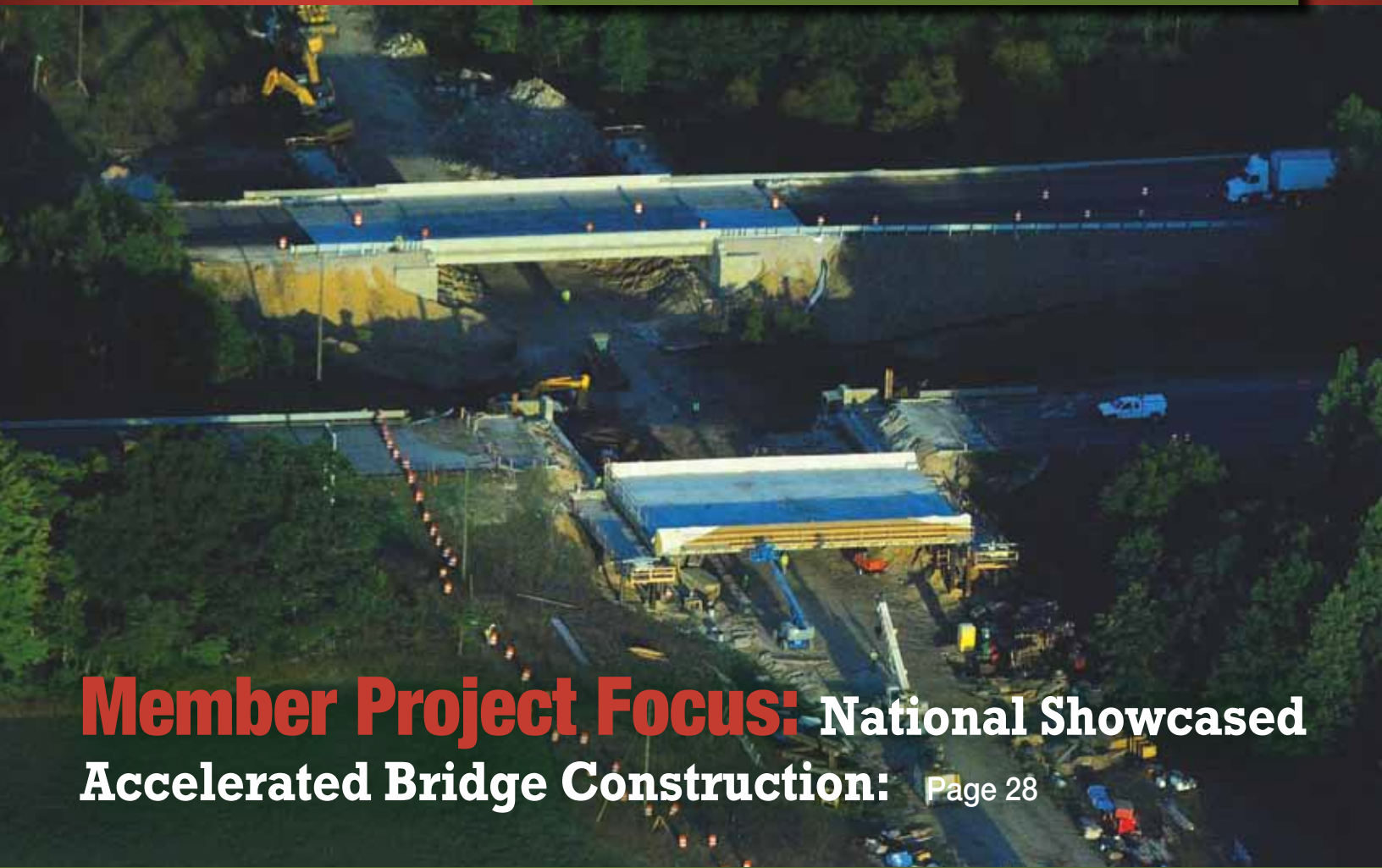


FALL 2014

CROSSSECTION



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Cover Photo of C.A. Hull's US-131 Bridge Slide Project over 3 Mile Road in Mecosta County (Photo courtesy of MDOT Photography Unit.)

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Mike Nystrom

EXECUTIVE VICE PRESIDENT

MITA is proud of member projects across the state, some of which recently attracted national attention because they demonstrated technologies that offer effective and economical ways to address critical infrastructure needs in Michigan. Some great photos and an interesting article are on page 28.

Our members are also continuing to showcase their projects by inviting state legislators for site visits. These tours allow members to highlight how hard the industry works every day to build and maintain roads, bridges and underground facilities. For more on these efforts, look to page 32.

When the 2014 construction season comes to an end, it will be time for MITA's Annual Conference, set for January 21-23 at the Soaring Eagle Casino and Resort. Rob Coppersmith, MITA's vice president of membership services, offers details about the speakers, entertainment and sessions on page 16. We hope to see you there!

To remind us that the 2015 construction season is right around the corner, Doug Needham, P.E., our vice president of industry relations, writes about MDOT's e-construction rollout plan. Beginning with the October 3, 2014 MDOT letting, all MDOT projects (not local agencies) have required e-construction. What exactly does this mean? Check out the article on page 19.

Obviously, every one of your projects includes home office overhead expenses, and therefore, you will want to read the Legal Issues article on page 40. Eric Flessland with Butzel Long writes about how to recover these expenses on delayed projects. The article examines unabsorbed home office overhead and explains a recent challenge in which MITA participated.

We hope all of the articles in this magazine serve to keep you better informed about the industry in which you work. If you ever have story ideas, or project photos that you want to share, please don't hesitate to contact us.

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MEMBER PROFILE



The staff of C.A. Hull, Co., Inc. in Walled Lake.

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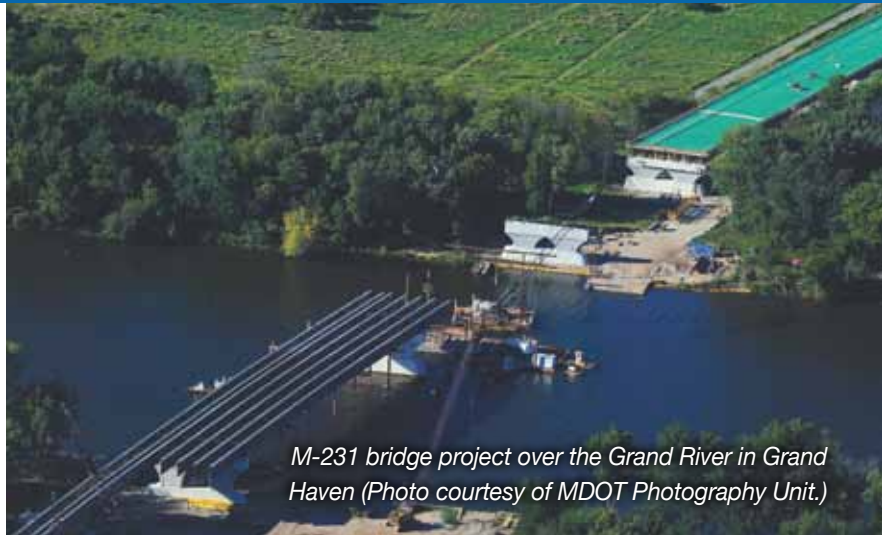
C. A. Hull Co., Inc., in Walled Lake has successfully built or rehabilitated nearly 2,000 Michigan bridges since it was founded in the 1930s by Clarence Hull and incorporated in 1954 along with Don Malloure. The recently completed reconstruction of I-96 project – one of the largest MDOT projects ever – is now part of C. A. Hull's portfolio.

The \$150 million project involved the reconstruction of seven miles from Newburgh to Telegraph Road in Detroit, and included the rehabilitation of 37 bridges on a freeway, which was constructed more than 40 years ago and had exceeded its service life. C. A. Hull performed the majority of the bridge and retaining wall work on the project, which included deck replacements, bridge deck overlays, superstructure replacement, substructure element replacement, miscellaneous painting, bridge approaches and substructure patching.

"We are proud to be part of a great team with Dan's Excavating and Ajax Paving," said Mike Malloure, who runs the company along with Dave Turner, who is vice president and in charge of estimating. "Together we

completed this project ahead of schedule. We worked 24 hours a day, seven days a week and completed the project in 167 days. By handling this type of expedited work, we are doing what is right for the public and that is what is most important."

Other news that Malloure is proud of is the fact that his company this year added a new division – bridge painting – after undergoing intensive training to achieve SSPC-QP1, QP2 certification and MDOT prequalification. This additional service allows for growth and efficiency on projects, since C. A. Hull can now handle all bridge project aspects, from earthwork to painting. Although C. A. Hull is primarily a bridge



M-231 bridge project over the Grand River in Grand Haven (Photo courtesy of MDOT Photography Unit.)

contractor, they also perform some other structural concrete, walls, foundation, earth retention, marine, miscellaneous concrete paving and earthwork projects.

A full-time salaried workforce of 28 handles C. A. Hull's projects, which is about double what it was in 1999. Malloure is extremely proud of his dedicated employees, who take C. A. Hull's core values seriously: safety, teamwork, innovation, quality and

integrity. They are a young company, with the average age of 35 for project managers and superintendents in the field. Malloure, who started working for the company during summers before he graduated from Bucknell University in 1998, followed in the footsteps of his father, Joe Malloure, and his uncles, John and Paul Malloure, when he became an equal company shareholder with Dave Turner in 2010. Joe, John and Paul are now semi-retired.

In the future, as the market continues to grow, C. A. Hull plans to grow with it. They recently bought property and a building adjacent to their main office, and currently their two office buildings are at capacity. Further expansion is on the horizon, Malloure said, if an additional source of stable, annual state transportation funding is finally approved by the Legislature to allow for more construction projects beyond 2014.

Among C. A. Hull's 2014 projects is a strategic partnership with Hardman Construction to complete the \$60 million M-231 bridge over the Grand River in Grand Haven. The huge project involves the construction of a 16 span, 4,500 LF bridge, which will bypass US-31 and is scheduled for completion by July 4, 2015.

C. A. Hull was also recently involved in

Bridge Slide Showcase event, hosted by FHWA, to highlight new technology used on the US-131 bridge over 3 Mile Road in Mecosta County.

As members of MITA since 1995, C. A. Hull is active on all MITA engineering meetings and committees, including the MDOT Quarterly Meeting, Bridge Operations Committee and the Standards Specifications Rewrite Committee. Glenn Bukoski, P.E., MITA's vice president of engineering services, explained that "C. A. Hull is one of our member companies we now can rely on when the bell rings. Whether it's a legislative event, a general membership meeting, or a quickly called meeting to discuss a specific technical issue, we know we can count on someone from C. A. Hull being there. From an association standpoint, we appreciate their very active support of MITA that benefits the entire industry."

And it is nice to know that C. A. Hull, Co., Inc. also appreciates what MITA offers the industry.

"We feel strongly that MITA is a great asset, and is extremely adept at dealing with MDOT and advocating for the industry with the legislature," said Malloure, who is often seen at the MITA Summer Conference with his wife, Julie, and their young daughters,



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Katie, age 8; and Anna, 6. We look forward to being an active member of MITA for many years to come."

HISTORY OF C. A. HULL CO., INC.

Clarence Hull started working for his father in the earth moving business when the term "heavy machinery" meant horses. His position in the company involved associated concrete work, such as construction of headwalls and culverts, and by the late 1940s that role evolved into his own proprietorship.

In the early 1950s, Clarence hired a young engineer named Don Malloure to assist him in his efforts. Malloure had attended the University of Michigan for a degree in civil engineering on the G.I. Bill after serving in the U.S. Navy. Soon after he started work, Don approached Clarence about an employment arrangement that included an ownership provision in which Malloure would acquire the balance of the company over 10 years. The execution of this agreement rested on the outcome of an upcoming letting by the Michi-

gan State Highway Department; without a winning bid, Clarence Hull planned to sell the business and retire. The proposal to build a bridge that would carry what is now I-75 over a rail spur in Monroe County was a success, and in 1954 C. A. Hull was incorporated.

By 1965, Malloure had acquired 100 percent ownership of the company, and in 1966, when Clarence passed away, the future of the company was solely on Don's shoulders.

C. A. Hull continued to grow and thrive in the 1970s, when Don Malloure's three sons, Joe, John and Paul, began working for the company as engineers. Eventually, Joe became president, John and Paul became



vice presidents, and the company evolved into one of the largest bridge-building firms in Michigan.

Today, the foundation that was set over a half-century ago, is as strong as ever. Joe, John, and Paul (semi-retired) have been joined by two other engineers, Mike Malloure (son of Joe) and Dave Turner.

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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Letter to MITA

Dear Glenn and Doug:

Woody and I would like to thank you so much for your valuable time today helping us with Prevailing Wages. You provided exactly the information we needed and were very helpful. We also appreciate you sharing more about how MITA can help us in other areas, like safety.

Julie Pardoe
ETNA

Underground

SPOTLIGHT

MITA is the proud recipient of a recent MIOSHA grant. The purpose of the grant is to educate underground contractors on the rules that pertain to underground excavation. To do this, MITA will develop an app for a smart phone or other field device that will allow contractors to calculate the proper angle of repose by entering measurements and determine if the angle matches the proper soil type. The app will also provide other important information regarding trench safety. We look forward to having this app introduced prior to next spring's construction season. If you have any questions, contact robcoppersmith@mi-ita.com.

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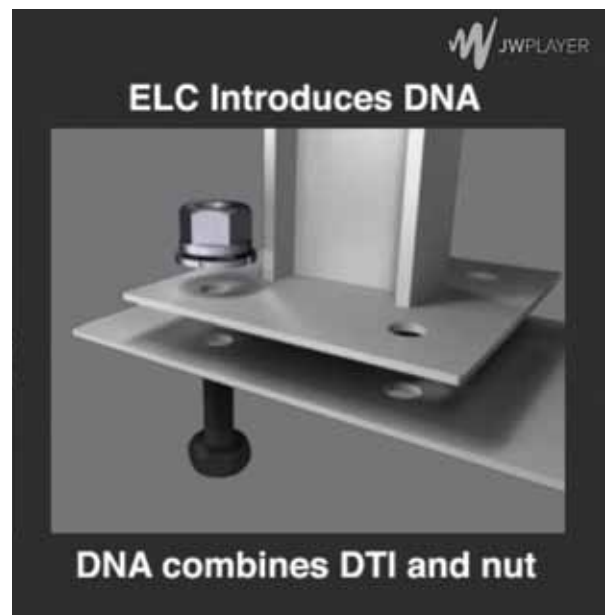
ELC Technologies, LLC was founded in Detroit to deliver innovative alternatives to the fastener industry. This includes a new tensioning device that has cost and time saving applications in heavy construction projects.

Their main product, a DTI Nut Assembly (DNA), ensures that every bolted connection in a structural steel application is properly tensioned and completed as quickly as possible with quality at the forefront, said Paul Seewald, ELC's Director of Government Affairs. This ingenious new tensioning device links a Direct Tension Indicator (DTI) to a standard hex nut for tensioning bolts to any customer's specific application. The nut, hardened washer, and DTI are combined into one intelligent piece, as shown in a

video demo on their website at www.eloadindicators.com.

"The result is significant cost savings; in shipping, handling, single operator tightening, ease and speed of assembly," Seewald said. "In addition, the possibility of assembly errors is eliminated as is the 'fiddle factor'. You are only handling one element instead of three."

Seewald explained that the product also improves upon DTI's, which have been around for over 50 years, and are used to indicate proper tensioning of structural fastener assemblies in steel bricgework and other steel structures.



Engineers can visually inspect bolts for proper tension in slip-critical or pre-

tensioned bolted connections. The DNA innovation has been approved by AASHTO for use on bridges, and is made and melted in the United States meeting all BUY America requirements. The DNA is also a “Pure Michigan” product. The DTI is stamped and manufactured in Livonia Mi., and the nuts are produced in Traverse City Mi.

The DNA innovation was possible, Seewald said, because of the DTI’s unique geometry. This patented technology has enabled the DTI to be fixed directly under the nut in a nut and washer assembly with superior tightening results. The benefits for users are immense, Seewald said, and include the following:

- Lubricity is no longer the all-important factor
- Combines the DTI, nut and washer into one piece
- Eliminates assembly errors
- Speeds assembly and inspection time
- Resists vibration loosening

Seewald said ELC Technologies is spreading the word about this product, company by company, through lunch and learn demonstrations, and participation in bridge, steel, and railroad industry conferences to name a few. ELC participated in MITA’s 2014 annual conference, and plans to participate next year as well.

“The benefits of our MITA membership are becoming clear to us as we stay in the loop with member networking events, and also stay up to date on industry issues,” Seewald said. He also goes on to say, “We are looking forward to continuing to spread the word about our product line. Our world is bolted together, from the buildings we live and work in to the cars we drive and the bridges we drive over. Let ELC Technologies and our products bring you peace of mind.”



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MITA CROSSSECTION

2015 MITA Annual Conference: All In!

Where to begin? The MITA Annual Conference has been and continues to grow in the role of the heavy construction industry's largest function of the year. The 2015 event will be held at the Soaring Eagle Casino Wednesday January 21 through Friday January 23. If you've never attended, you're missing a lot of opportunities.

First, let me explain there is another event captured within the main conference. *The Michigan Utility Coordination Conference* takes place Wednesday morning into the afternoon and is a gathering of key utility stakeholders that are trying to put the locating end of construction on the right end, the design and engineering phase of construction, and that is why we need contractors present. Industry input is invaluable. We all know what looks good on paper and sounds good in concept often meets a terrible fate in the field. This meeting will allow excavators to get a glimpse of what's coming and a chance to influence the process.

Wednesday is loaded with opportunity with the *Trade Show* opening at noon with a strolling lunch in the vendor area. Attendees will get an opportunity to see first hand what new wares

are coming for the impending construction season.



To contact Rob Coppersmith, e-mail him at roboppersmith@mi-ita.com or call the MITA office at 517-347-8336.

Also: please understand that our vendors make this event possible via booth purchases, donations and sponsored breakfasts, dinners and cocktail receptions. I have and will continue to preach **"support those who support you"** – are you buying your needs through a MITA member? If you are not doing so, you should.

The *Keynote*



Photos from the 2014 Annual Conference.



VICE PRESIDENT OF MEMBERSHIP SERVICES COMMENT

Speaker on Wednesday is *J. B. Bernstein!* Don't recognize the name? You should. J.B. represented the likes of Barry Sanders and Barry Bonds and is the figure the movie "Million Dollar Arm" is based upon. His unique blend of sports and marketing will surely inspire. The afternoon is then finished off with our presidential exchange and awards ceremony followed by the *DBE Reception* hosted by AIS/CRC.

Thursday's events start with the *Presidential Breakfast* hosted by Alta Equipment, which had the foresight to add a Bloody Mary bar to this important event that honors our outgoing president.

Then, it's *Session Time* and we have sessions that will be of interest to all facets of the industry. From hot buttons like prevailing wage to succession planning and I-9 training you will surely find several sessions of the eight morning sessions that will be of interest to you or your staff. Did I mention that these sessions are eligible for professional development credits? Bonus!

The morning sessions are then followed by another strolling lunch in the vendor area. Did I mention we should support those who support us and that this event wouldn't be possible without the support of generous associate members? Please visit the booths. They will have food and cocktails available.

The rest of the afternoon is dedicated to the main stage that will contain a message from *MDOT Leadership* and a post election legislative update or panel followed by *Comedian Ross Bennett*. If you haven't experienced Ross, you're in for a major treat. He has been on all the late night shows, and his unique brand of comedy has been a real crowd pleaser.

The evening is capped off with the *Industry Reception* sponsored by Michigan CAT. Both the DBE Reception and the Industry Reception provide some of the greatest networking and bonding opportunities that one could imagine.

So: if you have not attended, you should! If you have, I'm sure I will see you again. If you'd like to get a booth or more involved, give me a call.

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Flagger Wage Rate

Just days before a significant MDOT bid letting, MITA staff discovered that the “Flag Person” wage rate in the USDOL published highway wage determination had been unknowingly increased from the previously published wage of \$7.25 with no fringe, to a wage of \$18.99 with \$12.75 in fringes ... a whopping 438 percent package increase! MITA immediately sprang into action contacting both the USDOL and MDOT making the case that the wage increase was unexpected and, at a minimum, out of line as it was comparable to a skilled journeyman laborer wage package.

Hearing and concurring with MITA’s case, MDOT agreed to issue an addendum that would re-establish the Flag Person wage to the previously published wage of \$7.25 with no fringe. MDOT further agreed to issue the same addendum in all subsequent MDOT bid lettings until the matter was formally resolved with the USDOL. With resolution of the matter now in hand, MITA was able to issue a bulletin to all of its’ MDOT prequalified members advising them on the pending MDOT addendum action.

This swift and aggressive action by

MITA saved all bidders from including hundreds of dollars of unsubstantiated labor wages in their bids. MITA’s action saved the unknowing bidder, who may have bid the previously published wage rate, from the potential of having to pay hundreds of dollars in restitution had MITA not discovered the published wage increase.

The moral of this Problem Solver ... if you notice something that doesn’t look right in a published USDOL wage determination or a state prevailing wage rate schedule, contact MITA immediately and let us look into it it is a lot easier to affect changes before a

bid letting than after a letting when bids have been taken and opened by the owner agency.

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E-Construction Rollout Plan for 2015 Construction Season

As you may be aware, beginning with the October 3, 2014 MDOT letting, all MDOT projects (not local agencies) will require e-construction. What exactly does this mean?

Well, e-construction is comprised of contract and construction management that requires electronic documentation of decisions and events. Traditionally this process has been accomplished through extensive paper-based documentation systems involving conventional postal delivery, project journals, note taking, design/construction submittals, and physical signatures. However, we are now in an era of instant communication with real-time virtual information access and a tech-savvy workforce. The paper-based system is fast becoming obsolete. E-construction incorporates electronic documentation for every aspect of the construction phase of a project, from the initial submission of the official contract document to the final submission of the last form.

What you may not be aware of is that the concept of e-construction actually began a few years ago at the

request of MITA. Through our many meetings with MDOT staff and

leadership, MITA continually challenged MDOT to improve payment timeliness. MDOT cited that one of the main reasons for slow payment was the lack of required documents (i.e. material certs, payroll, various MDOT forms, etc.) being submitted by the contractor. MITA countered with many examples of documents being delivered, yet for some reason they appeared to have gotten lost in the vast amount of paper exchanges and were required to be resent, sometimes multiple times. MITA pressed for an electronic filing cabinet where the contract documents could be uploaded, thus ensuring receipt of delivery. A few short years later, with significant input sought from MITA, MDOT rolled out the beginning phase of e-construction.

If you haven't had the opportunity to participate in one of the many 2014 pilot projects, there are a few key items that you will need to know:

- You will need an electronic signature for the submission of the award documentation, as well as other required forms. All documentation that requires an authorized signature must be signed using an MDOT validated digitally encrypted electronic signature. Failure to submit documents utilizing this signature will result in documents being returned.
- MDOT's Construction Document

Management System (ProjectWise) must be utilized for the submission of all contract modifications, correspondence, material information, payrolls, shop drawings, and subcontractor information.

- When submitting documents into the ProjectWise folders, the default status of the document is "pending". While in this state, you are able to modify the document. However, once the document is changed to "submitted," the ability to modify the document is no longer an option.
- Once "submitted," you will need to send an e-mail to the engineer notifying them of the document's imminent arrival.
- For companies needing training, MDOT will be providing various training classes at numerous locations.

Even though the purpose of e-construction is to reduce the submission of paper, you will still need to submit a few documents via hard copy.

- Bills of lading/delivery tickets
- Bonding documents (i.e. payment performance and all warranty bonds)

To date, there have been over 30 active contracts piloted and implemented through MDOT that have resulted in over 100 contracting firms being signed up as users of the

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

Construction Document Management System. As a result, MDOT has made significant improvements to the workflow process based on input from the contracting community.

Understand that with every change comes a learning curve. Through discussions with contractors and suppliers that have participated in the pilot programs, MITA has gathered that any minor inconveniences that may occur at the beginning of projects will diminish and eventually yield considerable time savings. One of the biggest improvements is the fact that submitted documents have an electronic track record and are no longer getting "lost" in the shuffle. When pay estimates are ready for processing, both MDOT and the contractor are on the same page as to which documents were submitted and which ones were not.

E-construction is a great demonstration of how government and private industry can work together to develop and deliver improved systems targeted to provide efficient business operations in the 21st century.

If e-construction can be successfully utilized on the recent \$70 million I-96 reconstruction project in Livonia, it can certainly be successfully implemented for all MDOT projects moving forward.

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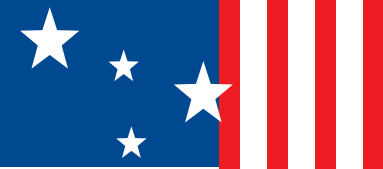
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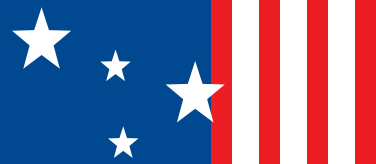
BILL	BILL SPONSOR	DATE	LOCATION	SUMMARY	STATUS	POSITION
SJR - A	Sen. Walker - R	1/16/13	Senate Appropriations Committee	Provides for a Constitutional Amendment, provides for an increase of sales tax; revises distribution.	Referred to committee on 1/16/13.	Neutral
SJR - J	Sen. Richardville - R	1/30/13	Senate Appropriations Committee	Relates to a Constitutional Amendment; provides for increase in sales tax and use tax; revises distribution.	Referred to committee on 1/30/13.	Support
SB 6	Sen. Proos - R	1/16/13	House Tax Policy 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.	Passed the Senate on 6/5/14.	Support
SB 13	Sen. Walker - R	1/16/13	Senate Appropriations Committee	Repeals motor carrier fuel tax act.	Referred to committee on 1/16/13.	Neutral
SB 14	Sen. Walker - R	1/16/13	Senate Appropriations Committee	Repeals motor fuel tax act.	Referred to committee on 1/16/13.	Neutral
SB 50	Sen. Casperson - R	1/16/13	THIS IS NOW A PUBLIC ACT.	Provide for operation of off-road vehicles on certain state highways.	Assigned PA 119 of 2013 with immediate effect.	Neutral
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 85	Sen. Pappageorge - R	1/30/13	Senate Appropriations Committee	Repeals motor fuel tax act.	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 100	Sen. Walker - R	1/29/13	Senate Education Committee	Allows certain types of agreements regarding procurement of diesel fuel.	Referred to committee on 1/29/13.	Neutral
SB 147	Sen. Kahn - R	2/5/13	Senate Appropriations Committee	Repeals motor carrier fuel tax act.	Referred to committee on 2/5/13.	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 149	Sen. Kahn - R	2/5/13	House Transportation & Infrastructure Committee	Provides for the distribution of funds from Michigan transportation fund for capital improvements.	Passed the Senate on 6/5/14.	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 163	Sen. Green - R	2/6/13	THIS IS NOW A PUBLIC ACT.	Revise permit exemptions for wetlands and inland lakes and streams and require more information from department justifying denial of any part 13 permits.	Assigned PA 98 of 2013 with immediate effect.	Support
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 184	Sen. Pappageorge - R	2/13/13	Senate Appropriations Committee	Provides for department of transportation appropriations for fiscal year 2013-2014.	Referred to committee on 6/5/13.	Neutral
SB 207	Sen. Proos - R	2/20/13	Senate Outdoor Recreation & Tourism	Requires financial assistance from department of transportation to rail freight and marine freight facilities.	Referred to committee on 2/20/13.	Neutral
SB 215	Sen. Brandenburg - R	2/21/13	Senate Outdoor Recreation & Tourism	Reestablish marina dredging loans program.	Referred to committee on 2/21/13.	Support
SB 218	Sen. Hansen - R	2/26/13	THIS IS NOW A PUBLIC ACT.	Remove sunset on water resource improvement tax increment finance authority and allow dredging.	Assigned PA 25 of 2013 with immediate effect.	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.	Neutral
SB 229	Sen. Moolenaar - R	2/27/13	Senate	Clarify that money may be expended for dredging of harbors for use by recreational watercraft from the natural resources trust fund.	Awaiting a vote in the Senate.	Support
SB 243	Sen. Booher - R	3/5/13	House Natural Resources Committee	Establish funds for dredging and breakwalls.	Referred to committee on 4/17/14.	Support
SB 252	Sen. Brandenburg - R	3/7/13	THIS IS NOW A PUBLIC ACT.	Establish marina dredging loan origination program.	Assigned PA 10 of 2013 with immediate effect.	Support
SB 263	Sen. Caswell - R	3/13/13	THIS IS NOW A PUBLIC ACT.	Remove provision in state transportation preservation act of 1976 allowing for rail divestiture or leases to current operators of certain railroad properties and repeal other provisions.	Assigned PA 25 of 2014 with immediate effect.	Neutral
SB 264	Sen. Casperson - R	3/13/13	THIS IS NOW A PUBLIC ACT.	Modify procedure for issuance of permits for dredging.	Assigned PA 87 of 2013 with immediate effect.	Support
SB 265	Sen. Jones - R	3/14/13	House Floor	Exempt company test vehicles from additional tax on vehicle registrations charged by regional transit authority.	Awaiting second reading in the House on 3/25/14.	Oppose
SB 277	Sen. Hune - R	3/19/13	House Transportation & Infrastructure Committee	Requirement that commercial vehicles weighing over 5,000 lbs. display certain identification information; revise to apply to vehicles weighing over 26,000 lbs.	Referred to committee on 10/15/14.	Support
SB 281	Sen. Green - R	3/20/13	Senate Transportation Committee	Create and require oversight of publicly owned movable bridges by department of transportation.	Referred to committee on 3/20/13.	Neutral
SB 350	Sen. Casperson - R	5/7/13	Senate Transportation Committee	Revision to highway advertising act; provide for.	Referred to committee on 5/7/13.	Neutral
SB 385	Sen. Moolenaar - R	5/23/13	Senate Transportation Committee	Funding for rail grade crossing surface repair and construction; establish.	Referred to committee on 5/23/13.	Neutral
SB 415	Sen. Brandenburg - R	6/6/13	Senate Floor	Use tax; rate; tax on jet fuel; exempt.	On second reading in the House as of 3/25/14.	Neutral
SB 539	Sen. Nofs - R	9/24/13	THIS IS NOW A PUBLIC ACT.	Damage to underground facility; exempt from immunity.	Assigned PA 173 of 2013 with immediate effect.	Support
SB 540	Sen. Nofs - R	9/24/13	THIS IS NOW A PUBLIC ACT.	MISS DIG underground facility damage prevention and safety act; create.	Assigned PA 174 of 2013 with immediate effect.	Support
SB 614	Sen. Casperson - R	10/10/13	Senate Transportation Committee	Pupil transportation act; expand to include use of certain motor buses and buses operated by public transit agencies or authorities to transport K-12 students to and from school.	Referred to committee on 10/10/13.	Neutral
SB 680	Sen. Kowall - R	11/13/13	House Local Government Committee	County authority to designate use of public road end for purpose of installing a seasonal dock; prohibit county road commission from exercising.	Referred to committee on 4/29/14.	Neutral
SB 695	Sen. Richardville - R	11/14/13	Senate Transportation Committee	Definition of street railway in nonprofit street railway act; amend.	Referred to committee on 11/14/13.	Neutral



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SB 696	Sen. Smith - D	11/14/13	Senate Transportation Committee	Obligation of street railway to pay costs of modifying or relocating public utility facilities; waive under certain circumstances and regulate provisions of operating license agreements between street railways and road authorities.	Referred to committee on 11/14/13.	Neutral
SB 697	Sen. Casperson - R	11/14/13	Senate Transportation Committee	Property owned by nonprofit street railway; exempt from general property tax act.	Referred to committee on 11/14/13.	Neutral
SB 777	Sen. Pappageorge - R	2/11/14	Conference Committee	Department of Transportation; provide for fiscal year 2014-2015.	Conference Report signed on 6/5/14.	Neutral
SB 1032	Sen. Colbeck - R	9/9/14	Senate Infrastructure Modernization Committee	Establish database for all road and bridge projects. A bill to amend PA 51 of 1951.	Referred to committee on 9/9/14.	Neutral
SB 1066	Sen. Pappageorge - R	9/17/14	Senate Transportation Committee	Eliminate requirement that cities and villages bear a portion of the cost of opening, widening and improving state trunk line hwy's.	Referred to committee on 9/16/14.	Neutral
HB 4015	Rep. Heise - R	1/22/13	House Transportation & Infrastructure Committee	Funding to authority created under the municipal partnership act or the urban cooperation act of 1967; provide for	Referred to committee on 1/22/13.	Neutral
HB 4028	Rep. Geiss - D	1/22/13	House Transportation & Infrastructure Committee	Creates an optional county registration fee to benefit public transit.	Referred to committee on 1/22/13.	Neutral
HB 4031	Rep. Geiss - D	1/22/13	House Transportation & Infrastructure Committee	Establish levy of a car rental assessment and earmark for construction and maintenance of certain roads.	Referred to committee on 1/22/13.	Support
HB 4074	Rep. Slavens - D	1/22/13	House Regulatory Reform Committee	Prohibit the use and sale of coal tar-based products for pavement.	Referred to committee on 1/22/13.	Neutral
HB 4086	Rep. Farrington - R	1/22/13	House Judiciary Committee	Modifies governmental immunity for repair and maintenance of highways.	Referred to committee on 1/22/13.	Neutral
HB 4106	Rep. Genetski - R	1/24/13	House Natural Resources Committee	Clarify allowable use of funds for dredging of Great Lakes harbors for use by recreational watercraft.	Referred to committee on 1/24/13.	Support
HB 4128	Rep. Johnson - R	1/29/13	House Transportation & Infrastructure Committee	Earmarks certain percentage of net revenue collected for the state trunk line fund.	Referred to committee on 1/29/13.	Support
HB 4141	Rep. Somerville - R	1/30/13	House Local Government Committee	Prohibits severance pay for certain public employees and contractors.	Referred to committee on 1/30/13.	Neutral
HB 4153	Rep. Shirkey - R	1/31/13	THIS IS NOW A PUBLIC ACT.	Provides for retroactive effective date for regulations on prepaid sales tax on gasoline; provides that if the purchase or receipt of gasoline is made outside the state for shipment into and subsequent sale within the state, the purchaser or receiver shall make the prepayment directly to the Department of the Treasury.	Assigned PA 1 of 2013 with immediate effect.	Neutral
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 4197	Rep. Foster - R	2/6/13	House Appropriations Committee	Provide for funding for dredging of waterways.	Referred to committee on 2/6/13.	Support
HB 4241	Rep. Goike - R	2/12/13	House Transportation & Infrastructure Committee	Creates exception from penalties for exceeding weight restrictions for septic waste vehicles performing emergency work.	Referred to committee on 2/12/13.	Neutral
HB 4251	Rep. Cotter - R	2/13/13	House Floor	Provide for requirement for competitive bidding by county road commissions on certain projects involving townships.	Placed on second reading in the House on 5/7/14.	Neutral
HB 4265	Rep. Shirkey - R	2/14/13	House Transportation & Infrastructure Committee	Allows bicycles, motorcycles, mopeds or three-wheeled vehicles to proceed through automated stoplights if traffic control signal does not detect their presence under certain circumstances.	Referred to committee on 2/14/13.	Neutral
HB 4270	Sen. Ananich - D	2/19/13	House Tax Policy Committee	Provide for certain gasoline expenses credit.	Referred to committee on 2/19/13.	Neutral
HB 4284	Rep. Johnson - R	2/19/13	THIS IS NOW A PUBLIC ACT.	Allow, under certain circumstances, off-road vehicle shoulder access on state trunk line highways.	Assigned PA 117 of 2013 with immediate effect.	Neutral
HB 4299	Rep. Bumstead - R	2/2/13	THIS IS NOW A PUBLIC ACT.	Extend to entire state and eliminate sunset on counties eligible to authorize off-road vehicles on road shoulders.	Assigned PA 118 of 2013 with immediate effect.	Neutral
HB 4305	Rep. McCann - D	2/21/13	House Transportation & Infrastructure Committee	Eliminates deductions for remitting fuel tax by suppliers after October 1, 2013.	Referred to committee on 2/21/13.	Neutral
HB 4339	Rep. McBroom - R	2/27/13	House Transportation & Infrastructure Committee	Exempt county road commission from wetland mitigation.	Referred to committee on 2/27/13.	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 4389	Rep. Goike - R	3/7/13	House Transportation & Infrastructure Committee	Transfer oversight of the Michigan truck safety fund to the secretary of state and abolish the Michigan truck safety commission.	Referred to committee on 3/7/13.	Neutral
HB 4398	Rep. Price - R	3/7/13	THIS IS NOW A PUBLIC ACT.	Revise permit fee for dredging material from Great Lakes bottomlands determined to be largely sand.	Assigned PA 11 of 2013 with immediate effect.	Neutral
HB 4399	Rep. Pscholka - R	3/7/13	THIS IS NOW A PUBLIC ACT.	Expedited conditional permit process; allow for emergencies.	Assigned PA 12 of 2013 with immediate effect.	Neutral
HB 4400	Rep. Pettalia - R	3/7/13	THIS IS NOW A PUBLIC ACT.	Revise fee for dredging material from inland lakes and streams determined to be largely sand.	Assigned PA 13 of 2013 with immediate effect.	Neutral
HB 4401	Rep. Pettalia - R	3/12/13	House Natural Resources Committee	Exempt certain mining operations from inland lakes and streams permit requirement.	Referred to committee on 3/12/13.	Neutral
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	4/9/13	House Judiciary Committee	Purposes for which sinking fund may be used; include transportation.	Referred to committee on 4/9/13.	Support
HB 4539	Rep. Schmidt - R	4/11/13	Senate	Collection of sales tax on gasoline; eliminate.	Referred to committee on 4/11/13.	Support

Continues on pg. 24

BILL	BILL SPONSOR	DATE	LOCATION	SUMMARY	STATUS	POSITION
HB 4571	Rep. Schmidt - R	4/16/13	Senate Finance Committee	Exise tax on aviation fuel; repeal and impose wholesale tax.	Referred to committee on 12/10/13.	Support
HB 4572	Rep. Schmidt - R	4/16/13	Senate Finance Committee	Exempt aviation turbine fuel and aviation gasoline.	Referred to committee on 12/10/13.	Support
HB 4577	Rep. Shirkey - R	4/17/13	House Transportation & Infrastructure Committee	Increase registration fees for mass transit buses.	Referred to committee on 4/17/13.	Neutral
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 4590	Rep. Haveman - R	4/18/13	House Transportation & Infrastructure Committee	Provide for fund-raising plate for First in Michigan.	Referred to committee on 4/18/13.	Neutral
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 4609	Rep. Shirkey - R	4/23/13	House Transportation & Infrastructure Committee	Earmark distribution of oil and gas severance taxes for transportation projects.	Referred to committee on 4/23/13.	Support
HB 4622	Rep. Pscholka - R	4/24/13	Senate Local Government & Elections Committee	Siting procedure for drainage district boundaries; modify.	Referred to committee on 10/16/13.	Neutral
HB 4630	Rep. McCreedy - R	4/25/13	Senate Floor	Modifies vehicle registration fees.	Advanced to third reading of bills on 5/21/14.	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 4633	Rep. Schmidt - R	4/25/13	THIS IS NOW A PUBLIC ACT.	Require digital printing methods and provide for an 8 year expiration date for registration plates.	Assigned PA 179 of 2013 with immediate effect.	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	Senate Finance Committee	Earmark portion of sales tax revenue to transportation fund.	Referred to committee on 12/10/13.	Support
HB 4757	Rep. Muxlow - R	5/22/13	House Transportation & Infrastructure Committee	Establish funding for rail grade crossing surface repair and construction.	Referred to committee on 5/22/13.	Neutral
HB 4794	Rep. Zemke - D	5/30/13	House Transportation & Infrastructure Committee	Decision by regional transit authority to acquire, construct, operate or maintain any form of rail passenger service; allow by simple majority vote.	Referred to committee on 5/22/13.	Neutral
HB 4821	Rep. Lane - D	6/12/13	THIS IS NOW A PUBLIC ACT.	Motor carrier safety act of 1963; apply to buses for which a certificate of authority has been issued under the motor bus transportation act and delete obsolete language.	Assigned PA 263 of 2013 with immediate effect.	Neutral
HB 4899	Rep. Roberts - D	7/18/13	House Energy & Technology Committee	Hydraulic fracturing; require notice and an opportunity for a public hearing prior to authorizing.	Referred to committee on 7/18/13.	Neutral
HB 4900	Rep. Irwin - D	7/18/13	House Energy & Technology Committee	Hydraulic fracturing operations; require certain information and reports to be submitted.	Referred to committee on 7/18/13.	Neutral
HB 4901	Rep. Hovey-Wright - D	7/18/13	House Energy & Technology Committee	Hydraulic fracturing; provide for study and funding of the study.	Referred to committee on 7/18/13.	Neutral
HB 4902	Rep. Tlaib - D	7/18/13	House Energy & Technology Committee	Presumption of liability for contamination of groundwater caused by chemicals used in hydraulic fracturing process; create.	Referred to committee on 7/18/13.	Neutral
HB 4903	Rep. McCann - D	7/18/13	House Energy & Technology Committee	Water withdrawal assessment; require for certain oil and gas operators.	Referred to committee on 7/18/13.	Neutral
HB 4904	Rep. Driskell - D	7/18/13	House Energy & Technology Committee	County and township zoning regulation of certain hydraulic fracturing; eliminate preemption of.	Referred to committee on 7/18/13.	Neutral
HB 4905	Rep. Cochran - D	7/18/13	House Energy & Technology Committee	Use of flowback water from hydraulic fracturing process on dirt roads as a dust suppression tool; prohibit.	Referred to committee on 7/18/13.	Neutral
HB 4906	Rep. Barnett - D	7/18/13	House Energy & Technology Committee	Setback requirements for oil and gas wells; modify.	Referred to committee on 7/18/13.	Neutral
HB 4925	Rep. Lane - D	8/2/13	House Transportation & Infrastructure Committee	Public-private partnerships; allow the state transportation department to enter into.	Referred to committee on 8/2/13.	Neutral
HB 4970	Rep. Pscholka - R	9/12/13	Senate Regulatory Reform Committee	Licensing of residential lift contractors; create as class of elevator contractors.	Referred to committee on 10/31/13.	Neutral
HB 5143	Rep. Lane - D	11/12/13	House Transportation & Infrastructure Committee	Gross vehicle weight limits; modify to 80,000 lbs.	Referred to committee on 11/12/13.	Oppose
HB 5165	Rep. Schmidt - R	12/4/13	House Transportation & Infrastructure Committee	Transportation Economic Development Fund; repeal.	Referred to committee on 12/4/13.	Neutral
HB 5166	Rep. Schmidt - R	12/4/13	House Transportation & Infrastructure Committee	State and federal funds earmarked for subsequent deposit into transportation economic development fund; redirect.	Referred to committee on 12/4/13.	Neutral
HB 5167	Rep. Schmidt - R	12/4/13	Senate Infrastructure Modernization Committee	Contracts entered into by state transportation departments and local road agencies; change bidding requirements and allow state transportation department to borrow money from local road agencies.	Referred to committee on 5/13/14.	Neutral
HB 5168	Rep. Walsh - R	12/4/13	Senate	Agreement between a regional transit authority and a street railway; allow, and provide other general provisions.	Passed the House on 6/5/14.	Neutral
HB 5169	Rep. Schmidt - R	12/4/13	Senate	Definition of public transportation provider in regional transit authority act; amend to exclude street railways.	Passed the House on 6/5/14.	Neutral
HB 5308	Rep. VerHeulen - R	2/11/14	House Appropriations Committee	Department of Transportation; provide for fiscal year 2014-2015.	Referred to committee on 2/11/14.	Neutral
HB 5400	Rep. Schmidt - R	3/11/14	Heading to the Governor's desk	Reduces regulation of low-hazard industrial waste, beneficial use of by-products and inert material.	Passed the legislature on 6/4/14.	Support
HB 5401	Rep. McBroom - R	3/11/14	Senate Floor	Exempts person who stores or uses inert materials and beneficial use of by-products from liability.	Passed the legislature on 6/5/14.	Support



BILL	BILL SPONSOR	DATE	LOCATION	SUMMARY	STATUS	POSITION
HB 5402	Rep. Potvin - R	3/11/14	Senate Floor	Limiting material licensing conditions; provide for beneficial use by-products and inert materials.	Placed on third reading on 6/4/14.	Support
HB 5452	Rep. McCready - R	4/17/14	Senate Infrastructure Modernization Committee	Modifies permit fees charged by state transportation department for vehicles excluding vehicle weight or size limits.	Referred to committee on 5/13/14.	Neutral
HB 5453	Rep. Kosowski - D	4/17/14	Senate Infrastructure Modernization Committee	Increases traffic fines for overweight and oversized vehicles. Amends PA 300 of 1949.	Referred to committee on 5/13/14.	Neutral
HB 5458	Rep. Dianda - D	4/17/14	House Appropriations Committee	Provides for funding for response and recovery assistance of thawing public water lines.	Referred to committee on 4/17/14.	Neutral
HB 5459	Rep. Pettalia - R	4/17/14	Senate Infrastructure Modernization Committee	Earmark distribution of a portion of the sales tax revenue and limit use to transportation purposes. Amends PA 167 of 1933.	Referred to committee on 5/13/14.	Support
HB 5460	Rep. Lauwers - R	4/17/14	Senate Infrastructure Modernization Committee	Modifies replacement warranties on road repairs and extends warranty requirements to local road agencies. Amends PA 51 of 1951.	Referred to committee on 5/13/14.	Neutral
HB 5477	Rep. VerHeulen - R	4/23/14	Senate Floor	Modifies motor fuel tax. Amends PA 403 of 2000.	Advanced to third reading of bills on 5/21/14.	Support
HB 5492	Rep. Poleski - R	4/29/14	Senate Infrastructure Modernization Committee	Use tax; distribution; 1% of use tax revenue; earmark to road funding.	Referred to committee on 5/13/14.	Support
HB 5493	Rep. VerHeulen - R	4/29/14	Senate Floor	Motor carrier fuel tax; flat tax rate; eliminate, and establish an 18-month limitation period for filing refund claims.	Advanced to third reading of bills on 5/21/14.	Support
HB 5554	Rep. Irwin - D	5/8/14	House Transportation & Infrastructure Committee	Allows tax levy by board of county road commissioners to raise money for county roads outside of the jurisdiction of cities and villages and regulate expenditure of money raised. Amends PA 282 of 1909.	Referred to committee on 5/8/14.	Neutral
HB 5565	Rep. Townsend - D	5/8/14	House Energy & Technology Committee	Adopts and requires performance metrics for public utility pipeline safety. Amends PA 3 of 1939.	Referred to committee on 5/8/14.	Neutral
HB 5632	Rep. Howrylak - R	6/4/14	House Appropriations Committee	Distribution formula for allocation of roads and risk reserve revenue; modify.	Referred to committee on 6/4/14.	Neutral
HB 5641	Rep. Townsend - D	6/10/14	House Transportation & Infrastructure Committee	Use of road funds by the state transportation department, counties, cities & villages; modify to require all money to be spent on preservation projects until the asset management council determines that all roads in this state are in at least fair condition.	Referred to committee on 6/10/14.	Oppose
HB 5708	Rep. Darany - D	7/16/14	House Transportation & Infrastructure Committee	Revises maximum gross vehicle weight limits for trucks. Amends PA 300 of 1949.	Referred to committee on 7/16/14.	Oppose
HB 5734	Rep. Mike Shirkey - R	8/27/14	House Transportation & Infrastructure Committee	Distribution of certain unrestricted sales tax revenue into road repair; provide for. provided in the local government public notice act.	Referred to committee on 8/27/14.	Neutral
HB 5864	Rep. McMillin - R	9/30/14	House Transportation & Infrastructure Committee	Modifies distribution of money from the Michigan transportation fund to counties, cities and villages. Amends PA 51 of 1951.	Referred to committee on 9/30/14.	Neutral
HJR EE	Rep. McMillin - R	3/27/14	House Natural Resources Committee	Dedicates portion of revenue from gas/oil leases on state property to construction and maintenance of local roads/streets.	Referred to committee on 3/27/14.	Neutral



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C. A. Hull Co., Inc., participated in a Bridge Slide Showcase August 14 to highlight their US-131 bridge over 3 Mile Road in Mecosta County.

MITA Members Build Nationally Showcased

The FHWA recently hosted national showcase events in Michigan to demonstrate two innovative accelerated bridge construction technologies that are a part of the Every Day Counts Initiative. Engineers from nine states, including MITA staff, attended the events to learn about the technologies and see them in action.



Slide-in Bridge Technology

On August 14 at the Ramada Plaza in Grand Rapids, showcase attendees had the opportunity to learn about the technology from presentations by FHWA, MDOT, and the MITA member contractors building the projects. Attendees were able to also see where the slide-in technology was being utilized for the first time in Michigan at two locations near Grand Rapids.

The innovative slide-in bridge technology greatly reduces the amount of time a bridge is out of service during construction. Basically, a new bridge is built adjacent to an old structure and slid into place once the old structure is removed. This type of construction reduces delay to the traveling public and allows construction workers to do their job away from the hazards of traffic. With the cost of building crossovers often exceeding several million dollars to maintain traffic during bridge construction on freeways, MDOT believes this technology will be a valuable option to build bridges in a safe environ-

ment while keeping travel delay to the public to a minimum.

The slide-in bridge project locations that were showcased on August 14 included the US-131 bridge over 3 Mile Road in Mecosta County, being built by C. A. Hull Co., Inc.; and the M-50 bridge over I-96 in Lowell Township, which is being built by Anlaan Corporation.

Geosynthetic Reinforced Soil Integrated Bridge System Technology

On August 18, the FHWA, MDOT and the Ionia County Road Commission hosted an event at Centennial Acres in Sunfield to showcase the innovative Geosynthetic Reinforced Soil Integrated Bridge System (GRS-IBS) technology. Approximately 60 participants attend the event, including MITA staff.

GRS-IBS is an engineering fill of closely spaced, alternating layers of compacted granular fill material and geosynthetic reinforcement. GRS-IBS a fast, cost-effective method of bridge support that blends the roadway into the superstructure. By combining





Anlaan Corporation attended the Bridge Slide Showcase to discuss their M-50 bridge over I-96 in Lowell Township.

Accelerated Bridge Construction Projects

insights from the past with cutting-edge modern technologies, GRS-IBS offers an effective and economical way to address critical infrastructure needs in Michigan.

Event participants heard presentations about construction of GRS abutments, and had the opportunity for a hands-on introduction to this low-tech, cost effective, construction method when they visited a project, being built by Milbocker & Sons, Inc., in Ionia County on Keefer Highway over the Sepawa Creek.



During a GRS-IBS Showcase August 18, Milbocker & Sons, Inc., discussed their project in Ionia County on Keefer Highway over the Sepawa Creek.



MEMBER NEWS



G2 Consulting Group, LLC www.g2consultinggroup.com

Here is a letter that Mark Smolinski, president of G2 Consulting Group, recently submitted to us which describes G2's role in the M-1 project in Detroit.

After years of talk and debate, the M-1 line is actually happening. Work on Woodward Avenue has begun.

We recognize better than most what a significant accomplishment this is and we are thrilled to have had even a small role in it. Our company, G2 Consulting Group, LLC, worked closely with Z Contracting and the M-1 Rail team during the planning stages of the project contributing to the strategic plan. We know firsthand how incredibly complex this project really is.

Starting with the fact that M-1 represents an unprecedented public and private partnership in a project that will disrupt the urban

core of a major American city, everything about the project is challenging. It involves the U.S. Department of Transportation (Federal Transit Administration), the Michigan Department of Transportation (MDOT), state, city and local politicians, and a Who's Who consortium of public and private businesses, institutions and foundations. And that's just to raise the \$137 million to get the project off the ground!

It also represents enormous construction challenges – demolishing and rebuilding 3.3 miles of Woodward Avenue, including the overpasses that cross I-75 and I-94, construction of 20 individual stations in 12 different locations, comprehensive environmental impact studies, below-grade construction, utility and sewer line surveys, above ground clean-up and lots of collaborative efforts with all the businesses along Woodward that will

be at least somewhat disrupted during the construction process. (Of course, they'll also be the ultimate beneficiaries of the economic catalyst the M-1 is sure to become.)

It's a big, tough job and we salute the team involved. Nobody thought it could be done here in bankrupt Detroit – nobody except the eclectic, persistent and passionate team behind the project. But isn't that what Detroit's all about, people who are passionate about their city and doing whatever it takes to make it better?

Detroit fell a long way in the past half century but it's roaring back fast. We think the chug of the M-1 line, the little engine that could – and finally will – is going to add meaningfully to that roar. We're proud to be part of the team making it happen and we hope to be part of many more of the great stories we know are yet to come in the - at long last - "New" Detroit!



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Did You Know?

Ready To Be Wow'd: New Website Launch

MITA strives to be the best at all it does. With that said, it had become necessary to overhaul the MITA website and database.

We invested in a new website and database to make the work we do on your behalf that much more effective and professional. The beauty of the new system is that the website and database have been combined into one central location of information and resources.

Our goal is to ensure that all MITA staff, as well as all MITA members, have access to a clean, organized and well-maintained database and website that makes everyone's lives easier and less stressful. With one central hub from which to work out of, all MITA staff members will be able to assist members with the wide variety of issues that need to be addressed on a daily basis.

You'll notice that the layout of the new site is vastly different from the old one. Bulletins can be found in multiple locations now. You can find them under the News tab at the top of the new homepage. You can also find them in their respective service categories. For example, by clicking on the Engineering button on the homepage, you can specifically see Engineering bulletins when you get redirected to the Engineering page. Additionally, during the process of building the new site and transferring content from the old site, MITA staff worked hard to streamline certain member services for your convenience.

- ▶ With the creation of custom forms, members will be able to submit and request information quickly and electronically for staff to process:
 - Blue book rate requests
 - Stolen equipment reports
 - Safety training requests
 - Citations for appeals
 - Requests to meet with your legislator(s)
 - Requests for a job site inspection
 - Ad submissions for Cross-Section Magazine
- ▶ Event registration has also under-



gone a major overhaul. Members can now experience a more efficient and streamlined registration process, complete with firm confirmation emails, real-time online payment processing, as well as the ability to register multiple attendees at one time.

- ▶ With this new system, members will be able to regularly track and monitor their own accounting history, as well as all previous and upcoming event attendance, among other things.
- ▶ Real-time payment processing is now available for the following services, and includes American Express and Discover cards:
 - Dues payments
 - Event registrations/sponsorships
 - Purchasing MITA store items
 - Contributing to the MITA PAC

We hope you are all enjoying this new and improved website/database as much as we are, and we hope you will not hesitate to offer feedback, so that we can continually work to make it the best it can be. Thank you for your support as we move MITA forward!



Outreach Spotlight

Legislative Site Visit – I-96 Reconstruction Project



Left to right: Staffer for Democratic Rep. Philip Cavanaugh of Redford Township; Republican Rep. Ken Goike of Ray Township; Republican Sen. Patrick Colbeck of Canton Township; Democratic Rep. Dian Slavens of Canton Township; Democratic Rep. Andrew Kandrevas of Southgate; Joe Goodall with Dan's Excavating; Republican Rep. Martin Howrylak of Troy and a member of his staff.

On August 19, MITA member Dan's Excavating, Inc., hosted a legislative site visit in Livonia near the site of the massive I-96 reconstruction project.

Joe Goodall, of Dan's Excavating, spoke about the \$150 million project, which recently was completed ahead of

schedule. The project included seven miles of freeway reconstruction, 22 ramps, 37 bridges, 80,000 feet of storm sewers, and 1,500 drain structures, Goodall said. Legislators listened to his presentation about the project and then were taken on a guided tour.

"This project was originally built in

about 1972, and lasted 40 plus years with just one major overlay job," Goodall told the audience of legislators. "Challenges that we faced this time, but we overcame them, included noise and dust. We had 500 guys on the job, plus inspectors, and two concrete plants on site. Our 15-20 subs and partners, included C. A. Hull Co.,

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Inc., for bridge work, and Ajax Paving Industries, Inc., for concrete paving.”

MITA member legislative site visits like the I-96 project allow MITA members to show off their hard work, and shine the spotlight on materials and technologies that demonstrate how the construction industry is doing its very best to work efficiently and in a timely manner with taxpayer dollars. If you are interested in setting up a legislative site visit, please call the MITA office at 517-347-8336.

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Main Contacts:

Yvonne Copping, Owner & President
 James (Jim) Copping, Vice President
 and Secretary/Treasurer
 Cathy White, Administrative Assistant
 Randy Manning, Dispatcher

Address: C & S Carriers, Inc.

3224 US-23 South
 Alpena, MI 49707

Phone: (800) 748-0462 or (989) 354-3890

Fax: (989) 358-8084

Email: candsoffice@candscarriers.com

C & S Carriers Inc. is a family-owned tanker DBE business that has successfully operated for over 50 years. A subsidiary of C & S Transportation Inc., C & S Carriers was founded by the late Ken Copping and his wife Yvonne Copping.

“The ‘C & S’ represents Copping and Sons,” Yvonne said. “When my husband passed, our sons, James and the late Kim

Copping, became part owners with me.”

C & S Carriers started out as a trucking company hauling liquid asphalt. After several years, they began supplying the product for a few of their customers. In 2010, they gave up supplying to focus on trucking.

Being a DBE contractor has been the cornerstone of business for quite a while, Yvonne said. “In the 1990’s some regular

customers requested that I get qualified with the DBE program so C & S Carriers Inc., could be involved with their MDOT contracts,” she said. “It was quite a process but it did become reality.”

This year C & S Carriers has taken on nine MDOT DBE northern Michigan projects, six of which they have already completed.

Continues on pg. 39



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Democratic Senator Jim Ananich, Flint

Q: How has your background in both local government and in education helped you prepare to make policy decisions as a member of the Michigan House and now in the Michigan Senate?

A: My experiences on City Council, as a teacher in the classroom, and as a former Congressional and legislative staffer have all contributed to my interest in and ability to focus on policy results. Developing relationships and finding common ground is critical to breaking through on tough issues and while I'm sometimes frustrated with the process, I'm committed to actually making progress on the topics that really impact the people we represent.

Q: What are the most significant differences you see serving in the Senate as opposed to serving in the House?

A: I've enjoyed my time serving in both Chambers and appreciate the variety of issues I've had the chance to work on. One of the biggest differences I've noticed about the Senate is the depth of the debate we're able to engage in because of the length of time members

have to work with each other. Also, the differences in rules on the floor about voting and making statements provide for an interesting dynamic.

Q: What legislative priorities do you have?

A: I have worked from day one to do everything we can to help get people back to work. I strongly believe we need to address the economic issues we face from a number of angles to ensure long-term success. That includes access to good-paying jobs and better wages, improvements to our education and job-training system, and of course investing wisely in a strong infrastructure.

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

A: MITA has done a great job of consistently and forcefully advocating for critical resources. I can trust that when an issue comes to my attention regarding infrastructure they will be responsive and thorough if my staff or I need more information.

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

A: I think the calls are totally justified and frankly share everyone's frustration with the inaction. We need to make this issue more of a priority and I think the continued pressure will help shake loose a solution.

Q: There have been many calls for significant investment in Michigan's roads, bridges and underground infrastructure. What do you feel is the next step towards adequately funding our infrastructure in Michigan?

A: I can understand the interest in studying every angle and considering all the potential solutions, but we cannot afford to wait forever. I hope that bipartisan votes on comprehensive and significant fixes are the next step we take as a legislature.

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

A: It is too low and until we correct that we will continue putting our economy and public safety at risk.

About Senator Jim Ananich

State Senator Jim Ananich is serving his first term in the State Senate following his victory in a special election to fill the vacant 27th District seat. He proudly represents the people of Argentine Township, Clayton Township, Fenton, Fenton Township, Flint, Flint Township, Flushing, Flushing Township, Gaines Township, Genesee Township, Linden, Montrose, Montrose Township, Mundy Township and Swartz Creek.

Before coming to the Senate, Ananich served Genesee County for two terms in the Michigan House of Representatives. He also previously spent four years on the Flint City Council, including one year as its president. While on the city council, he voted to cut his own pay by 15 percent

and refused to take any council perks. Since being elected to the State House, he has continued his push for reforms, voting to end lifetime benefits for politicians and finding savings for taxpayers in his own office budget.

A former teacher at Carmen-Ainsworth and Flint Community Schools, Ananich also worked as an education coordinator for Priority Children, helping train Genesee County youth to secure internships and jobs. Ananich graduated from Flint Central High School and earned a bachelor's degree in political economics from Michigan State University, as well as a secondary education certificate in social studies. He also earned a master's degree in public administration from the University of Michigan-Flint.

During his time in the state Legislature, Jim has fought against cuts to school funding and tax hikes on middle class families. He also led efforts to help create jobs, improve workforce development and prevent scrap metal theft. His bill to help keep unused prescription drugs off the streets was signed into law at the end of 2012. Jim and his wife, Andrea, live in Flint. She teaches high school social studies and is involved in the League of Women Voters, Habitat for Humanity, and several other local groups.



Q: When do you believe the State Legislature will enact substantive changes to how we pay for our transportation infrastructure?

A: I would have preferred action much sooner and I put up my vote in favor of increased investments when given the opportunity earlier this year. Unfortunately, I think the potential lame duck session is the earliest we can hope to get another chance at voting on a larger fix.

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

A: Members and citizens must keep up their pressure to act. Talking about this not only in Lansing but also approaching elected officials back home in the

district is an important and effective way to stress the urgency. I've also been fortunate to participate in local town halls and discussions with students about the importance of infrastructure and the jobs it supports and think more of these opportunities are useful.

DBE PROFILE *Continued from pg. 36*

Currently there are 16 employees, which includes administration, dispatch, drivers, equipment and building maintenance.

"Most everyone has a hand in the DBE projects we handle," Yvonne said, "from quoting rates, processing forms, keeping detailed records to dispatching loads, delivering loads and equipment and building maintenance."

During the winter months, they go down to only five or six employees that are responsible for operations unless there is a special winter haul to fill tanks for a couple of their customers.

As a MITA member and MDOT DBE company, they try to stay up-to-date on all current industry news and participate in upcoming events (especially those concerning the DBE program).

"MITA is diligent in keeping us informed of what is new and current in the transportation construction industry with e-bulletins in the MITA Weekly News," Yvonne said, "and we enjoy participating in MITA's Annual Conferences. We appreciate the opportunity at the Annual Conference to be able to interact with our current customers, potential customers, and staff of both MDOT and MITA."

Their outlook for the future is a positive one. "We have a bright and promising future as our company continues to grow (both financially and equipment wise) and our customer base expands," Yvonne said. "We strive to keep our customers happy and do our best to fill their needs."

If you are interested in contacting C & S Carriers Inc., you can do so by using any of their contact information listed on page 36.

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Recover Home Office Overhead On Delayed Projects “Time is Money” *By Eric J. Flessland, Butzel Long*

Nowhere is the adage “time is money” more true than in the construction industry. Project owners, design professionals, and contractors all plan on timely completion of work to minimize their costs. From the contractor’s perspective, it is necessary to schedule, sequence and coordinate the movement of men, equipment, and materials with the precision of a Special Forces military operation, and to support that operation

with an efficient home office staff. Yet, Owner-caused delay, or delay occasioned by Owner-assumed issues, frequently disrupt that efficient work plan and give rise to claims involving time extensions and additional costs. As a contractor computes a delay claim, its “hard dollar” expenditures are easily identified, such as extended field overhead, labor and material escalations, and additional direct costs such as equip-

ment rentals. Assuming the Owner agrees it delayed the work, and the compensable period is undisputed, Owners are receptive to paying these documented direct costs. In contrast, Owners typically resist paying “unabsorbed home office overhead” claims, principally because this damage component is little understood, the “additional costs” are not obvious, and the claim amount is often substantial.

This article examines unabsorbed home office overhead and explains the true nature of these real impact costs.¹ We also explain the elements a contractor must satisfy to be eligible to recover those damages utilizing the Eichleay Formula. The Eichleay Formula yields a reasonable measurement of these damages, and under the correct circumstances should be utilized by contractors on delayed projects.

WHAT IS UNABSORBED HOME OFFICE OVERHEAD?

In the construction context, home office overhead comprises the costs expended for the benefit of the business as a whole. These are actual costs, which are an essential part of the cost of doing business.² These costs include, among other things, salaries of executive or administrative personnel, general insurance, rent, utilities, telephone, depreciation, professional fees, legal and accounting expenses, advertising, and interest on loans. By their nature, these costs cannot be attributed or charged to any particular contract.

The concept behind “unabsorbed home office overhead” is straightforward. A construction project should generate its share of proceeds from progress billings during the planned duration from which the contractor’s direct costs, home office overhead, and profits be paid. When a project is delayed, progress billings are slowed during the original contract period, and paid over a longer period of time. However, the fixed home office costs continue to be incurred but with

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no offsetting share of revenues to cover them from the delayed project. The contractor has unabsorbed home office overhead. Its other on-going projects must offset a disproportionate amount of home office overhead, and profits are reduced. The damage does not result from increased costs, but from a decreased revenue stream.

Viewed in this way, the damage suffered from unabsorbed home office overhead is somewhat analogous to a canceled hotel room reservation.ⁱⁱⁱ Although the cost of operating the hotel is not increased by a canceled reservation, the owner loses expected revenue that would offset the hotel operating expenses. Unless the room is sold, the owner is damaged by the lost revenues.

HISTORY OF HOME OFFICE OVERHEAD RECOVERY IN DELAY SITUATIONS

Claims for recovery of unabsorbed home office overhead have generated a large amount of litigation, much of it in the area of federal government contracting. As far back as 1941 a Federal court awarded home office overhead to a contractor due to a government-caused delay.^{iv} This court did not, however, discuss how the home office overhead costs were calculated. In 1945, a Federal court again awarded a contractor "increased office overhead" as part of the damages when the government delayed the contractor because of site unavailability.^v The decision included a formula for calculating home office overhead, and this formula looked remarkably like the Eichleay Formula used often today.

The landmark case is the *Eichleay Corporation* decided in 1960.^{vi} In that matter, the Board of Contract Appeals concluded there were multiple work stoppages for which the government was responsible. The Board also concluded home office overhead costs continued during the suspension periods; that the contractor could not take on new work during these periods to replace lost project revenue; and, thus, the company had to absorb the unrecovered home office overhead costs. The Board approved a mathematical formula to measure those damages, and awarded them to the contractor. That com-

putation is known as the Eichleay Formula.

The Eichleay Formula creates a per diem rate for overhead costs attributable to a single project, multiplying that rate by the number of days of compensable delay to arrive at a total home office overhead award.

The formula is calculated as follows:

- A: Delayed Contract's Total Billings
- B. Total Billings for all contracts during period of performing the contract at issue
- C. Total home office overhead during pe-

Continues on pg. 42

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riod of performing the contract at issue
 $(A \div B) \times C =$ Overhead Allocated to the Contract at Issue (D)

- D. Overhead Allocated to the Contract at Issue
- E. Actual number of days for performing the contract at issue (including the delay period)
 $(D \div E) =$ Daily overhead allocated to the contract at issue (F)
- F. Daily overhead allocated to the contract at issue
- G. Number of delay days for the contract at issue
 $(F \times G) =$ Unabsorbed and potentially recoverable overhead

Note that G. "Number of delay days for the contract at issue" is the period the work is extended beyond the contract completion date, and not the entire delay period. A contractor is only damaged for the unabsorbed overhead over and above what it planned to recover

from the project's revenue stream. A contractor may utilize the period beyond an early completion date provided it can demonstrate it actually planned and had the capability to complete the work early.

WHEN ARE UNABSORBED HOME OFFICE OVERHEAD DAMAGES APPROPRIATE?

To be entitled to recover unabsorbed home office overhead, a contractor must satisfy three prerequisites. First, the Owner must have imposed an unanticipated delay upon the project. Second, the contractor must be on "standby." Third, the contractor must be unable to take on other work while on standby. "Standby" is present whenever a contractor's revenue stream is diminished by the delay, and does not require a complete shutdown of the project. Whenever the period of delay is uncertain, the "standby" test is satisfied.

A contractor claiming entitlement to

unabsorbed home office overhead is not required to show specific harm, i.e., that it was unable to avoid the additional home office overhead costs, when the delay was sudden and unpredictable. In fact, a presumption arises in favor of the contractor that the contractor could not secure additional work or arrange for a layoff of office staff because it had no time to do so and because of the uncertainty of the delays and their duration. The contractor need only show it is not "prudent or practical" to shift its field forces to other work during the period of delay. If a contractor proves these elements, it makes its prima facie case for recovery under *Eichleay*.

Once the prima facie case is established, the burden shifts to the government to present rebuttal evidence to demonstrate that the contractor did not suffer or should have suffered no loss because it was able to either reduce its overhead or take on other work during the delay.^{vii} To rebut the prima facie case, the government must show more than that the contractor continued its

normal construction operations. The ability to take on, or continue to perform, other work in its normal course of business is irrelevant to the contractor's right to recover unabsorbed overhead expenses.

The critical factor, then is not whether the contractor was able to obtain or continue to work on other additional projects but rather its ability to obtain a replacement contract to absorb the indirect costs that would otherwise be unabsorbed solely as a result of a government suspension on one contract.^{viii}

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Formula requires the contractor to prove its home office overhead expended during the actual period of delay. There are few accounting regulations concerning home office overhead costs. Contractors are reasonably free to account for such costs in whatever manner they choose. They must, however, use the same system and on all contracts.

Recognize that not all home office overhead expenses may be recoverable. For instance, the Federal Acquisition Regulations (FAR) limit the recoverability of some types of home office overhead costs. Entertainment expenses are unrecoverable under the FARs because of the belief that entertaining with government-provided funds is against public policy. While these limitations apply only to contracts directly with agencies of the Federal government, other jurisdictions have found the reasoning behind these costs exclusions persuasive. Ohio, for instance, followed the FARs on a delay claim against ODOT.^{ix}

In general, these unrecognized costs are of the variety that do not bestow any benefit on the government owner in regard to the project at issue. The idea that the government should fund a contractor's parties, sports tickets, political contributions, or other expenses that bring nothing tangible to the government's project is unreasonable. Under the federal system, such costs are not included in recoverable overhead costs and should not be recoverable in an Ohio case applying the Eichleay formula.

Finally, Contractors should also be careful to distinguish between the fixed and variable components of overhead, as only the fixed costs should be used in an Eichleay Formula computation.

CONCLUSION

Many state courts have approved using the Eichleay Formula to measure delay damages, but Michigan appellate courts have not yet addressed the issue in any reported decision. One Court of Appeals' decision has, however, approved a calculation of home office overhead that used a pro-rata daily rate.^x While the court held this method yielded "a reasonable approximation of the damages to which plaintiff is entitled," the court unfortunately did not discuss how that rate was computed. Recently, however, whether a

contractor may utilize the Eichleay Formula to compute its delay damages has been put squarely before the Court of Appeals. This issue is so important to the Industry, that MITA filed an amicus brief to urge the court to adopt the Eichleay Formula like so many other courts have done. We shall advise the members when the Court of Appeals issues its opinion.

In the meantime, contractors should continue to seek to recover unabsorbed

home office overhead on delayed contracts if supported by the facts of the case. The following six questions focus the entitlement analysis:

- Was there an Owner-caused delay that was not concurrent with another delay caused by some other source?
- May the contractor demonstrate it incurred additional overhead? To demonstrate this, a contractor must show the original time

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frame for completion was extended or there was a nonconcurrent, Owner-caused delay resulting in a late finish; or that the contract was completed on time, but the contractor had planned to finish earlier and could finish early.

- Did the Owner's representative expressly put the contractor on standby?
- If no express standby was ordered,

may the contractor prove a de facto stand-by? This means, in essence, there was an indefinite delay during which the contractor could not bill substantial amounts of work to the contract and the contractor had to be ready to return to work full force immediately after the delay terminated.

- Can the Owner produce evidence it was

practical for the contractor to take on replacement work?

- If the Owner can show that the contractor had the ability to take on additional work, can the contractor persuade the court that assuming additional work would have been impractical?

Home office overhead is recoverable in certain delay or extended project conditions, and has been so for more than half a century. Unless the Michigan appellate court rules the Eichleay Formula cannot be used, it is likely to remain the most prevalent method for calculating home office overhead. All contractor and subcontractors should familiarize themselves with it. There are other methods of calculating the loss, but the Eichleay Formula is the most prominent. While perhaps not perfect, the formula provides a reasonable method to measure a real, but difficult-to-establish, loss caused by the project delay. If you are considering submitting a claim using this formula, you should consult with counsel to ensure the claim is well-supported and accurate.

i A similar, yet distinct, element of a damage claim is "extended home office overhead." Although these two terms are frequently confused, even by those familiar with the industry, they are not synonymous, and care should be given to properly distinguishing between these two distinct concepts. "Extended home office overhead" describes the additional office expenses incurred when extra work is added to the contract that extends the contract completion date. Most construction contracts recognize the contractor must be paid not only the additional direct costs but also permit the contractor to recover extended home office costs, frequently specifying a percentage mark-up or fee to compensate a contractor for extended home office overhead. For example, the Michigan Department of Transportation 2012 Standard Specifications for Construction stipulates when the Engineer directs the contractor to perform additional work, the Department shall pay various costs, including direct labor costs, "plus 35 percent of the [labor costs] to cover the costs of field and home office overhead and to provide for a reasonable profit." MDOT 2012 Standard Specification for Construction, subsection 109.05.D.3. The focus of this article shall be on "unabsorbed home office overhead."

- ii Schwartzkopf, William, John J. McNamara and Julian F. Hoffer. 1992. *Calculating Construction Damages*. New York, NY: John Wiley & Sons, Inc.
- iii Don Gregory, *Eichleay Damages in Ohio: "Remember that Time is Money"*, Ohio Construction Code Journal, July 1, 2005.
- iv *Herbert M. Baruch v. United States*, 93 Ct. Cl. 1078 (1941).
- v *Fred R. Comb Co. v. United States*, 103 Ct. Cl. 174 (1945).
- vi *Eichleay Corp.*, ASBCA No. 5183, 60-2 BCA ¶12688, aff'd on recon., 61-1 BCA ¶12894.
- vii *Mech-Con Corp. v. West*, 61 F.3d 883, 886 (Fed. Cir. 1995).
- viii *West v. All State Boiler*, 146 F.3d at 1377
- ix *Complete Gen Construction v Ohio Dept of Transportation*, 760 N.E.2d 364, 371 (Ohio 2002).
- x *Walter Toebe & Co v Dep't of State Highways*, 144 Mich App 21, 37; 373 NW2d 233(1985).

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Transportation Investment Legislation & Ballot Initiatives Have Strong Bipartisan Backing, New Analysis Finds

By Dr. Alison Premo Black

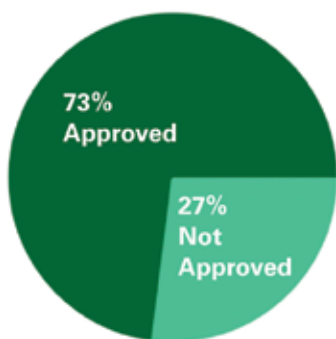
A new ARTBA analysis of the political makeup of state and local governments, and the citizens voting on more than 500 legislative and ballot initiatives aimed at boosting transportation investment reveals broad bipartisan support for the measures.

ARTBA looked at proposals to increase state gas taxes, issue bonds and levy or extend sales and use, property or income taxes dating back to 2000.

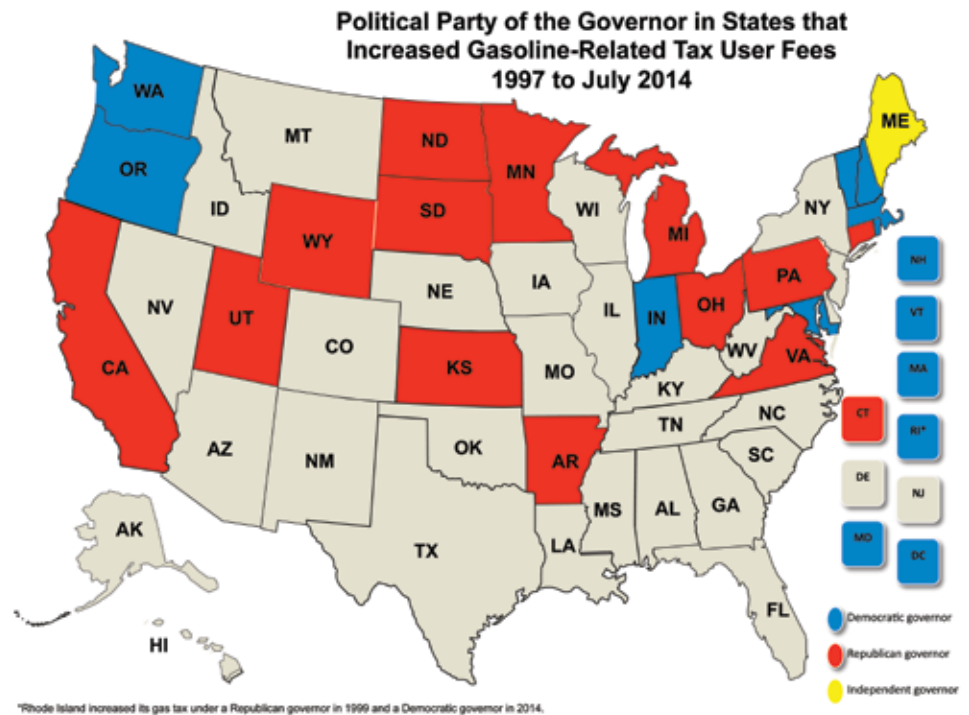
State Gas Tax Increases Politically Feasible

Twenty-three state governors have approved an increase in either their state gas tax, a state sales tax on gasoline or some other fuel related user fee a total of 32 times since 1997.¹ These were bipartisan efforts and all of the governors who signed these measures into law and sought reelection were successful. In addition to these 32 increases, there are also seven states that have a variable gas tax rate that adjusts automatically for some sort of pricing mechanism or inflation.

Strong Voter Support for Transportation Funding Measures Since 2000



Voters approved 310 of 425, or 73%, of initiatives to increase county and local transportation investment.



Both Democrats and Republicans have spearheaded efforts to increase user fee revenues for transportation investment at the state level. Between 1997 and 2013, 13 gas tax-related increases were passed by states with a Republican majority in both the House and Senate of the legislature and a Republican governor. Seven measures were approved by states with Democrats in both chambers of the legislature and the governor's office. The remaining 12 initiatives were approved by a mix of Republicans, Democrats or Independents in control of different branches of the government.

The governors who approved measures to raise transportation revenues did not appear to suffer any political consequences from their actions. All 11 governors who sought reelection after passing a gas tax increase, including nine Republican governors, were voted into office for another term.

Six states approved increases in transportation-related user fee revenues in 2013: Maryland, Massachusetts, Pennsylvania,

Vermont, Virginia and Wyoming. New Hampshire and Rhode Island approved gas tax increases in 2014. There were only three measures to increase state gas taxes between 2008 and 2012. Given the state of the U.S. economy after the Great Recession of 2008, it is not surprising that states held back on any sort of user fee increase that was not already in place through an indexed rate.

Local Voters Get It

Voters have approved 73 percent of the 425 initiatives to increase county and local funding for transportation investment since 2000. These include bond measures and the renewal, extension or implementation of a sales tax, property tax or income tax. Voters demonstrated broad support for all of these revenue sources. Of the 310 that passed, voters approved 75 percent of bond measures, 65 percent of sales taxes and 81 percent of income or property tax initiatives.

The ARTBA research also identified the

political makeup of many of the counties that brought these initiatives to the voters between 2005 and 2013.² Once again, the analysis finds that transportation is a bipartisan issue. Both Republican and Democrat voters approved measures to tax themselves to increase local investment in transportation. Just over half of the counties identified, 54 percent, were majority Democrat and 46 percent were majority Republican voters.

Not only are local Republicans and Democrats bringing these measures up for vote, both groups are also approving them. ARTBA found that Republican counties approved 81 percent of the measures up for vote and Democratic counties approved 70 percent.

Large Number of Initiatives on the November 2014 Ballot

There are already 28 state and local ballot initiatives to be voted on in 2014, with more measures expected to be announced as the fall elections draw closer. Four state level initiatives are on the November ballot, including a measure to redirect \$1.2 billion annually in Texas to support transportation improvements. Maryland and Wisconsin voters will be asked to approve transportation trust funds, and a Missouri measure calls for temporarily raising the state sales and use tax by .75 percent for 10 years to fund transportation projects.

There have also been 38 transportation funding-related measures proposed in 20 state legislatures through July. So far, the only recurring revenue measures that were approved were gas tax increases in New Hampshire and Rhode Island. Additional investment plans through one time surpluses or transfers were approved in Michigan, Wisconsin and Indiana.

Federal Aid Still Critical

Although state and local governments have been active in increasing revenues over the last 17 years, this has not fundamentally shifted the importance of the federal-aid program, which accounts for an average of 52 percent of state highway and bridge capital outlays on construction, right of way and engineering over the last decade.

This is because state and local government expenditures for highways and bridge programs include such things as maintenance, administration costs, bond and debt

service payments and even highway-related law enforcement costs. State and local governments spent a total of 47 percent

Continues on pg. 48



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of their total highway and bridge program revenues on capital outlays in 2012, according to data from the Federal Highway Administration. By law, revenues from the federal-aid program must be spent on capital outlays, so this program has become a critical component of the national highway and bridge construction market.

To see detailed case studies and learn more about many of these initiatives and a list of legislation currently being considered,

visit the new ARTBA Transportation Investment Advocacy Center's™ comprehensive website: www.transportationinvestment.org.

- 1 Although most of the increases have been in the state motor fuel tax rate, some states, such as Pennsylvania, have other user-based fees. In 2013, Pennsylvania approved increasing the cap on the oil franchise fee as part of their effort to increase transportation revenues. Some of the other state initiatives approved in 2013 included levying a sales tax on gasoline while reducing the motor fuel tax rate.
- 2 To determine if a county was either Republican

or Democrat, ARTBA examined the voter registrations at the time of the initiative or used the county voting outcome in the last three presidential elections. At this time, ARTBA is able to identify affiliations for 126 of the 137 counties with initiatives between 2005 and 2013.

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ARTBA Foundation Seeks Nominations for the 2015 Transportation Development “Hall of Fame” Class

Deadline is February 20; Induction April 13 in D.C.

The American Road & Transportation Builders Association (ARTBA) Foundation is accepting nominations for the 2015 “Transportation Development Hall of Fame.” The Hall honors individuals or families from the public and private sectors who have made extraordinary contributions to U.S. transportation development or demonstrated exceptional leadership over their lifetime. *Nominations are considered in two categories:*

Transportation Design & Construction Industry Innovators: Honors the men and women who discovered or created a “game changing” product or process that significantly advanced transportation design, construction and/or safety. It seeks to honor the original innovator.

Transportation Design & Construction Industry Leaders (Individuals or Families): Recognizes men, women and families who have made significant contributions—beyond just having successful businesses or careers—that have notably helped advance the interests and image of the transportation design, construction and safety industry.

Anyone can nominate a candidate, and ARTBA membership is not required. Individuals can be living or inducted to the Hall posthumously. The selection process is extremely competitive, and only a very limited number of individuals will be inducted.

A committee of judges that includes industry journalists will select the inductees. Two-thirds of the committee must vote in favor of a nominee’s induction.

The class of 2014 and 2015 will be inducted at a special April 13 dinner during the ARTBA Federal Issues Program held in Washington, D.C.

Nominations must be submitted online at www.artbahalloffame.org by February 20. Contact ARTBA’s Program Manager Kashae Williams at 202-289-4434 with questions.

Celebrating its 30th anniversary in 2015, the ARTBA Foundation is a 501(c)3 tax-exempt entity to support research, education and public awareness. It supports an array of initiatives, including educational scholarships, awards programs, a national exhibition on transportation and a facility dedicated to improving safety in roadway construction zones.



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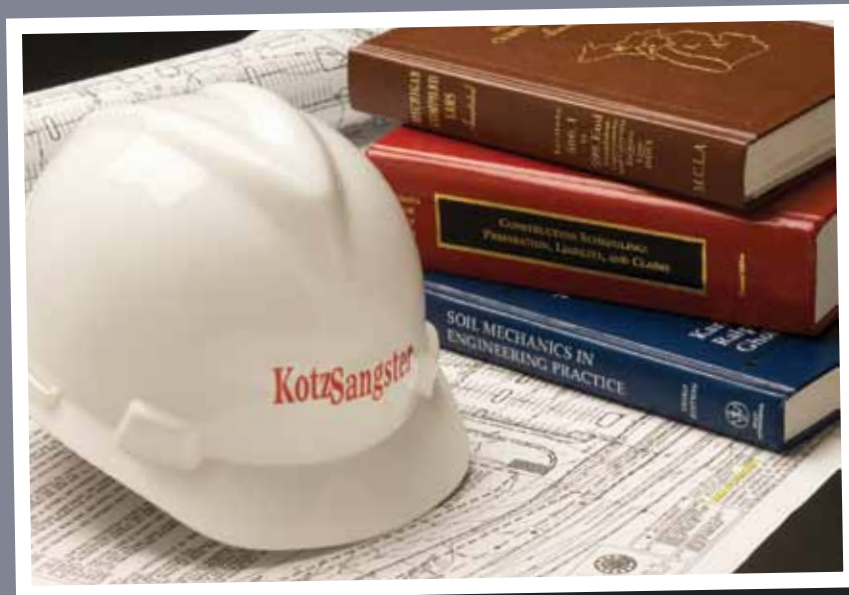
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- 09/19/2014 BOHIM Update
- 09/08/2014 FUSP/SS Update
- 08/29/2014 BOHIM Update
- 08/28/2014 MDOT - Proposed Design/Build US-10BR
from M-20 to Saginaw Road

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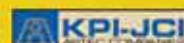
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