STATE OF OHIO
OFFICE OF THE INSPECTOR GENERAL

RANDALL J. MEYER, INSPECTOR GENERAL

REPORT OF INVESTIGATION

AGENCY: OHIO DEPARTMENT OF TRANSPORTATION
FILE ID NO.: 2024-CA00005
DATE OF REPORT: AUGUST 21, 2025

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The State Watchdog

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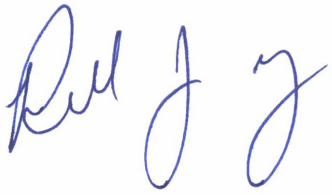


Randall J. Meyer
Ohio Inspector General

STATE OF OHIO
OFFICE OF THE INSPECTOR GENERAL
RANDALL J. MEYER, INSPECTOR GENERAL

REPORT OF INVESTIGATION

FILE ID NUMBER:	2024-CA00005
SUBJECT NAME:	Scott Ockunzzi
POSITION:	Planning Engineer Ohio Department of Transportation, District 3
AGENCY:	Ohio Department of Transportation
BASIS FOR INVESTIGATION:	Complaint
ALLEGATION:	Improper Practices
INITIATED:	March 21, 2024
DATE OF REPORT:	August 21, 2025

INITIAL ALLEGATION AND COMPLAINT SUMMARY

On February 21, 2024, the Office of the Ohio Inspector General received a complaint alleging that co-sponsors of a project to build a roundabout at the roadway intersection of State Route 162 and River Styx Road in Medina, County, OH, submitted a fraudulent application to obtain federal funding from a program that pays for eligible project costs, including construction costs. The complaint alleged that project co-sponsors, the Ohio Department of Transportation (ODOT) and the Medina County Engineer's Office, submitted a program application for federal funding under the Congestion Mitigation and Air Quality (CMAQ) Improvement Program. The complainant alleged that the co-sponsors submitted the CMAQ Application to the Northeast Ohio Areawide Coordinating Agency (NOACA), and that the submitted application contained false information, including among other items, a false entry for a transportation system performance metric known as level of service (LOS) for the existing intersection. The Office of the Ohio Inspector General opened an investigation to evaluate the actions of ODOT District 3 Planning Engineer Scott Ockunzzi in the CMAQ application for federal funding for the roundabout project.

BACKGROUND

Ohio Department of Transportation

The Ohio Department of Transportation (ODOT) is responsible for planning, building, inspecting and maintaining a safe, efficient, and accessible transportation system that integrates Ohio highways, rail systems, aviation and water networks. The department also helps coordinate and develop Ohio's public transportation and aviation programs which include public transit systems, mobility management program grantees, specialized transportation programs and other public-use airports and heliports.[1] ODOT has 12 regional districts which, "serve regional areas of the state and manage local operations".[2]

ODOT District 3 (D3), "… serves Ashland, Crawford, Erie, Huron, Lorain, Medina, Richland and Wayne counties in north central Ohio, including the greater Ashland-Mansfield and Lorain-

[1] Source: Biennial budget documents.
[2] Source: ODOT website, located at: https://www.transportation.ohio.gov/about-us/districts.

Elyria regions. Headquartered in Ashland, the district maintains over 4,100 lane miles of interstate, federal, and state highways and 1,419 bridges throughout its eight-county region."[3]

Medina County Engineer's Office

According to the Medina County Engineer's Office website, the agency's, "… mission is to ensure a safe, efficient, and sustainable transportation system in Medina County," and, "… provide highway engineering, maintenance, and planning services. …"[4]

Northeast Ohio Areawide Coordinating Agency (NOACA)

The Northeast Ohio Areawide Coordinating Agency (NOACA) is, "… a transportation and environmental planning agency serving Cuyahoga, Geauga, Lake, Lorain, and Medina counties. NOACA is the federally designated metropolitan planning organization for northeast Ohio, and is charged with determining which proposed highway, bikeway, and transit projects will receive federal funding."[5]

Congestion Mitigation and Air Quality (CMAQ) Improvement Program

The federally funded Congestion Mitigation and Air Quality (CMAQ) Improvement Program is administered by the U.S. Department of Transportation, Federal Highway Administration (U.S. DOT, FHWA). The CMAQ program, "was established by the Intermodal Surface Transportation Act (ISTEA) of 1991. The CMAQ program provides a flexible funding source to state and local governments for transportation projects and programs to help meet the requirements of the Clean Air Act. Funding is available to reduce congestion and improve air quality for areas that do not meet the National Ambient Air Quality Standards (NAAQS) for ozone, carbon monoxide, or particulate matter (nonattainment areas) and for areas that were out of compliance but have now met the standards (maintenance areas)."[6] This investigation was jointly conducted with the U.S.

[3] Source: ODOT D3 website, located at: https://www.transportation.ohio.gov/about-us/districts/district-3-ashland.
[4] Source: Medina County Engineer website, located at: https://engineer.medinaco.org/index.html.
[5] Source: NOACA website, located at: https://www.noaca.org/about/about-noaca/faqs.
[6] Source: 2021 NOACA CMAQ Program Application & Guidance, recovered from an email in Scott Ockunzzi's State of Ohio email account, dated May 24, 2021.

Department of Transportation - Office of Inspector General, a federal partner whose investigative jurisdiction included the CMAQ program.

State Route 162 and River Styx Road Roundabout Project

According to the U.S. DOT, FHWA, a modern roundabout, "… is an intersection with a circular configuration that safely and efficiently moves traffic. Roundabouts feature channelized, curved approaches that reduce vehicle speed, entry yield control that gives right-of-way to circulating traffic, and counterclockwise flow around a central island that minimizes conflict points. The net result of lower speeds and reduced conflicts at roundabouts is an environment where crashes that cause injury or fatality are substantially reduced."[7] An example of a single-lane roundabout is shown in the photograph below (Figure 1).

Figure 1, Example of a single-lane roundabout. Source: U.S. DOT, FHWA, Office of Safety, Making Our Roads Safer One Countermeasure at a Time, FHWA Report No. FHWA-SA-21-071, October 2021, page 18 excerpt.

The intersection of State Route 162 and River Styx Road, "… is an all-way stop-controlled (AWSC) intersection in Montville Township, just southeast of the City of Medina. Each approach to the intersection is a single lane."[8] "All-way STOP-controlled intersections have a

[7] Source: U.S. DOT, FHWA, Office of Safety, Making Our Roads Safer One Countermeasure at a Time, FHWA Report No. FHWA-SA-21-071, October 2021, page 18.
[8] Source: ODOT District 3, 2019 Operational Study, Medina SR 162 SLM 20.04 River Styx Road, dated March 2019, page 1, recovered from an email in Scott Ockunzzi's State of Ohio email account, dated March 18, 2019.

STOP sign on every approach to the intersection. The 1965 HCM [Highway Capacity Manual] referred to these as 'four-way STOP-controlled' intersections … ."[9] A photograph of the existing State Route 162 and River Styx Road intersection is shown below (Figure 2**)**.

Figure 2, Photograph of State Route 162 and River Styx Road - Existing Intersection. Source: ODOT, District 3, 2019 Operational Study, Medina SR 162 SLM 20.04 River Styx Road, dated March 2019, cover page excerpt, recovered from an email in Scott Ockunzzi's State of Ohio email account, dated March 18, 2019.

ODOT's stated objective of the State Route 162 and River Styx Road Roundabout project (hereafter referred to as "project") was to convert the existing all-way stop-controlled (AWSC) intersection into a single-lane roundabout at the intersection of State Route 162 and River Styx Road in Medina County. Additionally, the project's objective was to improve the profile of the

[9] Source: Prassas, E. S., & P. Roess, R. (2020). Unsignalized Intersections: All-Way STOP Control (AWSC). In Springer Tracts on Transportation and Traffic (pp. 107-123). (Springer Tracts on Transportation and Traffic; Vol. 12). Springer. https://doi.org/10.1007/978-3-030-34480-1_5.

north and west legs of the intersection. According to one ODOT estimate, construction on the project was scheduled to begin in the Summer of 2026 and be completed by the Fall of 2026; and the construction costs for the project were estimated to be $3,460,000.[10] A diagram of the proposed roundabout is shown below (Figure 3).

Figure 3 - State Route 162 and River Styx Road - Proposed Roundabout. Source: ODOT project website excerpt, https://www.transportation.ohio.gov/projects/projects/118357.

Level of Service (LOS) — Measures of Automobile Congestion and Travel Time Delay

The U.S. Department of Transportation describes level of service (LOS) as follows:

> … Level of service (LOS) is the term used to refer to a collection of measures of automobile congestion and travel time delay, and it is among the longest-standing and most widely adopted metrics for reporting transportation system performance in the country. LOS is intended to represent a traveler's perception of the quality of service provided by an individual intersection or roadway segment, as measured by the standard of free-flowing automobile traffic. LOS is also intended to easily communicate the results of detailed technical analyses to non-technical audiences. Traditionally,

[10] Source: ODOT project website, https://www.transportation.ohio.gov/projects/projects/116577.

transportation engineers and planners use LOS in planning, design, and land use applications, as well as operational and environmental analyses. The 2010 Highway Capacity Manual (HCM) defines LOS as, a quantitative stratification of a performance measure or performance measures that represent quality of service measured on an *A-F* scale with LOS *A* representing the best operating conditions from the traveler's perspective and LOS *F* the worst.[11]

A table containing LOS general definitions is shown below (Figure 4).

Level of Service	General Operating Conditions
A	Free flow, with low volumes and high speeds.
B	Reasonably free flow, but speeds beginning to be restricted by traffic conditions.
C	Stable flow, but most drivers are restricted in the freedom to select their own speeds.
D	Approaching unstable flow; drivers have little freedom to select their own speeds.
E	Unstable flow; may be short stoppages.
F	Forced or breakdown flow; unacceptable congestion; stop-and-go.

Figure 4 - Level of Service Definitions. Source: Evolving Use of Level of Service Metrics in Transportation Analysis: Introduction, U.S. Department of Transportation Case Study, November 28, 2017, page 2 excerpt.

APPLICABLE LAWS, RULES, AND POLICIES

The following ODOT policies and NOACA CMAQ Application rules were reviewed as part of this investigation.

ODOT Policy 17-015(P) – *Work Rules and Discipline*

4. Failure of Good Behavior:

I. Any act that may discredit, embarrass, undermine or interfere with the mission of the Agency …

5. Dishonesty:

A. Intentional statements, actions or omissions intended to mislead others.

[11] Source: Evolving Use of Level of Service Metrics in Transportation Analysis: Introduction, U.S. Department of Transportation Case Study, November 28, 2017, page 2, https://www.transportation.gov/sites/dot.gov/files/docs/LOS%20Case%20Study%20Introduction_508.pdf.

NOACA CMAQ Application Rules:

2021 CMAQ Applications

- *Applicants eligible to apply for CMAQ funding* – According to NOACA in 2021, eligible applicants included,

  > … Qualified government entities, including local governments, regional transit agencies, port authorities, and state agencies, with projects or programs located in the NOACA five-county region of Cuyahoga, Geauga, Lake, Lorain, and Medina counties.[12]

- *Projects that were eligible for CMAQ Funding* – According to NOACA in 2021,

  > … The CMAQ funds may be used to establish new or expanded transportation projects or programs that reduce emissions, including capital investments in transportation infrastructure, congestion-relief efforts, vehicle acquisitions, diesel engine retrofits, or other capital projects. Operating projects or programs are also eligible, but are limited to new transit, commuter, and intercity passenger rail services, intermodal facilities, travel demand management strategies, including traffic operation centers, inspection and maintenance programs, and the incremental cost of expanding these services.[13]

- *What the program pays for* – According to NOACA in 2021,

  > … The CMAQ program provides up to 80% of total eligible project costs associated with noninfrastructure activities and operating costs; and preliminary development, detailed design, right of way acquisition, and construction costs for infrastructure type projects. The minimum local share is 20% and must be provided from local, state, or other non-federal sources. Costs associated with a non-CMAQ funded phase are not considered as part of the local share. NOACA will review project scope components and cost estimates for CMAQ eligibility and priority and may adjust them accordingly to ensure program consistency.

[12] Source: 2021 NOACA CMAQ Program Application & Guidance, recovered from an email in Scott Ockunzzi's State of Ohio email account, dated May 24, 2021.
[13] Ibid.

NOACA will communicate with applicants directly during the evaluation process if it deems a scope or cost adjustment is necessary. Partial funding may be provided to projects.[14]

- *CMAQ funding from NOACA in 2021*

  According to NOACA, "NOACA typically holds a program solicitation for these funds every two years. … Projects are selected through a statewide competitive process."[15] NOACA publishes a program application for CMAQ funds on its website. The NOACA CMAQ program application for 2021 included an application checklist that listed the required application documents as follows: completed application form, enabling resolution/legislation, certified engineer's estimate, project description, signature by entity representative with execution authority, and a traffic study.

  According to NOACA in 2021, the CMAQ program application included the following items:

  Application Items Description and Maximum Points

  1. Project Type (10)
  2. Cost Effectiveness (15)
  3. Other Benefits (15)
  4. Existing Modal Quality/Level of Service (QOS/LOS) (15)
  5. Positive Impact on QOS/LOS (15)
  6. Status of Project (10)
  7. Non-Federal Match of Requested CMAQ Funds (10)
  8. Regional Priority (10)
  9. Beginning in FY 2015 or Later; History of Project Delivery (-10)[16]

[14] Source: 2021 NOACA CMAQ Program Application & Guidance, recovered from an email in Scott Ockunzzi's State of Ohio email account, dated May 24, 2021.
[15] Source: NOACA website, located at: https://www.noaca.org/community-assistance-center/funding-programs/congestion-mitigation-air-quality-program.
[16] Source: 2021 NOACA CMAQ Program Application & Guidance, recovered from an email in Scott Ockunzzi's State of Ohio email account, dated May 24, 2021.

Existing LOS – According to NOACA in 2021, additional information on application Question number 4, Existing LOS, is as follows:

> … 4. Existing Modal Quality/Level of Service (QOS/LOS) (15 Points) – This documents the existing congestion in the project area. A project may be awarded up to 15 points depending upon the current roadway Level of Service (LOS) F, E, D, A-C. No points will be awarded to projects to improve modes currently operating at LOS C or better. The applicant must provide documentation and data showing how the QOS/LOS was determined.[17]

INVESTIGATIVE SUMMARY

On February 21, 2024, the Office of the Ohio Inspector General received a complaint alleging that co-sponsors of a project to build a roundabout at the roadway intersection of State Route 162 and River Styx Road in Medina, County, OH, submitted a fraudulent application to obtain federal funding from a program that pays for eligible project costs, including construction costs. The complaint alleged that project co-sponsors, the Ohio Department of Transportation (ODOT) and the Medina County Engineer's Office, submitted a program application for federal funding under the Congestion Mitigation and Air Quality (CMAQ) Improvement Program. The complainant alleged that the co-sponsors submitted the CMAQ Application to the Northeast Ohio Areawide Coordinating Agency (NOACA), and that the submitted application contained false information, including among other items, a false entry for a transportation system performance metric known as level of service (LOS) for the existing intersection. The Office of the Ohio Inspector General opened an investigation to evaluate the actions of ODOT District 3 Planning Engineer Scott Ockunzzi in the CMAQ application for federal funding for the roundabout project. Investigators obtained and reviewed a series of emails and email attachments that were exchanged between Ockunzzi and Medina County Engineer Andrew Conrad in May 2021. These emails culminated with Conrad's email submission of Medina County's *2021 Congestion Mitigation and Air Quality (CMAQ) Improvement Program Application for* [federal] *funding* (hereafter, "2021 CMAQ Application") for the roundabout project to NOACA on May 25, 2021.

[17] Ibid.

Investigators found that prior to Conrad's submission of the 2021 CMAQ Application, Ockunzzi had made edits to the application, one of which was an incorrect representation of the existing project area Level of Service (LOS). Specifically, an operational study of the intersection which Ockunzzi authored in 2019, stated the existing LOS measures were a LOS *D* in the morning, and a LOS *C* in the evening; however, Ockunzzi incorrectly edited the 2021 CMAQ Application, representing that the existing project area LOS was a LOS *F* in the morning and evening. The origin of the LOS *F* was a 2021 operational study Ockunzzi authored forecasting a LOS for 2046 – which was 25 years in the future. This incorrect representation was included in the final 2021 CMAQ Application submitted to NOACA by Medina County Engineer Andrew Conrad for the State Route 162 and River Styx Road roundabout project. Conrad's submitted 2021 CMAQ Application was scored by NOACA and resulted in a CMAQ award for the Medina County roundabout project of $2 million to fund construction costs.

Copies of the relevant emails exchanged between Ockunzzi and Conrad were first provided to investigators by the complainants in this case in February 2024. To corroborate the emails provided by the complainants, investigators obtained a copy of Ockunzzi's State of Ohio email account mailbox. All emails referenced in this report were either sent from or received by Ockunzzi's State of Ohio email account.

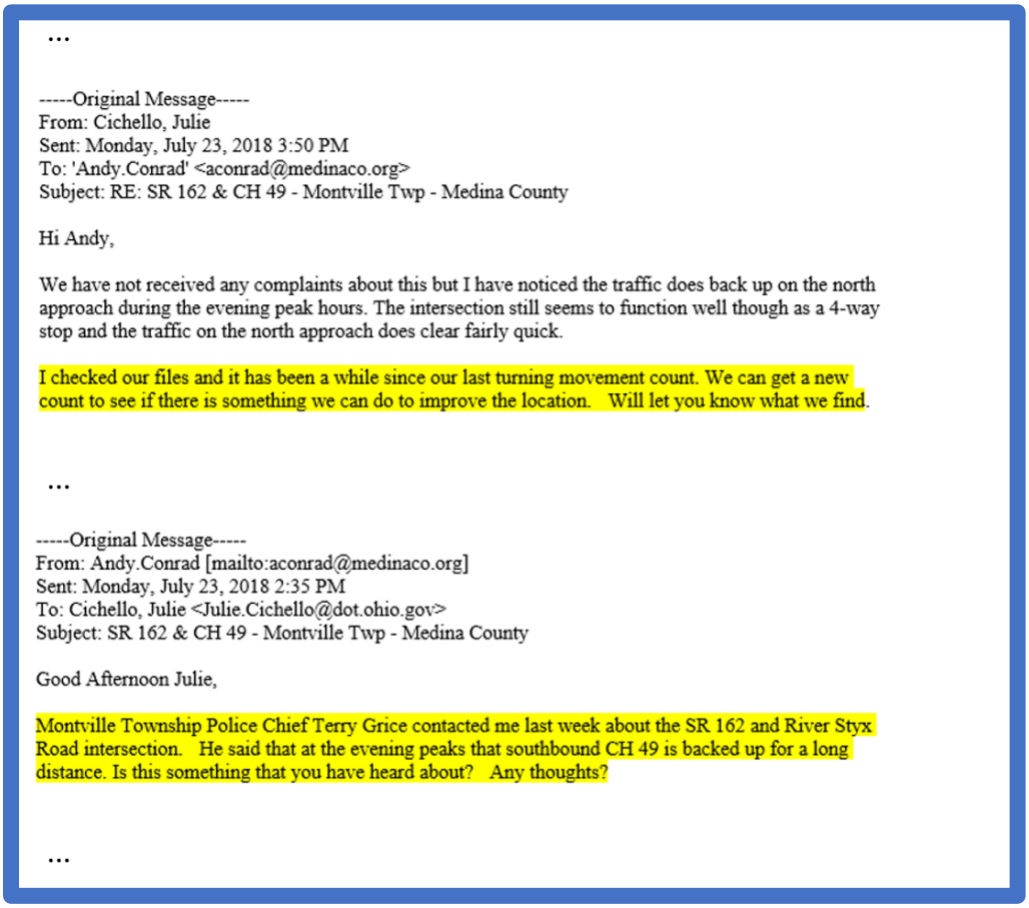
On October 16, 2024, investigators separately interviewed Ockunzzi and Conrad about the emails reviewed in this investigation. During their interviews, both individuals were shown copies of the emails exchanged between them. During Ockunzzi's interview, he confirmed to investigators that he created and sent all of the emails and authored all the attachments to those emails that indicated him as the sender. Ockunzzi also confirmed to investigators that for all of the emails indicating him as the recipient, he received and read the emails and attachments. During Conrad's interview, he also confirmed to investigators that he created and sent all of the emails and authored all the attachments for the emails listing him as the sender. Conrad also confirmed to investigators that for all of the emails indicating him as a recipient, he received and read the emails and attachments.

Copies and Summaries of Relevant Project Emails

• July 2018 – Two Years and 10 Months Prior to Submitting the 2021 CMAQ Application

Conrad at Medina County Reports Delay at the Intersection; ODOT Offers to Study the Issue

On July 23, 2018, Medina County Engineer Andrew Conrad emailed ODOT to report traffic delays at the four-way stop intersection of State Route 162 and River Styx Road ("the intersection"). ODOT responded to the email, offering to study the issue. A copy of Conrad's email to ODOT, with ODOT's response, is shown below (Figure 5).



…

-----Original Message-----
From: Cichello, Julie
Sent: Monday, July 23, 2018 3:50 PM
To: 'Andy.Conrad' <aconrad@medinaco.org>
Subject: RE: SR 162 & CH 49 - Montville Twp - Medina County

Hi Andy,

We have not received any complaints about this but I have noticed the traffic does back up on the north approach during the evening peak hours. The intersection still seems to function well though as a 4-way stop and the traffic on the north approach does clear fairly quick.

I checked our files and it has been a while since our last turning movement count. We can get a new count to see if there is something we can do to improve the location. Will let you know what we find.

…

-----Original Message-----
From: Andy.Conrad [mailto:aconrad@medinaco.org]
Sent: Monday, July 23, 2018 2:35 PM
To: Cichello, Julie <Julie.Cichello@dot.ohio.gov>
Subject: SR 162 & CH 49 - Montville Twp - Medina County

Good Afternoon Julie,

Montville Township Police Chief Terry Grice contacted me last week about the SR 162 and River Styx Road intersection. He said that at the evening peaks that southbound CH 49 is backed up for a long distance. Is this something that you have heard about? Any thoughts?

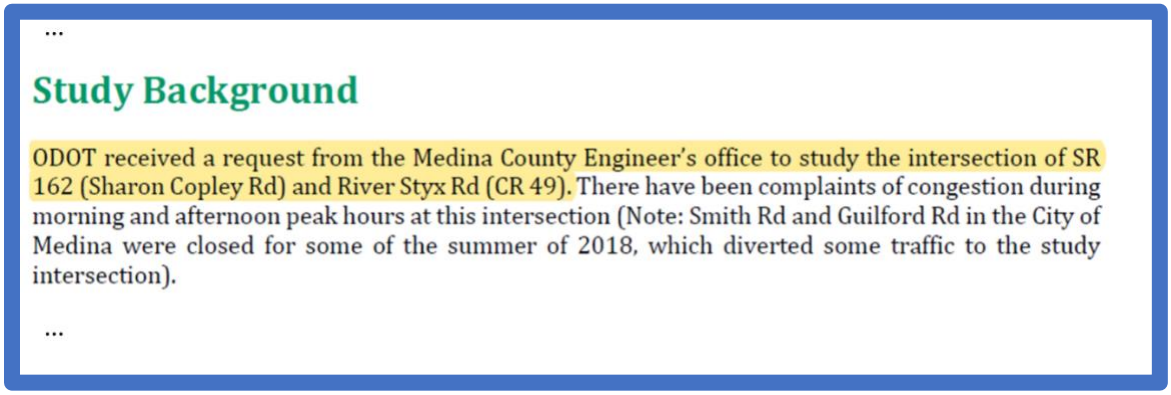
…

Figure 5, Medina County Engineer's request for ODOT to study the intersection. Source: recovered from an email in Scott Ockunzzi's State of Ohio email account, dated July 23, 2018.

• ***March 2019 – Two Years and Two Months Prior to Submitting the 2021 CMAQ Application***

Ockunzzi at ODOT Studied the Intersection and Sent a Copy of the Study to Conrad at Medina County

On March 18, 2019, ODOT District 3 conducted an operational study of the intersection ("2019 Op Study") at the request of the Medina County Engineer's Office (Figure 6). Ockunzzi authored the 2019 Op Study report (Figure 7), and on March 18, 2019, emailed a copy of the study report to Medina County Engineer Andrew Conrad. All the analyses in the study were based on actual turning movement counts (TMCs)[18] conducted at the intersection on January 15, 2019 (Figure 8). The 2019 Op Study results (Figures 9-10) included, among other observations: existing intersection all-way stop AM peak hour LOS of *D* in the morning and PM peak hour LOS of *C* in the evening (hereafter referred to as "2019 existing intersection all-way stop LOS of AM-*D* and PM-*C*"); installation of a roundabout as a possible countermeasure to traffic problems at the intersection; and an implementation plan to apply for funding to install a roundabout. A copy of Ockunzzi's email to Conrad is shown below (Figure 11**)**.



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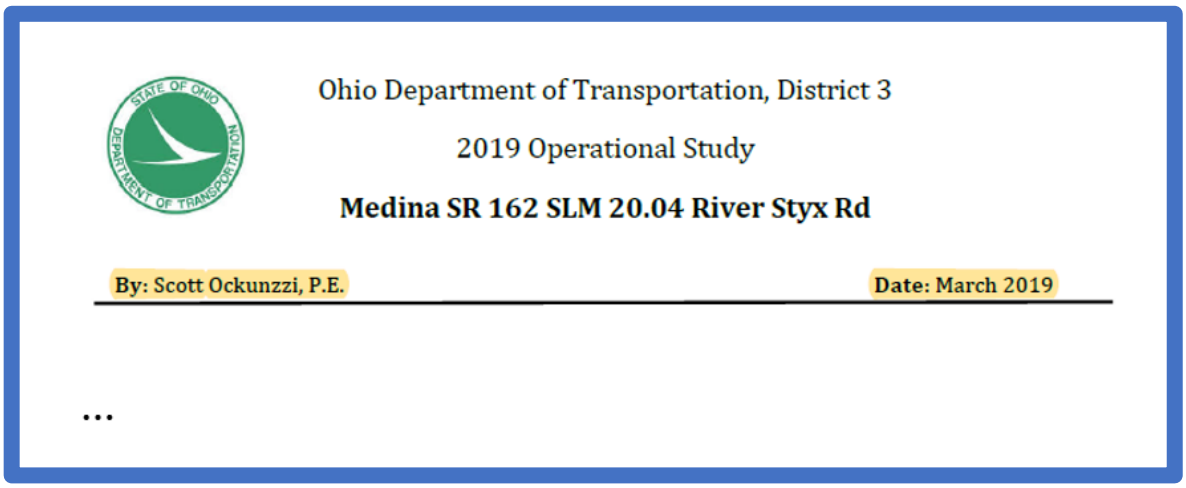
Study Background

ODOT received a request from the Medina County Engineer's office to study the intersection of SR 162 (Sharon Copley Rd) and River Styx Rd (CR 49). There have been complaints of congestion during morning and afternoon peak hours at this intersection (Note: Smith Rd and Guilford Rd in the City of Medina were closed for some of the summer of 2018, which diverted some traffic to the study intersection).

...

Figure 6, 2019 Op Study excerpt - Study was conducted at the request of the Medina County Engineer's office. Source: ODOT, D3, 2019 Operational Study, Medina SR 162 SLM 20.04 River Styx Road, dated March 2019, page 1, recovered from an email in Scott Ockunzzi's State of Ohio email account, dated March 18, 2019.

[18] Turning Movement Count (TMC) - a TMC, "… quantifies the amount of traffic entering and exiting an intersection during a given period of time. These counts are often used to evaluate and implement intersection improvements that impact traffic operations, congestion, and safety." Source: www.streetlightdata.com/turning-movement-count-analytics-explained/#:~:text=In%20transportation%20analysis%2C%20turning%20movement,post%2C%20we'll%20cover.



Ohio Department of Transportation, District 3

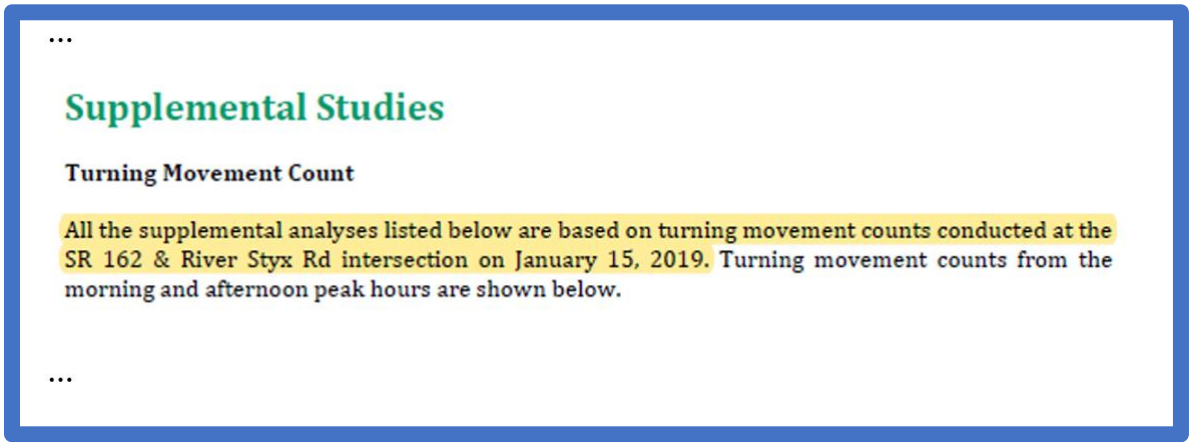
2019 Operational Study

Medina SR 162 SLM 20.04 River Styx Rd

By: Scott Ockunzzi, P.E. **Date: March 2019**

...

Figure 7, ODOT 2019 Op Study authored by Scott Ockunzzi at ODOT. Source: ODOT, D3, 2019 Operational Study, Medina SR 162 SLM 20.04 River Styx Road, dated March 2019, cover page excerpt, recovered from an email in Scott Ockunzzi's State of Ohio email account, dated March 18, 2019.



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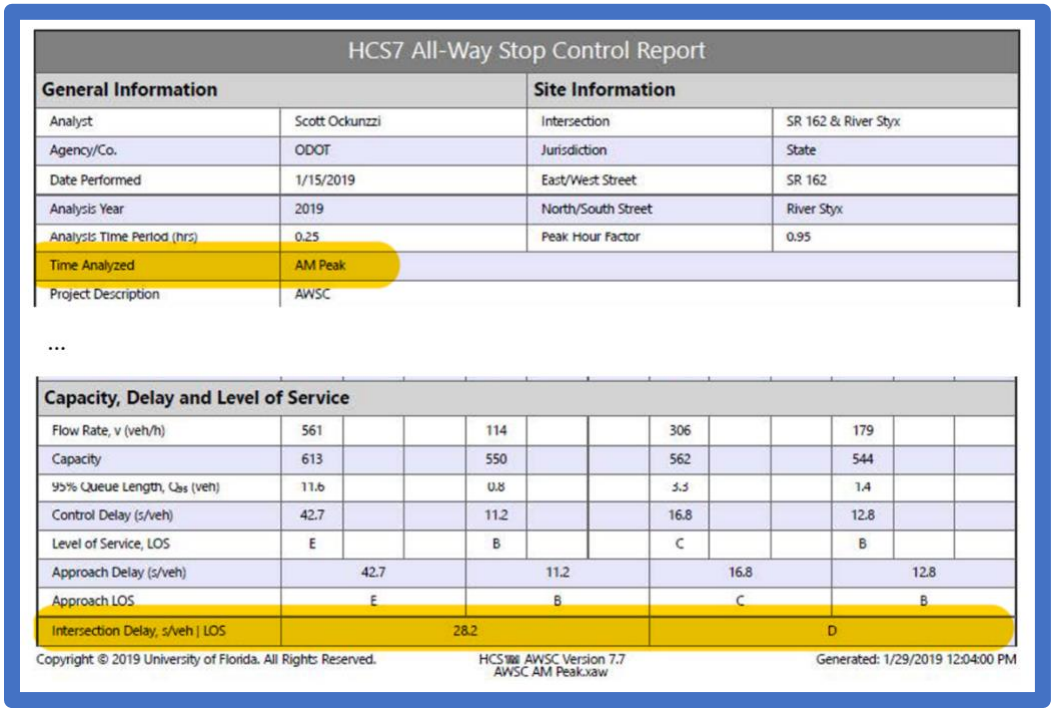
Supplemental Studies

Turning Movement Count

All the supplemental analyses listed below are based on turning movement counts conducted at the SR 162 & River Styx Rd intersection on January 15, 2019. Turning movement counts from the morning and afternoon peak hours are shown below.

...

Figure 8, 2019 Op Study excerpt - All study analyses based on actual TMCs on January 15, 2019. Source: ODOT, D3, 2019 Operational Study, Medina SR 162 SLM 20.04 River Styx Road, dated March 2019, page 2, recovered from an email in Scott Ockunzzi's State of Ohio email account, dated March 18, 2019.



HCS7 All-Way Stop Control Report

General Information		Site Information	
Analyst	Scott Ockunzzi	Intersection	SR 162 & River Styx
Agency/Co.	ODOT	Jurisdiction	State
Date Performed	1/15/2019	East/West Street	SR 162
Analysis Year	2019	North/South Street	River Styx
Analysis Time Period (hrs)	0.25	Peak Hour Factor	0.95
Time Analyzed	AM Peak		
Project Description	AWSC		

...

Capacity, Delay and Level of Service											
Flow Rate, v (veh/h)	561			114			306			179		
Capacity	613			550			562			544		
95% Queue Length, Q_{95} (veh)	11.6			0.8			3.3			1.4		
Control Delay (s/veh)	42.7			11.2			16.8			12.8		
Level of Service, LOS	E			B			C			B		
Approach Delay (s/veh)	42.7			11.2			16.8			12.8		
Approach LOS	E			B			C			B		
Intersection Delay, s/veh | LOS	28.2						D					

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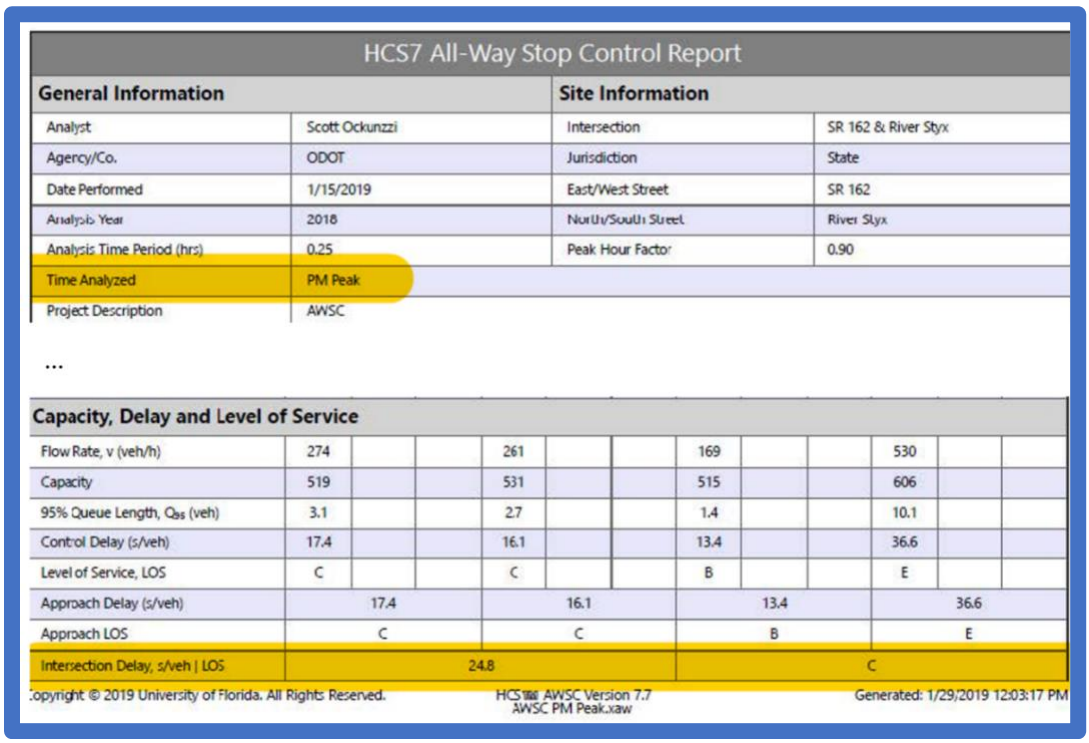
Figure 9, 2019 Op Study excerpt - 2019 Existing intersection all-way stop LOS of AM-D. Source: ODOT, D3, 2019 Operational Study, Medina SR 162 SLM 20.04 River Styx Road, dated March 2019, page 16, recovered from an email in Scott Ockunzzi's State of Ohio email account, dated March 18, 2019.



HCS7 All-Way Stop Control Report

General Information		Site Information	
Analyst	Scott Ockunzzi	Intersection	SR 162 & River Styx
Agency/Co.	ODOT	Jurisdiction	State
Date Performed	1/15/2019	East/West Street	SR 162
Analysis Year	2018	North/South Street	River Styx
Analysis Time Period (hrs)	0.25	Peak Hour Factor	0.90
Time Analyzed	PM Peak		
Project Description	AWSC		

...

Capacity, Delay and Level of Service											
Flow Rate, v (veh/h)	274			261			169			530		
Capacity	519			531			515			606		
95% Queue Length, Q_{95} (veh)	3.1			2.7			1.4			10.1		
Control Delay (s/veh)	17.4			16.1			13.4			36.6		
Level of Service, LOS	C			C			B			E		
Approach Delay (s/veh)	17.4			16.1			13.4			36.6		
Approach LOS	C			C			B			E		
Intersection Delay, s/veh | LOS	24.8						C					

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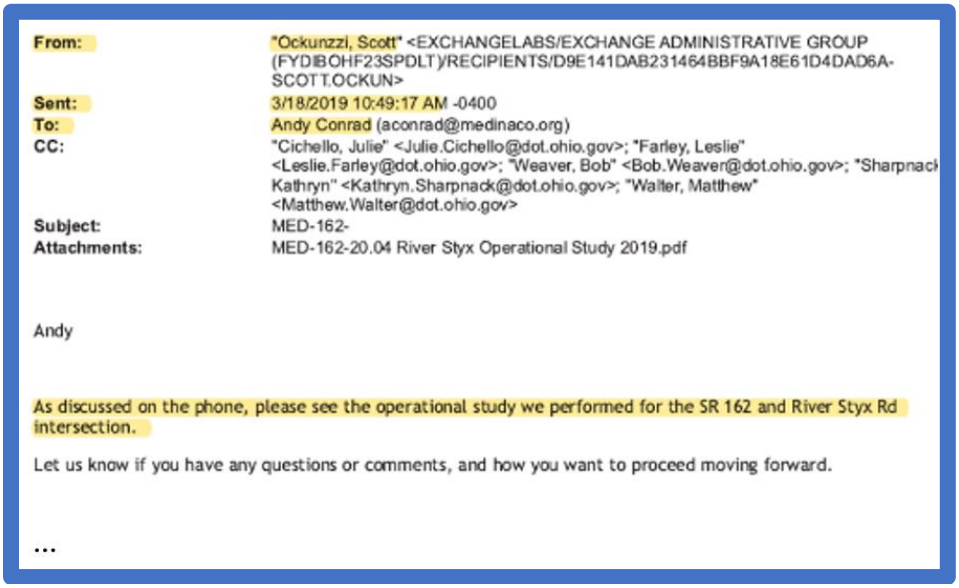
Figure 10, 2019 Op Study excerpt - 2019 Existing intersection all-way stop LOS of PM-C. Source: ODOT, D3, 2019 Operational Study, Medina SR 162 SLM 20.04 River Styx Road, dated March 2019, page 17, recovered from an email in Scott Ockunzzi's State of Ohio email account, dated March 18, 2019.



From: "Ockunzzi, Scott" <EXCHANGELABS/EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/RECIPIENTS/D9E141DAB231464BBF9A18E61D4DAD6A-SCOTT.OCKUN>
Sent: 3/18/2019 10:49:17 AM -0400
To: Andy Conrad (aconrad@medinaco.org)
CC: "Cichello, Julie" <Julie.Cichello@dot.ohio.gov>; "Farley, Leslie" <Leslie.Farley@dot.ohio.gov>; "Weaver, Bob" <Bob.Weaver@dot.ohio.gov>; "Sharpnack, Kathryn" <Kathryn.Sharpnack@dot.ohio.gov>; "Walter, Matthew" <Matthew.Walter@dot.ohio.gov>
Subject: MED-162-
Attachments: MED-162-20.04 River Styx Operational Study 2019.pdf

Andy

As discussed on the phone, please see the operational study we performed for the SR 162 and River Styx Rd intersection.

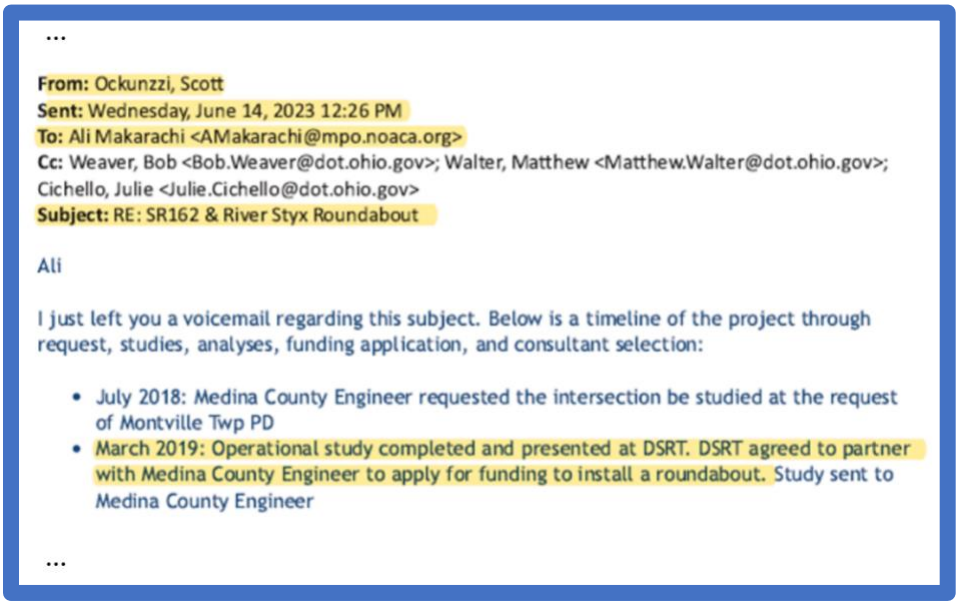
Let us know if you have any questions or comments, and how you want to proceed moving forward.

...

Figure 11, March 18, 2019 - ODOT engineer Scott Ockunzzi emailed a copy of the 2019 Op Study to Medina County Engineer Andrew Conrad. Source: recovered from an email in Scott Ockunzzi's State of Ohio email account, dated March 18, 2019.

ODOT D3 and the Medina County Engineer Form a Partnership

Also in March 2019, ODOT District 3 agreed to partner with the Medina County Engineer to apply for funding to install a roundabout at the intersection. A copy of an excerpt from Ockunzzi's email documenting the formation of this partnership is shown below (Figure 12).



...

From: Ockunzzi, Scott
Sent: Wednesday, June 14, 2023 12:26 PM
To: Ali Makarachi <AMakarachi@mpo.noaca.org>
Cc: Weaver, Bob <Bob.Weaver@dot.ohio.gov>; Walter, Matthew <Matthew.Walter@dot.ohio.gov>; Cichello, Julie <Julie.Cichello@dot.ohio.gov>
Subject: RE: SR162 & River Styx Roundabout

Ali

I just left you a voicemail regarding this subject. Below is a timeline of the project through request, studies, analyses, funding application, and consultant selection:

- July 2018: Medina County Engineer requested the intersection be studied at the request of Montville Twp PD
- March 2019: Operational study completed and presented at DSRT. DSRT agreed to partner with Medina County Engineer to apply for funding to install a roundabout. Study sent to Medina County Engineer

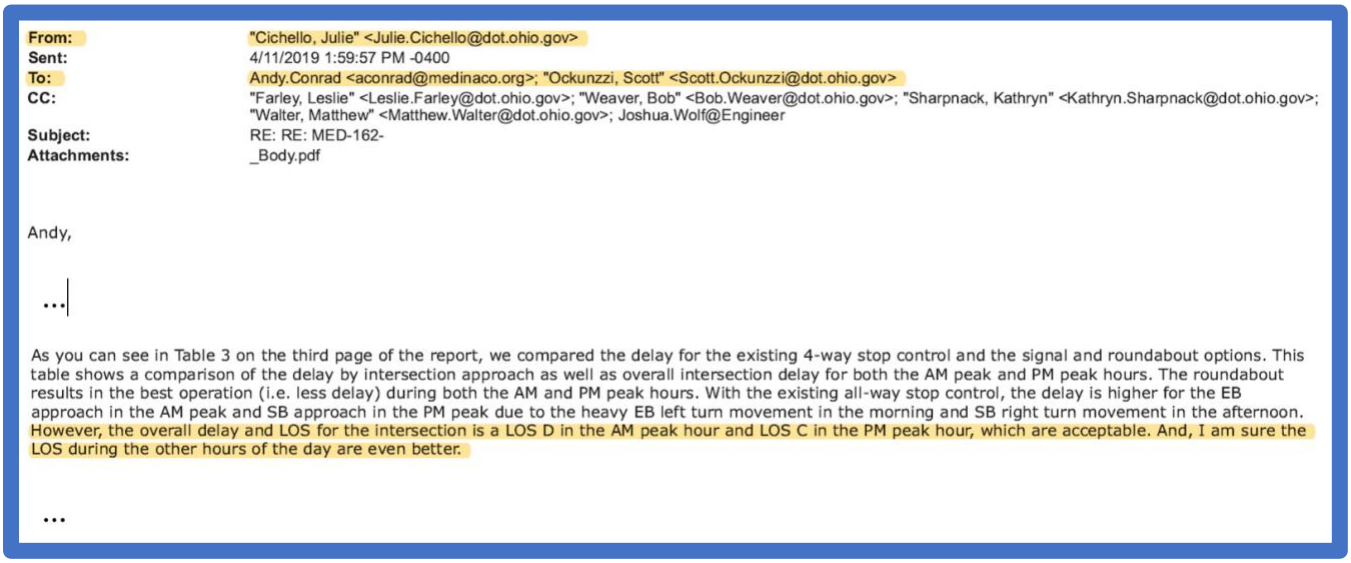
...

Figure 12, March 2019 - ODOT and Medina County form a partnership to apply for funding and install a roundabout. Source: recovered from an email in Scott Ockunzzi's State of Ohio email account, dated June 14, 2023.

• ***April 11, 2019 – Two Years and One Month Prior to Submitting the 2021 CMAQ Application***

ODOT District 3 Confirmed the 2019 Op Study LOS at the Existing Intersection to Medina County Engineer – 2019 Existing Intersection All-way Stop LOS of AM-D and PM-C

In an email dated April 11, 2019, ODOT District 3 Traffic Engineer Julie Cichello confirmed the results of the 2019 Op Study of the existing intersection to Medina County Engineer Andrew Conrad, stating in pertinent part, "… the overall delay and LOS for the intersection is a LOS *D* in the AM peak hour and LOS *C* in the PM peak hour, which are acceptable." A copy of an excerpt from Cichello's email is shown below (Figure 13).



From: "Cichello, Julie" <Julie.Cichello@dot.ohio.gov>
Sent: 4/11/2019 1:59:57 PM -0400
To: Andy.Conrad <aconrad@medinaco.org>; "Ockunzzi, Scott" <Scott.Ockunzzi@dot.ohio.gov>
CC: "Farley, Leslie" <Leslie.Farley@dot.ohio.gov>; "Weaver, Bob" <Bob.Weaver@dot.ohio.gov>; "Sharpnack, Kathryn" <Kathryn.Sharpnack@dot.ohio.gov>; "Walter, Matthew" <Matthew.Walter@dot.ohio.gov>; Joshua.Wolf@Engineer
Subject: RE: RE: MED-162-
Attachments: _Body.pdf

Andy,

…

As you can see in Table 3 on the third page of the report, we compared the delay for the existing 4-way stop control and the signal and roundabout options. This table shows a comparison of the delay by intersection approach as well as overall intersection delay for both the AM peak and PM peak hours. The roundabout results in the best operation (i.e. less delay) during both the AM and PM peak hours. With the existing all-way stop control, the delay is higher for the EB approach in the AM peak and SB approach in the PM peak due to the heavy EB left turn movement in the morning and SB right turn movement in the afternoon. However, the overall delay and LOS for the intersection is a LOS D in the AM peak hour and LOS C in the PM peak hour, which are acceptable. And, I am sure the LOS during the other hours of the day are even better.

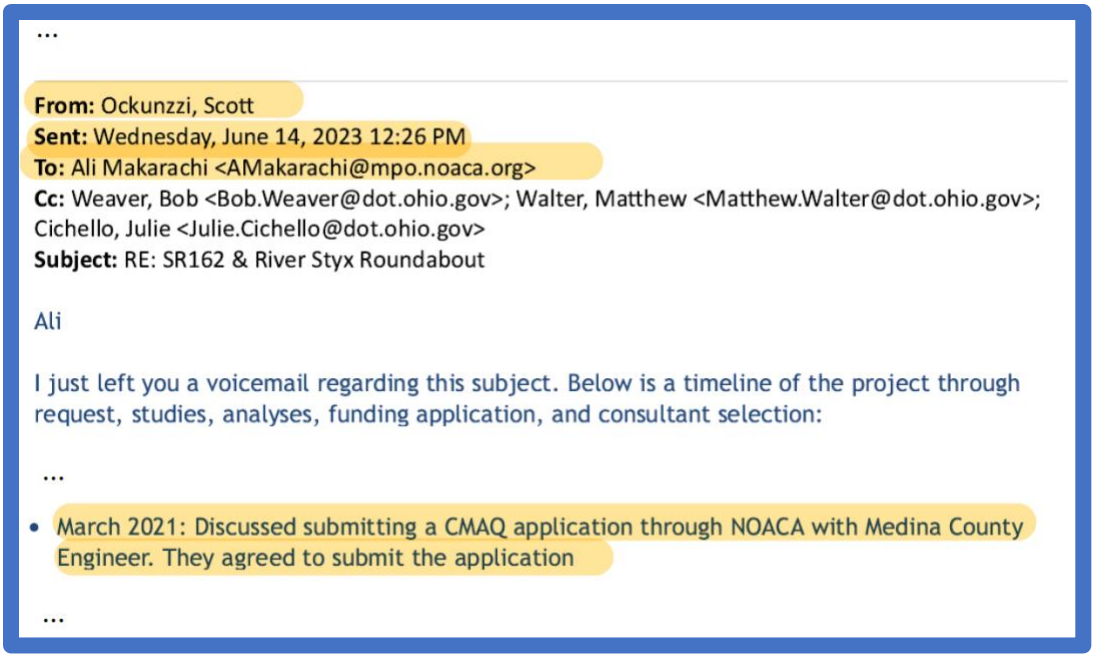
…

Figure 13, April 11, 2019 - ODOT District 3 Confirmed the 2019 Op Study LOS at the existing intersection to Medina County Engineer – 2019 existing intersection all-way stop LOS of AM-D and PM-C. Source: recovered from an email in Scott Ockunzzi's State of Ohio email account, dated April 11, 2019.

• ***March 2021 – Two Months Prior to Submitting the 2021 CMAQ Application***

ODOT Planning Engineer Ockunzzi and Medina County Engineer Conrad Discuss Submitting a CMAQ Application

According to ODOT District 3 Planning Engineer Scott Ockunzzi, in March 2021 he had a discussion with Medina County Engineer Conrad about submitting a CMAQ Application for funding of the Medina County intersection project through NOACA, and they (Medina County) agreed to submit the application. A copy of an excerpt from Ockunzzi's email, documenting this discussion, is shown as follows (Figure 14).



...

From: Ockunzzi, Scott
Sent: Wednesday, June 14, 2023 12:26 PM
To: Ali Makarachi <AMakarachi@mpo.noaca.org>
Cc: Weaver, Bob <Bob.Weaver@dot.ohio.gov>; Walter, Matthew <Matthew.Walter@dot.ohio.gov>; Cichello, Julie <Julie.Cichello@dot.ohio.gov>
Subject: RE: SR162 & River Styx Roundabout

Ali

I just left you a voicemail regarding this subject. Below is a timeline of the project through request, studies, analyses, funding application, and consultant selection:

...

- March 2021: Discussed submitting a CMAQ application through NOACA with Medina County Engineer. They agreed to submit the application

...

Figure 14, March 2021 - Ockunzzi and Conrad discuss submitting a CMAQ Application. Source: recovered from an email in Scott Ockunzzi's State of Ohio email account, dated June 14, 2023.

• ***March 24, 2021 – 62 Days Prior to Submitting the 2021 CMAQ Application***

ODOT Planning Engineer Ockunzzi and Medina County Engineer Conrad Met with NOACA's Manager of Capital Programs Brian Blayney to Review the CMAQ Application Form

On March 24, 2021, Ockunzzi and Conrad met via Zoom with NOACA's Manager of Capital Programs Brian Blayney to review the CMAQ Application scoring methodology. At least two other ODOT officials also attended the Zoom meeting. Blayney provided to investigators a copy of the Zoom video recording. Investigators reviewed the recording, and the following paragraphs summarize what was discussed during the meeting regarding LOS determinations.

During the meeting, the three men discussed Question 4 on the CMAQ Application, namely – the topic of the existing LOS. Blayney explained that the application awards up to 15 points for existing LOS. Conrad asked Ockunzzi if he knew what the LOS was for that intersection. Ockunzzi noted he believed the existing LOS was a *C*, to which Conrad replied, "Is it that high? Okay." Ockunzzi replied, "Existing, yeah." Blayney asked whether the traffic volume was the count data from the January (2019) operational study, and Ockunzzi confirmed that the count

data was from that (2019) study. Blayney asked Ockunzzi if he adjusted these numbers for seasonal (factors). Ockunzzi answered and noted that he did not make any adjustments and just used the raw counts. Ockunzzi remarked, "So, yeah, it could probably be bumped up." Blayney explained that, "… it might be worth looking at, reviewing that [to] see if you [Ockunzzi] could get it to [LOS] *D*, because then you would … get more points on this …" Ockunzzi then asked Blayney if this (LOS) was for an existing year, a design year, or if it did not specify (which year). Blayney commented that this (LOS) documented existing congestion. Ockunzzi then repeated, "existing congestion." Ockunzzi remarked that he could, "… throw some seasonal factors to get it to up to … a Summer, or Spring or Fall."

Blayney asked (Ockunzzi), "… are you guys able to do a forecast at the district for an intersection to do turning movements … ?"[19] Ockunzzi responded, "Yeah, we can. I can … get that to [20]21 … and apply some seasonal factors … ". Blayney explained that, "… it might be worth doing it [a forecast] for … 2026 because … the … drawback to CMAQ funding is … this amount of funding won't be available until fiscal years 2026 and 2027." Ockunzzi further commented, "I think we could get a traffic forecast for 2026." Ockunzzi then remarked that he would update the traffic forecast for 2026 and 2046 and adjust for the time of year.

As explained in footnote 19, Turning Movement Counts (TMCs) are inputs that ODOT used in the calculation of Level of Service. Blayney's statement about the use of forecasted turning movements during this Zoom meeting discussion about existing LOS on the CMAQ Application appears to conflict with the investigator's interview of Blayney on October 17, 2024, wherein Blayney confirmed that for Question 4, Existing LOS, on the CMAQ Application, NOACA did

[19] Turning Movement Counts (TMCs) are inputs to the Highway Capacity Software (HCS) analyses that ODOT used to calculate delay and Level of Service (LOS) for this existing intersection in the 2019 and 2021 Op Studies. The 2019 Op Study used actual existing traffic counts as TMC inputs. The 2021 Op Study used traffic forecasts as TMC inputs. Sources: (1) ODOT, D3, 2019 Operational Study, dated March 2019, HCS7 All-Way Stop Control Report, study pages 16-17, recovered from an email in Scott Ockunzzi's State of Ohio email account, dated March 18, 2019; (2) ODOT, D3, 2021 Operational Study, HCS7 All-Way Stop Control Report, study pages 17-18, recovered from an email in Scott Ockunzzi's State of Ohio email account, dated May 3, 2021; and (3) An email from Ockunzzi to Conrad, dated May 24, 2021, in which Ockunzzi notified Conrad that the analyses in the 2019 Op Study reflect actual existing traffic counts and the analyses in the 2021 Op Study were based on traffic forecasts (Figure 23).

not allow the use of forecasted LOS as an answer to a question that asked for existing LOS. This statement from Blayney also appears to conflict with NOACA Executive Director Grace Gallucci's written response to investigators, dated November 22, 2024, wherein Gallucci confirmed that for Question 4, Existing LOS, on the CMAQ Application, NOACA did not allow the use of forecasted LOS as an answer to a question that asked for existing LOS.

- ***May 3, 2021 – 22 Days Prior to Submitting the 2021 CMAQ Application***

ODOT Planning Engineer Ockunzzi Updated the 2019 Op Study and Sent It to Medina County Engineer Conrad

In April 2021, ODOT District 3 updated the 2019 Op Study (hereafter known as the, "2021 Op Study"). ODOT District 3 Planning Engineer Scott Ockunzzi authored the 2021 Op Study report (Figure 15).

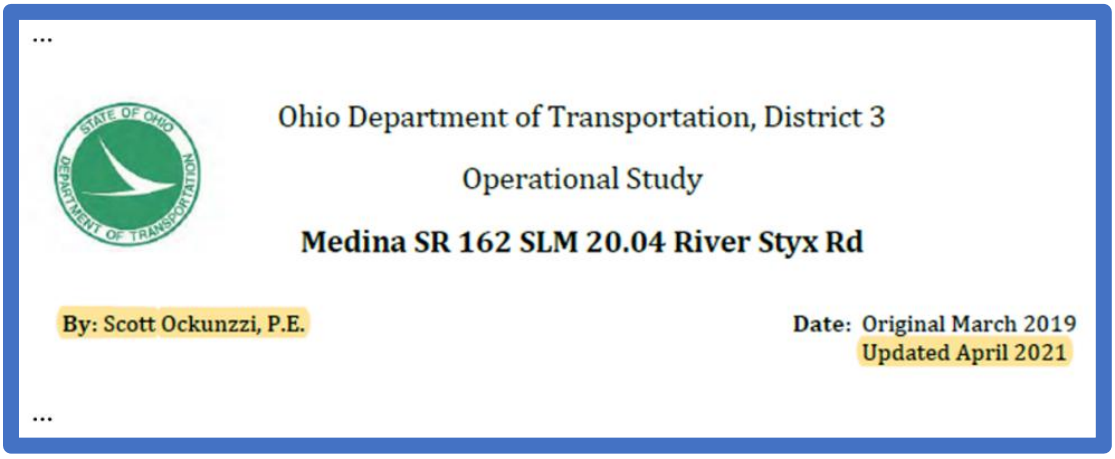
Page two of the 2021 Op Study report confirmed that forecasted traffic was used in the study when it stated in pertinent part,

> … All of the supplemental analyses listed below are based on turning movement counts conducted at the SR 162 & River Styx Rd intersection on January 15, 2019 as well as the traffic forecast for the intersection, which projects turning movement volumes for potential project opening year 2026 and design year 2046 (Figure 16a.).

Page three of the 2021 Op Study (Figure 16b.) confirmed that the delay calculated and reported in the study was for the design year 2046 (25 years in the future from the study publication date of April 2021). Specifically, on page three, it stated, "In this study, delay was calculated for the existing all-way stop-control … for the design year 2046 [according to ODOT, Level of Service (LOS) for an All-Way Stop Controlled intersection is derived from calculated control delay[20]]".

[20] According to ODOT, "There are two basic types of stop-controlled intersections: All-Way Stop-Control (AWSC) and Two-Way Stop-Control (TWSC). The AWSC method computes control delay and a resulting LOS for each movement and approach leg, and then computes a weighted average control delay and LOS for the intersection as a whole." Source: ODOT Analysis & Traffic Simulation Manual, Chapter 6 - Highway Capacity Software Analysis, Section 6.2.2.2 - Stop-Controlled Intersections, Page 78.

Results of the 2021 Op Study (Figures 17-18) included, among other items, existing intersection all-way stop AM peak hour LOS of *F* in the morning and PM peak hour LOS of *F* in the evening (hereafter referred to as, "2046 forecast existing intersection all-way stop LOS of AM-*F* and PM-*F*"). On May 3, 2021, Ockunzzi emailed to Conrad a copy of the 2021 Op Study, and two separate pages from the 2019 Op Study that contained the 2019 existing intersection all-way stop LOS of AM-*D* and PM-*C* (Figures 9-10). A copy of Ockunzzi's email to Conrad is shown below (Figure 19).


...

Ohio Department of Transportation, District 3

Operational Study

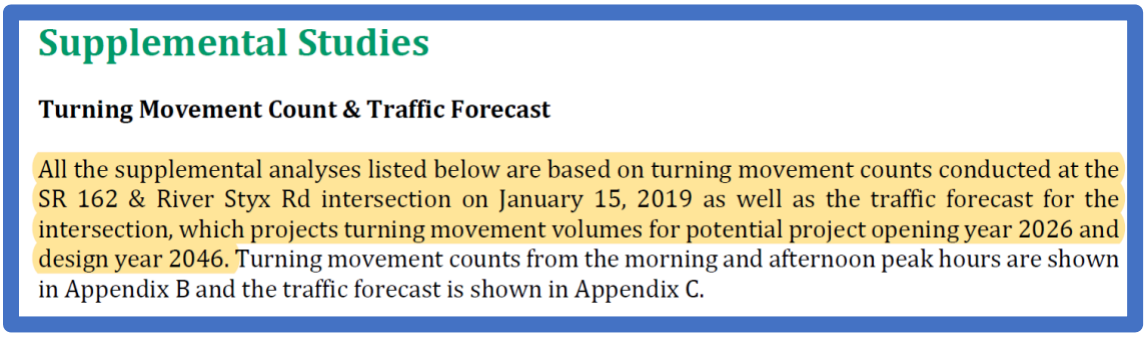
Medina SR 162 SLM 20.04 River Styx Rd

By: Scott Ockunzzi, P.E.

Date: Original March 2019
Updated April 2021

...

Figure 15, Ockunzzi authored the 2021 Op Study report. Source: recovered from an email in Scott Ockunzzi's State of Ohio email account, dated May 3, 2021.


Supplemental Studies

Turning Movement Count & Traffic Forecast

All the supplemental analyses listed below are based on turning movement counts conducted at the SR 162 & River Styx Rd intersection on January 15, 2019 as well as the traffic forecast for the intersection, which projects turning movement volumes for potential project opening year 2026 and design year 2046. Turning movement counts from the morning and afternoon peak hours are shown in Appendix B and the traffic forecast is shown in Appendix C.

Figure 16a., Page 2 excerpt from the 2021 Op Study confirmed that forecasted traffic was used in the study. Source: recovered from an email in Scott Ockunzzi's State of Ohio email account, dated May 3, 2021.

...

HCS Operational Analysis

Highway Capacity Software (HCS) is a program that utilizes the Highway Capacity Manual (HCM) methodology to calculate the vehicle delay for various traffic scenarios. In this study, delay was calculated for the existing all-way stop-control as well as potential future traffic signal and roundabout traffic control for the design year 2046. The HCS analysis was also performed for a proposed traffic signal with eastbound and westbound left turn lanes and a southbound right turn lane. HCS reports for design year 2046 can be found in Appendix D.

...

Figure 16b., Page 3 excerpt from the 2021 Op Study confirmed that the delay calculated and reported in the study was for the design year 2046 (25 years in the future from the study publication date of April 2021) Source: recovered from an email in Scott Ockunzzi's State of Ohio email account, dated May 3, 2021.

HCS7 All-Way Stop Control Report

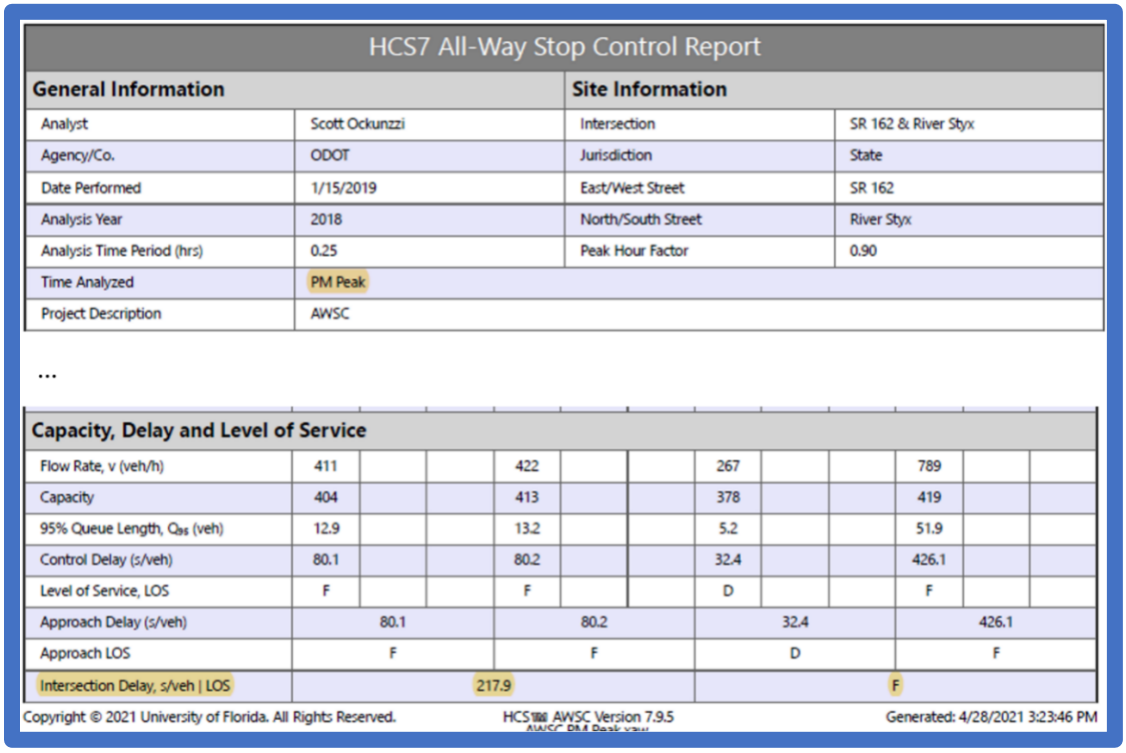
Appendix D

General Information		Site Information	
Analyst	Scott Ockunzzi	Intersection	SR 162 & River Styx
Agency/Co.	ODOT	Jurisdiction	State
Date Performed	1/15/2019	East/West Street	SR 162
Analysis Year	2019	North/South Street	River Styx
Analysis Time Period (hrs)	0.25	Peak Hour Factor	0.95
Time Analyzed	AM Peak		
Project Description	AWSC		

...

Capacity, Delay and Level of Service												
Flow Rate, v (veh/h)	832			179			474			274		
Capacity	480			436			494			459		
95% Queue Length, Q_{95} (veh)	50.2			2.0			12.1			3.8		
Control Delay (s/veh)	357.8			16.9			57.7			21.7		
Level of Service, LOS	F			C			F			C		
Approach Delay (s/veh)	357.8			16.9			57.7			21.7		
Approach LOS	F			C			F			C		
Intersection Delay, s/veh | LOS	189.9						F					

Figure 17, 2021 Study excerpt, page 17 – 2046 forecast existing intersection all-way stop LOS of AM-F. Source: recovered from an email in Scott Ockunzzi's State of Ohio email account, dated May 3, 2021.



HCS7 All-Way Stop Control Report

General Information		Site Information	
Analyst	Scott Ockunzzi	Intersection	SR 162 & River Styx
Agency/Co.	ODOT	Jurisdiction	State
Date Performed	1/15/2019	East/West Street	SR 162
Analysis Year	2018	North/South Street	River Styx
Analysis Time Period (hrs)	0.25	Peak Hour Factor	0.90
Time Analyzed	PM Peak		
Project Description	AWSC		

...

Capacity, Delay and Level of Service												
Flow Rate, v (veh/h)	411			422			267			789		
Capacity	404			413			378			419		
95% Queue Length, Q_{95} (veh)	12.9			13.2			5.2			51.9		
Control Delay (s/veh)	80.1			80.2			32.4			426.1		
Level of Service, LOS	F			F			D			F		
Approach Delay (s/veh)	80.1			80.2			32.4			426.1		
Approach LOS	F			F			D			F		
Intersection Delay, s/veh | LOS	217.9						F					

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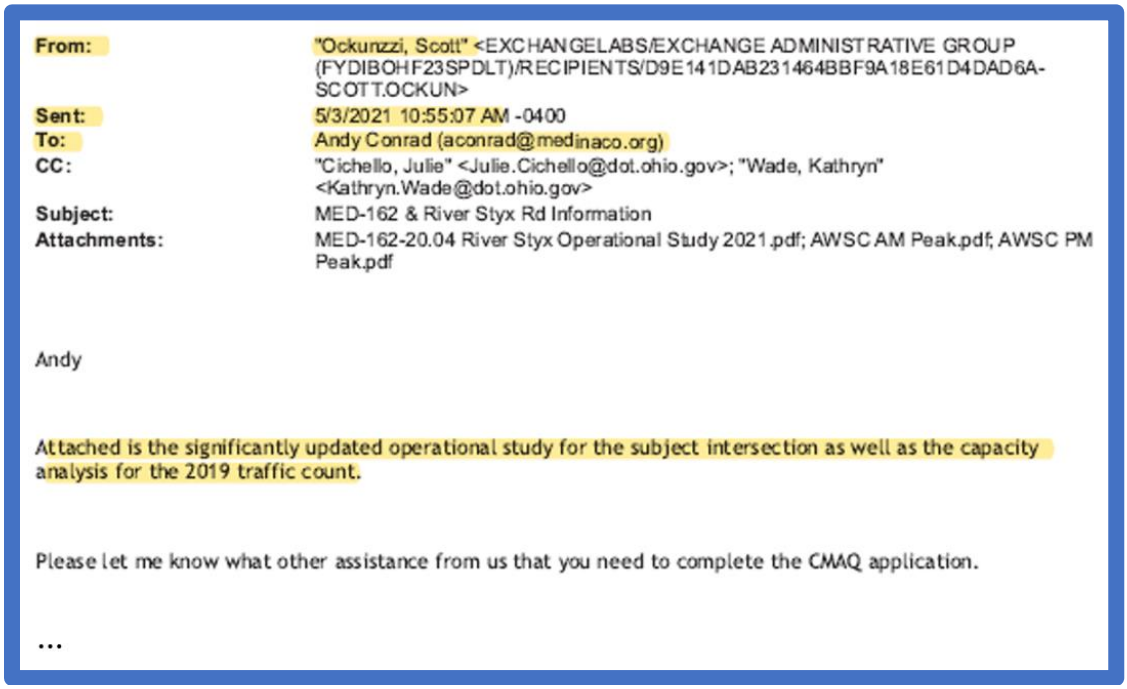
Figure 18, 2021 Study excerpt, page 18 - 2046 forecast existing intersection all-way stop LOS of PM-F. Source: recovered from an email in Scott Ockunzzi's State of Ohio email account, dated May 3, 2021.



From: "Ockunzzi, Scott" <EXCHANGELABS/EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/RECIPIENTS/D9E141DAB231464BBF9A18E61D4DAD6A-SCOTT.OCKUN>
Sent: 5/3/2021 10:55:07 AM -0400
To: Andy Conrad (aconrad@medinaco.org)
CC: "Cichello, Julie" <Julie.Cichello@dot.ohio.gov>; "Wade, Kathryn" <Kathryn.Wade@dot.ohio.gov>
Subject: MED-162 & River Styx Rd Information
Attachments: MED-162-20.04 River Styx Operational Study 2021.pdf; AWSC AM Peak.pdf; AWSC PM Peak.pdf

Andy

Attached is the significantly updated operational study for the subject intersection as well as the capacity analysis for the 2019 traffic count.

Please let me know what other assistance from us that you need to complete the CMAQ application.

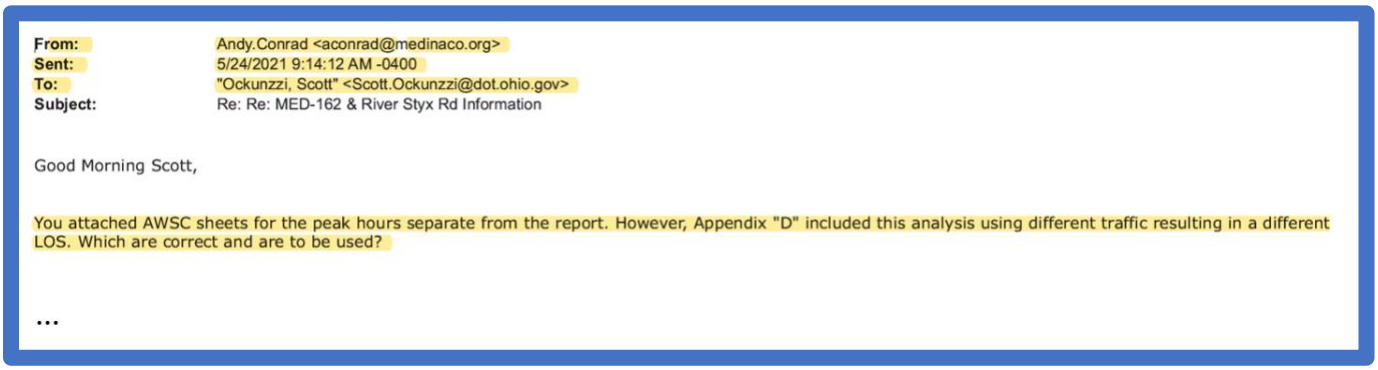
...

Figure 19, Scott Ockunzzi sends Andrew Conrad the 2021 Op Study with 2046 forecast existing intersection all-way stop LOS of AM-F and PM-F, and 2019 existing intersection all-way stop LOS of AM-D and PM-C. Source: recovered from an email in Scott Ockunzzi's State of Ohio email account, dated May 3, 2021.

• ***May 24, 2021 – One Day Prior to Submitting the 2021 CMAQ Application***

Medina County Engineer Conrad Asks ODOT Planning Engineer Ockunzzi Which LOS are Correct and Should be Used – 2019 Existing Intersection All-way Stop LOS or 2046 Forecast Existing Intersection All-way Stop LOS

On May 24, 2021, Ockunzzi received an email from Conrad, in which Conrad asked the following, "You attached AWSC sheets for the peak hours separate from the report. However, Appendix 'D' included this analysis using different traffic resulting in a different LOS. Which are correct and are to be used?" A copy of Conrad's email is shown below (Figure 20).



From: Andy.Conrad <aconrad@medinaco.org>
Sent: 5/24/2021 9:14:12 AM -0400
To: "Ockunzzi, Scott" <Scott.Ockunzzi@dot.ohio.gov>
Subject: Re: Re: MED-162 & River Styx Rd Information

Good Morning Scott,

You attached AWSC sheets for the peak hours separate from the report. However, Appendix "D" included this analysis using different traffic resulting in a different LOS. Which are correct and are to be used?

...

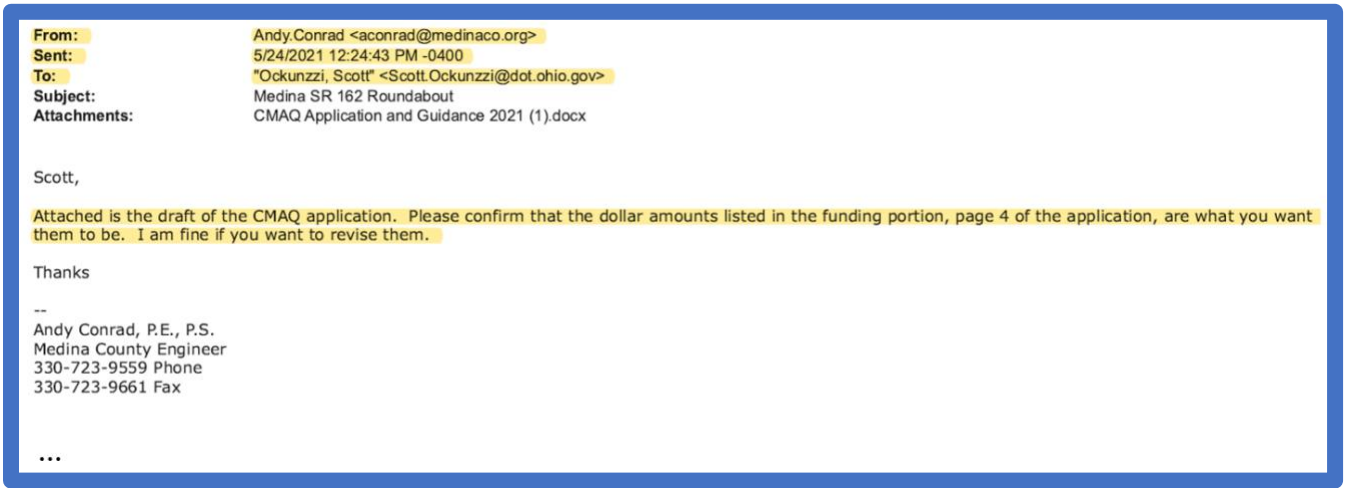
Figure 20, Andrew Conrad asks Scott Ockunzzi which are correct LOS and are to be used? Source: recovered from an email in Scott Ockunzzi's State of Ohio email account, dated May 24, 2021.

Investigators reviewing this email and attachments found that the separate AWSC sheets referenced in Conrad's email were copies of two separate pages from the 2019 Op Study that contained the 2019 existing intersection all-way stop LOS of AM-*D* and PM-*C* (Figures 9-10).

Investigators reviewing this email and attachments also found that the "Appendix 'D'," referenced in Conrad's email was included in the 2021 Op Study report and contained the 2046 forecast existing intersection all-way stop LOS of AM-*F* and PM-*F* (Figures 17-18).

Medina County Engineer Conrad Sent the Draft 2021 CMAQ Application to ODOT Planning Engineer Ockunzzi – 2046 Forecast LOS Used

On May 24, 2021, Scott Ockunzzi received an email from Conrad, with a copy of a draft 2021 CMAQ Application attached, which stated, "Attached is the draft of the CMAQ application ...". A copy of Conrad's email is shown in the following (Figure 21):



From: Andy.Conrad <aconrad@medinaco.org>
Sent: 5/24/2021 12:24:43 PM -0400
To: "Ockunzzi, Scott" <Scott.Ockunzzi@dot.ohio.gov>
Subject: Medina SR 162 Roundabout
Attachments: CMAQ Application and Guidance 2021 (1).docx

Scott,

Attached is the draft of the CMAQ application. Please confirm that the dollar amounts listed in the funding portion, page 4 of the application, are what you want them to be. I am fine if you want to revise them.

Thanks

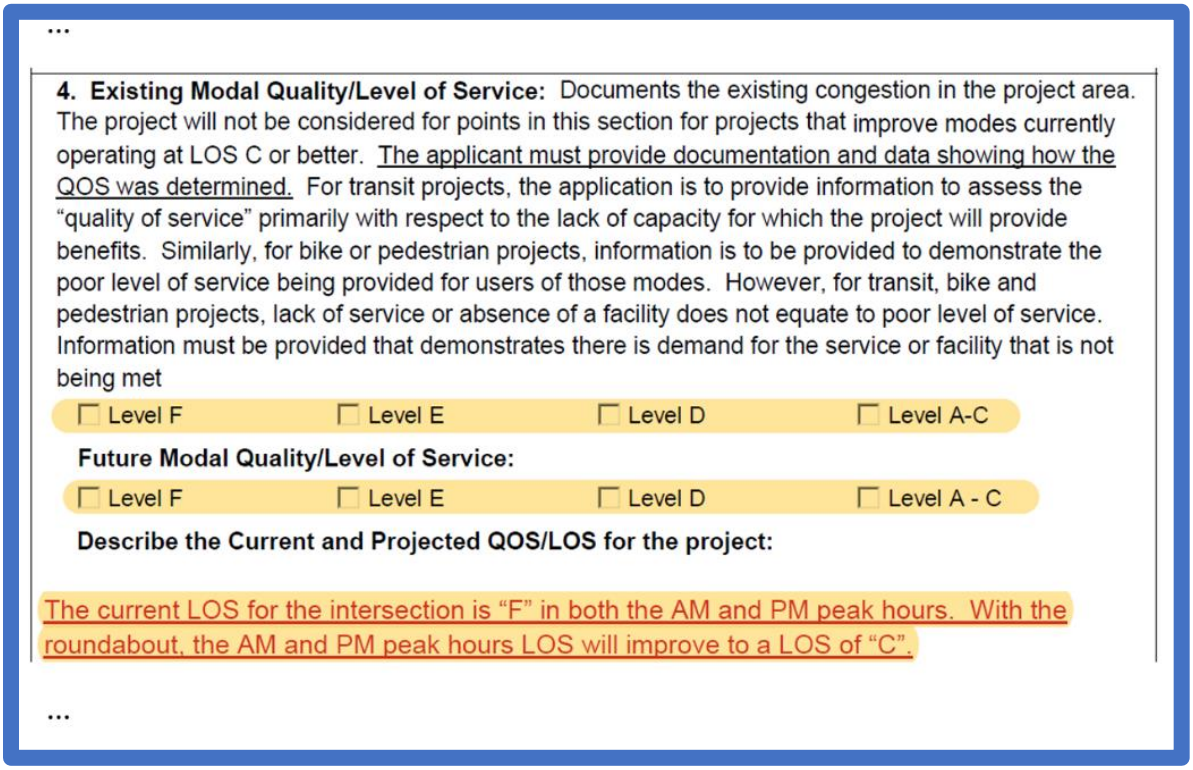
--
Andy Conrad, P.E., P.S.
Medina County Engineer
330-723-9559 Phone
330-723-9661 Fax

...

Figure 21, Conrad sends Ockunzzi the draft CMAQ Application – 2046 forecast LOS used. Source: recovered from an email in Scott Ockunzzi's State of Ohio email account, dated May 24, 2021.

Investigators reviewed the draft 2021 CMAQ Application attached to Conrad's email and the answer to Question 4, Existing LOS, and found that the existing LOS check box answer had no entry checked (Figure 22).

Investigators reviewed the draft 2021 CMAQ Application attached to Conrad's email and the narrative answer to Question 4, Describe the Current LOS for the Project, and found the following narrative answer, "The current LOS for the intersection is 'F' in both the AM and PM peak hours ...". (Figure 22).



...

4. Existing Modal Quality/Level of Service: Documents the existing congestion in the project area. The project will not be considered for points in this section for projects that improve modes currently operating at LOS C or better. The applicant must provide documentation and data showing how the QOS was determined. For transit projects, the application is to provide information to assess the "quality of service" primarily with respect to the lack of capacity for which the project will provide benefits. Similarly, for bike or pedestrian projects, information is to be provided to demonstrate the poor level of service being provided for users of those modes. However, for transit, bike and pedestrian projects, lack of service or absence of a facility does not equate to poor level of service. Information must be provided that demonstrates there is demand for the service or facility that is not being met

☐ Level F ☐ Level E ☐ Level D ☐ Level A-C

Future Modal Quality/Level of Service:

☐ Level F ☐ Level E ☐ Level D ☐ Level A - C

Describe the Current and Projected QOS/LOS for the project:

The current LOS for the intersection is "F" in both the AM and PM peak hours. With the roundabout, the AM and PM peak hours LOS will improve to a LOS of "C".

...

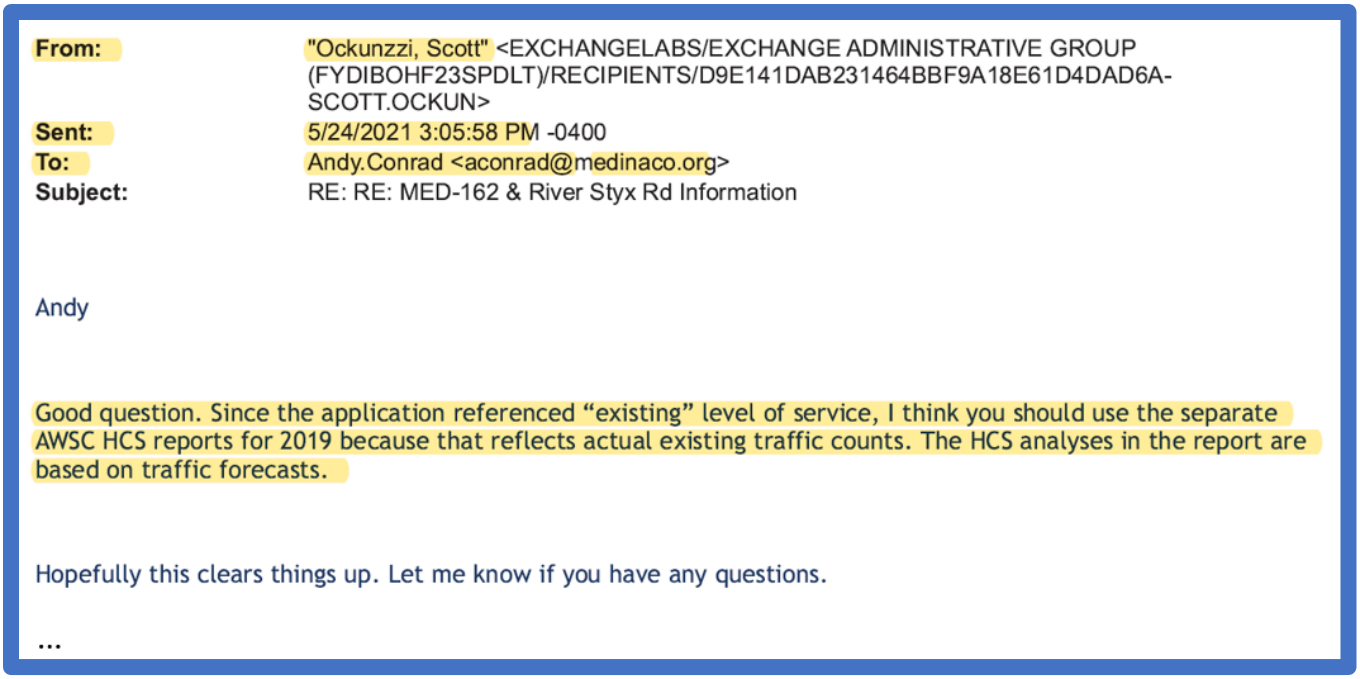
Figure 22, Conrad's draft CMAQ Application excerpt, Existing LOS box not checked; Existing LOS narrative is F in both a.m. and p.m. Source: recovered from an email in Scott Ockunzzi's State of Ohio email account, dated May 24, 2021.

ODOT Planning Engineer Ockunzzi Advises Medina County Engineer Conrad to Use the Separate AWSC Reports for 2019 Because That Reflects Actual Existing Traffic Counts

On May 24, 2021, Scott Ockunzzi answered Conrad's question about which LOS should be used. Specifically, Ockunzzi sent an email response to Conrad, stating,

> … Good question. Since the application referenced "existing" level of service, I think you should use the separate AWSC HCS [highway capacity software] reports for 2019 because that reflects actual existing traffic counts. The HCS analyses in the report are based on traffic forecasts. Hopefully this clears things up. Let me know if you have any questions.

A copy of Ockunzzi's email is shown below (Figure 23).



From: "Ockunzzi, Scott" <EXCHANGELABS/EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/RECIPIENTS/D9E141DAB231464BBF9A18E61D4DAD6A-SCOTT.OCKUN>
Sent: 5/24/2021 3:05:58 PM -0400
To: Andy.Conrad <aconrad@medinaco.org>
Subject: RE: RE: MED-162 & River Styx Rd Information

Andy

Good question. Since the application referenced "existing" level of service, I think you should use the separate AWSC HCS reports for 2019 because that reflects actual existing traffic counts. The HCS analyses in the report are based on traffic forecasts.

Hopefully this clears things up. Let me know if you have any questions.

...

Figure 23, Ockunzzi answers Conrad's question, "Use AWSC...reports for 2019..." Source: recovered from an email in Scott Ockunzzi's State of Ohio email account, dated May 24, 2021.

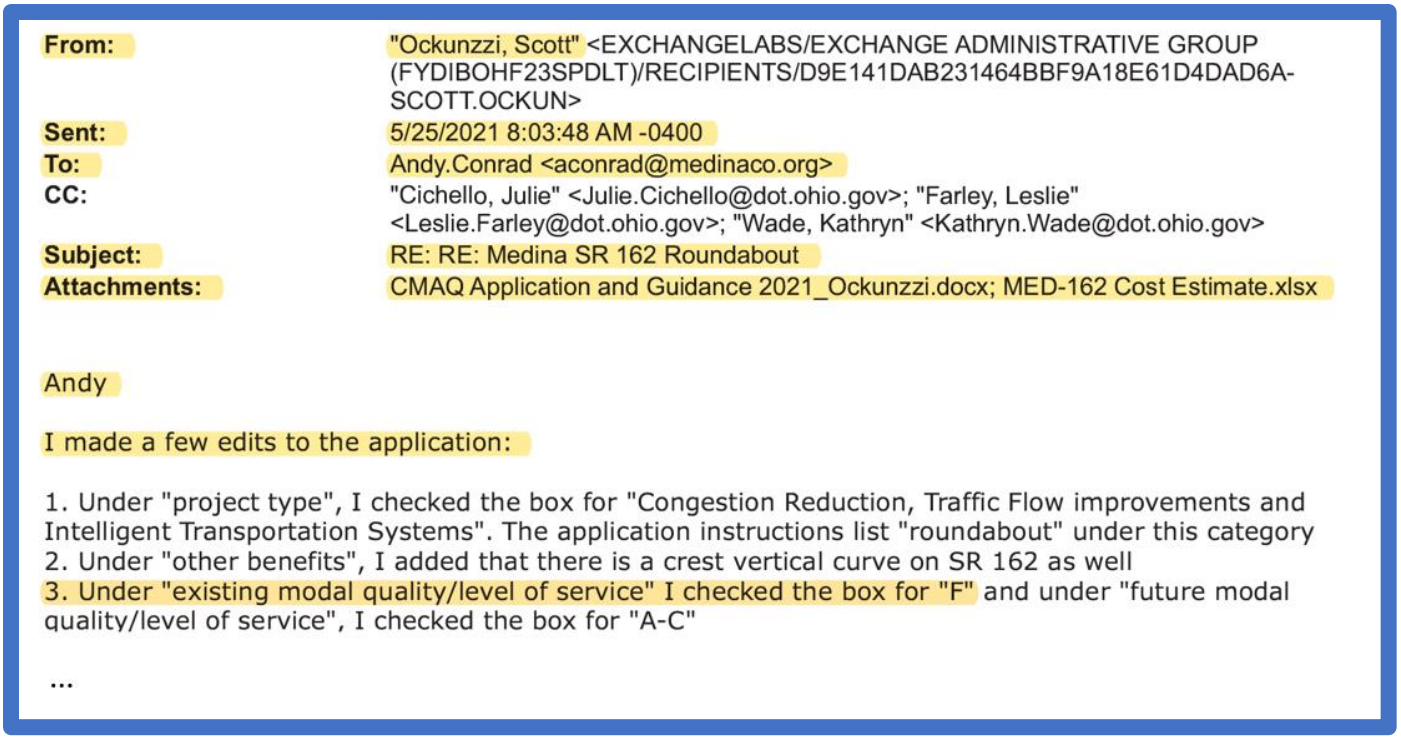
Investigators reviewed Ockunzzi's email and found that the "separate AWSC HCS reports for 2019" referenced in the email (Figure 23) were copies of two separate pages from the 2019 Op Study that contained the 2019 existing intersection all-way stop LOS of AM-*D* and PM-*C* (Figures 9-10). Investigators review of Ockunzzi's email also revealed that the "HCS analyses in the report," referenced in the email, were included in the 2021 Op Study report and contained the 2046 forecast existing intersection all-way stop LOS of AM-*F* and PM-*F* (Figures 17-18).

• May 25, 2021 – Same Day the 2021 CMAQ Application was Submitted to NOACA by Medina County Engineer Conrad

ODOT Planning Engineer Ockunzzi Returned the Draft 2021 CMAQ Application to Medina County Engineer Conrad with Incorrect Entry "Edits" – 2046 Forecast LOS Used

On May 25, 2021, Ockunzzi returned the draft CMAQ Application to Conrad via email. Specifically, Ockunzzi sent an email to Conrad stating, "Andy, I made a few edits to the application: … 3. Under 'existing modal quality/level of service,' I checked the box for 'F'."

A copy of Ockunzzi's email is shown below (Figure 24).



From: "Ockunzzi, Scott" <EXCHANGELABS/EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/RECIPIENTS/D9E141DAB231464BBF9A18E61D4DAD6A-SCOTT.OCKUN>
Sent: 5/25/2021 8:03:48 AM -0400
To: Andy.Conrad <aconrad@medinaco.org>
CC: "Cichello, Julie" <Julie.Cichello@dot.ohio.gov>; "Farley, Leslie" <Leslie.Farley@dot.ohio.gov>; "Wade, Kathryn" <Kathryn.Wade@dot.ohio.gov>
Subject: RE: RE: Medina SR 162 Roundabout
Attachments: CMAQ Application and Guidance 2021_Ockunzzi.docx; MED-162 Cost Estimate.xlsx

Andy

I made a few edits to the application:

1. Under "project type", I checked the box for "Congestion Reduction, Traffic Flow improvements and Intelligent Transportation Systems". The application instructions list "roundabout" under this category
2. Under "other benefits", I added that there is a crest vertical curve on SR 162 as well
3. Under "existing modal quality/level of service" I checked the box for "F" and under "future modal quality/level of service", I checked the box for "A-C"

...

Figure 24, Scott Ockunzzi's edit regarding existing LOS - Level F box checked. Source: recovered from an email in Scott Ockunzzi's State of Ohio email account, dated May 25, 2021.

Investigators reviewed the draft 2021 CMAQ Application that Ockunzzi returned to Conrad as an email attachment, and the check box answer to Question 4, Existing LOS, revealed that the existing LOS box had an entry checked as follows: Level *F* for existing LOS. Additionally, investigators found that the LOS *F* in the checked box answer showed indications that the box was checked prior to its return to Conrad (Figures 25a. and 25b.).

Investigators also found in their review of the draft 2021 CMAQ Application email attachment that Ockunzzi returned to Conrad, that the narrative answer to Question 4, Describe the Current and Projected LOS for the Project revealed the following narrative, "The current LOS for the intersection is 'F' in both the AM and PM peak hours … ." Investigators also found that the LOS *F* in the narrative answer showed indications that it was edited prior to its return to Conrad (Figures 25a. and 25b.).

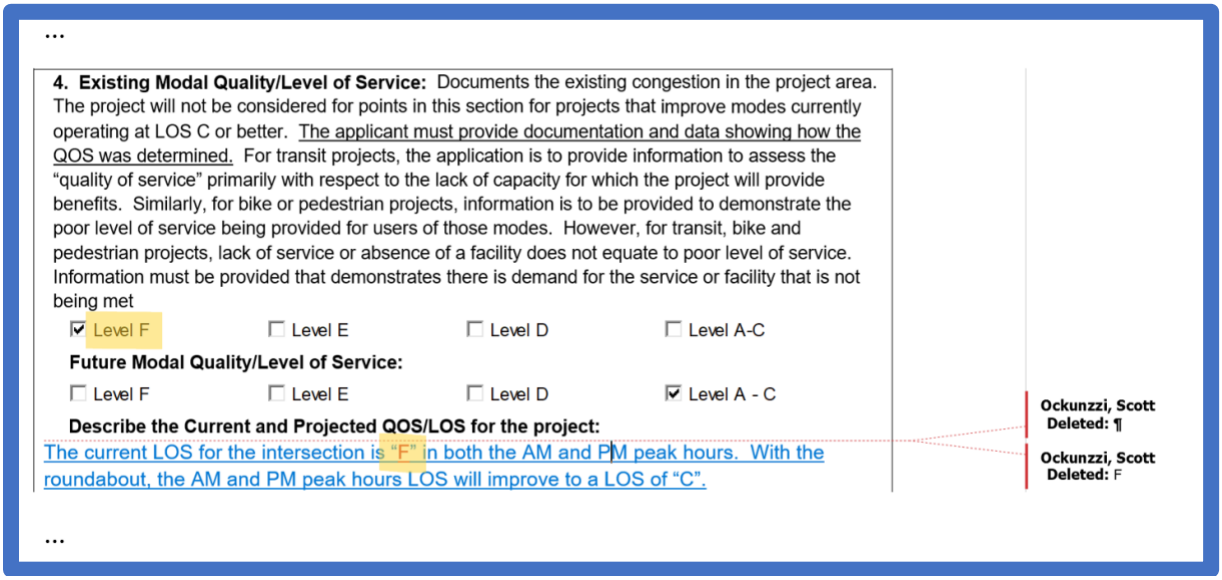


Figure 25a., Scott Ockunzzi's incorrect edits to Question 4 of the draft CMAQ Application regarding existing LOS - Level F box checked and Level F added to narrative comments. Source: recovered from an email in Scott Ockunzzi's State of Ohio email account, dated May 25, 2021 (excerpted from the Word file attached to Ockunzzi's email).

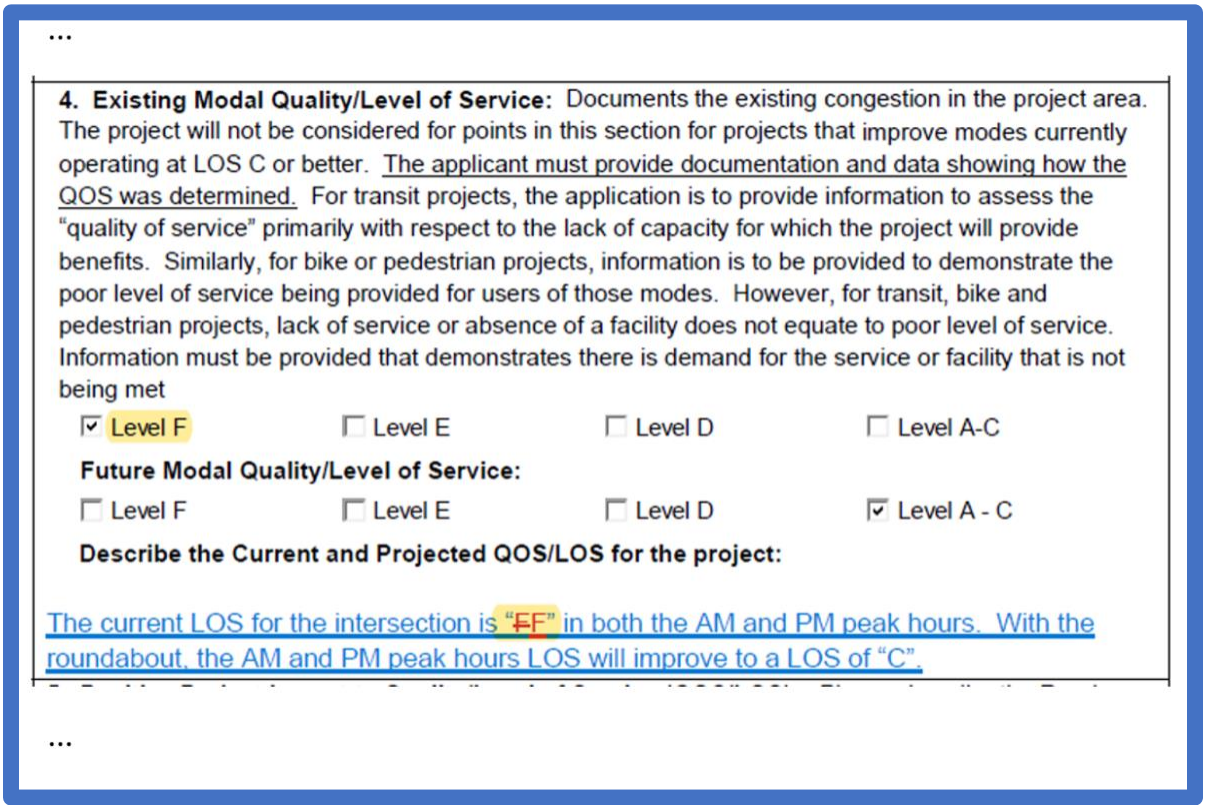
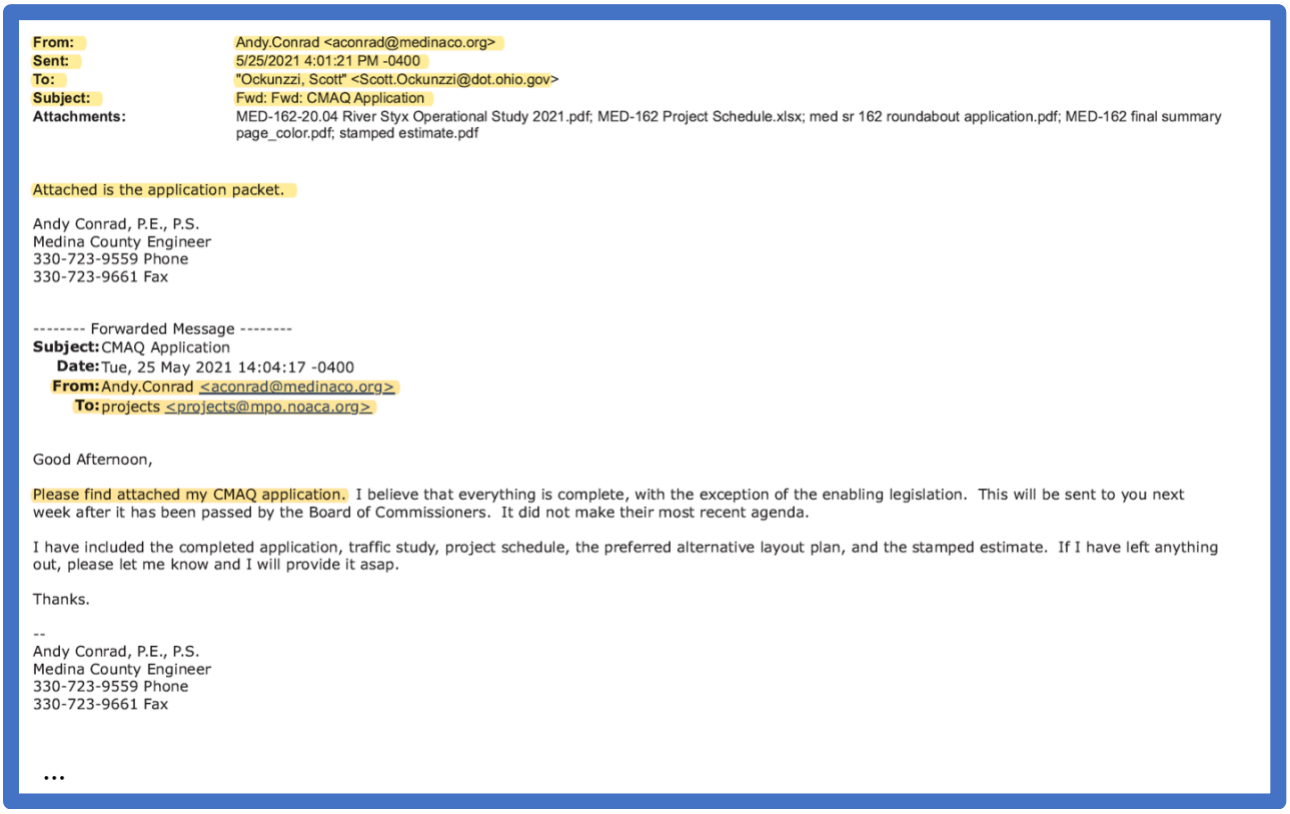


Figure 25b., Scott Ockunzzi's incorrect edits to Question 4 of the draft CMAQ Application regarding existing LOS - Level F box checked and Level F added to narrative comments. Source: recovered from an email in Scott Ockunzzi's State of Ohio email account, dated May 25, 2021 (excerpted from the Word file converted by investigators to a pdf file to show the net effect of the edits).

Medina County Engineer Conrad Submitted the 2021 CMAQ Application to NOACA with the 2021 Op Study Attached and Sent a Copy to ODOT Planning Engineer Ockunzzi – 2046 Forecast LOS Used in the Application

On May 25, 2021, Ockunzzi received an email from Conrad with a copy of the 2021 CMAQ Application attached that Conrad had submitted to NOACA. Conrad's email stated, "Attached is the application packet." A copy of this email is shown below (Figure 26).



From: Andy.Conrad <aconrad@medinaco.org>
Sent: 5/25/2021 4:01:21 PM -0400
To: "Ockunzzi, Scott" <Scott.Ockunzzi@dot.ohio.gov>
Subject: Fwd: Fwd: CMAQ Application
Attachments: MED-162-20.04 River Styx Operational Study 2021.pdf; MED-162 Project Schedule.xlsx; med sr 162 roundabout application.pdf; MED-162 final summary page_color.pdf; stamped estimate.pdf

Attached is the application packet.

Andy Conrad, P.E., P.S.
Medina County Engineer
330-723-9559 Phone
330-723-9661 Fax

-------- Forwarded Message --------
Subject: CMAQ Application
Date: Tue, 25 May 2021 14:04:17 -0400
From: Andy.Conrad <aconrad@medinaco.org>
To: projects <projects@mpo.noaca.org>

Good Afternoon,

Please find attached my CMAQ application. I believe that everything is complete, with the exception of the enabling legislation. This will be sent to you next week after it has been passed by the Board of Commissioners. It did not make their most recent agenda.

I have included the completed application, traffic study, project schedule, the preferred alternative layout plan, and the stamped estimate. If I have left anything out, please let me know and I will provide it asap.

Thanks.

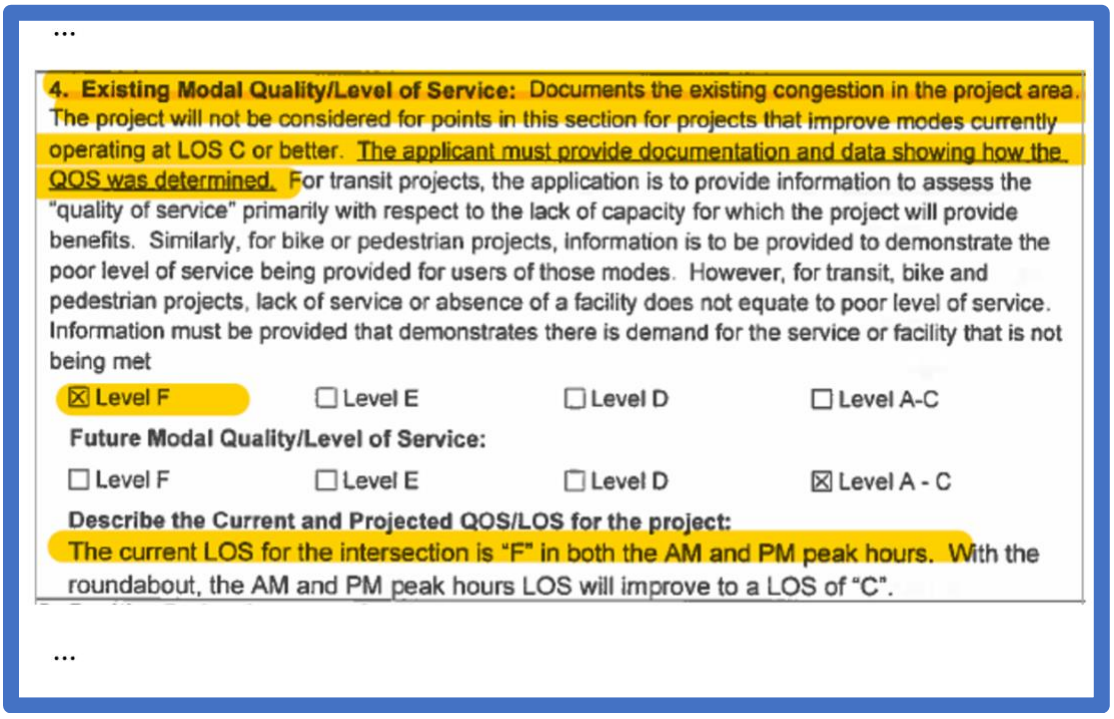
--
Andy Conrad, P.E., P.S.
Medina County Engineer
330-723-9559 Phone
330-723-9661 Fax

...

Figure 26, Conrad's email to Ockunzzi - 2021 CMAQ Application submitted to NOACA. Source: recovered from an email in Scott Ockunzzi's State of Ohio email account, dated May 25, 2021.

Investigators reviewed the submitted 2021 CMAQ Application attached to Conrad's email, and found that Ockunzzi's check box answer edit to Question 4 was included; specifically, the check box answer to Question 4, Existing LOS, was checked as follows: Level *F* for existing LOS (Figure 27).

Investigators also found that the submitted 2021 CMAQ Application included Ockunzzi's "*F*" edit to Question 4's narrative answer. Specifically, the narrative answer to Question 4, Describe the Current and Projected LOS for the Project was as follows: "The current LOS for the intersection is 'F' in both the AM and PM peak hours … ." (Figure 27).



...

4. Existing Modal Quality/Level of Service: Documents the existing congestion in the project area. The project will not be considered for points in this section for projects that improve modes currently operating at LOS C or better. The applicant must provide documentation and data showing how the QOS was determined. For transit projects, the application is to provide information to assess the "quality of service" primarily with respect to the lack of capacity for which the project will provide benefits. Similarly, for bike or pedestrian projects, information is to be provided to demonstrate the poor level of service being provided for users of those modes. However, for transit, bike and pedestrian projects, lack of service or absence of a facility does not equate to poor level of service. Information must be provided that demonstrates there is demand for the service or facility that is not being met

☒ Level F ☐ Level E ☐ Level D ☐ Level A-C

Future Modal Quality/Level of Service:

☐ Level F ☐ Level E ☐ Level D ☒ Level A - C

Describe the Current and Projected QOS/LOS for the project:

The current LOS for the intersection is "F" in both the AM and PM peak hours. With the roundabout, the AM and PM peak hours LOS will improve to a LOS of "C".

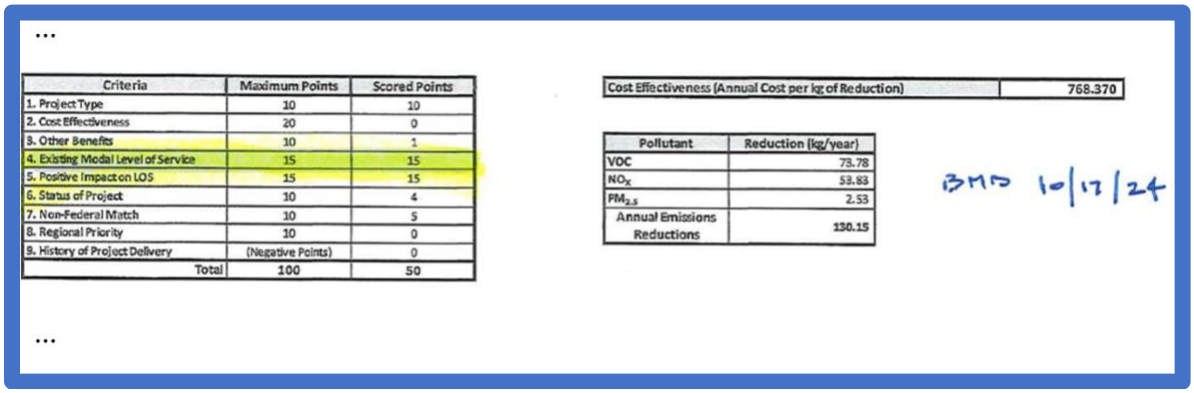
...

Figure 27, Submitted 2021 CMAQ Application excerpt - Existing LOS F checked and described as an F on the application (Ockunzzi's edits). Source: recovered from an email in Scott Ockunzzi's State of Ohio email account, dated May 25, 2021.

In addition, investigators found that the 2021 Op Study was attached to the 2021 CMAQ Application that had been submitted. The attached 2021 Op Study included a 2046 forecast existing intersection all-way stop LOS of AM-*F* and PM-*F* (Figures 17-18). Investigators also found that the two separate pages from the 2019 Op Study (the ones that Ockunzzi explained should be used for the 2021 CMAQ Application) that contained the 2019 existing intersection all-way stop LOS of AM-*D* and PM-*C* (Figures 9-10) were not attached to the submitted CMAQ Application.

• ***NOACA Scores the 2021 CMAQ Application and Awards Maximum Available Points to an Incorrect Entry for Existing LOS of F***

Via a subpoena to NOACA, investigators obtained a copy of NOACA's analysis and scoring of Medina County's submitted 2021 CMAQ Application for the State Route 162 and River Styx Road intersection. Investigators reviewed these documents and determined that NOACA awarded 15 points (out of 15 possible points) to the CMAQ Application for an incorrect entry for "Existing Level/Quality of Service," stating, "AM Peak LOS for AWSC is F for 2046 No Build - 15 points." Copies of the relevant excerpts from this scoring are shown below (Figures 28-32).



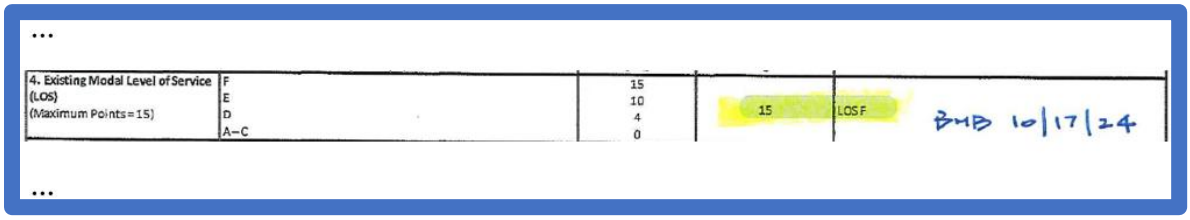
Criteria	Maximum Points	Scored Points
1. Project Type	10	10
2. Cost Effectiveness	20	0
3. Other Benefits	10	1
4. Existing Modal Level of Service	15	15
5. Positive Impact on LOS	15	15
6. Status of Project	10	4
7. Non-Federal Match	10	5
8. Regional Priority	10	0
9. History of Project Delivery	(Negative Points)	0
Total	100	50

Cost Effectiveness (Annual Cost per kg of Reduction)	768.370

Pollutant	Reduction (kg/year)
VOC	73.78
NO_X	53.83
$PM_{2.5}$	2.53
Annual Emissions Reductions	130.15

BMD 10/17/24

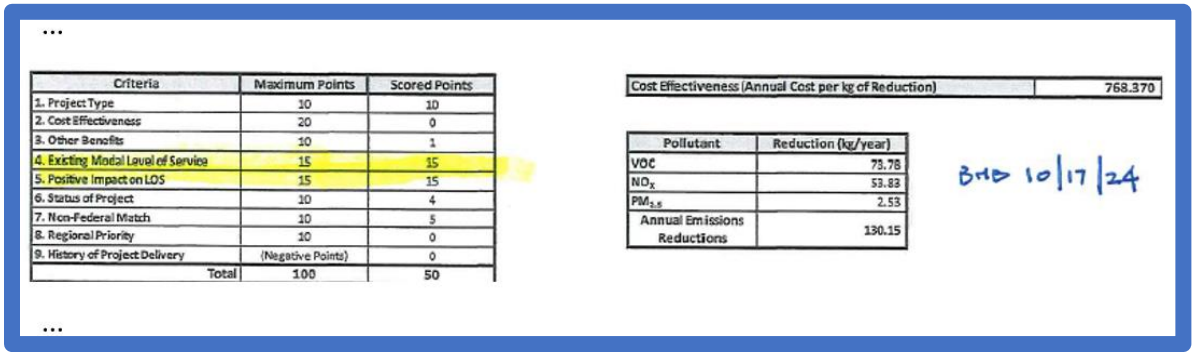
Figure 28, NOACA scoring excerpt, p 1 of 5 - NOACA awarded 15 points (out of 15 possible points) to the application for an incorrect entry for Existing Level/Quality of Service of F. Source: subpoena response from NOACA, page 95.



4. Existing Modal Level of Service (LOS) (Maximum Points = 15)	F	15	15	LOS F
	E	10		
	D	4		
	A–C	0		

BMD 10/17/24

Figure 29, NOACA scoring excerpt, p 2 of 5 - NOACA awarded 15 points (out of 15 possible points) to the application for an incorrect entry for Existing Level/Quality of Service of F. Source: subpoena response from NOACA, page 96.



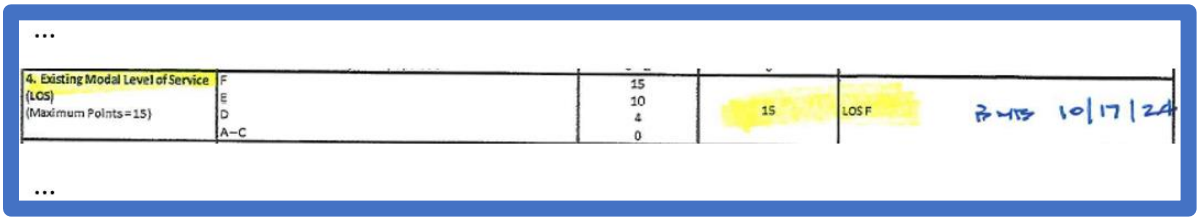
Criteria	Maximum Points	Scored Points
1. Project Type	10	10
2. Cost Effectiveness	20	0
3. Other Benefits	10	1
4. Existing Modal Level of Service	15	15
5. Positive Impact on LOS	15	15
6. Status of Project	10	4
7. Non-Federal Match	10	5
8. Regional Priority	10	0
9. History of Project Delivery	(Negative Points)	0
Total	100	50

Cost Effectiveness (Annual Cost per kg of Reduction)	768.370

Pollutant	Reduction (kg/year)
VOC	73.78
NO_X	53.83
$PM_{2.5}$	2.53
Annual Emissions Reductions	130.15

BHD 10/17/24

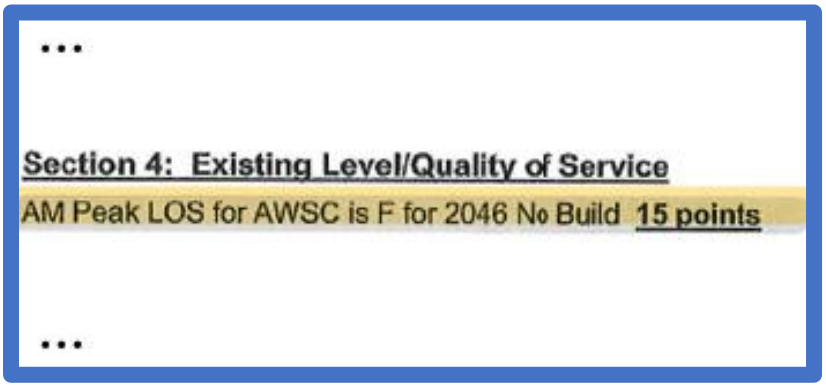
Figure 30, NOACA scoring excerpt, p 3 of 5 - NOACA awarded 15 points (out of 15 possible points) to the application for an incorrect entry for Existing Level/Quality of Service of F. Source: subpoena response from NOACA, page 98.



4. Existing Modal Level of Service (LOS) (Maximum Points=15)	F E D A–C	15 10 4 0	15	LOS F

BHD 10/17/24

Figure 31, NOACA scoring excerpt, p 4 of 5 - NOACA awarded 15 points (out of 15 possible points) to the application for an incorrect entry for Existing Level/Quality of Service of F. Source: subpoena response from NOACA, page 99.



Section 4: Existing Level/Quality of Service

AM Peak LOS for AWSC is F for 2046 No Build **15 points**

Figure 32, NOACA scoring excerpt, p 5 of 5 - NOACA awarded 15 points (out of 15 possible points) to the application for an incorrect entry for Existing Level/Quality of Service of F. Source: subpoena response from NOACA, page 102.

• *January 2022 – NOACA Awards $2 Million in CMAQ Funding to the Medina County Roundabout Project*

On January 19, 2022, NOACA awarded $2 million in CMAQ funding to the Medina County roundabout project. A copy of the award letter is shown below (Figure 33). On January 25, 2022, ODOT received an email from NOACA notifying ODOT of the award. A copy of this email is shown as follows (Figure 34):

NORTHEAST OHIO AREAWIDE COORDINATING AGENCY

January 19, 2022

Andy Conrad
Medina County Engineer
791 West Smith Road
Medina, Ohio 44256

RE: NOACA 2026-2027 CMAQ Award and Agreement

Dear Mr. Conrad,

Congratulations! We are pleased to inform you that the following project was selected for funding in the Northeast Ohio Areawide Coordinating Agency's (NOACA) Congestion Mitigation and Air Quality (CMAQ) program as it represents an alignment of NOACA and community priorities toward the implementation of the region's *eNEO 2050: An Equitable Future for Northeast Ohio long-range transportation plan*.

Project Name	NOACA Funding	Work Phase	SFY
SR 162 Roundabout	$2,000,000 (80% CMAQ)	Construction	2026

...

Figure 33, $2 million CMAQ award. Source: recovered from an email in Scott Ockunzzi's State of Ohio email account, dated February 9, 2022.

...

From: Randy Lane <RLane@mpo.noaca.org>
Sent: Tuesday, January 25, 2022 9:24 AM
To: Farley, Leslie <Leslie.Farley@dot.ohio.gov>; Walter, Matthew <Matthew.Walter@dot.ohio.gov>; Welch, Keri <Keri.Welch@dot.ohio.gov>; Short, David <David.Short@dot.ohio.gov>; Conley, Natalie <Natalie.Conley@dot.ohio.gov>; Shepherd, Steven <Steve.Shepherd@dot.ohio.gov>; Bartizal, Melinda <Melinda.Bartizal@dot.ohio.gov>
Cc: Jim Thompson <JThompson@mpo.noaca.org>
Subject: NOACA 2021 CMAQ Funding Awards

Good Morning ODOT Districts 3/12,

Attached are letters of award for projects awarded funding through our 2021 CMAQ funding round. Note: (3) awards are for increased funding to existing

...

Figure 34, $2 million CMAQ award. Source: recovered from an email in Scott Ockunzzi's State of Ohio email account, dated February 9, 2022.

Interviews

Scott Ockunzzi, ODOT District 3 Planning Engineer

On October 16, 2024, investigators interviewed Scott Ockunzzi. Ockunzzi confirmed that on May 25, 2021, he edited the 2021 CMAQ Application for funding of a roundabout project in Medina County, and that he made an entry on the CMAQ application to show the existing LOS as an *F*. Ockunzzi confirmed that his May 25, 2021, edit showing the existing LOS as an *F* was included in the final application submitted to NOACA. Ockunzzi also confirmed that the existing LOS for this intersection on May 25, 2021, was actually AM-*D* and PM-*C* and he knew

that fact. Investigators asked Ockunzzi if his edit to show the existing LOS as an *F* was a false entry on the submitted CMAQ Application, and Ockunzzi said, "It appears that it was, yeah." When asked why he did that (entered the incorrect information), Ockunzzi told investigators he did not know. Ockunzzi said he emailed Andy (Conrad) and told him to use the existing LOS. Ockunzzi told investigators that he remembered talking to NOACA (personnel) in advance of the application (submission), but did not remember with whom he spoke. Ockunzzi told investigators that he vaguely remembered receiving advice to make that entry (the LOS *F* on the CMAQ Application).

Ockunzzi also told investigators that based on the study he conducted, it was established that the existing LOS was a *D/C* and he knew that was the existing (LOS) a few days before (submission of the CMAQ Application). Ockunzzi noted that he could not remember what caused him to change the (LOS) entry. Ockunzzi told investigators that they try to make the best case for their project proposals, but that they do not lie.

Ockunzzi told investigators that he received advice on the application from someone at NOACA, but that he could not recall the name of the person. Ockunzzi explained to investigators that he recalled discussing the application with the following NOACA officials: Ali Makarachi, Jim Thompson, and Ed May. Investigators later interviewed these three NOACA officials and all of them denied advising Ockunzzi to list a LOS *F* answer to Question 4, Existing LOS on the 2021 CMAQ Application.

Ockunzzi confirmed that he could not remember if someone else asked him to make the entry to show the existing LOS as an *F*. Ockunzzi told investigators he had a vague memory of someone telling him that using the *F* LOS was correct; however, Ockunzzi was not sure who that person was.

Ockunzzi then told investigators, "I do remember someone telling me to change it to the LOS F. But again and here's the thing, and I know I'm being recorded, I don't know if that's just my own

panic trying to make up a story or if that's me really remembering it. But I think someone told me to make it a [LOS] F." Ockunzzi said it was a long time ago.

When asked why he edited the CMAQ Application, Ockunzzi told investigators he was helping the Medina County engineer. According to Ockunzzi, he conducted the operational study of the intersection, and that traffic operations were not something for which the county engineer would normally have expertise.

Ali Makarachi, PhD, Director of Transportation Planning & Engineering, NOACA

Investigators interviewed Ali Makarachi on October 31, 2024. Investigators showed Makarachi a copy of the 2021 CMAQ Application that Medina County submitted to NOACA. According to Makarachi, Scott Ockunzzi and Andrew Conrad did not ask him how to answer Question 4, Existing LOS, on the 2021 CMAQ Application. Makarachi also told investigators that he did not tell Ockunzzi or Conrad to list a LOS *F* answer to Question 4, Existing LOS on the 2021 CMAQ Application. Makarachi noted to investigators that NOACA employees Jim Thompson and Randy Lane might have been individuals who Ockunzzi and Conrad asked about Question 4, Existing LOS, on the 2021 CMAQ Application.

Jim Thompson, Manager of Capital Programs, NOACA

Investigators interviewed Jim Thompson on October 31, 2024. Investigators showed Thompson a copy of the 2021 CMAQ Application that Medina County submitted to NOACA. According to Thompson, he could not remember if Scott Ockunzzi and Andrew Conrad asked him how to answer Question 4, Existing LOS, on the 2021 CMAQ Application. Thompson initially told investigators that he could not remember if he told Ockunzzi or Conrad to list an *F* answer to Question 4, Existing LOS on the 2021 CMAQ Application. When shown the application and asked again if he told Ockunzzi or Conrad to list an *F* answer to Question 4, Existing LOS on the 2021 CMAQ Application, Thompson confirmed that he had not done so.

Edward May, Director of Transportation Programming, NOACA

Investigators interviewed Edward May on October 31, 2024. Investigators showed May a copy of the 2021 CMAQ Application that Medina County submitted to NOACA. According to May, Scott Ockunzzi and Andrew Conrad did not ask him how to answer Question 4, Existing LOS, on the 2021 CMAQ Application. May also told investigators that he did not tell Ockunzzi or Conrad to list an *F* answer to Question 4, Existing LOS on the 2021 CMAQ Application. May suggested speaking with Randy Lane about the CMAQ Application.

Randy Lane, ODOT Statewide Planning Manager, Office of Statewide Planning & Research (Former Director of Programming, NOACA)

Randy Lane was formerly employed as the director of programming at NOACA. Investigators tried twice to schedule a voluntary interview with Lane, who currently works as a statewide planning manager for ODOT. On November 5, 2024, ODOT Statewide Planning Manager Randy Lane declined to be interviewed.

Andrew Conrad, Medina County Engineer, Medina County, OH

On October 16, 2024, investigators interviewed Medina County Engineer Andrew Conrad. Conrad confirmed that an email and attachment he received from Scott Ockunzzi on May 25, 2021, contained an entry on the CMAQ Application showing the existing LOS as an *F.* Conrad confirmed that he believed Ockunzzi made this entry, and that Ockunzzi's edit showing the existing LOS as an *F* was included in the final CMAQ Application that he (Conrad) submitted to NOACA on May 25, 2021. Conrad confirmed to investigators that on May 25, 2021, he submitted the CMAQ Application to NOACA with an entry to show the existing LOS as an *F*.

Conrad confirmed to investigators that he never knew that the actual existing LOS for the Medina County intersection was AM-*D* and PM-*C* when he submitted the 2021 CMAQ Application. Conrad's statement appears to conflict with the Zoom meeting recording of March 24, 2021, with Conrad, Ockunzzi, and Blayney, wherein Ockunzzi told Conrad that the existing LOS was a level *C*.

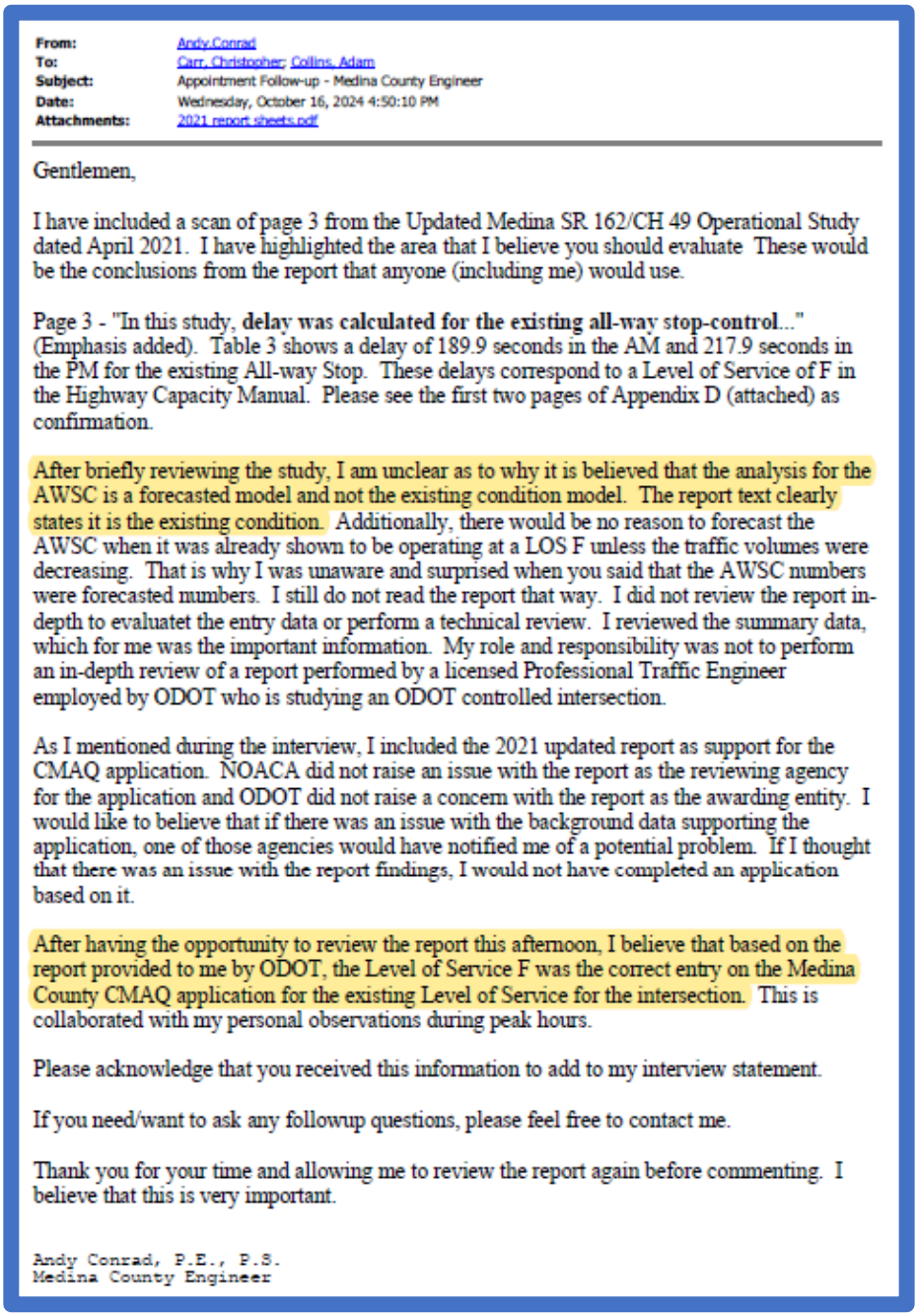
Conrad also confirmed to investigators that the *F* entry for existing LOS was the one that he intended to submit and was based on his knowledge. Conrad confirmed that it was about 20 minutes prior to his interview with investigators that he first became aware that the 2021 Op Study with the AM-*F* and PM-*F* LOS was a forecast. Conrad's statement appears to conflict with the email that Conrad received from Ockunzzi, dated May 24, 2021 (Figure 23), in which Ockunzzi notified Conrad that the analyses in the 2021 Op Study were forecasts.

Conrad confirmed that the check box existing LOS *F* entry on the 2021 CMAQ Application came from Ockunzzi. Conrad also confirmed to investigators that the narrative describing an existing LOS *F* entry on the 2021 CMAQ Application came from himself and was also edited by Ockunzzi as an *F*. Conrad confirmed that the source of the LOS *F* was the 2021 Op Study that was attached to his application. Conrad also confirmed his belief that the LOS *F* in the morning and evening in the 2021 Op Study were actual numbers. Conrad's statement appears to conflict with the email that Conrad received from Ockunzzi, dated May 24, 2021 (Figure 23), in which Ockunzzi notified Conrad that the analyses in the 2021 Op Study were forecasts. Conrad said, "… because … the whole point was that … the level of service [was] bad enough that it needs some work done. If it … was a … level of *C* and *D*, I don't think we would be having that conversation."

After his interview with investigators on October 16, 2024, Conrad sent investigators an email response. In his email sent on October 16, 2024, Conrad stated, "After briefly reviewing the [2021] study, I am unclear as to why it is believed that the analysis for the AWSC is a forecasted model and not the existing condition model. The report text clearly states it is the existing condition." Conrad's statement appears to conflict with the email that Conrad received from Ockunzzi, dated May 24, 2021, in which Ockunzzi notified Conrad that the analyses in the 2021 Op Study were forecasts (Figure 23); and with page 3 of the 2021 Op Study which stated that delay was calculated for 2046 – which was 25 years in the future (Figure 16b.).

According to Conrad in his email response to investigators, based on the (2021 Op Study) report provided to him by ODOT, the LOS *F* was the correct entry on the Medina County CMAQ Application for the existing LOS for the intersection. Conrad's statement appears to conflict

with the email that Conrad received from Ockunzzi, dated May 24, 2021, in which Ockunzzi notified Conrad he should use the separate AWSC HCS (highway capacity software) reports for 2019 (containing existing LOS of AM-*D* and PM-*C)* because that reflected the actual existing traffic counts (Figure 23). A copy of Conrad's email response to investigators and attachments are shown below (Figures 35-38):



From: Andy Conrad
To: Carr, Christopher; Collins, Adam
Subject: Appointment Follow-up - Medina County Engineer
Date: Wednesday, October 16, 2024 4:50:10 PM
Attachments: 2021 report sheets.pdf

Gentlemen,

I have included a scan of page 3 from the Updated Medina SR 162/CH 49 Operational Study dated April 2021. I have highlighted the area that I believe you should evaluate These would be the conclusions from the report that anyone (including me) would use.

Page 3 - "In this study, **delay was calculated for the existing all-way stop-control**..." (Emphasis added). Table 3 shows a delay of 189.9 seconds in the AM and 217.9 seconds in the PM for the existing All-way Stop. These delays correspond to a Level of Service of F in the Highway Capacity Manual. Please see the first two pages of Appendix D (attached) as confirmation.

After briefly reviewing the study, I am unclear as to why it is believed that the analysis for the AWSC is a forecasted model and not the existing condition model. The report text clearly states it is the existing condition. Additionally, there would be no reason to forecast the AWSC when it was already shown to be operating at a LOS F unless the traffic volumes were decreasing. That is why I was unaware and surprised when you said that the AWSC numbers were forecasted numbers. I still do not read the report that way. I did not review the report in-depth to evaluatet the entry data or perform a technical review. I reviewed the summary data, which for me was the important information. My role and responsibility was not to perform an in-depth review of a report performed by a licensed Professional Traffic Engineer employed by ODOT who is studying an ODOT controlled intersection.

As I mentioned during the interview, I included the 2021 updated report as support for the CMAQ application. NOACA did not raise an issue with the report as the reviewing agency for the application and ODOT did not raise a concern with the report as the awarding entity. I would like to believe that if there was an issue with the background data supporting the application, one of those agencies would have notified me of a potential problem. If I thought that there was an issue with the report findings, I would not have completed an application based on it.

After having the opportunity to review the report this afternoon, I believe that based on the report provided to me by ODOT, the Level of Service F was the correct entry on the Medina County CMAQ application for the existing Level of Service for the intersection. This is collaborated with my personal observations during peak hours.

Please acknowledge that you received this information to add to my interview statement.

If you need/want to ask any followup questions, please feel free to contact me.

Thank you for your time and allowing me to review the report again before commenting. I believe that this is very important.

Andy Conrad, P.E., P.S.
Medina County Engineer

Figure 35, Andrew Conrad's email response to investigator interview. Source: email from Andrew Conrad, dated October 16, 2024.

HCS Operational Analysis

Highway Capacity Software (HCS) is a program that utilizes the Highway Capacity Manual (HCM) methodology to calculate the vehicle delay for various traffic scenarios. In this study, delay was calculated for the existing all-way stop-control as well as potential future traffic signal and roundabout traffic control for the design year 2046. The HCS analysis was also performed for a proposed traffic signal with eastbound and westbound left turn lanes and a southbound right turn lane. HCS reports for design year 2046 can be found in Appendix D.

Table 3. Highway Capacity Software Analysis

Traffic Control	Peak Hour	Delay by Approach (Seconds)				
		SR 162		River Styx Rd		Total
		EB	WB	NB	SB	
Existing All-Way Stop	AM	357.8	16.9	57.7	21.7	189.9
	PM	80.1	80.2	32.4	426.1	217.9
Proposed Traffic Signal	AM	42.7	9.2	29.2	24.7	32.8
	PM	37.9	22.2	17.0	53.9	38.1
Signal with Turn Lanes	AM	15.2	9.1	22.7	17.4	16.9
	PM	14.7	11.4	14.5	17.2	15.0
Proposed Roundabout	AM	15.9	12.4	37.7	5.0	19.7
	PM	10.9	11.3	8.1	24.2	16.2

> LOS "F"

Signal Warrant Analysis

The Ohio Manual of Uniform Traffic Control Devices (OMUTCD) has criteria that determine the factors for justifying the use of traffic control signals. This study took twelve hours of traffic count volumes to determine if any of the OMUTCD's signal warrant criteria were met. To analyze the traffic count volumes, the PC-Warrants 2 software was used for to complete the analysis. The following table shows the results of this analysis, which can be found in Appendix E.

Table 4. Results of Signal Warrant Analysis Using PC-Warrants 2 Software

Warrant Type	Warrant Met		
	Warrant #1 – Eight Hour	Warrant #2 – Four Hour	Warrant #3 – Peak Hour
70% Volumes	6 Hours (No)	7 Hours (Yes)	Yes
100% Volumes	2 Hours (No)	5 Hours (Yes)	Yes

ECAT Safety Analysis

The Economic Crash Analysis Tool (ECAT) is a way to predict the number of crashes on a roadway segment or intersection based on several factors using methodology from the Highway Safety Manual (HSM). ECAT will also calculate the projected safety benefits, in dollars, based on proposed safety countermeasures.

For the SR 162 & River Styx intersection, an HSM analysis is somewhat difficult to perform. Safety Performance Functions (SPFs) are curves that are used to predict crashes for a site type based on that site type and the average daily traffic (ADT) at the location. Unfortunately, there are currently no published SPFs for all-way stop-controlled (AWSC) intersections. However, the ODOT Highway

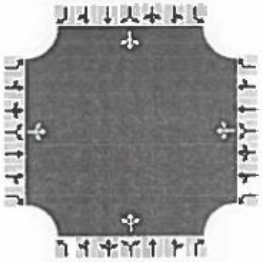
Figure 36, Attachment to Andrew Conrad's email response to investigator interview (p 1 of 3). Source: email from Andrew Conrad, dated October 16, 2024.

HCS7 All-Way Stop Control Report

Appendix D

General Information		Site Information	
Analyst	Scott Ockunzzi	Intersection	SR 162 & River Styx
Agency/Co.	ODOT	Jurisdiction	State
Date Performed	1/15/2019	East/West Street	SR 162
Analysis Year	2019	North/South Street	River Styx
Analysis Time Period (hrs)	0.25	Peak Hour Factor	0.95
Time Analyzed	AM Peak		
Project Description	AWSC		

Lanes



Vehicle Volume and Adjustments

Approach	Eastbound			Westbound			Northbound			Southbound		
Movement	L	T	R	L	T	R	L	T	R	L	T	R
Volume	470	310	10	10	90	70	10	400	40	50	130	80
% Thrus in Shared Lane												
Lane	L1	L2	L3	L1	L2	L3	L1	L2	L3	L1	L2	L3
Configuration	LTR			LTR			LTR			LTR		
Flow Rate, v (veh/h)	832			179			474			274		
Percent Heavy Vehicles	1			3			1			1		

Departure Headway and Service Time

Initial Departure Headway, hd (s)	3.20			3.20			3.20			3.20		
Initial Degree of Utilization, x	0.739			0.159			0.421			0.243		
Final Departure Headway, hd (s)	7.51			8.26			7.28			7.84		
Final Degree of Utilization, x	1.734			0.410			0.958			0.596		
Move-Up Time, m (s)	2.0			2.0			2.0			2.0		
Service Time, ts (s)	5.51			6.26			5.28			5.84		

Capacity, Delay and Level of Service

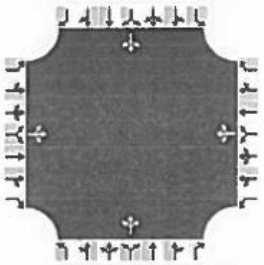
Flow Rate, v (veh/h)	832			179			474			274		
Capacity	480			436			494			459		
95% Queue Length, Q_{95} (veh)	50.2			2.0			12.1			3.8		
Control Delay (s/veh)	357.8			16.9			57.7			21.7		
Level of Service, LOS	F			C			F			C		
Approach Delay (s/veh)	357.8			16.9			57.7			21.7		
Approach LOS	F			C			F			C		
Intersection Delay, s/veh | LOS	189.9						F					

Figure 37, Attachment to Andrew Conrad's email response to investigator interview (p 2 of 3). Source: email from Andrew Conrad, dated October 16, 2024.

HCS7 All-Way Stop Control Report

General Information		Site Information	
Analyst	Scott Ockunzzi	Intersection	SR 162 & River Styx
Agency/Co.	ODOT	Jurisdiction	State
Date Performed	1/15/2019	East/West Street	SR 162
Analysis Year	2018	North/South Street	River Styx
Analysis Time Period (hrs)	0.25	Peak Hour Factor	0.90
Time Analyzed	PM Peak		
Project Description	AWSC		

Lanes



Vehicle Volume and Adjustments

Approach	Eastbound			Westbound			Northbound			Southbound		
Movement	L	T	R	L	T	R	L	T	R	L	T	R
Volume	200	160	10	30	270	80	20	200	20	90	310	310
% Thrus in Shared Lane												
Lane	L1	L2	L3	L1	L2	L3	L1	L2	L3	L1	L2	L3
Configuration	LTR			LTR			LTR			LTR		
Flow Rate, v (veh/h)	411			422			267			789		
Percent Heavy Vehicles	1			1			0			1		

Departure Headway and Service Time

Initial Departure Headway, hd (s)	3.20			3.20			3.20			3.20		
Initial Degree of Utilization, x	0.365			0.375			0.237			0.701		
Final Departure Headway, hd (s)	8.92			8.71			9.53			8.59		
Final Degree of Utilization, x	1.018			1.022			0.706			1.882		
Move-Up Time, m (s)	2.0			2.0			2.0			2.0		
Service Time, ts (s)	6.92			6.71			7.53			6.59		

Capacity, Delay and Level of Service

Flow Rate, v (veh/h)	411			422			267			789		
Capacity	404			413			378			419		
95% Queue Length, Q_{95} (veh)	12.9			13.2			5.2			51.9		
Control Delay (s/veh)	80.1			80.2			32.4			426.1		
Level of Service, LOS	F			F			D			F		
Approach Delay (s/veh)	80.1			80.2			32.4			426.1		
Approach LOS	F			F			D			F		
Intersection Delay, s/veh | LOS	217.9						F					

Figure 38, Attachment to Andrew Conrad's email response to investigator interview (p 3 of 3). Source: email from Andrew Conrad, dated October 16, 2024.

Brian Blayney, District 12 Long-Range Planning Engineer, ODOT

(Former Manager of Capital Programs, NOACA)[21]

Investigators interviewed Brian Blayney on October 17, 2024. Blayney confirmed to investigators that when he was working at NOACA, he had analyzed and scored the 2021 CMAQ Application for the intersection that Medina County submitted to NOACA on May 25, 2021. Blayney also confirmed that the CMAQ Application required the applicant to state, in Question 4, the existing LOS in the project area. Additionally, Blayney confirmed that for Question 4, NOACA's CMAQ Application did not allow the use of forecasted LOS as an answer to a question that asked for existing LOS. Blayney's statement appears to conflict with the Zoom meeting recording of March 24, 2021, between Blayney, Ockunzzi, and Conrad, wherein Blayney explained to Ockunzzi at ODOT that it might be worth doing forecasted intersection turning movements (inputs that ODOT used to calculate Level of Service) for 2026 because CMAQ funds for this amount were not available until fiscal year 2026 and 2027.

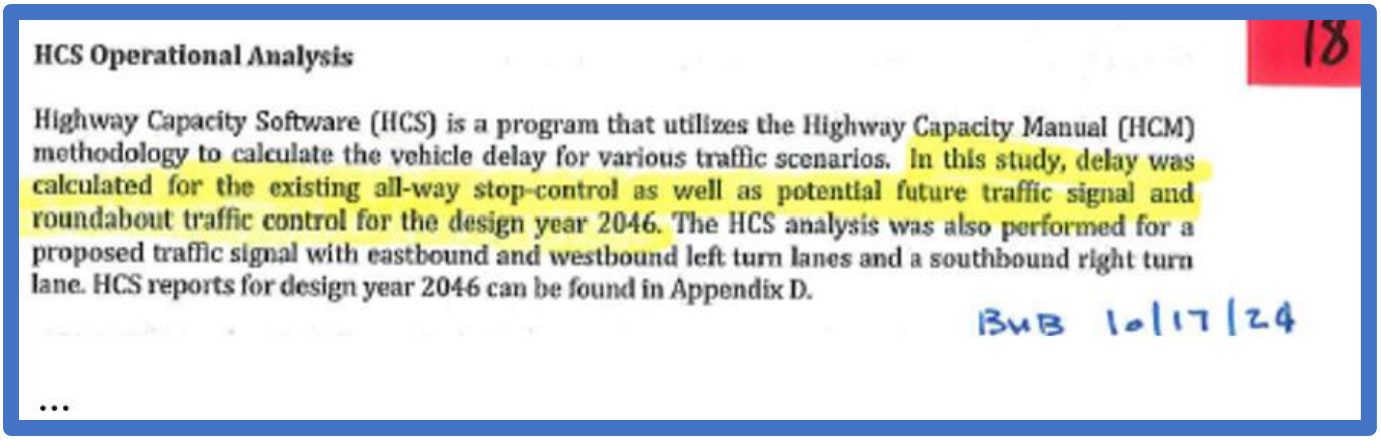
During the interview, Blayney examined all the documents for this case that investigators had subpoenaed from NOACA. Blayney also reviewed the investigator copy of the 2021 CMAQ Application submitted by Medina County on May 25, 2021. Blayney confirmed to investigators his general belief that these documents contained the CMAQ Application and attachments for the intersection that Medina County submitted to NOACA on May 25, 2021. After examining these documents, Blayney confirmed that the CMAQ Application submitted by Medina County contained Medina County's statement, in Question 4, either by checked box, or description, or both, that the existing LOS for this intersection was *F* in both the AM and PM peak hours.

Blayney confirmed to investigators that an *F* was the LOS presented in the application. Blayney confirmed that he thought the *F* LOS was the existing LOS. Investigators asked Blayney why his narrative description (in the scoring) said that it was a 2046 forecast, and Blayney responded that he did not know. According to Blayney, it was probably because there was not an existing

[21] Brian Blayney was formerly the Manager of Capital Programs at NOACA. While at NOACA, Blayney analyzed and scored the 2021 CMAQ Program Application for Funding for the State Route 162 and River Styx Road intersection project that Medina County submitted to NOACA on or about May 25, 2021. Currently, Blayney is a District 12 long-range planning engineer for ODOT.

one (an LOS) included in there. Blayney confirmed that he did not instruct anyone at ODOT to mark an *F* answer for Question 4, existing LOS.

During the interview, Blayney also examined investigator copies of three pages excerpted from NOACA's subpoena response to investigators (Figures 39-41). Blayney confirmed that he reasonably believed that these pages were part of the ODOT 2021 Operational Study that was attached to Medina County's submitted 2021 CMAQ Application for the intersection. After examining these documents, Blayney confirmed that these pages, taken together, actually contained a representation in the study that the forecasted All Way Stop Control (AWSC) LOS for this intersection was *F* in both the AM and PM peak hours.



HCS Operational Analysis

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Highway Capacity Software (HCS) is a program that utilizes the Highway Capacity Manual (HCM) methodology to calculate the vehicle delay for various traffic scenarios. In this study, delay was calculated for the existing all-way stop-control as well as potential future traffic signal and roundabout traffic control for the design year 2046. The HCS analysis was also performed for a proposed traffic signal with eastbound and westbound left turn lanes and a southbound right turn lane. HCS reports for design year 2046 can be found in Appendix D.

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Figure 39, Excerpt from the 2021 Op Study indicated that forecasted traffic was used in the study. Source: subpoena response from NOACA.

HCS7 All-Way Stop Control Report

Appendix D

General Information		Site Information	
Analyst	Scott Ockunzzi	Intersection	SR 162 & River Styx
Agency/Co.	ODOT	Jurisdiction	State
Date Performed	1/15/2019	East/West Street	SR 162
Analysis Year	2019	North/South Street	River Styx
Analysis Time Period (hrs)	0.25	Peak Hour Factor	0.95
Time Analyzed	AM Peak		
Project Description	AWSC		

32

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Flow Rate, v (veh/h)	832			179			474			274		
Capacity	480			436			494			459		
95% Queue Length, Q_{95} (veh)	50.2			2.0			12.1			3.8		
Control Delay (s/veh)	357.8			16.9			57.7			21.7		
Level of Service, LOS	F			C			F			C		
Approach Delay (s/veh)	357.8			16.9			57.7			21.7		
Approach LOS	F			C			F			C		
Intersection Delay, s/veh | LOS	189.9						F					

HCS7™ AWSC Version 7.9.5
AWSC AM Peak.xaw

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BMD 10/17/24

Figure 40, 2021 Study excerpt – 2046 forecast existing intersection all-way stop LOS of AM-F. Source: subpoena response from NOACA.

HCS7 All-Way Stop Control Report

General Information		Site Information	
Analyst	Scott Ockunzzi	Intersection	SR 162 & River Styx
Agency/Co.	ODOT	Jurisdiction	State
Date Performed	1/15/2019	East/West Street	SR 162
Analysis Year	2018	North/South Street	River Styx
Analysis Time Period (hrs)	0.25	Peak Hour Factor	0.90
Time Analyzed	PM Peak		
Project Description	AWSC		

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Capacity, Delay and Level of Service											
Flow Rate, v (veh/h)	411			422			267			789		
Capacity	404			413			378			419		
95% Queue Length, Q_{95} (veh)	12.9			13.2			5.2			51.9		
Control Delay (s/veh)	80.1			80.2			32.4			426.1		
Level of Service, LOS	F			F			D			F		
Approach Delay (s/veh)	80.1			80.2			32.4			426.1		
Approach LOS	F			F			D			F		
Intersection Delay, s/veh | LOS	217.9						F					

HCS7™ AWSC Version 7.9.5
AWSC PM Peak.xaw

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BMD 10/17/24

Figure 41, 2021 Study excerpt - 2046 forecast existing intersection all-way stop LOS of PM-F. Source: subpoena response from NOACA.

During the interview, Blayney examined investigator copies of five pages excerpted from NOACA's subpoena response to investigators (Figures 28-32). Blayney confirmed that he reasonably believed that these documents were NOACA's analysis and scoring of the submitted 2021 CMAQ Application for this intersection. Blayney confirmed that NOACA's analysis and scoring of Medina County's submitted CMAQ Application for this intersection awarded 15 points to the application for an Existing Level/Quality of Service as follows: "AM Peak LOS for AWSC is F for 2046 No Build – 15 points," and that he performed this analysis and scoring.

Blayney confirmed to investigators that he awarded 15 points for an existing LOS of *F* for this intersection based on a 2046 forecast (that was 25 years in the future). Given that the application asked for existing LOS for this project area, investigators asked Blayney why he did that (awarded 15 points for an existing LOS of *F* for this intersection based on a 2046 forecast that was 25 years in the future). Blayney told investigators he did not know and that he, "… would have to get into my brain at the time." Blayney confirmed that no one had asked him to do so. Blayney also confirmed that he did not recall seeing the 2019 Operational Study with the *C* and *D* existing LOS.

Blayney added that he should have told them (Medina County and ODOT) to recalculate it (the LOS) based on the existing (condition). Blayney confirmed that he made a mistake in accepting the forecast (LOS of *F*). Blayney's statement appears to conflict with the Zoom meeting recording of March 24, 2021, between Blayney, Ockunzzi, and Conrad, wherein Blayney explained to Ockunzzi at ODOT that it might be worth doing forecasted intersection turning movements (inputs that ODOT used to calculate Level of Service) for 2026 because CMAQ funds for this amount were not available until fiscal year 2026 and 2027.

During the interview, Blayney was shown a copy of the 2019 Operation Study. When asked if, given that the 2046 forecast LOS was AM-*F* and PM-*F* and the actual last known 2019 LOS was AM-*D* and PM-*C*, should the 2021 CMAQ Application have received 15 points for the (existing) LOS. Blayney told investigators, "No." When asked if this project would have received CMAQ money with a *D/C* (existing) LOS, Blayney said, "Not CMAQ funding, no way."

Reinterview – Brian Blayney, District 12 Long-Range Planning Engineer, ODOT (Former Manager of Capital Programs, NOACA)

At Brian Blayney's request, investigators interviewed Blayney again on October 23, 2024. Blayney requested a reinterview to supplement his previous interview comments. The first of the points that Blayney wanted to supplement was whether there was anyone else at NOACA with which he may have discussed the Medina County roundabout project. Blayney told investigators he wanted to add that he was sure that he talked with NOACA Programming Director Randy Lane about scoring all the CMAQ applications in that funding cycle as part of the review and recommendations to the (NOACA) directors and executive director in advance of the planning and programming committee. According to Blayney, he did not recall any specifics on this particular project, but he did remember working with Randy (Lane) and talking to him about all of the different applications and some of the nuances of how they were going to score them. Former NOACA Director of Programming Randy Lane declined to be interviewed by investigators on November 5, 2024. Lane is currently statewide planning manager for the ODOT Office of Statewide Planning & Research.

A second point that Blayney wanted to supplement was whether he ever met with ODOT Planning Engineer Scott Ockunzzi or Medina County Engineer Andrew Conrad regarding this roundabout project. Blayney confirmed that he recalled meeting with them before they submitted their application. Blayney told investigators he believed this meeting occurred in March of 2021 (Blayney recorded this Zoom meeting when it occurred and provided a copy of the recording to investigators).

The final point that Blayney wanted to clarify was the previous answer he gave to an investigator's hypothetical question during his initial interview. Investigators had asked Blayney whether, if he had known the score of the current conditions (namely, an existing LOS of *D/C*), would that have changed the outcome. Blayney stated the following during his reinterview:

> … What I wanted to clarify is … I … stammered my way through an explanation of how you take traffic counts that you collect on any given day of the year and turn them into what traffic engineers would consider … designed traffic that you would design an

> intersection for … . The counts that District 3 had collected for that intersection were from mid-January of 2019 … . In the meantime … I had a chance to look in our design manuals for traffic forecasting and the appropriate factor to scale a peak hour on a Tuesday or Wednesday in January to what would be a design hour, or something to approximate the 30th highest hour of the year, is 1.33. So … the peak hour traffic volumes that were collected on that day, mid-January of 2019, would need to be increased by that factor … . If you were going to … design or evaluate an existing intersection based on those traffic volumes, you would have to scale them up by that factor to … do an appropriate comparison of what the level of service was … . When you do that to those traffic volumes that still results in a level of service *F* for that intersection under all way stop control … . I wanted to clarify … that if that had been done, or that had been evaluated that way, that would not have changed the outcome, that it is still level of service *F*, it still would have received the same number of points that it received … in the draft scoring recommendations and it would not have changed the outcome of whether or not that project was awarded funding.

Blayney's statements in the paragraph above during his reinterview appear to conflict with the ODOT District 3 Traffic Engineer's email which confirmed the *existing* Level of Service for this intersection as follows:

1. An email from ODOT District 3 Traffic Engineer Julie Cichello, dated April 11, 2019 (Figure 13), in which she confirmed the results of the 2019 Op Study of the existing intersection to Medina County Engineer Andrew Conrad, stating in pertinent part, "… the overall delay and LOS for the intersection is a LOS *D* in the AM peak hour and LOS *C* in the PM peak hour …"

Blayney told investigators that the project would have been eligible (to apply for CMAQ funding) if it had level of service *D*. Blayney recalled that in his first interview, he told investigators that LOS *C* was not eligible (to apply for CMAQ funding).

Blayney told investigators that the worst (LOS) score would have governed, so level of service *D* is on what the project would have been scored. According to Blayney, he believed the Medina County 2021 CMAQ Application would have received four points (for Question 4, Existing Modal Quality/Level of Service) and then it probably would have received fewer points in the change in level of service (Question 5, Positive Project Impact to Quality/Level of Service), because the project's improvements would not reduce the traffic from an LOS *F* to an LOS *C*, for which it would receive 15 points. Blayney told investigators the project would be moving from an LOS of *D* to *C*, for which it would receive three points.

Blayney explained to investigators the 23-point reduction in the Medina County 2021 CMAQ Application scoring for existing LOS and the impact on LOS. According to Blayney, instead of receiving 30 points (15 points for existing LOS and 15 points for the impact on LOS), the application would receive seven points (four points for existing LOS and three points for the impact on LOS). According to Blayney, he was figuring the math in his head when he initially said that he did not think that the application would have scored as well. Blayney told investigators he was probably too aggressive (in his first interview with investigators) to say that there was "… no way" (the Medina County project would receive CMAQ funding), and he believed that there was a possibility for funding. Blayney commented that he would have to look at what the scoring was for the other 20 projects that were in the funding cycle (to make that determination).

Grace Gallucci, Executive Director, NOACA

Investigators interviewed Grace Gallucci on November 1, 2024. Regarding Question 4 on the CMAQ Application; specifically, whether NOACA's CMAQ Application allowed the use of forecasted LOS as an answer to a question that asked for existing LOS, Gallucci told investigators that without knowing the application in great detail, it did not seem logical that they (NOACA) would ask for the forecast (LOS) in lieu of the current (LOS). According to Gallucci, it seemed that they would ask for both the current and the forecast because her recollection of the application for that item was that they were trying to gauge how much the improvement would be so that they can calculate the emissions reductions. Gallucci added that, "… you need to

know where you are now and where you are in the future so you can make that calculation." Gallucci told investigators that it did not seem logical (that NOACA would ask for the forecast LOS in lieu of the current LOS), and she did not think it was in the spirit or the intent of the application because they were trying to evaluate projects to prioritize the best projects and eliminate emissions.

Gallucci told investigators she did not know the answer to the question of whether the Medina County intersection project would have been eligible to apply for CMAQ funding with existing LOS of AM-*D* and PM-*C*, but she thought it would still be allowed even if the project did not have an (LOS) *F*, as long as the improvement resulted in a score with a significant emissions reduction. Gallucci added that if the projected improvement was from a *D* to an *A*, it was just as good as an *F* to a *B*. Gallucci agreed to check with her staff for a definite answer to this question. Regarding whether this intersection project would have been awarded CMAQ funding with existing LOS of AM-*D* and PM-*C*, Gallucci told investigators that without having the specific knowledge of whether the non-*F* is disqualifying, then there would be a potential for award as long as the emissions levels would be reduced enough to score highly.

Investigators asked Gallucci when considering Question 4, existing LOS, and when the CMAQ Application is scored, whether NOACA adjusts existing LOS for any reason such as seasonality. Gallucci told investigators that generally with any application they score, that NOACA did not change any of the inputs. According to Gallucci, if they thought there was something strange about the application, such as being incomplete or containing an error, they would call the applicant and allow them to make a change. Gallucci added that NOACA would not make that change and will not add to the application beyond what is provided.

Gallucci told investigators that the Medina County intersection project would be reevaluated and rescored to determine the project ranking and whether the project would still have received funding. Gallucci indicated that she would respond in writing to investigators (to report the rescoring and provide definite answers to questions requiring additional study). Gallucci told

investigators at the time of her interview that she believed the project had not been constructed and the funds had likely not been disbursed.

Grace Gallucci, Executive Director, NOACA – Written Response to Investigators

On November 22, 2024, investigators received from Grace Gallucci a written response (Figure 42). Gallucci confirmed that for Question 4 on the CMAQ Application submitted to NOACA by the Medina County Engineer's Office, the application did not allow the use of forecasted LOS as an answer to the question asking for existing LOS. Gallucci also confirmed that this intersection project would have been eligible to apply for CMAQ funding with existing LOS of AM-*D* and PM-*C* because LOS is not the sole criterion.

Regarding whether this intersection project would have been awarded CMAQ funding with existing LOS of AM-*D* and PM-*C*, and if so, in what amount, Gallucci confirmed that it is possible that the project would still be awarded CMAQ funds without meeting the LOS criterion. Gallucci confirmed that the $2 million CMAQ award for this project had not yet been disbursed.

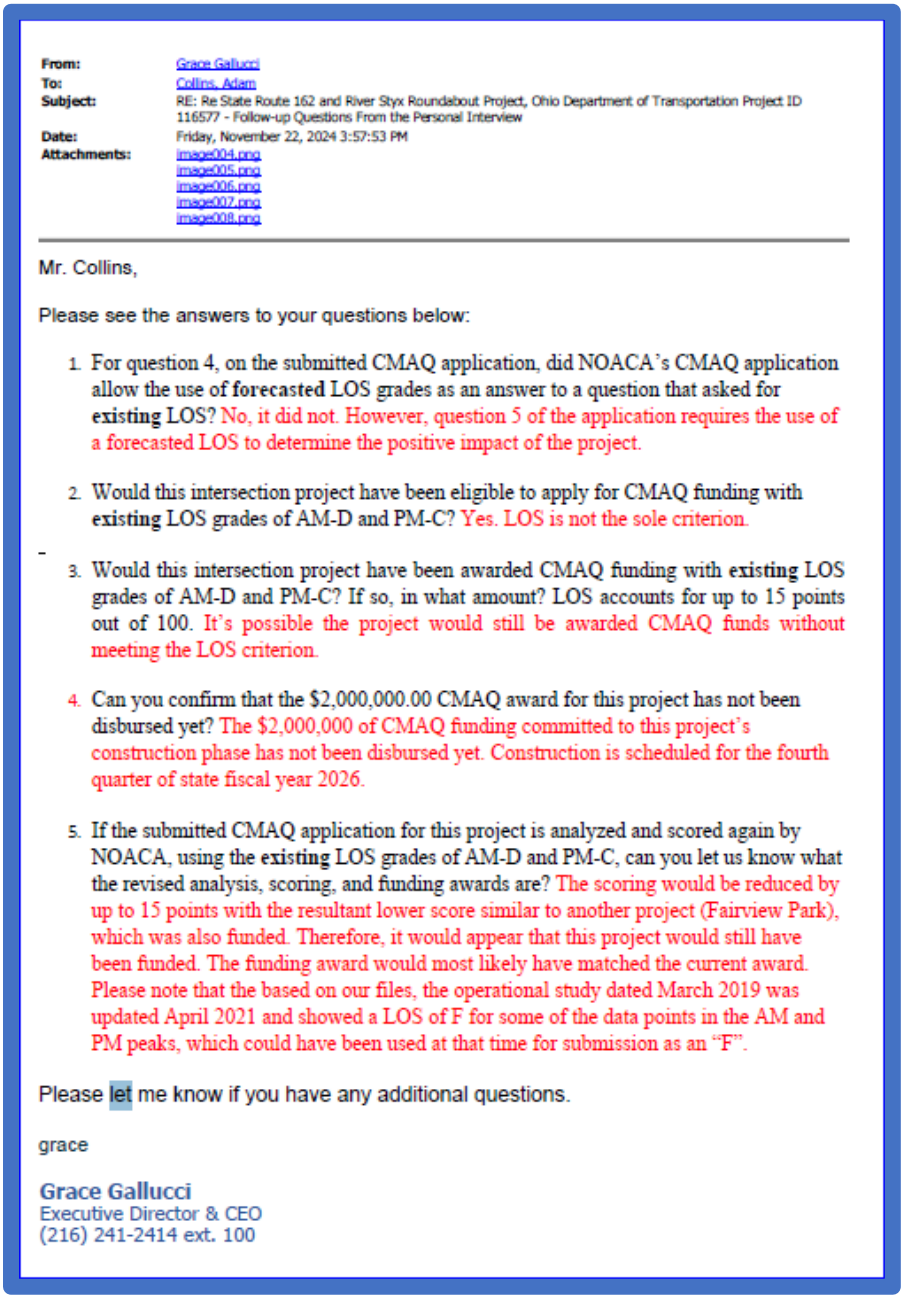
Gallucci confirmed the revised analysis, scoring, and funding award using the existing LOS of AM-*D* and PM-*C* is as follows:

> … The scoring would be reduced by up to 15 points with the resultant lower score similar to another project (Fairview Park), which was also funded. Therefore, it would appear that this project would still have been funded. The funding award would most likely have matched the current award. Please note that … based on our files, the operational study dated March 2019, was updated April 2021, and showed a LOS of *F* for some of the data points in the AM and PM peaks, which could have been used at that time for submission as an '*F*'.

This statement appears to conflict with investigators' reinterview of Brian Blayney on October 23, 2024, wherein Blayney explained that the 2021 submitted CMAQ Application score for existing LOS and the impact on LOS would receive seven out of 30 points – a reduction of 23 total points.

Additionally, Gallucci's statement: "… the operational study dated March 2019, was updated April 2021 [the 2021 Op Study], and showed a LOS of *F* for some of the data points in the AM and PM peaks, which could have been used at that time for submission as an '*F*' ", appears to conflict with the following information investigators obtained from emails and interviews:

1) The email that Conrad received from Ockunzzi, dated May 24, 2021 (Figure 23), in which Ockunzzi notified Conrad that the analyses in the 2021 Op Study were based on forecasts;
2) Investigators interview of Brian Blayney on October 17, 2024, wherein Blayney confirmed that for Question 4 on the 2021 CMAQ Application, NOACA did not allow the use of forecasted LOS as an answer to a question that asked for existing LOS; and
3) Gallucci's own written response to investigators, answer number one, wherein Gallucci confirmed that for Question 4 on the submitted 2021 CMAQ Application, NOACA did not allow the use of forecasted LOS as an answer to a question that asked for existing LOS.



From: Grace Gallucci
To: Collins, Adam
Subject: RE: Re State Route 162 and River Styx Roundabout Project, Ohio Department of Transportation Project ID 116577 - Follow-up Questions From the Personal Interview
Date: Friday, November 22, 2024 3:57:53 PM
Attachments: image004.png
image005.png
image006.png
image007.png
image008.png

Mr. Collins,

Please see the answers to your questions below:

1. For question 4, on the submitted CMAQ application, did NOACA's CMAQ application allow the use of **forecasted** LOS grades as an answer to a question that asked for **existing** LOS? No, it did not. However, question 5 of the application requires the use of a forecasted LOS to determine the positive impact of the project.

2. Would this intersection project have been eligible to apply for CMAQ funding with **existing** LOS grades of AM-D and PM-C? Yes. LOS is not the sole criterion.

3. Would this intersection project have been awarded CMAQ funding with **existing** LOS grades of AM-D and PM-C? If so, in what amount? LOS accounts for up to 15 points out of 100. It's possible the project would still be awarded CMAQ funds without meeting the LOS criterion.

4. Can you confirm that the $2,000,000.00 CMAQ award for this project has not been disbursed yet? The $2,000,000 of CMAQ funding committed to this project's construction phase has not been disbursed yet. Construction is scheduled for the fourth quarter of state fiscal year 2026.

5. If the submitted CMAQ application for this project is analyzed and scored again by NOACA, using the **existing** LOS grades of AM-D and PM-C, can you let us know what the revised analysis, scoring, and funding awards are? The scoring would be reduced by up to 15 points with the resultant lower score similar to another project (Fairview Park), which was also funded. Therefore, it would appear that this project would still have been funded. The funding award would most likely have matched the current award. Please note that the based on our files, the operational study dated March 2019 was updated April 2021 and showed a LOS of F for some of the data points in the AM and PM peaks, which could have been used at that time for submission as an "F".

Please let me know if you have any additional questions.

grace

Grace Gallucci
Executive Director & CEO
(216) 241-2414 ext. 100

Figure 42, Written response to investigators from Grace Gallucci, Executive Director, NOACA. Source: Email from Grace Gallucci, dated November 22, 2024.

CONCLUSION

On February 21, 2024, the Office of the Ohio Inspector General received a complaint alleging that co-sponsors of a project to build a roundabout at the roadway intersection of State Route 162 and River Styx Road in Medina, County, OH, submitted a fraudulent application to obtain federal funding to cover project construction costs. In March 2019,

the Ohio Department of Transportation (ODOT) District 3 and the Medina County Engineer's Office formed a partnership to convert the intersection into a roundabout. In March 2021, the Medina County Engineer agreed to submit a program application for federal funding under the Congestion Mitigation and Air Quality (CMAQ) Improvement Program. The Medina County Engineer's Office submitted the CMAQ Application to the Northeast Ohio Areawide Coordinating Agency (NOACA) on May 25, 2021. According to one published ODOT estimate, construction of the joint project to convert the all-way-stop-controlled intersection into a single-lane roundabout was scheduled to begin in the Summer of 2026 and be completed in the Fall of 2026; and the estimated construction costs for the project were $3,460,000.

The complainant alleged that the submitted application contained false information, including among other items, a false entry for a transportation system performance metric known as level of service (LOS) for the existing intersection. The Office of the Ohio Inspector General opened an investigation to evaluate the actions of ODOT District 3 Planning Engineer Scott Ockunzzi in the CMAQ Application for federal funding for the roundabout project.

The CMAQ program provides funding for state and local governments to fund transportation projects to help meet the requirements of the Clean Air Act. CMAQ funds support state and locally selected transportation projects that reduce vehicle emissions. These projects include roundabouts.

Question 4 on the 2021 CMAQ Application asked for existing levels of service (LOS) for the Medina County project. NOACA does not allow the use of forecasted LOS as an answer to this question. LOS is a metric for reporting transportation system performance. LOS uses an *A* through *F* scale with an *A* indicating the best LOS and an *F* indicating the worst. CMAQ applications are scored on a 100-point scale. Existing LOS accounts for 15 of the 100 available points.

ODOT conducted two operational studies of this intersection. The first study was conducted on March 2019, and resulted in an existing LOS of *D* at the intersection in the morning and *C* in the evening. The 2019 study contained the last known existing LOS for this intersection.

The second study was dated during April 2021 and resulted in a forecasted LOS of *F* in the morning and *F* in the evening for the year 2046 (which was 25 years in the future from when this study was completed in 2021). ODOT Planning Engineer Scott Ockunzzi authored both the 2019 and 2021 studies for this intersection.

Before the final 2021 CMAQ Application was submitted to NOACA by Medina County Engineer Andrew Conrad, Ockunzzi edited the application on May 25, 2021. One of Ockunzzi's edits was on Question 4 on the CMAQ Application, in which he selected a check box of LOS *F* under existing LOS at the intersection. Conrad confirmed in an interview with investigators that he received this edit from Ockunzzi and that this edit was included in Conrad's submitted final 2021 CMAQ Application. Ockunzzi was also interviewed about this edit. Ockunzzi confirmed to investigators that he made the edit and that it was a false entry on the application. Ockunzzi also told investigators that he knew the last known existing LOS in 2019 was a *D* in the morning and a *C* in the evening. According to Ockunzzi, he did not know why he made this LOS *F* entry. Ockunzzi told investigators that he remembered talking to NOACA in advance of the application but he could not remember who he spoke with. Ockunzzi mentioned that he vaguely remembered receiving advice to enter the LOS *F* on the CMAQ Application. Ockunzzi explained to investigators that he recalled discussing the application with three NOACA officials. Investigators interviewed the three current NOACA officials named by Ockunzzi, and one additional former NOACA official, who all confirmed that they did not tell Ockunzzi to list an *"F"* LOS to Question 4, existing LOS, on the 2021 CMAQ Application.

On May 25, 2021, the Medina County Engineer submitted via email the 2021 CMAQ Application to NOACA for federal funding for the roundabout project. The submitted application included Ockunzzi's incorrect edit of LOS *F* for existing LOS. The ODOT 2021 Op Study was attached to the submitted CMAQ Application as required documentation in support

of, among other items, the incorrect entry of LOS *F* for existing LOS. On January 19, 2022, NOACA awarded $2 million in CMAQ funding to the roundabout project for construction costs. Investigators determined that Scott Ockunzzi violated ODOT Policy 17-015(P) – *Work Rules and Discipline, 4. Failure of Good Behavior and 5. Dishonesty,* when he made the incorrect entry edit of LOS *F* for existing LOS on the 2021 CMAQ Application for the Medina County project.

Accordingly, the Office of the Ohio Inspector General finds reasonable cause to believe a wrongful act or omission occurred in this instance.

In this report of investigation, investigators determined the following issues regarding adherence to the NOACA CMAQ Application rules:

- The entity applicant on the submitted 2021 NOACA CMAQ Application was the Medina County Engineer. ODOT was not listed as an entity applicant on the submitted 2021 NOACA CMAQ Application.
- The 2021 NOACA CMAQ Application required a signature by an entity representative with execution authority. The submitted 2021 NOACA CMAQ Application bore an authorized signature in the name of Andrew Conrad, Medina County Engineer. Scott Ockunzzi was not listed as an authorized signatory on the submitted 2021 NOACA CMAQ Application.
- Authorized signatories on the 2021 NOACA CMAQ Application certified, among other things, that to the best of their knowledge and belief, all representations that were a part of this application were true and accurate. Scott Ockunzzi was neither an entity applicant nor an authorized signatory on the submitted 2021 NOACA CMAQ Application and therefore, made no certification as to application truth and accuracy.
- Based on the fact that ODOT was not the 2021 NOACA CMAQ entity applicant, and Scott Ockunzzi was not the authorized signatory on the application, the Office of the Ohio Inspector General was unable to conclude if Scott Ockunzzi violated the terms and conditions of the 2021 NOACA CMAQ Application when he made the incorrect

entry edit of LOS *F* for existing LOS on the 2021 CMAQ Application for the Medina County project.

RECOMMENDATION

The Office of the Ohio Inspector General makes the following recommendation and asks the director of the Ohio Department of Transportation to respond within 60 days with a plan detailing how this recommendation will be implemented. The Ohio Department of Transportation should:

1. Review the conduct of ODOT Planning Engineer Scott Ockunzzi and consider whether administrative action is warranted.

REFERRAL

The Office of the Ohio Inspector General is providing this report of investigation to the U.S. Department of Transportation, Federal Highway Administration, Congestion Mitigation and Air Quality (CMAQ) Improvement Program for consideration.

STATE OF OHIO
OFFICE OF THE INSPECTOR GENERAL
RANDALL J. MEYER, INSPECTOR GENERAL

NAME OF REPORT: Ohio Department of Transportation

FILE ID #: 2024-CA00005

KEEPER OF RECORDS CERTIFICATION

This is a true and correct copy of the report which is required to be prepared by the Office of the Ohio Inspector General pursuant to Section 121.42 of the Ohio Revised Code.

Jill Jones
KEEPER OF RECORDS

CERTIFIED
August 21, 2025

Rhodes State Office Tower ◇ 30 East Broad Street – Suite 2940 ◇ Columbus, Ohio 43215-3414
Phone: 614-644-9110 ◇ FAX: 614-644-9504 ◇ Toll Free: 800-686-1525 ◇ Email: watchdog@oig.ohio.gov
Internet: watchdog.ohio.gov

MAILING ADDRESS

OFFICE OF THE INSPECTOR GENERAL
JAMES A. RHODES STATE OFFICE TOWER
30 EAST BROAD STREET – SUITE 2940
COLUMBUS, OH 43215-3414

TELEPHONE

(614) 644-9110

IN STATE TOLL- FREE

(800) 686-1525

FAX

(614) 644-9504

EMAIL

WATCHDOG@OIG.OHIO.GOV

INTERNET

WATCHDOG.OHIO.GOV