

**Testimony of Andrew Gall, Executive Director, Flexible Pavements of Ohio, to
the Ohio Senate Transportation Committee on Substitute House Bill 74
March 18, 2021**

Chairwoman Kunze, Vice-Chairman Reineke, Ranking Member Antonio and members of the Senate Transportation Committee, my name is Andrew Gall and I am the Executive Director of Flexible Pavements of Ohio (FPO). Flexible Pavements of Ohio is an association representing the asphalt producers, contractors and associated material suppliers in the State of Ohio. Our industry consists of more than 150 asphalt plants distributed throughout the state ranging from small Ohio-owned businesses to large international companies who employ thousands of Ohioans. I would like to thank you for this opportunity to present testimony on Substitute House Bill 74.

I am here today on behalf of Ohio's asphalt industry to express our concerns with a provision inserted into Substitute House Bill 74 which, "Requires the Director of Transportation to adopt rules, to prevent any particular type of highway pavement from receiving priority in the highway construction bidding process." This section is intended to encourage competition between industries and address a perceived bias toward a specific pavement material type. However, the language is vague, provides opportunity for additional unnecessary rules and regulation, could increase cost for both contractors and the State of Ohio and has the potential to interfere with the prudent decision making of licensed professional engineers.

Federal regulation encourages competition through a required engineering and economic analysis for pavement type selection and design. The Ohio Department of Transportation (ODOT) complies with this requirement through a well-documented federally approved multi-tiered process for pavement type selection known as a Life-

Cycle Cost Analysis (LCCA). This process provides an initial design, construction cost estimate and predicted costs associated with a 35-year life for both asphalt and concrete pavements. The LCCA is a fact based, impartial and transparent process. It provides the opportunity for comment and input from both the asphalt and concrete industries each time a LCCA is conducted by the department. By utilizing this economic analysis tool, the taxpayers of Ohio receive the most economical pavement type.

It's important to note the current ODOT LCCA process has periodically been reviewed and scrutinized by various pavement and material experts including a neutral third-party expert that verified the existing process is unbiased, impartial and complies with all Federal requirements. Furthermore, ODOT has committed to periodically review the inputs used in LCCA based upon evolving changes in materials or construction practices as well as recent experience related to pavement performance and durability whether it's asphalt or concrete.

Both concrete and asphalt have unique design, construction and performance attributes. ODOT's design and construction specifications for each pavement type have been developed in recognition of this fact. These materials cannot be considered similar or interchangeable due to the unique properties of each pavement type. ODOT's pavement design and construction specifications are federally approved, impartial and based upon sound engineering and historical performance. Pavement design and construction should not be open to interpretation nor subject to rules which have potential to supersede a well-established and accepted LCCA process combined with the judgement of licensed professional engineers.

The LCCA ensures the most economical pavement for the taxpayers and traveling public who use our roads. In fact, the Ohio Department of Transportation estimates the last five LCCA's conducted have resulted in a savings of more than \$30 million. Requiring multiple pavement designs without this unbiased economic and engineering analysis would only result in increased costs for both the State of Ohio and the contractors who bid on these projects.

I would like to thank you in advance for your consideration of our position on this issue and respectfully request the removal of this language from the bill. Chairwoman Kunze, thank you for allowing me to address the committee today, this concludes my testimony, and I would be happy to answer any questions.