



Oklahoman Editorial: For ODOT director, some federal laws difficult to swallow

Tuesday, April 26, 2011

Posted by Matt Dempsey Matt_Dempsey@epw.senate.gov

Oklahoman Editorial

For ODOT director, some federal laws difficult to swallow

As head of the Oklahoma Department of Transportation, Gary Ridley has made it a point not to wade into political battles. He didn't take a public stand on a proposed gasoline tax several years ago that would have benefited ODOT, and he stayed out of the fray last year over an education funding proposal that, if approved, would have adversely affected his agency and others.

Because state and federal politicians wield the clout to help ODOT, or not, it's in Ridley's interests to get along with them as best he can. He has done this exceedingly well during his many years in charge, earning their respect as an honorable man whose overarching interests are to maintain and improve Oklahoma's roads and bridges.

So Ridley's recent appearance before Congress, where he criticized the policies of some federal agencies, is notable. Among other things he made his displeasure known about the Environmental Protection Agency's efforts to toughen air-quality standards, and said the Federal Highway Administration "is running amok," citing changes that he said will keep states from using "sound engineering judgment."

Afterward he talked some more about the nuttiness that stems from Washington, D.C., using as an example a federal law regarding a particular swallow that nests under man-made objects - such as highway bridges. Last year, Ridley said, painting work a bridge in Ellis County had to be delayed until swallows that were nesting underneath it had departed. The cost of the delay: close to \$28,000.

The law that protects the swallows was written a century ago. "It seems somewhat ridiculous to me," Ridley told the Tulsa World. "This is not an endangered species."

These cliff swallows nest here from April to August, which is ODOT's busiest construction season. But the experience in Ellis County is fresh on the agency's mind, even as important projects await. Ridley cited two bridges on Interstate 40 west of Oklahoma City that are structurally deficient and functionally obsolete. ODOT has been gearing up for more than a year to have them replaced.

Ridley has no doubt there will be swallows under those bridges. If the nesting schedule of the birds bumps up against the work schedule of the highway crews, then costly delays are likely. "That to me

is unacceptable," he told the World.

He's right, of course, but good luck trying to convince the feds - particularly this administration - of that. The U.S. Fish and Wildlife Services says there's only a problem if birds are killed during a project. It advises states to plan ahead, and to remove nests before or after breeding season.

There's no permit needed to do that. Perhaps that'll cheer Ridley up a bit. If not, who could blame him?

###