

## CONCRETE PAVING ASSOCIATION ATTEMPTS TO TACK AMENDMENTS ON TO GAS TAX BILL ( from the April, 2003 Ohio Hot-Mix Asphalt Current News)

The Ohio Chapter of the American Concrete Pavement Association, now going by the name of the Ohio Concrete Construction Association (OCCA), made an all out, no holds barred push to gain market share by amending the gas tax increase and highway funding bill, which was recently passed by the Ohio legislature.

After Governor Taft unveiled his increased transportation funding proposal, it was placed in HB 87, which is the FY 2004 - FY 2005 ODOT Biannual Budget Bill. The first committee to hold hearings was the Transportation Subcommittee of the House Finance Committee. The OCCA paraded seven witnesses before the committee.

Leadoff testimony was provided by Tom Norris, Executive Director of OCCA, followed by two out of state witnesses, two concrete paving contractors, a cement manufacturer and then anchored by Roger Jones, executive director of the Ohio Ready-Mix Concrete Association. All of these witnesses beat the same drum - insisting that Ohio uses less concrete than neighboring states and is therefore out of step with the rest of the country in its pavement selection process. The concrete proponents posed the question: What's wrong with Ohio's pavement selection process?

The OCCA's testimony at the hearing attacked ODOT, its pavement selection process, and even former Director Jerry Wray who's visionary leadership brought ODOT to prominence and cast the Department as a model of efficiency in government. Mr. Norris testified that "the debate isn't about which is better, concrete or asphalt. The debate is over how ODOT makes its decisions" When asked by one of the committee members how the situation could be rectified, Mr. Norris responded that 30% of the pavement projects should be set aside for concrete. The concrete proponents asserted that asphalt had an unfair "monopoly," and that concrete offers a better long-term solution that was unfairly ignored.

As a result, Director Gordon Proctor had to spend a large part of his testimony defending the Department's pavement selection process rather than addressing the Department's financial needs as put forth in the Governor's Transportation Proposal.

Rather than giving his prepared testimony in support of the gas tax increase, FPO Executive Director Fred Frecker was forced to rebut the OCCA's claims. "The pavement selection policy is supposed to pick the best pavement. How can you say the debate is not about which paving material is better?" asked Frecker. Frecker reiterated the reasons asphalt is chosen by both public and private sector customers. Asphalt is the more economical pavement, requires less maintenance, causes less disruption to traffic, and is smoother and quieter.

In the end OCCA's arguments were non-persuasive. The OCCA failed to explain how Ohio's many asphalt contractors competing against each other and the concrete industry can be considered a monopoly, or how it can be said concrete lasts longer, when eventually it must be ripped out. It was also demonstrated by Director Proctor and Fred Frecker that Ohio is in fact in line with the majority of other states in its pavement selection process. Frecker was able to demonstrate how trends show decreased use of concrete nationwide, as agencies begin to recognize that asphalt technology has outpaced concrete, making concrete an outdated paving material.

The hearing closed having had more testimony and time spent on the asphalt/concrete debate than on the Governor's highway funding plan. Fortunately, the Transportation Subcommittee reported HB 87 to the full Finance Committee without any of the changes requested by OCC A.

Next came testimony before the full House Finance Committee. Again the OCCA attacked ODOT saying its new pavement selection policy "... was simply a means to quantify past pavement decisions which predominately selected asphalt." The OCCA sought support for an

amendment that legislated how the ODOT life cycle cost analysis was to be done. Both FPO and ODOT opposed this.

ODOT Director Gordon Proctor submitted a substitute amendment that would establish an independent outside review of ODOT's pavement selection process rather than having it legislated. The OCCA tried several times to change the amendment to make it look more like OCCA's original proposal, but each time was rebuffed. HB 87 cleared the House with the Proctor amendment for a third party review.

HB 87 then went to the Senate. Senate President Doug White called a meeting with the OCCA, FPO and ODOT. He indicated to all present that it was his opinion that the Senate should not legislate pavement selection. Senator White explained that his philosophy is that while politicians decide if we go to war, generals fight wars, not politicians – just as engineers should select pavements, not politicians.

The House amendment provided for an independent committee to select an outside consultant to review the process. Senator White relayed that the group should decide the makeup of the independent committee and he would recommend the Senate add it to the amendment. If the parties could not agree on the committee makeup, then it would be his recommendation that the amendment be pulled from the bill. The committee makeup, identified by profession rather than individual, was arrived at fairly and quickly. The OCCA still tried to get some of the language changed, but to no avail. The amendment left the Senate as written by ODOT.

In the end common sense prevailed. The majority of the state legislature accepted the fact that asphalt covers most of Ohio's roads for a simple reason – one which was not among the many generated by the concrete proponents. Asphalt is the better pavement for cost, for convenience and for comfort. Pavement selection is best left to engineers who have experience dealing with pavement types, not lobbyists and politicians.