Application for Proposed Federal-Aid Projects and Programs (Planning and Eligibility Assessment)

Instructions and Contact Information:

We need certain information to process your project. While NOACA staff will work with you during this process, it is your responsibility to provide complete information.

This application lists the information and documentation you must provide for proposed projects and programs seeking federal aid (NOACA-controlled Surface Transportation Program [STP] funding, Ohio Department of Transportation-controlled Bridge funding, County STP, County Bridge, Congestion Management/Air Quality [CMAQ], and Transportation Enhancement Activity [TE]).

Specific addendums required for various project types are identified as necessary.

1.1 Project Sponsor (e.g. minor civil division, county engineer, ODOT, etc.) The sponsor must be an eligible recipient of federal transportation funds.

City of Independence

1.2 Contact Person (include job title, phone, fax and e-mail). The contact person should be the person most familiar with the planning for the project and project details.

Name:
Donald J. Ramm, PE

Title:
Independence City Engineer

Phone:
216-524-1374

Fax:
216-573-1592

E-mail:
rammdo@independenceohio.org

1.3 Project Title (county, roadway and section, e.g., CUY SR 252 - 4.63 Resurface Columbia Rd. in North Olmsted).

County:
Cuyahoga

Route:
Old Rockside Road

Section:
0017

Descriptive Title:
Old Rockside Road Bridge Replacement over the Cuyahoga River

Project Detail:

1.4 The proposed project addresses which of the following aspects of the transportation system? Check all that apply:

- New Capacity (Addendum I is required for all capacity projects. Addendum II required for projects including transportation enhancements.)
- Pavement Condition (Addendum I is required for all pavement projects)
- Congestion (Addendum I is required for all congestion management projects). Sponsor should work with staff to prepare a congestion management air quality analysis for any non-capacity adding project.
- Safety (Addendum I required)
- Bicycle
- Pedestrian
- Transit
- Transportation Enhancement Activity (Addendum II required)
- Trucking / Freight Movement (Addendum I required)
- Air Quality (sponsor must work with staff to accomplish congestion management air quality analysis)

1.5 Provide a description (300 word maximum) of the proposed project and the issues it is intended to address. The description should be written in language that an average member of the public can understand.

The project is to replace a structurally deficient box beam bridge built in 1960. This bridge is a vital link to commerce and recreation for the City of Independence and Cuyahoga County. The bridge provides access to 7 acres of commercial/industrial activity in the City of Independence. It also provides access to the northern most rail depot for the Cuyahoga Valley Scenic Railroad (CVSR). CVSR is one of the oldest and longest tourist railways in the country.

The bridge has a General Appraisal Rating of 4A with a sufficiency rating of 25.5, structurally deficient.

It poses a significant problem for the City of Independence businesses, buildings, and owners/employees, of the commercial/industrial subdivision on the west side of the Cuyahoga River, the Cuyahoga Valley National Park (CVNP) and CVSR.

This structure is the ONLY ingress/egress available to the commercial/industrial area. Should this bridge fail or require load limit reductions, the economic climate of this area would suffer losses and relocations for a substantial time, if not indefinitely. Consequently, the economic health and well-being of the City's economy, as well as that of the Cuyahoga County region, would be forever impacted.

Numerous elements that predispose this structure to be a serious problem requiring preemptive planning and action are noted below:

1. Lack of alternate access. This bridge is the only route in and out of the 7 acre commercial/industrial area west of the Cuyahoga River.
2. All Crane Rentals is an employer of the west side of the Cuyahoga River. The nature of their business requires super loads traversing this bridge every day; any load reduction placed on this structure would be a detrimental economic impact.
3. The flood prone nature of the area makes the original sandstone abutments extremely vulnerable to scour damage.
4. The existing pre-stressed concrete box beams are 53-years old and their remaining useful life is limited.
5. The narrow width of the existing structure does not allow 2-way traffic to be maintained during construction. This may result in a new structure being built north of the existing structure.
6. Lack of adequate pedestrian accommodations on the existing structure.
7. There are numerous existing safety issues: sub-standard deck width of 22 feet is narrow for normal commercial vehicles, much less super and oversized vehicles; lack of re-directional parapet railings; lack of safety walks; and river geometrics that equate to constant maintenance problems beyond the City's ability to adequately manage.

If this structure were to have a load limit or a total closure becomes necessary, many, if not all of these businesses and CVNP/CVSR Depot would be forced to abandon the area before a new structure could be built.

All of the above elements combine to redefine the "4A" appraisal rating as an overwhelming decision maker validating the immediate need for replacement.

1.6 Does the project address an item on a NOACA priority project list in NOACA's Regional Bicycle Plan?

Yes No

1.7 Does the project address the results of an alternatives analysis or other study?

Yes No

If Yes, please provide a copy of the study and/or provide a Web address from which it can be accessed.

Web Location:

1.8 What geography and associated population size/description will the project benefit most?

Geography (e.g. neighborhood, city, county, region, or state)

County

Population impacted

1,280,122

1.9 Is there authorizing legislation from the council or board of the project sponsor (e.g., ordinance or resolution)?

Yes No

If No, project sponsor should consider acquiring it before submitting application, particularly if interested in implementing the project in the next few years.

If Yes, please provide a copy of it. Note: At minimum, the authorizing legislation should:

- Identify the perceived problem and proposed solution
- State that the sponsor wants to pursue federal aid
- State that the sponsor will pay (or obtain) the non-federal matching share
- State that the sponsor will work cooperatively with all affected agencies (include cooperative agreements where necessary)

Application for Proposed Federal-Aid Projects and Programs

- State that the sponsor will abide by all NOACA policies (NOACA's Regional Transportation Investment Policy can be found on the NOACA website at <http://www.noaca.org/rtiprev108.pdf>)

1.10 Are there confirmed (e.g., council-approved) non-transportation investments in the project area that, are in whole or in part, associated with the project?

Yes No

If Yes, please detail them and provide copies of authorizing legislation and/or agreements. Additional space is available on back pages.

1.11 What is the estimated total cost of the proposed project or program (by phase)?

Phase	Estimated total cost:
Preliminary Engineering	\$ 450,000
Detailed Design	\$ 450,000
Right of Way Acquisition	\$ 200,000
Construction & Construction Engineering	\$ 4,200,000
Total	\$ 5,300,000

Note: PE and DD costs are not eligible for NOACA funding unless the project is in an urban core community. Urban core communities are listed in NOACA's Regional Transportation Investment Policy: <http://www.noaca.org/rtip2012.pdf>

Application for Proposed Federal-Aid Projects and Programs

1.12 Provide the expected schedule for the following milestones for the project. Dates for already completed phases should be entered. NA may be entered for milestones which are not applicable to the proposed project:

Milestone	Estimated Month and Year of Completion
Begin Planning Study	5/28/13
End Planning Study	9/2/13
Begin Environmental Clearance	9/3/13
Purpose & Need Approval	8/25/14
Preferred Alternative Adopted	9/3/13
Environmental Document Approved	8/25/14
Begin Detailed Design	9/3/13
Design Consultant Selected	Completed
Stage 1 Plans Submitted	Combined with Stage 2
Stage 1 Plans Complete	Combined with Stage 2
Stage 2 Plans Submitted	12/23/14
Stage 3 Plans Submitted	4/28/14
Stage 3 Plans Complete	6/9/14
Tracings Complete	7/21/14
404/401 Permits Submitted	2/4/14
404/401 Permits Approved	4/28/14
Final R/W Plans Submitted	7/21/14
R/W Authorized	9/2/14
R/W Cleared	1/5/15
District R/W Certification	1/5/15
Plan Package Received in ODOT Central Office	1/6/15
Sale Date	2/15/15
Award	3/24/15
Begin Construction	4/21/15
End Construction	11/15/15

For NOACA Staff use: Does the ODOT District Office believe the identified milestone dates are achievable?

Yes No

1.13 Identify the proposed non-local funding for the project: Please check the appropriate source[s]:

- NOACA-controlled federal funds
- CEAO-controlled federal funds
- Transit Agency-controlled federal funds
- ODOT-controlled federal funds
- ODOT-Major New Construction funds
- Earmark
- Other (explain) _____
- Unknown

1.14 Identify the proposed local match funding for the project. The local match need not be in hand, but its source must be identified. (Example: general revenues, bonds, private sector contribution, etc.). Additional space is available on back pages.

Construction and Construction Engineering Total = \$4,200,000
ODOT Muni Bridge (80/20) \$2,500,000
Local Match for Muni Bridge \$625,000
NOACA Funds (80/20) \$860,000
Local Match for NOACA funds \$215,000
Total Local Match Required for Construction (Funded with Issue 1) \$840,000
Preliminary Engineering + Detailed Design + ROW Acquisition = \$1,100,000
Funded with general revenues

1.15 Have you applied or will you apply to other agencies for federal or state funds for this project (e.g., Major New Construction funding, Issue 1)?

- Yes No

If Yes, please identify the amount and type of funding applied for, and when the funding is available. Additional space available is on back pages.

1.16 Have you been approved for the funding applied for in 1.15?

Yes No

If Yes, please provide a copy of approval notice / letter.

1.17 Provide the following documents in addition to the authorizing legislation referenced in Section 1.9 with this completed form:

- *A five-year capital improvement plan* that contains an inventory of existing infrastructure, its condition, and the projected capital improvement needs and priorities of the sponsor in the next five-year period.

Note: For communities, the five-year plan documentation submitted to Ohio Public Works Issue 1 districts is sufficient. For transit agencies, an updated TDP is adequate.

- *A maintenance of effort report* that shows transportation infrastructure projects funded by any source during the past two years.

Note: For communities, the maintenance of effort documentation submitted to Ohio Public Works Issue 1 districts is sufficient.

- *Verification of public involvement.* A public hearing is not required, but all projects must be presented at a public meeting where public participation was invited and considered. (In most cases, this will be accomplished through authorizing legislation.)

Note: You can use the checklist on the last page of this application to ensure that all the above required information has been included.

Important: Your application will be returned or you will be contacted, if the above documentation is not provided along with this completed form.

1.18 Notice and Disclaimer

NOACA processes projects on a quarterly cycle. Staff will make every reasonable effort to process this application in a timely manner. However, many factors can affect the length of processing time, such as the number of applications received, project complexity, application completeness and clarity, and staff availability. Upon receipt of this application, NOACA staff will send a notification that the application has been received.

NOACA will make every reasonable effort to program federal funding in accordance with a project sponsor's timetable. However, many factors affect the funding of a federal-aid project. These include project complexity, availability of federal funds, right-of-way issues and competing priorities.

Because of the above factors, NOACA cannot promise that a programmed infrastructure investment will be funded at a specific time or within a specific time frame. The initial programming of a project on the TIP does not guarantee its funding level or schedule. Project sponsors are encouraged to keep informed on the current status of federal-aid funding, and inform NOACA of progress being made in meeting project development dates.

1.19 Signature

By signing this application, the project sponsor attests that the information provided in this form is true and accurate. Further, the sponsor certifies that the above notice and disclaimer is understood.

Project sponsor or representative signature

Donald J. Ramm - City Engineer

Signed: Donald J. Ramm 2/28/13

Addendum I
Information Form for Road and Bridge Projects

Project: CUY-Old Rockside Road

Project Sponsor: City of Independence

All projects:

Submit photos of the project that show a typical section, or sections if there is a variation, and the project termini (approaching/adjacent roadway and/or intersections).

Width of existing right-of-way, in feet: 50'

Width of proposed right-of-way, in feet: Varies

Average daily traffic (include year of count): 7961 (From Bridge Inventory BR-87)

Projected ADT (include year): _____

Project length: 750 feet or miles? Feet

Percent trucks: 23 %

Existing posted speed: 25 mph

Proposed speed: 25 mph

If on-street parking permitted, give location and times permitted:

Describe any aesthetic impacts, (tree/plant removal, construction of walls, etc):

Trees on the north side of Old Rockside and trees near abutments will be removed.

Additional space is available on back pages.

Application for Proposed Federal-Aid Projects and Programs

If project includes changes to intersection(s), include drawings of intersection configurations, including, as applicable, legs, signage, signalization, and turn movements.

Curbed streets:

Existing pavement width, f/f: 26

Proposed pavement width, f/f: 26

Existing number and width of lanes, including bike lanes:

2-12' traffic lanes

Proposed number and width of lanes, including bike lanes:

2-13' traffic lanes. Bike lanes were discussed but CVNP proposing to construct a bike and pedestrian bridge just south of new Rockside Road to connect the Towpath and the Scenic Railroad depot.

Does the project location currently have sidewalks?

Yes No

If Yes:

Width of existing sidewalks: 4' South Side Only

Width of sidewalks, post-project: 5' South Side Only

If No, will sidewalks be added as a part of the project?

Yes No

If Yes:

Width of sidewalks, post-project: 5'

If No, why are no pedestrian accommodations included?

Non-curbed roadways:

Existing pavement width, including shoulders, if paved: _____

Proposed pavement width, including shoulders, if paved: _____

Existing number and width of lanes and shoulders: _____

Proposed number and width of lanes and shoulders: _____

Does the project location currently have sidewalks?

Yes No

If Yes:

Width of existing sidewalks: _____

Width of sidewalks, post-project: _____

If No, will sidewalks be added as a part of the project?

Yes No

If Yes:

Width of sidewalks post-project: _____

If No, why are no pedestrian accommodations included?

Bridges:

Existing pavement width, f/f: 22' - 3 1/2"

Proposed pavement width, f/f: Depends on Bridge Type Study

Existing number and width of lanes, including bike lanes: 2-11' Lanes

Proposed number and width of lanes, including bike lanes: 2-12' Lanes

Width of existing sidewalks: None

Width of proposed sidewalks: 10' south side only

Does the project location currently have sidewalks?

Yes No

If Yes:

Width of existing sidewalks: _____

Width of sidewalks, post-project: _____

If No, will sidewalks be added as a part of the project?

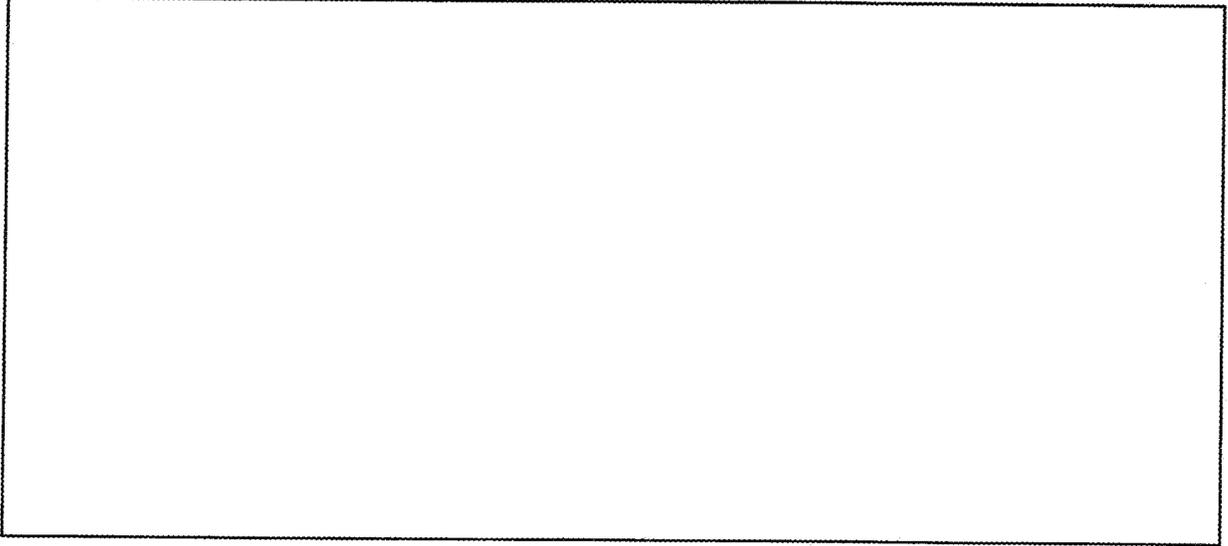
Yes No

If Yes:

Width of sidewalks post-project: 10'

Application for Proposed Federal-Aid Projects and Programs

If No, why are no pedestrian accommodations included?



Note: Fill in data for approach roads above in either "curbed streets" or "non-curbed roadways" as appropriate.

Addendum II

Transportation Enhancement Activity Projects

Program Overview

Transportation Enhancement Activity (TE) projects in the NOACA region are selected through a competitive process designed to allow for the comparison of a slate of eligible projects that are on equal footing in terms of application completeness.

Depending on the number of applications received, the project review period may be longer than the normal three-month project review timeline.

Project sponsors will be notified if they submit a TE application during a time frame when no dedicated TE funding is available for programming.

Program Explanation

General Summary

Transportation Enhancement (TE) activities offer funding opportunities to help expand transportation choices and enhance the transportation experience through federally identified eligible activities related to surface transportation. These include pedestrian and bicycle infrastructure and safety programs, scenic and historic highway programs, landscaping and scenic beautification, historic preservation, and environmental mitigation. Projects must benefit or enhance trips by foot, bicycle, automobile, or other means, and are particularly worthwhile if they enhance intermodal linkages.

Eligible Applicants

Local governments and agencies within the NOACA region that are eligible to receive federal-aid transportation funds may submit an application. By law, citizen groups, non-profits, and other private organizations are not permitted to apply. If they have potential projects, they are encouraged to work with governments and agencies that are permitted to receive federal-aid transportation funds. These include local communities, county engineers, transit agencies and ODOT.

Available Funds

The Safe Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) establishes funding for Transportation Enhancement Activities (TE). A state's TE funding is derived from a set-aside from its annual Surface Transportation Program apportionment. Currently, the set-aside is 10 percent or the amount set aside for TE in the state in 2005, whichever is greater.

Ohio's Transportation Enhancement funds are available through three different methods: the Ohio Department of Transportation (ODOT) Rural Program, the ODOT Statewide Bicycle and Pedestrian Program, and metropolitan planning organization (MPO) programs. ODOT is not currently accepting TE applications for its programs.

Eligible Projects

To be eligible for funding, a TE projects must relate to surface transportation, be accessible to the general public or targeted to a broad segment of the general public, and must meet one of the following 12 eligible categories:

1. Pedestrian & Bicycle Facilities
2. Provision of Safety & Educational Activities for Pedestrians & Bicyclists
3. Acquisition of Scenic Easements & Scenic or Historic Sites (Including Historic Battlefields)
4. Scenic or Historic Highway Programs (Including the Provisions of Tourist & Welcome Center Facilities)
5. Landscaping & Other Scenic Beautification
6. Historic Preservation
7. Rehabilitation & Operation of Historic Transportation Buildings, Structures or Facilities (Including Historic Railroad Facilities & Canals)
8. Preservation of Abandoned Railway Corridors (Including the Conversion & Use of the Corridors for Pedestrian or Bicycle Trails)
9. Inventory, Control & Removal of Outdoor Advertising
10. Archaeological Planning & Research
11. Environmental Mitigation
 - i. To Address Water Pollution Due to Highway Runoff; or
 - ii. Reduce Vehicle-Caused Wildlife Mortality While Maintaining Habitat Connectivity
12. Establishment of Transportation Museums

Additional Resources

- National Transportation Enhancement Clearinghouse website
(<http://www.enhancements.org/>)
- Federal Highway Administration, Transportation Enhancement Web Page
(<http://www.fhwa.dot.gov/environment/te/>)
- Ohio Department of Transportation, Transportation Enhancement Web page
(<http://www.dot.state.oh.us/divisions/transsysdev/programmgmt/projects/pages/transportationenhancementprogram.aspx>)

Funding Provisions

The Transportation Enhancements Program is not a grant program. The federal-aid program operates on a reimbursement basis as work progresses. Prior to construction, NOACA, ODOT and the Federal Highway Administration (FHWA) must approve the project.

A professional engineer, architect or other appropriate professional discipline must certify cost estimates. The estimate should include a 10 percent contingency and an amount for inspections. It is important that cost estimates be accurate because NOACA will cap the project amount. It is also advisable that costs be forecast for two years into the future considering the time element to bring a project to fruition. The funding limit for TE projects is \$1.5 million, although exceptions can be made for exceptional projects deemed to be regionally significant. Requests for funding that exceed this amount will require a NOACA Board-approved waiver of this funding limit.

The TE program will fund up to 80 percent of the construction or implementation cost of a project up to the capped amount. The applicant is required to match a minimum of 20 percent of the construction or implementation cost. Actual fund/match ratios within these guidelines will be determined by the NOACA Board at the time of project selection.

The sponsor's match amount must be identified prior to advertising for bids. The applicant additionally is required to finance the architecture/engineering plans, environmental assessment studies, right-of-way plans, right-of-way purchase, and environmental remediation, if necessary. These costs cannot be credited toward the applicant's share of the construction or implementation costs.

Project Eligibility Guidelines

To be eligible for funding, a TE proposal must meet the criteria established in SAETEA-LU and the following requirements:

1. All proposed projects must have a relationship to surface transportation. Proximity to a highway or transportation facility alone is not sufficient to establish a relationship. Bicycle and pedestrian projects must go from point A to point B, and perform a transportation function.
2. A proposed project must be one of the qualifying activities.

Application for Proposed Federal-Aid Projects and Programs

3. The applicant is responsible for all plan development, project planning, design, architectural, environmental and engineering costs for the project.
4. Federal law requires that federally funded projects conform to the National Environmental Policy Act and the National Historic Preservation Act. To comply with these laws, projects must have an environmental review to assess and/or mitigate effects on social, economic and environmental factors. Similarly, work involving sensitive historic structures or archaeological sites must conform to the U.S. Secretary of the Interior's standards and guidelines for archaeology and historic preservation. (See Attachment B for Selected Federal Requirements).
5. Any property acquisition must conform to the Uniform Relocation Assistance and Real Property Acquisition Act, as amended. (See Attachment B).
6. Engineering and architectural designs for all facilities must conform to the Americans with Disabilities Act.
7. The local match is required to be cash. In-kind contributions cannot be accepted as part of the local share.
8. The proposed Enhancement project must be publicly owned and on existing publicly owned property (except when property acquisition is part of the TE proposal).
9. The applicant must demonstrate ability and commitment to manage and maintain the project after completion.
10. The structure or site must be on or eligible for the National Register of Historic Places to be eligible for Historic and Archaeological Transportation Enhancements.

Sponsor Responsibilities

1. If the project is selected by NOACA, the project sponsor must coordinate with the ODOT district for their area.
2. Provide the match amount prior to advertising for bids.
3. Carry out and comply with all federal, state and local laws, and acquire environmental approvals and any required permits from the appropriate federal, state and local agencies.
4. Acquire building and other local permits, if applicable.
5. Obtain appraisals, if applicable.
6. Acquire the necessary rights-of-way or property interests.
7. Estimate costs for rehabilitation work.
8. Provide all plan development and design work.
9. Develop bids for contract work.
10. Be the project manager, with full responsibility for completing the project as planned and budgeted.
11. Maintain documentation on the project for auditing purposes.

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12. Pay all costs over and above the capped amount.
13. Arrange to maintain the project after completion.

Common Problems

1. Lack of an eligible project sponsor for the project.
2. Incomplete cost estimates.
3. Land acquisition efforts that do not take federal laws into account.
4. False assumptions that funds will be available (as a grant) in advance, instead of as a reimbursement.
5. Unfamiliarity with which costs are reimbursable.
6. Lack of knowledge of federal, state and local legal requirements.
7. Unrealistic expectations about the length of time it will take to complete the project.
8. Underestimating the work involved in designing and/or constructing the project.

Application Format

The applicant shall complete the application (Attachment A) and include the following information:

1. A complete and detailed description of the proposed project and its relation to the Intermodal transportation system. Location maps, elevations, renderings and photographs should be included, if available, to help illustrate the project.

Applications not meeting these requirements will be returned as incomplete.

Attachment B lists other major federal requirements for transportation enhancement projects.

Attachment C provides a checklist that the project sponsor may use to assist them in insuring application completeness prior to submittal.

ATTACHMENT A

TRANSPORTATION ENHANCEMENT PROGRAM APPLICATION

INSTRUCTIONS: Complete the form and submit a digital copy of the completed application to NOACA.

Sponsoring Agency

Co-Sponsor (if applicable)

Mailing Address

City

State

Zip

Contact Person

Title

Phone No.

Project Name

Project Location (Include county-route-section number or nearest intersection, if applicable)

Check the Transportation Enhancement activity or activities for which application is being submitted.

- 1. Pedestrian & Bicycle Facilities
- 2. Provision of Safety & Educational Activities for Pedestrians & Bicyclists
- 3. Acquisition of Scenic Easements & Scenic or Historic Sites (Including Historic Battlefields)
- 4. Scenic or Historic Highway Programs (Including the Provisions of Tourist & Welcome Center Facilities)
- 5. Landscaping & Other Scenic Beautification
- 6. Historic Preservation
- 7. Rehabilitation & Operation of Historic Transportation Buildings, Structures or Facilities
(Including Historic Railroad Facilities & Canals)
- 8. Preservation of Abandoned Railway Corridors (Including the Conversion & Use of the
Corridors for Pedestrian or Bicycle Trails)
- 9. Inventory, Control & Removal of Outdoor Advertising
- 10. Archaeological Planning & Research
- 11. Environmental Mitigation
 - i. To Address Water Pollution Due to Highway Runoff; or

Application for Proposed Federal-Aid Projects and Programs

- ii. Reduce Vehicle-Caused Wildlife Mortality While Maintaining Habitat Connectivity

12. Establishment of Transportation Museums

Complete the following cost information:

Transportation Enhancement Funds Requested \$_____ = _____% of Total

Local Funds Committed to Project \$_____ = _____% of Total

TOTAL \$_____ = 100%

Application for Proposed Federal-Aid Projects and Programs

Include all of the following as part of the application:

1. Complete and detailed description of the proposed project and its relation to the intermodal transportation system. Include location maps, elevations, and photographs, as necessary, to fully illustrate the project.
2. Complete and detailed breakdown of the proposed construction/implementation costs certified by a professional engineer or architect and sources of funding. The estimate must include a 10 percent contingency, inspection costs, and be forecast two years into the future. The costs will be capped.
3. Complete and detailed description of the project's characteristics and benefits.
4. The anticipated date (month and year) when the project will be ready for construction. Include the present status of property ownership and plan preparation, if applicable.
5. A certified copy of a resolution from the applicant's governing body authorizing the submission of the application for Transportation Enhancement (TE) funds and agreeing to share in the project cost.
6. Any additional comments that may be helpful to the review team.
7. Bicycle and Pedestrian projects only:

Facility Category (mark all that apply) –

- Paved Shoulders/Rural (Portion of roadway contiguous with the portion of roadway used for motorized vehicles; should provide a travel space of at least four feet).
- Signed Shared Roadway (Shared roadway designated by signing as a preferred route for bicycle use).
- Bicycle Lanes/Urban (Section of the outside travel lane of an existing roadway surface marked for the exclusive use of bicyclists).
- Shared Use Path (Facility physically separated from motorized vehicular traffic by an open space or barrier, includes rail-to-trail conversions).
- Pedestrian (New or rehabilitated paved facility specifically designed for the use of the walking public; excludes sidewalks).
- Land Acquisition (for rail-trail conversion only)

Length (include unit of measurement) _____

Facility crosses through (check all that apply):

- Residential Farmland Rural Industrial
- Commercial Forest Suburban Parkland Urban

Application for Proposed Federal-Aid Projects and Programs

Other (Specify)_____

Terrain is (check): Level Rolling Steep Combination

Application for Proposed Federal-Aid Projects and Programs

Destinations *easily accessible from*, not simply located near, proposed facility (check all that apply):

- | | | | |
|-------------------------------------|--------------------------------------|--|---|
| <input type="checkbox"/> Residences | <input type="checkbox"/> Employers | <input type="checkbox"/> Restaurants | <input type="checkbox"/> Libraries |
| <input type="checkbox"/> Schools | <input type="checkbox"/> Stores | <input type="checkbox"/> Parks | <input type="checkbox"/> Doctors' Offices |
| <input type="checkbox"/> Banks | <input type="checkbox"/> Post Office | <input type="checkbox"/> Other (specify) _____ | |

Will the facility cross any existing bridges? Yes No

Is there a need to construct new bridges? Yes No

Are there any tunnels or underpasses the facility will pass through? Yes No

Is right-of-way needed? Yes No

Preferred surface treatment for bicycle facility:

- asphalt limestone concrete

Preferred surface treatment for pedestrian facility:

- asphalt limestone concrete

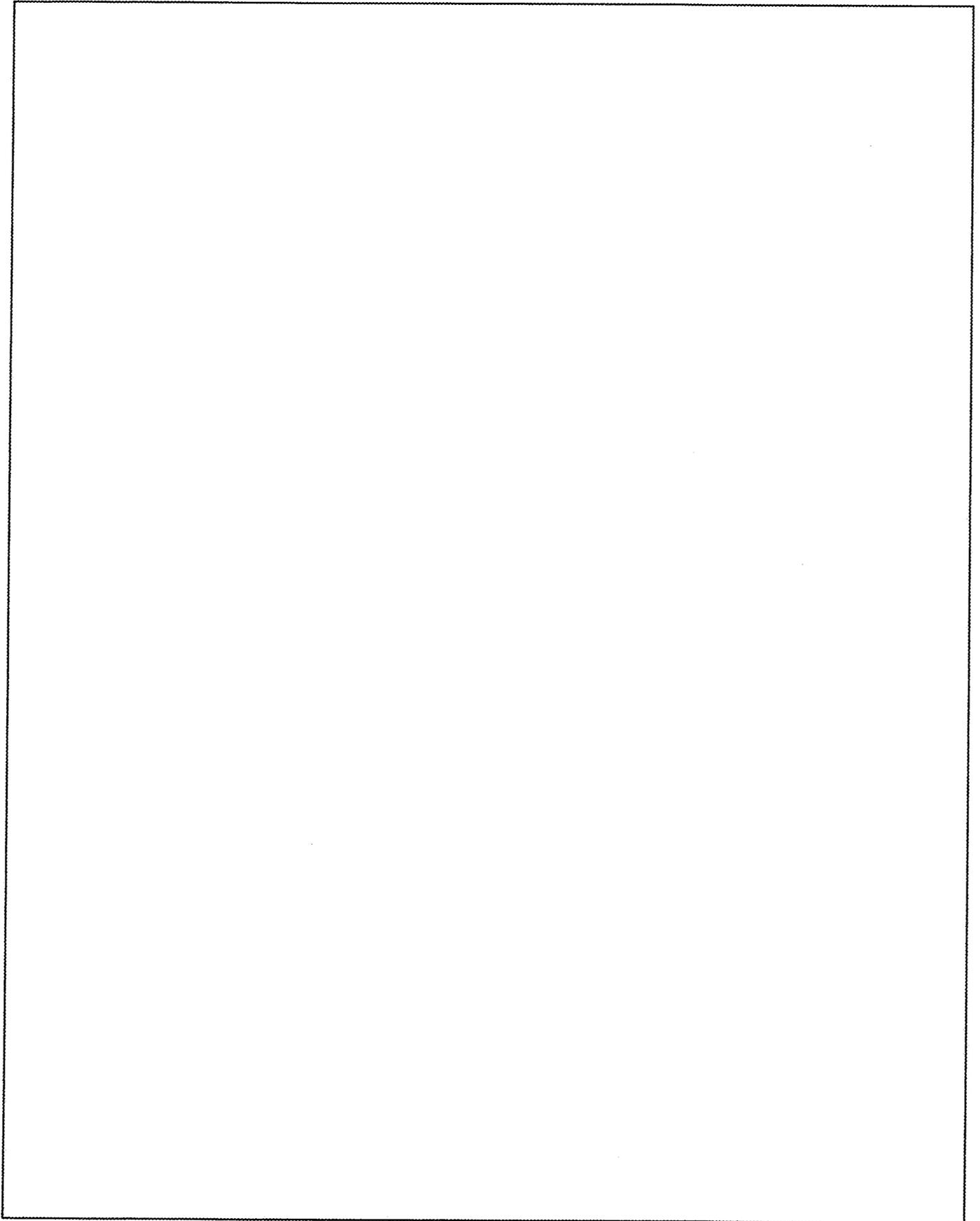
Application for Proposed Federal-Aid Projects and Programs

Checklist

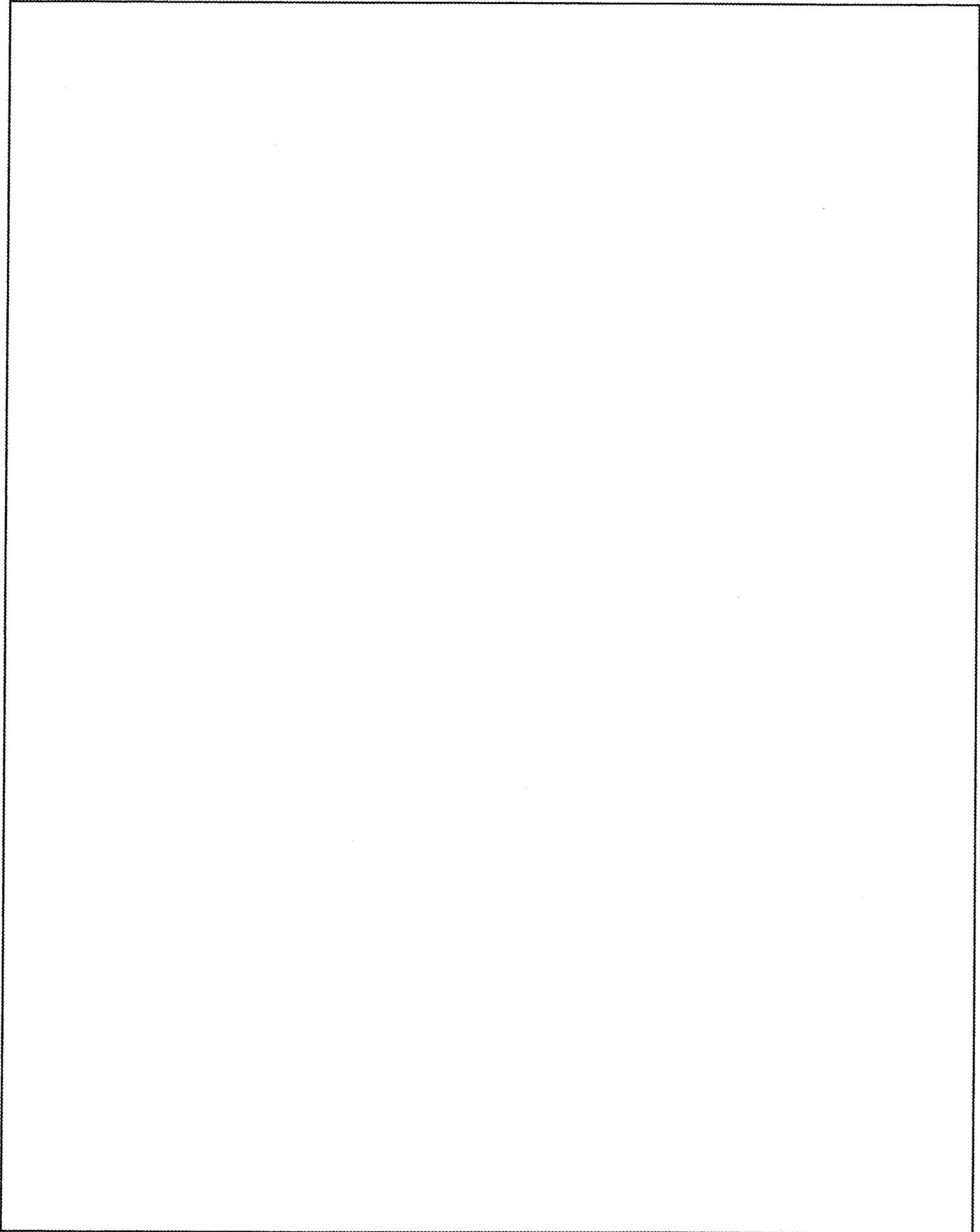
Check the following boxes to help ensure that you have completed all parts of this application.

- Five-year capital improvement plan has been included
- Maintenance of effort report has been included
- Authorizing legislation has been included
- Verification of public involvement has been documented
- Notice and disclaimer have been read and understood
- Application has been signed and dated
- Contact person has been identified
- Applicable addendums have been completed

Application for Proposed Federal-Aid Projects and Programs



Application for Proposed Federal-Aid Projects and Programs

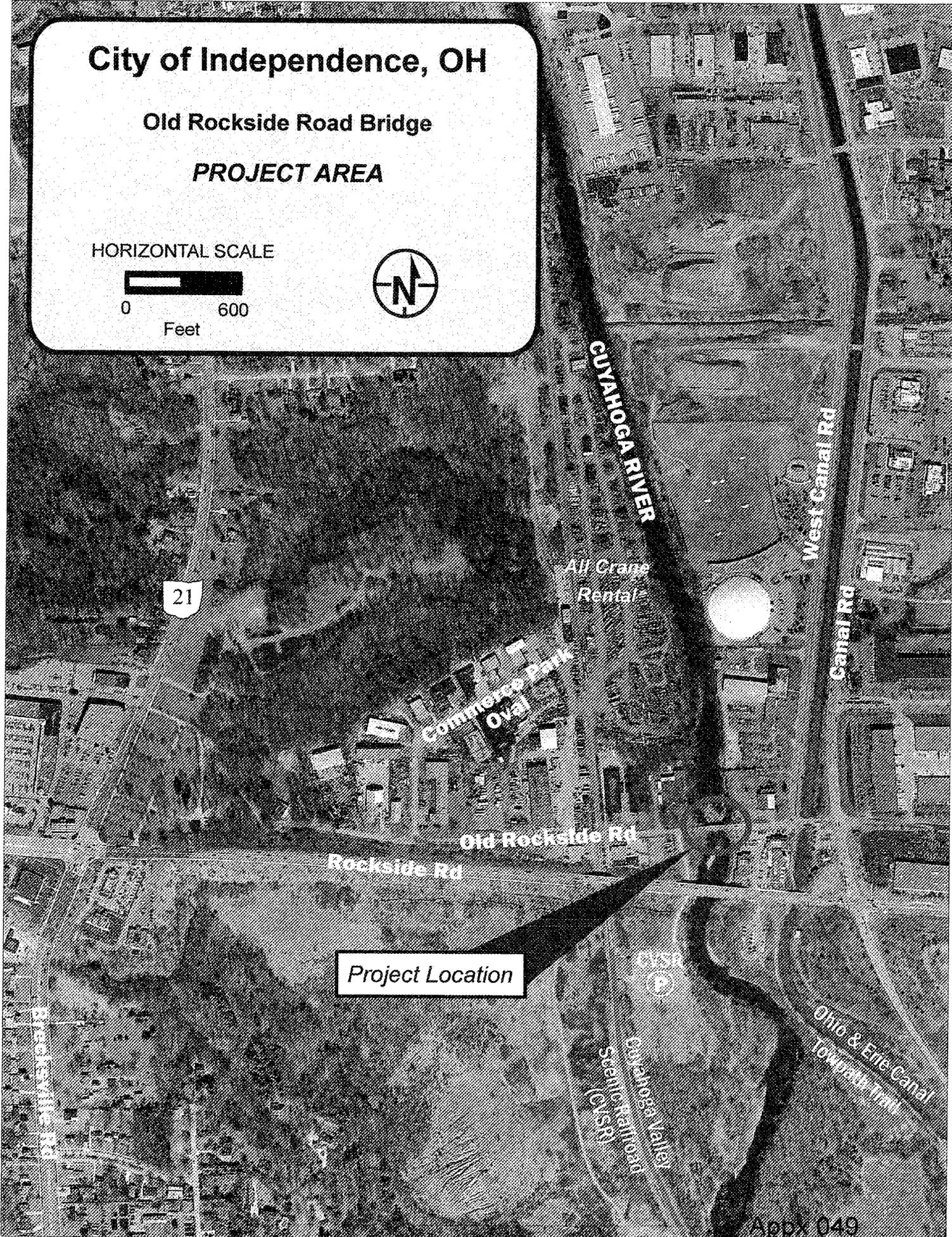
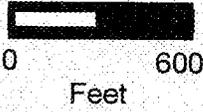


City of Independence, OH

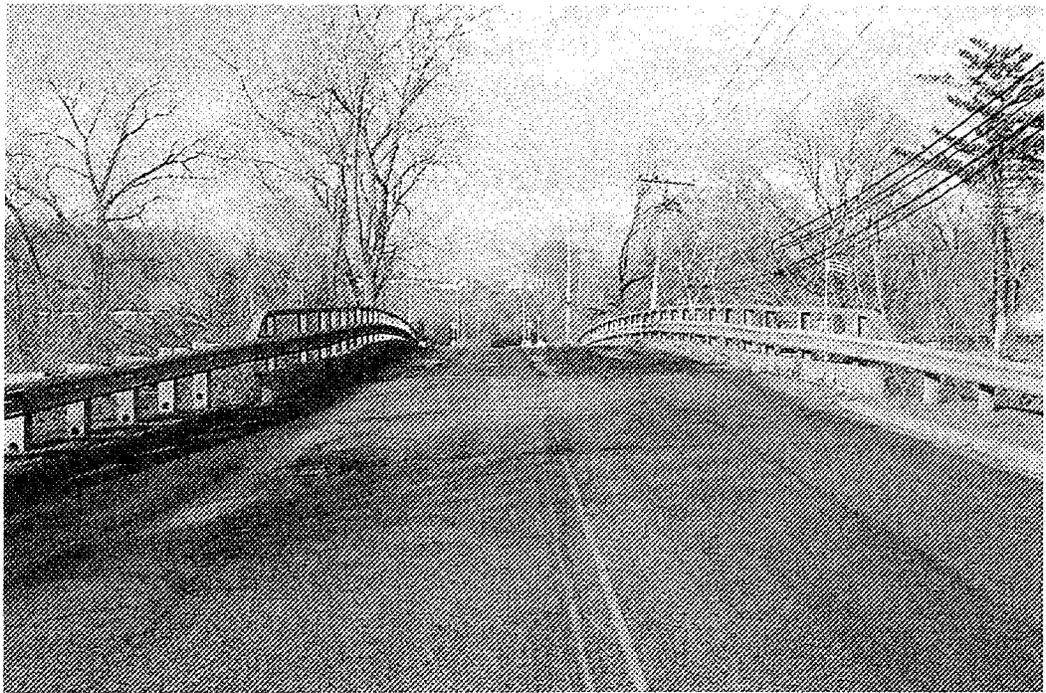
Old Rockside Road Bridge

PROJECT AREA

HORIZONTAL SCALE



Project Location



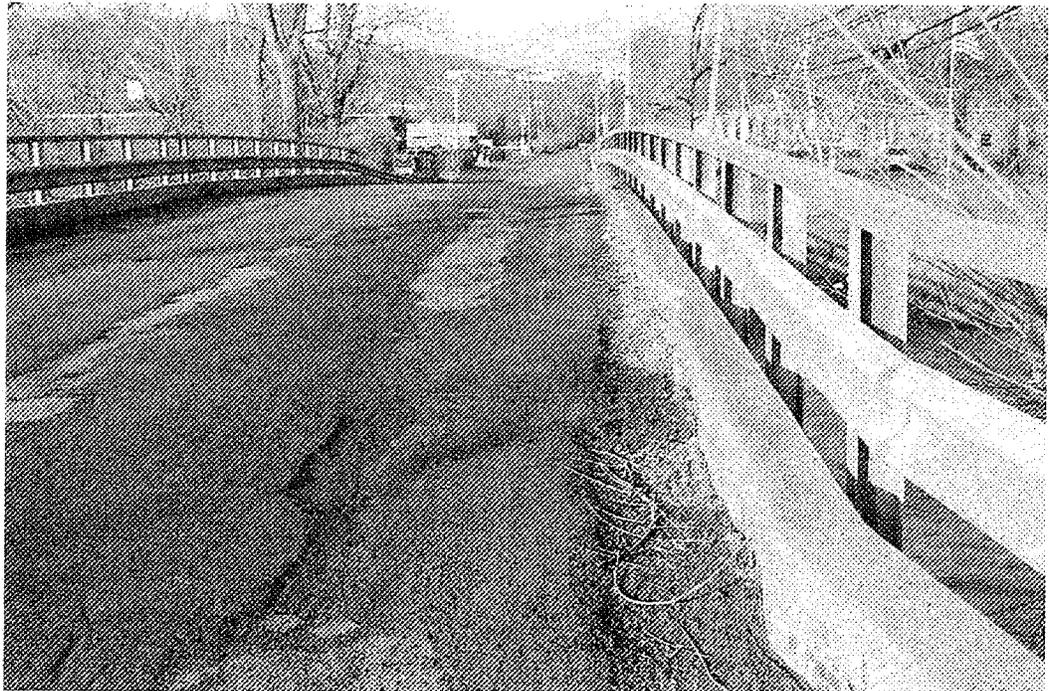
Looking West



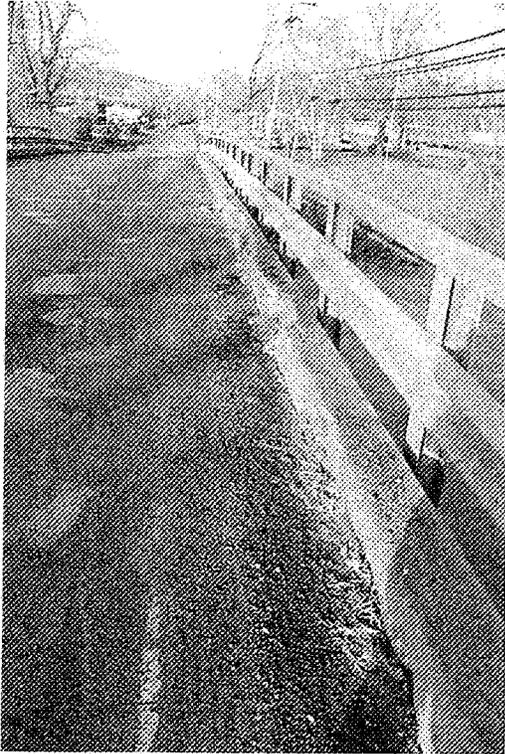
Looking East



Looking West, Eastbound Lane Deck Condition



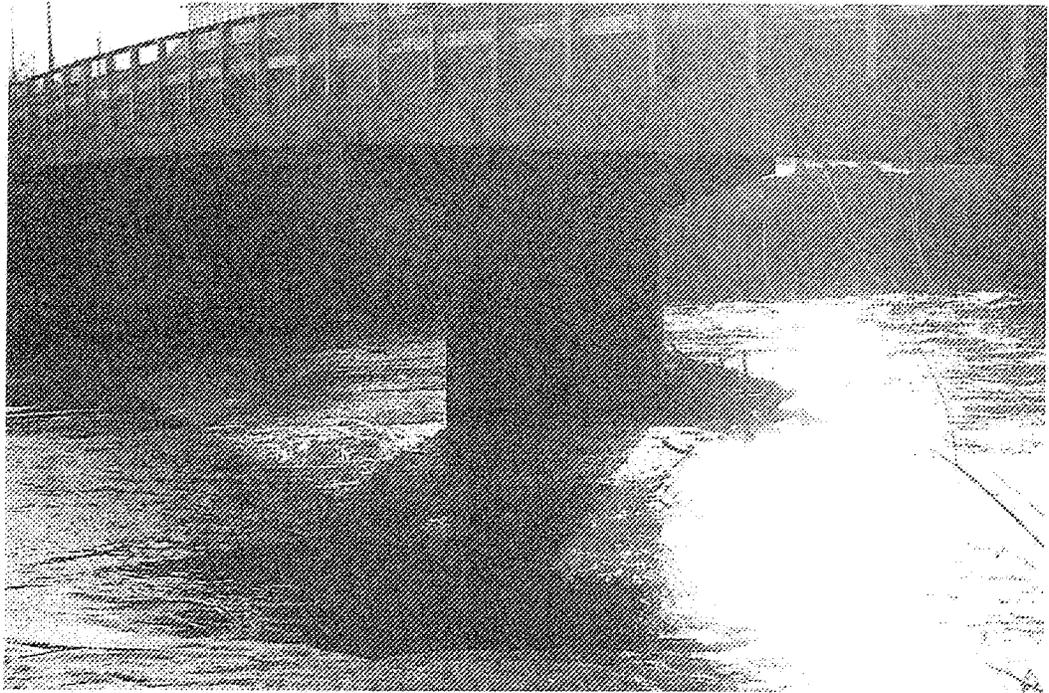
Looking West, Westbound Lane Deck Condition



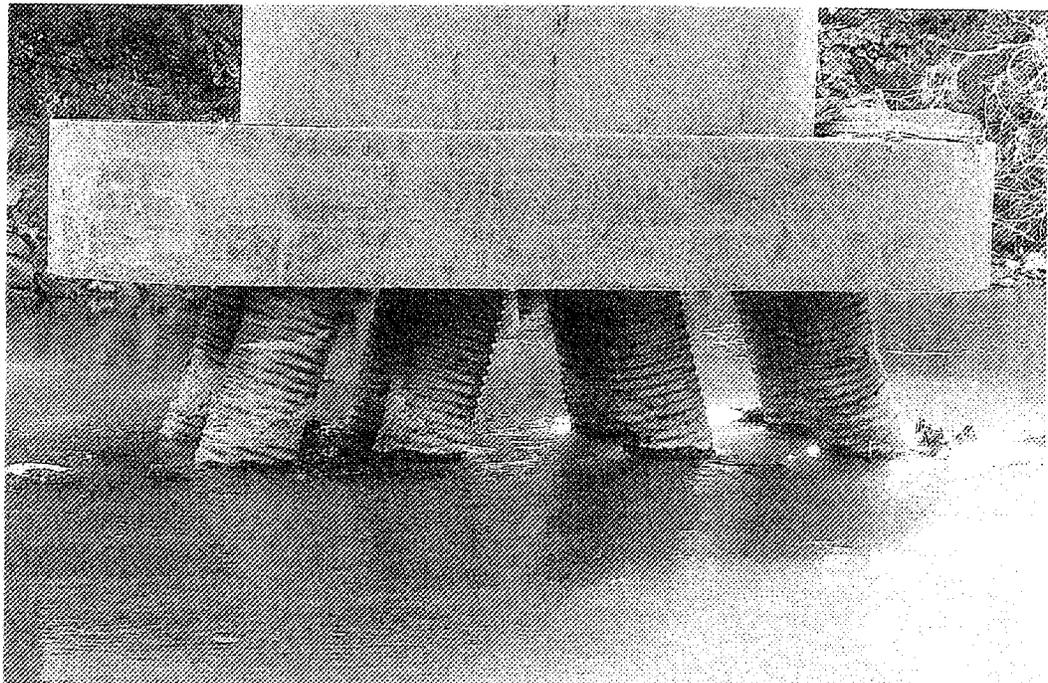
Looking West, Curb Condition



Railing Condition



Center Pier, During Moderate Flow (Debris)



Center Pier, During Low Flow

Ohio Public Works Commission
SUMMARY FORM

REQUIRED
 Submit to Commission/Update Annually

INDEPENDENCE Subdivision _____ Code 035-37240 _____ County CUYAHOGA _____ Date 10/18/2012

Infrastructure Component	Replacement Cost	Repair Cost	Total Units	Units/Physical Condition					
				Excellent	Good	Fair	Poor	Critical	Unknown
Roads	\$78,960,023	\$3,948,001	46.8 <small>Center Line Miles</small>	19.06	13.73	10.28	3.23	0.50	
Bridges	\$5,100,000	\$5,100,000	1 <small>Number of Bridges</small>					1.00	
Culverts	\$7,806,147	\$1,170,922	43 <small>Number of Culverts</small>	12	11	12	5	3	
Water Supply Systems	\$0	\$0	0 <small>Number of Facilities</small>						
Water Distribution	\$13,533,956	\$1,975,899	238.5 <small>Linear Feet (Thousands)</small>	53.90	49.10	114.17	18.99	2.34	
Wastewater Systems	\$0	\$0	0 <small>Number of Facilities</small>						
Wastewater Collection	\$23,220,388	\$1,161,019	196.2 <small>Linear Feet (Thousands)</small>	121.52	52.48	18.25	2.95	1.00	
Stormwater Collection	\$56,954,828	\$5,695,483	189.6 <small>Linear Feet (Thousands)</small>	58.60	81.30	36.70	7.84	5.16	
Solid Waste Disposal	\$0	\$0	0 <small>Capacity (tons per day)</small>						
Totals	\$185,575,342	\$19,051,324							

Subdivision Socio-Economic Characteristics

Current (2010)	2010 Census Information		
Population	7,133	Population Total	7,133
Total Households	2,868	Households	2,868
% Unemployment	3.2%(2009)	MHI	\$69,727
		% LMI	29.5%(2003)
		% Poverty	2.9%(2009)
		% Unemploy	3.2%(2009)

Preparer's Name, Phone Number, email : Donald J. Ramm, P.E. (216) 524-1374
 rammdo@independenceohio.org

Ohio Public Works Commission
Five Year Capital Improvement Plan / Maintenance of Effort

REQUIRED

Submit to Commission/Update Annually

Independence _____ 035-37240 _____ 10/17/2012 _____
 Subdivision _____ Code _____ Date

Project Name/Description	Funding Codes(s)	Status (A) Active (P) Pending (C) Complete	Total Cost	Two Year Effort		Five Year Plan							
				Yr 2011	Yr 2012	Yr 2013	Yr 2014	Yr 2015	Yr 2016	Yr 2017			
Independence Estates Road Improvements	LOCAL	C	\$780,000		\$780,000								
Valley Belt Reconstruction	LOCAL	C	\$190,000		\$190,000								
Ashwood Drive Rehabilitation	LOCAL	C	\$150,000		\$150,000								
Rockside Place Reconstruction	LOCAL	C	\$420,000		\$420,000								
Quarry Lane Reconstruction	LOCAL	A	\$344,000		\$344,000								
Salig Drive -ITC- S.R. 21 Intersection Relocation	LOCAL / TIFF	C	\$2.5 mil	\$2.5 mil									
Braewood Drive Emergency Culvert Pipe Repliment	LOCAL	C	\$160,000	\$160,000									
Hillside Road Conduit Replacement	LOCAL	C	\$350,000	\$350,000									
Chestnut Road Bridge Redecking & Walk Widening	FHWA/ODOT	C	\$750,000	\$750,000									
Pleasant Valley Resurfacing (S.R. 176 to S.R. 21)	LOCAL/COUNTY ENG.	C	\$1.8 mil	\$340,000									
Pleasant Valley Storm Sewer Improvements	LOCAL	C	\$250,000	\$250,000									
Hillside Road Resurfacing (West)	LOCAL/COUNTY ENG.	C	\$1.3 mil	\$300,000									
Hillside Road Slide Control	LOCAL /CVNP/OPWC	P	\$287,000		\$287,000								
Hillside Road / RT. 21 Intersection & Signal Upgrade	LOCAL / TIFF	P	\$500,000		\$500,000								
Lower Brookside Recycle & Overlay	LOCAL/CVNP	P	\$600,000		\$600,000								
Riverview Road Improvements	LOCAL / COUNTY	P	\$500,000		\$325,000								
Granger Rd. / Brecksvill Rd. Resurfacing	LOCAL / ODOT	P	\$875,000		\$415,000								
Chestnut Woods Subdivision Road Improvements	LOCAL	P	\$750,000		\$750,000								
Sprague Road Rehabilitation	LOCAL/CNTY/OPWC	P	\$3 mil									\$1.5 mil	

Blank Forms Available At
www.pwc.state.oh.us

Ohio Public Works Commission
Five Year Capital Improvement Plan / Maintenance of Effort

REQUIRED

Submit to Commission/Update Annually

Independence _____ 035-37240 _____ 10/17/2012 _____
 Subdivision _____ Code _____ Date _____

Project Name/Description	Funding Codes(s)	Status (A) Active (P) Pending (C) Complete	Total Cost	Two Year Effort <i>Funded</i>		Five Year Plan <i>Planned</i>				
				Yr 2011	Yr 2012	Yr 2013	Yr 2014	Yr 2015	Yr 2016	Yr 2017
Old Rockside Road Bridge Replacement	LOCAL/OPWC/CNTY	P	\$5mil			\$2.5mil	\$2.5 mil			
Pleasant Valley Road Widening & Resurfacing (S.R. 21 to E.C.L.)	LOCAL/CNTY/OPWC	P	\$5.8 mil			\$2.9mil	\$2.9 mil			
Rockside Road / I-77 Ramp Modifications	LOCAL	P	\$6 mil			\$1 mil	\$1 mil	\$2 mil		\$2 mil
St. Maron's Detention Basins	LOCAL	P	\$200,000			\$200,000				
Hemlock All-Purpose Trail	LOCAL / ODOT	P	\$2.5 mil			\$200,000	\$2.3mil			
Cuy. River Section 205 Flood Protection Project(s)	ACOE/ LOCAL	P	\$7 mil			\$2 mil	\$2 mil	\$2 mil	\$2 mil	\$2 mil
Embassy Suites Sanitary Sewer Uner I-77	LOCAL / OPWC	P	\$1.5 mil				\$1.5 mil			
Oak Tree North Emergency Culvert Repair (385')	LOCAL	P	\$400,000			\$400,000				
Chestnut Creek Detention Basin Retrofit	LOCAL / EPA	P	\$75,000			\$75,000				
Lower Brookside Water Main Replacement	LOCAL / OPWC	P	\$800,000				\$400,000			
Stone Road Drainage Improvements	LOCAL	P	\$150,000					\$150,000		
Acorn Drive Extension	ASSESSMENT / TIFF	P	\$2.5 mil				\$2.5 mil			
Bramley Road Improvements & W.M. Loop to P.V.	LOCAL / OPWC	P	\$1 mil					\$1 mil		
Brecksville Rd. Water Main Replacement - Phase 1	LOCAL / OPWC	P	\$250,000				\$250,000			
Beverly Drive Improvements	LOCAL	P	\$700,000				\$700,000			
Selig Drive Improv. (Kathy Ly. to Police exit Drive)	LOCAL	P	\$1.5 mil				\$1.5 mil			
Selig Drive Improvements (West of Kathy Lynn)	LOCAL	P	\$1.5 mil					\$1.5 mil		
Selig Drive Extension to Chestnut Rd.	LOCAL / C.E.I.	P	\$2 mil						\$2 mil	

Blank Forms Available At

www.pwc.state.oh.us

RESOLUTION NO.: 2013-16

INTRODUCED BY: COUNCILPERSONS RILEY, CROOKS, TOGLIATTI

A RESOLUTION
AUTHORIZING THE MAYOR TO SUBMIT AN APPLICATION TO
THE NORTHEAST OHIO AREA WIDE COORDINATING AGENCY ("NOACA")
FOR GRANT FUNDS FOR USE IN CONNECTION WITH
THE REPLACEMENT OF THE OLD ROCKSIDE ROAD BRIDGE
AND DECLARING AN EMERGENCY

WHEREAS, the Old Rockside Road Bridge needs to be replaced ("the Project");
and

WHEREAS, the City has received a \$2,500,000.00 grant commitment from the Ohio Department of Transportation ("Grant") to assist with the replacement of the Old Rockside Road Bridge; and

WHEREAS, the City wishes to pursue this Grant and needs to submit an application through NOACA to secure the Grant for the Project;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Independence, State of Ohio, that:

Section 1. The Council hereby approves the submission of an application for a Grant through NOACA for use in connection with the Project.

Section 2. Council hereby authorizes the Mayor, Finance Director, and City Engineer, subject to the approval of the Law Director, to submit any necessary documents or applications through NOACA to secure the Grant for use on the Project, as well as the pursuit of any other governmental financial assistance available relative to the Project.

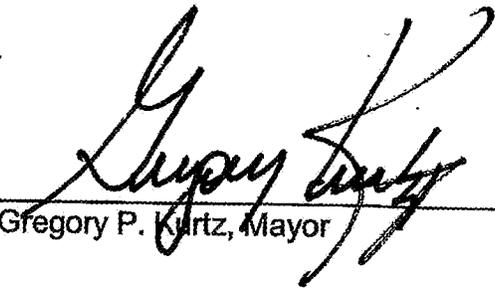
Section 3. The Clerk of Council is hereby directed to forward a certified copy of this resolution to the Northeast Ohio Areawide Coordinating Agency (Attention: Edward May, 1299 Superior Avenue, Cleveland, Ohio 44114-3204).

Section 4. This Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, safety and welfare of the inhabitants of the City of Independence by reason of the immediate necessity of seeking funds to assist with the replacement of the Old Rockside Road Bridge. Wherefore, this Resolution shall take effect immediately upon its passage and approval by the Mayor.

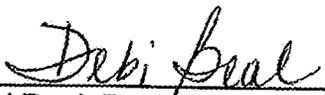
Introduced: February 12, 2013

First Reading: February 12, 2013

Passed: FEBRUARY 13, 2013



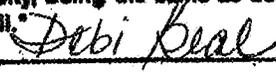
Gregory P. Kirtz, Mayor



Debi Beal, Pro Tem Clerk of Council

CERTIFICATE OF POSTING

"I, the undersigned, Clerk of the City of Independence, Ohio, hereby certify that the foregoing R2013-16 was posted on the 13th day of FEBRUARY, 2013 and for the period of fifteen days thereafter, by duly posting true copies thereof in three of the most public places within the City, being the same as determined and directed by Council."



CLERK

ROUTE CARRIED BY STRUCTURE CUYAHOGA RIVER

(2) FIPS Code: INDEPENDENCE
 (9) Direction of Traffic: 2-WAY TRAFFIC
 (10) Temporary: N
 (101) Location: 12MI W CH8&.08MI N CH82
 (103) Route On Bridge: MUNICIPAL
 (11) Truck Network: N
 (100) Type Serv: (On): HIGHWAY
 (Under): WATERWAY
 (102) Facility Carried: OLD ROCKSIDE ROAD
 (104) Route Under Bridge: NON-HIGHWAY

Inventory Route Data

(3) Route On/Under: ROUTE CARRIED BY STRUCTURE
 Route No: ORRCP Dir: Des: MAINLINE Pref:
 (4) Feature Inspected: CUYAHOGA RIVER
 Mileage: 0017
 (5) County: IND Special Desig:
 (6) Avg. Daily Traffic(ADT): 7,961 (7) ADT Year: 2001
 (8) Truck Traf: 1,810 (14) NHS: NON-NHS BRG E (15) Corridor: N
 (16) Functional Class: LOCAL ROAD-URBAN
 (19) Strahl: Not Applicable (Not a Strahlrd Brid

Intersected Route Data

(22) Route On/Under: Dir: Des: Pref:
 (23) Feature Intersected:
 (24) County: Mileage: Special Desig:
 (25) Avg. Daily Traffic(ADT): (26) ADT Year:
 (27) Truck Traf: (28) NHS: - (29) Corridor: N
 (30) Functional Class: (30) Strahlrd:
 Clearance On the Bridge
 (154) Min. Htz on Bridge: NC: 0.0 Card: 22.0 Ft
 (155) Prac Max Htz on Brq: NC: 9999.9 Ft
 (67) Min Vt Cr On Brq: NC: 9999.9 Card: 9999.9 Ft
 (80) Min Lat Cr: NC: 0.0/0.0 Ft Card: 0.0/0.0 Ft
 (81) Vt Cr Lft: 0.0 Ft

Structure Information

(38) Bypass Length: XX Miles
 (39) Latitude: 41 Deg 23 Min 40.52 Sec Longitude: 81 Deg 37 Min 45.62 Sec
 (40) Toll: ON FREE ROAD
 (41) Date Built: 1/1/1960 (42) Major Rehabilitation:
 (43) No. Lanes On: 2 No. Lanes Under: 0
 (44) Horiz Curve: (45) Skew: 1 Deg
 (49) App. Rdw Width: 26 Ft (50) Brq. Rdw Width: 22.3 Ft
 (51) Deck Width: 24.3 Ft Deck Area: 3261 Sq. Ft
 (52) Median Type: NONENON BARRIER/NO JOINT
 (53) Bridge Median: NO MEDIAN
 (54) Sidewalks: (left) 1.0 Ft (right) 1.0 Ft
 (55) Type Curb or Sidewalks:
 (Left) Mat: CONCRETE Type: SAFETY CURB(<=2)
 (Right) Mat: CONCRETE Type: SAFETY CURB(<=2)
 (56) Flared: N (57) Composite: N - NON COMPOSITE
 (58) Railing: STL GUARDRL ON STL, CONCR, OR TMR POSTS
 (59) Deck Drainage: OTHER-NATURAL(OFF THE BRIDGE ENDS)
 (60) Deck Type: REINF CONCR (PRESTRSD, PRECAST
 (61) Deck Protection: External: OTHER
 Internal: UNKNOWN
 (62) Wearing Surface: BITUM (ASPHLT CONCRT)
 Thickness: 3.0 In (119) Date of Wearing Surface:
 Slope Protection: NONE-NATURAL PROTECTION(GRASS, BUSHES)

Load Rating Information

(48) Design Load: H/20
 (49) Rat Fact: 1.030 LD: HS20 LOADING
 (50) Rat Fact: 0.750 LD: HS20 LOADING
 (83) Ohio Percent of Legal Load: 125
 (84) Analysis: LOAD FACTOR (LF)
 (85) Rate Sort: NO SOFTWARE USED (DEFAULT)
 Analysis on Bars: NOT ON BARS (DEFAULT)
 PE#: 0
 (86) Waterway Adequacy: 5
 (89) Approach Alignment: 4
 Calc Gen Appraisl: 4
 Calc Deck Geometry: 2
 Calc Underclearance: N
 (Including calculated items)
 (88) Approach Alignment: 4
 Calc Gen Appraisl: 4
 Calc Deck Geometry: 2
 Calc Underclearance: N

Approach Information

(109) Approach Guardrail: STEEL BEAM
 (110) Approach Pavement: CONCRETE
 (111) Grade: FAIR
 (112) Moment Plate: NONE

Substructure

(63) Main Spans Number: 2 Type: PRESTRESSED CONCRETE/BOX BEAM/SIMPLE
 Approach Spans Number: 0 Type: NONE/NONE/NONE
 Total Spans: 2 (65) Max Span: 66 Ft (66) Overall Leng: 134 Ft
 (70) Substructure (71) Foundation and Scour Information
 Abut-Rear Mat: CONCRETE A Type: GRAVITY Fnd: UNKNOWN (OR OLDER BRIDGE BEING ADDED)
 Abut-Fwd Mat: CONCRETE A Type: GRAVITY Fnd: UNKNOWN (OR OLDER BRIDGE BEING ADDED)
 Pier-Pre Mat: STEEL AND C Type: CANTILEVER(TEE) SOLID PANEL Fnd: CIP REINF CONCRETE PILES (14" DIAMETER)
 Pier-Other Mat: NONE Type: NONE Fnd: NONENOT APPLICABLE (SUCH AS CULVERTS)
 Pier-Other Mat: NONE Type: NONE Fnd: NONENOT APPLICABLE (SUCH AS CULVERTS)
 No of Piers Predominate: 01 Other: NN
 (86) Stream Velocity: 006.6 (74) Scour: UNKNOWN FOUNDATION Other: NN
 (189) Dive: Y Freq: 60 Probe: N Freq: 0 (75) Chan Prot: NONE
 (189) Date of last Dive Insp: 9/17/2009 (152) Drainage Area: 707 Sq Mi
 Clearance Under the Bridge
 (156) Min. Htz Under Clear: NC: 0.0 Ft Card: 0.0 Ft
 (157) Prac Max Vt Under Clear: 0.0 Ft Card: 0.0 Ft
 (77) Min Vt Under Clear: NC: 0.0 Ft Card: 0.0/0.0 Ft
 (78) Min Lat Under Clear: NC: 0.0/0.0 Ft Card: 0.0/0.0 Ft

General Information

(121) Main Member: PRESTRESSED CONCRETE BOX BEAM
 (169) Expansion Joint: SLIDING METAL PLATE ANGLE
 (124) Bearing Devices: SLIDING (BRONZE)
 (126) Navigation: Control-N
 (193) Spec Insp: N
 (188) Fracture Critical Insp: N
 (138) Long Member: NOT APPLICABLE
 (141) Structural Steel Memb: NONE
 (127) Length: 0.0 Ft
 (130) Headwalls: NONE
 (122) Moment Plate: NONE
 Vert Ctr: 0.0 Ft
 Horiz Clear: 0.0 Ft
 Date: Date: Date:
 (135) Hinges: NOT APPLICABLE
 (139) Framing: STRAIGHT
 Railing: N
 Paint: NONE
 Pay Wt: 0 pounds
 Prime Loc: NONE
 Bridge Dedicated Name:
 Appx 060

Unit of Measure: English
 Structure File Number: 1876082
 Sufficiency Rating: 027.5 SD

Bridge Inventory Information
 Inventory Bridge Number: CUY ORRCP 0017
ROUTE CARRIED BY STRUCTURE CUYAHOGA RIVER

Report Date: 07-11-2013 BM-191 Page: 2 of 2
 BR Type: PRESTRESSED CONCRETE/BOX BEAM/SIMPLE SPAN
 Date of Last Inventory Update: 9/11/2012

General Information (Continued)		Original Plans Information	
(--1) Hist Significance:		(142) Fabricator:	
(--1) Hist Builder:		(143) Contractor:	
(69) Hist Type:	Hist Build Year:	(144) Ohio Original Construction Project No:	
(161) Special Features (see below):		(--1) Microfilm Reel:	
(105) Border Bridge State: Resp: %(106) SFN:		(151) Standard Drawing:	
Proposed Improvements		Aperture Cards: Orig: N Repair: N Fabr: N	
(90) Type Work: -		Plan Information Available: 1 PLAN INFORMATION AVAILABLE	
(90) Length: Ft		(153) Repair Projects:	
(90) Bridge Cost (\$1000s):			
(90) Roadway Cost (\$1000s):			
(90) Total Project Cost (\$1000s):			
(91) Future ADT (On Bridge): 11050	(90) Year:		
	(92) Year of Future ADT: 2032		
Inspection Summary		Utilities	
(1-8) Deck:	5	(46) Electric:	N
(1-32) Superstructure:	5	Gas:	N
(1-42) Substructure:	4	Sanitary Sewer:	N
(1-50) Culvert:		TV Cable:	N
(1-54) Channel:	4	Water:	N
(1-60) Approaches:	4	Other:	U
(1-66) General Appraisal:	4		
(1-66) Operational Status:	A		
Inspection Date:	10/21/2011		
(94) Desig Insp Freq	12 Months		
SFNs Replacing this retired bridge:			
SFNs That were replaced by this bridge:			
This bridge was retired and copied to:			
The bridge was copied from:			
(95) Insp: CITY/LOCAL	2nd: NONE		
(96) Maint: CITY/LOCAL	2nd: NONE		
(97) Routine: CITY/LOCAL	2nd: NONE		
PONTIS CARE elements and Conditions States			
Element No.	Core Element Description	Total Quantity	Brkt. Meas
		1	2
		3	4
		5	
(*) Percentages should add to 100%			
Special Features		Lighting:	
		(161) N	
		Fencing:	
		N	
		Glare-Screen:	
		N	
		Splash-Guard:	
		N	
		Catwalks:	
		N	
		Other-Feat:	
		(184) N	
		Signs-On:	
		N	
		Signs-Under	
		(162) N	
		Fence-Ht	
		(163) N	
		Noise Barr	
		N	
INV Field Bridge Marker:		CUY - ORRCP - 0017 -	
INT Field Bridge Marker:		-	

From:

12/29/2011 23:46

#258 P.002/007

IN THE COURT OF COMMON PLEAS, FAYETTE COUNTY, OHIO

THE CITY OF WASHINGTON,

vs.

LAWRENCE DUMFORD, ROBERT FICHTHORN, ROBERT MACE, as COUNTY COMMISSIONERS of Fayette County, Ohio,

Plaintiff,

FILED
COURT OF APPEALS
FAYETTE CO, OHIO

Case No. 24464

APR 7 - 1969

Catharine H. Nye

CLERK

DEPUTY CLERK DEPUTY OPINION

Defendants.

The City of Washington Court House has brought an action for declaratory judgment against the Fayette County Commissioners for the purpose of determining their respective responsibilities in the repair, maintenance and construction of the various bridges located within the city limits of Washington Court House. The City maintains that all bridges within the city limits are the responsibility of the County Commissioners except the one located in the Belle Aire section of the city, for the following reasons:

1. That the bridges on Dayton Avenue, West Court Street and South Fayette Street are located on primary state and county roads;
2. That the bridges on West Temple, Oakland, South Main, Elm and South North Streets are on secondary roads;
3. That Millikan and Sycamore Streets are used as alternate routes for county and state roads;
4. That all the bridges are on improved roads which are of a general public utility;
5. That certain streets connect state and county roads, and therefore any bridges on those connecting streets fall within the purview of the statute relating to the responsibilities of

- 2 -

the commissioners to repair, maintain and construct the bridges;

6. That since there is no bridge fund to be obtained, therefore, the City has no funds to use for such purposes.

The Defendant Board of County Commissioners maintain that they are responsible for the bridges lying on Dayton Avenue, West Court Street, South Fayette Street and Washington Avenue because they are located on state or county roads running into or through the City. All the other bridges, the Board claims, are not their responsibility since they do not lay on state and county roads or improved roads running into or through the municipality of Washington Court House.

Both litigants cite the Ohio Revised Code Sections 5591.02 and 5591.21 as being applicable to their dispute, but each has a different understanding as to the application of the Sections. It is therefore incumbent upon this Court to interpret these statutes, keeping in mind the intention of the legislature at the time it was passed, as well as the various court decisions resulting from similar disputes to the case at bar.

Ohio Revised Code Section 5591.02 is worded as follows:

"The board of county commissioners shall construct and keep in repair all necessary bridges in municipal corporations not having the right to demand and receive a portion of the bridge fund levied upon property within such corporations, on all state and county roads and improved roads which are of general and public utility, running into or through such municipal corporation."

Ohio Revised Code Section 5591.21 contains the following language:

"The board of county commissioners shall construct and keep in repair necessary bridges over streams and public canals on or connecting state, county and improved roads, except only such bridges as

- 3 -

are wholly in municipal corporations having by law the right to demand, and do demand and receive, part of the bridge fund levied upon property therein. If they do not demand and receive a portion of the bridge tax, the board shall construct and keep in repair all bridges in such municipal corporations. The granting of the demand made by any municipal corporation for its portion of the bridge tax is optional with the board.

"The board may submit to the electors the question of issuing county bonds for the construction of bridges on proposed state or county roads or connecting state or county roads, one or more of which may be proposed, but such bonds shall not be issued or sold until the proposed roads are actually established.

"When the board deems it unnecessary in the construction of any bridge and the approaches thereto to acquire the entire land upon and over which the same shall be located, it may acquire such part of the land and easements and rights in the remainder thereof as are necessary and sufficient for such construction."

It appears to this Court that one of the first words of the statute where there is a lack of understanding is the term "road". In Webster's New International Dictionary, Second Edition, we find the language: "Road is generally applied to a highway outside of an urban district as distinct from a street which is a highway in an urban district." Keeping this in mind we find that the county commissioners, in Ohio Revised Code Section 5591.02, have the responsibility of constructing and keeping in repair all necessary bridges on all state and county roads and improved roads which are of general and public utility, running into or through such municipality. (Since there is no bridge fund the language pertaining to the bridge fund is obsolete. 84 Ohio Law Abstract 202 Hamilton versus Van Gordon.)

All other bridges located within the city are the city's responsibility and the county has no authority to construct bridges in the streets other than those mentioned above. Newark versus Jones 16 Ohio Circuit Court Page 563 and City of Piqua versus Geist, 59 Ohio State 163.

- 4 -

Another area of contention is the meaning of the words "on or connecting state, county, and improved roads" in Ohio Revised Code Section 5591.21. The City of Washington has argued that this language means that the bridge may be on a road connecting two county roads and this would place the bridge within the responsibility of the Board of County Commissioners. In 107 Ohio State 465, State versus Commissioners, the Court has held that the "county commissioners have no power to build bridges except on established roads"; and that "county commissioners cannot connect two state or county roads by a bridge without first laying out and acquiring a road connecting such state or county roads". In the Hamilton versus Van Gordon case referred to above, the court also held that it is the duty of the county commissioners to construct and repair bridges which connect county roads in municipalities but not to construct and repair bridges on connecting roads as such.

Another word in the statute which would bear interpretation is the word "through". Here again, this Court feels the words "in at one side and out at the opposite side of", as found in Webster's New International Dictionary, Second Edition, places the best understanding of the word and its application in the cases heretofore decided which deal with the Ohio Revised Code Section 5591.02.

The City of Washington exhibited a map (Plaintiff's Exhibit 2) for the purposes of establishing further evidence of the city or county's responsibility according to the way the map was labeled, for example, whether it was a primary or a secondary route. However, from the testimony this map merely shows how the streets were classified for the convenience of those issuing federal funds, and then the federal funds were

- 5 -

alloted to the governing body which the Ohio laws determined to control its expenditure. Therefore, for this determination, we must go back to the two basic statutes in question, Ohio Revised Code 5591.02 and 5591.21.

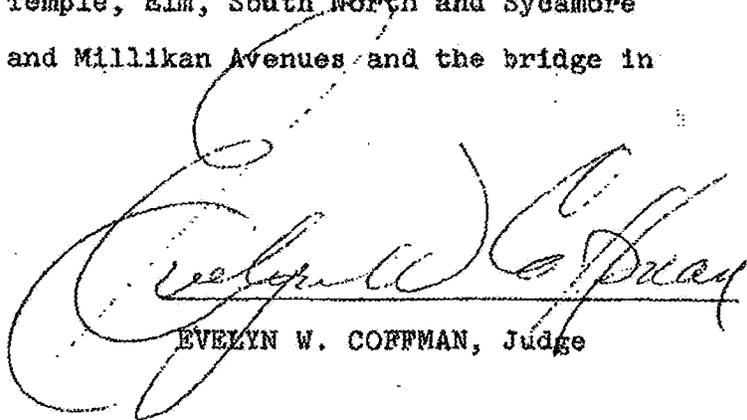
The City argued that since there was no bridge fund from which they can demand for the purposes of constructing and repairing bridges, they should not be responsible for those within their municipality other than the one in Belle Aire. However, the testimony revealed that there was gasoline and auto license tax money which is to be used for the building of streets, bridges, viaducts and so forth within both the city and the county and the money was apportioned between the two governing agencies.

We come now to the point of considering the responsibility of the city and the county in the maintenance and repair and construction of each bridge in the City of Washington Court House. There seems no dispute about the Belle Aire, Dayton Avenue, Washington Avenue, Court Street and South Fayette Street bridges. All parties are in agreement that the Belle Aire bridge was solely within the City, and that the latter four named bridges were the responsibility of the County Commissioners since the bridges are constructed on county and state roads.

This Court will agree with the litigants with this word of caution, according to 15 Ohio Circuit Court 446, Mooney versus St. Marys, the Court held that, "if a bridge is built on a state or county road within a city, the city is not liable for defects thereto, except to protect the public by barriers and signals until the commissioners can be notified and can make the necessary repairs." (Also refer to 16 Circuit Court 563, Newark versus Jones)

However, we find the bridges on South Main, West Temple, Elm, South North and Sycamore Streets and Oakland and Millikan Avenues to be on intra-city streets and not on state and county roads and improved roads of general public utility running into or through such municipal corporation. Even though some of the streets on which the latter bridges are located do connect state and county roads, this does not fall within the purview of the statute requiring the bridge to either connect two county or state roads or improved roads of general public utility running into or through the city; or appear on a county or state road, or on an improved road of general public utility running into or through the city.

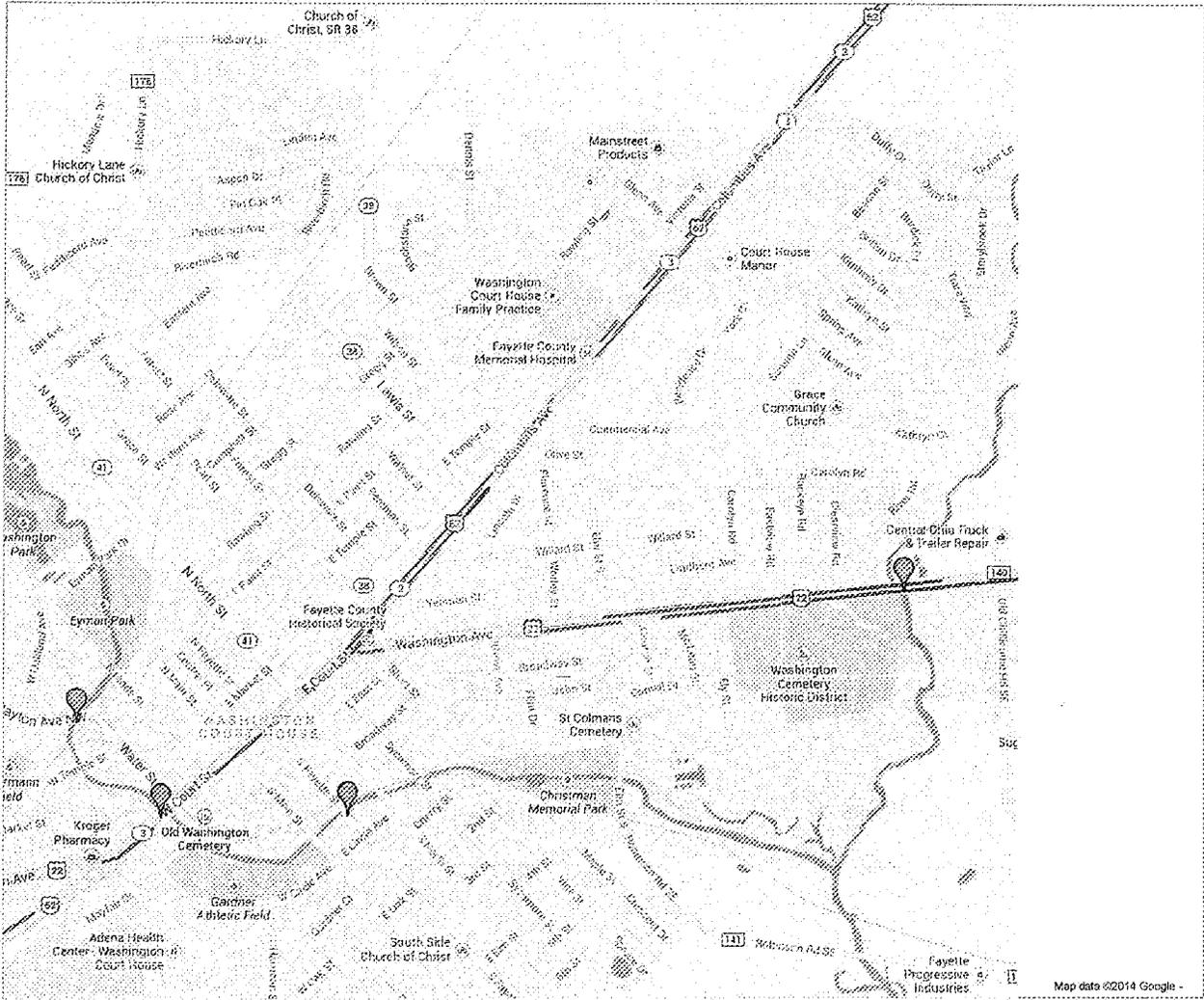
This Court therefore ORDERS, ADJUDGES AND DECREES that the Board of County Commissioners shall be responsible for the construction, repair and maintenance of the bridges on Dayton Avenue, Washington Avenue, Court Street and South Fayette Street. The City of Washington Court House shall be responsible for the construction, repair and maintenance of the bridges on South Main, West Temple, Elm, South North and Sycamore Streets and Oakland and Millikan Avenues and the bridge in Belle Aire.



EVELYN W. COFFMAN, Judge



To see all the details that are visible on the screen, use the "Print" link next to the map.



Bridges in Washington C.H. Determined to be Responsibility of County

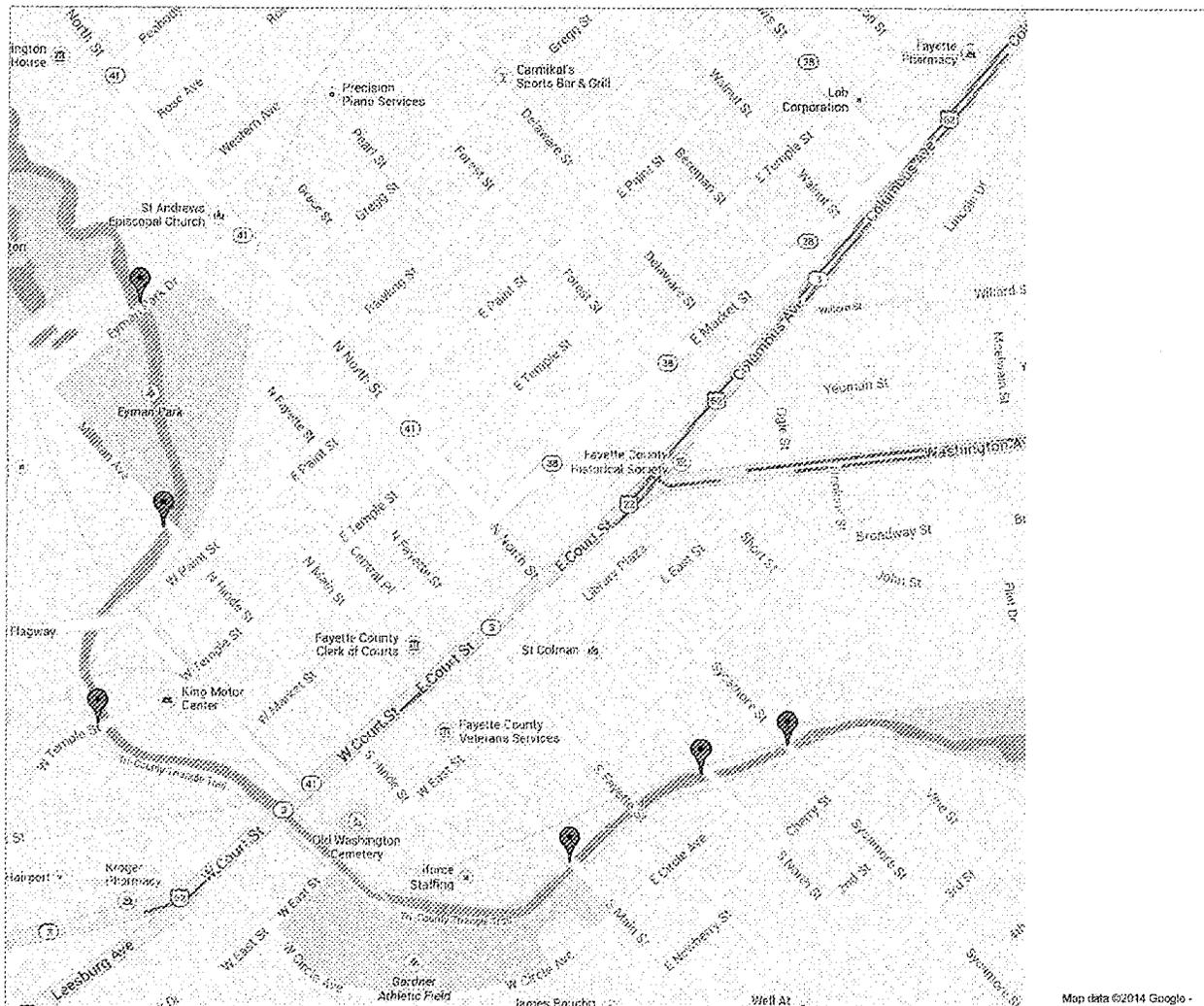
City of Washington Court House v. Dumford (1970)
22 Ohio App.2d 75, 258 N.E.2d 261

Public domain
Created on Dec 30, 2011 By Updated < 1 minute ago

- Dayton Ave. Bridge
- Court St. Bridge
- Fayette St. Bridge
- Washington Ave. Bridge



To see all the details that are visible on the screen, use the "Print" link next to the map.



Bridges in Washington C.H. Determined to be Responsibility of City

City of Washington Court House v. Dumford (1970)
22 Ohio App.2d 75, 258 N.E.2d 261

Public 0 views
Created on Dec 30, 2011 · By · Updated Dec 30, 2011

-  Eyman Park Bridge (formerly Oakland Ave. Bridge)
-  Milikan Ave. Bridge
-  W. Temple Bridge
-  S. Main St. Bridge
-  S. North St. Bridge
-  Sycamore St. Bridge
-  Elm St. Bridge