

Interstate 71 and U.S. 36/S.R. 37 Interchange Project Information

The Current Situation:

ODOT is seeking public input as it determines which route is the best alternative for a new I-71 interchange, just south of an existing interchange to U.S. Route 36/State Route 37. The new interchange is referred to as “the southern interchange” or “combined southern interchange” because it combines the existing and southern interchange. ODOT studies have determined the combined southern interchange plan to be the best solution for expected traffic increases in the area because of development.

Improvements have been made and are being completed to the existing interchange. These have been funded by the developer of the Simon-Tanger Outlet Mall, which opens in June 2016.

Funding for future improvements, including the combined southern interchange, must be obtained before work can be approved, scheduled and commenced. \$16.5 million from Mall sales are to be provided to ODOT via the Berkshire Landing New Community Authority, a quasi-governmental agency formed by Delaware County and the Mall developer. The construction of an east-west Sunbury Parkway, would have to be built and funded by the developer. Future widenings of this section may or may not be entirely funded by developers.

There is confusion in the Berkshire Township community about the role of the Berkshire Joint Economic Development District in all of this. The JEDD is another quasi-governmental entity, approved by local voters, and is completely separate from these projects and has no planning or funding involvement with the southern interchange project.

Q & A:

Understanding Improvements Related to the Mall:

What did the traffic impact study commissioned by the Simon-Tanger Outlet Mall developer show to be needed improvements and how much would they cost?

The “opening year” improvements are those improvements needed by opening day of the Simon-Tanger Outlet Mall. They are estimated at a total value of \$17.6 million. \$8 million of this cost was contributed by Delaware County from its general fund. The rest has been supplied by the Mall developer. These are the improvements that were identified as needed:

- 1) Construct a two-lane exit ramp from I-71 northbound onto US36/SR37.
- 2) Construct an extension of Wilson Road south of US36/SR37.
- 3) Construct a backage road from A.D. Farrow motorcycle dealership to Wilson Road.
- 4) At the intersection of US36/SR37 and Wilson Road:
 - a. Remove the signal at Pilot/Flying J;
 - b. Construct an eastbound right-turn lane;
 - c. Extend the left-turn lanes to the furthest extent possible;
 - d. Construct a westbound left-turn lane;
 - e. Construct a northbound approach, two left-turn lanes, a through lane and a shared through/right lane;

- f. Add a through lane for the southbound approach.

The “design year” improvements are those identified as being needed 20 years out from the opening year in order to mitigate the effects of only the Mall’s traffic. The values of these improvements have been identified as \$16.5 million. The needed improvements were identified as:

- 1) Widen the US36/SR37 bridge over I-71 and provide dual westbound left-turn lanes onto I-71 South.
- 2) Add a second receiving lane to the on ramp for I-71 South.
- 3) Construct a right-turn lane on US36/SR37 onto I-71 North.
- 4) Construct eastbound and westbound left-turn lanes on US36/SR37 onto Galena Road.
- 5) At the intersection of US36/SR37 and Wilson Road:
 - a. Construct continuous right-turn lane onto Wilson Road;
 - b. Continue third eastbound through lane past intersection.

Why didn’t ODOT ask the Mall developer to do all the design year improvements?

Simon-Tanger’s traffic impact study was based only on the scenario of the Mall being built. Since then, additional development plans have emerged and subsequent studies have found that the construction of a combined southern interchange would have a much greater impact on improving traffic flow throughout the area than the initially identified design year improvements would. ODOT has the authority to apply up to \$16.5 million committed to those improvements to the southern interchange project.

Where is the \$16.5 million committed to the design year improvements now and who controls it?

It is still in the pockets of future Mall shoppers. As soon as the Mall opens, one half of one percent of each dollar spent at the Mall must be collected as a “community development charge” and paid to the Berkshire Landing New Community Authority. This is a quasi-governmental entity that was created through an agreement between Delaware County and the Mall developer: It consists of a board of seven members, four of whom are appointed by the County and three by the developer. They are responsible for collecting and dispersing these sales revenues for projects that will assist with the orderly development of that community (the Mall area). From those revenues, \$16.5 million is committed to whatever project ODOT determines is best for mitigating the effects of traffic increases from the Mall. The commitment to provide the \$16.5 million to ODOT was created from an agreement between the County, Berkshire Township, ODOT, the Berkshire Landing New Community Authority and the Mall developer. ODOT will have to provide Delaware County and the Berkshire Landing NCA with a one-year advance notice when they are ready to use that money as a guaranty for construction bonds. If, for any reason, the bonds can’t be sold on the open market, the Mall developer is obligated to buy them.

What has been the County’s role in the Mall’s traffic impact study and the resulting improvements?

Delaware County was invited by ODOT to review and comment on the traffic impact study because of the expected impact on local roads under County jurisdiction. However, the County does not have jurisdiction over state and federal highways and it is not involved in any of the improvements to US36/SR37 or to I-71. These roads are under ODOT’s jurisdiction. The County

has chosen to provide \$8 million in partial funding for the construction of the Wilson Road extension because of the expected economic benefits to the County that the Mall will bring.

Understanding the Southern Interchange Project:

Why can't we upgrade the existing interchange and forget about the southern interchange?

Improvements to the existing interchange to solve the long-term traffic volumes would have to look like an interstate-to-interstate connection, similar to I-71 and I-270 interchange with flyover ramps. Early and mid-2000 studies showed that these improvements would eliminate many of the businesses around the existing interchange. Further feasibility studies showed that a combined southern interchange was best to meet the purpose and need of the project while still maintaining the existing businesses. The current improvements that have occurred are adequate in the short term, but the studies have shown that future development will require another interchange.

What is the relationship between the Mall and the southern interchange?

The combined southern interchange is the improvement identified by ODOT as the best solution for current and future traffic challenges in the region. The Mall has been a factor driving the improvement of the current interchange, but it is no longer the only factor driving the need for the addition of a southern interchange.

Who is funding the combined southern interchange and how would this occur?

ODOT expects the funding to come from a combination of sources. ODOT has requested a financial package from NorthGate, the developer whose construction plans south of the Mall, have been a major factor in developing the combined southern interchange idea. NorthGate will have to commit to a funding plan that matches the phasing plan that ODOT creates (which will spell out the phases for constructing the southern interchange and related improvements). There will have to be cash on hand before each phase can begin. The overall cost is estimated to be \$125 million. Phase One is the construction of the combined southern interchange. The \$16.5 million that will flow through the Berkshire Landing NCA can be committed to this phase by ODOT.

What is the time line now for this project?

There is not one yet because there are too many as-yet undetermined variables impacting this project.

Why did ODOT have a public meeting about the southern interchange if it hasn't obtained funding yet?

Because this project involves an interstate highway, a public meeting is required by the National Environmental Policy Act to seek input on the alternatives. A meeting at this point was actually early, based on similar ODOT projects of this nature. Future public meetings will be conducted, based on when funding is confirmed.

Understanding NCAs and JEDDs:

What is a NCA?

A New Community Authority (or NCA) is a quasi-governmental entity created by a developer who has rights to a property; its mission is to assist with the orderly development of a community. The request to create a NCA must be approved by the county in whose jurisdiction that property is located. Once established, an NCA can issue debt, generate revenue through taxes, establish facilities and provide for operations. It is governed by a seven-member board, four of whom are appointed by the county's commissioners and three by the developer. The Ohio Revised Code 349.06 provides more information about the power and authority of a NCA.

What is a JEDD?

A JEDD is a Joint Economic Development District. It is created through a contractual agreements between local jurisdictions (the city of Delaware and Berkshire Township in the case of this particular area) to create a new board/political subdivision that is authorized to improve the economic vitality of an area. It has to be approved through a vote of property owners.

What are the roles of the Berkshire Landing New Community Authority and the Berkshire JEDD in the southern interchange project?

The JEDD does not have anything to do with the interchanges (the current one or the proposed southern one) or with the \$16.5 million. It is the Berkshire Landing New Community Authority that is responsible for the collection and disbursement of that money. The NCA was established through an agreement between Delaware County and the Mall developer, and the agreement governing the use of the money generated was created between the County, Berkshire Township, ODOT, the developer and the NCA (which is composed of seven members – four chosen by the County and three by the developer). According to that agreement, \$16.5 million of money that is collected (from sales at the Mall) and paid to the NCA must be passed to ODOT to pay for improvements that are necessary to mitigate the effect of increased traffic due to the Mall. The NCA is considered the guarantor for that money.

The Berkshire Township JEDD is a completely separate entity and ODOT will not be using any funds generated from that source. A JEDD is created through a contractual agreement formed between local jurisdictions (in this case, Berkshire Township and the City of Delaware) to create a new political subdivision that is authorized to improve the economic vitality of an area. This JEDD does not have any involvement with the interchanges.

What is ODOT's role in the NCA and JEDD?

ODOT has no role with these entities. It is in control of deciding which design-year improvements, if any, will be required. ODOT has the authority to redirect the NCA funds to a project that it determines best satisfies the needs of the original study.

What is the County's role with the NCA and the JEDD?

The County cooperates with the other parties to the agreements forged with the NCA. It also appoints four members to the NCA. It has no relationship or involvement with the Berkshire JEDD.

Understanding Future Development and How It Will Be Handled:

How much more development can be accommodated in this area without more improvements to the infrastructure?

According to the determinations of ODOT and the Delaware County Engineer's Office, with the addition of the Mall, the current interchange is at or near its maximum capacity and that fact will limit future development.

If more improvements are needed to accommodate future development, who will pay for them?

This would have to be determined on a case-by-case basis. The County would, as it always has, work with the developers in their jurisdiction to ensure that the developers make improvements necessary to mitigate the traffic impacts created by their developments. The County has no jurisdiction on development inside municipal corporations.

Can ODOT and/or the County restrict the amount and type of development in this area?

When there is a proposed change in land use and an access point to a state or federal highway is involved, ODOT must be involved. The County plays a limited role in determining land use policy because this authority belongs primarily to the townships, villages and cities where development is proposed. But the County does have authority over the platting process, which is the process of surveying and mapping a piece of land to identify boundaries, easements, flood zones, roadways and access rights-of-way. The County can also work with developers to obtain funds for infrastructure that is owned and operated by the County (like water and sewer).