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In This Issue:

Pavement Selection Advisory Council Completes Its Work.
Federal Transportation Re-authorization Update
Ohio Diamonds Still Shining
Conference and Seminar Season
FPO launches "Ohio Asphalt" Magazine
Construction E-alert - Retainage Reform
Register To Receive The "Current News"

Pavement Selection Advisory Council Completes Its Work.

At a final meeting on December 16, 2003, the Ohio Pavement Selection Advisory Council (PSAC) accepted the final report of the Neutral Third Party (NTP) and completed its work as required under HB 87. The PSAC submitted the final report to the legislature with its acceptance. ODOT pledged to implement the recommendations contained in the NTP's final report.

Transcripts of the final meetings and the final report document are available on the PSAC website www.ohiopavementselection.org

Fred Frecker, Executive Director of Flexible Pavements of Ohio and a member of the PSAC, issued the following statement after the final meeting:

" The Pavement Selection Advisory Council process began with accusations of ODOT's perceived bias towards asphalt pavement. The neutral third party report finds no such bias. It in no way questions ethics of ODOT's past pavement selection decisions. Earlier this year a report from the Ohio Inspector General cleared ODOT of similar allegations.

This issue has been examined and re-examined by respected authorities. No bias has been observed at any level. It is our hope that this puts to rest suggestions of bias and that we can return to comparing pavement types based on economic and performance merit.

ODOT's predominant use of asphalt reflects the national practice. Across the country asphalt is the paving choice for 95% of all state, county and township road surfaces with trends pointing towards increased usage in the future. This choice can be attributed to the economic advantages asphalt offers and its long-term performance. It's simply a superior paving product and offers advantages that cannot be ignored by responsible stewards of tax dollars.

Perhaps the most accurate characterization of the recommended changes comes from the Neutral Third Party itself:

- “The issue of systemic bias raised by OCCA was not something the NTP believes can be solved through technical modifications. This must be addressed by the OCCA through effective marketing, education, product improvement, etc.” (page 30)
- “The current system has most of the components in place and the intent of these recommendations is to strengthen certain aspects of the process and provide ODOT managers with needed flexibility.” (page 31)
- The third party described his recommendations in testimony as “minor, moderate” and “incremental” changes that do not constitute an “overhaul” or “throwing out” of the current system; instead, it recommends a “tweaking” of the current system and finds that ODOT’s policies “fit right in” with those of other states examined in the study.
- The neutral third party calls ODOT’s current pavement selection system “innovative” and recognizes that it “attempts to be objective.”

The primary change recommended by the neutral third party is the combination of initial cost and future maintenance costs into one “Lifecycle Cost.” Both of these factors existed in the old system as separate items. The combination of the two is simply a restructuring of the current system and will not favor one industry or the other. The neutral third party’s recommendations are even handed and aim to improve the current process.

As always, we in the asphalt paving industry will continue to adapt our product to meet the needs of our most important customer, ODOT. With the conclusion of this thorough investigation the allegations of bias should now be dismissed once and for all."

Federal Transportation Re-authorization Update

Congress adjourned for the year without resolving any of the issues regarding highway funding for the future, although a four-year aviation act (AIR 21) was signed into law on December 12th. Congress will be expected to take up the debate once again, when it reconvenes on January 20, 2004.

First up will be resolution of the consolidated, 2004 Omnibus Appropriations bill for fiscal 2004. Transportation appropriations for FY 2004 are included in this bill along with six other appropriation bills. The bill under consideration provides for highways to be funded at \$33.6 billion, up from \$31.6 billion in FY 2003. In the absence of a FY 2004 appropriation, highways continue to be funded at the \$31.6 billion annual level provided by previously enacted 5-month extension of the 2003 appropriation that expires February 29, 2004.

After that debate will turn to reauthorization of TEA 21 for fiscal years 2004-2009. The most favorable transportation funding proposal was introduced on November 20th by the leadership of the House Transportation and Infrastructure Committee. HR 3550, The Transportation Equity Act - a Legacy for Users (TEA-LU) would authorize \$375 billion for transportation over 6 years, a substantial increase from current funding levels and from the levels proposed in the Bush administration and Senate proposals. TEA-LU contains some of the things that Ohio has wanted, including a provision that by 2009 each state will be guaranteed the return of at least 95% of its highway user fees and some relief from the ethanol penalty. However, the bill contains no provision for raising the additional revenue to fund the increased funding level; so a separate Ways and Means Committee action will be required, if the increased funding level is to be implemented.

It is important that members and other interested parties continue to impress upon their Federal Representatives and Senators the need for increased transportation investment. Ask them to co-sponsor HR3550 (TEA LU). NAPA is planning a petition drive, a "call Congress day" and fly-ins for 2004. For more information contact Jay Hansen at NAPA, www.hotmix.org

By the date of Flexible Pavements' Annual Meeting, March 3 and 4, 2004, substantial action on Federal funding issues should have occurred. Attend the annual meeting to hear timely reports on the federal actions and a report from the Ohio DOT on what is in the Transportation Act for Ohio.

Ohio Diamonds Still Shining

NAPA has announced that several Ohio asphalt plants have had their **Diamond Achievement Awards** renewed:

- **Shelly and Sands**, Marzane Plant #21
- **Kokosing Materials**, Columbus Plant
- **Barrett Paving Materials**, Carthage, Pleasant Run and Newtown Plants.

These are added to the six plants reported in the last issue of "Ohio Current Hot Mix Asphalt News":

Shelly & Sands, Mar-Zane Plant #2, Plant #29, Plant #23

Valley Asphalt, Plant 9 and Plant 23,

The Osterland Company, Cuyahoga Road Products Division, Downtown Plant

The Diamond Achievement Award is evidence of a substantial commitment to environmental stewardship on the part of the plant operators. Congratulations to all!

Conference and Seminar Season Is Here

Winter is the peak season for HMA conferences and seminars. Here in Ohio we have several important HMA related events coming up:

- February 9-13, Seminar, "**Comprehensive Asphalt Mix Design**", FPO/ODOT, Columbus Ohio. Required for ODOT Bituminous Concrete Technician level II approval.
- February 18, 2005 - **Ohio Asphalt Paving Conference** - Columbus, Ohio - this is the "must attend" annual pavement conference for public agency and industry personnel.
- March 10, Workshop, "**Understanding Burner Tuning**", FPO, Columbus, Ohio. This workshop for asphalt plant operating personnel will cover permit requirements and techniques for tuning burners in accordance with EPA requirements.

On March 3 and 4, 2004 - Flexible Pavements of Ohio will present its **Annual Meeting and Equipment Exhibition** in Columbus Ohio. This is the convention for the asphalt paving industry in Ohio complete with general and technical sessions, a forum for local governments, awards banquets and an outstanding equipment and trade show. The great social event is the Chairman's Reception (sometimes known as the shrimp party) on Wednesday evening. Accompanying the annual meeting will be 2 concurrent seminars:

- March 2 and 3, 2004, "**Quality Asphalt Paving**". OCAPE is again presenting Jim Scherocman's comprehensive and popular seminar on construction of quality asphalt pavements.
- March 3, 2004, "**An Overview of Pavement Rehabilitation for Pavement Managers**". Wayne Jones, PE, Asphalt Institute District Engineer, will present a condensed version of the NHI pavement rehabilitation course aimed at bringing pavement managers up to date with the latest techniques.

On the national level there are also important HMA industry events scheduled:

- NAPA's Annual Convention, January 16-22, 2004 in Phoenix;
- AAPT Annual Meeting, March 8-10, 2004, Baton Rouge, LA;
- The World of Asphalt, March 15-16, 2004 at Nashville;
- Rubber Modified Asphalt Conference, May 19-20, 2004, Grand Rapids, MI; and
- The First International Symposium on Design and Construction of Long Lasting Pavements, June 7-9, 2004 at Auburn, Alabama. The conference is by the International Society for Asphalt Pavements (ISAP) and hosted by NCAT.

Links for more information on these events and other industry training can be found on the Flexible Pavements of Ohio website at: www.flexiblepavement.org/calendar.html

FPO Launches "Ohio Asphalt " Magazine

Flexible Pavements of Ohio will soon be publishing a magazine to be called "Ohio Asphalt". We are pleased to provide what we think will be a first class publication on Ohio's hot mix asphalt pavements. The magazine format of "Ohio Asphalt" will enable us to provide more extensive articles with photos and graphics on technical developments within the HMA industry, research efforts, new products, industry news and reports on recent and innovative projects. FPO's partner in this endeavor is TRIAD, Inc. who will handle printing and advertising sales. We are able to do this through the generous support of those who advertise in "Ohio Asphalt".

The Association's present newsletter, *Ohio Hot-Mix Asphalt Current News*, has been reformatted into a periodic electronic publication that will be available on the FPO website at www.flexiblepavements.org. It will provide more up to the minute information in a more concise and bulleted format.

We hope you will enjoy "Ohio Asphalt" and find it informative and of service. Any suggestions for improvement would be appreciated.

Please let us know if you would like to be added to our mailing list for "Ohio Asphalt" or receive notification of the posting of *Current News* to our website by contacting us at info@flexiblepavements.org or calling 1-888-4HOTMIX.

CONSTRUCTION E-ALERT

OHIO'S REFORM EFFORT (HOUSE BILL 208) GATHERS STEAM AS IT PASSES COMMITTEE

In a seven to one vote on December 9, 2003, the House Commerce and Labor Committee approved the Retainage Reform Bill (H.B. 208), that follows the lead of the Federal Government and the Ohio Department of Transportation, who have eliminated retainage. While the Bill does not eliminate retainage in its entirety, it radically reforms retainage practices in the State of Ohio on both public and private commercial work in the following respects:

1. Retainage would be capped at a maximum of 2%;
2. There would be line item release of retainage by trade when that trade's work is fully complete;
3. Owners would have to pay their bills within twenty days of approval of the draw request, granting of a certificate of occupancy, or expiration of a trade's lien rights, whichever occurs first, or would be liable for 18% interest and attorney's fees;
4. There could be no improper or excessive "hold backs" in the form of retainage or otherwise, such as excessive amounts withheld for operating manuals, warranties and the like; and

5. Interest would be paid on retainage at all levels of the “construction food chain.”

Supporters of the Bill believe that it will speed up payment and reduce the impact of using contractors and subcontractors as “the bank,” while at the same time not sacrificing quality or timeliness of work. Don Gregory and Dan Hilson were actively involved in the drafting and passage of the bill out of Committee on behalf of Ohio’s subcontractors. Anyone with opinions on the merits of this Retainage Reform Bill (H.B. 208) should contact their State Representative or Senator to communicate their thoughts on the Bill as currently drafted.

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Register to Receive the Ohio HMA Current News

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To receive the FPO electronic newsletter , Please send an e-mail to flexpave@ameritech.net with the e-mail addresses where you wish to receive our newsletter and indicate whether you prefer an attachment or just a notification and link.

