

# TRIKO VALLEY NEWS



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[www.ashe-trikovalley.com](http://www.ashe-trikovalley.com)

May, 2007

Volume 7, Number 5

## From our President . . .

Greg Wilkens, P.E., P.S., Butler County Engineer

It is hard to believe that my year of serving as your Triko Valley Section President is drawing to a close. The experience has been fun and rewarding, most notably because of the high caliber of people within this organization. A president only does so much. It is the efforts of everyone combined that makes our local section one with which ASHE can be proud.



I appreciate your help and support and look forward to our continued acquaintance through Triko Valley. We still have much to accomplish. My initial objectives of increasing the scholarship fund, increasing membership, and exercising more influence on the political system are goals that I believe should be ongoing. We have made some great strides, increasing membership by ten percent and increasing the number of applications for our scholarship fund. Many thanks to the Scholarship Committee for their efforts.

And of course we need to continue working on preparations for the 2010 ASHE National Conference. It is an honor for our Section to host this event and we want to make a good impression. Preparations are well under way and we are actually ahead of schedule thanks to everyone's hard work with this so far.

In closing, I would encourage you to exercise your influence on the political system for much-needed transportation funds. Contact your legislators and ask them to push for better and more creative ways to increase funding for roadway projects. Remember, safe and efficient roads are good for the motoring public and good for the economy.

Thanks again for supporting me as your President. I am proud to be affiliated with the Triko Valley Section and hope that I've had a positive impact during the past year.

# Notes from Your ASHE PIN (Political Information Network)

**ODOT BUDGET BILL:** HB67, the ODOT Capital Budget bill, has passed the legislature and was signed by Governor Strickland. This law allows Tier 1 projects on the TRAC list to remain intact. However the state of the Tier 2 has not been decided and is not authorized by law. The Governor may still revisit TRAC's ranking system in an effort to place a greater emphasis on economic development in ranking projects. The ODOT Capital Budget budget bill, for the next two fiscal years of 2008 and 2009, is a robust budget bill. It provides appropriations of \$3.2 billion for 2008 and just over 3 billion for 2009. The budget provides \$801 million in fiscal year 2008 and \$839 million in fiscal year 2009 for ODOT's Preservation, Pavement and Bridge program. It funds \$770 million for major new construction in 2008 and \$531 million for major new in 2009. It also increases bonding capacity for ODOT. ODOT's General Revenue and Operating Budget will not be approved until June 30 and will be effective on October 1.

## Old Items: Model Law, Eminent Domain and CAT

**Model Law:** In January of this year, the adoption of the Model by the National Council of Engineers Examiners in September of last year was discussed by the PIN. (See <http://www.ashe-trikovalley.com/> for articles). This new Model Law states that students that enter a Civil Engineering program in the fall of 2007 will not be eligible to take the Professional Engineers exam unless they have an additional 30 credits of acceptable upper-level undergraduate or graduate-level coursework from approved providers in order to be admitted to the Principles and Practice of Engineering (PE) examination, in addition to the traditional requirements of a bachelors degree and passing the engineering fundamentals examination. This Model Law was discussed with John Greenhalge, Executive Director of the Ohio Engineers and Surveyors Board last month. Mr. Greenhalge said that this law was not adopted by the Ohio Engineers and Surveyors Board yet and that if there is a strong opposition to the Model Law, that **it is imperative that individuals, as well as companies, write letters to his attention stating their opposition.** Mr. Greenhalge attended the NCEES conference in September and stated that ASCE is pushing the acceptance of the Model Law, and that opposition viewpoints were not in attendance at the meeting. After contacting many other professional organizations, few organizations know of this movement. ASCE has formed a PAC and has a goal of having this legislation accepted into law in 15 states. With Comity being an important part of registration throughout the states, it will be only a matter of time to when this issue faces us in Ohio and Kentucky. This issue will be brought before the National Board of ASHE and ACEC within the month of May.

**Eminent Domain:** The Senate Bill 7, which limits on the use of eminent domain has passed the Senate a few weeks ago. This bill specifies an agency acquiring the property must show evidence of the necessity of the taking, that the taking is for a public use, and that the area claimed to be blighted meets the definition of blight. In addition to typical agencies empowered with Eminent Domain powers, SB 7 also defines additional entities that have the power of eminent domain as Port Authority Districts, Park Board, or other similar entities, only with approval of its legislative authority. ODOT will maintain its takings procedures as under current law. Public use does not include any taking for "conveyance to a private commercial enterprise, economic development, or solely for the purpose of increasing public revenue." Public use does, however, include takings because of blight pursuant to a redevelopment plan adopted by a legislative authority if the area meets the bill's definition of blight. A blight property must meet at least three of the following conditions:

- A Public Nuisance property
- Any property unfit for human habitation, a fire hazard, the utilities are disconnected or the property is vacant and not kept up or environmentally hazardous.
- The tax delinquencies exceeding the value of the property.
- Any property in violation with the building codes or is abandoned.

SB 7 requires agencies to adopt procedures for public input, to publicize of the appraisal information made to the owner, to provide the buyer with a comprehensive relocation assistance and that appropriations may proceed only if an agreement cannot be reached with the owner. If property is taken by eminent domain, the property owner is given the right to repurchase the property if it is not used for the purpose that it was purchased.

Once an agency acquiring the property shows evidence of the necessity of the taking, that the taking is for a public use, and that the area claimed to be blighted meets the definition of blight, the case may still go before a judge to decide if the taking is a of public necessity. An agency may be forced to pay the following:

- Owner's reasonable attorney's fees and costs, including appraisal costs, when the final award of compensation is greater than 125% of the taking agency's first offer.
- If the owner prevails in the final ruling of necessity in a final, unappealable order, that the owner is entitled to reasonable attorney's fees and costs.
- If a jury award is greater than 125% of the initial offer, that the court must award reasonable attorney's fees and costs.

Currently the version of the Eminent Domain Bill is in the House, House Bill 5, has not been decided.

**CAT:** The Commercial Activity Tax (CAT) on Motor Fuel was discussed in the March, 2007 PIN (See <http://www.ashe-trikovalley.com/> for articles). The House version of the bill included language requiring that if the (CAT) is placed on motor fuel, the proceeds must be used for transportation construction purposes. Unfortunately, the Senate removed the House language, due to Governors Strickland vow to line-item veto the CAT if it was contained in the bill. The conference committee report adopted the Senate version, so unless something changes between now and July 1, the CAT will automatically be put on motor fuel, with the revenues going to the General Revenue Fund. Unless a compromise can be reached before July 1, when the GRF budget must take effect, expect to see a lawsuit filed with the Supreme Court of Ohio in mid to late July challenging the classification of the CAT as a privilege tax as opposed to an excise tax. The CAT on motor fuel would generate about \$100M a year and help close the gap in Ohio's transportation program.



In 2010, the **American Society of Highway Engineers (ASHE) *National Conference*** will be held in Cincinnati, Ohio. This Conference serves as a training forum for City, County, State, Federal and private transportation engineers, planners, and contractors.

To raise money to hold this national conference Ohio ASHE Sections will be holding a ***silent auction*** at the annual ***Ohio*** Transportation Engineering Conference (OTEC).

***Spotlight your company to these statewide professionals through a donation to the auction.***

***Silent Auction Donation Deadline  
September 18, 2007***

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# TRIKO Valley News

March 27, 2007

President Wilkens opened the meeting with the Pledge of Allegiance and recognition of guests.

Bill Lawall presented the treasurers report indicating a current balance of \$3,365.32 (previous balance of \$4,098.62, deposits of \$2,198.68, and expenditures of \$2,931.98).

Due to time constraints, Stan Harris referred members to the newsletter for minutes of the last meeting.

Jim Collins reported for the golf committee. The committee will meet today. Letters will be going out for sponsors and goody bag donors by about April 15. The grand prize for the raffle will be a GPS unit. ASHE cornhole games will also be raffled. The outing is scheduled for June 14 at Pebble Creek.

Caroline Duffy gave the PIN report. There is a movement in the state legislature to divert Commercial Activity Tax (CAT) monies from the motor fuel fund to the General Fund. This totals about \$194M over the next two years. Members are urged to contact their Senators and Representatives to voice their opposition to this. Senate Bill 7 has been introduced and deals with eminent domain issues. This bill would: 1) require 90% of the properties in an area to be blighted before eminent domain can be used against them, 2) allow owners to receive attorney's fees and other compensation if a government is found to "lowball" them on property value, 3) remove the power of many unelected agencies to take property by eminent domain unless an elected body approves it, and 4) a constitutional amendment that would eliminate cities' home-rule power on eminent domain. This would likely appear on the November 2008 ballot. ASHE PIN will monitor the bill.

Caroline Duffy reported that the scholarship applications are due April 27. The committee has contacted

the schools and fliers are available at the meeting and on the web site. ASHE will be giving two scholarships, one for \$1,500 and one for \$1,000.

Jim Collins gave the regional representative report. The National Board of Directors was here on March 9-10. TRIKO Valley was one of few sections to submit by law revisions on time. Indianapolis and Southeast Michigan are potential new chapters.

Cindy Minter presented a National Conference update. The National Board visited the Omni Hilton during their meeting here and approved the site for the conference. ASHE has entered into negotiations with the Hilton. The dates for the conference are June 9-13, 2010. We need an idea for a conference theme by this summer. A kickoff meeting was held. We need all firms/organizations that are members to participate. Will solicit silent auction items sooner this year.

President Wilkens announced the nominations for officers. They are:

President – Caroline Duffy  
1st Vice President – Joe Vogel  
2nd Vice President – Tim Peters  
Treasurer – Bill Lawall  
Secretary – Dave Emerick  
3rd Year Director – Jim Jurgenson Jr.  
2nd Year Director – Cindy Minter  
2nd Year Director – Paul Schoelwer  
1st Year Director – Steve Profit  
Regional Representative – Jim Collins  
Past President – Greg Wilkens

Voting will take place in May.

President Wilkens announced that membership has increased from 136 to 146. The National Conference will be in Atlantic City May 20-24.

It was announced that a new invoice format will be used where all fees (dues, newsletter ads, golf fees, etc.) can be paid with one check. Members can pick up invoices after the meeting or they will be mailed.

Paul Pfenning made the presentations for the winners of the Schramm Awards. The winners were:

Over \$2M Projects – Five Mile Trail

\$2M and Under Projects – Stillwell Beckett Road and Woods Station Road

Next, representatives of several public agencies presented their Capital Improvements Program for the upcoming year. Presentations were given by:

Denny Krall – Butler County Engineers Office  
Joe Vogel – City of Cincinnati  
Doug Royer – Clermont County Engineers Office  
Ted Hubbard – Hamilton County Engineers Office  
Joe Bassil – ODOT District 8  
Rob Hans – KYTC District 6  
Vicki Trimbach – Warren County Engineers Office

The Split-the-Pot winner was Ralph Norman who took home \$101.

The meeting was adjourned at 1:40 pm.

## RSVP!!

**Please be sure to RSVP for meetings! Space is limited and an accurate head count helps the Montgomery Inn and the ASHE officers to better plan for meetings.**

## Split the Pot!

**A Split the Pot contest will be held at future general membership meetings to raise start-up funds for the 2010 conference. 1 ticket for \$1, 3 for \$5, or 7 for \$10.**

## Business Card Ads!

**\$50/yr for small ads, \$150/yr for large ad and corporate link on TRIKO website.**

**If interested, contact Stan Harris at [sharris@fmsm.com](mailto:sharris@fmsm.com). Send website logos to Matt Loeffler at [loefflerm@bceo.org](mailto:loefflerm@bceo.org).**

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Eric Beck  
Gerald Berding  
Steve Bergman  
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Charles Bode  
Douglas Brand  
Bruce Brandstetter\*  
Tom Brayshaw  
Bill Brayshaw  
John Brazina  
Wayne Breitenstein  
David Brewer  
Jonathon Brunot  
Dennis Brunton  
Charles Bucklew  
Dave Butts  
Carol Callan-Ramler  
Tammy Campbell  
Kathleen Carsey  
Jim Collins\*  
Dion Connor  
Judi Craig  
William Crawford  
John Davidson  
Jeff Darrah  
Caroline Duffy  
Michael Eddy  
Kristin Eggeman

John Eichstadt  
Kim Elam  
Mary Beth Elfers\*  
David Emerick  
Joseph Espelage  
William Fair  
Hank Fedders\*  
Patrick Finn  
Leo Flischel  
Carl Fritsch  
Bronson Funke  
James Griebel  
Paul Gruner  
Michael Hafner  
David Hammer  
Stan Harris  
Steven Hartke  
Carl Hartman  
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John Heilman  
Stephen Hellmann  
Mark Henderson  
George Hoffman\*  
Ted Hubbard\*  
Warren Iulig  
Dennis Jennings  
James Jurgensen\*  
James Kapsho  
Joseph Kearnes\*  
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Craig Ketron  
Gary Ketron  
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Scott Knebel  
Jeffrey Koehn  
Daniel Koeninger  
Steven Korte  
George Kral  
Wess Kroll  
John Lachmann  
Jeffrey Lamb  
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Bill Lawall  
Aaron Littman  
Matt Loeffler  
Daniel Louis  
Patrick Manger  
Benjamin Mann  
Steve Mary  
Dan McAdams  
John McChord  
Ray McDaniel  
Joe Mellman  
Stephen Miles  
Catherine Miller  
Cindy Minter  
Nathan Moore  
Warner Moore  
Paul Motylinski  
Bryan Mount  
Robert Mount  
Michael Murray  
David Newhouse  
Ralph Norman, Jr.  
Paul Pfennig\*

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Vickie Trimbach  
Robert Trenkamp  
Roy Turton  
Chuck Unterreiner  
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Joe Vogel  
Doug Walker  
Mark Walker  
Cindy Wallace  
Jeffrey Wallace  
George Webb  
Mark Weber  
Larry Weisman  
Gregory Wilkens  
Robert Yeager  
Heinrich Zehetmaier\*  
James Zentmeyer

\* Past Presidents  
At Last Meeting





**2007 LLOYD WALLACE MEMORIAL  
GOLF OUTING**

Thursday June 14, 2007  
Pebble Creek Golf Course

**ITINERARY:**

10:45 a.m. – 11:30 a.m. Registration & Lunch  
11:30 a.m. Shotgun Start  
5:00 p.m. Dinner & Door Prizes

Cost Per Golfer: \$75  
Dinner Only: \$25

- Lunch will be a buffet cookout with hamburgers, brats & metts. Dinner will be a chicken and rib buffet. Lunch and dinner also includes soft drinks and draft beer. During golf a cash beer & snack cart will be traveling the course.
- Please consider sponsoring a hole for \$100. This money will go towards reducing the cost per golfer, door prizes and our future scholarship fund. Signs with your firms' logo or name will be placed at the tee box.
- Door prize donations will be greatly appreciated.
- Registration deadline is Monday June 11.
- Any questions call Jim Collins at 785-7285 or by email at [collinsj@ci.hamilton.oh.us](mailto:collinsj@ci.hamilton.oh.us)
- Directions to Pebble Creek: I-75 to I-275 west to Colerain Avenue North, left Dry Ridge (at Lowe's), left Prechtel, golf course is at end of Prechtel.

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Send form and check to: ASHE  
P.O. Box 257  
Mason, Ohio 45040

Golfer's Name	Company	Dinner Only
1.		
2.		
3.		
4.		

**Sponsors:**

Check if you are willing to sponsor a hole for \$100 \_\_\_\_\_.

Name for sign at tee box \_\_\_\_\_

(Supply logo in electronic format if available, email to: [collinsj@ci.hamilton.oh.us](mailto:collinsj@ci.hamilton.oh.us))

Contact person, phone number & email address: \_\_\_\_\_

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Check here if you can donate a door prize \_\_\_\_\_.

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Regional Chap. Rep.	Jim Collins	City of Hamilton	513.785.7285	513.785.7269

## 2007-2008 ASHE OFFICER ELECTIONS:

At its March 2007 meeting, the TRIKO Valley Board of Directors nominated the following slate of Officers:

President - Caroline Duffy  
 1st Vice President - Joe Vogel  
 2nd Vice President - Tim Peters  
 Treasurer - Bill Lawall  
 Secretary - Dave Emerick  
 3rd Year Director - Jim Jurgenson, Jr.  
 2nd Year Director - Cindy Minter  
 2nd Year Director - Paul Schoelwer  
 1st Year Director - Steve Profit  
 Regional Representative - Jim Collins  
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# ASHE TRIKO VALLEY MEETING

Tuesday, May 15, 2007, 11:30 AM  
The Montgomery Inn Boathouse

Steve Wharton and Ted Hubbard  
Eastern Corridor Presentation

Lunch Cost: \$20.00

RSVP to Bill Lawall at 513-807-2245  
by 4:00 May 14, 2007

## **ASHE**

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