

FALL 2013

CROSS SECTION



Safety: Know the Rules

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Regulations: MIOSHA Strategic Plan

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Cover Photo: Cadillac Asphalt, LLC.

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comment

Executive Vice President

Working in the construction industry

requires safety, regulatory, legal, engineering, legislative and other knowledge that can be overwhelming to stay up-to-date on throughout a busy construction season. That is where MITA can help on a daily basis, and through this quarterly magazine.

Our fall issue covers all the aforementioned issues, starting with "Know the Rules," a safety article a page 6 written by Rob Coppersmith, our vice president of membership services; and Pat Brown, our safety director. The article covers information about new OSHA/MIOSHA standards, and a new MITA "Work Zone Intrusion Committee." MIOSHA's five-year plan is covered on page 8, with details on their goals to decrease fatalities on jobsites.

"Avoiding Fatal Mistakes..." a legal article on page 9, written by Eric J. Flessland of Butzel Long, discusses an issue related to construction lien and payment bond claimants in Michigan. According to Flessland, "many in the industry are not taking full advantage of the Michigan construction and payment bond laws to ensure they are fully paid for work performed and material furnished to construction projects."

In the engineering arena, our vice president of industry relations, Douglas E. Needham, P.E., discusses another payment issue on page 28, this one related to "Payment for Contract Revisions." He covers a few key contract elements and steps to take prior to proceeding with extra work on a project.

Beginning with a Legislative Question and Answer article on page 44 with State Sen. Gretchen Whitmer (D-East Lansing), we offer several articles that update you on MITA's legislative efforts for the industry.

MITA is not all work and no fun. Be sure to check out our calendar of holiday networking events on page 39, and mark your calendars for our Annual Conference January 22-24, 2014 at the Soaring Eagle in Mt. Pleasant. I hope to see you then!



Mike Nystrom

MIKE NYSTROM
Executive Vice President
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mikenystrom@mi-ita.com



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Know the Rules

By Rob Coppersmith and Patrick Brown

Working in the construction industry requires not only knowledge of your craft but also knowledge regarding many regulations contained in the numerous standards that govern our industry. Whether it is MIOSHA, OSHA, MSHA or MDOT, a contractor and his employees have a responsibility to know the rules and how they pertain to each job at hand. That's where your association can help. MITA sits on many of the committees that develop these rules and regulations as an advocate for the heavy construction industry. For the past several years Part 10, Lifting and Digging has been doing a low boil and was adopted in part, but it does not take full affect regarding certified crane operators until November 10, 2017. However, that does not exempt contractors from the numerous changes that are contained within the standard.

If you recall, OSHA sub part CC has become the new Part 10, Lifting and Digging Equipment by reference or adoption. Prior to this adoption, Part 10 was a 20 page relatively straightforward document, which has now transformed into a 68 page slightly confusing document that will take some time to unravel via training, appeals and enforcement. Fortunately MIOSHA has a plan for developing a crane only standard. They will not be writing any new rules just separating out rules that pertain only to cranes

since it is unclear in many areas what rules are intended for cranes and excavators.

However, one area that requires some immediate attention is overhead-energized power lines or what is being called the new 20' rule, which only applies to cranes and promises to be difficult to comply with. Please remember that electrocutions have been one of the top four causes of death for construction workers for a long time running, and cranes tend to operate in proximity to high voltage energy hence the 20' rule.

The new standards offer three options for compliance; but, the reality is you probably only have one or two for most situations. The first option discusses deenergizing and grounding the utility along with related duties (good luck). The second says to maintain 20' clearance at all times including accessories and load, load lines, basically everything would need to maintain 20' of distance, plus comply with paragraphs of additional measures (ugh). Option 3 incorporates the use of a table based on voltage and many other factors. In reality most members will be using option 2 or 3. Long story short: working with cranes around energized lines will require more than just showing up on site, and it will be important that your safety professional and qualified people and operators understand what is required prior to even assembling the crane on site. MITA will be developing training that incorporates the new changes for our members in an effort to ease compliance.

The process has also begun regarding the solicitation of electrical distribution companies in an effort to develop a network for obtaining voltage information and or deenergizing /relocating information for member use. This promises to be difficult information to obtain in all situations and will require forethought. Please keep this in mind. It is MITA's hope that this information will eventually make its way to bid documents as well as joint meetings regarding utilities, but currently will be more of a headache than anything.

Please do not misconstrue MITA's comments. We are 100 percent committed to worker safety; but, when groups need to be formed to develop procedures for implementation of standards it seems that just maybe the pendulum has swung a tad too far in the wrong direction. Nevertheless, compliance will be the key to your success and may help save a life.

As an FYI, MITA has formed a Work Zone Intrusion Committee to discuss ways we as an industry can increase the safety of workers particularly at night. The committee is formed with owners, managers, safety directors and more. The goal is to reduce the number of incidents in work zones and increase the safety of the workers through various means not already in place. We are currently gathering as much information as possible and intend to meet with state and local officials to discuss implementation of our ideas. If you have ideas or information, contact Patrick Brown, patrickbrown@mi-ita.com; Doug Needham, douglasneedham@mi-ita.com; or Rob Coppersmith, roboppersmith@mi-ita.com; or call the MITA office at 517-347-8336 for the next meeting date.



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MIOSHA Strategic Plan... the Next 5 Years

By Patty Meyer, Director, Construction Safety and Health Division, MIOSHA

The MIOSHA five-year strategic plan for fiscal years 2014-2018 started October 1, 2013. The new plan serves as a blueprint that will focus resources and guide MIOSHA activities over the next five years.

MIOSHA learned a long time ago that stakeholders and constituents are a key component in developing a successful strategic plan. In the past, MIOSHA invited stakeholders to review its strategic plan after it was developed. As part of their continuous improvement efforts, MIOSHA gathered input from stakeholders on what they thought MIOSHA was doing right and what could be improved upon from the previous plan before putting the FY14-18 strategic plan together. MIOSHA held three separate focus group meetings with construction, general industry, and labor sectors during the fall of 2012. Valuable information was received from these focus groups and incorporated into the new plan which was again reviewed via a stakeholder meeting prior to the plan being finalized.

Over the previous five years in Michigan the days away, restricted, or transferred (DART) rate, (representing the more serious injuries and illnesses) for construction was reduced approximately 50 percent from the baseline of the previous five-year plan - to 1.5 serious injuries per 200,000 hours worked. These rates are very good, in fact better than most other states, but there is still more work to be done.

As good as the injury and illness data is, construction fatalities still account for 35 percent of all the fatalities in Michigan. Looking at the fatality statistics from 2008 - 2012, falls were the number one cause of fatalities in construction at 31 percent, struck-by incidents accounted for 27 percent, electrocutions and crushed-by incidents at 20 percent each, and chemical exposure at two percent. Over 60 percent of the fatalities during this time period occurred on a commercial building project, 29 percent on a residential project, nine percent in an industrial setting, and 40 percent were small companies - employing 10 or fewer employees.

Using this data helped shape many of the strategies for the new plan.

More focus on enforcement, consultation, and training were needed for residential and small employers. Here's a closer look at the specific goals and strategies developed for construction.

Goal: Decrease fatalities in the construction industry by two percent a year (10 percent total for the five years) by focusing on the four leading causes of fatalities which are fall, electrocution, struck-by, and crushed-by/caught between. Reduce injuries and illnesses by one percent a year (five percent total for five years).

- Increase enforcement and consultation during non-traditional work hours, i.e., weekend, afternoon and night time shifts.
- Promote cooperative agreements, such as partnerships and alliances.
- Focus enforcement, consultation activities and training programs on specific work operations, locations, and conditions that are more likely to experience one of the four leading causes of fatalities and serious hazards, i.e., multi-story buildings, tall structures, residential projects, excavations, proximity to overhead power lines, scaffolding, road and bridge work, traffic control, concrete work, roofing, traditional wood framed structures, confined spaces, and heat/cold issues.
- Create more outreach and training opportunities for small (10 or fewer employees) and new-to-MIOSHA contractors and trade school programs.
- Develop more Spanish publications.
- Enhance the MIOSHA construction webpage by increasing the number of fact sheets, interpretations, and instructions.
- Distribute accident/fatality information more timely. MIOSHA now sends out a notification and preliminary information to their List-serve subscribers when a worker death is reported.
- Target MIOSHA CET training grants to high hazard areas in construction.

Continues on pg. 16



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By Eric J. Flessland, Butzel Long



Avoid Fatal Mistakes of Michigan Construction Lien and Payment Bond Claimants

Use the Construction Lien and Payment Bond Claim Tools on MITA's website

Many in the industry are not taking full advantage of the Michigan Construction Lien and Payment Bond laws to ensure they are fully paid for work performed and material furnished to construction projects. These laws are extremely effective tools that are somewhat unique to the construction industry in guarding against bad debt losses. A Construction Lien serves as security upon the Owner's property for the value of work performed or materials furnished to improve real property. A Payment Bond Claim functions in much the same manner on public works projects, but the bond provides the security for payment. These laws, however, are not self-executing. A contractor must timely file notices to trigger the protections afforded by the statutes.

MITA has provided you with the tools on its website to comply with the various notice requirements of these laws, as well as simple to follow step-by-step instructions to help you to know "what to do when." We strongly urge you to take advantage of your membership, and use those tools. We shall briefly explore some of the important concepts in these laws to help you avoid fatal mistakes claimants often make, and thereby collect for your valuable time and materials furnished to construction projects within Michigan.

Understand The Michigan Construction Lien Act

The purpose of the Construction Lien Act (CLA) is to protect the rights of lien claimants to receive payment for labor or materials and to protect Owners from paying twice for such services. The CLA states that it is a remedial statute that is to "be liberally construed to secure the beneficial results, intents, and purposes" of the Act. The CLA provides that substantial compliance with the Act is sufficient for purposes of establishing construction liens. Therefore, you do not need to be a professional lien service to ensure you are protected. You must, however, meet important milestones.

Mistake No. 1: Failing to Preserve Your Lien Rights. While most contractors and suppliers understand they must take proper steps to preserve their lien rights, many do not know where to start. On commercial projects in Michigan, the lien process formally starts with the aptly-named Notice of Commencement. The

Owner prepares this document, which compiles all necessary information in one convenient location for subcontractors and suppliers to rely upon to assert their lien rights. The Notice of Commencement will include a legal description of the property to be improved; the name, address, and capacity of the Owner or lessee contracting for the improvement; and the name and address of the general contractor. The Notice of Commencement will also identify any person appointed by the Owner to receive all notices required to be served upon the Owner under the CLA (the "Designee"). Any information contained in the Notice of Commencement that is incorrect will not "adversely affect the rights of a lien claimant as against the property" of the Owner or lessee who prepared the notice.

The Owner must record the Notice of Commencement with the Register of Deeds in the county where the construction project is located. In addition, the Owner must post a copy of the Notice of Commencement in a conspicuous place on the property during the performance of the work. Lastly, the Owner is also required to supply a copy of the Notice of Commencement within 10 days of a receipt of a written request by certified mail

Continues on pg. 17

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Productivity in Construction

Implemented in 2012; the Michigan Laborers' Training and Apprenticeship Institute has developed a Laborers' Productivity Training Course. In today's competitive environment it is critical that the highest level of productivity be achieved in all aspects of a project. The Michigan Construction Laborers' Union recognizes this need and is leading the way to a more productive workforce by including this training in our Apprenticeship Program and offering the class to our Journeymen as a skills enhancement course.



Kimberly Dohn completed the course recently and commented:

"I was fortunate to be among the first to participate in the Laborers' Productivity Training Course. I am very passionate about the training that was

offered and I feel that ALL laborers will benefit from participating in this course. The skills developed during training will aid them in their daily and future endeavors. I believe that the skills taught throughout this course are invaluable to a person with aspirations of bettering themselves and/or their position in life and it provides real tools to make those things happen.

I am currently employed in a management support position in the construction industry and I feel confident that the skills I learned from the Laborers' Productivity Training Course have prepared me to successfully deal with the challenges that occur on a daily basis. Since completing the course I feel more prepared and I know that the knowledge I acquired has improved my performance and ability to make a positive contribution on any job site."



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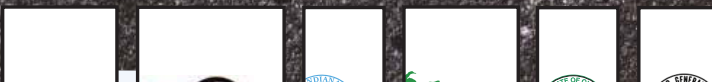
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Letters to MITA

Dear Mike:

Sorry for the delay but I want to send along a heartfelt thank you to yourself and all the MITA staff and membership for all your support and friendship at Rick's passing. I know for a fact that he really enjoyed the friendships and camaraderie he made and experienced with your organization. You have carried on Bob's tradition of a sort of family sense between staff and contractors, that under normal circumstances would be adversaries, but gather and support one another in their times of need. As we work to carry on here at Fonson without Rick, I have the confidence that MITA "has our back" and we will continue our association for many years to come.

Thanks to you all again and God bless you.

Sincerely,
Butch (Craig Fons)
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Did You Know?

MITA Jobsite Posters Have Been Updated!

The weather-resistant set is now comprised of two posters. The set features all the Michigan and federal laws and regulations you're required to post at the jobsite and office. One of the posters features a few open spots to allow companies to attach other important information for employees to be aware of. A set of jobsite posters costs \$50.00; and posters are available to MITA members only.

To order a set, simply email the following information to Tiya Kunaiyi, MITA Membership Services Coordinator, at tiyakunaiyi@mi-ita.com:

1. Company Name
2. Company Contact
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Alternatively, you can place an order by calling the MITA office at (517) 347-8336.

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- Seek ways to enhance MIOSHA's effectiveness and consistency by targeting serious hazards and conducting focused inspections on larger projects that have effective safety and health management systems and dedicated safety personnel on site.

Goal: Promote employer and worker awareness of, commitment to, and involvement with safety and health to effect positive change in the workplace culture.

- Promote safety and health management systems (SHMS) during

every MIOSHA visit. Refer employers with three or more serious hazards and an ineffective SHMS to CET for assistance.

- Increase participation in the MIOSHA Training Institute (MTI). Offer more Level 2 courses.
- Increase alliances and partnerships with associations and employers more likely to experience the four leading causes of fatalities.
- Reach out to the construction industry on the benefits of workplace safety and health through the Safety Pays, Residential Fall Protection, and other initiatives.

Goal: Strengthen public confidence through continued excellence in the development and delivery of MIOSHA programs and services.

- Foster a culture of integrity, inclusion, teamwork, and excellence in the delivery of MIOSHA services, through the use of comment cards, collaboration with industry, consistency training among staff.
- Seek new and improved ways to deliver MIOSHA information and services, by using better technology and an improved website.
- Respond effectively to legal mandates to protect workers and improve services, i.e., respond to employee complaints within 10 days, promptly abate violations, respond to FOIA requests within five days, and establish priorities and deadlines for standard promulgation.

Goal: Connect MIOSHA to industry by increasing collaboration and communication to create collective ownership for workplace safety and health.

- Communicate and collaborate with the construction industry to enhance a positive safety culture, i.e., active listening and inclusion with industry, meetings, presentations and training seminars.
- Build effective and positive relationships with the construction industry.
- Recognizing the "good" things that employers are doing to improve safety and health culture.
- Use every opportunity to promote, educate and assist employers and employees.

A safe and healthy workplace prevents workers from being injured or killed while trying to earn a living. Safe jobsites also improve worker morale and productivity, decrease workers compensation costs, and increase profits – making an employer more competitive and profitable. All employers are encouraged to partner with MIOSHA in this effort.

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from a lien claimant. The failure to post the Notice of Commencement will make the Owner liable for the “actual expenses sustained by the lien claimant in obtaining the information otherwise provided by the posting.”

General Contractors should resist preparing a Notice of Commencement for the Owner, as you may become entangled in a dispute if the information is incorrect. General Contractors should request the Owner provide you with a copy of the Notice of Commencement at the time you sign the general contract. You may need the information to record your own Claim of Lien, and may be called upon to provide a copy to subcontractors or suppliers.

Subcontractors and suppliers should always request a copy of the Notice of Commencement from the project Owner. MITA has a sample letter on its website. The Owner will then have ten days to provide you with a copy of the Notice of Commencement. Should the Owner fail to provide you with a copy within that period, it extends the time you have to serve the Notice of Furnishing – the next step in the process.

A General Contractor need not serve a Notice of Furnishing, because the Owner knows with whom it has contracted. However, the Owner may be unaware of downstream subcontractors and suppliers, and thereby is “exposed” to potential lien claims from them. The CLA therefore provides a mechanism to alert the Owner to subcontractors and suppliers working on its project – the Notice of Furnishing. If the Owner recorded a Notice of Commencement, then the subcontractor or supplier must serve a Notice of Furnishing on the person designated in the Notice of Commencement to receive notices.

As a general rule, a Notice of Furnishing must be served within 20 days of the first day labor or materials are furnished to the project. The Notice of Furnishing alerts the Owner to the need to ensure that the funds it pays to the General Contractor make their way downstream to subcontractors and suppliers.

If you do not serve the Notice of Furnishing within that 20-day period, all is not lost. In fact, the failure of a lien claimant to provide the Notice of Furnishing within the required time period is not fatal to the ability of the claimant to assert a lien. You will remain entitled to assert a Claim of Lien for any labor or materials provided after the untimely Notice of Furnishing. You will also be entitled to recover for labor or material supplied prior to the date of supplying the Notice of Furnishing except to the extent that the Owner made payments “pursuant to either a contractor’s sworn statement or a waiver of lien . . . for work performed or material delivered by the lien claimant.” Bottom line: Get the forms off of MITA’s website, and send them in to the Owner and/or its Designee.

Mistake No. 2: Failing to Timely Record a Claim of Lien. Timing is crucial for protecting lien rights. A lien claimant must be aware of two crucial factors to perfect a Construction Lien claim: (1) the deadline for recording a Claim of Lien; and (2) calculating when the clock begins to run for the recording the Construction Lien.

You must record a Claim of Lien with the register of deeds for the county where the property is located within 90 days of providing the last labor or material to the property. The requirement to record the Claim of Lien within 90 days of the last work is strictly enforced. Miss that deadline and your lien is invalid. Therefore it is important to

understand what work qualifies to extend the recording deadline. A good benchmark is whether you will be paid for the work. If so, then the 90-day clock has not begun to run until that work is completed. For instance, the 90-day period will likely include final clean-up and demobilization. In contrast, warranty work will not constitute “contract work” and will not extend the 90-day deadline.

Mistake No. 3: Failing to Provide All Necessary and Accurate Information. The Claim of Lien will include the name and address of the claimant, the contract price, the identity of the Owner of the property, the first and last dates of supplying labor and material, and a legal description of the property that was improved. A subcontractor or supplier must include a proof of service of a Notice of Furnishing with its Claim of Lien. Again, these forms are available on MITA’s webpage.

When you fill out the Claim of Lien form, simply copy onto the form the relevant information from the Notice of Commencement. You are entitled to rely upon the accuracy of that information. Note, however, if you fail to provide all the required information, the clerk at the Register of Deeds office might reject the form and refuse to record it. The form on MITA’s website has blanks in the appropriate locations for that information.

You will also need to include the amount you claim is owed. This amount must be accurate. If an excessive amount is claimed in bad faith, the Claim of Lien will be invalid and unenforceable in its entirety. A lien claimant would act in bad faith, for example, where the lien includes amounts for labor or materials that were not fur-

Continues on pg. 18

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Legal Issues Continued from pg. 17

nished or wholly speculative claims for extra work. A claimant who records and/or pursues an invalid lien may be responsible for attorney fees the Owner incurs to discharge it.

So what may properly be included in the lien amount? A general contractor may include in its lien the amounts that are due and owing to its subcontractors. Further, a lien claimant may include amounts over which there is a good faith dispute if they were earned and due, such as contested claims for extra work. Where there is a good faith dispute as to the amount owed, you may assert entitlement to the entire amount claimed and the court will ultimately reduce the lien by any amounts that are determined not owing. In this situation, we suggest it would be prudent to use the form MITA has provided, and itemize and explain the basis for the amount claimed. Moreover, include a statement as to any amounts disputed by the Owner. This will help avoid a later determination that the lien was artificially inflated and recorded in bad faith.

Mistake No. 4: Failing to Provide Proper Notice. Lien claimants have the duty to serve the recorded lien upon the Owner. Once the Register of Deeds records the document, and places a Liber and Page Number upon it, the clerk will return the document to you usually by mail. Within 15 days of recording the lien, you must serve the recorded Claim of Lien upon the Designee, if one is named in the Notice of Commencement, or upon the Owner if the Notice of Commencement does not identify a Designee. Failure to properly serve the lien can invalidate it. Thus, you must prepare and retain a proof of service to establish proper, timely notice.

Mistake No. 5: Failing to Foreclose Your Lien. Construction Liens are valid for 1 year from the date of recording. Once you record the lien, we suggest you calendar a notation 11 months from that date to determine if you received payment. If not, provide copies of the Claim of Lien documents to your attorney with instructions to commence foreclosure by the one-year deadline.

Asserting Payment Bond Claims on Public Works projects.

Improvements to "public property" are not covered under the Construction Lien Act. You may not record a lien against a publicly owned property or State highway. Unlike commercial projects on private property, General Contractors are afforded no protections against non-payment on public works projects. However, statutes provide a measure of security to subcontractors and suppliers. State law requires that a general contractor performing work on a public works project provide the Owner with performance and payment bonds, and provides a claims procedure against the payment bond to safeguard against bad debt loss. The notice requirements differ for State Highway projects and all other public works projects. MITA has provided forms and a simple "what to do when" checklist for subcontractors and suppliers on both types of projects. Using these tools will often go a long way to protecting both subcontractors' and suppliers' profit and loss statements.

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Lansing Asphalt – A Division of Superior Asphalt

A newcomer to the Lansing area asphalt business community, Michigan owned and operated Lansing Asphalt (a division of Superior Asphalt, Inc., in Grand Rapids), is busy making a footprint in the capital city after 30 years of success on the west side of the state.

“Among our customers are many municipalities and businesses, such as the City of Lansing, Ingham and Eaton Counties, Meridian Mall, Lowes, Quality Dairy, and other local asphalt companies looking for asphalt product to meet their needs,” said Jeff Kresnak, president of both Lansing and Superior Asphalt, Inc. We will continue to focus on these areas and expand into more roadwork as demand for that work picks up. We supply our customers with new asphalt installation, repair and restoration, sealcoating, parking lot striping, paving, asphalt supply and many other asphalt services.”

Kresnak started earning money to start his business at the tender age of 12. As a teen, he worked in a body shop, and made sometimes \$30,000 a year with 700 fur trap lines across the entire state. In the winter, he snowplowed, and one summer day a friend asked him to help sealcoat his driveway.

“At the time, one raccoon would bring \$55, and that was a lot of money for a kid,” the married father of four daughters recalled. “That and snowplowing kept me busy in the winter. The



Lansing Asphalt, Inc. plant.



sealcoating took care of my summers.”

The money he made in his various business ventures was eventually invested in asphalt paving equipment; he started Superior Asphalt in Grand Rapids at the age of 21 and incorporated the company in 1993. The MDOT certified Lansing Asphalt manufacturing facility has a lab that is not fully operational yet. Most of the equipment is in place, however, and it is expected to be fully staffed by next spring. Currently, before it is laid down, all material for both the Lansing and Grand Rapids facilities is tested at Superior Asphalt's federally certified lab in Caledonia.

Kresnak, always thinking about the future, was forward thinking when it came to the design of the new Lansing plant. The new manufacturing facility is an Almix 350 TPH asphalt plant and has a 140 foot Thurman Scale under two silos. The silo pad, footings and piers were

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Brian Stewart, Lansing Asphalt, Inc., plant manager (far right).



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MITA Member Since 2010

Member Profile

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poured for six silos. Two silos are up now, but this gives Kresnak the chance to put up four more 200-ton silos in the future without tearing everything apart. The facility also features total plant controls that can store as many mix designs as the hard drive can hold, according to the plant manager, Brian Stewart. Stewart formerly worked for MDOT and other asphalt companies before joining Kresnak's Lansing team, which includes seven other employees, all of whom live in Michigan.

Stewart said: "Jeff and I subscribe to the same old school of thought, which is to use a lower percentage of RAP (recycled asphalt product) with more virgin materials. Jeff has stated that we watch the percentage of RAP that is used in a mix closely. The goal is to produce a premium quality asphalt product. We will try our best to make every ton of material the best possible way we can just as if it were to be used on our own road, driveway or parking lot."

Quality is always top priority, Stewart added. Every job site is unique and requires a mix formulated to fit its specific needs. One of the materials Lansing and Superior Asphalt make is a recycled pavement with a Bagela recycle mixer for winter paving. The recycler produces up to 10 tons of hot mix per hour at 300-plus degrees. Any extra virgin material that is not used in the summer months is collected and brought back to the yard to be crushed and used in the recyclers during the winter. This process ensures that a top quality winter mix can be produced. The company also offers UPM (Unique Paving Material), which is a cold patch material Stewart said is the best in the industry.

"We have been making hot mix in the winter for almost 15 years and have supplied many municipalities who have been very satisfied with our product," Stewart said.

The efforts of Kresnak and his staff have not gone unnoticed in the industry. John Becsey, of the Asphalt Pavement Association of Michigan, was recently quoted in "Asphalt Pro Magazine." He said that what Kresnak has done with his plant in Grand Rapids and Lansing during a less-than favorable economic climate is impressive. In 2010 Superior Asphalt's plant in Grand Rapids was the first brand-new asphalt plant to be located on a newly permitted site in nearly 20 years. The site achieved NAPA's Diamond Achievement Commendation for Excellence in Hot Mix Asphalt Plant/Site Operations, which "is a testament to Kresnak's strong commitment to operating his facilities in an environmentally responsible manner and being a good neighbor to



Jeff Kresnak in the early days of his asphalt business career.

the surrounding community," Becsey said.

Lansing Asphalt is also getting attention in its new territory, and was recognized recently for its efforts in another industry publication "Asphalt Pavement

Magazine," published by the National Asphalt Pavement Association. A grand opening, ribbon cutting was held in May, sponsored by the Lansing Regional Chamber of Commerce where Lansing Asphalt is a participating Bronze Tier member. The company also donated a parking lot to the Eaton County Fairgrounds and supported them in recent efforts to raise money for the fairgrounds upkeep. Stacie Newmann, Lansing Asphalt's public relations representative, has been busy with those projects and other efforts to spread the word about the company and help make it successful now and in the future.

Being a member of MITA, Kresnak said, helps the company be successful and stay on top of MIOSHA issues, safety and engineering issues. MITA networking events, such as the annual holiday parties, where Kresnak was spotted last year sporting one of his custom fur vests, are also a member benefit the company looks forward to taking advantage of on a regular basis.

Kresnak is optimistic about the future for the new plant. "We knew that jumping into a new market would be challenging," he said. "But that is what makes this industry fun. Without challenges, we would all be bored and content and not strive as hard to make our industry more successful."

"I am old school. I believe in the integrity and honor of a handshake when doing business. What sets us apart is that we are 100 percent Michigan owned and operated, 100 percent customer oriented, and available for emergencies 24/7."

"This business is always a challenge. We always know we are only as good as our last job. The goal is to not get greedy and to build off of dividends. If you do something for a customer, I look at it as you own part of their company. If you keep building on the customer relationship, you continue to earn dividends."

Kresnak is also proud of positive feedback he has received from others in the industry, such as Jim Klett, of MITA Member Michigan Paving and Materials/Klett Construction, who also serves on the board of the National Asphalt Pavement Association.

"Jeff operates two of the nicest, cleanest plants in the country, and I admire him on his success and passion for the industry," Klett said. "He runs a good shop, is a good steward of the industry, and is environmentally and community friendly. He is a true industry achievement story. He has been around 33 years, and that speaks for itself."

Jeff said he admires Jim "as a remarkable man based on the passion he brings to Michigan, on his past business success, and I consider him a true gentleman."



Jeff Kresnak used proceeds from fur trapping as a teenager to launch him into business. He continues the hobby today.



When you are subcontractor or supplier on either a MDOT or other public works project, the first thing you should do before the ink dries on your contract is obtain a copy of the payment bond. Send the Owner a certified letter requesting a copy of the Payment Bond that the General Contractor furnished for the Project. On MDOT projects, send that letter to MDOT Contracts Section. Upon receipt of the bond, verify that the surety is authorized to do business in Michigan to ensure the bond is legitimate.

Non-MDOT Projects: For purposes of non-MDOT payment bonds, a "claimant" is defined as a person having furnished labor, material, or both, used or reasonably required for use in the performance of the contract. "Labor and material" includes that part of water, gas, power, light, heat, oil, gasoline, telephone service or rental of equipment directly applicable to the contract. Practically speaking, a "claimant" is a subcontractor or supplier of any tier on the Project.

If you are a first-tier subcontractor or supplier with a contract directly with the Principal Contractor (i.e., the contractor furnishing the Payment Bond to the governmental Owner), then you need not send a Notice of Furnishing. The Principal Contractor knows who you are and the work you are doing or the materials you are providing.

However, if you are a subcontractor or supplier who does not have a contract with the Principal Contractor, prepare a Notice of Furnishing and send it by Certified Mail, Return Receipt Requested, to the Principal Contractor and 2 additional copies to the Owner. No particular form is required. The sample letter on MITA's website is sufficient. However, if you fail to send full and timely Notice of Furnishing to the Owner, it is fatal to your claim. Unlike the Construction Lien Act, there is no "savings" clause in the bond statute.

Within 90 days following last date of furnishing, you must serve a Notice of Intent to Rely upon the Payment Bond for payment. Again, no particular form is required, and we suggest you use the sample letter on MITA's web page. Itemize in that claim letter the outstanding balance, including retainage, accrued interest, finance or time-price differential charges authorized by contract, and unresolved claims asserted in good faith. You must serve

the Notice of Intent to Rely on the Payment Bond upon the Principal Contractor and 2 additional copies upon the Governmental Owner via Certified Mail, Return Receipt Requested. You must also prepare a Proof of Service of Notice of Intent to Rely Upon the Payment Bond and retain a copy for later use, if necessary. Follow these steps and you have perfected a claim against the payment bond.

We recommend that you then monitor the status of final payment to the Principal Contractor by the Governmental Owner on a monthly basis and document the date of final payment to the Principal Contractor. You have one year from the date of Final Payment to the Principal Contractor to file

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Associate Member Profile



*EJ, proudly located in East Jordan, Mich., celebrating
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EJ has been a family-owned company for 130 years supplying access solutions for the world's infrastructure. This global enterprise, headquartered proudly in East Jordan, Mich., spans five continents and includes 50 sales offices, 10 manufacturing facilities and multiple research and development centers.

If you haven't purchased products from them, you've walked over their work, driven your vehicle over it, and your pet might be well acquainted with their products. Manhole covers, tree grates, fire hydrants and scores of other infrastructure products keeps over 2,000 employees busy worldwide. William E. Malpass founded the company in 1883, just four years after leaving England for the United States. The fourth and fifth generation of the family now owns and runs the company, which still makes iron castings on the same site as William E. Malpass chose more than a century ago.

"We have grown geographically, and with all

*EJ has over
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EJ History

The EJ legacy dates back to 1883 when William E. Malpass and his father in law Richard W. Round established a foundry on the shores of Lake Charlevoix, in the town of East Jordan, Michigan, USA. This foundry was called East Jordan Iron Works and originally produced castings for machine parts, ship parts, agricultural parts and railroads. East Jordan Iron Works is now EJ.

In the 1920s, when the lumbering era came to a close, the company expanded into new markets allowing continued success in changing times and shifted to the production of street castings, water works valves, and fire hydrants.

The increasing demands of World War II boosted the foundry's growth.

During the 1950s and 60s, the third generation converted the foundry to an automated high-pressure molding line complex complete with integrated automatic sand processing and mechanized casting handling facilities.

By the mid-1960's, the company was operating the largest automated molding line in the United States. The new highly sophisticated equipment maximized production capabilities for the foundry.

Since the mid-1980s the business has been led by the fourth generation descendants of the Malpass family. They have transformed the Midwest business into an international leader of construction castings by modernizing its facilities, acquiring and establishing additional branch operations.

In the 1990s, many new acquisitions throughout the United States put the company in a good position to expand product lines, sales offices, distribution capabilities and customer service across North America.

The 21st century had barely introduced itself when East Jordan Iron Works began turning its attention to expansion in other parts of the world, including... Cavanagh Foundry in Ireland (2001), Norinco in France (2004), McCoy Construction Castings in Canada (2006), and HaveStock in Australia (2010).

In 2012, East Jordan Iron Works and its affiliated companies began doing business using the same name and brand EJ. One global name and brand has unified the company and supported its vision to be the global leader in infrastructure access solutions. This action leverages all company resources to improve internal operations, as well as provide superior product offerings and services to its valued customers. EJ now supplies products to infrastructure projects in countries around the world. EJ remains a family owned and operated company – including significant involvement by fifth-generation family members.



East Jordan Iron Works crew, circa 1923.

EJ

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SERVICE SUMMARY

EJ is the world leader in the design, manufacture and distribution of access solutions for water, sewer, drainage, telecommunications and utility networks worldwide.

MITA Member Since 1961

Associate Member Profile

Continued from pg. 24

our product offerings,” said Tom Teske, vice president and general manager of Americas, who started his career with EJ as a sales trainee in 1976 with the Chicago branch of what then was known as East Jordan Iron Works. “We changed our global name and brand all over the world last year to EJ. It translates well in other countries, and there has been a good transition to the name in the United States, and we are building more brand recognition in other countries.”

Their global website, supported by a team in East Jordan, is a multi-lingual, multi-currency masterpiece that provides basic company information, but also allows engineers, contractors and distributors to access product drawings, which have all been meticulously rebranded with the company’s new name. This same attention to detail, Teske said, is being given to build a global safety culture, which is a number one priority for the company at this time.

MITA member customers may be unaware, Teske said, of many of the products EJ provides, such as INFRA-RISER® products made from recycled tires - a multi-purpose rubber composite adjustment riser, which helps maintain the integrity of street infrastructure by reducing traffic vibration damage. In 2007, EJ established a research and development division, and 1-½ years ago began producing aluminum and steel products, as well as composite covers that do not retain heat. In addition to new materials, the EJ product line has become more diverse than ever. New accessories include ergonomic lift-assist devices. Innovative cover configurations are more modular and scalable. Cutting edge security features help prevent theft or mitigate explosions, and applied technology provides capabilities

like remote sensing with wireless telemetry.

A new visitor center in downtown East Jordan provides details on many of these products and showcases the company’s history and global reach.

What has allowed EJ to continue its worldwide expansion while others in the industry have fallen victim to the recession? Many different factors have played a role, Teske said, including the fact that since the middle 80s, EJ has grown internally and acquired other companies. Just last year EJ acquired assets of a company which designs and fabricates aluminum access hatches for the construction and utility industries - with facilities located near Syracuse, New York, and Salt Lake City, Utah. EJ now has a commercial presence in several European countries, Canada, Mexico, China and Australia - with product distribution worldwide.

“The Malpass family continues to plan for long-term and continued growth,” Teske said. “And we look forward to serving MITA members for many generations to come.”

Along the way, Teske said the company has valued a good relationship with MITA, because it puts them closely in touch with their customers. Douglas Needham, P.E., MITA’s vice president of industry relations, said that EJ provides for multiple visits by owner agencies to see how castings are made. In addition, EJ is very involved with MITA sponsorships and committees, which allows them to be a good voice for the entire heavy construction industry in Michigan.

To learn more about EJ, visit www.ejco.com.



Pattern changing area on the new HWS mold line.



a lawsuit against the payment bond surety to collect the amount due. Miss that deadline and your bond claim is unenforceable.

MDOT Projects: Unlike Non-MDOT Public Works Projects, no Notice of Furnishing is required, regardless of subcontract tier. While this "streamlined" process makes claims easier to assert against these types of payment bonds, it also creates greater risks for the Principal Contractor of having to pay twice for the same work because the Principal Contractor may be unaware of lower-tier subcontractors and suppliers and thus be unable to take some steps to ensure payment if flowing down to them. Principal contractors should take appropriate measures to monitor payments downstream to avoid those risks.

Most MDOT contracts will contain the typical "MDOT Endorsement" that extends the time for filing a "Notice Of Lien" upon the payment bond.

- **MDOT Endorsement For Subcontractors:** The Endorsement extends the deadline for sending the "Notice of Lien" to 60 days after the MDOT posts the notice of final payment or makes the final payment.
- **MDOT Endorsement For Suppliers:** The Endorsement extends the deadline for sending the "Notice of Lien" to 120 days after the materials are last furnished.

Within the time limits noted above prepare a "Notice of Lien" on the MDOT form, and serve 2 copies upon the MDOT Financial Services Division by Certified Mail, Return Receipt Requested. You may find that form on the MITA website. On that form, you should identify the outstanding balance on your contract, including retainage, accrued interest, finance or time-price differential charges authorized by contract, and unresolved claims asserted in good faith. You should also prepare a Proof of Service of Notice of Lien, and retain a copy for later use, if necessary.

We suggest that you document the date of project completion and acceptance, and issuance of final estimate to Principal Contractor because the MDOT Endorsement extends the time for filing Notice of Lien, but does not modify the statute of limitations for bringing an action against the MDOT Payment Bond within one year of the date of project completion and acceptance. Some contractors have made that assumption, and subsequently discovered it was fatal to collecting the amounts rightfully due them.

You have one year from Project Completion and Acceptance to file a lawsuit against the payment bond. Again, in some instances, the lawsuit is required to be filed before the time expires under the MDOT

Endorsement to send Notice of Lien. Watch the dates!

Conclusion: While not an exhaustive list of mistakes that can occur when trying to protect lien and payment bond rights, contractors and suppliers should be vigilant in working to avoid these all too common, and potentially fatal, mistakes. Using the MITA-furnished forms and the "what to do when" checklist will certainly go a long way to protecting your company from suffering bad debt losses that otherwise could easily have been avoided.

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Douglas E. Needham, P.E.

Payment for Contract Revisions

It's a month after award, you have mobilized to the job site and begun phase one of the project when suddenly during excavation you encounter an unmarked utility. The poor condition of the utility concerns the engineer and due to its proximity to the work operation you are asked to change from the planned method of construction. The engineer

now requires you to bring to the site different equipment (ex. different type of pile driver) thereby stopping your work operation and delaying the project.

Prior to proceeding with the change in work, you are reminded of a few key contract elements that will help with the next steps.

Request Work Order

Remember that the engineer has the right to revise the contract at any time. However, prior to proceeding with the revised work you should request and receive a formal work order. If you are not formally directed to change work operations (i.e. revise the contract), payment for the additional work becomes difficult.

Payment for Contract Revisions

The unmarked and unknown utility has caused concern and in turn affected the original scope of the project. Since the revised method of work was not originally specified, you are entitled to be paid for the additional work including the mobilization of additional equipment. However, payment for that work can be determined by a variety of methods.

Existing Contract Unit Items

The first method for payment is to utilize current contract pay items. If by chance the project happens to have pay items set up for the type of work, then those pay items could be used to cover the cost of the additional work.

Negotiated Prices

However, if there are no existing pay items for the type of work then you can attempt to negotiate a price for the additional/change in work with the engineer. When preparing a negotiated cost, make sure to include in your estimate the cost of performing the revised work, delay costs, all other associated costs, plus a reasonable allowance for profit and applicable overhead. Also, be prepared to submit the following information to the engineer if requested: labor requirements by trade; equipment costs; and material and subcontractor costs.

Force Account

If you are still unable to reach consensus on cost, then you will more than likely be directed to perform the revised work under force account. This is the final step in establishing cost for the revised work and from all accounts is the most time consuming from both the contractor's and engineer's perspective. There are many steps that must be followed by both parties including the initial written proposal that is required to be submitted by the contractor for the directed work. The proposal should include the planned equipment, materials, labor, and schedule.

Once the written proposal is submitted, you will then be required to meet with the engineer to develop a work plan. The work plan must include a progress schedule of controlling items and their duration, anticipated equipment, labor (number of people and crafts), and a listing of material. Based on this plan, the engineer will prepare a budget recommendation for the force account work.

Payment for the revised/directed work under the force account process will be considered as full payment. Therefore, it is imperative that at the end of each workday, you meet with the engineer and

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compare records of the work done under force account. Make sure to formally document this daily reconciliation of records.

There are numerous documentation requirements for force account work. However, a few key items worth noting include making sure that current wage rates and equipment Blue Book rates are used.

Side note: One of MITA's most utilized membership services is equipment Blue Book rate access, which is available to members free of charge. This detailed rate information is intended as a guide for determining what appropriate recovery costs (equipment-related ownership and operation) can be charged.

Force Account Key Focus Areas

- A written proposal must be submitted for the directed work, including the planned equipment, material, labor, and schedule.
- Before starting force account work, the Contractor and Engineer will work together to develop a "Work Plan" from the written proposal.
- At the end of each workday, the Contractor's representative and the Engineer will compare records (i.e. "Daily Reconciliation") of the work done under force account.

In summary: when contract revisions are required, the determination of how to pay for the revised work will be according to the following sequence:

- Use existing contract unit prices
- If cannot agree on price using existing contract prices - Negotiated Price
- If can't reach agreement on Negotiated Price - Force Account

If you have any questions or need assistance with this process, please do not hesitate to contact the MITA office. Both Glenn Bukoski, MITA's vice president of engineering services, and I are available at anytime.

To contact
Doug Needham, e-mail him at
douglasneedham@mi-ita.com
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Member News

DiLisio Contracting, Inc.

Memory of Lance Corporal Anthony A. DiLisio Honored

Post Office Renamed

U.S. Rep. Candice Miller (MI-10) recently praised the U.S. House of Representative passage of H.R. 5738, a bill to rename the post office located at 15285 Samohin Drive in Macomb, Mich., the Lance Corporal Anthony A. DiLisio Clinton-Macomb Carrier Annex. Miller introduced the legislation to rename the post office in remembrance of Lance Corporal DiLisio, who died on



LANCE CORPORAL
ANTHONY A. DILISIO

May 30, 2010, while supporting combat operations in Helmand Province, Afghanistan for Operation Enduring Freedom.

"I am honored to have sponsored this measure to pay respects and remembrance to Lance Corporal Anthony DiLisio, a son of Macomb Township, and pleased that the House passed the measure renaming a Macomb post office in his honor," Miller said. "It is wholly ap-

propriate that the House took this action to honor Lance Corporal DiLisio who gave his life in service to America and those men and women with whom he served alongside. Our nation has been very fortunate for these brave citizens such as Lance Corporal DiLisio who have answered our nation's call and defend our freedoms. We will never forget the ultimate sacrifice made by Lance Corporal DiLisio and the loss borne by those who knew him. My thoughts will remain with the members of Lance Corporal Anthony DiLisio's family and I thank them for their assistance and guidance in this effort."

Lance Corporal Anthony DiLisio, 20, was assigned to 1st Battalion, 6th Marine Regiment, 2nd Marine Division, Marine Expeditionary Force, Camp Lejeune, N.C. He graduated from Dakota High School in Macomb Township and enlisted in the Marine's shortly after finishing school. He is the son of Lorenzo DiLisio and the late Tamrya Lebut, stepmother Tina DiLisio and the brother of Dino, Joseph, Lisa, Maria, and Angelo. He is also remembered by many loving aunts, uncles, nieces, nephews, cousins and friends.

Annual Golf Outing Raises Funds

The memory of Lance Corporal Anthony DiLisio was also honored by a fundraising golf outing on June 28. The first annual outing raised \$18,090. All the proceeds were split evenly and distributed to the Semper Fi Fund (for injured Marines), United Service Organizations (Families of the Fallen Support), and AdoptAPlatoon.

Fisher Contracting Company

www.fishercompanies.net

Steve O'Mara, P.E., vice president, Fisher Contracting Company, was a featured speaker at the American Association of State Highway Transportation Officials (AASHTO) Subcommittee on Construction Annual Meeting in August.

During the meeting, which was held August 11-16 at The Westin Book Cadillac in Detroit, O'Mara spoke about "Contractor Use of Electronic Data Before and After Letting."

"There is nothing that we do today that affects the success of our business that is done the same way it was 20 years ago, nothing," O'Mara said. "Change is necessary for survival, and technology is the key to that change. As engineers and stewards of public money, you have an ethical and fiduciary responsibility to provide goods and services the most efficient way possible."



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TIA KLEIN

Tia Klein, P.E., has rejoined Hubbell, Roth & Clark, Inc., as a Project Services Manager after working several years with MDOT's Detroit Transportation Service Center. With MDOT, Klein was a senior contracts and projects administration engineer, where she was responsible for construction and design project management, consultant contracts management and local agency programs management.

During her MDOT tenure, Klein was a resident engineer for a \$54 million M-39 reconstruction project as well as for a \$17 million Davison Freeway Reconstruction project in the City of Detroit.

Klein originally joined HRC in 1998, where her career spanned from construction observer to project engineer for municipal infrastructure, transportation and MDOT projects. In

her role as project services manager, Klein will work closely with HRC's civil design, construction and transportation departments to further develop service offerings. She will also provide project management to lead large and complex projects, technical expertise for complex MDOT projects, training and educational opportunities for HRC staff and further develop client relationships. Klein's transportation background will further strengthen HRC's expertise and presence in providing comprehensive transportation services to MDOT and municipal clients.

A registered professional engineer in Michigan, Klein holds a bachelor's degree in material science engineering from Wayne State University and is a member of the Engineering Society of Detroit.

For over 98 years, HRC has been providing consulting engineering and architectural services to municipal, industrial and private clients throughout southeastern Michigan, in addition to servicing various national clients. As a full service, multi-disciplined firm, HRC is comprised of over 130 professional engineers, surveyors, architects, and technical support staff, including LEED AP accredited professionals. HRC is an "Engineering News Record" Top 500 Design Firm and Top 50 Trenchless Technology Design Firm whose work has been recognized by prestigious industry awards. HRC has offices in Bloomfield Hills, Grand Rapids, Howell, Detroit, Mt. Clemens and Delhi, Michigan. For more information, visit www.hrc-engr.com.



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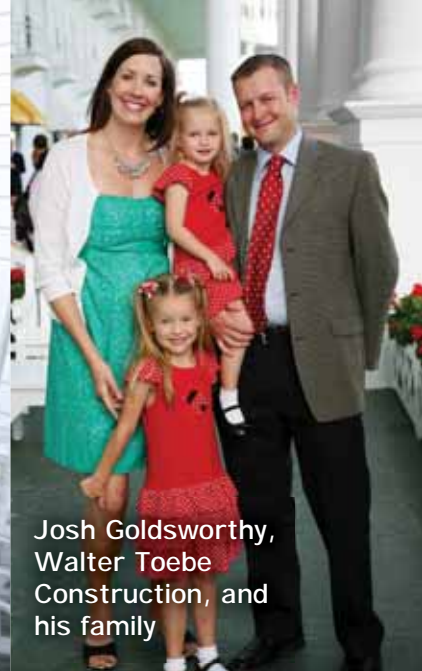
Michigan CAT and SITECH recently hosted Technology Days in three locations statewide. Attendees learned about the latest equipment technologies, took control of the stick, tackled hands-on demonstration stations, which were setup to replicate day-to-day challenges on jobsites. Representatives from Michigan CAT, SITECH, Trimble and Caterpillar were on hand to answer questions.

Continues on pg. 35

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MITA members enjoyed several networking functions during the Summer Conference.



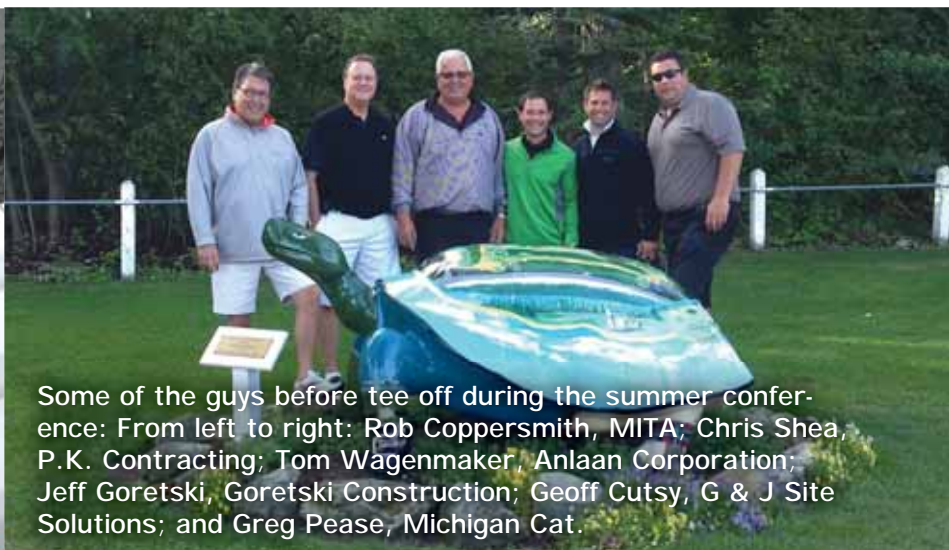
Josh Goldsworthy, Walter Toebe Construction, and his family

Summer Conference 2013

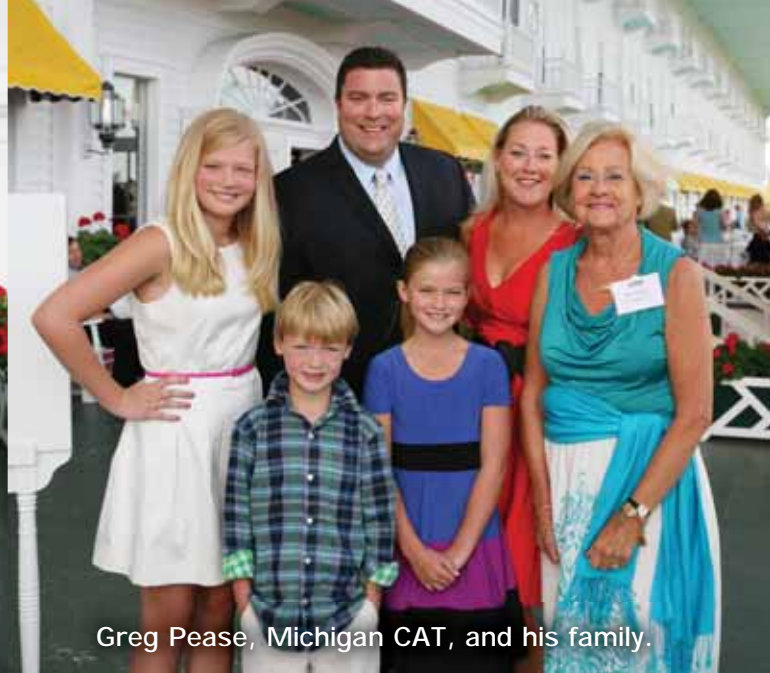
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From left to right: "Ferd Mercum," F.D.M. Contracting, Inc.; Todd Chartier, M.L. Chartier; Brian Schulz, MI CAT; and Terry Erickson, Michigan CAT.



Some of the guys before tee off during the summer conference: From left to right: Rob Coppersmith, MITA; Chris Shea, P.K. Contracting; Tom Wagenmaker, Anlaan Corporation; Jeff Goretski, Goretski Construction; Geoff Cutsy, G & J Site Solutions; and Greg Pease, Michigan Cat.



Greg Pease, Michigan CAT, and his family.



Brian Hoffman, Hoffman Brothers, and family.

CO-SPONSORS



Kids hanging out during Summer Conference.



Todd Schrader, Hardman Construction, Inc., and his daughter Emily.

MITA Golf Outings 2013

MITA hosted three golf outings this year, thanks to the support of the following sponsors and auction donators. Be sure to recognize these supporters of MITA with your business.

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Two of the leading Michigan precasters have reached an agreement whereby Northern Concrete Pipe, Inc., has purchased the assets of the Underground Utility Product Division of Kerkstra Precast, Inc.

Kerkstra Precast's Building Product Division is not included in the transaction and that operation will be continued by Greg Kerkstra and his staff.

For more information, contact Tom Washabaugh, Northern Concrete Pipe, Inc., 989-892-3545; or Greg Kerkstra, Kerkstra Precast, Inc., 616-224-6176.

Southeastern Equipment Company

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MARK VIDOSH

Mark Vidosh has joined the company as a sales representative at the Novi, Mich., location. In his new position, Vidosh is responsible for new, used and rental equipment sales and product support for Macomb and St. Clair counties.

"We are pleased to have Mark join the Southeastern team," says Charlie Patterson, president of Southeastern Equipment Co. "He brings many years of experience to

our company, and we look forward to seeing his contributions."

Most recently, Vidosh ran an oil and gas safety business. For the previous 40 years, his career has been focused on the construction industry, which has allowed him to develop an excellent understanding of best practices for construction equipment. He has four years of experience in heavy equipment sales. Vidosh attended Utah State University and studied at Oakland Community College. He lives in Oxford, Mich.

Southeastern Equipment has been selling, servicing and renting heavy machinery since 1957. The company has 18 locations throughout Ohio, Michigan, Kentucky and Indiana. Manufacturers represented by Southeastern Equipment Company include: Case Construction, Kobelco, Bomag, Gradall, Etnyre, Vacall, Terex, Terex Roadbuilding, Champion, Schwarze, Alamo Industrial, Eager Beaver Trailers, Superior Boom, Massey Ferguson, Midland Machinery, Badger Equipment Company, DuraPatcher, Case IH, Fecon, Genie, Skytrak, JLG, Sullair, and a wide variety of companies that manufacture heavy equipment attachments. For more information, visit www.southeasternequip.com.

Continues on pg. 36

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Transportation officials from eight states traveled to Lawrence Tech in June to review the progress on research being conducted at LTU's Center for Innovative Materials Research under the direction of Dean of Engineering Nabil Grace (kneeling second from right).

State transportation officials view bridge research at LTU

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Jay Dee

Transportation officials from eight states recently met at Lawrence Technological University to view progress on a three-year study to evaluate alternative materials and a new design for a new approach to building longer-lasting and corrosion-free highway bridges.

The study is supported by a \$349,000 contract with the Federal Highway Administration (FHWA) using pooled funds from the state transportation departments of Oregon, Minnesota, Wisconsin and Iowa, in addition to the Michigan Department of Transportation (MDOT), which is the lead agency for the project.

LTU Dean of Engineering Nabil Grace and his team of researchers are conducting the study in the Center for Innovative Materials Research (CIMR) at Lawrence Tech. They are developing and testing prestressing non-corrosive cables and ultra-high-performance concrete (UHPC) in a newly developed bridge design that complies with the Accelerated Bridge Construction (ABC)



LTU Dean of Engineering Nabil Grace inspects a new type of bridge beam that was tested by applying progressively higher levels of pressure until it failed.

program that the FHWA is promoting.

Since 1988, Grace has conducted scores of studies for state and federal agencies that have pointed to the long-term reliability of non-corrosive carbon fiber reinforcement polymer (CFRP) materials as a replacement for steel in concrete highway bridges. Three highway bridges have been built in Michigan and Maine utilizing CFRP materials in place of steel.

This year MDOT is constructing two highway bridges on Eight Mile Road (M-102) over Plum Creek that are prestressed and reinforced with CFRP materials.

The proposed bridge now being studied at LTU would be both easier to maintain and faster to construct because it doesn't have a cast-in-place deck slab. The research project includes significant computer simulation that will be used to develop design guidelines to assist state transportation engineers.

While at LTU, the state transportation officials witnessed a test that determined the strength of a new type of bridge beam by applying progressively higher levels of pressure until it failed.

LTU researchers are testing the advantages of a pre-stressed decked bulb-T beam bridge design compared to traditional side-by-side box beam bridges that have been widely used during the past 50 years in Michigan and other states. The upper flanges of a decked bulb-T beam are wider than those of a traditional I-beam and form the bridge decking after they have been joined with a six-inch UHPC joint. The concrete joint widens to more than seven inches below the deck and is reinforced with two CFRP layers.

The predicted result is a bridge system that will last twice as long with less repair work or reconstruction and a significant reduction in the long-term burden on taxpayers, according to Grace.

"The ultimate goal is to develop and construct a bridge superstructure system with a service life of 100 years with much less maintenance and fewer construction projects that tie up traffic," Grace said.

This research project is very timely because many bridges built with side-by-side box beams are now reaching the end of their service life, primarily because of corrosion of the steel reinforcement caused by water

contaminated with salt and chlorides, the deterioration of the conventional cementitious material used between the beams, and the lack of adequate transverse post-tensioning forces. The numerous freeze-thaw cycles of northern winters speed up the corrosion and deterioration.

The use of a decked bulb-T beam cross section would also eliminate some of the inherent problems encountered in inspecting and repairing box-beam superstructures. The decked bulb-T beam cross-section will provide adequate space underneath for periodic inspections and maintenance of critical elements.

"Since the safety and mobility of the traveling public is a very important consideration when building or rehabilitating bridges, there is a need to develop a beam type that can be built using ABC – accelerated bridge construction – techniques," Grace said.

The objectives of the study at LTU's CIMR include:

- Develop a mathematical model of the proposed side-by-side decked bulb-T beam concrete bridge.
- Construct, test, and examine the constructability of a half-scale decked bulb-T beam bridge model with five transverse post-tensioned diaphragms and three control beams (two with CFRP and one with steel).
- Determine the optimum transverse post-tensioning level and the adequacy of the number of transverse diaphragms in the bridge model.
- Assess the suitability of the system for accelerated construction, part-width construction and bridge deployment.
- Develop design recommendations for the deployment of the decked bulb-T beam bridge.

The study is also comparing alternative non-corrosive reinforcement materials such as stainless steel and conventional reinforcing and prestressing materials.

Lawrence Technological University, www.ltu.edu, is a private university founded in 1932 that offers more than 100 programs through the doctoral level in its Colleges of Architecture and Design, Arts and Sciences, Engineering, and Management. Payscale lists Lawrence Tech among the nation's top 7 percent of universities for return on undergraduate tuition investment, and highest in the Detroit metropolitan area. Lawrence Tech is also listed in the top tier of Midwestern universities by U.S. News and World Report and the Princeton Review. Students benefit from small class sizes and experienced faculty who provide a real-world, hands-on, "theory and practice" education with an emphasis on leadership. Activities on Lawrence Tech's 102-acre campus include over 60 student clubs and organizations and a growing roster of NAIA varsity sports.

Where Has Your MITA Hat Been?



Ryan and Sarah O'Donnell of Anlaan Corporation at the Meijer Garden Concert.

Tommy Marciniak, with Pro-Tec Equipment, wore his MITA hat during the Tough Mudder Event, a grueling obstacle course which was held at the Michigan International Speedway in June. He said: "I made it all the way through the Tough Mudder; I think the hat is in pretty good shape."



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Recent MITA Events

MITA's Workzone Safety Conference Meeting

On August 27 MITA hosted a Workzone Safety Meeting at the MITA building, which is located in Okemos, Mich. Several near-miss incidents involving vehicles penetrating workzones became a catalyst for this meeting that investigated ideas to further protect construction workers, particularly at night.

MITA collected and shared information concerning best practices in other regions that may work in this region, as well as data concerning crashes. Members shared their personal experiences and provided ideas on ways to improve safety in the workzone.

For more information on workzone safety issues contact Rob Coppersmith, vice president of membership services, at roboppersmith@mi-ita.com.

Countdown to 2014: Health Care Reform, What You Need To Know

MITA, along with AGC and Association Benefits Company, made a presentation on September 9 that discussed the Affordable Care Act. The event was held at the Lyons Meadow Conference Center located in New Hudson, Mich. Over 85 people were in attendance and the information was well received.

One of the biggest questions facing employers and Human Resource Managers is what effect the National Health Care Reform will have on their businesses. Attendees had the opportunity to get answers to a variety of questions on the pending reform. MITA is analyzing the response to a recent membership bulletin and seminar to see if other programs across the state are warranted.

For more information on the Affordable Care Act, contact Mike Nystrom, executive vice president, at mikenystron@mi-ita.com.

The 2013 MITA Road Rally for Infrastructure

On October 11 MITA hosted the 2013 MITA Road Rally for Infrastructure. Members rode their motorcycles, classic cars, trucks, etc. from the MITA Building in Okemos, Mich. to The Soaring Eagle Casino & Resort in Mt. Pleasant, Mich. The goal was to raise a significant amount of funds for the purpose of strengthening the MITA PAC.

Mark Your Calendar MITA 2014 Annual Conference

January 22-24, 2014

Soaring Eagle Casino & Resort

Mt. Pleasant, Mich.

Watch your email for more information on this exciting event!



2013

DECEMBER

- 13 **MITA BOARD MEETING**
Country Club of Lansing, Lansing
8:30 a.m.
- 13 **CENTRAL MI HOLIDAY PARTY**
Country Club of Lansing, Lansing
11:30 a.m. - 2:00 p.m.
- 17 **WESTERN MI HOLIDAY PARTY**
McFadden's, Grand Rapids
11:30 a.m. - 2:00 p.m.
- 19 **SOUTHEASTERN MI HOLIDAY PARTY**
Location TBD
11:30 a.m. - 2:00 p.m.

2013 MDOT BID LETTINGS

January 11, 2013
February 1, 2013
March 1, 2013
April 5, 2013
May 3, 2013
June 7, 2013
July 12, 2013
August 2, 2013
September 6, 2013
October 4, 2013
November 1, 2013
December 6, 2013

All bid lettings are downloaded at the MDOT building (Van Wagoner building on Ottawa St. in Lansing), second floor.

All dates are subject to change and additional events may be added. Please check out the electronic calendar regularly at www.mi-ita.com.

MITA CALENDAR OF EVENTS

Technology that makes a difference

by Chad Schafer, Senior Manager, Construction Software, Info Tech, Inc.

There are plenty of technology advances out there, but how many of them really have an impact on your daily construction business? Info Tech, Inc., has partnered with MITA to help sift through the clutter and deliver meaningful technology solutions to MITA members.

One term that keeps popping up is “big data.” What does it mean to you? It can mean access to pricing information so you can get a better idea on how your bids compare to other bidders. Info Tech is developing a service called the Bid Express Advantage™ where contractors can easily view their bids compared to the bids of others at specified locations on an item by item basis. This service allows you to define and manipulate data parameters such as quantity ranges, locations and dates. Additionally,

historical analysis can be performed in areas such as your historical performance against others. Since jobs are often won or lost on just a few key items, it is important to see how your bids are trending on those items compared to bids from others. MDOT posts bid tab data and Info Tech



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provides the tool to make the data work for you. The Bid Express Advantage will deliver the bid tabs to you once they are posted.

Another area where technology is a factor in construction is the increasing use of mobile devices. Info Tech is currently in a pilot of a mobile inspection device for use on a smart phone or tablet in the field. MITA members tell us that there is work to be done with improving data collection in the field, so this is our focus. A mobile inspection module for the FieldManager® software is coming soon and we look forward to hearing from MITA members about its effectiveness.

We often hear that item quantity discrepancies are a huge issue for contractors. Since they can affect timely payments, getting them resolved is a must. The FieldMa-

nager Contractor® and the FieldManager Read-Only applications from Info Tech have been helping contractors with this issue for years. Info Tech is now looking at ways to expand the availability of this information to the web and to mobile devices so the information can be viewed instantly in real time. When you can see your quantity versus the agency's quantity, you instantly know if there is an issue. Accessing this data online will improve the speed at which you can respond, improve communication and get issues resolved quickly.

Info Tech will be at the MITA Annual Conference in January to hear from you and learn more about how we can apply

Partner News continues on pg. 42



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ACEC of Michigan Elects New President and Board of Directors



John Hiltz, P.E.

The American Council of Engineering Companies of Michigan (ACEC/M) has announced John Hiltz, PE, of OHM Advisors (Livonia) as its 2013-2014 President.

John is a registered professional engineer and president of Orchard, Hiltz & McCliment, Inc. (OHM Advisors), which recently celebrated its 50th year in Livonia. A graduate of the University of Michigan and a principal with OHM since 1992, he applies more than 30 years of experience in leadership and management to direct corporate administration, marketing and operations. John is the president of the American Council of Engineering Companies/Michigan and president of the CEEFA Board at the University of Michigan.



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Legislative Question and Answers: State Sen. Gretchen Whitmer (D-East Lansing)

1. How have your previous experiences as both a lawyer and a state representative helped you become an effective Senate Democratic Leader?

My experience as a legislator, whether it was in the State House or now as the Senate Democratic Leader, has been a somewhat unique one in that I've never had the opportunity to serve in a majority caucus. It made me learn early on how to be an effective advocate for my constituents despite not having control of the legislative agenda which is something that is obviously a focus of my role now as the leader of the minority caucus in the Senate. We work every single day to ensure that not only are our voices heard and our concerns listened to, but that the people we represent feel like we are doing everything we can to ensure they are being heard as well. It's really about being their advocate inside the Senate Chamber and that's something I've tried to be as a lawyer, a State Representative and in my role today.

2. What legislative priorities do you have?

My priorities have always been and remain today on ensuring we are investing in and improving Michigan for the next generation. It starts with our schools and making sure we are doing a much better job than we have in

recent years of ensuring they have the resources they need to give each and every student in Michigan the education they deserve from early childhood all the way through their college degree.

Our investment must extend to our infrastructure as well. We cannot possibly hope to attract the employers we are looking for if we can't show them we have the roads and other infrastructure they rely on to operate successfully.

It's the legislature's job to make those long term investments in our state and our people and I simply don't think we've done nearly a good enough job at it.

3. What are your thoughts or comments on your relationship with MITA and the heavy/highway construction industry?

I appreciate the relationship I have with MITA and our construction industry. We all share the goal of improving our state's investment in our roads and I look forward to continuing our discussions as my talks with the other legislative leaders on this issue move forward.

4. What has been your reaction to the increase in calls for increased infrastructure investment in Michigan?

It's certainly understandable. I don't know of anyone that would think Michigan is doing a good enough job of investing in our infrastructure. It isn't necessarily an easy solution for the legislature to find, but I always like to think where there's a will there's a way so I remain optimistic we can find it.

5. What is your opinion on the current level of state-funded investment in our state's transportation system?

Again, it's clear that we need to take a much harder look not only at the level of funding the state invests in our infrastructure, but where that investment comes from. When Governor Snyder proposed significantly raising Michigan's motor vehicle registrations as a way to increase road funding, it raised some serious concerns with Michigan's public and understandably so. The same is true for the idea of raising the sales tax. So our job, as legislators, is to find a way to increase that investment that not only works but that the public will support. It won't be easy, but we weren't elected to focus on what's easy.

6. The Legislature enacted some significant reforms in the way money is spent on transportation to ensure that tax payers are receiving the best value for their money. When do you believe the Legislature will act on finding substantive changes to how we pay for our transportation infrastructure?

I can't put a timetable on any of the discussions that are currently ongoing, but the good news is that those discussions are continuing. The different legislative leaders obviously come at this issue from different angles and we aren't always going to agree on various ideas, but during these discussions nobody has thrown their hands up and declared this effort to be futile so I remain optimistic that we can make this happen.

Continues on pg. 46

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STATE SEN. GRETCHEN WHITMER (D-EAST LANSING) BIOGRAPHY

In 2011, State Senator Gretchen Whitmer was honored by her colleagues as she was elected Senate Democratic Leader for the current legislative session. She is the first woman to lead a caucus in the Michigan Senate. Senator Whitmer was first elected to the State Senate in March of 2006.

Previously, she served as a member of the Michigan House of Representatives, from 2000-2006, where she served as the ranking Democrat on the Appropriations Committee.

Gretchen Whitmer was born and raised in Michigan. She grew up in East Lansing and attended public schools in East Lansing and Grand Rapids, graduating from Forest Hills Central High School. She twice graduated from Michigan State University, earning both her undergraduate degree in Communications in 1993 and her law degree in 1998, graduating magna cum laude.

As an attorney in private practice, Gretchen practiced law with the firm Dickinson Wright in Lansing. She specialized in regulatory and administrative litigation, arguing in both Circuit Court and before the Michigan Public Service Commission.

Senator Whitmer was one of the co-chairs in the successful ballot initiative and ultimate passage of Proposal 2 to change Michigan law regarding embryonic stem cell research. As one of only two lawyers in the Democratic Caucus, Senator Whitmer has been a strong voice for changing Michigan's one of a kind drug immunity law which prohibits recourse for consumers who are injured or have family members killed by a harmful drug. She is also a strong supporter of education, government reform, and anti-bullying legislation. Senator Whitmer also champions a number of consumer protection and consumer's rights bills such as Elder Abuse legislation and protecting consumers from unfair bank overdraft fees.

Gretchen lives in East Lansing with her, husband Marc, her two daughters: Sherry (11), Sydney (9) and his three sons: Mason (20), Alex (20) and Winston (15).

AWARDS

2013 Michigan Lawyers Weekly Leader in the Law
2011 MIRS Dem Lawmaker of the Year
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2010 Michigan Assn. School Workers Legislator of the Year
2011 Michigan National Organization Legislator of the Year

2006 Michigan Friends of Education Literacy Advocate Award
2007 WNBA Inspiring Women Award
2003 Michigan Sheriff's Association Legislator of the Year
2004 Champion of Hope Award - National Kidney Foundation
2011 Michigan State Law Review Distinguished Alumnus Award
2010 WLAM Senator of the Year
2004 Ray of Light Award (LGBT community)

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Legislative Question and Answers:

7. How can our MITA members better advocate for their industry and encourage the Legislature to act on increased investment for our infrastructure?

We've seen time and time again over the past few years that when the public speaks out loudly enough, it forces even some of my most stubborn colleagues to pay attention. I'd encourage MITA members to not

only remain vocal themselves, but to engage the public on this issue and explain what an increased investment in our infrastructure will mean for them not only in terms of better roads, but the overall economic benefit it can have to our state. If everyone is speaking out together on this issue, my friends in the majority party will have no choice but to listen.

Underground Spotlight: Reform Measures Will Allow More Funds for Projects Instead of Regulatory Issues

A bipartisan effort in Congress has begun to replace the Water Resources Development Act (WRDA) of 2007. House Transportation and Infrastructure Committee Chairman Bill Shuster and Ranking Minority Leader Nick Rahall introduced the \$10 billion measure, which is getting praises by others on the committee.

At a recent news conference Chairman Shuster highlighted the bill's various reforms, including: limiting Corps studies of potential projects to three years and the amount of money that they can cost; ramping up spending from the Harbor Maintenance Trust Fund to 80 percent of annual receipts by the year 2020; requiring construction to begin on projects within seven years or face expiration of the project's authorization; and cancelling out \$12 billion in old, inactive projects to offset the \$10 billion cost of new projects authorized in the bill.

The Transportation and Infrastructure Committee planned to take up the legislation on September 19 and leadership in the House had indicated

that floor action in the full House would be scheduled for October.

In addition to progress on WRDA, fiscal year 2014 Energy and Water Appropriations Bills have passed their respective chambers with some differences among them. Under the House Bill, the Army Corps of Engineers is funded at \$4.9 billion, a decrease of \$104 million below fiscal year 2013 levels. In the Senate version, \$5.3 billion is provided for the Army Corps of Engineers. The bill also keeps the commitment made in the Senate's WRDA language to increase funding for the Harbor Maintenance Trust Fund. The House version is \$596 million below the Senate mark, including significant cuts to flood control, ecosystem restoration and navigation projects. These differences will be debated between the two chambers and the administration in order to come to a compromise that can pass each respective chamber.

The majority of the debate in Washington D.C. this fall will be on FY14 budget bills. Included in the President's budget is \$1.095 billion for the Clean Water State Revolving Fund and \$817 million for the Safe Drinking Water State Revolving Fund. No action on either of the programs has occurred in Congress and staff from both the Senate Environment and Public Works Committee and the House Committee on Transportation and Infrastructure have said that after enactment of the WRDA reauthorization bill the Committees would then turn their attention to the clean water and safe drinking water reauthorization efforts.

These measures discussed are a positive sign for the underground construction industry. Although funding levels are relatively similar to what they have been in the past, some of the reform measures being considered will allow for more money to be utilized in projects rather than on regulatory issues. Most important to remember is that there have been pushes by some in Congress to significantly reduce the size of these budgets and programs to disastrous levels. This movement at the committee level seems to be in a step in the right direction against significant cuts.

Continues on pg. 48

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Outreach Spotlight: Legislative Site Visits 2013

Over the summer, MITA members hosted state representatives and state senators at some of their major job sites in an effort to show the legislators just what goes into maintaining Michigan's roads and bridges. The first site visit took place in Grand Haven and was hosted by C.A. Hull Co., Inc. and Hardman Construction. The second site visit took place at the Zilwaukee Bridge and was hosted by Walter Toebe Construction Company.

Both site visits were successful in helping to demonstrate the skill, professionalism and hard work that goes into building and maintaining Michigan's infrastructure. It was an excellent opportunity for Michigan's legislators to get a first-hand look at the process and for them to have the chance to ask questions directly related to the work being done.

Site visits are always an excellent way to showcase what your company and employees are best at, and to do your part to help bring attention to the needs of Michigan's roads, bridges and infrastructure. The best information comes from members who

make direct contact with legislators and can show them exactly where the money goes and why more investment is so desperately needed.

As fall rapidly approaches, Michigan's Legislature has yet to make a decision on the funding situation for roads and infrastructure. The heavy construction industry continues to wait with baited breath as the months slip away, each without the introduction of a concrete solution that everyone can agree on to solve an ever-growing problem.

MITA staff continues to work tirelessly to help the Legislature find a funding solution, but the process is tricky. We need the assistance of each and every member to get this job done. Whether you submit a letter to the editor, write a PAC check, meet your legislators in Lansing or host a site visit, there are numerous ways to make a difference in this effort. Please contact Mariam Robinson, Outreach Coordinator, at 517-347-8336 or at mariamrobinson@mi-ita.com if you have any questions or need assistance.

Continues on pg. 49



State Representative Stacy Erwin Oakes (D-Saginaw, far left) and State Representative Jim Stamas (R-Midland, far right) listen attentively as they receive detailed project information from MDOT and Walter Toebe Construction Company representatives at the Zilwaukee Bridge, near Saginaw.





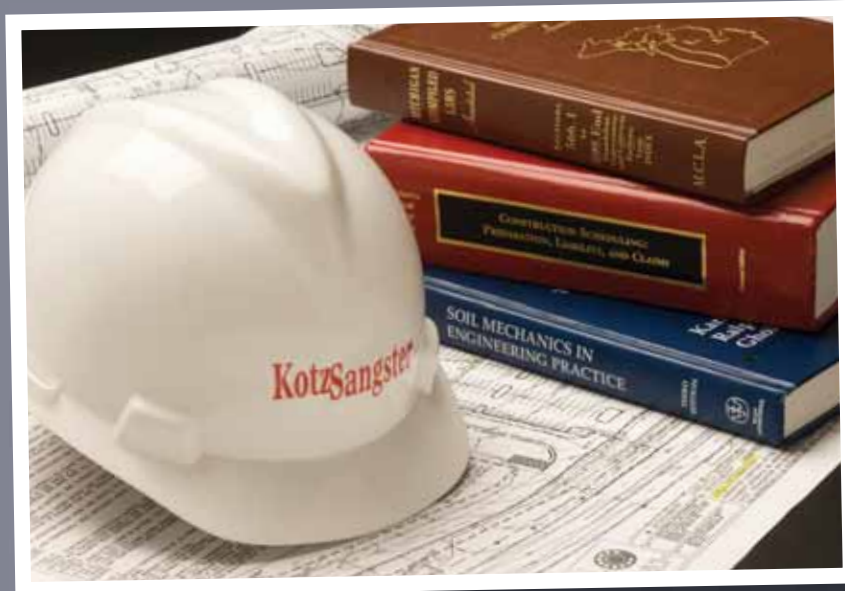
State Representatives (from left to right) Roger Victory (R-Hudsonville), Winnie Brinks (D-Grand Rapids), Collene Lamonte (D-Montague) and Tom Hooker (R-Byron Center) participated in a legislative site visit in Grand Haven, where MITA members C.A. Hull Co., Inc. and Hardman Construction are working on a project.



As State Representative Jim Stamas (R-Midland, far left) looks on, MDOT and Walter Toebe Construction Company representatives point out the specific work being done on the Zilwaukee Bridge, near Saginaw.

Legislative News continues on pg. 50

What Our Thinking Cap Looks Like



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Legislative Bill Update

BILL	BILL SPONSOR	DATE	LOCATION	SUMMARY	STATUS	POSITION
SB 6	Sen. Proos - R	1/16/13	Senate Appropriations Committee	Establishes the distribution of a percentage of the sales tax collected on motor fuel to be earmarked to transportation funding in 2013 and each year thereafter.	Referred to committee on 1/16/13.	Support
SB 84	Sen. Casperson - R	1/30/13	Senate Appropriations Committee	Authorizes recreation improvement account to receive portion of 2 percent sales tax dedicated to transportation.	Referred to committee on 1/30/13.	Support
SB 86	Sen. Pappageorge - R	1/30/13	Senate Appropriations Committee	Modifies vehicle registration fees.	Referred to committee on 1/30/13.	Support
SB 87	Sen. Kahn - R	1/30/13	Senate Appropriations Committee	Modifies motor fuel tax and implements a wholesale tax on fuel wholesalers.	Referred to committee on 1/30/13.	Support
SB 88	Sen. Kahn - R	1/30/13	Senate Appropriations Committee	Modifies vehicle registration fees.	Referred to committee on 1/30/13.	Support
SB 148	Sen. Kahn - R	2/5/13	Senate Appropriations Committee	Eliminates flat tax rate and establish an 18-month limitation period for filing refund claims.	Referred to committee on 2/5/13.	Support
SB 157	Sen. Meekhof - R	2/6/13	Senate Government Operations Committee	Eliminates requirement of paying prevailing wages on state projects.	Referred to committee on 2/6/13.	Oppose
SB 158	Sen. Meekhof - R	2/6/13	Senate Government Operations Committee	Eliminates hours and wages reference to repealed law.	Referred to committee on 2/6/13.	Oppose
SB 159	Sen. Meekhof - R	2/6/13	Senate Government Operations Committee	Eliminate hours and wages reference to repealed law.	Referred to committee on 2/6/13.	Oppose
SB 164	Sen. Casperson - R	2/6/13	Senate Appropriations Committee	Provide for supplemental funding for dredging of waterways.	Referred to committee on 2/6/13.	Support
SB 220	Sen. Booher - R	2/26/13	Senate Transportation Committee	Require state to give preference to and solicit bids from county road commissions for maintenance work on state trunk line highways.	Referred to committee on 2/26/13.	Oppose
HB 4172	Rep. Price - R	2/5/13	House Commerce Committee	Repeals the act that eliminates the requirement of paying prevailing wages on state projects.	Referred to committee on 2/5/13.	Oppose
HB 4173	Rep. MacGregor - R	2/5/13	House Commerce Committee	Eliminates the reference to repealed law. Tie barred with HB 4172.	Referred to committee on 2/5/13.	Oppose
HB 4174	Rep. Jacobsen - R	2/5/13	House Commerce Committee	Eliminates the reference to repealed law. Tie barred with HB 4172.	Referred to committee on 2/5/13.	Oppose
HB 4179	Rep. Pscholka - R	2/5/13	House Natural Resources Committee	Allow dredging of harbors.	Referred to committee on 2/5/13.	Support
HB 4251	Rep. Cotter - R	2/13/13	House Transportation & Infrastructure Committee	Provide for requirement for competitive bidding by county road commissions on certain projects involving townships.	Referred to committee on 2/13/13.	Neutral
HB 4358	Rep. Schmidt - R	2/28/13	House Transportation & Infrastructure Committee	Establishes an 18-month limitation period for filing refund claims and eliminates the flat tax rate.	Referred to committee on 2/28/13.	Support
HB 4359	Rep. Schmidt - R	2/28/13	House Transportation & Infrastructure Committee	Implements a wholesale tax and modifies the motor fuel tax.	Referred to committee on 2/28/13.	Support
HB 4410	Rep. LaFontaine - R	3/12/13	House Natural Resources Committee	Establish marina dredging loan origination program.	Referred to committee on 3/12/13.	Support
HB 4515	Rep. Zemke - D	3/12/13	House Education Committee	Purposes for which sinking fund may be used; include transportation.	Referred to committee on 4/9/13.	Support
HB 4539	Rep. Schmidt - R	3/12/13	House Transportation & Infrastructure Committee	Collection of sales tax on gasoline; eliminate.	Referred to committee on 4/11/13.	Support
HB 4571	Rep. Schmidt - R	4/16/13	House	Excise tax on aviation fuel; repeal and impose wholesale tax.	Awaiting second reading in the House.	Support
HB 4572	Rep. Schmidt - R	4/16/13	House	Exempt aviation turbine fuel and aviation gasoline.	Awaiting second reading in the House.	Support
HB 4579	Rep. Shirkey - R	4/17/13	House Natural Resources Committee	Authorize deposit of certain revenues from leases for the extraction of nonrenewable resources on state land.	Referred to committee on 4/17/13.	Support
HB 4608	Rep. Shirkey - R	4/23/13	House Transportation & Infrastructure Committee	Provide for a fee increase for certain vehicles powered by electricity or fuels not subject to the motor fuel or diesel fuel tax and make other general revisions to the Michigan vehicle code.	Referred to committee on 4/23/13.	Support
HB 4630	Rep. McCready - R	4/25/13	House Transportation & Infrastructure Committee	Modify registration fees.	Referred to committee on 4/25/13.	Support
HB 4632	Rep. Schmidt - R	4/25/13	House Transportation & Infrastructure Committee	Increase registration tax and create new registration tax for hybrid and alternative fuel vehicles.	Referred to committee on 4/25/13.	Support
HB 4634	Rep. Schmidt - R	4/25/13	House Transportation & Infrastructure Committee	Change expiration date to January 1 for trailer registration.	Referred to committee on 4/25/13.	Support
HB 4677	Rep. Potvin - R	5/2/13	House	Earmark portion of sales taxes revenue to transportation fund.	Awaiting second reading in the House.	Support



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Member Voice

From time to time we ask MITA members to comment on issues of importance to the industry. Some of the answers are published here.

Based on escalating costs, will your company be able to continue to offer healthcare and pension plans to your employees in the future?

Yes. We will not be able to keep our current level of benefits and will need to reduce them.

John Medberry
IHC

Yes. We are trying to stay under 25 employees so that we will not be severely impacted.

David Chapman
David Chapman Agency, Inc.

Yes. A percentage is now being paid by the employees.

Beth Wilson
Asphalt Pavement Association of Michigan

Yes. Our employees deserve our best effort to provide quality healthcare and a quality 401K. The biggest question is, what will be available for healthcare insurance in the future? When we finally have that answer, we will be able to make the necessary adjustments.

Jim Cripps
Cripps Fontaine Excavating, Inc.



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Yes. MISS DIG is always evaluating overall costs. We have recently changed our pension that will contain costs and maintain benefit to employees. We will be evaluating the health care issue after final regulations are promulgated for ACA.

Bruce Campbell
MISS DIG System, Inc.

Yes. What happens to the union benefits for road builders? Will they no longer apply? No one has really explained about the winter months when employees make selfpayments to the unions. Whose responsibility is it to make self payments?

Joanne Lopez
Westside Concrete Co.

Yes. We currently offer coverage to our employees and their families. Due to the rising cost, it appears that we are going to have to implement a co-pay for the spouse/family portion of the premiums and may begin a system of co-pay for employees based upon the number of hours worked in a year. In the past, we have implemented a much higher deductible and co-pay in the insurance plan and covered that difference to the employee with a Health Reimbursement Account so that the employee saw no appreciable difference in expense to them. All of this is predicated on being able to comply with the new rules/regulations being imposed by the Obama Care Law. This is an important benefit for our employees and it is our intent to maintain a program that is beneficial to them with as minimal cost to the employee as possible.

Tom Gallagher
Harbor Springs Excavating

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Member Project Profile

Wade Trim Recognized with Awards for Infrastructure Projects

Recognition of Wade Trim's design work in 2012 spanned the water infrastructure network from the treatment, storage and distribution of drinking water to the collection and conveyance of wastewater. Two projects received awards from professional associations in Michigan.

Allen Park SSO Tunnel and Relief Sewer - Project of the Year (Environment, \$15-\$25 million), American Public Works Association, Michigan Chapter and Merit Award, American Council of Engineering Companies of Michigan (ACEC/M)

Bound by the horizontal and vertical constraints of a highly congested urban area, a compact solution was needed to design and construct the City of Allen Park's Sanitary Sewer Overflow (SSO) Tunnel and Relief Sewer project. This court-mandated, corrective action reduces bypass pumping to Ecorse Creek and limits Allen Park's peak wet weather flows to the Detroit sewer system. It also reduces the future risk of basement flooding by providing storage during wet weather events and eliminating hydraulic bottlenecks in the system.

Performance-based continuous hydraulic modeling based on 36 years of local data was used to size and route these SSO improvements and gain regulatory approval for a design that limits SSOs to less than one occurrence every 10 years. Integrated use of the local model with Detroit's regional model reduced the storage volume required by 35% compared with the State's design storm standard, enabling a cost-effective tunnel storage solution that safely maintains acceptable hydraulic gradient levels within both systems. The .86-mile tunnel can store 1.34 million gallons

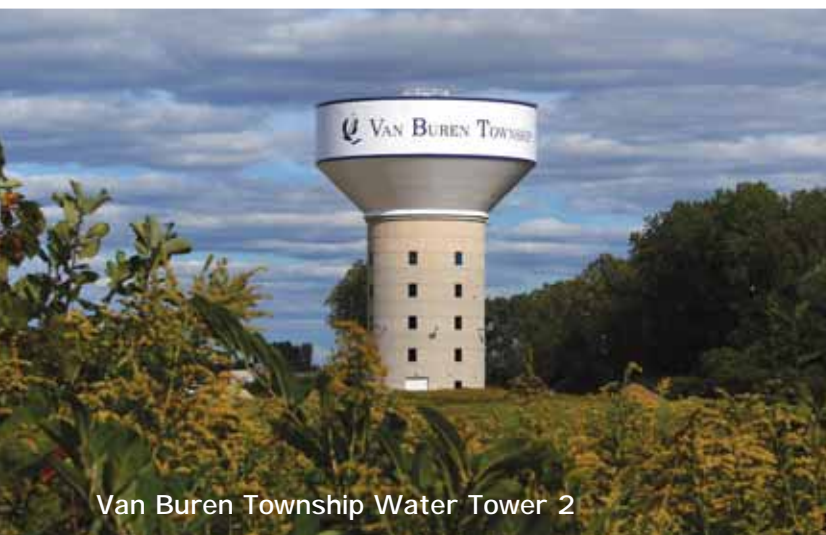
(MG) of wet weather flow that is lifted through a new 8.4-cfs submersible dry weather/wet weather pump station and force main, and ultimately to an existing trunkline sewer.

Dual-purpose mining shafts and detailed specifications for tunneling materials were used to mitigate settlement risks and overcome historical challenges with soft-ground tunneling in this area. A robust geotechnical instrumentation and monitoring program was developed to monitor soil movement and utility settlement from the variety of construction methods used and corrective measures were quickly taken to protect existing infrastructure.

Van Buren Water System Improvements - Merit Award, ACEC/M

To improve the reliability of its water system, the Charter Township of Van Buren sought a comprehensive solution that addressed capacity and flow issues while lowering their Detroit water rate. Five miles of new water main, a 2-MG elevated storage tank and other water system improvements have increased redundancy in vulnerable areas and improved water quality and pressure as well as fire flow capabilities. Van Buren has reduced, or shaved, their peak hour rate from 16.1 MGD to 7.2 MGD by providing local storage to supplement demand during peak times.

Extensive hydraulic modeling was used to achieve a pressure-driven balance between four water distribution points in Detroit's system and the storage tank that would not exceed the new peak hour rate. The water tower was sized to optimize the capacity and pressure required within height constraints imposed by a nearby airport. A new meter pit and four control valves were added to



Van Buren Township Water Tower 2



Allen Park SSO Tunnel Construction 12

give the township operational flexibility and an intricate control system using the township's Supervisory Control and Data Acquisition system is used to monitor pressure and adjust the control valve openings.

Van Buren's lower peak hour factor has resulted in a 25 percent rate reduction with a projected annual savings of \$450,000. Put to the test during three successive Detroit water main breaks in July 2012, the new system demonstrated its true value by supplying community demand, maintaining pressure and eliminating the potential for groundwater contamination during an emergency.

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Pete Ruane

Bringing the Transportation Investment Conversation to the Kitchen Table Level National Survey Shows Value of Good Roads & Transit

By: Pete Ruane, ARTBA President & CEO

Many Americans have little idea about how much money they personally pay every month to maintain and improve the roads, bridges and public transit we use. But 75 to 80 percent of them say having safe, efficient and well-maintained transportation infrastructure is at least, if not more, important to their personal livelihood and well-being than good cable, cell phone, internet, water, sewage and household electricity and natural gas services.

These were the key results in a national Ipsos Public Affairs survey—recently commissioned by ARTBA as part of the “Transportation Makes America Work” campaign—that aimed to gauge public sentiment about the role of transportation in daily life, and relative to other modern necessities we routinely rely upon.

ARTBA’s initiation of this first-of-its kind opinion research is no accident. It is the outgrowth of the key recommendations in the ARTBA Strategic Planning Committee (SPC) report approved by the board in 2011. The traditional political arguments of “job creation,” fixing “structurally deficient” bridges, “preventing 34,000 annual highway deaths,” and explaining the perils of traffic congestion have not been resonating in the current political environment. An interstate bridge collapses and there’s a collective political yawn. As a result, the SPC report, among other things, called for changing the industry’s message and putting forth a new “value proposition.” The survey is the latest in our ongoing efforts to reframe the transportation debate with the public and elected officials.

Among the other notable poll findings:

- Nearly 8-in-10 (78 percent) said driving a motor vehicle is “very” or “extremely” important to our ability to conduct our daily lives. Twenty-one percent (including 34 percent of low income respondents) say the same about using public transportation;
- Nearly 9-in-10 (88 percent) said transportation infrastructure is important to maintaining a strong U.S. economy;
- 83 percent said our transportation network is important in ensuring national defense and emergency response capa-

bilities;

- And no matter where we live—whether rural or urban—71 percent agreed growing traffic congestion in U.S. metropolitan areas is making products we buy everywhere more expensive because congestion increases transportation costs for businesses.
- 74 percent agreed that “investing in transportation infrastructure should be a core function of the federal government.”

However, the survey did reveal one major disconnect between the perceived value of transportation mobility and an individual’s personal investment in the infrastructure that provides it. When asked the question how much their household pays each month in gas taxes (the primary means of financing highway and transit capital improvements), 40 percent of respondents said they “didn’t know.” In fact, according to FHWA data, the average U.S. household paid \$46 per month in gas taxes in 2011—the most current year available.

Another 24% estimated they pay more than double that amount, which in some cases is likely an overstatement, as this would involve buying enough gas to fuel a household’s cars for nearly 5,400 miles per month, while federal data show the average household with one or more cars drives just over 2,100 miles per month.

U.S. Commerce Department 2011 data show the average household spends about three-and-a-half times more each month for household electricity and natural gas service (\$160) than we pay in state and federal gas taxes. We also pay three-and-a-half times as much monthly, on average, for landline and cell phone service (\$161) and nearly two-and-a-half times as much for cable and satellite television, radio and internet access (\$124).

The bottom line is that this research helps bring the transportation investment conversation down to the kitchen table level, rather than talking about trillion dollar needs. If system beneficiaries—the public and U.S. businesses—invested in transportation infrastructure in line with what we routinely pay monthly for other necessary services, we would see reduced transportation costs for business, faster commutes, and safer, smarter, more du-

rable roads, bridges and transit. It's the industry's job, collectively, to try and convince everyone it is an investment worth paying for.

We are off to a good start, too, because following the public release of the survey results, we have received scores of inquiries for the survey's results and crosstabs from state DOTs and other industry groups interested in helping communicate the "new language" on the value of transportation investment.

We encourage all ARTBA members to join us in changing the conversation! Get the full survey results at www.tmaw.com.

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The Economic Impacts of Bridges

By Darwynn Deyo, ARTBA Research Manager

The May 23 collapse of the Skagit River Bridge in Washington provided a stark reminder of how our bridges connect communities and their importance to the national and local economies. Although state departments of transportation (DOTs) and local governments have spent more on bridge repair and construction in the last decade, one in four bridges in the U.S. is still classified as "structurally deficient" or "functionally obsolete."

Last year, commuters, shoppers, first-responders and trucks made over 4.45 billion crossings a day on the 605,132 bridges

in the United States, according to ARTBA's analysis of data from the Federal Highway Administration (FHWA). The sudden disruption of this service, such as the case with the Skagit River Bridge, has immediate economic consequences for the local economy.

The Skagit River Bridge is



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located on the critical commercial Interstate 5 highway and is a major conduit for Canadian traffic into the United States. The 58-year old bridge had been inspected on a regular basis and was classified as “functionally obsolete,” meaning the design of the structure was not in line with current practice. When a freight truck hit the bridge, the structure gave way and three people plunged into the river. While no lives were lost in the accident, there has been a significant economic loss for the area. The decline in economic output, and lost jobs and revenues were expected to be more than \$45 million, according to one early report.

“It’s had a tremendous impact here,” said Don Wick, executive director of the Economic Development Association of Skagit County. Wick cited the “dramatic” impact of the bridge collapse to a nearby outlet mall, 70 percent of whose customers drive the 50 miles from Canada, and to retail businesses along the detour corridors.

According to ARTBA’s BridgeDataPro™ program, there are more than 70,000 daily crossings over the Skagit River Bridge, which is owned by the Washington State Department of Transportation (WSDOT). Between the bridge collapse on May 23 and the opening of a temporary span on June 19, vehicle traffic was diverted on five routes, not including rail or air transit. The temporary fix alone cost almost \$18 million, most of which was paid for by the U.S. Depart-

ment of Transportation.

Travis Phelps, spokesperson for WSDOT, said there are bridges in need of repair and the department is working to address them as quickly as possible.

“A lot of sections of [Interstate 5] are approaching 60 years old,” said Phelps. “We do have a lot of needs in Washington state.” And while the state does set aside funds for basic maintenance and preservation of existing infrastructure, Phelps said the day is coming when bridges will need to be replaced. “There are future needs we’ll have to address soon, for a lot of the aging infrastructure,” said Phelps, and referenced the Alaskan Way Viaduct, a tunnel in downtown Seattle. “We replaced some very big pieces of infrastructure in Seattle, and those needs are going to continue into the future.”

A National Challenge



The good news is that the number of deficient bridges has declined over the last decade as state DOTs and local governments have spent more on bridge construction and repair. The real value of bridge and tunnel work in the U.S. increased from \$17 billion in 2002 to \$28.5 billion in 2012, according to ARTBA’s analysis of U.S. Census Bureau data. Over the same time period, the number of structurally deficient bridges declined from 14.2 percent in 2002 to 11 percent in 2012. The number of functionally obsolete bridges declined from 15.3 percent to 13.9 percent.

The bad news is that as improvements are made, more bridges fall into disrepair. Even with the increase in spending over the last decade, funding levels are not high enough to make a significant dent in the bridge backlog. Nearly 25 percent of bridges in the country are still either “structurally deficient” or “functionally obsolete.”

Looking forward, funding continues to be a challenge. Although the passage of MAP-21 has provided some stability to the federal aid program, which accounts for nearly 45 percent of all highway and bridge construction work, there was no new major boost in funding in the law. State and local governments are still facing significant financial challenges from the economic collapse of 2008 and many are struggling to find additional investment for their highway and bridge programs.

The collapse of the Skagit River Bridge is an important reminder that bridges are a critical part of our local economies—connecting communities, commuters and businesses with one another. Although improvements have been made, it is going to require a significant increase in investment from all levels of government to reduce the backlog of projects on our national bridge network.

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