

FALL 2010

CROSS SECTION

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Transportation Association*

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Cover Photo: Dobie Road Bridge Construction in Okemos, J.E. Kloote Contracting, Inc.

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Grant Charlick, an apprentice program graduate out of Laborers Local 1076 and an employee of Skanska, USA, considers MLTAI and the Construction Craft Laborer apprenticeship program an important part of his professional growth.

Charlick stated, "Having passed a college calculus class I expected that there was very little MLTAI could teach me about math, but with their unique approach to teaching I learned how the mathematic principles I learned in college apply in the real world. College didn't teach me that. Also, the wide variety of subjects taught at MLTAI as well as the variety of experience I've gained as a result of working for a general contractor has prepared me to take advantage of advancement opportunities that could come my way in the future."

Michigan Laborers' Training and Apprenticeship Institute provides training to apprentices and journey persons alike. Our instructors have a wide range of field expertise to provide our members with top-notch training using cutting edge technology. Our state-of-the-art training facilities located in the cities of Wayne, Perry and Iron Mountain accommodate on average 2,500 members annually. Courses range from 2 hours to 120 hours in length and include environmental training, construction training, life skills courses as well as on-line courses.

Graduates reaching Journey worker status can be granted college credits at virtually all of Michigan's community colleges.

MLTAI and the Construction Craft Laborers apprenticeship program produce Laborers skilled in their field, dedicated and trained. When Grant was asked what it takes to be a successful Laborer he said, "You have to show up every day in the right state of mind, with a proper attitude and be dependable, punctual and trustworthy. You have to bring your "A" game every day".

Union wages and benefits are among the best in the nation. If great money and benefits are of interest to you, contact a Laborers Local Union in your area or contact Michigan Laborers Training and Apprenticeship Institute.



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Letters to MITA

Dear Rob:

On behalf of the Michigan Occupational Safety and Health Administration (MIOSHA), please accept my sincere appreciation for your outstanding participation as a panelist in the Leaders on Leading MIOSHA Training Institute program.

Nearly 60 MIOSHA staff benefited from the experiences you shared, your perspectives on leadership and suggestions for MIOSHA. There has been an incredible outpouring of praise for this session. Your willingness to share your knowledge, experience and perception in no small way has contributed to our efforts to build future leaders for MIOSHA.

MIOSHA started a leadership institute more than 10 years ago to improve overall leadership, help develop staff, and create a culture that is supportive and based on continuous improvement. The Leaders on Leading was a new addition this year. It is part of our effort to stay in touch with our customers and important stakeholders and learn from leaders outside of MIOSHA.

Evaluations from the session are very positive. Every person rated the session as "excellent" or "very good." Comments expressed gratitude for the involvement of "real life" leaders and included comments such as:

- Mr. Coppersmith had good feedback on interactions with MIOSHA – very interesting.
- Appreciated Mr. Coppersmith's reminder that leadership is watched.
- Appreciated the personal/individual examples shared.
- Enjoyed the Q & A.
- Great to hear from "outside MIOSHA" leaders.
- Liked hearing how important safety really is to these leaders.

I know you are very busy. Thank you so much for accommodating our request. Your participation was truly appreciated by all.

Martha B. Yoder
Deputy Director
MIOSHA

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Continues on pg. 31

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Environmental Cleanup, Sewer Infrastructure Key Pieces of Legislative Reform Package

By Doug Roberts, Jr.

Director of Environmental and Energy Policy

Michigan Chamber of Commerce

There is an important reform package at the State Capitol, running under the radar screen, which seeks to make major changes to environmental cleanups and provide critical funds for sewer infrastructure improvement. At the Michigan Chamber of Commerce, we think this reform package is critical to job creation and investment in Michigan.

Environmental Cleanup Reform: Senate Bill 437 and SBs 1345-49

In the mid 1990s, policymakers in Michigan recognized the need to develop a comprehensive strategy to clean up and productively use contaminated properties. This strategy made Michigan a leader in the brownfield redevelopment movement. Unfortunately, today's program has become burdensome and few closures of sites are now being granted. The inability to obtain final approval from state government places Michigan at a disadvantage for jobs and investment.

Over the last year, Senator's Allen, Birkholz, and Gleason have been leading an effort to make major reforms to the cleanup process. The comprehensive legislation makes numerous reforms to the cleanup law including: creating a review panel to allow business to appeal agency decisions; creating hard deadlines that the agency must respond by; creating metrics to track agency performance; and repealing burdensome rules and guidance memos. If enacted into law, these measures would immediately lead to cleanup and investment by the private sector of contaminated property. These bills were approved by the state Senate in mid-August with strong bi-partisan support.

Sewer Infrastructure – Getting Bond Dollars Flowing: Senate Bills 1442-1443

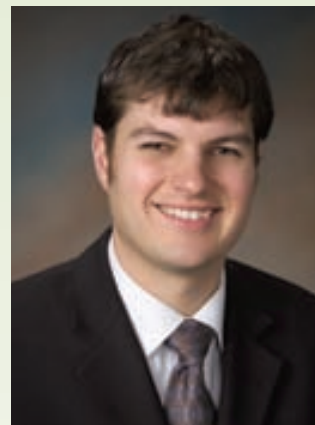
In 2002, the Michigan Chamber joined the coalition led by the Associated Underground Contractors to help pass a \$1 billion bond initiative for sewer infrastructure. Supporting the bond for sewer infrastructure was good policy in 2002 and remains good policy today. The bond provides low interest loans to communities to help fix sewer infrastructure, which provides the benefits of

improved water quality and good construction jobs. Today, there remains a great need for funds for sewer infrastructure – about \$7 billion according to EPA estimates. Unfortunately, little of the 2002 bond money has been utilized; approximately \$850 million remains.

SB 1442 (Senator Birkholz) and SB 1443 (Senator Gilbert) are designed to help get the bond dollars flowing. SB 1442 authorizes the use of bond money for cleanup sites connected to water and provides funds for sewer infrastructure. SB 1443 provides \$40 million in grants to local municipalities to assist them in covering application costs for sewage works projects. The bill also establishes a State Water Pollution Advisory Council to help identify ways to streamline and improve the state revolving loan fund program.

Under the legislation, up to \$140 million of the funds approved by the voters in 2002 could be used for cleaning up contaminated properties with water quality connections. The legislation also requires that when the state bonds for environmental cleanup programs, it must also bond for sewer infrastructure. The Michigan Chamber worked closely with MITA to help reach this agreement. The compromise bills have been reported out by the Senate Natural Resources and Environmental Affairs Committee and are currently on the Senate floor.

The Senate is expected to finish work on this reform package in September. We are hopeful that the Michigan House can take up these bills and get the job done before the end of the year.



Doug Roberts, Jr.

Doug Roberts, Jr., is Director of Environmental and Energy Policy for the Michigan Chamber of Commerce. Doug has worked with the Michigan Chamber since 2002. He was directly involved in passage of the Clean Water Bond for sewer infrastructure in 2002. Doug also worked to help pass the Great Lakes Compact and Comprehensive Energy legislation.

MITA Member Giving Back

Ajax Paving Industries, Inc. The 2010 Woodward Dream Cruise

This year marks a monumental time for Ajax Paving Industries, Inc., which celebrated its 60th year in business, and became a proud participant in the very well known event, The Woodward Dream Cruise. The Dream Cruise is one of the world's largest classic car celebrations. Taking place annually on the third Saturday in August, it spans over 18 miles of Woodward Avenue in Detroit. A huge attraction to many car enthusiasts, this event pulls in over a million visitors each year. Its main goal is to raise money for charitable organizations.

The 2010 cruise took place Saturday, August 21. This was Ajax Paving's first time participating in the event. They proudly displayed their company Show Car, affectionately dubbed the "Money Maker" for its huge past successes. A retired racecar with a victorious history, it enjoyed many Top 10 finishes back in its day. The number "51" that is prominently displayed on the sides of the car, with a small scripted "19" beside it, stands for the year the company was created. "The Future is Riding on Ajax," runs along the bottom of the car to drive home the company's dedication to safety, quality roads, runways and test tracks. All visitors that made a pit stop at Ajax's tent were served refreshments, and children were given the chance to sit in the car, honk the horn and take photos. Holding true to their imprinted motto, Ajax Paving turned the experience into an opportunity to raise money for their local community through an effort called the Show Care Project.

Ajax Paving's Show Care Project recognized the hardships that many charitable organizations face in these tough economical times. The project consisted of the Show Car being used as



money-raising tool, a sort of moving billboard. Organizations, such as MITA, that donated money to the project, will have their logos prominently displayed for one year on the side of this car, which periodically visits different events throughout the year. 100 percent of the proceeds raised went to their decided recipient – a local Detroit organization called the Southwest Solutions Children Center. This community-building organization helps to improve the health and well being of individuals and families in southwest Detroit area.

The Show Care Project was incredibly successful and Ajax Paving's website reported a huge tent turnout: "Thanks to our many customers who came out over the weekend to say hello and shared some stories."

Rob Coppersmith, MITA's vice president of membership services, was one of the attendees.

"I thought it was an awesome and well thought out event," he said. "I am looking forward to attending it again next year."



Associate Member Profile

UHY LLP

In 1968, Gordon Follmer set out to create a CPA firm that did much more than just preparing tax returns. Follmer focused on privately held companies and sought to become their business consultants, trusted advisors, and tax planners. Over 42 years later, that mission is unchanged. UHY LLP and its CPAs still strive to be comprehensive business advisors to their clients.

Since the firm's inception, construction has been one of the core industries served by UHY LLP. By acting as a true consultative CPA firm, rather than just a preparer of financial statements and tax returns, UHY LLP offers unique value to MITA members. CPAs at UHY LLP believe not just in quality of communications with their clients, but also frequency. Firm principals meet with their clients quarterly, if not more often, to review interim financial statements, discuss ongoing operations, and ask the caliber of questions that lead to tax savings and cost reductions.

UHY LLP does not have "out-of-the-box" solutions to business issues. The firm asks the right questions to understand its clients' short- and long-term goals, and then tailors its strategies accordingly. A company that is embarking on an aggressive growth path might want to accelerate tax savings to help save cash that can be reinvested into the business. Another company may be preparing for a transition in ownership from parent to child in the next 3-5 years and wants to position itself accordingly. UHY LLP will work to understand your business circumstances and help devise the right action plan.

"Our growth is based on helping our clients save money through our tax and accounting services," said Kurt Siebenaller, principal. "Whatever our clients' goals are, we strive to find the right strategic solution."

UHY LLP specializes in serving privately held, family-owned businesses and assists in a wide range of areas such as federal, state, and local tax compliance, estate planning, succession planning, MDOT prequalification assistance, and business forecasting. The firm's portfolio of construction experience includes road, heavy highway, and underground contractors, general contractors, residential and commercial construction companies, and many specialty contractors.

UHY LLP operates as the attest firm in an alternative practice structure with UHY Advisors, Inc., which is ranked one of the Top



UHY LLP's construction group, clockwise starting left: Rob Scope, Chris Duprey, Tom Callan, Tara Treat, John Gallo, Kurt Siebenaller

20 professional services firms by Accounting Today. UHY Advisors, Inc. operates in 15 offices nationwide and employs more than 1,000 employees. Locally, it is the sixth-largest professional services firm in southeastern Michigan. The firm has approximately 260 employees in two offices, located in Southfield and Sterling Heights. UHY LLP has 46 SEC registrant engagements. "With multiple offices across the country, we are able to better serve clients who may be looking to venture into a new areas of the country," said John Gallo, a 15-year member of UHY LLP's construction practice.

Despite this large national and international presence, each office in Michigan and around the U.S. has its own management team devoted to each particular industry. These local management teams have the ability to make decisions in the best interests of clients without having those decisions subject to a review by a national office or committee. The construction group of UHY LLP has a team of professionals that all have deep construction expertise. In addition, they bring to the table additional areas of specialization that the firm can call upon to solve even the most complex issues for clients in an efficient manner.

Office Managing Partner Tom Callan leads the national construction group within UHY LLP. After working in various facets of contracting during college, Callan found it a natural fit to work with construction clients upon joining UHY LLP. Callan provides thought leadership in the industry as a featured speaker on various construction topics. He has presented at events including the AICPA National Construction Industry Conference, the MACPA Construction Industry Conference, the Michigan

Minority Business Construction Industry Group, and the MDOT Small Business Development Conference.

Another Partner with deep construction experience is Dennis LaPorte, who is a member of both the Construction Financial Management Association (CFMA) and the Michigan Association of Home Builders. LaPorte is frequently a featured speaker for both of these organizations. LaPorte's expertise in succession planning, as well as estate and gift taxation, rounds out an important facet of UHY LLP's construction group.

Kurt Siebenaller, a Principal in Southfield, has been part of the construction industry from the onset of his career. Prior to becoming a CPA, Siebenaller worked in the field for a contractor, owned a construction company, and also served as Chief Financial Officer of one. He brings an understanding of both the internal and external challenges that a construction company might have, due to his unique blend of work experience and his technical knowledge.

Other key members of the construction group are John Gallo and Rob Scope. Gallo specializes in complex federal, state, and local tax issues, along with other construction-related topics. He serves on a Tax and Fiscal Affairs Task Force that helps protect and advocate for the legislative interests of construction companies across the state of Michigan. Scope, a Principal, has been with the firm for 16 years. Leading the audit and attestation side of the construction group, Scope assists clients in the preparation of financial statements when required for banking, bonding, or other needs.

"Construction accounting is highly complex, sophisticated, and unique," said Scope. "Our clients enjoy being able to pick up the phone and bounce around an idea or issue they are having. I enjoy being a business partner with my clients."

Being an active member of MITA is a major asset to UHY LLP. It enables the firm to obtain a legislative viewpoint on issues currently affecting the construction industry. Staying out in front of these types of issues and developments has helped UHY LLP's construction group plan more effectively for its clients from a tax and business standpoint.

UHY LLP has proudly served a number of MITA members over the years, assisting in corporate acquisitions, structuring, and planning. "UHY was instrumental in helping structure the purchase of Tony Angelo for us," said Gianni

Campo, president of Tony Angelo Cement Construction Company. "They offered many different options that helped us maximize our capital while minimizing our tax liabilities. I wouldn't make another move in business without discussing it with them first."

UHY Advisors, Inc. provides tax and business consulting services through wholly owned subsidiary entities that operate under the name of "UHY Advisors." UHY Advisors, Inc. and its subsidiary entities offer services from offices across the United States. UHY Advisors, Inc. and its subsidiary entities are not licensed CPA firms. UHY LLP is a licensed independent CPA firm that performs attest services. UHY Advisors, Inc. and UHY LLP are independent U.S. members of Urbach Hacker Young International Limited.

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Tara Treat,
John Gallo,
Rob Scope,
Chris Duprey**



Did You Know?

MITA has been actively engaged in various forms of social media, including Facebook, Twitter, and YouTube. Social media, if you are not already aware, are a group of Internet-based applications that allow the fun, and easy exchange of useful information, ideas, photos, videos and more. You can join the conversation about topics related to the construction industry by clicking on the following links.



You can join the conversation about topics related to the construction industry by visiting the following websites:

- www.mi-ita.com, and click on Visit MITA on Facebook
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Mike Nystrom

The MITA Board of Directors— Your Industry Leadership

The Corporate Bylaws of the Michigan Infrastructure & Transportation Association (MITA) are like many other nonprofit bylaws. The bylaws layout the purpose of the corporation and who the members should be, including the various membership categories. Article III of the MITA Bylaws lays out the makeup of our Board of Directors.

As with any other board run organization, the MITA Board of Directors is very important to the day-to-day operations and direction of the organization. Many of the decisions that are made at the bi-monthly meetings have a significant impact on the overall industry.

First of all, the functions of the board of directors are laid out in one relatively simple sentence: "...all the rights, powers, duties, responsibilities related to the management and control of the Association's property, activities and affairs are vested in the Board of Directors." This sentence says it all, meaning that those people who are elected to serve on the board of directors have significant responsibilities with regard to the management of the association; and, therefore, these positions are usually highly regarded and nominations are given significant consideration.

I am often questioned with regard to the number of seats on our board of directors. There are 28 contractor members on the MITA board, which includes 20 elected directors who serve on a representative basis as follows:

- Two Bituminous Pavers
- Two Concrete Pavers
- Two Excavators
- Two Structural Builders
- Two Specialty Contractors
- Two Underground Contractors
- Two Utility Contractors
- Six voting Members At-Large

There are then two directors who are appointed each year for a one-year term by the President of the association, and the immediate past two presidents of the association also serve on the board. The balance of the contractor representatives make up the Executive Committee, or more specifically serve as Treasurer, Vice President, President-Elect and President. I have listed our current Board of Directors and the slots that they hold in the inset of this article. These 28 contractors make up the voting members of the board.

There are four ex-officio members of the board of directors as well. As the Executive Vice-President, I serve on the board of directors as the Secretary of the board. There are also three Associate Member representatives who serve as ex-officio members. Those three positions are chosen on a geographical basis and are able to join in on board discussions, but have no voting authority on any issues before the board of directors. These individuals serve a maximum of two one-year terms.

Contractor members are limited to four two-year terms. However, if a contractor board member is elected to serve as an officer, they may continue to serve on the board of directors beyond the term limits until their term as an officer expires (which includes two years as past president).

The nomination of new board members and officers is the responsibility of the Executive Committee. The committee reviews those individuals who have conveyed an interest in serving on the board of directors based on active involvement in the industry as well as the association. Industry focus as well as

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2010 MITA BOARD OF DIRECTORS

OFFICER/DIRECTOR	MEMBER NAME	OFFICE	TERM EXPIRES
Jim Kloote	J.E. Kloote Contracting, Inc.	President	2011
Bruce Lowing	Hardman Construction, Inc.	President-Elect	2011
Chris Shea	P.K. Contracting, Inc.	Vice President	2011
Darrell Kaltz	Kaltz Excavating Co., Inc.	Treasurer	2011
Michael A. Nystrom	MITA	Executive VP/Sec	N/A
DIRECTOR	MEMBER NAME	CLASSIFICATIONS	TERM EXPIRES
Tom DiPonio	Jay Dee Contractors, Inc.	Past President	2012
Mark Johnston	Ajax Paving Industries	Past President	2011
Scott Bazinet	Lowe Construction Co., Inc.	Director At Large	2011/2017
Jim Doescher	Dan's Excavating, Inc.	Director At Large	2012/2016
Stephen Jackson	Jackson-Merkey Contractors	Director At Large	2011/2013
Cheryl Hughes	C & D Hughes, Inc.	Director At Large	2012/2016
Bob Adcock	Angelo lafrate Construction Co.	Director At Large	2012/2016
Andy Schmidt	Edw. C. Levy Company	Director At Large	2012/2012
Keith Rose	Reith-Riley Construction Co., Inc.	Bituminous	2011/2013
Vance Johnson	Central Asphalt, Inc.	Bituminous	2012/2014
Mike Catenacci	John Carlo, Inc.	Concrete	2011/2013
Jeff Ardelean	Interstate Highway Const., Inc.	Concrete	2012/2012
Tom Stover	Walter Toebe Construction Co.	Structures	2011/2013
Tom Wagenmaker	Anlaan Corporation	Structures	2012/2016
Dave Maas	Diversco Construction Co., Inc.	Excavating	2011/2013
Al McQuestion	D.J. McQuestion & Sons, Inc.	Excavating	2012/2012
Kurt Poll	Kamminga & Roodvoets, Inc.	Underground	2011/2013
Frank DiPonio	DiPonio Contracting, Inc.	Underground	2012/2016
Pat Dunigan	Dunigan Bros. Inc.	Utilities	2012/2018
Craig Fons	Fonson, Inc.	Utilities	2012/2012
George Atsalakis	Atsalis Brothers Painting	Specialties	2011/2017
Dan Babcock	Give 'Em A Brake Safety	Specialties	2012/2018
Michael Marks	E.T. MacKenzie Co.	President Appointment	1 yr/max 3 yrs
Mike Malloure	C.A. Hull Company, Inc.	President Appointment	1 yr/max 4 yrs
Ric Simon	Alta Equipment Company	Associate Mbr. Council	1 yr/max 2 yrs
John Washabaugh	Northern Concrete Pipe, Inc.	Associate Mbr. Council	1 yr/max 2 yrs
Brad Poggi	Pinnacle Insurance Partners, LLC	Associate Mbr. Council	1 yr/max 2 yr

geographic representation is also considered.

A quorum of the board of directors is considered to be a majority of the voting members present at any meeting, and the MITA bylaws do not allow for proxy voting. However, members are encouraged to attend a board meeting as a guest if they are interested. It has been said that you will learn more about what's going on in the industry at one MITA board meeting than by reading a year's worth of bulletins.

It is important to note that although significant amount of time, effort and input is required of each of the board members, no compensation is given to any of the individuals who serve on the MITA Board of Directors. They are volunteer leaders who give of their time freely in order to serve the industry.

The MITA Board of Directors does have a fiduciary responsibility to the membership and therefore at each of their meetings they are given a full financial update and the treasurer of the association is given monthly financial data so to be sure that the operations of the association are running smoothly. It is also common practice that

the President of the Board of Directors is in regular contact with the Executive Vice President with regard to all matters affecting the association.

Your board of the directors takes time out of running their businesses to help run this association and should be given a big pat on the back for the time and input that they give to the staff at MITA. We truly appreciate the guidance that we receive from each of the board members and a big thank you just doesn't seem enough. So next time you run into one of the individuals who are serving on the MITA Board of Directors, please let them know that the industry appreciates their service.

If you have any questions regarding the MITA Bylaws, the Board of Directors, or are interested in serving at some point in the future, please feel free to give me a call.

Contact Mike Nystrom by email at mikenystrom@mi-ita.com, or at the MITA office 517-347-8336.

Vice President of Membership Services



Rob Coppersmith

Small Changes; Big Opportunity

The MITA Annual Conference is scheduled for Wednesday January 19 through Friday January 21 at Soaring Eagle Casino, in Mt. Pleasant, Mich. On the surface this may appear to be the same two and half day event. In reality it will be two solid days of seminars and opportunity. What does this really mean to you? Be sure to be to the event by WEDNESDAY morning!

Typically many of you trickled in on Wednesday to be in town early enough for the DBE reception. If you do that this year you will miss our Keynote Speaker Dr. Jerry Teplitz, a recognized authority on leadership issues. You will also miss the presidential exchange and other key events. Wednesday will wrap-up with the traditional DBE reception sponsored by AIS and JDE.

The new format will then allow for many more sessions on Thursday morning such as:

Clean Diesel Issues, Changes in Your Health Care, The New Faces of MIOSHA, MDOT Round Table, Claims Seminar, just to name a few. This will be followed by another strolling lunch in the vendor area of Entertainment Hall and then by speakers on the main stage. The mother of all parties, the Industry Reception, will cap Thursday.

The conference will then wrap-up Friday Morning with the Alta Equipment sponsored breakfast; and; with any luck, a visit from our new Governor.

The purpose of the changes is to provide more opportunity for all involved. For participants, there will be more classes with greater selection; vendors will have increased foot traffic with a strolling lunch, plus increased social opportunities with a larger DBE Reception and

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- Informational/educational opportunities for you and your staff
- Annual Conference Keynote Speaker: Dr. Jerry Teplitz
- View new products and services at the 2011 MITA Trade Show
- Attend the industry's largest networking event

Watch your e-mail for more information on this exciting event.

Local Preference Provisions

Considering our still struggling economy and the high unemployment we continue to experience here in Michigan today, it might be easy to understand and rationalize the perspective of elected local officials who, in increasing numbers, are now discussing and often including “local preference” provisions in their public works contracts. Idealistically and socially it makes sense that these local boards and commissions would want to share with their constituents (the taxpayer paying for the project) the employment opportunities and commercial retail benefits the construction of those public works projects would bring to their communities.

In general, the “local preference” provisions we have seen will give a local company a bid advantage or they will require that the awarded contractor’s workforce be made up of a fixed percentage of bona-fide residents of the local public entity building the project. Some of these workforce provisions have included a bonus for the contractor who meets the local resident employment percentage, while others have included a significant financial penalty for the contractor who fails to meet the local resident employment percentage. Many “local preference” provisions also include favorable terms for the purchase of locally made or manufactured goods that will be incorporated into a project.

In the end, and not withstanding the social

intent of the public officials who want to utilize them, we consider any “local preference” provision as being fundamentally disruptive to the longstanding history and nature of the heavy construction industry and most importantly, contrary to the public policy embodied in the competitive bidding process.

Historically the heavy construction industry has been transient in nature with companies moving their equipment and labor resources in a generally preferred radius around its’ home base to build projects that employ and retain their workforce. Today, considering the economic realities we face in Michigan, construction companies are traveling well outside their home base geographic areas in search of fair opportunities for work. A “local preference” contract provision that would require a contractor leave skilled, long-term employees home for the sake of providing employment opportunities to local residents may be viewed as anticompetitive and as a disincentive that would sway a contractor from bidding on those projects.

Ultimately, those governmental entities that impose “local preference” provisions, build fences and establish boundaries around their communities that eventually shrink the pool of interested contractors willing to bid on their projects. When the pool of interested bidders shrinks, the number of competitive bids an

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Glenn Bukoski, P.E.

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Director of Safety & Workforce Development



Patrick Brown

What are the Rules?

How familiar are you with the Construction Safety Standards? Most members are fully aware of the regulations that pertain to the scope of work they performed. But many are just finding out due to increased enforcement activity that there are several "Health Standards" that can impact construction activity. One of the most frequent sets of regulations being enforced by MIOSHA is Part 451, Respiratory Protection. Many MITA members have a voluntary respiratory protection program, which is possible if exposure levels are typically under the permissible exposure limit. In this case, the employer must provide basic respiratory protection or allow employees to use their own if desired. In all cases, the employer must provide employees with a copy of Appendix D from Part 451. Two questions commonly asked by members are, when does an employee have to have a medical evaluation and do they need to be clean-shaven? The simple answer to both questions is, whenever the employee is wearing a tight fitting respirator. A

"dust mask" is not considered "tight fitting". A N-95 or N-100 are two of the most commonly used dust masks by contractors with a voluntary respiratory program. Workers are still required to be trained in how to put it on, when to wear it, what it protects against and when to dispose of it. Remember that this type of mask does not protect against oxygen deficient atmospheres. As with any PPE, tool or piece of equipment, the user is required to follow the manufacturers specifications.

Another Occupational Safety and Health standard that is not often talked about, but is being enforced regularly, is Part 621, Health Hazard Control For Specific Equipment and Operations for Construction. This standard refers to specific control measures that need to be in place when performing various tasks. MITA has recently been involved in the rule making process regarding dry cutting of silica-containing products. Many involved wanted to ban dry cutting all together because they were of the opinion workers were being over exposed and not adequately protected. A ban on dry cutting is not practical in the heavy construction industry and some recommended control methods could actually create a greater hazard. MITA is also of the opinion that nothing should be banned if adequate engineering controls are available. A draft rule has/will be presented to the Commission that demonstrates the following amendments. The new rule will allow for various options when cutting silica-containing materials. However, employers will be required to minimize employee exposure by using any of the following methods:

- (a) Engineering controls, such as, but not limited to:
 - (i) Wet methods.
 - (ii) Dust collection methods.
 - (iii) Air moving systems.
- (b) Work practices, such as, but not limited to:
 - (i) Isolating employees who are

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TOOL BOX TALKS

Fatal Facts: Back-up Alarms Save Lives

Before you get started:

There are five basic safety tips that apply to the whole industry. If you practice these five tips, you could make a difference.

- KNOW YOUR JOB
- BE ALERT.
- EXPECT THE UNEXPECTED
- USE GOOD JUDGEMENT
- ALWAYS THINK SAFETY.

These tool box talks have been designed to include all of the information your company should be able to include in a five minute session. MITA suggests that you document this activity with the sign-in sheet that has been provided and keep it on file for future reference.

Fatal accidents are a time of crisis for all involved. Families, co-workers and business owners are never the same after these tragic events. MITA has been an active participant in a number of fatality investigations and has offered members sound guidance during these critical times. This particular Tool Box Talk is designed to educate members on events of the past: Remember, those who ignore the past are destined to repeat it.

Back-up alarms, or a lack thereof, have been a contributing factor in two member fatalities. Ironically, in both cases, the work being performed at the jobsite was virtually identical.

In the first incident, a member's job foreman was setting grade stakes on a road construction job located in southwest Michigan. A broker trucker had been subcontracted to deliver gravel to the jobsite. As the driver backed his truck into position, he could not see the job foreman on his knees setting the stakes and backed over him. The panic stricken workers tried to alert the driver who then proceeded to pull forward and drove over the victim again. The subcontractor was cited for a missing back-up alarm.

The second incident involved an employee who was also setting grade stakes for the installation of curb on a large construction site. A loader was operating in the same area, making a material dump in a nearby truck. When the loader operator put his machine in reverse to retrieve another load, he inadvertently backed over the employee doing curb work. (It should be mentioned that the employee was wearing Carhart clothing which matched the color of the soil on which he was kneeling.)

Alarms are required by MIOSHA on equipment with obstructed back-up views. In good working condition, they could quite possibly have saved the lives of these two individuals. When a piece of equipment is operating in close proximity to individuals, the sound of a back-up alarm can be deafening and subconsciously heightens awareness. Understandably, they are annoying at times, but that is the goal of a back-up alarm and a function which could save your life.

Please repair all non-functioning back-up alarms as soon as possible. Also, alert employees to non-functioning back-up alarms and designate a spotter until they are repaired.

Your employer is an equal opportunity employer and as such, welcomes applications from qualified female and minority applicants.

Director of Legislative Affairs



Keith Ledbetter

It's Crunch Time for Road Funding

We are entering the most critical time yet in our initiative to get greater investment for our transportation system. With the elections quickly approaching and over half the legislature leaving office at the end December, we've got one final shot just after the election to get a funding bill passed or else we will be forced to virtually start over from scratch in January.

What have you done to help?

Some member companies feel that their lobbying work is done once they write their quarterly dues check to their state association, since the association has hired lobbyists to work to promote the industry.

Other MITA members have literally put their money where their mouth is. Their companies have donated money to the Michigan Transportation Team for paid advertising, our PR efforts and various transportation studies

that thoroughly documented the economic and social benefits of increased investment. Company officers have made sizeable contributions to the MITA PAC and have gotten to know and given money to candidates for office. Some companies have encouraged their employees to take time to meet with, call or e-mail their elected leaders and also kept their employees informed on developments in Lansing.

Where does your company rank on this Pavement Pounder Index?

Legislators Need to Hear from Your Employees

In today's day and age, lobbying and educating legislators is a critical piece of any public policy discussion. Legislators need to know the nuances of the recommended policy changes, and that information can be communicated by professional lobbyists.



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But that contact cannot happen in a vacuum. Just as importantly, legislators want to know how their constituents feel about the issue and they need reassurance that there is community support for such things as increased user fees to pay for infrastructure upgrades. That's where your employees are critical. While there may be several hundred company owners in our industry, there are tens of thousands of workers who derive their livelihood from transportation investment. All those voices must be heard and we need your help in identifying these people and encouraging their participation.

MITA has promoted a number of different legislator contact programs in the last couple of years. From setting up legislator meetings with association members to sending postcards, signing an online petition and encouraging the use of a toll-free legislative number, the goal has always been to create a sustained legislator contact program. It appears those efforts have been successful, with thousands of documented contacts having been made. But, now we have reached crunch time. Between now and mid-December is the most critical time yet in our efforts. Lack of success during this time could mean years of waiting.

Encourage Your Employees to Become E-Lobbyists

MITA is working on a new effort to identify employees of the road building industry. We would like home and e-mail addresses so that we can identify constituents in key legislative districts and have them communicate regularly with their elected leaders. We will offer pre-written messages that employees can easily send and we will also keep them updated on developments at the state capitol.

Interested companies can contact me at keithledbetter@mi-ita.com or Nicole at nicolecook@mi-ita.com for further information about enrolling your company.

To contact Keith Ledbetter, e-mail him at keithledbetter@mi-ita.com or call 517-347-8336.



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Legislative Update

BILLS AT A GLANCE

BILL	SUMMARY	MITA POSITION	STATUS
SB 882	A bill to limit the timeframe in which a lawsuit can be brought against an architect, engineer or contractors to six years.	SUPPORT. Prevents against stale claims and relieves architects, engineers and contractors of protracted fear of litigation.	Passed Michigan Senate. Referred to House Committee on Judiciary.
SB 1161	A bill to make appropriations for the department of natural resources for the fiscal year ending September 30, 2011; and to provide for the expenditure of those appropriations.	OPPOSE. The budget as proposed is short \$4 million dollars in the Drinking Water Revolving Fund, jeopardizing \$20 million in federal funds.	Passed Michigan Senate and passed the State House. Returned to the Senate.
SB 1164	A bill to make appropriations for the department of transportation for the fiscal year ending September 30, 2011; and to provide for the expenditure of the appropriations.	OPPOSE. The bill includes harmful cuts, and offers no stable revenue sources to obtain the \$84 million Michigan needs to claim \$475 million in federal matching funds.	Passed Michigan Senate. Referred to House Committee on Appropriations.
SB 1252	A bill to allow for the transfer of money from a county's general fund to the county road fund, if there is a surplus of funds.	SUPPORT. While this is a good concept, it is highly unlikely that many, if any, counties will have a surplus of money in the general fund to be transferred.	Passed Michigan Senate. Referred to the House Committee on Transportation.
SB 1442	A bill to allow money from the 2002 Clean Water Bond Proposal to be used for brownfield redevelopment since the program has effectively run out of money to complete their projects.	SUPPORT OR OPPOSE based on final language of the bill. MITA supports a reasonable amount of money to be spent from the fund to clean up brownfields in exchange for guarantees of additional funds being spent on sewer projects as well.	Passed the Senate Committee on Natural Resources and Environmental Affairs and now pending on the Senate floor.
SB 1443	A bill tie-barred to SB1442 that would provide \$40 million in up front grants to municipalities for pre-engineering project costs for sewer projects. The bill would create the SRF Advisory Committee to evaluate Part 53 and make recommendations for long-term funding solutions.	SUPPORT. Additional grant funds in the Strategic Water Quality Initiatives Grant Program would give financial incentives to encourage more municipalities to undertake sewage and stormwater treatment projects. MITA has been working on crafting this legislation for over a year.	Passed the Senate Committee on Natural Resources and Environmental Affairs and now pending on the Senate floor.
HB 4117	A bill to create the False Claims Act by which private citizens, the state attorney general, or authorized persons representing local governments could bring an action against a person or entity who committed fraud against the state or a local government.	OPPOSE. Dramatically increase fines against unscrupulous contractors who overcharge government agencies but also creates additional contractor liability in cases of inaccurate project estimates.	Passed the State House and referred to the Senate Committee on Judiciary.
HB 4252	A bill to provide for the creation of toll lanes from existing lanes in highly congested urban areas.	SUPPORT. Michigan could create HOV lanes that include tolls as a way to increase revenue and lower congestion.	Referred to the Michigan House Committee on Transportation. Stalled in Committee.



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BILL	SUMMARY	MITA POSITION	STATUS
HB 4961	A bill to provide for public-private transportation facilities and to authorize public-private agreements.	SUPPORT. Allows for greater private sector participation in the delivery and financing of transportation projects.	Passed the State House and referred to the Senate Committee on Transportation.
HB 5074	A bill to earmark a percentage of state's sale tax to deposit into a Priority Now! Fund to be used solely for road construction, maintenance and repair.	NEUTRAL. While a reconfiguration of the state's sales tax would be helpful, the state is not likely to change the constitution to redirect money for schools and local governments to roads.	Referred to the State House Committee on Transportation. Stalled in the Committee.
HB 5075	A bill to create the Priority Now! Fund	NEUTRAL. For the same reasons stated above.	Referred to the State House Committee on Transportation. Stalled in the Committee.
HB 5768	A bill to increase the tax rate on gasoline and diesel fuel.	SUPPORT. Provides for a sustainable funding solution for Michigan's Infrastructure.	Referred to the State House Committee on Transportation.
HB 5769	A bill to increase the tax rate on diesel fuel consumed by interstate motor carriers in Michigan.	SUPPORT. Would increase the fuel tax rate to equal the rates proposed in HB 5768, bringing it in line with Michigan residents.	Referred to the State House Committee on Transportation.
HB 5770	The bill provides for the disposition of the additional revenue generated by the increased fuel rates proposed above.	SUPPORT. Would allow more of the funds to directly support infrastructure funding.	Referred to the State House Committee on Transportation.
HB 5897	The bill would increase vehicle registration fees for roads.	SUPPORT. This would provide a sustainable revenue source for infrastructure funding. However, it cannot be the sole change for increasing revenue.	Referred to the State House Committee on Transportation. Is currently stalled in the House.
HB 6155	This bill would require, in instances where an environmental impact statement is required, that MDOT enter into a community benefits agreement with the local unit of government where the project is located.	NEUTRAL. More information is needed on the purpose and impact the reporting requirements would have on the project, community and contractor.	Referred to the House Committee on Transportation.
HB 6230	This bill would not allow MDOT to enter into a public-private partnership agreement where tolling is required on a road that did not permit tolling prior to June 1, 2009.	OPPOSE. Does not support public-private partnership agreements, which provides another avenue of infrastructure funding.	Referred to the House Committee on Transportation.
HB 6342	This bill allows local units of government to provide the \$84 federal match because MDOT doesn't have sufficient resources.	OPPOSE. Such a move would translate into a \$500 billion cut to the MDOT system, as the federal aid would be redirected to the locals. Rather than attempting to come up with new money for the MDOT system, this bill forces the state to forego the federal match.	Referred to the House Committee on Transportation.
HB 6398	This bill would provide for a specific tax on motor fuel by certain counties.	SUPPORT. The bill would redirect the responsibility of transportation funding from the state government and would place that responsibility on to each individual county. Support the concept of providing local units of government with their own gas tax.	Referred to the State House Committee on Transportation.

Director of Technical Services



Doug Needham, P.E.

MITA Members Help Develop Key Solutions for the Industry

In preparation for this article, I reflected on my notes from the past couple months and looked for commonly occurring issues in Michigan's underground and heavy highway construction industry. This past summer has certainly been filled with a barrage of complications ranging from utility delays, claims, prevailing wage compliance, 2010 MDOT spec book review, MDNRE citations, ADA compliance, searching for project advertisements, prompt pay, specification problems, project administration, responses to prebid questions, and countless others. However, amidst a list of these problems arose a common positive theme. That theme was an increased reliance on key solutions developed by MITA members for the Michigan's construction industry.

By now, the MITA Ads website should be a "hot link" in your toolbox for finding public and private work opportunities not let through the MDOT system. The concept for this website was based on a suggestion of a MITA member who became frustrated searching multiple sites for public and private projects not let through the MDOT system. This statewide website ensures that MITA members are informed, real time, of project advertisements. MITA Ads was developed to inform contractors of project postings via email the instant they are placed on the website by the owner agency. Since its inception in 2009, over 500 private and public projects have been posted on the website. If you are not familiar with the

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User Input Continues to Guide FieldManager® Contractor Software Development

By Chad Schafer, Info Tech, Inc.

Use of the FieldManager Contractor application continues to grow and the regular input from the user community ensures that the software is meeting the needs of contractors. Since the initial release in March of 2009, multiple releases have been issued that have addressed contractor feedback. This includes features such as DBE tracking, labor and equipment unit prices, exports to accounting systems, and additional reporting, just to name a few. The most recent release of the application, issued in August of 2010, also featured several contractor-requested upgrades, including an enhancement that allows contractors to track additional subcontractor earnings for work that it is not directly related to specific bid items.

A survey of FieldManager Contractor users conducted in mid-2010 revealed that user satisfaction is high. Most of the users of the FieldManager Contractor software previously were users of the FieldManager Read-Only application. When asked about the benefits of migrating to FieldManager Contractor, comments included the ability to manipulate data, to track the contractor's quantities next to the owner's, to print subcontractor forms and create subcontractor payment reports.

"FM Contractor allows me to easily import bid details from our Bid

Express file, assign line items to subcontractors, and input subcontractor bid prices, bonds and dues, and other essential considerations," said Brandie Meisner, of M & M Excavating in Gaylord, Mich. "After receipt of each Pay Voucher from MDOT, I verify a draft version of the Subcontractor Pay Voucher and simply generate the report. The result is a reduction in administration of Subcontractor payments."

Survey respondents also indicated that the value of the migration to the FieldManager Contractor software was identified as error reduction, time savings, and the ability to identify issues sooner, thus increasing cash flow. A 100 percent of those surveyed agreed that they would recommend the FieldManager Contractor application to their peers.

Since the initial release of the FieldManager Contractor software in March of 2009, user feedback has been overwhelmingly positive, projections on implementations have been greatly exceeded, and interest from state agencies outside of Michigan is growing. Info Tech, Inc., the developer of the FieldManager suite of products, is excited to continue to improve this product by working directly with MITA and the contracting community to meet the construction administration of contractors.

Continues on pg.38



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More Regulations Coming

Many new rules will be invading the Construction Safety Standards Part 10 Lifting and Digging Equipment has been the cause of many, many meetings. For those that don't remember, MIOSHA regulations need to be as effective as federal Regulations. Thus, changes at the federal level have thrust Michigan into a position where something had to be done. The simple fix would simply be to adopt what is proposed at the federal level; however, to give credit where credit is due, MIOSHA will give the industry an opportunity to tweak or write alternative standards via committees.

MITA has been involved for the last two years with the development of regulations regarding Certified Crane Operators, Qualified Riggers and Signal Person Training, which are now nearing completion from the committee and will be sent on for review in draft form. It would be premature at this point to publish or distribute the draft due to the fact that so many things could change between now and time that they become final rules. Suffice to say though that many new training requirements will face the industry. Keep reading for a brief synopsis of interesting facets of the proposed rules.

Continues on pg. 39



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Letters to MITA

Continued from pg. 9

you said it

Dear Rob:

MIOSHA would like to thank MITA for purchasing 10,000 Work Safe...Be Safe tattoos. I have to say that I wasn't quite sure how you were going to respond to the tattoo idea—but you just stepped right up! Well, the tattoos were a big hit! MIOSHA staff passed them out at the Michigan Safety Conference, the Safety Patrol Picnic and the Michigan Safety Career Day. The kids, young adults and even the older adults loved them. It's amazing that we already went through almost 10,000 tattoos since March.

I have always enjoyed working with you and Pat Brown during the regular course of business, and it's so nice to work together on something as simple as tattoos. Thank you again for purchasing the tattoos and also for your willingness to help promote safety and health during MIOSHA's 35th anniversary.

Patty Meyer
CSHD Safety Manager
MIOSHA

Dear Pat:

Thank you for the very thorough and professional safety inspection that you provided for our Lansing CSP project. The pictures were very helpful and tying them in with the inspection checklist is a great method of communicating your observations.

It is always helpful to have an extra set of eyes on our projects. Having MITA assist us with safety concerns gives credibility to our goal of creating a culture of safety for all of our projects.

Rob De Ward
Kamminga & Roodvoets

Dear Pat:

Thank you for the review and comments (on the mining safety issue). I just wanted to make sure I wasn't missing something obvious. Another example of fantastic support from MITA. Thank you!

Jim Zalud
President
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MITA In the News

THE DETROIT NEWS:

Wanted: good roads; Success of ballot issues for roads indicate public's appetite for improved highways

September 8, 2010

Backers of increased taxes for road repairs have been touting the results of the Aug. 3 primary election. From nearly two-thirds to more than three-fourths of local transportation millage requests were approved, depending on whether you're talking about millage continuations or increases.

Evidence from the primary, indicating that Michiganders do value good transportation, should help lawmakers buck up the courage to fix the road funding problem with a fuel tax increase recommended by a coalition of business, labor, public interest and local government leaders.

Voters on Aug. 3 approved 115 of 136 local government road repair millage requests (85 percent), according to the Michigan Transportation Team, a coalition of business and labor groups.

Tax increases to maintain and improve local roads were approved on 29 of 48 local ballots (60 percent). The nonpartisan Center for Michigan says taxpayers' support for local road projects was exceeded only by their backing of tax requests for fire protection.

Of course, election results always are subject to partisan spin. Interpreting them is more of an art than a science. Voters base their decisions on such variables as cost, the desirability of specific projects that are being proposed and how much they trust their local officials to handle money wisely.

Still, politicians in Lansing now can gain some encouragement as they contemplate what must be done. Without an increase in road revenues for the state budget that will take effect Oct. 1, Michigan will fall \$84 million short of what's needed to attract all of the federal transportation money available to the state. A number of important road and bridge repair projects will be shelved and that will be a significant setback for the state's sustained effort to improve its transportation system over the last several years. At stake is \$475 million in federal matching money.

Michigan's gasoline tax is 19 cents per gallon. Its diesel fuel tax is 15 cents per gallon. What has been proposed is a gradual increase in the gasoline tax to 28 cents a gallon over the next three years, accompanied by a gradual boost of the diesel fuel tax to the same per-gallon total. Whether the tax should ultimately go that high is a separate question. But an increase is necessary to give this state a sustainable highway improvement program.

Some will note that Michigan also imposes its 6 cents per dollar sales tax on fuel, but most of the revenue collected from that is used for K-12 school aid.

Certainly, any increase in the gasoline tax should be accompanied by a change in the distribution formula of the tax revenues. Heavily-traveled highways in the Metro Detroit area have been shortchanged for years.

Tax hikes are unpleasant but sometimes necessary. It's important to remember these are user taxes, tied directly to fuel consumption by those driving to work or outings up north. Raising it to improve Michigan's roads is an investment in the state's future -- one that will pay off by attracting new businesses and more visitors.

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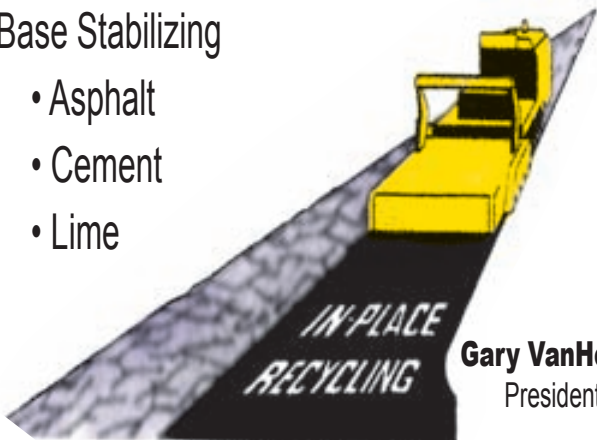
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Gary VanHevel
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HOLLAND SENTINEL LETTER - Petroleum industry lobbyist's figures on gas tax were flawed

September 6, 2010

Lansing, MI - The viewpoint from Mark Griffin of the Michigan Petroleum Association, "Voters should decide how to fund state road repair" (Sentinel, Tuesday, Aug. 31), contained misleading mathematics. Michigan does not have one of the highest gas taxes in the country. In fact, we are in the bottom half of states, having been frozen at 19 cents per gallon for over 10 years. It's Michigan's sales tax, which goes to schools rather than roads, that the writer includes in his calculations, thus inflating the figure substantially.

For purposes of explaining to voters how we rank in fuel taxes, the petroleum industry lobbyist includes sales tax in his calculations. Then, when he calculates that an 8-cent gas tax boost would represent a 40 percent increase in gas taxes, he leaves sales taxes out of the calculations. The sleight-of-hand trick is designed to confuse Michigan voters.

Mr. Griffin suggests that we should get rid of the state gas and diesel taxes and replace them with a 1 percent increase in the state sales tax. Such a plan would do nothing to increase critically needed state road funding, as the cut in revenues would roughly be the same as the increase. But it certainly would provide a nice windfall tax break to Big Oil.

Mike Nystrom
Executive Vice President
Michigan Infrastructure and
Transportation Association
Okemos

LANSING STATE JOURNAL
Editorial: Road
impasse indicts
Legislature's skill
August 31, 2010

The Michigan Legislature is

taking its talent for farce to "Monty Python" levels. It remains a possibility that the Legislature will fail to come up with a reasonable method to raise about \$85 million for road work, thereby unlocking \$475 million in additional federal aid.

Do lawmakers take hovercraft to the Capitol? That's the only way they can possibly not realize that Michigan needs lots of money for its transportation grid. Oh, and the state could benefit from some road construction jobs, too.

This problem has lingered for months - time lawmakers preferred to spend campaigning rather than working at the Capitol.

Before taking most of the summer off, the House and Senate each enacted their own plan for the \$85 million. The Democratic House said it would use general fund money, regardless of the fact that the general fund is in deficit. Republican critics, such as Rep. Paul Opsommer of DeWitt, have feasted on that point.

The Republican Senate's plan is more specific, if no more

Continues on pg.41

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MITA Members at Work

Kalamazoo River Oil Spill Cleanup

On Monday, July 26, the pipeline company, Enbridge Energy Partners LLP (Enbridge), reported that a 30-inch pipeline belonging to Enbridge burst in Marshall, Mich. The company estimates over 800,000 gallons of crude oil leaked into Talmadge Creek, a waterway that feeds the Kalamazoo River.

MITA issued a Member Voice asking members to let us know if they have been involved in the cleanup, and then we asked them questions about their involvement. The companies were prohibited from taking photos, and most of the photos printed here are courtesy of the EPA.

The following is a list of those who responded affirmatively to our Member Voice, and also a few companies were able to provide details of their involvement on the project in time for publication in this magazine.

Corrigan Oil Co. www.corriganoil.com

They provided fuel for Young's Environmental, and had three tanks on-site. Young's allowed other vendors the use of the fuel and tanks. Corrigan started providing fuel in the beginning of July. The challenges have been to make sure no one runs out of fuel, according to Scott Weaver. With a 24/7 operation, he said, "It's sometimes hard to keep a handle on how much fuel consumption everyone will use. The rewards are being involved with Corrigan Oil that can provide a service to the contractors that are involved in cleaning up site."

Rain for Rent www.rainforrent.com

M.L. Chartier, Inc. www.michartier.com

E.T. MacKenzie Company www.mackenzieco.com

Their trucks were loaded by Minnesota Pipeline and then dumped into containment cells where the contents are tested and mixed in sand and/or straw to make it more solid and non-hazardous.

Quick Fuel www.quickfuel.com



Badger Daylighting www.badgerinc.com

Interstate Sealant and www.interstatesealant.com

Pro-Tec Equipment Inc. www.pro-tecequipment.com

Utility Contracting Company, Inc. www.utility-contracting.com

Mersino Dewatering www.mersino.com

Mersino Dewatering worked at the oil spill site August 2.



Grand Rapids Sanitary Sewer Line

Pro-Tec Equipment provided photos (adjacent) of a Lowe Construction Project in Grand Rapids. Lowe is working 20 feet deep, doing jack and bore to install a new sanitary sewer line. All told, Lowe will end up using four different Pro-Tec Slide Rail systems to complete the project, which is adjacent to a pond, apartment complex and clubhouse.

I-94 Bridge Project

www.inspecsol.com

Inspecsol Engineering recently completed cofferdam design services and pile dynamic analysis (PDA) for the I-94 bridges over the Belle River in St. Clair County, Mich. The Michigan Department of Transportation (MDOT) project consisted of complete removal and replacement of east and west bound traffic on I-94 with average daily count of 13,200 vehicles in each direction. The bridges are 3-span prestressed concrete box beams. The center pier footings are 10 feet below the riverbed elevation. All foundations are supported on steel H-piles. The MDOT Port Huron TSC provided oversight during construction.

Dan's Excavating Inc. (DEI), was the prime contractor and hired Inspecsol to provide professional engineering design for the four cofferdams at the center piers and for PDA services on the 12 test piles as specified in the contract documents. DEI is a contractor member of MITA.

Inspecsol worked closely with DEI to develop a staged construction of each cofferdam that allowed an accelerated demolition schedule of the existing piers. The analysis and design also allowed DEI to drive the foundation piles within the west bound bridge cofferdams in a dry condition, even though 10 to 12 feet below river level. This resulted in time saved from the schedule. The dry



cofferdam also allowed for shorter lengths of test and production piles, which in this case eliminated pile splices, another cost and time savings.

Inspecsol completed the PDA on 12 test piles; six for each bridge. Using wireless gauges with radio frequency communication to the data box eliminated wires hanging from the piles and within the pile leads. The wireless gauges also provided a safer work environment for Inspecsol's site engineer. DEI was operating with two work shift crews during the project. Inspecsol was often able to complete a test pile during the day shift, and send the Inspectors Chart with drive criteria for the night shift to install production piles. The pre-drive Wave Equation Analysis of Piles (WEAP) was often within five percent of the calibrated WEAP analysis based on the measured hammer energies and other data collected during the test piles.

Inspecsol Engineering, Inc., located in Plymouth, Mich., provides geotechnical engineering, design services, vibration monitoring, construction testing and pile dynamic analysis (PDA) services. Together with their parent company, Inspec-Sol Inc., they are over 650 people serving clients throughout the United States and Canada.

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Director of Safety & Workforce Development Comment *Continued from pg. 22*

generating silica-containing dust away from other employees.

(ii) Natural ventilation.

On the topic of MIOSHA inspections, MITA is fielding call after call from contractors being inspected “more than normal”. Well, the fortunate news is you have work in Michigan. The unfortunate news is that if you have work in Michigan, chances of being inspected are better than ever. MIOSHA is working overtime via a grant from the federal government – seems nobody wants an accident particularly on an ARRA funded jobsite. MITA’s best advice is to always be prepared for an inspection. This is best accomplished by ensuring employees are trained in the jobs they perform and know the rules that apply to those jobs. To add to the mix there are many new safety officers in the field that may not be as seasoned as some of their predecessors, which will always cause a small amount of confusion.

Please remember, as the construction season comes to an end, that MITA offers numerous training options during the winter months. All-trades, trenching, excavating and shoring, confined space, OSHA 10 and 30 hour, first aid and CPR just to name a few. If you need a class that is not offered, MITA will find a way to accommodate you.

For more information, contact Pat Brown by e-mail at patrickbrown@mi-ita.com or call 517-347-8336.

Vice President of Engineering Services Comment *Continued from pg. 21*

owner receives on future projects will decrease, and that owner may pay more than their neighboring communities for similar types of projects. Construction companies who might benefit from a “local preference” provision in some instances, are often less supportive of the concept when they encounter the “fences” a neighboring community has built by the inclusion of a “local preference” provision in its’ public works bidding documents.

MITA’s answer to this apparent social and economic dilemma is the competitive bidding process. It is universally understood that the principle goals of the competitive bidding process are to provide the public with the best quality construction at the lowest price, and to guard against corruption, favoritism and abuse of discretion in public works contracting. In response to those elected local officials who may question this answer and its relationship to a tangible benefit for their constituents and communities, we would cite the recent year successes of the letting practices of the Michigan Department of Transportation (MDOT).

MDOT is required by federal regulation and state law to “let” its’ public works projects on a competitive bid basis. In recent years MDOT has, and continues today to experience increased competition for its’ projects that has resulted in low bids that are often well below their engineers estimate. In any given year these low bid dollar savings are rolled up and “reinvested” in additional competitively bid MDOT projects that provide additional economic opportunities for the companies and Michigan residents that make their living in the heavy construction industry.

Local units of government, who competitively bid their projects without a “local preference” provision that is viewed as anticompetitive, may experience like levels of increased competition with similar low bid dollar savings that they could in turn “reinvest” in additional public works projects that would provide additional economic opportunities and benefit for their local constituents.

At MITA we will maintain and continue our advocacy for the competitive bidding process by encouraging all owner agencies to openly solicit bids for projects, conduct the analysis of all submitted bid proposals in a consistent, fair, and unbiased manner, and award projects to the lowest, responsive, and responsible bidder.

To contact Glenn Bukoski, P.E., e-mail him at glennbukoski@mi-ita.com or call 517-347-8336.

Vice President of Membership Services Comment *Continued from pg. 20*

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Director of Technical Services Comment

Continued from pg. 28

website, visit www.mitaads.com.

FieldManager Contractor is another MITA member initiated tool. The idea behind FieldManager Contractor was to create a program to alleviate the tedious tasks of contract administration. Prior to any code being written, the software developers worked with and listened to MITA members to gather general information along with recurring problems that exist with project tracking. After that input was received and compiled, FieldManager Contractor was created and released in March 2009. Since then, this software has grown to include additional time and cost saving features. The features offered by this program are too long to list but some of the highlights are: creates discrepancy reports comparing the owner agency contract with your working copy; compares owner agency quantities placed vs. your quantity placed; creates daily progress discrepancy reports by item; allows for you to assign contract items to different contractors or split them among multiple contractors; calculates a subcontractor total dollar amount; tracks contract DBE commitments; imports Expedite Bid (.ebs) file; tracks daily revenue, costs of personnel, and equipment using the Foreman's Daily Report functionality; determines amount due to subcontractors based on items placed; and exports personnel, equipment and subcontractor earnings to an accounting system. For more information about this MITA member created program, refer to page 29.

Thanks to MITA members speaking out during MITA/MDOT Quarterly meetings, it is now common practice for the posting of contractor inquiries to the MDOT website letting system. Electronic posting of inquiries has proven to increase MDOTs accountability and response timeliness. This relatively new system allows for MDOT to track response timelines and the number of unanswered inquiries. MDOT has informed MITA that since its inception both the response timelines and number of responses have improved.

Michigan's heavy highway construction industry has been plagued with a multitude of issues over the past few years. I can confidently say that over the next few years another multitude of issues will surface. However, with the forward thinking and great suggestions provided by MITA members, I'm sure that these issues will also be addressed. If you have a recurring problem or a suggestion on ways to improve Michigan's heavy/highway construction industry, give MITA a call. Your ideas and comments will make an impact.

To contact Doug Needham, e-mail him at douglasneedham@mi-ita.com or call 517-347-8336.

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User Input Continues to Guide FieldManager® Contractor Software Development

Continued from pg. 29

The software development methodology for FieldManager Contractor is simple: ask contractors to guide the process. With direct input from contractors like you about your workflows, issues, and pain points, Info Tech has been able to develop a system that truly meets your business needs and will continue to grow.

Info Tech is poised to continue to enhance FieldManager Contractor to meet your needs. Contractors will always have the opportunity to prioritize features for future releases. FieldManager Contractor has truly been developed by contractors, for contractors. Info Tech would like to thank the contractors who have been so willing to contribute their time to helping us understand your workflows and business processes. Please contact our development team to share your thoughts at customer.support@infotechfl.com.

More Regulations Coming

Continued from pg. 30

Certified Crane Operators (CCO's)

MITA's position on this was pretty simple: limit the scope of the additional training required to cranes only, which, thus far, has been accomplished. The changes regarding this area were fueled by many high profile crane accidents a few years ago. It put the spotlight on crane operators and drew into question how well they were trained. The mission was to put into place a system that would try and guarantee that all crane operators are trained to a level that would limit the chances of an accident –raising the bar so to speak. This process will be simple for the union side of the construction industry. The Operators Local 324 is way ahead of the curve and have already implemented a CCO program. The non-union side will need to search out a credible program to help keep them up to speed. MITA will be there to help assist members in meeting those needs.

Qualified Riggers and Signal Person Training

While separate issues can be discussed as one, if you train an operator regarding these issues it becomes painfully clear that the people rigging a load and signaling the operator should also be trained to a similar level. It would be hard to argue that the person sending the signals to the operator would require less training. MITA's mission here was simple regarding rigging; a person should only have to be trained to the complexity of the load they are going to be involved with regarding a lift. For example, an underground crew that installs pipe would or should not require the same amount or as in depth training that people involved with cranes or multiple cranes might require. So if the proposed rules go through, rigging classes could take on a different shape depending on the type of work.

The same cannot be said for Signal Person Training, yet another chapter has been written in the simple made complex. During the development of this regulation the word experienced was debated for about six hours. In the end your signal people will have to be trained by an "experienced" signal person but an independent party must verify that the training was proper. Chances are that most will just use the independent party for both facets of training.

In the end in my opinion the Michigan rules as written will mirror reality more than the federal rules and have a little more common sense written in them. As with all new regulations comes a bit of apprehension, mixed with a hint of anger (because not many of us like to be told what to do) followed up by training and then compliance, with the ultimate of keeping your work force safer. If you have any questions, please feel free to call Rob Coppersmith, MITA's vice president of membership services, at 517-347-8336.

MISS DIG 811 Number Press Conference

MITA members E.T. MacKenzie Company and Airport Lighting, LCC, helped make the press conference for the 811 number a big success. The press conference was held in Dimondale, Mich., on August 11. These two MITA members were involved in the installation of two power poles in the village of Dimondale, which will ultimately supply power to a pavilion for use by residents. 811 is a nationwide number that everyone should call before they dig.



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Member Outreach Spotlight

Some people wait for things to happen and others makes things happen. Jim Shea, co-owner of P.K. Contracting, Inc. easily fits into the latter category. Having established P.K. Contracting, a pavement marking company, with his brother, Chris Shea, in 1977, with one location, and watching it grow under their direction and leadership into a major industry leader with four Michigan offices and one Florida office, is confirmation that Jim is a person “who gets things done.”

Launching into a new business, Jim encountered setbacks and design/development issues for equipment and materials. Instead of hoping for new and innovative equipment and materials, Jim decided he could develop, invent and modify the equipment he needed better than anyone else and undertook numerous projects that resulted in better striping equipment and overall costs savings for each project. The proof of the success of these inventions can be seen as early as 1978 (one year after starting P.K. Contracting) when Jim modified the Binks Model 21 paint gun to increase striping speed while maintaining the required applied line quality and as currently as 2008, when Jim designed and fabricated a double box grinder using a PTO drive that eliminated the need for an auxiliary power plant and incorporated a bed with lift gate that allowed for material transport.

Over the years, Jim has had many opportunities to watch and learn the dynamics of business. Very early on he learned the importance of getting involved. Over the years, Jim has become very active in observing and interacting with his elected officials. He has had numerous meetings with state legislators as well as members of Michigan's Congress on the issue of Michigan's infrastructure funding. Overall Jim

has found each legislator to be, “open to listening to new data and new information.” During one legislator meeting, he recalls being told “we keep taking these hard votes that don't actually solve the problem. Why don't we swallow the big pill and make a real funding fix?” For Jim it is important to be involved in the process because “In the 37 some years that I've been in the business, I haven't seen highway funding done right and things in the industry have gone down.” He has a real passion for wanting to see P.K. Contracting keep going and for keeping his employees employed.

Taking the same innovation he has shown in P.K. Contracting and applying it in the legislative area, Jim has now decided to take action to help other members reach their legislators and voice their concerns and issues about Michigan infrastructure in a relatively easy and effortless manner. Jim believes, “it is time for a fundamental change in perception on how the highway system is funded.” Investing his own and his wife, Linda's time, resources, and more time and also by working with a computer programming company, Jim has worked closely with MITA to develop a mass mailing e-mail program for employees of the road construction industry. The program will allow each enrolled person to fill in some basic information and generate a pre-written letter to their state legislators. Initially, the letters are written urging state legislators to invest in Michigan's infrastructure. Over time, these pre-written letters may be modified to reflect the current needs of the MITA members.

For those enrolled individuals that would like to “add” a little more to their letter, the program Jim developed will allow for modifications to the letters as well. The program is

Continues on pg.54

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MITA In the News

Continued from pg. 33

appealing. The Senate voted to raid existing highway programs. Nearly \$50 million would be stripped from maintenance and another \$26 million would be pulled from a fund designed to help build roads tied to economic development projects.

Back in May, a huge business-labor coalition advocating for a better transportation policy rightly labeled the Senate's plan a "rob Peter to pay Paul" affair. They argued that one of the cuts actually could hamper efforts to, you guessed it, gain other federal matching dollars.

The Drive MI campaign has for years been trying to explain to the Legislature that Michigan's system of road funding is inadequate. Fuel tax revenue is falling, which makes it impossible for the state to maximize federal matching dollars. With economic conditions uncertain and fuel economy figures rising, fuel tax revenue won't rebound. The coalition, therefore, argues for new funding, such as with an increase in the fuel-tax rate.

With the deadline to approve a 2011 state budget just a month away, the Senate strategy seems to be to argue that the late hour means only its plan remains viable. Left unsaid, of course, is why legislators chose not to work on a compromise in, say, June.

Also left unsaid: What does Michigan do next year when it finds itself short of the dollars needed to acquire all available federal help?

Not even this Legislature is inept enough to get to Oct. 1 without the money. Lawmakers will throw something together and congratulate themselves as they return to the campaign trail.

Voters shouldn't let them off that easy.

LANSING STATE JOURNAL:
Michigan needs solution to get \$475M in road funds, \$84M needed by Oct. 1 to land federal match
August 25, 2010

Months ago, state lawmakers agreed it is critical to find \$84 million so the state won't lose a massive federal match to fix its crumbling roads.

Today, Democrats and Republicans remain miles apart on a way to secure that \$475 million in federal funding. And the road ahead seems bumpy as they face an Oct. 1 deadline to pass a new state budget.

Failure is not an option, some lawmakers say.

"It would be absolutely crazy to let that (federal money) go," said Rep. Joan Bauer, D-Lansing, a member of the House Appropriations Committee. "We need to come up with some kind of compromise with the Senate so we don't leave that money on the table."


A few weeks ago, state transportation officials were so unsure of the funding that they removed dozens of scheduled roads projects from lists provided to metropolitan planning organizations statewide. The affected local projects next year are the resurfacing of M-43, between Williamston and M-52, and repairs to rest area facilities along U.S. 127 in Ingham County.

Delays possible



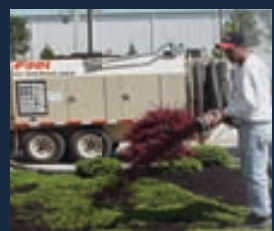
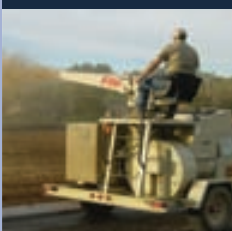
Bill Shreck, spokesman for the Michigan Department of Transportation, said the agency is hoping to restore the projects once the funding issue is resolved. Even a few weeks delay in getting the funding could postpone project start dates next year, he said.

"We can't assume we have the funding until we have it," Shreck said. "This is the first time in our memory we haven't been able to match our federal aid."


Continues on pg.50


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Member Project Profile

Project Name:

Dobie Road over Red Cedar River, Ingham County

Project Description:

Removal of existing structure, construction of a pre-stressed, post-tensioned concrete box beam bridge, retaining walls, placing riprap and related approach work.

Project Owner:

Ingham County Road Commission

Project Prime Contractor:

J.E. Kloote Contracting, Inc.

Major Subcontractors:

American Asphalt
C & D Hughes, Inc.
Eastlund Concrete
Fence Consultants
J & J Contracting, Inc.
Michigan Pavement Markings L.L.C.
Spartan Barricading

Estimated Project Cost:

\$1,787,000.00

Project Timeline:

Start Date: June 11, 2010

Completion Date: October 2, 2010

Project Unique Characteristics:

- Approximately 600' of soldier pile retaining wall
- High capacity piling
- Large, long, heavy, precast concrete box beams
- A critter crossing pathway for wildlife beneath the bridge constructed by filling voids in the riprap scour protection

J.E. Kloote Contracting, Inc., Dobie Road Bridge

J.E. Kloote Contracting, Inc.

P.O. Box 126

Ferrysburg, Mich. 48909

Phone: 616-837-0886

Fax: 616-837-0156

President: Jim Kloote, P.E.

Vice President: Alex Meyer, P.E.

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DeWind DeWatering Inc. Aids in the Construction of City Health Center

In an attempt to annually reach thousands of additional low-income people with primary health services, three Grand Rapids health care providers embarked on a collaborative project to construct an integrated health facility aptly christened Heart of the City Health Center. This new addition to the downtown medical infrastructure has been described as a health care mall. Located on the site of an old apartment building and an adjacent parking lot, the new medical facility's footprint dominates a full downtown city block.

The initial construction phase began in the spring with a two-story excavation of the site plot for installation of perimeter and interior footings and supports. The depth of the excavation brought issues of water into play requiring a need for a system of removal that would be extensive enough to lower the water table to allow for unfettered interference with this initial phase of construction, yet discreet enough at surface level not to interfere with workers and equipment operating on the site.

West Michigan based Pioneer Construction Company, the general contractor on this project, looked close to home for a dewatering company who possessed the experience and technology to meet the requirements of a busy worksite-dewatering project. Pioneer turned to DeWind DeWatering Inc. of Holland, Mich. DeWind, whose reach covers most of the

upper midwest, appreciated a job of this significance right in its own backyard.

DeWind's fleet of high-powered custom built trenchers allow for the installation of an extensive sock tile collection system with precision placement beneath the surface over an extended area for maximum water recovery while eliminating the surface congestion of a multiple well-point system that would have hampered surface level construction operations. The reason this was possible was due to the unique capability of the DeWind Trencher. DeWind Trenchers can cut trenches along an arc allowing a collection system to be installed in a circular alignment or through a series of obstacles within tight sight conditions.

Ultimately DeWind placed a series of sub-surface water collection runs snaking strategically within the excavation and connected to DeWind's large diesel powered pumps that pulled the water nicely out of the subsurface and up and out of the deep excavation itself. The system brought down the water table beneath the work zone sufficiently to complete this opening phase of construction while allowing unfettered movement of workers and equipment at surface level. DeWind maintains capabilities to dewater both large site construction projects such as the Heart of the City Health Care Center to small tightly confined areas using a more conventional well-pointing process.



Have you seen an increase in the use of the lien process due to the tight economy?

The majority of the responders to this question answered yes. Here are sample comments:

During this tight economy, we are making courtesy/inquiry phone calls on unpaid invoices shortly after the invoices reach 30 days. I haven't seen an increase in the use of the lien process; however, the prequalification forms and credit applications seem to be more thorough than in the past. As for the lien process, it is in place to protect contractors. It should be looked at as an insurance policy for contractors. The lien process is part of our normal operating procedure; it doesn't reflect upon the owner's ability to make payment.

Anne K. Coursey
Champagne & Marx Excavating, Inc.

In the year 2010 we have placed more liens on MDOT projects than in the past. We are also noticing cities and counties are having difficulty in paying for projects. Pay vouchers/estimates are not being processed at the "owner" level, therefore holding up payment to the prime contractor. Thus, there is a trickle effect and subcontractors and suppliers are not seeing payments.

Sandy Bitner
P.K. Contracting, Inc.

Suppliers, trucking and subcontractors are requesting copies of payment bond prior to start of work, notice of furnishing are prompt, and select suppliers aren't waiting for sub payments before sending notice of intent to claim.

Allen R. Linson
Cadillac Asphalt LLC

It seems that there are more issues with lack of proper financing on the part of the owner or representation by the owner and his rep. It pays to do more front-end work before starting the project.

John Potter
John W. Potter, Inc.

Payments in all sectors, commercial, MDOT, municipal are slower than ever. Sixty days is becoming the norm!

Brandon Kennedy
Kennedy Excavating, Inc.

I have seen more issues within the lien process. I have seen two machines that were purchased in the private sector that still had liens against them. One guy had to give up a machine he thought he owned for two years. He lost every penny of his investment.

Tom Olsen
FABCO

Engineers and CM's are asking for waivers on bonded projects where they previously relied on the payment bond.

Karen Trelfa
Kenmoore Contracting, Inc.

Continues on pg.54



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Member News

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DAVID M. LICK was recently selected by his peers for inclusion in The Best Lawyers in America 2011 in the field of construction law.

Lick is a shareholder and attorney in the Lansing office of Foster, Swift, Collins & Smith, P.C. He is a member of the firm's commercial litigation group with a concentration in construction law, including the representation of owners, architects, developers, contractors, subcontractors and suppliers. Lick is former president of the Ingham County Bar Association.

Best Lawyers is based on an exhaustive annual peer-review survey. Because of the rigorous and transparent methodology

used, and because lawyers are not required nor allowed to pay a fee to be listed, inclusion is considered a prestigious honor.

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G2 Consulting Group is a full-service engineering firm serving Fortune 500 companies, major utilities, property owners, government agencies and leading architectural, engineering and construction firms across the United States. Based in Troy, Mich., G2 also has offices in Brighton, Mich., and suburban Chicago, Ill.

G2 Reduces Foundation Costs

Geotechnical engineering by G2 Consulting Group significantly reduced the foundation and excavation costs for Lawndale Christian Health Center's (LCHC) proposed new community health center in West Chicago, Ill.

Located at 3748 W. Ogden Avenue – two blocks from the largest of LCHC's four existing centers – the new five-story building will include a clinic, fitness areas and offices. It will allow the non-profit LCHC to meet an increasing demand for affordable community healthcare services in the neighborhood. Several unoccupied buildings on the proposed site will be demolished to accommodate the new center.

Based on the soils within the site, existing fill and medium stiff silty clay, and the new center's maximum expected column loads of up to 450 kips, G2 determined the most cost-effective foundations system would utilize belled piers extending through the fill material and lower consistency clay. Using belled piers significantly reduced costs of removing and replacing the existing fill soils and lower consistency clay soils and cost less than the standard straight-shaft drilled piers. G2 worked closely with the project architect, McBride Kelley Baurer of Chicago, and the structural engineer, Hutter Trankina Engineering of Wayne, Ill., to develop the most cost effective foundation for the project.

The project also included deeper excavations extending to depths of 15 to 20 feet for construction of a partial basement area. G2 provided a slope stability analysis for the basement excavation and determined the contractor could use a steeper slide slope than previously proposed. This reduced earthwork costs and eliminated the need to use a costly earth retention system that may have been required for basement excavation.



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G2 Provides Engineering Services for New Royal Oak Entertainment Complex

During construction this summer of the new 73,000-square-foot Emagine Theater entertainment complex in Royal Oak, Mich., G2 Consulting Group provided construction engineering services to ensure the project was built according to specifications.

Earlier this year, G2 conducted geotechnical investigation to determine foundations and paving requirements for the development, located at the northwest corner of 11 Mile Road and Troy Street, just east of Main Street.

The two-level entertainment complex will include a 10-screen theater with nearly 1,700 seats; a 16-lane upscale boutique bowling center and bar/restaurant operations. Owner Emagine Entertainment of Plymouth, Mich., expects the \$14 million project to create 100 jobs, according to media reports. Construction is expected to be completed in April 2011.

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Member News

Continued from pg. 47

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ANDREW MCCUNE, P.E., executive vice president of Wade Trim, was named President of the American Council of Engineering Companies of Michigan (ACEC/M)

During his one-year term as president, McCune will manage the council and preside over meetings for the council, board of directors and the executive committee. Under his direction, ACEC/M's goals for the year will focus on implementing their strategic plan. The plan has three goals that include increasing the organization's legislative involvement, becoming the "go to" engineering association in Michigan, and increasing member involvement.

McCune has been actively involved in



Andrew McCune, P.E.

ACEC/M for 10 years and has served as president-elect, treasurer, chair and vice-chair of the legislative affairs committee, and a member of the board of directors. He is based in Wade Trim's Taylor, Mich., office.

ACEC is a national professional association representing more than 5,500 private-practice consulting engineering firms. The Michigan Chapter represents more than 100 consulting engineering, surveying, architectural and related engineering companies.

STEVE GRAVLIN, P.E., P.S., senior vice president in Wade Trim's Taylor office, was appointed by Governor Jennifer Granholm to the Michigan State Board of Professional Surveyors. The nine-member board provides registration of persons practicing surveying in Michigan, sets qualifications for registrants and prescribes penalties for violations. Gravlin's four-year term will end in March 2014.

Gravlin is senior project manager with more than 25 years experience in large transportation projects. He oversees planning, survey, design, traffic and construction engineering and provides quality assurance/control review on numerous projects. He has managed a wide range of airport, highway and bridge projects. He is also a primary surveyor in Wade Trim's Taylor office, providing survey expertise to property survey, easement and right-of-way issues.



Steve Gravlin, P.E., P.S.

Continues on pg. 55

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MITA In the News

Continued from pg. 41

While the Democratic-controlled House and Republican-controlled Senate have passed state transportation budgets that allocate the \$84 million in state money, it comes from very different sources.

The Senate budget secured the money largely by shifting money from its highway maintenance account, which already has been significantly cut in recent years. The House budget allocated \$84 million in additional money from the general fund.

Money 'doesn't exist'

The divide is partly ideological in nature. For more than a year, Senate Republicans have refused to consider new revenues and insisted on a pay-as-you-go approach. Now, they are scratching their heads over the House appropriation, noting the state has faced a general fund shortfall of hundreds of millions of dollars for the fiscal year beginning Oct. 1.

"(The money) doesn't exist," said Matt Marsden, spokesman for Senate Majority Leader Mike Bishop, R-Rochester. "It's hard to allocate \$84 million from the general fund when the general fund is \$800 million short."

Mike Nystrom, executive vice president of the Michigan Infrastructure and Transportation Association, said he is disappointed the Legislature hasn't made progress on increasing the state's gas tax to avoid such last-minute scrambles to find transportation money.

In January, Bauer co-sponsored a bipartisan bill to phase in an 8-cent a gallon tax increase through 2013, eventually generating \$350 million annually.

Though pressure has been building for lawmakers to consider a gas tax, the bill has not moved out of the House Transportation Committee.

In May, gas tax advocates cited a report by the Anderson Economic Group saying the state stood to lose 12,000 jobs without the \$475 million in matching federal funds.

The state's gas tax of 19 cents per gallon has not been increased since 1997.

Meetings ahead

"We have been talking about this for years, and this should be a priority," Nystrom said. "It's a basic government function."



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Within the next few weeks, House and Senate members will meet in conference committee to try to reconcile the differences between the two department budget bills.

Bauer said she doesn't like the idea of taking the money largely from an underfunded highway maintenance budget.

But Rep. Paul Opsommer, R-DeWitt, also a member of the House Transportation Committee, said he supports the Senate approach to the issue, saying it clearly identifies where the money will come from.

Regardless, Opsommer said, he is confident a compromise will be negotiated before Oct. 1.

“We will find it period,” Opsommer said of the money. “That’s how important it is.”

WILX TV:

“Devils” from Pure Pothole Hell visit Capitol with grim message about Michigan roads

July 30, 2010

Michigan lawmakers today received a special delivery from the Pothole Hell Devils: Personal copies of the “Roads to Pure Michigan are Pure Hell” video that has caught fire on YouTube, Facebook, and with audiences across the state.

While the Michigan Transportation Team’s new viral video campaign has a humorous edge, Michigan roads are no laughing matter. The Michigan Department of Transportation faces a Saturday deadline to submit a complete list of approved projects to the Metropolitan Planning Organizations. To have any of the projects win federal approval by Oct. 1, legislators must find the \$84 million to ensure Michigan receives its full federal reimbursement.

“As Michigan’s economic backbone tourism, manufacturing and agriculture industries are in the midst of their peak season, residents and visitors are finding that the roads to Pure Michigan are pure hell,” said Mike Nystrom, executive vice presi-

dent of the Michigan Infrastructure Transportation Association.

“While the Pure Pothole Hell campaign is lighthearted, Michigan’s crumbling roads are a very serious and growing problem for the state - ask anyone who drives them - they are pure hell.”

For nearly 18 months, lawmakers have turned a deaf ear to warnings that their inaction on developing transportation funding is about to cost Michigan \$475 million in federal matching funds for roads. Unless lawmakers take quick action, the \$84 million budget shortfall for the fiscal year starting Oct. 1 will effectively shelve road rehabilitation and bridge repair projects, which could generate thousands of jobs in a state hungry for them. Without that money, there won’t be enough time to add new projects into the regional transportation plans and complete the necessary permits--especially for projects requiring advance notice for material delivery.

“According to an Anderson Economic Group study released in May, doubling the state’s investment in roads and bridges could generate more than 15,000 good-paying jobs and pave the way for an economic turnaround in Michigan,” said

Continues on pg.52



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MITA In the News

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Nystrom. "As state legislators continue to look for solutions to turn Michigan's economy around, investing in our state's crumbling infrastructure should be a no-brainer."

To view the Pure Michigan, Pure Pothole Hell video, go to www.drivemi.org. In addition, Michigan residents can learn more by visiting: www.drivemi.org or citizens can voice their concerns about road funding by calling a toll-free number - 888-719-3087 - set up by MTT. Callers simply enter their five-digit ZIP code to connect with their legislator's office.

The Michigan Transportation Team (MTT) is a broad-based, bipartisan partnership of business, labor, local government, associations and citizens with the common goal of improving Michigan's transportation infrastructure. The DriveMI campaign is committed to promoting the development and maintenance of a safe, convenient and efficient transportation network that serves the public, private and economic development needs of Michigan. Please visit www.drivemi.org for more information on transportation funding or follow them on twitter @drivemi or YouTube at www.youtube.com/user/FixMIRoads.

DETROIT FREE PRESS:

Feds' money to hit the road soon; Group warns state could lose its funding

July 22, 2010

A road construction industry group is warning that inaction in Lansing will derail dozens of road projects next year and put thousands of road workers out of a job.

The Michigan Infrastructure and Transportation Association said Wednesday that the Legislature has yet to find a way to cover an \$84-million shortfall in money that the state needs as a match for \$475 million in federal road funds. The loss of more than \$550 million to the state's 2011 roadwork budget will mean more than 90 miles of road repair and 40 bridge projects will be delayed next year alone.

The Michigan Department of Transportation says it will postpone 375 miles of pavement repairs and 575 bridge fixes statewide from 2011-2014, including rebuilding 7 miles of I-96 in Wayne County, resurfacing 10 miles of I-94 in Macomb County and a new M-59-Crooks Road interchange in Oakland County.

The stoppage would mean the loss of about 6,000 construc-



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tion jobs as the state struggles with one of the nation's highest unemployment rates. Mike Nystrom, executive vice president of the construction group, said supporters have warned for 18 months that Michigan risks giving its share of federal money to other states unless it offsets falling fuel-tax and vehicle-registration revenue.

"It is now becoming a reality," Nystrom said.

Nystrom said there are competing stop-gap proposals in the Legislature. One would reallocate money from the state's general fund, and another would force MDOT to cut back on maintenance and close freeway welcome centers.

His group has been pushing for higher gas taxes and vehicle registration fees and an overhaul of road funding.

But state Rep. Pam Byrnes, D-Chelsea, said those ideas are "not getting much traction" in Lansing, and it's not clear how the state will come up with the \$84 million.

"That's still up in the air," said Byrnes, chairwoman of the House Transportation Committee. "We're still trying to find the money from someplace."

GONGWER NEWS SERVICE:

Michigan Needs to Invest \$7 Billion in Water Treatment, Stormwater Management

July 02, 2010

Michigan needs to invest \$7.04 billion in water treatment and stormwater management systems to bring those systems up to standards, according to a report released this week by the U.S. Environmental Protection Agency.

But the report, based on 2008 figures, showed the state has also made substantial gains on wastewater treatment, particularly in addressing combined sewer overflows. The Michigan Infrastructure and Transportation Association said the report shows the need for substantial investment.

"This is a massive problem and the billions of dollars in unmet needs literally span the state from Marquette to Monroe," said Mike Nystrom, executive vice president of MITA. "Summer always seems to remind us of the human impact of the problem as 'No Swimming' signs are posted at beaches because of the untreated sewage that flows into our rivers and lakes each year."

Robert McCann, spokesperson for the Department of Natural Resources and Environment, agreed there was need.

"We've come a long way but there's still a lot of work that needs to be done," he said. And he said the key prob-

lem has been funding, particularly at the local level. The state offers low-interest loans to conduct sewer separation projects. "In hard economic times, you can make the loan interest rate as low as you want but it's still a loan," he said.

Many communities are hesitant to borrow not knowing if they will have the resources to repay the funds. The combined sewers is a key focus for MITA, with Mr. Nystrom noting the state released 19.2 billion gallons of raw sewage through those systems that carry both wastewater and stormwater in 2008.



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Member Outreach Spotlight

Continued from pg. 40

very user friendly and will direct you on how to send the letter on directly to your legislator.

Staying involved in the legislative process is important in order to make a fundamental change in perception on how the highway and infrastructure system is funded, and it allows each person to be informed and educated on the issues that can have both major and minor effects on their business. By getting involved, you become one of the individuals who “make things happen”.

Seeing what needs to be done and working to make sure it gets done properly is what Jim calls the “inventor’s curse” and what Jim sees are 138 people in the Capitol that can do the right things regardless of what party they belong.

If you want to become more involved in legislative outreach, but don’t know how or where to start, please contact Nicole Cook, outreach coordinator, at nicolecook@mi-ita.com.

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Member Voice

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Have you seen an increase in the use of the lien process due to the tight economy?

The use of the lien process has become a standard procedure in doing business for bonded public work. Any negative stigma that might have been associated with the process is gone. We hope that MITA would take a proactive role in fixing the Michigan Construction Lien Act, which has failed so miserably in the private sector. Anyone working in the industry is unprotected and operating at risk of not getting paid for any work performed.

Carl Evangelista
*Tony Angelo Cement Construction
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MDOT News

What Complete Streets Means for MDOT and Transportation in Michigan

*By Kirk Steudle, MDOT Director
August 2010*

“Change has a considerable psychological impact on the human mind. To the fearful, it is threatening because it means that things might get worse. To the hopeful, it is encouraging because things may get better. To the confident, it is inspiring because the challenge exists to make things better.”

– KING WHITNEY JR., 1967

These words about change are as true today as they were in 1967. On Aug. 1, 2010, Governor Granholm signed into law Complete Streets legislation to advance cooperation and coordination among transportation and local government agencies: Public Act 135, which amends Public Act 51 of 1951 governing the expenditure of state transportation funding; and Public Act 134, which amends the Michigan Planning Enabling Act. While it might be tempting to attribute the passage of these bills to pressure from one group or another, it is worth noting that both bills passed the Michigan House and Senate by wide margins: 85-21 and 31-0, respectively.

Here is a summary of the changes to Act 51 under Public Act 135:

- Requires counties, cities, villages, and MDOT to consult with one another when planning a non-motorized project affecting a transportation facility that belongs to the other.
- Requires Section 10(k) improvements meet accepted practices or established best practices.

- Requires Act 51 agencies to notify one another when their five-year non-motorized programs are finalized.

New Act 51 Section 10(p)

- Requires the State Transportation Commission (STC) within two years to adopt a Complete Streets policy for MDOT, and to develop model Complete Streets policies for use by others.
- Requires state and local agencies to consult and agree on how to address Complete Streets before submitting the Five-year Program to the STC (exempts anything in an approved multi-year capital plan approved before July 1).
- Allows MDOT to provide technical assistance and coordination to local agencies in the development and implementation of their policies.
- Requires MDOT to share expertise in non-motorized and multi-modal planning in the development of projects within municipal boundaries (municipal refers to townships, counties, cities or villages – so just about anywhere.)
- Allows agencies to enter into agreements with one another to provide maintenance for projects constructed to implement a Complete Streets policy.
- Creates a Complete Streets Advisory Council within MDOT, appointed by the governor, to advise the STC and local agencies in the implementation of Complete Streets.

Amendments to the Michigan Planning Enabling Act

- Modifies the definition of streets to specifically include all legal users.
- Expands the elements that may be included in a master plan to encompass all transportation systems that move people and goods.
- Specifies that transportation improvements identified in a plan are appropriate to the context of the community and considers all legal users of the public right of way.
- The means for implementing transportation elements of the master plan in cooperation with applicable county road commission or MDOT.

The new laws will influence how we work with virtually every township, county, city and village in the state. In the coming weeks, I will convene an interdisciplinary work group within MDOT to examine how the new law will affect our processes and resources. If you are asked to participate, I ask that you embrace it as an opportunity to improve how we work with our partners to deliver transportation services in Michigan.

The transportation world is changing. We can face this change fearfully, or with confidence. In my five years as director, we have faced many challenges, adapted to change, and are a better organization for doing so. I am confident we can rise to the challenge of implementing the new Complete Streets law – in letter and spirit – and emerge a stronger organization, and ultimately, a better state.

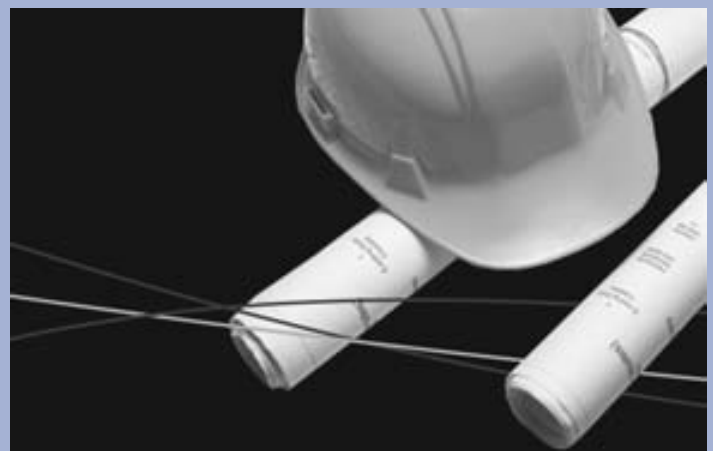
MDOT's Perspective and Recent Lien Experiences

By Jill Mullins and Wayne Roe
MDOT

In the United States, the federal law requiring contract surety bonds on federal construction projects is known as the Miller Act (40 U.S.C. Section 3131 to 3134). This law requires a contractor on a federal project to post two bonds: a performance bond and a labor and material payment bond. Michigan Act 187 of 1905 ensures the payment of subcontractors and wages earned and all materials or labor and certain supplies furnished and used in connection with and consumed in constructing, repairing or ornamenting public buildings and public works. Additionally, the Michigan Department of Transportation (MDOT) issued a Special Bonding Provision in December 2003 that supplements both of the above acts.

Lien claims, filed by subcontractors, suppliers, and contractor/

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Obama Announces New Transportation Initiative

President Obama used a Labor Day speech to unveil a far-reaching plan to upgrade the nation's intermodal transportation infrastructure. While the proposal is being described in many media reports as a second stimulus measure, documents produced by the Obama Administration indicate a multi-year reauthorization of the federal highway and transit program is the foundation of the plan's surface transportation component.

The outlook for enactment of a reauthorization bill has remained clouded, at best, for the past several months due to the lack of a Senate proposal, growing political concern about the need to generate new revenues, and silence from the Administration. The Labor Day speech, however, could provide some much needed momentum for the reauthorization bill and, at the very least, demonstrates a degree of commitment from the Administration that some had until now questioned.

Administration documents show a two-part approach that includes: an up-front \$50 billion investment in roads, railways and other transportation improvements; and a long-term vision focused on reform

and improved system performance. The fact sheet describing the plan states: "If we are to enjoy the benefits that come from a world-class transportation system, Congress must enact a long-term reauthorization that expands and reforms our infrastructure investments and returns the transportation trust fund to solvency."

ARTBA President Pete Ruane participated in a conference call with U.S. Deputy Secretary of Transportation John Porcari this afternoon. In response to a question from Ruane, Secretary Porcari confirmed the announcement represents a presidential commitment to enactment of a long-term bill. Ruane also emphasized that the \$50 billion element of the package should be part of a multi-year bill, as opposed to a stand-alone investment, to provide the certainty necessary to support long-term transportation planning.

Porcari reported the Administration will be working closely with Congress in the coming weeks to iron out the proposal's details. As a result, he could not provide definitive answers about much of the plan.

What we know:

- Over the next six years, the Administration's goal is to "rebuild 150,000 miles of roads," "construct and maintain 4,000 miles of rail," and "rehabilitate 150 miles of runway;"
- The Administration's priorities for the multi-year bill are: establishing an infrastructure bank for large/intermodal projects; elevating high speed rail to an equal surface transportation priority; instituting performance measurement; and increasing investments in safety, environmental sustainability, economic competitiveness and livability.
- The plan would be deficit neutral and appears to endorse continuation of the Highway Trust Fund.

What we do not know:

- How either the \$50 billion up-front investment or the long-term program would be financed. Administration officials floated closing tax loopholes on oil and gas companies, but have said they are open to other ideas and will work with Congress on a financing package.

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Established in 1902, ARTBA represents the U.S. transportation design and construction industry before Congress, the White House, federal agencies, news media and general public.

- How the \$50 billion would be divided among priority activities (highways, rail, runways/aviation operations). According to Administration officials, the \$50 billion would not produce impacts until 2011, which implies the funds are additive to planned FY 2011 core transportation program investments—but this too must also be confirmed.
- When the Administration will push for congressional action on a multi-year bill.
- Whether or not the proposal will be structured to show annual highway and transit investments over the next six years. ARTBA has long made the case to Congress and the Obama Administration, that long-term continuity in highway and public transportation investments is crucial for the transportation construction industry to make hiring and capital investment decisions.

Republican House and Senate leaders were immediately critical of Obama's initiative. House Republican Leader John Boehner (R-Ohio) responded, "We don't need more government 'stimulus' spending." Senate Republican Leader Mitch McConnell (R-Ky.) observed, "Americans are rightly skeptical about Washington Democrats asking for more of their money—and their patience; after all, they're still looking for the 'shovel-ready' jobs they were promised more than a year ago." While a great deal of uncertainty still surrounds President Obama's proposal, it is clear he has made a multi-year reauthorization of the federal highway and public transportation programs an Administration priority. ARTBA President Pete Ruane wrote to President Obama July 30 to describe the many challenges facing the U.S. transportation construction industry and urge him to get personally

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MDOT's Perspective and Recent Lien Experiences *Continued from pg. 57*

subcontractor employees, have been in existence for many years. Typically, lien claims have been filed when subcontractors, suppliers and/or employees claim that they were owed money by the prime contractor on a construction project but were not paid. Filing the lien claims was meant to preserve the rights of the claimants for payments that the filing party claimed was owed them by the prime, subcontractor or supplier. Prior to 2004, MDOT monitored lien claims filed on projects that it had let, but maintained a position that the claims were issues that needed to be addressed by the prime contractor, the prime contractor's surety company and the claimant. MDOT seldom if ever had a role in the process other than to log filed claims, forward them to the respective sureties and track claims until they were resolved.

In 2004, MDOT began to notice that there were a handful of companies that routinely had lien claims filed against them and also had large total amounts of claims registered with MDOT. At that time, MDOT began to routinely monitor and report on lien claims to MDOT management approximately every six months. Because a few of the contractors had large amounts of liens filed against them totaling in the millions, MDOT decided to address lien claims with contractors in an effort to reduce the number of claims filed and get legitimate claims paid. MDOT determined that contractors who had more than \$200,000 in total claims against them would be questioned about the claims and asked for relevant documentation to ensure that MDOT kept its records current and could track claims as they were resolved. Once MDOT took a more active role, the number of lien

claims became significantly reduced. Rarely did we have to address any lien claim issues with a contractor more than once, because contractors were very responsive to our efforts to reduce claims.

Recently MDOT began to see a significant increase in the number of liens filed as well as a dramatic increase in the total dollar value of the liens. Prior to 2009, MDOT received approximately 1,350 lien claims per year; but in 2009, that total climbed to 1,959. To date and to date in 2010, MDOT has received more than 2,300 claims. In 2004, the total lien claim amount was generally in the \$7 - \$10 million dollar range. After MDOT intervened with contractors, that total dropped by upwards of 50 percent. In late 2009, the total amount of lien claims rose to over \$30 million. As lien claims increased, MDOT decided once again to revise its procedures for monitoring liens and to take a more aggressive approach. Liens were tracked on an on-going basis, with quarterly reports shared with the management. Once again, contractors whose total amount of lien claims exceeded \$200,000 were sent a letter along with a list of all lien claims filed against them that MDOT had on record, requesting that the company provide updated information to the department on every claim, including waivers that had been received, updates on disputed claims or claims in litigation, or any other record that would make sure that MDOT's files were current. Using this information, MDOT updated its files, although technically we cannot remove any lien without a full and unconditional waiver from the claimant, pursuant to the acts cited above. MDOT also has contacted lien claimants requesting information from them, but traditionally got less information from claimants

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than from contractors.

We realize the nature of lien claims has changed in recent years. In the past, claims were filed when parties claimed that they were owed money. Generally speaking, the records show that monies were owed, although not always in the amount claimed. More recently, however, we have noticed that preemptive claims are being filed before a claimant has done any work on the project in question. Additionally, claimants are filing exaggerated claims, claiming that they are owed much more money than records can substantiate. MDOT also has noticed that late claims are increasingly being filed.

For the most part, MDOT and contractors were able to successfully address the lien claim issue with correspondence between the department and contractors. In the last year or so, however, contractors have become less responsive to requests for assistance. In some instances, we have sent a letter requesting assistance and cooperation from the contractors with little or no response. We began to send second and third letters, and yet still did not receive the information we were seeking. After repeated attempts and less than satisfactory responses from some contractors, (or in some cases, no responses), we started to refer claims on a contractor by contractor basis to the Prequalification Committee, asking that it review MDOT's concerns and address them with the unresponsive contractors.

Since the beginning of 2010, the Prequalification Committee has worked with 18 contractors, both primes and subs, concerning outstanding claims. Although most have been very responsive, action by the Prequalification

Committee has been required in some cases. Because of their failure to adequately address legitimate lien claims, two contractors had their prequalification suspended. Four other contractors chose not to try to renew their prequalification with MDOT; they are no longer prequalified to perform work for the department. Four other contractors have been placed on one-year probation for continuing problems with their lien claim issues.

Inevitably, many outstanding lien claims are related to prompt payment issues/violations. Those confirmed prompt payment violations have been a primary cause for actions taken by the Prequalification Committee. MDOT staff members, who have received information and instructions about how to effectively and consistently address Prompt Payment Special Provision requirements, continue to assist both prime contractors and subcontractors with compliance. That compliance, which is mandated in the Federal Highway Administration's Code of Federal Regulations, will ensure that MDOT continues to receive the federal funds to which it is entitled.

Through the combined efforts of department staff, and conscientious and cooperative contractors and subcontractors, the current lien claim total has been reduced from over \$30 million to less than \$14 million. MDOT and MITA continue to work together on possible revisions to the Prompt Payment Special Provision in an effort to further improve the process. MDOT is confident that through the continuing combined efforts of the department, MITA, and contractors and subcontractors, issues with liens and prompt payment will be addressed and the problems and concerns that we have all experienced with them will be greatly reduced.



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ARTBA News

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involved in moving this critical legislation. Senator George Voinovich (R-Ohio) sent a similar letter August 31 to the President that reinforced many of the points in the ARTBA letter and asked for Obama's leader-

ship to secure passage of a reauthorization bill by the end of 2010. This was covered in a personal call yesterday between President Obama and Senator Voinovich.

Kevin Gannon, vice president of Northeast Asphalt, Inc., which is part of MITA Member Payne and Dolan, spoke recently to the House Transportation and Infrastructure Committee in Washington regarding the American Recovery and Reinvestment Act (ARRA). He said that

without the Recovery Act, 25 to 30 percent of his company's workforce would have been facing potential layoffs, including his own position. Gannon, a director on the ARTBA board, cautioned that while the ARRA was currently supporting transportation work and jobs in 2010, its impacts will phase down quickly when those funds are no longer available in 2011.

Gannon also had the opportunity to meet with Congressman James Oberstar (D-Minn.), who is chairman of the House Committee on Transportation and Infrastructure.



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MITA would like to thank MSU for donating 500 tickets to the MSU vs WMU game on Saturday, September 4th, to the heavy construction industry in honor of Labor Day. Thanks to all of the MITA members, friends and families for your attendance!

GO STATE!

MITA 2010 Event Calendar

December 1

11:30 a.m.

Western Michigan Holiday Party

Location to be determined

December 10

8:30 a.m.

MITA Board Meeting

Country Club of Lansing

December 10

11:30 a.m.

Central Michigan Holiday Party

Country Club of Lansing

December 16

11:30 a.m.

Southeastern Michigan Holiday Party

Location to be determined

2010 MDOT Bid Lettings

All bid lettings are downloaded on the second floor of the MDOT Building (Van Wagoner Building on Ottawa St. in Lansing.)

Friday, October 1, 2010

Friday, November 5, 2010

Friday, December 3, 2010

For details on any event, contact Danielle Coppersmith, events coordinator, at daniellecoppersmith@mi-ita.com or visit the events section of www.mi-ita.com.



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