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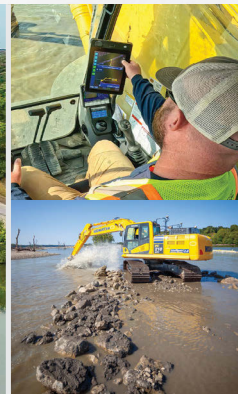
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TRANSPORTATION FUNDING: THE CONVERSATION HAS ALREADY BEGUN



CHRIS RUNYAN
OCA President



It seems like only yesterday we were discussing the positive impacts resulting from the 2019 state motor-fuel tax increase and the opportunities created by the Infrastructure Investment and Jobs Act. Both provided meaningful support for Ohio's transportation program and our industry by allowing projects to move forward and jobs to be created. Today, however, it is becoming increasingly clear that the transportation funding cycle is entering its next phase.

We know that inflation has significantly eroded the purchasing power of transportation revenues. The additional state funding generated in 2019 no longer stretches as far as it once did, while the costs of materials, equipment and labor continue to rise. At the same time, vehicle efficiency improvements and the growth of alternative-fuel vehicles present long-term challenges to the traditional user-fee model that has funded, in large part, transportation infrastructure for generations. All the while, new projects are being identified and the cost of maintaining what we already have continues to increase.

The Ohio Department of Transportation (ODOT) has not been shy about discussing these realities. Director Pamela Boratyn has repeatedly stated that the Department is approaching a point where available revenues will struggle to keep pace with system preservation needs. Gov. DeWine has echoed these same sentiments. As ODOT has explained, the first impacts will likely be felt in projects that expand capacity, improve mobility and support economic development. The first shot across the bow has already been received with the cancellation of the first meeting of the 2026 Transportation

Review Advisory Council (TRAC) Application Cycle due to an anticipated shortfall in funds. In two-years' time, the pressure will extend to include maintenance throughout the entirety of the highway transportation system.

Compounding this challenge is the uncertainty surrounding federal transportation funding. The current federal surface transportation authorization expires in 2026, and Congress is actively debating what comes next. Ohio's transportation program depends heavily on these federal resources, making reauthorization one of the most important policy discussions facing our industry.

Simultaneously, Ohio will elect a new governor in 2026, with a new administration taking office in 2027. As we have discussed before, transitions in leadership create opportunities to educate policymakers regarding the importance of transportation investment. Candidates are already beginning to shape their priorities and policy agendas. The groundwork for future transportation decisions is being laid today.

This presents an important opportunity for OCA members.

The men and women who build Ohio's highways, bridges and transportation infrastructure possess a perspective that policymakers need to hear. (See a related article on the TCC Fly-In on page 12.) You understand firsthand how transportation investments improve safety, support economic development, create jobs and strengthen communities. You also understand the consequences when investment fails to keep pace with need.

As discussions surrounding federal reauthorization and Ohio's future transportation funding continue, I encourage each of you to engage

in the process. State legislators have already left Columbus to hit the campaign trail in their quest for victory in the November elections. Federal legislators will make their exodus from D.C. later in July. Attend candidate events. Invite elected officials and candidates to your facilities and project sites. Share your experiences and explain why transportation investment matters – not only to our industry, but to every Ohioan who relies on a safe and efficient transportation system every day.

For our part, OCA will continue advocating for policies and funding

that support a strong transportation program. We have already begun these educational discussions with both gubernatorial candidates. But our collective voice is always strongest when it includes the experiences and engagement of our membership.

The conversation is beginning. The decisions that follow will shape Ohio's transportation future for years to come. The time to engage is now.



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‘BUILD’ing a Traditional Path in the Next Transportation Bill

House T&I Committee Unveils Initial Reauthorization Plan

It seems fitting that a bill written during the nation’s 250th anniversary celebration incorporates “traditional” ways in forging its future path.

In May, less than two months before the nation’s 250th birthday, the U.S. House Transportation & Infrastructure (T&I) Committee passed House Resolution 8870, which is the initial version of the federal transportation reauthorization bill that would replace the Infrastructure Investment & Jobs Act (IIJA).

The IIJA, which since 2021 has authorized spending and policy for highways, bridges, public transit, rail, airport and other infrastructure across the U.S., ends September 30.

The proposed \$580-billion Building Unrivaled Infrastructure & Long-term Development for America’s 250th Act (BUILD 250) provides direction for the next five years (Fiscal Years 2027-2031) of federal funding.

BUILD 250 takes the nation’s surface transportation program down a familiar route.

The IIJA was headlined by the program’s \$1.2 trillion amount. However, the program with the 13-figure dollar amount crossed the centerline from funding “transportation” to funding “infrastructure” initiatives – as roughly \$500 billion (40%) of IIJA funding was allocated to roads and bridges and the rest included non-transportation infrastructure. IIJA funding comes from both the Highway Trust Fund and General Fund – of which General Fund appropriations have also been used for broadband/internet access; water/wastewater; power/energy grids; environmental remediation/ climate resilience; and other initiatives.

Of BUILD 250’s \$580 billion in total authorization, there is approximately an 80-20 split of funding coming from the Highway Trust Fund (\$474.4 billion) and annual appropriations from the General Fund. According to ForConstructionPros.com (“How the Build America 250 Act Shapes Roadbuilding”), “This is a return to the status quo ... One thing to note, right out of the gate, is that BUILD is structured in a completely different, but more traditional, way than the IIJA.”

The American Road & Transportation Builders Association (ARTBA), summarizes (“The BUILD America 250 Act: An ARTBA Analysis”) BUILD 250 as:

- Maintaining core formula programs
- Creating new revenue for the Highway Trust Fund
- Providing reforms to enhance project delivery and work zone safety

Brookings Institution, a Washington, D.C.-based thinktank, stated in its commentary (“The BUILD America 250 Act: What Congress Gets Right and Wrong in its New Transportation Bill”) that it sees a change in policy direction for the nation’s transportation program. “The (BUILD 250) bill



effectively pairs reduced congressional vision with greater state autonomy. States receive a larger share of total funding via highway formula programs, and the dollars are made more flexible ...”

National Asphalt Pavement Association (NAPA) President/ CEO Audrey Copeland called BUILD 250 “a major step forward” for the heavy/highway construction industry, saying, “The \$580 billion primarily dedicated to core surface transportation is a landmark investment for the American people who rely on safe, reliable roads every day ...”

According to ARTBA, funding for highway and bridge programs would increase 5.6% in FY 2027 and incrementally throughout the five-year program “with the bulk of the increase borne by the bridge program. This bill, with its enhanced work zone safety protections, is equally historic for the American workers who build our roads.”

Through BUILD 250, Ohio would receive an estimated \$10.9 billion in Federal-Aid Highway Program Apportionments & Bridge Formula Funds; this is approximately \$1 billion more than it received under IIJA.

Compared to the estimated \$2.02 billion the state is receiving in FY26 through IIJA, Ohio would see the following estimated year-by-year increase in highway and bridge funding under BUILD 250:

OHIO	FY27	\$ 2.13B
	FY28	\$ 2.15B
	FY29	\$ 2.19B
	FY30	\$ 2.22B
	FY31	\$ 2.26B
	TOTAL	\$10.94B

The estimated nearly \$11 billion that Ohio would receive in highway and bridge funding in BUILD 250 is the seventh-highest amount among states – behind Texas, California, Florida, New York, Pennsylvania and Illinois.

BUILD 250 eliminates some IIJA programs while preserving/expanding and creating other federal policies:

- **BUILD 250 Eliminates, Sunsets or Revises:** the Carbon Reduction Program (CRP); Charging & Fueling Infrastructure; Neighborhood Access & Equity Grant; Reconnecting Communities; and Environmental Review Implementation Funds. In addition, the PROTECT (Promoting Resilient Operations for Transformative, Efficient & Cost-Saving Transportation Program) ends and becomes a discretionary grant program.
- **BUILD 250 Preserves/Expands:** the National Highway Performance Program (NHPP); Surface Transportation Block Grant (STBG); Highway Safety Improvement Program (HSIP); Congestion Mitigation & Air Quality Improvement (CMAQ); the National Highway Freight Program, which will become known as the National Highway Freight & High Priority Corridor Program; Bridge Investment; Transportation Infrastructure Finance & Innovation Act (TIFIA); Tribal Transportation Programs; and Safe Streets & Roads for All
- **BUILD 250 Creates:** the Surface Transportation Accelerator Grant Program (STAG); Federal Motor Vehicle EV/Plug-in Registration Fee; Federal Framework for Autonomous Commercial Vehicles; and the Bridge Completion Program

STAG would be a \$2.4-billion-a-year plan replacing the IIJA’s Rural Surface Transportation Grant Program. According to ARTBA, STAG would be funded at \$2.4 billion a year –

\$12 billion over the five-year BUILD 250 program – with 50% of the grants going to local/regional projects, 25% to rural projects and 25% to urban projects.

The **Federal Motor Vehicle EV/ Plug-in Registration Fee** would help remedy the Highway Trust Fund’s insolvency. The new fee would amount to \$130 a year for EVs and \$35 annually for hybrid vehicles. According to ARTBA, “The proposal would take a small step forward by creating the first new revenue into the HTF in decades (since 1993) ...” The fees would gradually increase every two years before capping at \$150 for EVs and \$50 for hybrid vehicles.

Brookings commented: “These new fees tied to EVs and hybrids do not close the HTF funding gap. Not even close. It will bring in single-digit billions per year in new revenue, which is great, but it does not erase the decades of shortfall. More will have to be done to save the HTF.”

The **Federal Framework for Autonomous Commercial Vehicles** program would provide one uniform federal safety standard for commercial trucks to use automated driving systems (ADS) when transporting interstate commerce. Currently there are a variety of state-by-state regulations dictating the use of ADS.

Designed to help states and local agencies finish major bridge projects that are stalled or facing significant budget gaps, the **Bridge Completion Program** would provide up to \$2 billion a year in discretionary grants subsidized through the General Fund.

BUILD 250, according to ARTBA, “puts an emphasis on bridges, investing \$9.2 billion annually, boosting resources by \$1 billion per year over current law.” With BUILD 250’s total bridge investment being \$46 billion, most of the funding would be distributed

to states through a Bridge Formula Program – which would allow projects to be expedited. “No state would receive less than \$75 million annually in bridge formula funds,” writes ARTBA. “The remaining funds would be distributed based on total deck area and total deck area in poor condition. 25% of funds must be set-aside for local and off-system bridges.”

The set-aside for local and off-system bridges, as can be imagined, is welcomed by the National Association of Counties (NACo). Under BUILD 250, the 25% set aside is an increase from IIJA’s 15%. In its report (“House Transportation & Infrastructure Committee Advances Bipartisan Surface Transportation Reauthorization Bill”), NACo calls the proposed Bridge Formula Program “a major win for counties.”

Brookings notes that the Bridge Formula Program should mean more lettings for paving contractors who are active in small-bridge and approach-work in rural and county road markets.

Other BUILD 250 proposals include the expediting of project completion and work zone safety:

Project Delivery

BUILD 250’s reforms in project delivery are an effort “to improve permitting efficiency without changing underlying environmental standards or protections,” according to ARTBA. The goal with One Federal Decision is to make project delivery “more predictable, less duplicative, and less paperwork intensive.”

Included in BUILD 250’s One Federal Decision are:

- Shortened timelines and page limits to ensure reviews are on-track and streamlined across federal agencies
- Requirements for environmental assessments to be completed within one year

- Required/reinforced environmental impact statements to meet the two-year timeline
- Increased Major Project thresholds from \$50 million to \$100 million – so mid-sized projects would be free of additional oversight requirements
- Significantly increased project thresholds on totally and limited federally funded projects to enable more projects to move forward without “complex environmental review”
- Doubles the timeframe for National Environmental Policy Act (NEPA) assignment renewals by states qualified to conduct the environmental review process

Work Zone Safety

Each year, according to the U.S. DOT, 90-120 roadway workers are killed and thousands more are injured in work zone incidents. BUILD 250 has a Highway Safety Improvement Program (HSIP) that would study data collection gaps, work zone safety contingency funds, data sharing on crashes and awareness campaigns.

According to ARTBA, BUILD 250 would create the Roadway Worker Protection Interagency Worker Group. The group would include multiple federal agencies and focus “on transportation and labor/safety issues around crashes in work zones.”

Watch Your Steps

While BUILD 250 is the first “version” of the post-IIJA transportation bill to be passed by committee, it won’t be the last.

Since the 119th Congress commenced in January 2025, U.S. House and Senate committees have been working on reauthorization proposals. Following May’s BUILD 250 release, the House Energy & Commerce, Ways & Means and Science, Space & Technology committees have been reviewing – and revising – the House T&I’s proposal prior to it being introduced

and voted on by the full 435-member House.

The U.S. Senate is also working on its version of the next transportation bill. According to ARTBA, once the Senate Environment & Public Works Committee releases its version, it will be reviewed/revised by the Senate’s Banking Housing & Urban Affairs, Commerce Science & Transportation, and Finance committees. The final version of the bill will then be introduced and voted on by the full 50-member Senate.

Any differences between the House and Senate bills will then be reconciled by a joint committee before a final vote in the House and Senate and the final bill is sent to and signed by the President.

On-Time Arrival?

Will a new federal transportation bill be passed by IIJA’s September 30 deadline?

According to ForConstructionPros.com, over the past 35 years nearly one-third of reauthorization bills were not completed on-time – causing Congress to enact short-term extensions to keep programs funded and operating. And based on the current political calendar it looks like there will be an extension.

With 2026 being a mid-term election year – and nearly 88% of the 535 U.S. Representatives and Senators up for re-election – Brookings writes: “There are obvious reasons to be skeptical of whether this Congress can pass a final version of legislation before a new Congress is sworn in. Some House Republicans have red lines on federal spending; Senate schedules are packed and difficult to coordinate across four relevant committees; the filibuster is in play; and fast-approaching mid-term elections apply specific pressures. But even if the bill doesn’t become law now, the work that went into designing the BUILD Act’s programs could give its proposals serious momentum ...”



TCC FLY-IN OCA MEMBERS 'BRING BOOTS-ON-THE-GROUND EXPERIENCE' TO POLICYMAKERS

The nation's 250th birthday aside, this is an important year to be watching the goings on in Washington, D.C. – especially with the current federal transportation program set to end this fall.

OCA members and leaders joined transportation advocates from across the U.S. in the nation's capital May 12 & 13 to get a closer look at the legislative process and have a say in the next funding bill at the 2026 Transportation Construction Coalition (TCC) Fly-In.

It was the sixth time since TCC was formed in 1996 that the annual Fly-In coincided with the final year of a transportation program, as the current Infrastructure Investment & Jobs

Act (IIJA) expires September 30. The timing wasn't lost on OCA participants.

"This year's Fly-In carried a greater sense of urgency than previous years ...," remarked Armstrong Steel Erectors Inc. President Joe Hall, who this year attended his third TCC legislative event. "With the current transportation authorization set to expire, the majority of the conversation revolved around providing ways to stabilize the funding for the construction industry and the impact the lack thereof would have on the communities we build and improve."

TCC consists of more than 30 national associations and construction unions that focus on federal budget and surface transportation program policy issues. The Coalition is co-chaired by the American Road & Transportation Builders Association (ARTBA) and Associated General Contractors (AGC) of America, which OCA serves as a state chapter for both organizations.

In its 30 years, TCC has played an advocacy role in the passage of five federal transportation funding bills:

- **1998:** Transportation Equity Act for the 21st Century (TEA-21)
- **2005:** Safe, Accountable, Flexible Efficient Transportation Equity Act: A Legacy for Users (SAFEETEA-LU)
- **2012:** Moving Ahead for Progress in the 21st Century (MAP-21)
- **2015:** Fixing America's Transportation Act (FAST)
- **2021:** Infrastructure Investment & Jobs Act (IIJA)

This year's TCC Fly-In attendees – including 10 OCA members, OCA President Chris Runyan and OCA Legislative Director Michelle Holdgreve – advocated for what they believe is essential for the next five-year transportation bill. Those essentials included the need for timely passage of the next highway bill to avoid funding uncertainty; returning federal funding to more traditional



Photo courtesy
of AGC



infrastructure projects – such as highways, bridges, rail, airports and ports; returning the federal program to previous discretionary funding levels; implementing a federal user-fee on electric and hybrid vehicle usage and other ways to boost Highway Trust Fund levels; and other topics.

“... This year there was increased emphasis on topics such as electric vehicles, workforce development and safety; the latter two are areas I am particularly passionate about,” said Gerken Paving Inc. Chief Administrative Officer Mandy Gerken-Snyder, who participated in her fifth Fly-In. “So, it was encouraging to see them receiving greater attention at the federal level.”

Meeting with eight of Ohio’s 17 federal legislators or members of their staffs, OCA’s representatives were pleased with what they heard from their U.S. Representatives and Senators.

“The engagement from Ohio’s delegation was incredible,” Hall said. “Obviously we would have loved to speak to each one of those 17 members. However, the ones we did meet I felt as if our time together was very insightful.”

“I felt that all of our Ohio legislators were supportive and understanding of the need for sustainable funding for infrastructure,” added A&A Safety Inc. President and 2026 OCA Chair Bill Luttmner. “I think the biggest challenge was to make sure that the transportation bill was focused solely on transportation needs and it was not to be watered down with other riders. These would then cause more challenge for passage.”

OCA members spoke with House Representatives Troy Balderson, Shontel Brown, Bob Latta, Max Miller,

Emilia Sykes and David Taylor and staff members of Senators Jon Husted and Bernie Moreno. Ohio is fortunate to have several Congress members working on key committees involved with reauthorization of the transportation program. Representatives Sykes and Taylor serve on the House Transportation & Infrastructure Committee; Sen. Husted works on the Senate Environment & Public Works Committee; and Sen. Moreno participates in both the Senate’s Commerce and Banking committees.

“The Ohio delegation is a strong group of lawmakers with a solid understanding of the challenges facing our industry,” Gerken-Snyder said. “This reflects in both their engagement and the continued efforts of industry members to keep them informed.”

While pleased with the federal legislators’ willingness to work toward the timely passage of the transportation bill, Luttmner said industry advocacy is still needed beyond the TCC Fly-In. “I think those that were on committees directly related to infrastructure were acutely aware of the issues,” he said. “I think for the rest, they have a 10,000-foot view and understanding.”

Of Ohio’s 15 U.S. Representatives and two U.S. Senators, 10 were U.S. Congress members during IIJA’s passage. (Editor’s note: Reps. Brown

– TCC FLY-IN ATTENDEES –

OCA was well represented at the 2026 TCC Fly-In in Washington, D.C.:

Cecil Brown, Valtir
Nick DiGeronimo, Independence Excavating Inc.
Mandy Gerken-Snyder, Gerken Paving Inc.
Joseph Hall, Armstrong Steel Erectors Inc.
John Householder, Kokosing Construction Co. Inc.
Pete Kinzer, Shelly & Sands Inc.

Kyle Lucas, Capitol Tunneling Inc.
Bill Luttmner, A&A Safety Inc.
George Palko, The Great Lakes Construction Co.
Steven Young, Advanced Drainage Systems Inc.
OCA President Chris Runyan
OCA Legislative Director Michelle Holdgreve

[District 11] and Mike Carey [District 15] were sworn into office the day prior to the House passage of the IJJA.)

A 'Unique' OCA Experience

OCA participants again utilized the AGC Townhouse near the U.S. Capitol Building to meet with their federal lawmakers.

"The Townhouse allows the legislators the ability to come in and out with us as a group as opposed to previous years where we spent navigating the hustle and bustle of Capitol Hill," Hall said.

Luttmer, who has lobbied with other organizations amidst that hustle and bustle, said he enjoyed the quieter setting. "This was my first TCC Fly-In ... What I felt was unique and different was the utilization of the AGC Headquarters. It allowed the legislators to come at their leisure; it also allowed us to speak to multiple legislators at the same time."

"What stands out is that OCA's approach fosters more direct engagement with lawmakers ...," Gerken-Snyder said. "It also creates an environment where multiple members of the delegation are present at the same time, which encourages open dialogue and demonstrates a level of mutual respect despite political differences. I've always enjoyed the format as something different and unique that OCA does for its members."

"I think it is much more effective to have them share their thoughts collectively as well," Luttmer added. "The whole experience seemed to be much more effective and a lot more efficient."

'Boots on the Ground Experience'

OCA participants believe the Fly-In is important for association members to attend.

"I think there is a tendency to underestimate the value of these events ...," Luttmer said.

"I would strongly encourage fellow OCA members to participate whenever possible," Hall added. "... The Fly-In provides contractors the opportunity to bring boots-on-the-ground experience right to the policymakers' doorsteps. Decisions that get made in Washington oftentimes seem distant, but they have a direct impact on the projects

we build and the people we employ as well as the various areas we serve."

Gerken-Snyder agrees, saying, "While individuals may sometimes feel their voices are small, this experience reinforces that there are meaningful opportunities to be heard."

See "BUILD'ing a Traditional Path in Next Transportation Bill," page 9.

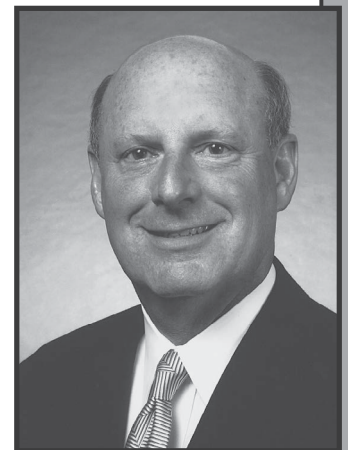


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NEW 'COMMON SENSE' UNDERGROUND UTILITY LAW BEGINS IN OHIO

There are five areas in Ohio's new underground utility digging standards that went into effect in early June:

- Notification Timelines
- Exemptions
- Training
- Mandatory Damage Reporting
- Damage Reporting Data

"It eliminates any questions ...," said OCA Director of Labor Relations & Safety Dave Coniglio of House Bill 227, which became effective June 9. "It helps the industry better understand what's in the (Ohio Revised Code 3781), and in addition we further defined and changed some things in an effort to make it safer when working around utilities."

HB227 amends ORC 3781, which went into effect in 2013 and helped define the state's timelines, responsibilities and damage protocols for excavators/homeowners working near underground utilities. OHIO811 Public Awareness/Services Supervisor Jason Broyles, who has been with the "Call Before You Dig" agency since 2017, said, "HB227 enhances clarity, strengthens accountability and unites all stakeholders behind a shared goal: 'Advancing public safety through increased communication resulting in a safer Ohio.'"

Anything making work safer for field personnel at George J. Igel & Co. Inc. and in Ohio's heavy/highway construction industry is a win for Mary Logan So. The 2025 recipient of OCA's Past Presidents Award for her work and dedication to the association, Logan So - in addition to her company duties as Igel's Vice President of Safety & Employee Development - has served as an alternate and now a trustee for OHIO811 and currently serves as a contractor representative and secretary on the group's Executive Committee. "In the heavy/civil world," she said, "one of the chief hazards faced by our team is the exposure to underground utilities. This hazard

touches everyone at Igel from the Survey Department to Concrete & Paving to Earthwork.”

In discussing the “five main areas impacted by HB227,” Logan So provided insight on working in and around Ohio’s underground utilities:

“First there was an impact to notifications, which impacted **excavation start dates**. This means that the ambiguity of the original language was clearly outlined to define that if excavation activities are not commenced within 16 days, the notification is deemed invalid,” Logan So said. “Additionally, the amount of time that locators have to respond to the request has shifted; instead of 48 hours – excluding weekends and legal holidays – the wait time to dig is now two business days ...

“The second area impacted by HB227 was the **revision of exemptions**. Federal law does not support exempting entities from ‘calling before you dig.’ However, it does permit exempting activities. HB227 defines seven activities that do not require notification to the state’s One Call. Now, any entity, including contractors, may choose whether or not to use that exemption not previously open to them.

“The third area addresses **training**,” Logan So continued. “Previously, training was required but the content was not defined. Now, it’s clear that you have to train on the One Call Process, responsibilities of utilities and excavators, the Positive Response system, the Universal Marking Standards and other related provisions in the Ohio Revised Code. It also requires documentation and retraining every five years or after law changes.

“The fourth area clarifies that all **damages** must be reported and to whom, as well as what information must be reported. Many contractors reported damage to OHIO811 and/or

the utility as part of their internal process already. Now, the law requires we provide information about location, size, material type and color as well as approximate depth to the OHIO811 Center.

“Finally, the last area of impact was for **compiling data**. OHIO811 is now designated to collect and maintain a database of damage notifications. We learned quickly during the legislative process that most entities collect the data that they find significant. There was no consistency amongst stakeholders.”

Let’s dig a little deeper into HB227.

Notification Timelines

HB227 made changes to both the Utility Response Time and Excavation Start-by Date, which Coniglio said was needed by both the utility companies and contractors/homeowners.

A legal requirement for anyone – contractors/homeowners – wanting to do any activity requiring digging is mandated to notify OHIO811 prior to breaking ground. Upon being notified of a request for digging, OHIO811 contacts local utility companies so they can locate and mark buried lines. Where the prior utility damage prevention laws required utilities to be marked in 48 hours from when the digging request was made, HB227 amends the timeline to “... at least two working days, not including the days of the notification ...”

“Modernizing the response timeframe from a ‘48-hour’ window to ‘two working days – not including the day of notification,’ provides the utility locating community with a more accurate and achievable timeframe to complete locates, resulting in more timely and accurate information being provided to excavators,” Broyles said.

Coniglio calls the revision to two days “a true 48 hours ... The clock doesn’t start until midnight of the day the (digging) ticket was called in

... Locators were having a hard time getting to everything. (Editor’s note: OHIO811 processes more than 1.5 million excavation notices and utility locate requests annually.) It gives locators a bigger window to get out there and mark everything; that was important to everyone.”

Prior to HB227, contractors/homeowners were required to begin excavating within 10 working days after utilities were marked, the new regulations expand the Excavation Start-by-Date to 16 calendar days. “... Now, everything is the same,” Coniglio said. “There were parts in the law that talked about ‘working’ days and other parts that talked about ‘calendar’ days. ... Now, it’s consistent.”



OHIO811 provides an informative two-page “Understanding House Bill 227” summary of recent changes at https://oups.org/wp-content/uploads/2026/03/Understanding-HB-227-Summary-Outline_03182026.pdf.

Exemptions

HB 227 exempts certain activities that Coniglio refers to as “a win for everyone” – from contractor to utility locator to the traveling public.

Though HB227 still requires OHIO811 to be notified prior to breaking ground, there are seven activities within the public (e.g., road, sidewalk, trail, alley, etc.) or utility rights-of-way that are now able to occur without utilities needing to be marked. These exempted activities – with varying allowances for depth of penetration of earth or sub-base – include:

- **Milling/Grinding of Road Surfaces**
 - Interstate routes up to 12 inches
 - Multi-lane routes outside municipal corporations up to 6 inches
 - Multi-lane divided routes inside municipal corporations up to 6 inches
 - All other roadways up to 6 inches
- **Utility Wood Pole Inspections**
 - Working on the clear side of poles and using hand tools up to 12 inches
- **Shallow Tilling**
 - For erosion control/beautification up to 4 inches
- **Temporary Signage Placement**
 - up to 4 inches
- **Localized Pavement Repairs**
Outside Municipal Corporations
 - Without penetrating earth/sub-base up to 12 inches
- **Activities solely being Conducted in Response to a Valid Notification**
 - Provided the activity solely uses hand tools
 - Such as when the intent is to direct connect to a tracer wire to perform a locate
- **Activities within 12 inches of Existing, Exposed or Visible Utility Appurtenance**
 - Provided the activity solely uses hand tools

“By doing exemptions on the millings, that’s huge, that’s common sense,” said Coniglio, who added that prior to the amended regulations, contractors and utility locators were unnecessarily

delaying projects because they were simply abiding by the rules. “(Workers) aren’t hitting lines when milling on the interstate,” he said. “The way the rules used to be, when you milled you were supposed to call in locates (to mark utilities), but there aren’t any utilities under the Interstate. But you still would have to call in and wait two days before you could begin milling ...

“If anything, the exemptions help all the parties involved,” Coniglio adds. “We aren’t taking up resources for locators to locate three miles of Interstate highway where there aren’t any utilities on it anyway.”

Training

HB227 significantly increases the employer training now required to employees regarding excavation notifications and practices.

Where prior training centered on general safe digging and notification practices for field excavators and operators, training has been expanded to now include OHIO811 processes; excavator/utility responsibilities; positive response systems; universal marking standards; and laws/regulations described in the ORC.

In addition to the expanded training itinerary covered in HB 227, employers must formally document and retain records of its successful completion. Companies must also re-train employees every five years – or when underground utility laws are revised. Employee training is required

to include designers, developers, engineers and utility locators.

Coniglio said heavy/highway companies are providing HB227’s mandatory training in several ways. “(OHIO)811 is offering a lot of training ... We’ve already had members of OCA contact us and we’ve made arrangements through 811 to have them go to our members and train them ... Members have also been training their own groups.”

OHIO811 has developed a comprehensive suite of free training resources. The On PowerPoint presentation, on its dedicated webpage (www.OHIO811.org/HB227), explains the bill and highlights the specific ORC changes. Due to HB227’s expanded training requirements, OHIO811 has created additional resources, including a self-paced Learning Management System (LMS) module. “This module,” Broyles said, “is available at not cost on our website and has been integrated into several stakeholder organizations’ training platforms.” He also noted that OHIO811 Liaisons are available for in-person and webinar training.

Mandatory Damage Reporting & Data

As a result of HB227, there are new mandatory requirements for reporting damage to utilities as well as for the creation of data banks to be maintained by OHIO811.

Prior to June 9 and HB227 going into effect, when buried infrastructure – such as water, sewer, gas and electric lines – were struck or damaged, there



wasn't a centralized way of tracking the incidents. The new regulations introduce specific reporting mandates:

- Damages must be reported to OHIO811 in addition to notifying the utility provider
 - Damages include gouges, dents or breaks to coatings, cable sheathes and cathodic protection anodes/wiring
- Updates "law enforcement and fire department" terminology to "emergency response agencies"
- Compliance Requirements for Damage Reports must Include:
 - Location of damaged underground facility
 - Type of underground utility facility that was damaged – which includes size, material and color
 - Approximate depth of the encountered/damaged underground utility

When damages are reported, the data is collected/maintained by OHIO811. Nonconfidential damage data will be published on the OHIO811 website (<https://oups.org>). Detailed reports of the damage data will be available upon request to the Public Utilities Commission of Ohio and will remain confidential – except as permitted by law.

The "enforceable mandatory damage reporting" provides clearer, more consistent damage prevention processes. "Now there are going to be records of utility strikes where we can break it down to where it happened and what the activity was," Coniglio said. "For instance, was it milling, or was it an excavator?"

Not So Quick

The relatively short time it took from legislation being sponsored by Representatives Monica Robb Blasdel (Columbiana) and Mark Johnson (Chillicothe) and HB227 being introduced last October to ultimately being signed into law by Gov. DeWine in early March, doesn't recognize the work and lengthy timeline it took to formulate the legislation.

"I came to OCA in 2022," said Coniglio, and the first (Ohio Underground Damage Prevention Coalition [OUDPC]) meeting that I attended we were talking about 'the true 48 hours and 16 days' ... That language is now in House Bill 227. It took a long time."

The OUDPC, which OCA's office serves as the venue for its quarterly meetings, is a coalition promoting safe excavation practices and preventing underground utility damages in Ohio. OUDPC is comprised of members of the Ohio Utilities Protection Service (OUPS), public utilities and service providers, excavation contractors and construction companies, ODOT, local government and industry associations and advocacy groups.

Excavation-related damages to underground utilities in the U.S. result in an estimated \$300 billion in societal and repair costs annually.

Source: Black Hydrovac

Legislative Groundwork

Just as it did for HB227, OUDPC has laid the foundation for several pieces of state legislation over the years.

"The collaborative efforts and constructive dialogue achieved through the Ohio Underground Damage Prevention Coalition have been successful in many key pieces of underground damage prevention legislation ..." said Broyles. "This ongoing success underscores the OUDPC's proven model of uniting industry stakeholders and associations to champion meaningful improvements in Ohio's damage prevention and safety laws. These results are achieved through extensive time, collaboration and dedication from all partners – particularly during the drafting of legislative language and throughout the legislative journey of HB227." Coniglio said HB227's legislative

journey was made smoother through the work of OUDPC. "What is supposed to happen happened," he said. "Once it comes out of the coalition and all the parties are in agreement, it goes to the Statehouse and everyone is locked in arms and it makes it easier to push the legislation through."

Logan So said OUDPC's work and advocacy was not only critical for HB227's passage, but so was the representation and work of heavy/highway construction industry members.

"Legislation is hard," said Logan So. "It's about advocating for your position and listening to the positions of other stakeholders. It's about weighing risk ... We, as contractors, needed to be at the table. I have been grateful for Dave Coniglio and (Legislative Director) Michelle Holdgreve's participation from OCA as well as the countless others." She also mentioned the work of Kokosing Construction Co. Inc.'s Clayton Heinz and Shelly & Sands Inc.'s Alex McCann, who co-chaired committees. "Did each of us get exactly what we wanted? No. But we worked toward a safer excavating community. We were heard as contractors, and we developed credibility with key stakeholders in the utility and locator communities, which will only help us as we continue working on future legislation."

Coniglio believes HB227 becoming law proves not only that the voice of OUDPC is heard but also of the contracting members. "I think the success with HB227's passage is proof that contractor participation in the OUDPC strengthens the coalition," he said. "We've been rattling the cages, so to speak, to get contractors, especially our members, involved in these subcommittees, because these are things that directly affects our members ... We're really lobbying our members to get involved."





ODOT FILLS 'CRITICAL' DCE ROLES IN DISTRICTS 2 & 12

Butler, Zippay Working to Continue Strengthening ODOT-Contractor Partnership

From overseeing construction personnel, to managing budgets and schedules, to being relied on for their logical thinking - the role of ODOT's District Construction Engineers (DCE) can be described as "critical."

ODOT Districts 2 (Bowling Green) and 12 (Garfield Heights) have recently made critical additions to their staff with the hiring of Michael Butler and Erik Zippay as DCEs. Butler, who has been with ODOT for 15 years, is the DCE in District 2. Zippay, who also joined ODOT in 2011, is serving as District 12's DCE.

"DCE's have one of the most important roles of the agency when it comes to fully delivering the capital program

across Ohio," said ODOT Deputy Director, Division of Construction Management, Josh Bowman.

"They are very critical to our members," added OCA Director of Public Agency Advocacy Chris Engle in referring to ODOT's 12 DCEs. "They're basically overseeing all the personnel in Construction - all the area engineers report to them." And when it comes to ODOT's organizational chart at the district level, Engle said, "You

have the project engineers and all the permanent Construction employees reporting to (the DCE)."

In addition to being the point person for ODOT personnel, Engle said the DCE plays a vital role in keeping projects moving - specifically in a dispute resolution and by setting policy. "They are very instrumental in their opinions of how matters may be settled and resolving any disputes that are happening."

According to Bowman, requirements for DCEs go beyond being a licensed Professional Engineer. "It really takes a leader that is willing to lead varying different levels within the department to facilitate excellence in construction project administration," he said.

"The District Construction Engineer is one of the most critical leadership positions we have," said ODOT District 2 Deputy Director Patrick McColley. "The DCE oversees roughly half of our capital program's staff and manages the overall administration of the road and bridge construction projects - which is where the vast majority of our taxpayer dollars are actively invested."

ODOT District 12 Deputy Director John Picuri agrees, but also expands on the DCE's to-do list, saying, "The District Construction Engineer role is multifaceted ... it goes far beyond standard project delivery. They are also directly responsible for assisting our maintenance forces on emergencies that occur on our Interstates. Whether it's a bridge hit, a chemical spill, or a sudden sinkhole; all these incidents often require assistance from our Construction Department ... In addition, our DCE needs to work collaboratively and proactively with our District Planning Engineer and District Design Engineer. By bringing a practical, constructability focus to projects during concept and design phases, the DCE helps influence the direction of project development."

"... One of the biggest responsibilities a DCE has," said Bowman, "is fostering an environment and building relationships in their respective districts that focuses on working together with the heavy/highway contracting industry in Ohio in support of common goals of building quality projects safely, on time and within budget."

For contractors, the DCE can make the difference between a successful project and one that isn't.

Vernon Nagel Inc. Vice President Morgan Montgomery said the key to successful projects is having project members maintain fundamental values and fairness throughout. "That starts with the DCE and rolls throughout the district."

J.D. Williamson Construction Co. President Mary Fantozzi says that besides ensuring consistency among projects, "DCEs address conflicts that cannot be resolved at the project level and intervene when an interpretation on specifications is required."

"The DCE is a critical element to the culture of the district and construction projects," Montgomery added. "Much of what the DCE expects of his or her staff, how standard operating procedures are executed, claim mitigation and solving issues that crosses their desk, sets the tone for projects throughout."

A 25-year ODOT veteran himself, Bowman is confident in the newest



ODOT DCEs

- District 1 (Lima) - Dan Niese
- District 2 (Bowling Green) - Michael Butler
- District 3 (Ashland) - Mike Fair
- District 4 (Akron) - Michael Simpkins
- District 5 (Jacksontown) - Justin Shotwell
- District 6 (Delaware) - Andrew Opsitnik
- District 7 (Sidney) - Carrie Koesters
- District 8 (Lebanon) - Adam Treiber
- District 9 (Chillicothe) - Paul Maravy
- District 10 (Marietta) - Cary Betzing
- District 11 (New Philadelphia) - Jerred Giauque
- District 12 (Garfield Heights) - Erik Zippay

(Source: ODOT)



Department of
Transportation

DCE's relationship building and leadership. "Michael (Butler) exhibits a high level of confidence and leadership that is engaging and draws immediate respect from peers and employees ... Erik has always focused on strong quality of work and excellence in construction project management, which I'm confident he will ensure the D-12 Construction Department will continue embracing in the work they produce."

Let's learn more about ODOT's newest DCE's Michael Butler and Erik Zippay.



District 2 - Michael Butler

Though it is a new title, new responsibilities and he is in a new district, Michael Butler is making himself at home as ODOT District 2's new District Construction Engineer (DCE).

The Leipsic native and resident got an early start to familiarizing himself with the "move" to District 2, which is headquartered in Bowling Green. The former District 1 (Lima) Construction Project Engineer took advantage of his short-distance relocation. "I officially started as DCE in District 2 on April 6, but I really started getting around the district the week after I accepted the position," said Butler. "Being from outside the district, I wanted to get out and meet as many people as possible."

District 2, which was part of the recent realignment of four ODOT districts in western Ohio, consists of Defiance, Fulton, Henry, Lucas, Ottawa, Sandusky, Seneca, Williams and Wood counties. Defiance County was previously part of District 1 (Lima).

The change in districts and job duties isn't concerning Butler, who while earning his civil engineering degree at Ohio University interned with ODOT and joined the agency upon graduation. "I was fortunate enough to get the opportunity to work on some of the bigger jobs we had in District 1, which provided me with valuable construction experience.

"Some advantages," he said, "of working in a smaller construction department were getting to spend a ton of time with the different DCEs and getting to know what they provided to the team in that role."

That experience provided insight into his new role. "I would explain the role as DCE as a leadership position that provides support and direction for the construction project teams that are in the field performing the work," he said. "Not only for our ODOT folks but the contractors as well. Also, a big part of the DCE role is working across the Planning and Design departments providing input from a construction standpoint to help with creating a quality plan for when the project is handed off to the team in the field."

While he is getting accustomed to a new district, Butler is not having to get used to longer commutes. "I live about three miles south of the Henry County line, so the commute into the District 2 Office is the exact distance as it was for me to get to the District 1 Office," he said.

Butler admits that while he is getting used to District 2's lay of the land both geographically and in personnel, he is fortunate for some familiarity. "As part of the realignment, Defiance County was formerly a D-1 county and now D-2. I have had the opportunity to work on many jobs in Defiance ... So, as far as the new territory and maintenance personnel," he said, "I can say I have some experience with a county in D-2." Butler also mentioned recent additions to District 2's staff, saying, "We also had a project engineer and two HT5s (Highway Technician 5) who transferred from D-1 that worked mostly in Defiance County. So, those are some familiar faces and good additions for our D-2 team."

District 2 Deputy Director Patrick McColley said Butler has proven early on to be a good addition to the

northwest Ohio district. "Michael is an ideal fit for where District 2 is today and heading in the future," said McColley, who has been a District Deputy Director for more than nine years. "From the moment we interviewed him, and throughout his first months on the job, his incredible energy, enthusiasm and genuine passion for partnering have stood out."

Vernon Nagel Inc.'s Morgan Montgomery is quick to add to Butler's professional traits, remarking about his ability in "maintaining fundamental values and fairness." With Vernon Nagel having worked with Butler on various projects in District 1, Montgomery, who has served as company vice president since 2023, said, "Michael is excellent at keeping the team together; from project inspection, field leadership, administrative flow and decision making at the management level, the project flows well."

"He is highly collaborative by nature, which is a trait proven by his track record of winning three ODOT/OCA Partnering Awards," added McColley. "Michael deeply understands that a strong partnering environment builds foundation-level trust between ODOT and our contracting partners. He knows that trust directly correlates to a better end product for the traveling public."

Butler and wife, Erin, who have been sweethearts since their freshman year at Leipsic H.S., have a son and daughter who are both active in athletics. Their activeness has dad involved year-round coaching flag football, basketball, baseball and softball. "We also like to go fishing and hunting together and get outside as much as possible," adds Butler, who along with hunting deer and turkey, travels annually out West to hunt elk during archery season.

Butler fills the role previously held by Philip Senn.



District 12 - Erik Zippay

While admittedly still getting used to a busy Outlook calendar, Erik Zippay isn't needing to get used to his northeast Ohio surroundings as District 12's new District Construction Engineer (DCE).

A 15-year veteran of District 12, Zippay began his busy calendar as DCE in March. Being initially surprised by the number of meetings he has in his new role, Zippay said smilingly, "I didn't realize how fast an Outlook calendar fills up."

Though encompassing only three counties - Cuyahoga, Geauga and Lake - District 12, headquartered in Garfield Heights, handles the fourth-most vehicle miles traveled of any ODOT district, according to ODOT District Statistics.

A Northfield native, Zippay began at District 12 in 2011, when he was accepted into ODOT's Engineering In Training Program. He is a graduate from the University of Akron, where he earned a degree in civil engineering. "I have spent my entire career with ODOT District 12 Construction," he said. "I served in the role of Project Engineer from 2011-2021, where I administered a variety of projects gaining invaluable field experience." Zippay further worked with field staff as District 12's Area Engineer, a position he held five years before becoming DCE.

He believes his familiarity with the district's operations, people and geography will continue to guide him as DCE. "As all of my experience has been in D-12 Construction, I have built relationships with many of the contractors and consultants that do work in this area," Zippay said. "Also, starting my career as a project engineer allows me to relate to my staff, as I have done the work and understand some of the hurdles that they must overcome."

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Zippay's ability to navigate hurdles in his previous roles with District 12 has been appreciated by contractors.

J.D. Williamson Construction Co. Inc. President Mary Fantozzi remembers the proactiveness Zippay displayed when her company was working on a bridge replacement project in Cuyahoga County. "This project presented several unique challenges," she said, recalling the project's lightweight backfill materials and maintenance of traffic procedures. "From the project's outset, Erik distinguished himself through his proactive approach to problem-solving and his ability to evaluate issues from both the owner's and contractor's perspectives," said Fantozzi, who added that Zippay's ability in making timely decisions contributed to the project's success.

"Erik maintained a strong presence in the field and served as an outstanding partner to our project supervision team," said Fantozzi, adding that Zippay's "professionalism," "accessibility" and "collaborative mindset" are all qualities contractors value in a DCE. "We were pleased to

learn of his promotion to this role, as he has consistently demonstrated a commitment to delivering high-quality projects while balancing the interests of all stakeholders involved."

District 12 District Deputy Director John Picurri has also seen Zippay illustrate the skills needed in the DCE role. "Good critical thinking skills and an ability to make a decision based on the information provided is essential in this position," said Picurri, who has served as an ODOT District Deputy Director for nine years – including in District 12 since 2019. "Erik does a good job of explaining his thought process and the reasoning for his decisions, which provides me with a high-level of confidence in making final decisions as the District Deputy Director. Most importantly, I appreciate Erik's attention to connecting with people, both at ODOT and with the industry at large."

While he admits to still be learning his role, Zippay seems to have a grasp on his DCE duties. "My role as the DCE is to ensure consistency in decision making across the district; lead the (District 12) Construction Department in the overall direction of ODOT; lend

guidance when necessary; and serve as liaison to contractors, consultants, government agencies and ODOT Central Office."

Zippay said District 12 – like other ODOT districts – is being challenged by the amount of work it is overseeing amid a workforce shortage. However, it is at times like these that he said the relationship between ODOT and the contracting industry is essential. "We rely on the expertise of contractors to deliver our construction projects," he said. "It is critical that we work together with a 'project-first approach.' Contractors can assist the Department by embracing this principle with their staff."

An Olmsted Falls resident, Zippay, his wife, Brittany, and two children enjoy their proximity to Lake Erie. "Our two kids keep us busy," he said of his daughter and son – ages 9 and 6. "We enjoy being outside, camping, fishing, swimming and sports."

Zippay fills the role previously held by Jason Young.



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FRANTZ WARD ANNOUNCES NEW OFFICE, STAFF ADDITIONS

Frantz Ward LLP recently announced the opening of its **Columbus Office** and the addition of **Benjamin J. MacDowell** and **Matthew J. Wiles** to the central Ohio staff.



Benjamin J. MacDowell

MacDowell, who joins the staff as a Partner, concentrates his practice on corporate law. Previously serving as a mediator

in the Franklin County Small Claims Court, MacDowell is a graduate of Ohio Wesleyan University and earned his Juris Doctor (J.D.) degree from The Ohio State University Moritz College of Law.



Matthew J. Wiles

Wiles, also a Partner, focuses his practice in the transportation and logistics industry, primarily representing freight brokers

in litigation and arbitration matters. A graduate of Bowling Green State

University, Wiles earned his J.D. from the University of Dayton School of Law.



Chris G. Keim

Suite 200, Columbus, OH 43215.

Headquartered in Cleveland, Frantz Ward is a full-service law firm with more than 80 attorneys serving a national client base, including Fortune 500 companies, small- and medium-sized businesses and individuals from its Cleveland and Columbus offices. For more information, visit www.frantzward.com.

Managing Partner **Chris G. Keim**, in addition to his role in Cleveland, will oversee the Columbus Office, which is located at 20 East Broad St.,

CONSTRUCTION ANGELS/WERK BRAU TO HOLD 4TH OHIO GOLF EVENT AUGUST 10



The **Fourth-Annual Construction Angels/Werk-Brau Charity Golf Classic** will be held August 10 at Pinnacle Golf Club in Grove City.

The **Fourth-Annual Construction Angels/Werk-**

The **Ohio Contractors Association** serves as the state chapter for Construction Angels, which is a non-profit organization providing financial assistance and grief counseling to the spouses and children of construction workers involved in work-related fatalities. Proceeds from the Werk-Brau Charity Golf Classic benefits the work of Construction Angels.

Registration on August 10 begins at 9 a.m. with lunch scheduled for 10 a.m. and play begins at 11 a.m. Pinnacle Golf Club is located at 1500 Pinnacle Club Drive in Grove City.

For more information on the Fourth-Annual Construction Angels/Werk Brau Charity Golf Classic, contact Werk-Brau Company Inc.'s **Neil Recker** at nrecker@werk-brau.com.

To learn more about Construction Angels, visit www.constructionangels.us.

If you are an OCA member and have news about your business or company regarding in-state staff changes or honors, and would like it to appear in Ohio Contractor, send the information by email to editorial@triad-inc.com, or by calling 800-288-7423.



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