

**IN THE SUPREME COURT OF OHIO**

**BEAVER EXCAVATING COMPANY,  
ET AL.,**

**Plaintiffs-Appellants,**

**vs.**

**RICHARD A. LEVIN [JOSEPH W.  
TESTA], TAX COMMISSIONER OF  
OHIO,**

**Defendant-Appellant.**

**CASE NO.: 2011-1536**

**On Appeal from the Franklin County  
Court of Appeals, Tenth Appellate  
District**

**Appellate Case No. 10-AP-581**

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**BRIEF OF *AMICUS CURIAE* THE AMERICAN COUNCIL OF ENGINEERING  
COMPANIES OF OHIO IN SUPPORT OF APPELLANTS**

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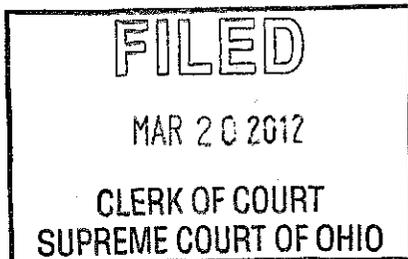
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## **STATEMENT OF INTEREST OF *AMICUS CURIAE***

*Amicus curiae*, The American Council of Engineering Companies of Ohio (“ACEC”), respectfully submits this brief in support of Plaintiffs-Appellants, Beaver Excavating Company, et al. (“Appellants”). ACEC supports the view of Appellants that the Ohio Commercial Activity Tax (“CAT”), R.C. 5751.01, et seq. is an excise tax subject to the appropriations restriction of Section 5a, Article XII of the Ohio Constitution (“Section 5a”). Furthermore, ACEC supports Appellants’ position that the CAT is unconstitutional, as it is applied, because moneys derived from the CAT relate to motor vehicle fuel but are not collected and distributed for the particular purpose mandated by Section 5a—namely, for the construction or repair of public highways and bridges. The decision of the Tenth District Court of Appeals, which held that the CAT did not violate Section 5a, was erroneous and should be reversed.

The American Council of Engineering Companies of Ohio is a non-profit trade association comprised of more than 100 independent engineering firms in Ohio that provide a wide array of engineering and other professional services for all types of construction and environmental improvement projects. ACEC is the state affiliate of the American Council of Engineering Companies, a nationwide federation of state and regional councils that represent a large part of America’s engineering industry. The mission of ACEC is to enhance the economic and regulatory climate for private engineering companies and to assist member companies in improving their business management practices so that they may provide high-quality professional services to their clients.

ACEC Ohio member companies employ more than 6,000 persons and produce annual revenues in excess of \$700 million. Member firms provide services to government agencies, and commercial and industrial clients in Ohio and all across the United States and internationally.

They provide services to local, state, and federal government agencies, as well as commercial and industrial clients. Typical construction and environmental projects include bridges, highways, buildings (including their mechanical, electrical, plumbing and security, and communications systems), water and wastewater facilities, and hazardous waste remediation consulting. More than half of ACEC Ohio member companies design highway and bridge projects for the Ohio Department of Transportation (“ODOT”).

The impact of the Tenth District’s holding that the CAT does not violate Section 5a cannot be understated from the perspective of ACEC. Revenue derived from the CAT related to motor vehicle fuel gross receipts are currently treated by the Tax Commissioner in the same manner as all other moneys derived from CAT—they are deposited into the “commercial activities tax receipts fund” and divided equally and forwarded into three separate treasury funds designated by the statute: (1) the General Revenue Fund, (2) the School District Tangible Property Tax Fund; and (3) the Local Government Tangible Property Tax Replacement Fund (collectively, “Statutory CAT Funds”). See R.C. 5751.20. But, Section 5a constitutionally prohibits the diversion of funds derived from motor vehicle fuel gross receipts in such a fashion.

The diversion of CAT revenue into the Statutory CAT Funds and away from highway and bridge construction and repair is significant. In terms of actual dollars, the Tax Commissioner represented to the Tenth District Court of Appeals that approximately \$139 million of the \$1.2 billion of 2009 revenues collected from the CAT is attributable to gross receipts from motor vehicle fuel sales. (Merit Br. of the Ohio Tax Commissioner before the Tenth District Court of Appeals at p. 13.) In other words, if the CAT was applied constitutionally with respect to Section 5a, \$139 million of the 2009 tax revenues would have been devoted to the construction and repair of highways and bridges in Ohio. Compounding

similar fiscal numbers annually into the future demonstrates the significant monetary impact of a decision in this case.

The current diversion of funds away from highway and bridge construction and repair is having a measurable and deleterious impact on the safety of those who travel on the state's highways. In January 2012, ODOT announced it would be required to defer many major construction projects around the state because of a lack of available funding. According to ODOT Director, Jerry Wray, the State of Ohio has committed to spending \$2 billion for "Tier I" major new construction projects identified by the Transportation Review Advisory Council (TRAC) but will have only \$100 million annually to devote to actually building those projects.<sup>1</sup>

As a result of this significant funding shortfall, Director Wray announced that commencement of construction on these major highway projects, most of which were planned to alleviate serious traffic safety problems, must be deferred for years, and in some cases for decades. Indeed, approximately thirty four projects that had been planned to begin by 2017 were pushed back to as far as 2036.<sup>2</sup> Two important projects—in Columbus and Cleveland—are suffering from the delays, which could have a serious impact on the safety of Ohio's drivers.

The start of construction on the "split" of Interstates 70 and 71 in downtown Columbus, one of the state's most serious accident locations, seeing more than 1,200 accidents annually,

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<sup>1</sup> See "TRAC Votes to Accept Draft List," ODOT News Release, Jan. 31, 2012, attached as App'x **Tab A**. ACEC acknowledges that the documents comprising Tabs A – D are not part of the record of this Court's proceedings. They are all dated after the Court accepted jurisdiction of this case and are attached hereto primarily to demonstrate the severity of ODOT's financial circumstances and the impact it has on highway and bridge construction in Ohio, a matter that can likely be considered common knowledge now.

<sup>2</sup> "Money Crunch Pushes Downtown Roadwork Way Back," Robert Vitale, The Columbus Dispatch, Jan. 18, 2012, attached as App'x **Tab B**; see also Draft TRAC Tier 1 Construction Commitments with Existing Revenues, Feb. 17, 2012, attached as App'x **Tab C**.

will be deferred from 2014 until as late as 2034.<sup>3</sup> Construction of a second bridge on Interstate 90, over the Cuyahoga River in Cleveland, a major artery into the city, will be deferred from 2014 until 2023.<sup>4</sup> This will require that a new bridge now under construction be used for both eastbound and westbound traffic, instead of dividing the interstate traffic on a pair of bridges, as had been planned. It also could also mean that the original innerbelt bridge, which is badly deteriorated and well past its expected service life, may have to be kept in service.

These construction projects not only benefit the general public by providing safer, less congested roadways, but they help in job creation.<sup>5</sup> Mr. Wray stated recently, “Ohio’s highways are essential to keeping and creating new jobs. . . . Without a good transportation system we lose jobs and Ohio fades.”<sup>6</sup> Indeed, based on the high number of highway and bridge construction projects in which ACEC’s members participate, the livelihood of its membership is directly impacted by the significant motor-vehicle-fuel-related CAT revenue being diverted into the Statutory CAT Funds. While inclusion of the approximately \$139 million of annual revenues toward highway and bridge construction and repair would not solve all of ODOT’s financial woes, it would allow the Department to get an earlier start on building some of these “major new” construction projects that are critical to the safety of the motoring public and the ACEC’s membership.

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<sup>3</sup> See App’x Tab C; see also App’x Tab B, in which Bob Lawler, transportation director for the Mid-Ohio Regional Planning Commission states, in response to the consequences for the construction delays related to the I-71 interchange, “In addition to being a congestion problem, it’s going to continue to be a safety problem . . . . It’s an issue of the reliability of the transit system.”

<sup>4</sup> See App’x Tab C.

<sup>5</sup> See “Ohio’s \$1.6 Billion Highway Budget Shortfall: Where do We Go from Here?,” ODOT News Release, Jerry Wray, Mar. 6, 2012, attached as App’x **Tab D**.

<sup>6</sup> Id.

Thus, a proper interpretation of the interplay between Section 5a and the CAT has a significant impact on Ohio's general public, from a public policy perspective. But, it is also important that the Court carry forward the intent of the language of Section 5a, and consequently, the intent of the voters who passed the amendment. In 1934, a similar amendment was proposed, known at the time as Section 5b, which was drafted with much narrower language, stating that "excise taxes imposed upon the receipt, storage, use, disposition or purchase" of motor vehicle fuel shall only be used for public thoroughfare purposes. (See the 1934 Proposed Amendment to the Ohio Constitution.) The amendment was rejected. In 1947, another amendment was proposed following enactment of Ohio's sales tax and the 1944 federal Highway Act, which included much broader language. In contrast to the "imposed upon" language from the 1934 proposed amendment, the 1947 proposed amendment, which became Section 5a, broadened application to include moneys derived from all fees, excises, and licenses "relating to" motor vehicle fuel. As explained below, and in great detail in Appellants' merit brief, the language of Section 5a casts a wide net, which includes application to the CAT. This Court should honor the intent of the voting public who chose to employ such broad constitutional language.

This Court should reverse the holding of the Tenth District Court of Appeals.

### **STATEMENT OF THE CASE AND FACTS**

ACEC adopts and accepts the Statement of the Case and Facts presented in the Merit Brief of Plaintiffs-Appellants Beaver Excavating Company, et al.

### **ARGUMENT**

I. **PROPOSITION OF LAW I: The CAT is an excise tax that is subject to the prohibitions set forth under Section 5a, Article XII of the Ohio Constitution.**

Sections 5 and 5a of Article XII of the Ohio Constitution state, in pertinent part:

## LEVYING OF TAXES.

§ 5 No tax shall be levied, except in pursuance of law; and every law imposing a tax shall state, distinctly, the object of the same, to which only, it shall be applied. (1851).

### Use of Motor Vehicle License and Fuel Taxes Restricted.

§ 5a No moneys derived from fees, excises, or license taxes relating to . . . fuels used for propelling such vehicles, shall be expended for other than costs of administering such laws, statutory refunds and adjustments provided therein, payment of highway obligations, costs for construction, reconstruction, maintenance and repair of public highways and bridges and other statutory highway purposes . . . . (1947).

### Id.

Beginning in 2005, Ohio's General Assembly imposed the CAT, which is levied "on each person with taxable gross receipts for the privilege of doing business in this state." R.C. 5751.02(A). The CAT uses gross receipts to measure the tax. See R.C. 5751.03(A); Ohio Grocers Ass'n v. Levin, 123 Ohio St.3d 303, 2009-Ohio-4872, ¶ 1. Gross receipts means the "total amount realized by a person, without deduction for the cost of goods sold or other expenses incurred, that contributes to the production of gross income of the person, including the fair market value of any property and any services received, and any debt transferred or forgiven as consideration." R.C. 5751.01(F).

The CAT excludes from "gross receipts" "any receipts for which the tax imposed by this chapter is prohibited by . . . the Constitution of Ohio." R.C. 5751.01(F)(2)(ff). The General Assembly also carved out certain types of gross receipts that are excluded from "taxable" gross receipts, such as, inter alia, fees charged by professional employer organizations, distribution center receipts, and the sale of lottery tickets. R.C. 5751.01(F)(2). Additionally, for a period of two years following enactment of the CAT, gross receipts relating to motor vehicle fuel were

excluded from “taxable” gross receipts. Am. Sub. H.B. No. 66. This two-year legislative exclusion expired on July 1, 2007, without any action by the General Assembly.

The CAT proceeds are allocated to the general revenue fund, the school district tangible property tax fund, and the local government tangible personal property tax repayment fund. R.C. 5751.20.

The two primary legal issues that are presented under this proposition of law are:

1. Whether the CAT is the type of excise tax to which Section 5a applies in the context of the following: “No moneys derived from fees, excises, or license taxes relating to” motor vehicle fuel. Art. XII, § 5a (emphasis added).
2. Whether the money derived from the CAT is “relating to” motor vehicle fuel as set forth in Section 5a.

Each of these two issues will be analyzed below, in turn.

**A) THE CAT IS THE TYPE OF “EXCISE” TAX TO WHICH SECTION 5A APPLIES.**

“An excise tax has been defined to be a tax imposed on the performance of an act, or engaging in an occupation, or on the enjoyment of a privilege . . . .” Saviers v. Smith, 101 Ohio St. 132, 137 (1920). This Court has determined that the CAT is a franchise tax, and that a franchise tax is a type of an excise tax. See Ohio Grocers, 2009-Ohio-4872, ¶ 30. In other words, the Court determined that the CAT is an excise tax. *Id.* This Court further defined the CAT as “privilege-of doing-business” tax that is measured by business done. *Id.* ¶¶ 14, 16, 18.

In Ohio Grocers, the Court determined that, although the constitutional provisions at issue in the case prohibited excise taxes levied or collected upon the sale or purchase of food, the CAT was not the type of excise tax that those constitutional provisions intended to prohibit. *Id.* ¶¶ 26-32. Indeed, the Court stated that the only type of excises taxes prohibited were those “upon sales of food or certain food-related items—not upon the privilege of doing business.” *Id.*

¶ 30. This determination was made by analyzing the specific language utilized in the pertinent constitutional provisions. In doing so, the Court attempted to determine whether the CAT—a privilege of doing business tax—was a tax upon a certain factor (like food) or a tax upon a privilege measured by that factor. Id. ¶ 17.

Section 3(C), Article XII grants two types of taxing power—excise and franchise taxes—but only places a limitation regarding excise taxes. Id. ¶ 28. “[B]y permitting franchise *and* excise taxes but limiting *only* excise taxes, Section 3(C) implies that taxes on the privilege of doing business are not subject to its food-sales limitations.” Id. (emphasis in original). Section 13, Article XII, the other constitutional provision at issue, does not address or limit the privilege of doing business taxes. Id. ¶ 29. But, it lists sales taxes first (a specific tax) and follows with “or other excise taxes” (a broader term). Using the rule of *ejusdem generis*, this Court determined that “Section 13’s wording suggests that only those excise taxes *that resemble* sales taxes fall under its prohibition—and a privilege-of-doing-business tax is not like a sales tax.” Id. (emphasis in original). The Court then made an important observation: “If the drafters had desired to outlaw excise taxes of every stripe, they simply could have prohibited ‘excise taxes.’” Id. Because the food amendments were not drafted so broadly, the Court was unwilling to hold that the amendments prohibit the privilege-of-doing-business CAT. Id.

The Tenth District Court of Appeals seized upon this Court’s reasoning in Ohio Grocers to reach its decision. See Beaver Excavating Co. v. Levin, 10th Dist. No. 10AP-581, 2011-Ohio-3649, ¶¶ 33-34. Indeed, the court held: “Applying these principles, as the Ohio Supreme Court did in Ohio Grocers, we must conclude that Ohio’s CAT measured by gross receipts, including receipts from the sale of motor vehicle fuel, is not a tax upon motor vehicle fuel.” Id. ¶ 34. Thus, the Tenth District impliedly determined, without support in the language actually used in the

constitutional provision, that Section 5a prohibited only those types of excises taxes imposed upon motor vehicle fuel. See id.

The flaw with the Tenth District Court’s reasoning is that the language of Section 5a is different from and much broader than the food amendments at issue in Ohio Grocers. Indeed, Section 5a does not state that it applies to or prohibits excise taxes “imposed upon” motor vehicle fuel. Rather, it states that no moneys derived from excise taxes “relating to” motor vehicle fuel shall be expended for uses other than those set forth in the constitutional provision. And, Section 5a does not have the type of limiting language existing in the food amendments, which this Court deemed crucial to its analysis in Ohio Grocers. Section 5a applies to “excises” in its most general sense. In this regard, the intent of the provision must have been for it to apply to all “excises,” not excises of a particular type. Ohio Grocers, 123 Ohio St.3d at ¶ 29 (“If the drafters had desired to outlaw excise taxes of every stripe, they simply could have prohibited ‘excise taxes.’”).

Contrary to the Tenth District’s holding, the CAT is just the type of excise tax to which Section 5a applies. Its decision to the contrary should be reversed.

**B) MONEYS DERIVED FROM THE CAT ARE “RELATING TO” MOTOR VEHICLE FUEL.**

The next step in the analysis is to determine whether moneys derived from the CAT are “relating to” motor vehicle fuel. The Tenth District determined, in conclusory fashion, that “relating to” “can only be described as ambiguous.” Beaver Excavating, 2011-Ohio-3649, ¶ 26. The court determined that “relating to” could be interpreted broadly such that “everything is related in some way to everything else,” which the court determined could lead to absurd results. Id. Or, it could be interpreted narrowly, which would thwart the intent of the Ohio citizenry

when they voted for Section 5a. Id. That was the sum-total of the appellate court's analysis on the ambiguity issue.

What the court overlooked is that Ohio courts have routinely analyzed "relating to" (or the like) very broadly. This Court determined in State ex rel. Keller v. Forney, 108 Ohio St. 463 (1923), that it was "self evident that the word 'relating,' and its synonyms, 'pertaining to' or 'concerning,' are **much broader, much more comprehensive**, than the word 'provide,' and are so used in common conversation." Id. at 467 (emphasis added); see also Academy of Med. of Cincinnati v. Aetna Health, Inc., 108 Ohio St.3d 185, 2006-Ohio-657, ¶ 18 ("[T]he phrase 'any claim or controversy arising out of or **relating to**' is considered the paradigm of a broad clause." (citation omitted) (emphasis added)); Morales v. Trans World Airlines, Inc. (1992), 504 U.S. 374.

The precedent in Ohio dictates a broad reading of the term "relating to." Therefore, the Tenth District Court was incorrect in determining that the term was ambiguous, as it already is subject to a particular judicial meaning. See State v. Porterfield, 106 Ohio St.3d 5, 2005-Ohio-3095, ¶ 11 ("Only when a definitive meaning proves elusive should rules for construing ambiguous language be employed."). The court was consequently incorrect in construing the term "relating to" narrowly. See Beaver Excavating, 2011-Ohio-3649, ¶ 34.

Under a broad application of the phrase "relating to" this Court should determine that the CAT is related to motor vehicle fuel. First, for the two-year period following enactment of the CAT, gross receipts relating to motor vehicle fuel were excluded from "taxable" gross receipts. Am. Sub. H.B. No. 66. The Tax Commissioner similarly promulgated a rule exempting from the CAT gross receipts from the sale of motor vehicle fuel. See O.A.C. 5703-29-12(A) ("Gross receipts received prior to July 1, 2007 from the sale of motor fuels are exempt from the

commercial activity tax.”). This temporary exemption is an implicit recognition that the CAT relates to motor vehicle fuel. See Marrone v. Philip Morris USA, Inc., 110 Ohio St.3d 5, 2006-Ohio-2869, ¶ 43 (“[T]he General Assembly is not presumed to do a vain or useless thing, and that when language is inserted in a statute, it is inserted to accomplish some definite purpose.”).

Second, the CAT excludes from taxable gross receipts “receipts from the sale of motor fuel by a licensed” motor fuel dealer—i.e., the motor fuel tax. See R.C. 5751.01(F)(2)(r). By creating this exemption, the General Assembly understood the relation between the CAT and motor vehicle fuel as it relates to motor fuel dealers and sought to limit double exposure.

The CAT is the type of excise tax that is intended to apply to Section 5a. Moreover, the CAT relates to motor vehicle fuel. The Court should reverse the Tenth District Court’s holdings to the contrary.

**II. PROPOSITION OF LAW II: Because the CAT is subject to the prohibitions under Section 5a, Article XII of the Ohio Constitution, moneys derived from the CAT relating to motor vehicle fuel must be appropriated only for the purposes enumerated in Section 5a.**

Having established above that the CAT is subject to the mandates of Section 5a, the second issue presented in this case is whether the Tax Commissioner is following the prohibitions set forth under Section 5a. The Tax Commissioner has intimated in previous filings in this litigation that, even if the CAT is subject to Section 5a, the CAT’s distributions to the Statutory CAT Funds have the “potential” to be redirected to the construction and repair of highways and bridges. Even if the Tax Commissioner is correct, the fact that moneys derived from the CAT relating to motor vehicle fuel are deposited into the Statutory CAT Funds, in and of itself, is unconstitutional.

Article XII, Section 5 states that “every law imposing a tax shall state, distinctly, the object of the same, to which only, it shall be applied.” (Emphasis added); see also Saviers, 101

Ohio St. at 138 (“Having been imposed for the distinct object stated in the law, section 5, article XII, of the Constitution, requires that it shall be applied only to that object.”). Section 5a specifically restricts the manner in which revenue derived from motor vehicle fuel can be expended, namely, the specific highway purposes set forth under the provision, or to purposes directly connected thereto. See Knox Cty. Bd. of Comm’rs v. Knox Cty. Eng., 109 Ohio St.3d 353, 2006-Ohio-2576, ¶ 14.

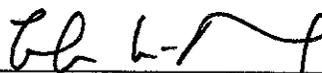
In this regard, Section 5a is akin to a particular purpose tax in the sense that revenues derived from fees, excises, and license taxes relating to motor vehicle fuel must be expended for a particular purpose. See Paulding Cty. Bd. of Cty. Comm’rs v. State ex rel. Kohli, 3rd Dist. No. 11-91-14, 1992 WL 276686, \*3 (“Pursuant to Section 5a, Article XII, Ohio Constitution these funds cannot be expended for items other than that which is specifically enumerated therein. The limited nature of this clause necessitates the strict conclusion that expenditures of all funds derived from section 5a monies, principal or interest earnings, are therefore limited.”). Ohio courts have held that special or particular purposes taxes may only be used for the designated purposes and may not be diverted into general funds. See id.; see also In re Perry Twp., 52 Ohio App.3d 1, 3 (1988) (holding unconstitutional a statutory provision that “applied to funds from special levies enacted for a particular purpose being moved to funds which may be expended for a different purpose”); Accord R.C. 5705.06; R.C. 5705.09; R.C. 5705.10.

Accordingly, any argument that certain CAT revenues might potentially be used for special highway purposes, after being placed into the Statutory CAT Funds, is both speculative and misguided.

## CONCLUSION

The Tenth District Court of Appeals' decision was incorrect in its interpretation of Section 5a, Article XII of the Ohio Constitution, and its application of this Court's decision in Ohio Grocers. The impact of the decision is severe because multiple millions of dollars collected pursuant to the CAT each year are being unlawfully diverted away from the specifically-enumerated purposes outlined in Section 5a—the construction and repair of highways and bridges. This diversion of funds impacts the membership of ACEC by stunting job growth. This diversion of funds impacts the public at large by severely delaying construction projects that are needed to maintain the safety of those using the State's highways and bridges. The manner in which the Tax Commissioner is implementing the CAT, which was upheld by the Tenth District Court of Appeals, is contrary to the intent of the voters who enacted Section 5a in 1947. Section 5a was drafted in a broad manner to curb attempts by the General Assembly to craft laws like the CAT to divert revenue related to motor vehicle fuel away from highway and bridge construction projects. This Court should reinstate the intended purposes of Section 5a and reverse the holding of the Tenth District Court of Appeals.

Respectfully submitted,



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**CERTIFICATE OF SERVICE**

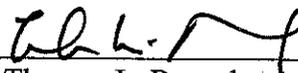
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**APPENDIX**

**APPENDIX PAGE**

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1/31/2012

### TRAC Votes to Accept Draft List Launches Public Comment Period

**COLUMBUS** (Tuesday, January 31, 2012) –The Transportation Review Advisory Council (TRAC) today voted nine to zero to accept the draft list of the Ohio Department of Transportation's (ODOT) major new transportation projects throughout the state. The TRAC vote launches a 45-day written public comment period as the state looks to adopt what ODOT Director and TRAC Chairman Jerry Wray describes as an "honest and fiscally responsible list of current and new construction projects."

"What we are doing right now is trying to provide communities with a realistic and honest look at the amount of money ODOT anticipates having in future years and balancing that with major new and important transportation construction projects throughout Ohio," Wray said. "The result is that many projects are pushed back years and, in some cases, decades."

For the next 45-days, written public comments may be sent to the following addresses: [trac@dot.state.oh.us](mailto:trac@dot.state.oh.us), or to the Ohio Department of Transportation, C/O Jim Gates, 1980 West Broad Street, Columbus, Ohio 43223. Once the written public comment period concludes, the TRAC will decide if additional public hearings are needed, then proceed with a vote later this year to accept a final TRAC list. This is not the first time stakeholders have had an opportunity to support or oppose a TRAC project. Last fall, the TRAC heard from project advocates at four public, regional hearings held in Akron, Columbus, Cincinnati, and Toledo.

Today's vote takes TRAC one step closer to wrapping up a year-long process of receiving and reviewing applications for major new transportation funding projects throughout the state. Last year, the TRAC received 72 applications for transportation projects totaling nearly \$10 billion. Planning, design and construction of various phases of additional projects totaling \$2 billion is already underway. However, ODOT estimates roughly \$100 million per year to spend on new construction.

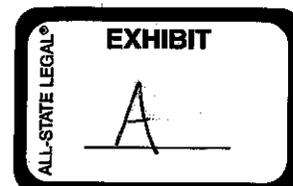
ODOT is funded completely with state and federal motor fuel tax. As inflation drives up the cost of construction materials, vehicles become more fuel efficient and fuel consumption decreases, TRAC revenue has shrunk over the past several years.

The nine-member TRAC was established by the Ohio Revised Code in 1997 and provides guidance for developing a project selection process for ODOT's largest investments of more than \$12 million.

**For more information, contact: Steve Faulkner, ODOT Press Secretary, at 614-644-7101.**



The Ohio Department of Transportation  
1980 West Broad Street, Columbus Ohio, 43223  
John R. Kasich, Governor | Jerry Wray, ODOT Director  
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# Money crunch pushes Downtown roadwork way back

Next phase of project may not begin until 2025

By **Robert Vitale**

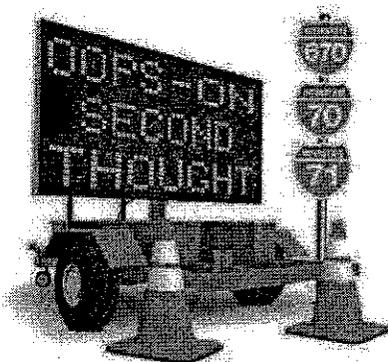
*The Columbus Dispatch* Wednesday January 18, 2012 5:56 AM

Comments: 20

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How far back is the Ohio Department of Transportation pushing future phases of Downtown highway reconstruction?



Today's toddlers will be navigating barrels and barricades on their way to classes at Columbus State Community College, nights out in the Arena District and jobs at the Statehouse.

After finishing the I-71/670 interchange in 2014, ODOT will call a halt to Downtown ramp closings and lane restrictions, according to a plan forwarded yesterday to an ODOT advisory panel.

Instead of moving on immediately from that project to reconstruction of the I-70/71 interchange near Nationwide Children's Hospital, ODOT would start that work in 2025 under its new timetable. Other pieces of the massive rebuild would start as late as 2032 and 2033.

ODOT has been promising too much, Director Jerry Wray said. He estimated that the list of major highway projects across Ohio is \$11.6 billion too big.

Costs are rising, Wray said, and a decline in gasoline consumption means less gas-tax money to pay for it all. And political standoffs in Washington over a new highway-spending bill make federal help uncertain.

Wray said it's time for a dose of reality.

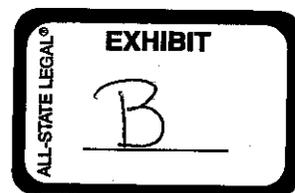
"We are providing an honest assessment of what can be done with the amount of money available," he said.

ODOT's nine-member Transportation Review Advisory Council is to vote on the new plan in April or May.

In all, ODOT proposes pushing back 34 projects that had been planned to start by 2017 to dates as far off as 2036.

In northeastern Ohio, future phases of work on Cleveland's I-90 Innerbelt would be delayed four to 19 years. They had been scheduled for as soon as 2014.

In southwestern Ohio, projects along I-75 would be delayed five to 14 years.



Other delays would affect relocation of Rt. 24 in northwestern Ohio, upgrades to I-75 through downtown Dayton, and enhanced bus service in Canton.

In central Ohio, delays would affect projects beyond Downtown Columbus:

- Adding a lane to N. High Street/Rt. 23 between Flint and Lazelle roads on the Far North Side would be pushed back five years, to 2019.
- Improving and redesigning the area around I-270, Rt. 315 and Rt. 23 on the North Side would be delayed 13 to 16 years, with the last phase starting in 2030.
- Upgrading Rt. 33 in Franklin and Fairfield counties and building a new interchange between Groveport and Canal Winchester would be delayed 19 years, to 2036.

“We’re putting the house much more in order than we have before,” Wray said.

State and local officials began planning for the I-70/71 rebuild in 2001, and work began in September on the I-71/670 interchange on the northeastern edge of Downtown.

Reconstruction of interchanges, roads, ramps and bridges along the eastern and southern edges of Downtown already had been scheduled to last at least a decade.

Stretching out work for another two decades will have consequences, said Bob Lawler, transportation director for the Mid-Ohio Regional Planning Commission.

“In addition to being a congestion problem, it’s going to continue to be a safety problem,” he said. “It’s an issue of the reliability of the transit system.”

Downtown highways were built to handle half as much traffic as they handle today, and they average two to three crashes daily. The reconstruction projects were designed to reduce crashes, eliminate weaving traffic and relieve congestion.

Jack Marchbanks, a member of the ODOT advisory panel and a former district director for the agency’s central Ohio office, said the state will continue to fix potholes, replace guardrails and make other repairs.

The delays affect projects designed to boost the capacity of Ohio highways, he said.

Wray said the phases of the Downtown highway construction are designed to be completed separately, and the delays won’t add to congestion.

[rvitale@dispatch.com](mailto:rvitale@dispatch.com)

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# DRAFT TRAC Tier 2 Projects Currently Under Development

## DRAFT Preliminary Major New Program List

### Working List

Projects are subject to change if the fiscal projections change.

The figures denoted for project revenue are estimated as a planning tool only. All major new budget amounts are subject to further federal authorization.

Phase Key

DD RW CO

DIST	CTY	PID	App #	PROJECT	DESCRIPTION	FUNDING			Total Score	State Fiscal Years					
						TRAC	ODOT	LOCAL		TOTAL	2012	2013	2014	2015	2016
1	HAN	87005	2011D01-01	IR 75	HAN-75 Add third lane	\$6.0	\$0.0	\$0.0	\$158.8	51.5					
2	LUC	88254	2011D02-06	IR 475	Modify the interchange at I-475 and US-23	\$3.0	\$1.0	\$0.0	\$181.0	49					
2	LUC	88252	2011D02-07	IR 475	Modify I-475 / US-20 interchange	\$5.5	\$1.0	\$0.0	\$61.0	52	\$4.5				
2	LUC	76032	2011D02-01	IR 75 (Phillips to I-280)	Complete 6 lane section of I-75 in Toledo	\$5.0	\$0.0	\$0.0	\$46.0	66		\$2.5			
2	WOO	77801	2011D02-05	IR 75	WOO-75 Add third lane	\$6.0	\$0.0	\$0.0	\$130.0	45.5					
3	ERI	76235	2011D03-06	US 250	US 250 from US 6 to Bogart Rd	\$0.9	\$9.7	\$0.0	\$18.3	50.5	\$0.1				
3	MED	76946	2011D03-01	SR 18	Add lanes from Foote Road to Nettleton Rd	\$0.0	\$0.2	\$0.2	\$23.5	51.5					
3	MED	75995	2011D03-02	US 42	Widen US 42 to five lanes in municipal limits	\$0.9	\$4.2	\$5.3	\$34.4	34		\$1.2			
3	LOR	82645	2011D03-03	SR 57	SR 57 from I-80 to I-90	\$2.7	\$2.1	\$0.0	\$23.6	52.5		\$2.0			
3	LOR	82632	2011D03-04	US 20 / S.R. 113	Widen Center Ridge Rd from 3 to 5 lanes	\$2.4	\$0.0	\$20.8	\$35.9	58.5	\$1.7				
4	SUM	77269	2011D04-04	SUM - IR76 / 77	Reconstruct I-76/77 Main/Broadway Interchange	\$5.9	\$7.0	\$2.0	\$110.4	40.5		\$1.2			
4	SUM	77270	2011D04-01	SUM - IR76 / 77	Reconstruct I-76/77 from SR-59 to SR-8	\$5.0	\$1.6	\$1.0	\$299.1	41.5					
4	TRU	77260	2011D04-03	IR-80	Add third lane on I-80 from I-680 to SR-193	\$2.0	\$0.0	\$1.0	\$100.5	45					
4	STA	20344	2011D04-05	US 30 (STA-30-18.35)	Relocate US 30 from Trump Avenue to SR 44	\$4.5	\$0.0	\$0.0	\$80.9	37					
5	LIC	80704	2011D05-04	SR 16 & Cherry Valley Rd	New interchange at SR-16 and Cherry Valley Rd	\$3.4	\$1.8	\$1.9	\$34.6	43					
6	PIC	83666	2011D06-01	Pickaway East-West Connector	New interchange on US-23 and connector to Rickenbacker Airport	\$5.1	\$3.7	\$22.5	\$46.2	42.5	\$2.7				
6	DEL	90200	2011D06-06	DEL I-71 at 36/37 Interchange	Modify I-71 US36/37 interchange	\$5.0	\$0.0	\$44.0	\$49.0	58.5					
6	FRA	25733	2011D06-05	FRA IR 270 South Outerbelt	Modify I-270 & 71 south of Columbus	\$3.9	\$0.6	\$0.0	\$263.3	36.5					
6	MAR	90264	2011D06-09	Mid-Ohio Intermodal Center	Relocate SR-309 near Marion Intermodal Center	\$0.8	\$0.0	\$2.0	\$17.4	41.5					
6	FRA	88310	2011D06-08	I-270/US 33 Phase 1	Modify I-270/US 33 interchange near Dublin	\$2.1	\$0.7	\$12.8	\$39.5	54					
6	FRA	76997	2011D06-07	FRA IR 70 Far East Freeway Study	I-70 from Miller/Kelton Ave to SR-256/Taylor Rd	\$5.0	\$0.6	\$0.0	\$319.6	51					
7	CLA	82381	2011D07-01	IR 70	Add third lane on I-70 from Enon Rd. to US-68	\$1.8	\$0.8	\$0.0	\$31.0	44					
7	CLA	83663	2011D07-02	IR 70	Add third lane on I-70 from US-68 to SR-72	\$3.2	\$0.8	\$0.0	\$42.7	47	\$2.7				
7	MOT	75863	2011D07-03	US 35	Add third lane on US-35; Whalen Blvd. to I-675	\$1.8	\$4.6	\$1.0	\$69.4	39.5		\$1.8			
7	MOT	90260	2011D07-05	Dayton Regional Rail Extension	Extend CSXT rail line to Dayton Airport	\$2.4	\$0.0	\$5.0	\$19.6	55.5					
8	HAM	77628	2011D08-13	I-71 Uptown Study (MLK)	Additional interchange in the Uptown area	\$3.0	\$0.7	\$3.5	\$126.2	57					
8	WAR	81052	2011D08-14	HAM/MAR 71	Modify the interchange at I-71 and Fields-Eitel	\$0.0	\$0.0	\$11.6	\$36.0	82.5					
11	JEF	79353	2011D11-02	New Ohio River Bridge	New bridge over Ohio River in Steubenville	\$2.6	\$2.0	\$0.0	\$38.0	38.5	\$2.0				
12	CUY	77333	2011D12-03	Opportunity Corridor	Extension of I-490 from I-77 to E 105th St.	\$16.5	\$0.0	\$0.0	\$224.6	55	\$9.3				
12	CUY	80418	2011D12-09	IR-271	Create add lane on I-271 from I-480 E to I-480 W	\$2.7	\$67.8	\$0.0	\$89.0	51	\$1.8				
									\$2,749.5		\$60.2	\$26.1	\$0.0	\$0.0	\$0.0

DRAFT Major New Program List - TRAC Working Session 1/31/12

Prepared by: ODOT Systems Planning Program Management Print Date: 2/17/2012

**DRAFT TRAC Tier 3/Multi-Phase - Projects with some development completed and connected to a phase of a Tier 1 construction commitment**

DIST	CTY	PID	App #	PROJECT	DESCRIPTION	FUNDING			Total Score	State Fiscal Years					
						TRAC	ODOT	LOCAL		TOTAL	2012	2013	2014	2015	2016
2	LUC	77254	2011D02-03	IR 75	I-75/475 interchange Phase 2	\$3.7	\$12.1	\$0.0	\$173.0	60.5	\$3.2				
6	FRA	81828	2011D06-03	315/70/71 reconstruction	Modify I-71/70/SR 315 interchange	\$2.0	\$4.5	\$0.0	\$836.0	43.5	\$2.0				
8	CLE	82309	2011D08-02	IR 275 8.95/8.90 Part 2	Improve I-275/SR 32 interchange - Phase 2	\$1.7	\$0.0	\$6.9	\$45.6	29	\$0.5				
8	CLE	82134	2011D08-03	IR 275 8.95/8.90 Part 3	Improve I-275/SR 32 interchange - Phase 3	\$0.0	\$0.0	\$6.9	\$41.1	30					
8	CLE	82370	2011D08-01	SR 32 2.25 (Eastern Corridor)	Grade sep. from Eastgate Blvd to Old SR74	\$3.9	\$0.6	\$0.1	\$60.7	32					
8	HAM	86462	2011D08-11	SR 32F 2.50/0.00 (Eastern Corridor)	New connector from Red Bank Rd to Bells Ln	\$16.8	\$1.7	\$6.9	\$404.4	24.5					
8	HAM	86463	2011D08-09	Oasis Rail (Eastern Corridor)	Create passenger rail line in Cincinnati	\$3.5	\$2.6	\$6.4	\$626.4	36					
8	HAM	86461	2011D08-10	SR 32F 0.00 (Eastern Corridor)	Control access on Red Bank Rd from US 50 to I-71	\$0.0	\$4.6	\$7.1	\$225.7	33.5					
8	HAM	88135	2011D08-07	GE Parkway	Replace CD road along I-75 from Shepherd Ln. to Glendale-Milford Rd.	\$0.5	\$0.0	\$0.1	\$15.7	57	\$0.5				
8	HAM	75119	2011D08-04	Interstate 71 / 75 (Brent Spence)	I-71/75 bridge PE	\$4.7	\$11.1	\$0.1	\$14.7	41					
8	HAM	89053	2011D08-04	Interstate 71 / 75 (Brent Spence)	Phase OH-1	\$0.8	\$0.0	\$0.0	\$6.2	41					
8	HAM	89054	2011D08-04	Interstate 71 / 75 (Brent Spence)	Phase OH-1A	\$0.0	\$0.0	\$0.0	\$3.0	41					
8	HAM	89056	2011D08-04	Interstate 71 / 75 (Brent Spence)	Phase OH-2	\$1.7	\$0.0	\$0.0	\$16.1	41					
8	HAM	89055	2011D08-04	Interstate 71 / 75 (Brent Spence)	Phase OH-3	\$5.9	\$0.0	\$0.0	\$34.5	41					
8	HAM	89066	2011D08-04	Interstate 71 / 75 (Brent Spence)	Phase OH-6	\$0.0	\$0.0	\$0.0	\$56.7	41					
8	HAM	89067	2011D08-04	Interstate 71 / 75 (Brent Spence)	Phase OH-4	\$33.3	\$0.0	\$0.0	\$73.8	41					
8	HAM	89068	2011D08-04	Interstate 71 / 75 (Brent Spence)	Phase OH-7	\$30.0	\$0.0	\$0.0	\$661.0	41	\$10.0				
8	HAM	89069	2011D08-04	Interstate 71 / 75 (Brent Spence)	Phase OH-5	\$10.2	\$0.0	\$0.0	\$138.7	41	\$0.0				
8	HAM	89077	2011D08-04	Interstate 71 / 75 (Brent Spence)	Ohio share of main span	\$1.8	\$0.0	\$0.0	\$61.8	41					
8	HAM	88124	2011D08-08	IR 75 10.70	Add forth lane on I-75 between Paddock Rd and Kemper Overpass	\$22.0	\$0.0	\$0.8	\$437.4	56	\$14.0				
8	HAM	78889	2011D08-06	Interstate 75	Mill Creek Express Phase 8	\$7.0	\$35.6	\$0.0	\$152.5	56					
8	HAM	89835	2011D08-06	Interstate 75	Mill Creek Express Phase 8A	\$0.0	\$0.0	\$0.0	\$7.9	56					
12	CUY	80406		IR-90 (CCG 3B)	CIB - I-77	\$0.0	\$0.0	\$0.0	\$175.1	40					\$7.5
12	CUY	82382		IR-90 (CCG 3C)	CIB - Carrylegle	\$0.0	\$0.0	\$0.0	\$92.9	40					\$12.0
12	CUY	86745	2011D12-12	IR-90 (CCG 4A)	CIB - Relocate easterly sewer interceptor	\$0.0	\$0.0	\$0.0	\$14.0	40					
12	CUY	80408	2011D12-05	IR-90 (CCG 4B)	CIB - Relocate CSX RR overhead bridge	\$0.0	\$0.0	\$0.0	\$65.9	38					
12	CUY	86744	2011D12-07	IR-90 (CCG 4C)	CIB - Relocate NS RR overhead bridge	\$0.0	\$0.0	\$0.0	\$64.0	32					
12	CUY	82392	2011D12-06	IR-90 (CCG 4D)	CIB - Reconstruct overhead bridges near SR-2	\$0.0	\$0.0	\$0.0	\$62.0	38					
12	CUY	77413	2011D12-04	IR-90 (CCG 4E)	CIB - Modify/relocate I-90 and SR-2 interchange	\$1.1	\$0.1	\$0.0	\$306.1	37					
12	CUY	79580	2011D12-14	IR-90 (CCG 5A)	CIB - Reconstruct overhead bridges near I-77	\$0.0	\$0.0	\$0.0	\$113.0	43					
12	CUY	25795	2011D12-13	IR-90 (CCG 5B)	CIB - Relocate EB I-90 from I-77 to SR-2	\$0.0	\$0.0	\$0.0	\$239.0	46					
12	CUY	86746	2011D12-08	IR-90 (CCG 5C)	CIB - Relocate WB I-90 from I-77 to SR-2	\$0.0	\$0.0	\$0.0	\$180.0	46					
12	CUY	82388	2011D12-11	IR-90 (CCG 6B)	CIB - interchange at I-77 and SR-14	\$0.0	\$0.0	\$0.0	\$72.0	45					
12	CUY	82378		IR-90 (CCG 7)	CIB - Reconstruct I-71 from SR-176 to I-90	\$0.0	\$0.0	\$0.0	\$162.0	40					
									\$5,638.9	\$39.6	\$75.1	\$12.0	\$0.0	\$0.0	\$7.5

**DRAFT Major New Program List - TRAC Working Session 1/31/12**

Prepared by: ODOT Systems Planning Program Management Print Date: 2/17/2012

**DRAFT Not Recommended - Projects Not Recommended for TRAC Funding at this time**

DIST	CTY	PID	App #	PROJECT	DESCRIPTION	FUNDING			Total Score	State Fiscal Years											
						TRAC	ODOT	LOCAL		TOTAL	2012	2013	2014	2015	2016	2017					
<b>Recommended For Removal - Previously on Tier 2 never received TRAC funding</b>																					
2	LUC	77242	2011D02-04	I-75	Third Lane from Nebraska to Indiana	\$0.0	\$0.2	\$0.0	\$90.4	45											
3	MED	81338	2011D03-05	SR94 Corridor & SR94 & I-76	SR-94 from E Reimer Rd to Valley View Drive	\$0.0	\$10.0	\$5.0	\$22.7	36											
4	SUM	77264	2011D04-02	IR-76	Reconstruct I-76 from State Street to SR-59	\$0.0	\$1.6	\$1.0	\$142.0	38.5											
4	SUM	77265	2011D04-02	IR-76	I-76 from State Street to Battles Interchange	\$0.0	\$0.0	\$0.0	\$90.5	38.5											
4	SUM	77266	2011D04-02	IR-76	I-76 and State Street Interchange	\$0.0	\$0.0	\$0.0	\$72.7	38.5											
5	FBI	76938	2011D05-01	FBI-33	New interchange at US-33 and Winchester Rd	\$0.0	\$4.1	\$0.0	\$60.7	24.5											
5	LIC	80076	2011D05-03	Interstate 70	Modify the interchange at I-70 and SR-79	\$0.0	\$0.0	\$0.0	\$63.0	25.5											
6	DEL	80824	2011D06-10	Veterans Parkway	New connector from US-23/42 to US-36/SR-37	\$0.0	\$4.9	\$0.0	\$34.9	33											
6	FRA	79329	2011D06-04	FRA-71-0.00	Third lane on I-71 from PIC Co. to Stringtown Rd	\$0.0	\$0.0	\$0.0	\$85.0	49.5											
7	CHIP	9927	2011D07-06	Champaign US 68 Urbana Bypass	Relocate US-68 from Dallas Rd to SR-55	\$0.0	\$4.0	\$3.0	\$54.4	33											
8	GRE	80468	2011D08-12	US 35	Grade sep. from N Fairfield Rd to Xenia Bypass	\$0.0	\$5.7	\$1.0	\$112.6	45											
<b>Recommended For Removal - Not Previously on the TRAC lists</b>																					
2	HEN	22984	2011D02-02	na	New Bridge from SR 110 to SR 424	\$0.0	\$0.3	\$4.5	\$22.6	35											
2	LUC	na	2011D02-08	Phillips-Willys Access Connector	New Roadway from Central Ave to Phillips Ave.	\$0.0	\$0.0	\$6.4	\$17.4	57.5											
5	FBI	77238	2011D05-02	I-70	Added lane from SR 256 to Canal Rd	\$0.0	\$0.0	\$0.0	\$138.3	46.5											
7	MOT	86663	2011D07-04	Tech Town	Reconstruct & improve streets in Downtown	\$0.0	\$1.6	\$33.3	\$55.5	43											
7	MOT	NA	2011D07-07	Mound Access	Widen Miamishburg-Springboro and Benner Rds.	\$0.0	\$0.0	\$6.7	\$21.1	45.5											
10	GAL	NA	2011D10-02	US 35 Chesapeake Connector	new connector of US 35 and Chesapeake bypass	\$0.0	\$0.5	\$0.3	\$72.8	36											
11	JEF	81314	2011D11-01	SR 7/SR 822/US 22	Reconstruct SR 7/822/US 22 Interchange	\$0.0	\$0.0	\$1.2	\$19.2	35.5											
12	CUY	89030	2011D12-01	Clifton Blvd(US6/US 20/SR 2)	Enhancements along Clifton Blvd.	\$0.0	\$4.0	\$3.1	\$9.5	50.5											
<b>No Application Received</b>																					
4	SUM	77262	IR-76	IR-76	Modify the interchange at I-76 and SR-21	\$0.0	\$0.0	\$0.0	\$59.3												
4	SUM	77263	IR-76	IR-76	Widen I-76 from SR-21 to Barber Rd.	\$0.0	\$0.0	\$0.0	\$19.4												
4	SUM	77268	IR-76	IR-76	Widen I-76 from Barber Rd. to State St.	\$0.0	\$0.0	\$0.0	\$53.6												
4	MAH	77261	IR-80/I-680/46/11	IR-80/I-680/46/11	Modify Interchanges @ I-80/I-680/46/11	\$0.0	\$0.0	\$2.0	\$101.3												
5	COS	77239	State Route 16	State Route 16	Relocate SR-16 from SR-60 to City of Coshocton	\$0.9	\$0.4	\$0.0	\$332.8												
5	MUS	20428	Mus-93/22 Connector	Mus-93/22 Connector	New connector from SR-93/US-22 to US-40/I-70	\$0.0	\$5.9	\$0.0	\$107.2												
8	HAM	77890	IR 75 16.23	IR 75 16.23	Modify the interchange at I-275 and I-75	\$0.0	\$0.0	\$0.0	\$68.4												
11	BEL	77785	I-70/Mall Rd. Interchange	I-70/Mall Rd. Interchange	Modify the interchange at I-70 and Mall Rd	\$0.9	\$0.0	\$0.0	\$52.0												
12	CUY	80988	SR-87 (Chagrin Blvd.)	SR-87 (Chagrin Blvd.)	Widen SR-87 from I-271 to Avondale Ave	\$0.0	\$2.4	\$15.2	\$17.6												
12	CUY	79671	I-77	I-77	Third lane on I-77, Ohio Turnpike to SR-82	\$0.0	\$0.0	\$0.0	\$34.8												
									<b>\$7,031.7</b>												

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## Ohio's \$1.6 Billion Highway Budget Shortfall: Where do We Go from Here?

By Jerry Wray  
Director of the Ohio Department of Transportation

Ohio's highways are essential to keeping and creating new jobs. Our state's economy—especially our agriculture and manufacturing businesses, and the logistics operations that support them—depend on the ability to quickly and efficiently ship raw materials and finished goods throughout Ohio, the country and the world, and our state's transportation system makes it possible.

This critical economic engine risks running out of gas. Funding for our highways is drying up and is not projected to keep up with our needs. In fact, the state's highway budget faces a \$1.6 billion shortfall, which will force high-priority projects to face serious completion delays.

While the news of the \$1.6 billion highway budget shortfall came as a shock to some, it has been expected for several years by those in the transportation community. Unfortunately, little was done about it, assuming the funds would be found before the projected problem became reality. Well, here we stand today and we are facing a massive shortfall. This practice of not being straight about the depth of our highway funding problem is coming to an end. We have to honestly face up to the problem if we're ever going to fix it and protect the job-creating tool that is our highway system.

The cause of the problem is simple: the recent economic decline combined with more fuel efficient vehicles that use less gas, inflation and a federal stalemate over a long-term, national transportation funding plan has left Ohio—and every other state—in a precarious position. The federal and state motor fuel taxes—Ohio's primary highway funding source—are not raising as much money as they once did and are unable keep up with the rising costs of construction materials.

Just as Ohio did when we came together last year to close our state's \$8 billion state budget deficit, Ohio must come together to close our highway deficit. The basic reason is simple: we cannot pay highway construction workers with dollars that don't exist. The bigger reason is, of course, unless we keep our roads in good shape and build new projects that boost job-creation—as well as safety and congestion relief—we won't foster the jobs-friendly climate Ohio so desperately needs to get back on track.

The shortfall Ohio is facing now is very frustrating, and I'm sure we share the same frustration that every local mayor, county official, legislator, business leader and driver feels.

These problems aren't insurmountable, not by a longshot. We can move forward and find the funds to keep Ohio moving if we have the courage to think in new ways.

A natural place to start is with ODOT's own costs. We're taking every conceivable step to reduce them. We've reduced our overhead and are using new ways to more efficiently and effectively build major projects faster than ever before. Most important, however, is that we're exploring entirely new strategies for building highways that break with the status quo and reflect a new way of thinking. We're looking at ideas to utilize money from the private sector. We're studying the potential of the Ohio Turnpike, and looking at all of the options from moving the operations under ODOT, to bonding against the turnpike's revenue to a potential lease.

No matter what happens, there will be contractual guidelines on tolls and maintenance that will keep the road as strong as we know it today—or better. I welcome the upcoming debate and want to engage in the conversation with policy-makers at the federal, state and local levels that is long overdue.

Gone is pretending we don't have a problem. We must take this opportunity to bring leaders to the table and work together to solve this problem.

Without a good transportation system we lose jobs and Ohio fades. By applying the same creative spirit for which Ohio is known, we can solve this problem and keep Ohio moving in the right direction.

**For more information, contact: Steve Faulkner, ODOT Press Secretary, at 614-644-7101, or your local ODOT District Communications Office**



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