

La. Manufacturer Sues To Force Use Of Its Product

BATON ROUGE, La. (AP) — A Louisiana company is suing city and parish officials to force them to use a road building material it manufactures.

Bear Industries Inc. argues that its product, a calcium sulfate blend, would allow the city-parish to build roads more cheaply, saving taxpayers money.

Russel Wray, an attorney for the company, says the Louisiana Department of Transportation and Development has tested and approved use of the material as a base course layer for road construction and contends that the city-parish has no legal authority to forbid its use.

Wray didn't immediately return calls Sunday seeking more details about the lawsuit.

Baton Rouge officials say the product — sold under the trade name Bearlite — hasn't been proven to their satisfaction and isn't suitable for city road projects.

The lawsuit, filed earlier this month, seeks a court order that would block the city-parish from approving any new contracts for road construction until bid specifications are changed to allow use of the product.

A hearing for the suit hasn't been set.

"The law requires that products of equal value and utility be allowed to compete with one another," Wray said.

City-parish officials have not filed a written response to the suit yet. But in a letter dated Sept. 16, the city-parish's chief engineer, Bryan Harmon, cited several concerns about using blended calcium sulfates as a base course for road construction projects.

The base course is a layer applied in building up a road before paving it with asphalt or concrete. Base courses provide additional load distribution and contribute to drainage and frost protection.

Harmon wrote that it "would be unwise for the city-parish to introduce an unproven product having documented problematic moisture and corrosive characteristics that could ultimately result in expensive project failures."

He said it is more suited to "rural type projects" and is too corrosive to allow it to be used adjacent to landscaped medians.

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