

SPRING | 2006

# CROSS SECTION

## MITA Members Helping Hurricane Victims

PAGE 42

MEMBER PROFILE  
**J & M Construction, Inc.**  
page 12

**MITA Member  
in Afghanistan**  
see centerfold

**MDOT Storm Water  
Management**  
page 65

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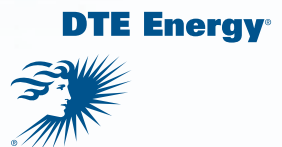
**CAUTION  
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**CAUTION  
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# contents

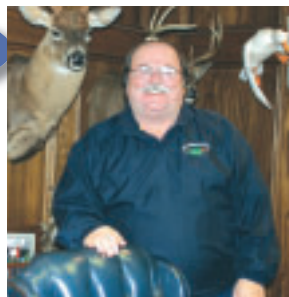
Cover photo: Last year's hurricanes are long gone, but stories about how MITA members helped continue to come to our attention. See page 42.



## highlights



See centerfold for the first in a series of articles about a construction project that is anything but ordinary.



12 Member Profile



23 Give 'em A Brake



16 Associate Member Profile



54 Meet New MDOT Director





## Michigan Infrastructure & Transportation Association

## features

- 21 Executive Vice President Comment
- 22 Vice President of Government and Public Relations Comment
- 23 Vice President of Membership Services Comment
- 24 Vice President of Engineering Services Comment

## also in this issue

- 9 Letters to MITA
- 11 Staff Contact List
- 14 We Said It!
- 15 MITA in the News
- 16 Associate Member Profile
- 19 Associate Member Project Profile
- 20 Associate Member Facts
- 26 Director of Legislative Affairs
- 27 Director of Technical Services
- 27 Problem Solver
- 28 Toolbox Talks
- 29 Questions and Answers
- 30 Legislative Update
- 31 Legal Issues
- 32 Environmental News
- 34 Meet Our Consultants
- 34 PAC Contributors
- 35 Meet Our Partners
- 38 Member News
- 45 Calendar of Events
- 47 ARTBA News
- 48 PR Ideas
- 49 Establishing Speed Limits
- 52 Michigan's Strategic Highway Safety Plan
- 54 MDOT News

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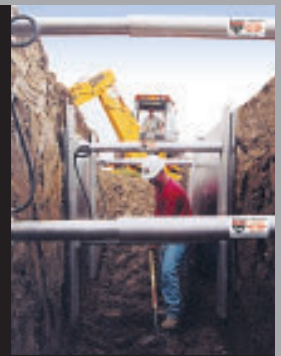




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# you said it

## Letters to MITA

Dear Bob:

On behalf of the Epilepsy Foundation of Michigan, I would like to thank you and MITA for your generous support of our Second Annual Mardi Gras Gala held on Feb. 28, 2006. This year's event was a tremendous success. The money that was raised will go to support the necessary programs and services offered by the foundation.

The Epilepsy Foundation of Michigan is dedicated to providing a wide range of charitable and educational services designed to benefit people with epilepsy and their families. The Foundation also increases awareness of epilepsy issues within the medical community, patient population and the general public. With events such as the Mardi Gras Gala, the Foundation can continue to provide such needed programs and services.

We hope that you and your guests enjoyed yourselves, and we hope to see you again next year at Mardi Gras Gala on February 20, 2007. If you are interested in staying involved with the Epilepsy Foundation of Michigan, please contact Brianna Simon at 248-351-7979, ext. 1217.

Thank you for your support and dedication to this worthwhile event; not another moment should be lost to seizures.

Arlene S. Gorelick, M.P.H.

*President*

*Epilepsy Foundation of Michigan*

Dear Nancy Brown:

When I got back from Florida, I found the wonderful article and photo beautifully frame and sitting on my desk. Nancy, I want you to know how much I appreciate the hard work and professionalism you put into my story. It was an honor to have been selected for the fall issue of "Cross-Section." Thank you for the lovely gift of putting it all together. It is a great gift and I will hang it in a prominent place in the office. Nancy, you are doing a great job for the members of MITA. Thank you, Nancy.

Cheryl Hughes

*C & D Hughes*

Dear Mike:

Thanks so much for attending our Freshmen class breakfast. It was a good opportunity to inform our class of MITA's efforts.

I look forward to working with you in the future.

*The Honorable State Representative*

*Pam Byrnes*

Dear Rob:

We would like to thank you for participating in our annual safety seminar this year. Our employees had a wonderful learning experience and enjoyed your presentation immensely. Thank you again for your time and hard work.

Ken Tomaszewski, Safety Director

*Kalin Construction Co., Inc.*

*Continues on page 10.*

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Dear Rob and Pat:

Thanks from all of us at Slagter Construction for your fine presentation at our Safety Meeting Feb. 27, 2006.

We are very fortunate to have people such as you and MITA offering this service. I will recommend that every MITA member take advantage of this service. Rob, you have one of the best safety minds in our state. You and MITA make a great team.

You have demonstrated your value and that of your association.

Thanks again,

Roger Urbanski  
Slagter Construction

Dear Nancy Brown:

The McGuirks received their magazine and were very pleased with the article! We'd love to keep some samples on file for Creative Marketing Associates and McGuirk Sand-Gravel. Thanks for working with us to provide our client with an exciting opportunity!

Kara Venditti  
Creative Marketing Associates

Dear Friends at MITA:

I want to thank you for your generous donation to the March of Dimes Jail and Bail 2002 campaign, of which I was a prisoner.

It is nice to know that MITA not only contributes to the infrastructure and transportation industry but also to the future of healthy babies, who will be the future of our industry.

On behalf of America's babies, thank you for contributing to the success of this event. Funds raised will directly benefit their mission, which is aimed at improving the health of babies by reducing the incidence of birth defects, premature birth and infant mortality.

Saving babies together,

Jim Pieprzak  
President  
T.R. Pieprzak Company, Inc.

Dear Rob:

On behalf of everyone at Northern Construction Services, Corp., I thank you and Pat Brown for your participation in our company's annual Safety Meeting in March. The "All Trades Safety Training" program was not only comprehensive, but it also was right on the mark with each topic discussed. Your presentation style conveyed a unique combination of authoritative knowledge and practical real-world understanding that truly held the group's attention. Virtually every one of our employees has remarked on the value of the information as it was presented by you and Pat.

We look forward to coordinating with Pat and MITA in arranging a program for our company's next session. Well done. Thank you.

Steven W. Payne  
Safety Supervisor  
Northern Construction Services Corp.

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Physical Address: 3413 Woods Edge Dr., Okemos, MI 48864 • Mailing Address: P.O. Box 1640, Okemos, MI 48805-1640

### **ROBERT A. PATZER, Executive Vice President**

Contact Bob with questions regarding any business, labor, legal, regulatory, legislative or utility issue. He is also available to discuss any concerns regarding general association business.

**Mobile Number: (517) 896-1491** e-mail: [bobpatzer@mi-ita.com](mailto:bobpatzer@mi-ita.com)

### **MICHAEL A. NYSTROM, Vice President of Government and Public Relations**

Contact Mike with any questions pertaining to state and federal lobbying issues, political action committee activities, public and labor relations, as well as all high-level regulatory involvement. Mike is also promoting adequate state and federal infrastructure and road funding in his role as co-chair of Michigan's Transportation Team. He is also available to address any questions or concerns regarding general association business.

**Mobile Number: (517) 896-1493** e-mail: [mikenystrom@mi-ita.com](mailto:mikenystrom@mi-ita.com)

### **ROBERT M. COPPERSMITH, Vice President of Membership Services**

Rob oversees the services that are offered to MITA members, including (but not limited to): MIOSHA appeals, jobsite inspections, utility locating issues, educational opportunities, meetings and social functions, etc. Additionally, he participates in lobbying efforts on behalf of the industry.

**Mobile Number: (517) 896-1495** e-mail: [roboppersmith@mi-ita.com](mailto:roboppersmith@mi-ita.com)

### **GLENN J. BUKOSKI, P.E., Vice President of Engineering Services**

Glenn brings 32+ years of transportation related experience to MITA. He served for 30 years in various professional capacities at MDOT, accumulating experiences in engineering automation, materials testing, design, research, specifications, construction and asset management. Glenn is a licensed Professional Engineer, and received his Bachelor of Science Degree in Civil Engineering from Michigan State University.

**Mobile Number: (517) 256-0741** e-mail: [glennbukoski@mi-ita.com](mailto:glennbukoski@mi-ita.com)

### **NANCY HALE BROWN, Director of Communications**

Nancy oversees all member communications, such as the membership directory, quarterly magazine and all other print material for the association. She is your best contact for questions pertaining to public relations issues as well as placing news about your company and advertising in MITA's publications.

**Mobile Number: (517) 896-1456** e-mail: [nancybrown@mi-ita.com](mailto:nancybrown@mi-ita.com)

### **PATRICK BROWN, Director of Safety & Workforce Development**

Pat is a former Ingham County sheriff's deputy, firefighter and paramedic. He is the go-to-person for MITA jobsite inspections, training opportunities, and assisting Rob Coppersmith, MITA Vice President of Membership Services, with MIOSHA appeals. He will be building on an already impressive skill base, which includes confined space, trench rescue, crisis intervention, Hazmat training and much more.

**Mobile Number: (517) 896-4753** e-mail: [patrickbrown@mi-ita.com](mailto:patrickbrown@mi-ita.com)

### **KEITH LEDBETTER, Director of Legislative Affairs**

Keith will be assisting Mike Nystrom, MITA Vice President of Government and Public Relations, in all political areas. Focusing on legislative staff and elected officials, he will work toward building stronger association relationships in an effort to communicate MITA's position on industry-important issues. In addition, Keith will work towards strengthening the MITA PAC.

**Mobile Number: (517) 214-0386** e-mail: [keithledbetter@mi-ita.com](mailto:keithledbetter@mi-ita.com)

### **DOUG NEEDHAM, P.E., Director of Technical Services**

Doug will assist Glenn Bukoski, P.E., MITA Vice President of Engineering Services, as they oversee all engineering, specification, and technical matters for the association. He will focus significant effort on expanding and strengthening MITA's relationships within the local agency owner communities working with and through the County Road Association of Michigan (CRAM) and the Michigan Municipal League (MML). Doug will represent and advocate the industry's interest on committees at various levels.

**Mobile Number: (517) 896-6186** e-mail: [douglasneedham@mi-ita.com](mailto:douglasneedham@mi-ita.com)

### **NANCY E. DURNER, Engineering/Safety Services Coordinator**

Nancy will handle all administrative duties for the Engineering Services Division as well as the safety / MIOSHA services. This will include all MIOSHA appeals that are being handled by the association, corporate safety programs, and all MDOT letting and spec issues that the association deals with on a regular basis. She will also act as the executive assistant for the staff of the Engineering Division as well as the Safety Director.

e-mail: [nancydurner@mi-ita.com](mailto:nancydurner@mi-ita.com)

### **TIYA KUNAIYI-AKPANAH, Membership Services Coordinator**

Tiya coordinates the association's membership services. She is responsible for assisting prospective members through the joining process, as well as creating awareness of the different types of services available to MITA members. She is the go to person for various types of member services such as MISS DIG complaints, blue book rates, membership verification etc.

e-mail: [tiyakunaiyi@mi-ita.com](mailto:tiyakunaiyi@mi-ita.com)

### **DANIELLE R. KEATING, Events Coordinator**

Danielle will work with Rob Coppersmith, Vice President of Membership Services, to help manage the variety of member services being offered by the association. She will also organize each of the MITA's many social, leadership and educational events.

e-mail: [daniellekeating@mi-ita.com](mailto:daniellekeating@mi-ita.com)

### **MARY E. MOODY, Accounting Coordinator**

As our controller, Mary handles all questions pertaining to invoicing of dues, advertisements, registration fees, etc.

e-mail: [marymoody@mi-ita.com](mailto:marymoody@mi-ita.com)

### **STACEY L. MORRIS, Web-Technical Coordinator**

Stacey handles the database, e-mail addresses, company information, and mailings sent from MITA. She is the person to call if you have any changes in your company contact information. She is also the MITA contact for all MITA website related inquiries. As Bob's assistant, she is the person to contact if you need to reach him immediately and he is not available.

e-mail: [staceymorris@mi-ita.com](mailto:staceymorris@mi-ita.com)

### **JANIS STRANG, External Affairs Coordinator**

Janis will assist administratively in all legislative, regulatory, public and labor relations issues that face the organization. As Mike's assistant, she is the person to contact if you need to reach him immediately and he is unavailable.

e-mail: [janisstrang@mi-ita.com](mailto:janisstrang@mi-ita.com)



# Member Profile


## CONTACT INFORMATION

### J & M Construction

[www.jmsilt.com](http://www.jmsilt.com)

Owner and President: Mike McCutcheon  
(Phone: 248-640-1473)

Operations Manager: Chris Reo  
(Phone: 248-379-4798)



J & M installs a variety of protection fences.



Various types of storm drain protection are handled by J & M, including filter fabric with back of curb tie downs, dandy bags, silt sacks and catch alls.

ESTIMATOR: Jennifer DeNio  
(Phone: 248-863-7115)

FOREMEN: Nate Blumerich,  
Todd Harper,  
Tony Maternowski  
(in addition to other part-time foremen)

OFFICE MANAGER:  
Mary Ann Hamilton

SECRETARIES:  
Susan Perks and  
Karen Squier

PHONE:  
248-685-0757

FAX:  
248-685-7620

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P.O. Box 175  
Milford, MI 48381

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Silt fence installation is a mainstay of J & M's business.





If you are a contractor, there are a few things you need to know about J & M Construction in New Hudson, a southeastern Michigan community near I-96 and Milford Road. Owner Mike McCutcheon puts it succinctly on his Web site:

"We won't power sweep your streets. We won't plant your grass or trees. We won't pick up your building material trash. But we WILL install your silt fence, tree protection fence and catch basin filters. We may just do a few things, but we do them well."

Well enough since 1992 to be able to boast 2005 earnings of \$3 million. Not bad for a company that installs black plastic around construction sites, tree protection fencing, and provides site brush hogging. The black plastic serves an environmentally sound purpose by keeping silt – a type of soil prevalent on construction sites – off streets and out of sewers where it would eventually flow to waterways and choke off plant life. "And then we would all die," McCutcheon likes to jokingly bring his technical explanation to its final climax.

McCutcheon is not talking about just "a little black plastic." Of the top 25 builders and developers in Michigan, J & M does silt fence for 22 of them, serving a customer base with four crews and a total of 20 field personnel that install up to 20,000 linear feet of silt fence per day during the height of the construction season (that's four miles). The crews also continually monitor the fence around sites (a total of 700 sites at the moment) until the construction projects are completed.

McCutcheon's thoroughness does not stop there. All foremen are storm water operators and have had first aid and CPR training through MITA. "I figure if they are on the jobsites and someone needs help, they will be able to provide it," he says proudly. He also is part owner of Erosion Control Reports with Chris Reo, a company that helps contractors meet Michigan Department of Environmental Quality requirements through weekly inspection of construction sites for any soil erosion.

"Ten years ago nobody did what I do for a living," says McCutcheon, who has five full-time staff. "One company had a division and they would charge \$3 a foot. I started doing it part-

time for \$1.50 and I had friends in the business who gave me work. The big joke was: could we make enough money to support a company and hire someone."

At least initially, the joke was on McCutcheon. For about a year he could not hire anyone. What he did do was sell fence during the week and hire laborers from Goretski Construction in Milford to put the fence in on the weekends. The first year in business, he installed just 70,000 linear feet of fence. Last year, it was 3.5 million feet. The rest is history.

"This is my claim to fame," says McCutcheon, who got his start in the business as a surveyor in 1967. "Nobody thought anyone could do silt fence for a living and I am doing it!"

He became a member of MITA in 1995 and is known among staff as the jolly guy with a handlebar mustache.

"Mike McCutcheon is a great supporter of MITA," says Rob Coppersmith, MITA's vice president of membership services. "He never says no to anything we ask him in terms of sponsoring events."

McCutcheon says his loyalty to MITA began years ago when MITA did on-site safety training. Over the years hundreds of his employees have benefited from safety training at MITA's annual Super Conferences. And he has never hesitated to pick up the phone and call MITA.

"MITA helped us resolve a wrongful discharge allegation by referring us to The Fishman Group," McCutcheon recalls. "Everyone at MITA is very hands on, very involved politically. When my friends in the industry have MIOSHA issues, I always refer them and MITA goes to bat for them. Membership dues are peanuts compared to what you get."



Mike McCutcheon, owner and president of J & M Construction.



Left to right standing: Secretaries Susan Perks and Karen Squier. Seated: Mary Ann Hamilton, office manager.



# We Said It! MITA Speaks Up for the Industry

*The Flint Journal*

Michael A. Nystrom

March 14, 2006

"I would like to commend *The Flint Journal's* editorial 'Repairing roads' for providing a glimpse into the current financial struggle to properly maintain Michigan's neglected transportation network. As the infrastructure crumbles around us and we continue to 'patch' where major repairs are truly needed, Michigan's taxpaying, driving public continues to pay the price. Michigan is currently facing a \$700-million annual funding gap between the amount available for transportation projects and what is needed to adequately maintain and improve roads and bridges. The state Legislature has used budget shortfalls as an excuse to transfer transportation funding to other departments, creating an even greater shortage. With a considerably lower gas tax in comparison to neighboring states and the fact that Michigan continues to donate transportation dollars at the federal level, the current funding is not adequate. Fuel efficiency in new vehicles as well as increased use of alternative fuel vehicles could also affect future tax income from gas, creating an even larger gap. As *The Flint Journal* recognized, providing money for roads and bridges is necessary not only for safety, but also for building a stronger economy. Other states have made transportation funding a priority ... It is time to create a solution for Michigan's embarrassing transportation dilemma."

*The Bay City Times*

Michael A. Nystrom

Feb. 3, 2006

"Much of the recent coverage of the Ford Wixom Assembly Plant being idled is right on - and is ultimately a reflection of the difficulties that face Michigan's economy. In order to stimulate our economy, Michigan needs to entice new businesses into the state and convince existing businesses to stay. Repairing Michigan's crumbling infrastructure is key. Among the many reasons the Wixom plant will be idled is the fact that it suffered from antiquated highway ramps at the plant's main traffic interchange, Wixom Road and Interstate 96. This interchange was designed for a rural community and still has not been upgraded to improve interstate access for the plant. When the Interstate Highway System began 50 years ago, it was used to bring the country out of the post-war depression. Our governor and legislature must use that same philosophy to build Michigan back into the economic power that it was and still can be."

*This same letter has also appeared in numerous other Michigan newspapers.*

*Detroit Free Press*

Keith Ledbetter

April 13, 2006

"I am writing to point out an inaccuracy that appeared in an April 4 article titled, '\$2.65? Gas is a bargain for now.' The article stated that Michigan has one of the nation's highest state gas taxes at 19 cents per gallon.

The fact is that 32 states have higher gas taxes than 19 cents. Among Midwestern states, our gas user fee is significantly lower than other states such as Wisconsin (29.9 cents), Pennsylvania (29.8 cents) and Ohio (26 cents). Michigan drivers who must dodge potholes every day know that our roads did not receive a "D" letter grade from the recently released TRIP report because we spend too much money on them. The fact is that our road funding system is broken.

Because our gas tax is not based on the price per gallon but rather on the number of gallons purchased, there is no natural revenue increase associated with price per gallon increases. Since 1998, inflation has risen at almost twice the rate of our gas tax revenues, only compounding our problems with deteriorating roads.

Roads won't build or pay for themselves -- users do. Until our policymakers fix the system, which pays for our roads, we can expect them to get even worse in the years to come. The *Detroit Free Press'* misreporting of our gas tax relative to other states only serves to compound the future problems we face."

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## MITA in the News

As MITA continues to lead an industry-wide coalition that is seeking increased state funding for roads and bridges, you will be seeing and hearing us all over the media. Following the release of the TRIP report in February, which gave failing grades to Michigan's roads due to under-funding, the voice of MITA and the industry was heard across the state on the radio, television and in the print media.

To view or print a selection of these articles, visit [www.mi-ita.com](http://www.mi-ita.com), and click on news, which is on the left side of the home page. This will take you to the News and Publications area of the Web site, which also houses other industry information.



Date	Title
11/28/2005	Road map to stronger economy tied to properly funding Michigan's road and transportation needs
1/9/2005	Ann Arbor News - State could profit from hurricanes
0/31/2005	Letter to Detroit News
0/21/2005	The Detroit News - Without a ton of cash...
0/21/2005	The Detroit News - Highway building warranty succeeds
0/21/2005	The Detroit News - Michigan weighs tax increases to fix roads
7/27/2005	Dear Editor -The Transportation Bill Editorial
1/25/2005	House Action on Highway Bill Not the End of the Road for the Transportation Funding Fight
1/4/2004	Kalamazoo Gazette
1/15/2004	Detroit Free Press
1/15/2004	Bay City Times
1/15/2004	The Detroit News

## MITA Staff News

KEITH LEDBETTER has joined the MITA staff as the director of legislative affairs. Keith will assist Mike Nystrom, MITA vice president of government and public relations, in all legislative and political areas. He will focus his efforts on developing stronger MITA relationships with legislative staff and elected officials in order to communicate MITA's position on issues of importance to the industry that are happening in Lansing and Washington. In addition, Keith will work toward strengthening the MITA PAC.



**Keith Ledbetter**

Keith, a long-time Michigan House of Representatives staffer, is the former spokesman for Speaker Rick Johnson. He also was an aide under Speakers DeRoche, Johnson and Perricone, as well as having served for several Republican House members.

Don't hesitate to contact Keith at the MITA office: 517-347-8336; cell: 517-214-0386; or by e-mail at [keithledbetter@mi-ita.com](mailto:keithledbetter@mi-ita.com).

DOUGLAS NEEDHAM, P.E. has been named director of technical services for MITA. Douglas will assist Glenn Bukoski, P.E., MITA vice president of engineering services, in all aspects of his work.



**Douglas Needham, P.E.**

Doug will assist Glenn as they oversee all engineering, specification, and technical matters for the association.

Doug was previously a manager within the Local Agency Programs unit of the MDOT. His extensive knowledge of MDOT specifications and contract administration, as well as work experience in structural research and design will be an asset to MITA. A licensed professional engineer, Doug received his bachelor of science degree in civil engineering from Michigan Technological University. Doug and his wife, Jennifer, live in Dimondale with their two sons.

Please feel free to contact Doug at the MITA office: 517-347-8336; cell: 517-896-6186; or by e-mail at [douglasneedham@mi-ita.com](mailto:douglasneedham@mi-ita.com).



# Associate Member Profile

## St. Marys Cement, Inc.

[www.stmaryscement.com](http://www.stmaryscement.com)

Most of you can guess what St. Marys Cement manufactures, but how many know that they also manufacture clinker?

Dale Nunheimer, St. Marys Cement paving and bulk sales representative, explains that Portland cement is made from clinker consisting of hydraulic calcium silicates. Limestone, iron ore, sand, clay and shale are the raw materials that are crushed, milled and are put into a hot kiln, which turns these raw materials chemically into cement clinker – small balls that are then ground into cement powder. St. Marys also manufactures ground granular blast furnace slag (GGBFS). When GGBFS is added with cement, it will make concrete stronger and more durable for commercial projects and road construction.

“Our main goal is to manufacture a top-quality product and continue to improve on it,” said Nunheimer, who has been with St. Marys since 1991. Prior to that he spent 18 years with ERSCO. “We are one of the largest cement producers in Michigan, with the majority of cement being sold at our Detroit plant.”

St. Marys, with headquarters in Toronto, has a manufacturing plant in Charlevoix, grinding facility in Detroit, and terminals in Ferrysburg (near Muskegon), and Schoolcraft (south of Kalamazoo). This is where customers can pick up their product, unless they have arranged delivery. Nunheimer sells cement to concrete paving companies; bulk cement to redi-mix companies; and bag material to masonry distributors.

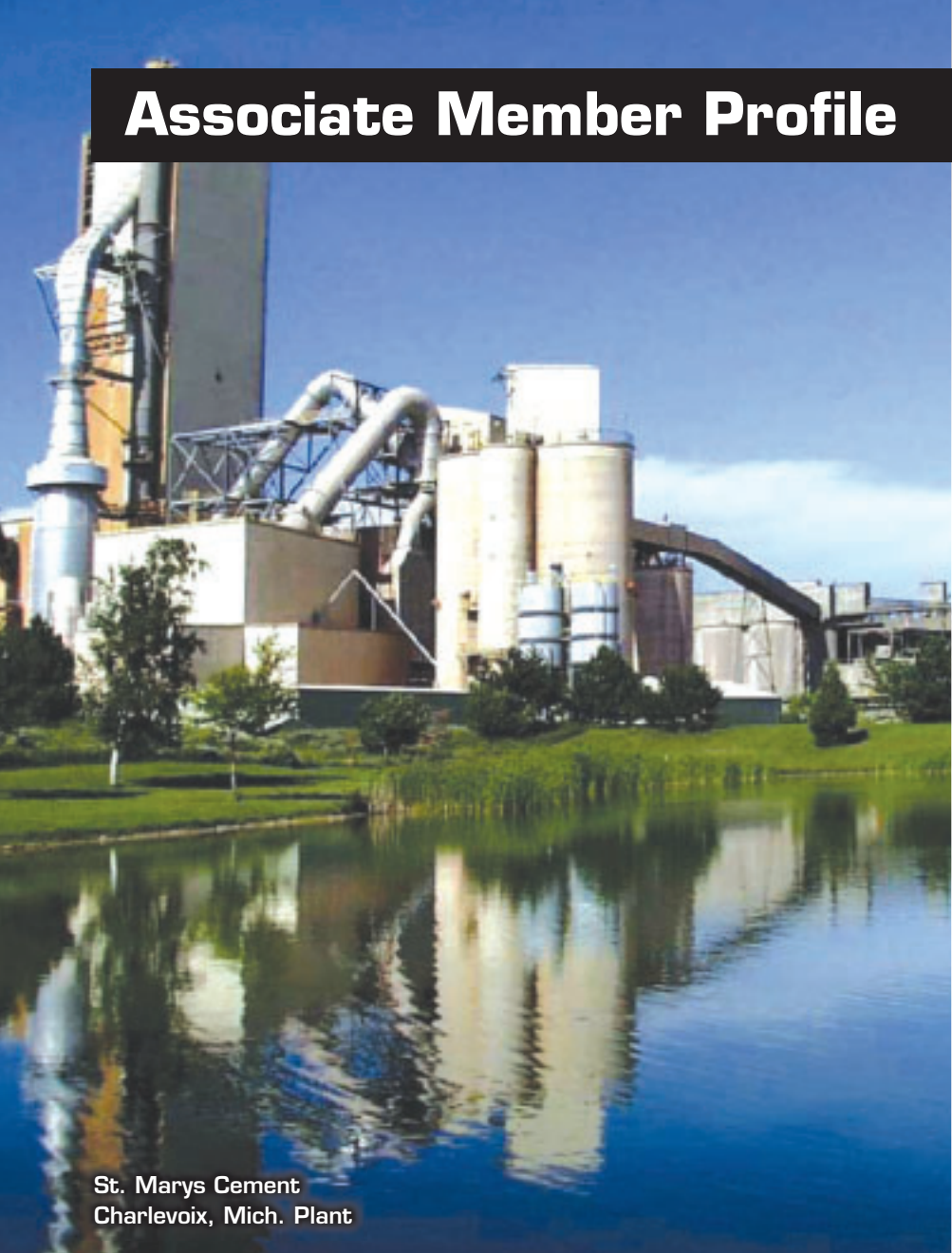
Customer demand has been steady this year, Nunheimer said, but not compared to two years ago when it was difficult to meet the needs for product.

“Two years ago, product was tight,” he said. “We were not taking on new customers. Today, supplies are not as tight. We are tweaking our system to get the most out of our operation.”


When calling on customers, Nunheimer touts St. Marys quality product, quality control department, concrete lab and technical services department, which does mix design and tests concrete.

With 251 employees in Michigan, St. Marys is a very team-oriented company. Nunheimer drives 40,000 miles a year through his territory, which extends as far south as Coldwater and north to St. Johns.

“I enjoy the people and friends I make along the way,” he says. “Everyday is different; you never know what will come across the phone.”



St. Marys Cement  
Charlevoix, Mich. Plant



The St. Marys Cement Detroit Milling  
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## CONTACT INFORMATION

MICHIGAN DIVISION

### St. Marys Cement, Inc.

9333 Dearborn St. • Detroit, MI 48209  
Phone: 313-849-4500 • Fax: 313-849-4555

CONTACTS: Mark Hilla, district sales manager;  
Dan Kull, paving manager, Great Lakes Region  
(Michigan, Ohio, Illinois, Wisconsin)  
djkcull@vscmc.com

SPECIALTY: **Cement manufacturer**

## CONTACT INFORMATION

MICHIGAN DIVISION

### St. Marys Cement, Inc.

6076 Bishop Rd. • Lansing, MI 48911  
Phone: 313-570-8113 • Fax: 517-694-2070

CONTACT: Dale Nunheimer, paving representative  
dwnunheimer@vscmc.com

## A Short History of St. Marys Cement

St Marys Cement Inc. is a leading manufacturer of cement and related construction products in the United States and Canada. Headquartered in Toronto, Ont., Canada, St Marys Cement Inc. supplies cementitious materials to the Great Lakes region and is also a significant producer of concrete and aggregates to the Ontario market. St Marys Cement Inc. is a wholly-owned subsidiary of Votorantim Cimentos, an international cement manufacturer based in Sao Paulo, Brazil.

For more than 90 years, St Marys Cement has been contributing to the construction industry around the Great Lakes. Today the company has manufacturing plants located strategically to serve the Canadian and United States markets and has docking facilities in both countries to take advantage of efficient water transportation. Products of St Marys Cement Inc. include cementitious materials from St Marys Cement, ready-mix concrete and aggregate from St Marys CBM and logistic services from Hutton Transport Ltd.

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# Associate Member Project Profile

## Efficiency Slide Rail helps contractors out of tight spots

By James McRay

*Efficiency Production, Inc.*

Every contractor prefers installing underground utilities in wide open spaces where they can open cut and slope to required specs. Rarely is this the case when repairing or upgrading in-town utilities.

When sloping is not feasible, contractors turn to the old standbys like trench boxes or steel sheeting. Sometimes, even these standard applications are not feasible. What then?

Efficiency Slider Rail keeps excavation parked close

Hoffman Brothers, Inc. of Battle Creek, Mich., recently installed a new pre-cast manhole over an existing storm sewer line in the middle of the Garfield Street parking lot in front of the Federal Office Center in downtown Battle Creek. Hoffman needed to keep the excavation as tight as possible so the parking lot could stay open for the federal government employees who park in the lot.

Needing a custom shoring solution, Hoffman contacted Efficiency Production, Inc. – a manufacturer of trench shielding and shoring. Using a four-sided 16-by-16 foot Slide Rail System rented from Efficiency, Hoffman was able to excavate a pit 18-feet deep to reach the existing 8-inch storm line. The entire excavation took up only a small area, and the parking lot was able to stay open!

"We would have had a mess everywhere had we not used Slide Rail," said Terry Fryer, Hoffman's foreman on the project. "The system worked great, exactly as we expected. It went in and came out very easily and we were able to keep the cut just a few feet from the system." It was Fryer's first time using the innovative shoring system.

### Dig and Push system reduces over-excavation

Efficiency Slide Rail is a component shoring system comprised of steel panels (similar to trench shield sidewalls) and vertical steel posts. Slide Rail is installed simultaneously as the trench or pit is excavated by sliding

*Continues on page 29.*

Efficiency Slide Rail is a dig & push system, allowing contractors to excavate and install the shoring at the same time; saving a significant amount of time and money.



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# Associate Member Facts

## Williams & Works

[www.williams-works.com](http://www.williams-works.com)

In an industry where many engineering companies have been around for a century or more, the decade-old Williams & Works may seem pretty green to some. But, with a history that really traces back to 1924, the engineering, planning, and surveying firm, headquartered in Grand Rapids, stakes its reputation on a few simple and time-honored standards and an old-fashioned dedication to service. With more than 50 employees and two offices, Williams & Works leaders and staff alike are committed to giving their clients steadfast and responsive service.



For 65 years, the original Williams & Works provided its clients with engineering excellence and unmatched service. But in 1989, the company's then-leaders decided to diversify and dissolve the first Williams & Works as a corporate entity. In 1995, six employees from the first version of Williams & Works collaborated to form a new company by the same name. Over the past decade, the staff of six has grown to a staff of 54. Since its inception in 1995, Williams & Works has added survey services and gradually expanded its planning and engineering staff. Additionally the company recently opened a satellite office in Milford, Mich., to better serve its clients on the east side of the state.

"We minimize our overhead costs so we can put profits right back into what matters most – our clients and our staff," said Larry Nix, managing principal. "Managing our business this way means that when you need to add new staff or a new branch office to better meet your clients' needs, you can. So, we may all use refurbished and mismatched office furniture, but you can bet we've got the latest in software, technology, and training. If it doesn't better serve our clients, it's not part of our budget.

With ongoing work for Hartland Township in Livingston County and an increased client base in the east and central parts of the state, locating the office in Milford only made sense. Our new location and additional staff will ensure that clients, no matter their location, receive the responsive service on which Williams & Works was founded."

Professional engineers, surveyors, and construction and inspection staff at the

Continues on page 57.

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Bob Patzer

## Executive Vice President Comment

### Another Look at MITA's Best Practices Utility Contract

A number of years ago the then AUC (now MITA) negotiated a Best Practices Contract with most of the major utilities in our state. This contract approach was offered up by the

utilities in response to our threat to completely rewrite Public Act 53 of 1974, a law that governs the locating and marking of public utilities.

This contract, that is available to MITA members only, has several advantages over legislation. The most prominent of the pluses is flexibility. If something doesn't work, we have the ability to amend, add or delete the problem areas contained in the Best Practices. On the flip side, once something is in the law, it is there and the only way to correct the problem is to amend the Act--a cumbersome process at best.

Public Act 53, in my opinion, is confusing, terribly one-sided in favor of the utilities, and contains holes large enough to drive a 627 scraper through. The biggest chasm is your inability to receive compensation for the failure of the utility to comply with the law. The contract, on the other hand, allows for recovery for any party's failure to comply with the Best Practices. Let's take a "Readers Digest" version look at the Best Practices that are part of the contract.

The law requires a minimum of three full working days to MISS DIG. The contract spells out 72 hours.

Public Act 53 is silent on any recovery in terms of the failure of a utility to mark the facilities. The contract allows you to call back to MISS DIG if there are no marks and the affected utility must respond within three hours. Failure to respond allows you to submit downtime claims after waiting three hours.

Similarly, the law requires that you call utilities if you cannot determine the precise location of a facility and they have one full working day to respond. The contract has you call MISS DIG and the above three hour response time applies, as does your right of recovery.

The reason for calling MISS DIG instead of the utilities for no marks or additional assistance is that the call is date and time stamped and

thus documents the three hour period point of beginning. Feel free to also call the utility after the original call.

The contract tells you that you have a valid MISS DIG ticket for 21 days unless you provide information that the job will exceed this period, in which case the ticket is valid for 180 days. The law is silent on this and prior to the contract the MISS DIG ticket system was issuing unilateral ticket life notices of 14 and 21 days.

One of the more liberal sections of Public Act 53 requires you to determine the precise location of underground facilities in advance of construction. So, for example, if the marking of a gas main is off by 20 feet, you could be on the hook if you didn't determine the precise location, even though the marks were 20 feet away. The contract states that you do not have to expose or determine the precise location of a facility until you get to within 60 inches of the flag, paint or other mark(s). For parallel construction that falls within the 60-inch zone, you are required to pothole as often as is reasonably necessary. This section of the contract plugs a major hole in the law that fails to tell when or how close you can get to marks before you must determine the precise location.

One final point: The Best Practices contract requires that you commence excavation within 14 days from the dig start date. Failure to do so requires that you obtain a new ticket number. Note that this is

Continues on page 58.



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### State is Working to Get More Money Out to Local Communities

Anyone who lives or works anywhere in Michigan knows just how badly our local communities are hurting financially. Michigan's overall economy is flat at best and tax rolls are at dangerously low levels, which means that local governments are holding off on spending any significant money on long-term improvements. Our industry is seeing it first hand in terms of the lack of local sewer and road construction work that is available.

However, MITA and the state are working on several different fronts to make sure money is being directed to local governments across the state in order to at least make a dent in the needs that exist with regards to the local road and underground infrastructure systems.

#### New Grant Funding Available for Municipal Wastewater Projects

When Michigan voters overwhelmingly passed the Great Lakes Water Quality Bond referendum (Proposal 2 of 2002) more than three years ago, dozens of municipalities were expected to clamor for the low interest loans. But most of the \$1 billion that is available for water pollution control projects to fix Michigan's aging wastewater facilities is still unused and our state's sewer infrastructure continues to deteriorate. So why is this funding not being used, especially since over 60 percent of those voting in 2002 supported the improvements that were promised by Proposal 2?

First of all, in order to apply for these loans, communities are required to spend their own funds to do preliminary studies and pre-construction design work. However, decreasing revenues and budget shortfalls--coupled with uncertainties about the future of revenue sharing--have forced many communities to reduce or forego the necessary spending.

Thus, the low interest loans that are available through the State Revolving Fund (SRF) have not been distributed as originally expected.

Recognizing the quandary community leaders are facing, Michigan legislators recently passed a package of bills to fix the problem. The legislation, signed into law by Governor Jennifer Granholm in December 2005, established a \$40 million State Water Quality Initiatives Fund. Grants from the fund will be made available to communities for up to \$1 million each to pay for the pre-construction costs of sewer improvement projects--allowing Michigan communities to take the important, necessary first step in applying for SRF loans.

The grants will cover up to 90 percent of the upfront costs required to apply for the SRF loans. Municipalities that take advantage of these grants and the SRF loans and thus begin sewer improvement projects will ultimately help to protect the environment from sewage overflows generated by outdated systems, will create good paying jobs for the local community, and will help to generate positive, long-term economic growth.

Another reason why these loans have not moved as quickly as was originally hoped is the fact that very few municipalities even know that they are available or if they do, they are under the mistaken assumption that only large communities ever receive the SRF loans. The loans are

*Continues on page 58.*



Mike Nystrom

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## Vice President of Membership Services Comment

### We are Providing Meaningful Services to Our Members

#### FUNCTIONS

In my role as vice president of membership services, one of the most common questions I get asked is "is this working?" They are asking if the various disciplines of construction that MITA represents are coming together under the MITA umbrella or are we compartmentalized? The quick answer is, yes, it's working and it is best demonstrated through function attendance. For example, nearly 700 people attended this year's annual conference at Soaring Eagle Casino. When compared to last year's attendance it was only up slightly, but what is more important was the shift in attendance. This year the event was attended by members representing all types of construction, while the previous year the same could not be said. This shift is occurring regarding all of our functions and in my opinion is happening more quickly than I ever anticipated. This year's management conference also demonstrated a great turnout from all disciplines of construction.

Our calendar of events is posted on the Web site for your convenience. However, I would be remiss if I didn't draw your attention to our summer conference, which is slated for Aug. 10-13 at Mackinac Island's Grand Hotel. This family friendly event drew approximately 300 people last year. We are looking forward to a similar turnout this year. For those who have not attended, the event focuses on networking opportunities with an industry-wide joint board meeting that encompasses a variety of topics of importance to the heavy construction industry. A joint board meeting is a rare glimpse into the inner workings of your association and should be of interest to all members.

#### GIVE 'EM A BRAKE

MITA is again spearheading the Give 'em a Brake coalition effort to create safer work zones via a radio ad campaign and written articles in various papers statewide. The new sign appearing on job sites across the state, "Where Workers Present 45," is intended to help ease congestion, but also provide a safe environment for road workers. The idea behind the new sign is that work zones can carry two enforceable speed limits, for instance; a long closure with a couple crews may have 60 mph speed limits with the 45 mph "Where Workers Present 45" sign. The Michigan State Police feel that for the most

part motorist behavior echoes these postings. For those who continue through our work zones at a higher rate of speed, they will be ticketed. MITA will be monitoring this issue closely to see if this innovative approach to an ongoing problem provides some sort of relief to motorists and workers. We are hopeful that this can be a win/win for all.

Additionally, a new bumper sticker has been designed to raise awareness of the new speed limit sign and minor changes have been

Continues on page 59.



Rob Coppersmith



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# Vice President of Engineering Services Comment



Glenn Bukoski, P.E.

## The CQP Journey – An Update

By now everyone involved in our industry should have heard about, and have some level of understanding, of the Construction Quality Partnership (CQP). The initiative has been a topic of discussion at board meetings, leadership meetings, annual conferences, committee meetings, and hallway side bars within all the industry associations and the owner organizations for almost two years. A comprehensive and thorough article about the CQP initiative appeared in MITA's Summer 2005 inaugural edition of the "Cross-Section," and on Jan. 18, 2006 some 30 industry representatives attended a MITA-sponsored Industry CQP Forum to learn about and discuss this evolving initiative.

On April 27, 2006, a milestone in our CQP journey occurred as the eight partners engaged in the initiative signed a CQP Charter at the State Transportation Commission meeting. As the State Transportation Commission is the policy body for transportation in our state, the formal signing of the charter in their presence was a significant public demonstration of the commitment the partnership maintains to the mission and goals of that charter. The eight

partners signatory to the CQP Charter are the following:

American Council  
of Engineering  
Companies of  
Michigan (ACEC-M)  
Asphalt Pavement  
Association of  
Michigan (APAM)

County Road Association of Michigan (CRAM)

Federal Highway Administration (FHWA)

Michigan Concrete Paving Association (MCPA)

Michigan Department of Transportation (MDOT)

Michigan Infrastructure & Transportation Association (MITA)

Michigan Road Preservation Association (MRPA)

With the formal signing of the charter, the CQP Executive Steering Committee can now focus its attention on the overall objective of developing, coordinating, and implementing a comprehensive training initiative that will ultimately affect and impact every discipline, element and aspect of the transportation infrastructure construction industry.

Some in our industry, however, whether they are a contractor, consultant, owner, service provider, or supplier, may still be skeptical of the need for this initiative and our vision on how quality becomes an acknowledged and permanent element of every corporate philosophy for owners as well as contractors.

At the MITA Annual Conference this past January, Gary Allhiser, a renowned facilitator of change in the construction industry, discussed in his presentation, appropriately titled, *The Future of Industry: Surviving and Thriving*, the changing needs, attitudes and expectations of the customers we serve in the transportation infrastructure industry. In the past, our customers (the taxpayers), were willing to pay more to get a better product delivered to them in a shorter timeframe; it was the old quality, time, price adage. They could have two, but not all three. But, as we have learned and Allhiser reinforced during his presentation, our customers today are no longer willing to settle for and accept two of those three elements. Today the transportation customer wants all three. They want it better, faster, and cheaper (higher quality, delivered faster, at a better value). The status quo obviously is no longer acceptable. We believe the CQP initiative can and will address those customer demands as we develop a trained and skilled industry work force focused on continual quality process control at all stages (design, bidding, construction) of the product development and delivery processes.

As it relates to our vision of how quality will become a cornerstone of every corporate philosophy, think back about three decades and recall the then-new concept of job site safety. Fast forward to today and recognize how job site safety has become a key part of your

Continues on page 59.

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# Director of Safety & Workforce Development Comment

## It Has Been an Extremely Busy Time

Wow, where do I start? First I would like to thank everybody who has helped make the transition from the enforcer to the defender as smooth as possible. My first few months have been filled with travel, adventure and education. I have traveled all around Michigan and to Washington, D.C., meeting people and learning more about the industry.

Washington, D.C., was truly an adventure. I spent an entire week with 23 people from 13 different states studying a variety of safety topics at the ARTBA Safety Supervisors' course. I was able to gain a different perspective from each one of them. I received certification as a Work Zone Safety Supervisor. Much emphasis was placed on updates to the Manual of Uniform Traffic Control Devices (MUTCD) and work zone set-ups. The OSHA outreach program "working with the Hispanic workforce" was a worthwhile topic. This course provided invaluable information about how to face the challenges presented by Hispanic workers. Safety for profitability taught us how insurance carriers look at safety. ARTBA provided experienced knowledgeable instructors and state of the art facilities that made it easy to learn. This was such a great opportunity to network with safety leaders from other states and it was also interesting to hear how infrastructure needs differs from state to state.

In early March I attended the Governor's Safety Forum. The forum brought leaders together from the construction industry to tell about successful safety programs. MIOSHA is looking to work side-by-side with the industry and create a safer work environment. MIOSHA is also looking to create strategic alliances with members of the industry in an effort to find innovative ways to enhance workplace safety. Some MITA members working on large multi-employer projects have been involved in such alliances. These alliances keep MIOSHA involved throughout the life of the project through meetings and scheduled inspections. MITA currently is involved in negotiations with MIOSHA on the issue of a strategic alliance. MITA has many issues that must be resolved before any form of an alliance could be considered. If we can resolve some of the association's ongoing problems with MIOSHA and install some meaningful safeguards for members, then we could present the topic of an alliance to our board of directors.

Education for me has come in the form of training. ARTBA was a great experience from the standpoint that I learned so much. This gave me a base of understanding and shed some light on the various areas of the industry. However, since then I have traveled the state with Rob, training members and employees on various topics such as MIOSHA all trades, road/work zone, trenching/shoring and first aid/CPR. By the time you read this, MITA will have provided nearly 5,000 man-hours of training for the heavy construction industry. Much of the training has been covered under the training grant that we received from MIOSHA

this year. MITA's goal is to meet and exceed the training requirements set forth in the grant, thus providing a safe work environment. In an effort to keep people up to speed and fresh about safety issues, MITA has also started publishing Toolbox Talks again. This is a great way to keep workers thinking about their jobs and how to be safe.

Spring is upon us and the construction season is starting to rev up. It looks to be an exciting year with many interesting projects going on throughout the state. With the start of another season comes the



Patrick Brown

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# Director of Legislative Affairs Comment

## MITA Introduces New Director of Legislative Affairs

Keith Ledbetter is a familiar face around the corridors of the State Capitol. Now, he is using that background to help MITA as its new director of legislative affairs.

"We are grateful to have someone with Keith's experience and knowledge on staff," said Mike Nystrom, vice president of government and public relations for MITA.

For 15 years, he was a fixture in the House, serving as a legislative aide to several representatives before helping his boss, Rep. Chuck Perricone, ascend to one of the most powerful positions in Michigan politics-- speaker of the House. Since that time, he has served as an advisor to the last three speakers of the House, providing them counsel on political, policy and public relations matters.

"Working in the House for that many years allowed me to take part in some historic moments in Michigan history," said Keith Ledbetter. "It's an experience I'll cherish forever."

At a time when term limits has eliminated experienced legislators and decimated the ranks of staff, long-time staff members like Keith have been a rare but critical part of the institution. New legislators often rely heavily on seasoned staff for their expertise. As a result, Keith was involved in almost every facet of decision making: from creating policy ideas to determining which bills would see floor action to crafting sophisticated public relations strategies for the most high profile issues.

Most recently, Ledbetter worked as a political and communications advisor for Speaker Craig DeRoche. In this role, he was involved in a variety of issues including the state budget, repeal of the Single Business Tax, welfare reform and the Legislature's first-ever review of a child abuse case. He also created various major public relations initiatives, like the House GOP "Breathe Easier" campaign, which provided hundreds of carbon monoxide detectors to local schools around the state.

The number one priority at MITA is to secure adequate, long-term funding for Michigan's road, bridge and underground system. This can only be done by convincing state policymakers

there is a significant need for infrastructure improvements and that the solution won't come with a heavy political price.

As a former deputy political director and spokesperson for the House GOP, Keith is uniquely suited to help MITA reach our goals. He has already been working on our State Funding Initiative PR campaign, helping create various promotional materials for lawmakers and public opinion leaders.

On the job since mid March, Keith has also been acclimating himself to some of the pending transportation legislation in the House and Senate. He has been involved in legislation to exempt construction workers from school background checks. He has also been working to limit the millions of dollars which are being diverted from the state's transportation fund to other state departments.

"My first few weeks on the job have really been great," said Ledbetter. "I'm looking forward to a long and productive career here."

Keith lives in Holt with his wife, Mary Lou, and their three sons: Ryan (8), Sean (6) and Michael (2). Ledbetter enjoys coaching youth sports and serves as an elected member of the Holt School Board.

To contact Keith Ledbetter, e-mail him at [keithledbetter@mi-ta.com](mailto:keithledbetter@mi-ta.com) or call 517-347-8336.



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# Director of Technical Services Comment

## Introducing Doug Needham, P.E.

On March 27, 2006 my appointment as the new MITA director of technical services was official. However, my time on the job actually started a few days earlier during the metro area MITA Industry Night that was held at the Italian American Center in Livonia. During my first official event, I thoroughly enjoyed socializing with the vast array of MITA members that were present and it was a pleasure to catch up with some members that I have not seen for awhile.

I have been added to join a very dedicated and hard working organization to oversee engineering, specification, and technical matters for the association. My focus will be to expand and strengthen MITA's relationships within the local agency owner communities, working with and through the County Road Association of Michigan (CRAM) and the Michigan Municipal League (MML), and represent and advocate the industry's interest on committees at various levels.

I bring to MITA 12 years' of experience within MDOT. While working at MDOT, I managed the Local Agency Rural and Enhancement Unit within the Design Division, worked in the Structural Research Unit in the Construction & Technology Division, as well as a variety of other assignments including construction, litigation and design. I look forward to applying my extensive knowledge of MDOT specifications and contract administration, as well as work experience in structural research and design to MITA.

I am a licensed professional engineer and received a bachelor of science degree in civil engineering from Michigan Technological University. My wife, Jennifer, and I have two very energetic boys, Brad

and Greg, and I spend my free time coaching both kindergarten and second grade soccer teams.

Now that the introduction is complete, let's get to work. I am currently in the process of establishing a 2006 student internship program for MITA members. It is designed for students who will be college sophomores, juniors or seniors at the end of this school year, and who are interested in working with road, bridge, and/or underground construction companies. This program will be a valuable tool for our contracting industry to fill in gaps based on the shortage of skilled workers, compressed and expedited construction schedules, and to develop relations with future prospective employees. It will also benefit students by allowing them to gain valuable exposure in the construction field by working directly with management on construction projects. By the time you read this publication you should be fully aware of the program and will, I hope, have an intern on board to assist you in this upcoming construction season. If not, then next year is just around the corner.

If you have any questions, please do not hesitate to contact me at the MITA office: 517-347-8336; cell: 517-896-6186; or by e-mail at [douglasneedham@mi-ita.com](mailto:douglasneedham@mi-ita.com).



Doug Needham, P.E.

## Problem Solver Sales and Use Tax Traps

Many of you have probably bid or built projects for public agencies or other "tax exempt" owners where the owner furnished materials that were incorporated into the project. In those cases the owners' election to furnish the materials was likely based on their belief that they could save money on the project by purchasing the materials free of sales tax by virtue of their tax-exempt status. However, unless those owners are performing the work of installing the materials on the project themselves, this belief is misguided and completely false.

As a contractor installing these "owner perceived tax free" materials, you will bear the full responsibility of the use and sales tax that is due once the project is completed. A contractor need not purchase or own the materials being incorporated in a project to incur a use tax liability. Use tax is due in situations where the contractor receives the materials from its customer when the customer has purchased the materials without the payment of sales or use tax. Under the Sales and Use Tax Acts only nonprofit hospitals, qualified housing authorities, church sanctuaries, and qualified air and water pollution control facilities hold valid exemptions from sales and use tax liability. So beware, because often this issue doesn't arise until the Department of Treasury is

performing a project audit long after the final payment has been made and the project has been closed out.

In a recent bid letting, a county road commission was taking bids for a bridge replacement project for which they were furnishing the prestressed concrete beams. The bid documents prepared by the county did not address how the sales and use tax expense for the owner furnished materials was to be handled by the bidders.

MITA members interested in bidding the project, who had been alerted about this sales and use tax issue through a recent MITA bulletin, contacted the MITA staff for help in resolving the matter prior to the bid. When contacting the owner agency the MITA staff requested that the owner notify all potential bidders to establish how they account for the 6% use tax expense in their bids. As it turned out in this case, the owner responded that the precast concrete beam supplier had satisfied the sales and use tax liability by their inclusion of sales tax in the cost to furnish the beams.

To the end of keeping the membership attentive to a matter that could result in significant financial impact to the unaware member, the MITA bulletin on sales and use tax liability had served its purpose.

# Toolbox Talks

Once again it is time to make sure employees' safety knowledge is up-to-date in an effort to promote a productive and safe jobsite. These publications are being periodically e-mailed to members who have signed up for e-bulletins, and they are also being posted at [www.mi-ita.com](http://www.mi-ita.com). Just click on safety/training on the top of the home page.

Tool Box Talks have been designed with all the information that your company will need in a five-minute session. A qualified person, such as a supervisor or foreman, should present them to employees. MITA suggests that you document this activity with a sign-in sheet that is provided and it should be filed for future reference.

If you have any questions, please do not hesitate to contact Pat Brown, MITA's director of safety and workforce development, at [patrickbrown@mi-ita.com](mailto:patrickbrown@mi-ita.com) or call 517-347-8336.

## **mita** TOOL BOX TALKS "The Inspection"

### Before you get started:

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

- KNOW YOUR JOB
- BE ALERT
- EXPECT THE UNEXPECTED

- USE GOOD JUDGEMENT
- ALWAYS THINK SAFETY

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

If you work in the heavy construction industry, at some point, MIOSHA will inspect your jobsite. Be sure the following occurs before, during, and after an inspection.

### Before:

- Qualified person designated.
- Safety program at each jobsite.
- Proper postings available.
- First aid kit and trained personnel available. (One per jobsite)
- Proper personal protective equipment on site and in place.
- Tools in good working order, etc.

### During:

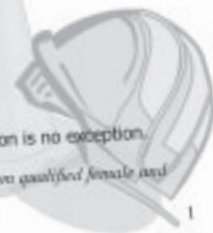
- An opening conference should be given.
- MIOSHA officer should be accompanied by management or management representative during walk around inspection.
- Let the MIOSHA officer take his or her own measurements. Closely follow officer and take notes on items of concern.
- Take your own photos of existing conditions. Take your own measurements of excavation after inspection is complete.
- Request a closing conference summary sheet. Be sure a closing conference is given.

### After:

- Notify management of MIOSHA inspection.
- Fax closing conference summary sheet to MITA.
- Immediately abate items or deficiencies that you agree with.

**Remember:** Documentation is critical to everything we do. A MIOSHA inspection is no exception.

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## Questions and Answers

### Steve Mancini, President, MITA Board

*Steve Mancini is president of Ric-Man Construction, Inc., in Sterling Heights.*



**Q:** *After more than a year of operation, what is your assessment of the merger of MRBA and AUC?*

**A:** The merger of MRBA and AUC is without question a success. One can know this in the short one-year time period by the positive energy, cooperation of the new board members and enthusiasm of its members, industry and government. Having been president-elect and now president during this transition, I have had the benefit of seeing how this was the right move for our industry.

**Q:** *This is a difficult question, but what are your top two priorities for MITA during your year as president?*

**A:** My top priority as president is to work with the board of directors in support of the staff at MITA to accomplish a long list of important issues that face our industry and our state. (Just attend one board meeting and you will know what I am talking about.) I think the most important issue facing MITA and Michigan is our lack of investment in our roads and sewers. That combined with the auto industry's hard times has caused our state to lead the nation in unemployment. This is a major problem with what I consider one of the greatest states in the nation.

**Q:** *We understand that your father Richard was a board member for AUC. Can you tell our readers the extent of his involvement?*

**A:** My father's involvement on the board was certainly before my time. Bob Patzer would be better with that question. But I will say that as I worked with my father, he consistently talked about

the importance of AUC and his support was genuine. Together, we attended many AUC functions and were involved in labor negotiations during a bitter strike. My memories of my father and AUC certainly affect my decisions on a daily basis.

**Q:** *You have performed contracts in states other than Michigan. How does our state compare in terms of being contractor friendly?*

**A:** One thing unique about our business is the opportunity to meet and work with people throughout the state and other parts of the country. If there is one thing I have learned, it is that people are different not only in other states, but also in Michigan. I can honestly say that Michigan is no more or less contractor friendly than other states. That is why I think it is important to work closely with MITA in a continued effort to protect contractor rights.

**Q:** *Tell us a little about your family and what you do to relieve the stress that comes with the construction industry.*

**A:** I married my wife, Lisa, in 1985 and together we are raising three girls and one boy. You probably could have guessed that my son is named Richard. My oldest daughter, I am proud to say, is in her first year at Michigan. (You heard me, Nystrom, I said Michigan not Michigan State.) Between the six of us, we spend most of our vacation time with family and friends. When we do have time, we typically spend our time in northern Michigan hunting, snowmobiling or skiing. If we are not in Michigan, you can probably find us in southern Florida getting a suntan.

## ASSOCIATE MEMBER PROJECT PROFILE Continued from page 19.

the panels into integrated rails on the posts—either double or triple rails depending on needed depth—then pushing the panels and posts incrementally down to grade as the pit is dug. This process is commonly referred to as a dig and push system.

In Jackson, Mich., Jule Swartz & Sons, Inc. recently install a new pre-cast concrete sewer lift station one foot from the curb of Seymour Street, by shoring the 14-by-14 four-sided pit with the Efficiency Slide Rail, then excavating 20-feet deep.

"The Slide Rail worked real well, it was great for the tight space," said Albert Swartz, president and co-owner of the company. "We didn't need to over-excavate."

This was the first time Swartz had used the Efficiency Slide Rail System. On other past projects, Swartz had stacked trench boxes to get down to 20-foot depths, but he had difficulties removing the

boxes. "Slide Rail was ideal because we could handle the system's panels and posts separately and lift them with our normal equipment, in this case a Komatsu PC300," Swartz said.

Swartz was able to install the shoring system, lay the pre-cast lift station, and remove the system all in three days. Swartz added, "The project engineer from Elite Engineering commented how clean and smooth our install of the system was, and he was surprised how quickly we were able to finish the entire project."

Established in 1947 by Ed and Hollis Hoffman, Hoffman Bros., Inc., currently employs 100 employees, and owns and operates over 100 pieces of construction equipment. They are proud members of the Michigan Infrastructure & Transportation Association.

James McRay is the Marketing and Media Manager for Efficiency Production, Inc. He can be reached at 800-552-8800, or e-mail: jmcray@epi-shields.com.

**Hoffman Bros. Inc.** was able to install a manhole structure right in the middle of busy downtown Battle Creek, Michigan, parking lot without disrupting business with the help of a four-sided Slide Rail System from Efficiency Production, Inc.

BILL #	SUBJECT	DATE INTRO.	SPONSOR	MITA POSITION	Status
HB 5675	Revises the law on background checks of workers on school property	2/14/06	Baxter	Support; Successfully fought to exempt construction workers and suppliers who work on school property from background checks	PA 84 of 2006
HB 5751	Provides tax breaks to encourage the use of alternative fuels	2/23/06	Nitz	Neutral; Successfully fought to require the state to make up for any loss to the MTF as a result of tax breaks	Pending in Senate Technology and Energy Committee
HB 5770	Allows sales taxes on precast concrete construction products to be paid quarterly	3/1/06	Mayes	Support	Pending on House floor
HB 5743	Eliminates the Single Business Tax by the end of 2007	2/22/06	Drolet	Support; Would like to see personal property tax savings as part of any business tax overhaul	Vetoed by the governor
HB 5794/95	Transportation appropriations bill and omnibus appropriation bill	3/1/06	Taub/Hummel	Neutral; Want additional dollars for MTF; oppose excessive IDGs to various departments; oppose crumb rubber initiative	Referred to House Appropriations Subcommittee on Transportation
SB 1035	Allows a person hauling and transporting wood harvesting equipment to qualify as a "wood harvester" for the purposes of vehicle registration taxes	2/7/06	Prusi	Opposed; Concerned that the bill will take money away from the MTF	Pending on House floor
SB 1051	Puts a cap on money being diverted away from the MTF to the Dept. of Treasury	3/27/06	Gilbert	Support; Agree with any limitation of IDG's from the MTF	Referred to Senate Transportation Committee
SB 1132	Helps local governments capture \$320 million in federal dollars by providing \$80 million local match	3/14/06	Prusi	Support	Referred to Senate Committee on Transportation



# WHY DOES MY CONTRACTOR NEED A GAMING LICENSE?

## A Summary of the Licensing Requirements for Contractors Working on Casinos

By Jason Hanselman

Attorney, Dykema Gossett PLLC

Michigan's gaming laws were drafted to be the most strict requirements in the country by requiring licensure for virtually everyone associated with the Detroit casinos. By creating such a rigorous system, the Gaming Act requires everyone from the limousine service to the toilet paper vendor to be licensed as a supplier, or obtain an appropriate exemption. The Gaming Act's original exemptions were limited to specific categories of suppliers, the licensing of whom the Legislature and Michigan Gaming Control Board (the "Gaming Board") determined was unnecessary to protect the public. Those categories include attorneys, entertainers and certain financial institutions.

On Dec. 16, 2003, in an effort to streamline the anticipated rush of contractors seeking licenses related to the construction of permanent Detroit casinos and related facilities, the Gaming Board adopted Resolution 2003-7, which expands the exemptions and waivers related to the Gaming Board's supplier license application requirements. Resolution 2003-7 was subsequently modified in 2005 by Resolution 2005-3, which, among other things, further increased the monetary limits for prime contractors.

Together, the resolutions address the unique licensing issues that may accompany the construction of the permanent Detroit casinos and clarifies eligibility for vendor exemptions to the supplier licensing requirements. Unless a contractor working on the Detroit casinos satisfies one of the exemptions below, that contractor will likely be subject to the rigorous licensing requirements implemented by the Gaming Board. The following is a summary of the exemptions that are set forth in the resolutions.

### SUBCONTRACTORS

The most noteworthy exemption is for subcontractors that are involved in construction of the permanent Detroit casinos but are not constructing a "major portion" of a casino.

- The exemption only applies to subcontractors whose contract amounts are less than \$2 million and whose contract is not directly with any casino.
- Eligible contractors must submit an exemption application to the Executive Director, who is given broad discretion in considering exemption requests.
- General contractors are only eligible for the vendor exemption if they conduct less than \$200,000 of business with a casino.

Subcontractors who provide gaming-related services and those involved in the final construction of gaming-related products (i.e., cages, vaults, surveillance systems, security systems and count rooms) are ineligible for this exemption.

### VENDOR CONTRACTS

In addition to creating a higher monetary threshold for subcontractors, the resolutions clarify and consolidate the exemptions that have previously been articulated by the Gaming Board. The resolution set the following parameters for vendor contracting:

- Vendor contracts that provide less than \$50,000 in goods or services must obtain a vendor number from the Gaming Board by submitting a vendor notification and disclosure form confirming that the total contract amount is less than \$50,000.
- If the contract amount is greater than \$50,000 but less than \$200,000/\$400,000, the vendor must submit an application and disclosure

Continues on page 61.

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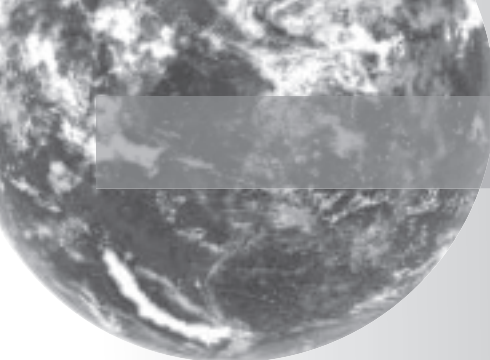
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# Planning to Prevent Pollution

By Thomas K. Rohrer, President

## POLLUTION INCIDENT PREVENTION PLANS

As I have mentioned in earlier articles, it is always cheaper and easier to prevent pollution than it is to clean it up. One tool which can help prevent pollution on your properties is a document called a Pollution Incident Prevention Plan, or PIP plan for short. A PIP plan should be developed for each of your facilities, and in some cases, may be required by state law and rules.

## LEGAL REQUIREMENTS

Since 1929, Michigan has had a comprehensive water pollution control regulatory structure in place. The original law was called the Michigan Water Resources Commission Act and the amended version of that law is now Part 31 of the Michigan Natural Resources and Environmental Protection Act (Public Act 451 of 1994, as amended). Administrative rules promulgated under that law include the Part 5 rules for the storage of oil and polluting materials. Facilities that have on site more than specified quantities of oil, petroleum products, salt, and other chemicals are required to have a PIP plan prepared for each facility and keep that plan on site.

## POLLUTING MATERIALS

The Part 5 rules define certain materials, when present in specified quantities, as polluting materials. If you have polluting materials on your site, you are required to have a PIP plan and to notify the MDEQ of your compliance with the PIP plan under the Part 5 rules. The rules define some exemptions for various operations such as marinas and also define the quantities of various materials that require reporting. The first place to start in evaluating the need for a PIP plan is conducting an inventory of all

materials on site. This can be done by looking at the Material Safety Data Sheets for all products at a facility, coupled with a physical inventory of the quantities present.

## COMMON MATERIALS REQUIRING PIP PLANS

A few common materials which require PIP plans when stored on site in various quantities include the following:

**Salt** – Five tons of solid salt or 1,000 gallons of liquid brine (one percent salt or more by weight). Salt includes sodium chloride, potassium chloride, calcium chloride or magnesium chloride.

**Oil and Fuel Storage** – A single above-ground tank of 660 gallons or a total of 1,320 gallons of combined total capacity of all tanks, drums, and storage containers on a given site. Oil, grease, petroleum, greasy wastes and other similar materials are included in this category.

**Common chemicals** – 444 pounds (outdoor storage) or 2,200 pounds (inside storage) of any of a long list of common chemicals specified in Rule 9. These include such materials as solvents, pesticides, cleaning and degreasing chemicals, heavy metals, acids, and others.

## WHAT IS INCLUDED IN THE PIP PLAN

The MDEQ has no specific format for a PIP Plan, but has developed a checklist of items which must be covered in any plan. These include the names and contact information for the facility owner and manager, procedures for dealing with spills or releases of polluting materials, material inventories, a site plan, secondary containment requirements, local emergency contacts, and additional information. General operating procedures for handling materials onsite as well as actions to take in the event of a spill are

Continues on page 33.

*The following is the final in a series of three articles written to help members of MITA stay in compliance with environmental laws and regulations. The author is Thomas K. Rohrer, president of ROHRER Environmental Training and Consulting, a private consulting firm that served MITA for several years. Prior to forming his own consulting firm, Tom Rohrer worked for the Michigan departments of Natural Resources and Environmental Quality for over 25 years. For the final 10 years of his career, he served as chief of Water Quality Enforcement for the Water Bureau of MDEQ. If you need an environmental consultant, MITA can recommend Tom Rohrer and his company without reservation.*



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critical parts of any PIP plan. PIP plans do not need to be submitted to MDEQ, unless the agency requests them, but must be kept on site and available for inspection by MDEQ staff when they visit.

#### NOTIFICATION REQUIREMENTS

Within 30 days of preparing the original PIP plan or revising an existing plan, the owner of the facility must certify to the district office of the Water Bureau of MDEQ that the plan has been completed and that the facility is in compliance with the Part 5 rules. Within this same time period, one must also notify the local emergency planning committee and the local health department of the preparation of the plan. Again, copies do not need to be submitted, but may be requested by the state or local agencies as they see fit.

#### STANDARD OPERATING PROCEDURES FOR EMPLOYEES

The operating procedures and emergency response actions outlined in your PIP plan should be noted as your company's standard operating procedures to be followed by all employees. Having these work rules in place will provide some measure of protection for your company if a spill or release of regulated materials occurs on site.

#### HIRE A CONSULTANT

Preparing PIP plans can be complicated. In an ideal world, every firm would have in-house expertise on environmental matters and be able to prepare their own plans. The reality is that it may not be cost-

effective for every company to have their own environmental staff to do this work. In such cases it can be advantageous to hire an external consultant to advise you on environmental matters and determine if you need a PIP plan.

Environmental consultants can provide a broad variety of services including general environmental advice; conducting environmental assessment work; filing necessary reports with regulatory agencies; and assisting in resolving violations or court actions. Rates for consulting services are very competitive and generally cost-effective for most companies. In any event, they are always less expensive than the costs that may be incurred for lawyers or the costs of remediation that may arise if you end up with a piece of contaminated property.

It is always cheaper to prevent environmental problems than to correct them. Having a PIP plan developed for your facility is a good investment. If you think you might need a PIP plan, prepared by a qualified environmental consultant, we would be happy to talk to you. You can contact Tom Rohrer directly via e-mail at [rohrer@voyager.net](mailto:rohrer@voyager.net) or by phoning 989-330-7742.



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# Meet Our Consultants

## TRIAD, Inc.

TRIAD, Inc., was hired to assist the Michigan Transportation Team, which MITA chairs, in a statewide coalition effort to increase state transportation funding.

"When we made the decision to focus exclusively on the transportation industry, needless to say, there weren't too many other firms heading in that route," said David Keller, president of TRIAD, Inc., a public relations firm catering to all things transportation and contractor-oriented. "But since then, it's been full-steam ahead."

It would be an appropriate pun to say that transportation has helped TRIAD on the road to success. The company has made a habit of turning transportation challenges into success stories for state contractors' associations, better roads groups and other transportation advocacy organizations who champion the need for improved modes of transportation at both state and local levels.

Founded by three advertising and public relations professionals nearly 35 years ago, Columbus, Ohio-based TRIAD has developed from a small agency with local business interests to a nationally recognized leader in transportation advocacy and funding initiatives.

"Our first customer was a utility contractor; next came a building contractor and developer," said Keller. "Then came the highway contractors and their trade associations in Ohio. Before we knew it, we had grown to where we had clients in nearly 20 states."

TRIAD's success comes from its knowledge and understanding of complex transportation issues. With a staff of former state DOT officials, transportation journalists and elite graphic design and support personnel, they have years of experience in the transportation field and their comprehension of transportation-related issues is unmatched by any firm you'll find in the country. Their experience is enhanced by involvement with national organizations such as the American Road and Transportation Builders Association (ARTBA), the Associated General Contractors (AGC) and the National Utility Contractors Association (NUCA).

*Continues on page 62.*



From left to right: David Keller, president of TRIAD, Inc., and Kevin Jones, director of construction public relations

## Contributions to MITA PAC 2006

Ace Cutting Equipment & Supply

Anlaan Corporation

Atsalis Brothers Painting

Centurion Insurance Agency

Cordes Excavating

Corrigan Oil

Darrow Bros. Excavating, Inc.

Di Ponio & Morelli Construction Company

Give 'Em A Brake Safety

Hardman Construction, Inc.

C.A. Hull, Inc.

Kaltz Excavating Co., Inc.

Eagle Excavation, Inc.

E. C. Korneffel Company

Edw. C. Levy Company

Lowe Construction Company, Inc.

L.S. Engineering, Inc.

M & M Excavating Company, Inc.

E.T. MacKenzie Company

Maclean Construction Co.

McGuirk Sand-Gravel, Inc.

Matzak, Inc.

Mersino DeWatering

Michigan CAT

Midwest Bridge Company

Pamar Enterprises, Inc.

Peters Construction Company

Pro-Tec Equipment Inc.

Rathco Safety Supply, Inc.

Service Construction LLC

Slagter Construction Company

Timmer Construction Company, Inc.

Walter Toebe Construction Company

Triangle Excavators, Inc.

Zito Construction Co.

Please note: MITA would like to express our appreciation to those members who contributed after the printing of this publication.



# Meet Our Partners

By Ronald W. Brenke, P.E.

Executive Director, ACEC/Michigan

In 1956, a small group of individual engineers came together to form a business league or Council that would have the mission of assisting its members in achieving higher professional, business and economic standards, thus enabling them to provide better design services in the interest of their clients. These individuals are the true leaders of the



Ronald W. Brenke, P.E.

industry who did not just have a vision and talk about what should be done, they made it happen. Even though their firms competed daily with each other for various engineering projects, they had the foresight to realize that a Council would be stronger, have more resources, and be better recognized than any one individual engineering firm. Fifty years ago, this group formed what is today called the American Council of Engineering Companies (ACEC) of Michigan, an association of over 120 engineering, surveying, architectural and related scientific firms who enhance and protect the health and safety of the public

through their profession. ACEC/Michigan is a member of the National American Council of Engineering Companies located in Washington D.C., which is comprised of over 5,500 firms throughout the country employing more than 300,000 engineers, architects, land surveyors, scientists, and other specialists, responsible for more than \$100 billion of private and public works annually.

ACEC is the only architectural/engineering association that is devoted exclusively to the business and advocacy interests of architectural/engineering companies. Members consist of firms, not individuals. Our primary purpose is to promote the business interests of our members while maintaining the highest level of professionalism and ethics.

## LEGISLATIVE/GOVERNMENT ADVOCACY

ACEC works to improve the business environment by developing and influencing legislation that affects our business. We promote a Qualifications-Based Selection (QBS) process for procurement of professional design services to help owners to hire the best-qualified engineer for their project. The Council also seeks to eliminate unreasonable tort liability for engineering companies. ACEC endorses partnering with local and state agencies to resolve issues and meets regularly with the Michigan Department of Transportation, Michigan Department of Management and Budget and the Department of Agriculture-Rural Development. We also work with other government and industry



associations including the Michigan Municipal League, County Road Association of Michigan, the Associated General Contractors and the Michigan Infrastructure & Transportation Association to name a few. ACEC works in unison with the American Institute of Architects (AIA) and the Michigan Society of Professional Engineers (MSPE) to employ Kelley Cawthorne as our lobbyist to assist with our legislative initiatives. Each year ACEC organizes a day at the Capitol and invites members to come to Lansing and meet their legislator. ACEC schedules the meetings with legislators so that members can discuss the important legislative issues affecting our industry.

## BUSINESS EDUCATION

ACEC continually develops products and services to assist member firms in improving their business expertise and quality of services they provide. ACEC offers educational classes and seminars on business topics including marketing, business management/quality, human resources,

Continues on page 64.

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# VOLVO



# Cross-Section Advertiser Q & A

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Last year, Trac Trenching installed 19,000 feet of electrical and communication conduit at the International Speedway in Brooklyn, Mich.

**Q:** *What's a brief history of your company?*

**A:** I started the company two years ago after working for a family-owned electrical business for over 15 years. I was working a job at the International Speedway in Brooklyn, Mich. and learned about vibratory plows. I talked about the equipment with Joe Dunigan of Dunigan Bros, Inc. and then started my own erosion control business.

**Q:** *How did you incorporate this equipment into your business?*

**A:** We specialize in erosion control silt fence installation, but we only use vibratory plows instead of open-cut trenchers.

**Q:** *How does your system benefit the customer?*

**A:** A vibratory plow does not disturb vegetation. In addition, I install the stakes for the silt fence after use of the vibratory plow, which means that in areas of concern, I can install additional stakes. In other words, I am not installing pre-manufactured and pre-staked silt fence. I am actually manufacturing the fence for each different job. This means a better system of staking that will stay up longer. I've installed 160,000 feet of fence and none has come down except for on-site construction equipment operator error. No erosion has taken down my fence. Also, I offer competitive pricing and quality service since as the owner I handle all installation.

**Q:** *What is your territory and how are you getting the word out about your relatively new company?*

Continues on page 62.

# Trac Trenching & Dirt Works

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# Member News

**Efficiency Production, Inc.**  
[www.epi-shields.com](http://www.epi-shields.com)



Efficiency Production, Inc. hosted an open house April 21 during which the company demonstrated how to install and use the Slide Rail Shoring System.

The universal Slide Rail System is a highly flexible and cost-effective alternative to tight-sheeting. The system—comprised of a series of steel panel and posts—can be used in a variety of configurations such as a four-sided pit or “multi-bay” application. Visitors to the demonstration open house saw first-hand how easy it is to install and use this innovative trench shielding system.

“Efficiency’s Slide Rail provides the utility construction industry with a ‘user friendly’ system that offers greater versatility, more job applications, and higher utilization for your shoring dollar than any other system on the market,” said Ken Forsberg, president of Efficiency Production, Inc. “The goal of this program is to introduce Michigan contractors to Slide Rail and demonstrate its many features and uses.”

Efficiency Production, Inc. is the nation’s leading manufacturer of trench shielding and shoring equipment such as “trench boxes” and vertical hydraulic shores. Efficiency’s state-of-the-art manufacturing facility and corporate headquarters are located at 685 Hull Rd, in Mason, Mich., 10 miles south of Lansing. Take the Kipp Road exit off U.S.-127 and proceed east .25 miles to Hull Rd. The service drive to Efficiency Production is .75 miles south of Kipp Road, just before Kent Feeds.

**G2 Consulting Group**  
[www.g2consultinggroup.com](http://www.g2consultinggroup.com)

METROPCS COMMUNICATIONS, INC. SELECTS G2 CONSULTING

G2 Consulting Group of Troy, Mich., will provide environmental consulting and geotechnical engineering services at more than 300 southeast Michigan sites for a new wireless network being developed by MetroPCS Communications Inc.

The Dallas-based wireless service provider will use G2’s services to detect any potential issues with proposed network locations in nine counties, including Oakland, Wayne, Macomb and Livingston.

At each site, G2 will conduct environmental studies to identify any potential environmental contamination, endangered species, wetlands, floodplains, Native American burial grounds, or historical sites that may exist. G2 will also analyze soil samples taken from raw land sites to design foundations for MetroPCS’ network communication towers. Designs take into consideration tower height and wind and ice loading conditions,” says Mark Smolinski, G2 principal.

MetroPCS ([www.metropcs.com](http://www.metropcs.com)) has more than two million subscribers in the Atlanta, Miami, Sacramento, San Francisco and Tampa/Sarasota, Fla. markets. Its metro Detroit service network is scheduled to launch in 2007.

## NEW HIRES

G2 Consulting Group has added two new employees and an intern in its suburban Detroit office.

**Lorraine Sprague** was hired as an environmental scientist. She had been a project administrator for National Abatement Corporation. A Fenton, Mich., resident, Sprague is a licensed asbestos building inspector and a licensed lead inspector in the state of Michigan. She earned a bachelor’s degree in environmental science from the University of Michigan.

**Clint Owensby** was hired as an engineering technician. A Sterling Heights, Mich., resident, he earned a bachelor’s degree from Western Michigan University.

**Sarah Schultz** of Grosse Pointe Woods, Mich., is an environmental intern. She recently completed a 12-month internship with Oakland County Waste Resources Management Division, and expects to earn a bachelor’s degree in environmental health from Oakland University in June 2006.

G2 Consulting Group ([www.g2consultinggroup.com](http://www.g2consultinggroup.com)) is a full-service engineering firm serving Fortune 500 companies, major utilities, property owners, government agencies and leading architectural, engineering and construction firms across the United States. Based in Troy, Mich., G2 also has offices in Brighton, Mich., and Chicago, Ill.

**Terry Asphalt Materials, Inc.**  
[www.terryindustries.com](http://www.terryindustries.com)

Headquartered in Hamilton, Ohio, Terry Asphalt Materials, Inc. – a wholly owned subsidiary of Barrett Industries Corporation – has acquired the Terry family of companies. These companies include Terry Industries, Inc., Terry Hamilton Asphalt Terminal, Inc., Terry Construction, Inc., Terry Materials, Inc., Terry Materials of Michigan, Inc., and Terry Solutions, Inc.

This change was part of a goal to continue growing and expanding product offerings and pavement preventive maintenance services. While direct ownership has changed, Terry Asphalt Materials, Inc. will continue to operate as a stand-alone company. This company provides a full



spectrum of asphalt emulsions, asphalt cements, polymer modified and non-modified performance graded asphalt binders, waterproofing coatings, specialty products and highway preventive maintenance services.

For more information, call 513-874-6192.

## Tetra Tech, Inc. www.ttmps.com

Tetra Tech, Inc., is pleased to announce that its Transportation & Survey Team received awards from the Michigan Concrete Paving Association.

The first project awarded (for Concrete Overlay) was M-3 (Gratiot Avenue), located in the city of Detroit. A trolley once operated on M-3 and the rails are still present below the surface. These rails had to be located to verify the allowable depth for milling the existing surface to construct the proposed crown. To locate the rails, ground penetrating radar technology was utilized. Where rails were located within the project area, Tetra Tech worked with the client to customize the design/construction plans accordingly.

The second project awarded (for Ramps/Interchanges) was the Goddard Road Extension to Rogell Drive at Detroit Metropolitan Airport.

"This was a fast track project, started in mid-May, that had to be designed and built before the early-July All Star Baseball Game at Comerica Park," said Project Manager Jerry Hirth. "From the moment the project was awarded, the survey and design teams were under the gun to complete the drawings. The ramp construction was completed on time, with only minor final grading and seeding being completed after the All Star Game."

Tetra Tech worked as a subcontractor on this project, performing surveying, construction layout, road design engineering, traffic plans, drainage improvements, and permit coordination.

Tetra Tech is a leading provider of specialized management consulting and technical services in three principal business areas: infrastructure, resource management, and communications. These consulting services are complemented by comprehensive capabilities in research and development; engineering and design; construction management; and operation and maintenance. With nearly 7,500 associates, Tetra Tech has 250 offices worldwide.

## Testing Engineers and Consultants, Inc. (TEC) www.testingengineers.com

### NEW JOBS

The Detroit Riverfront Conservancy (DRFC) selected TEC to provide quality control/quality assurance (QA/QC) testing services during construction of the RiverWalk and improvements along the river's edge on the land that extends from the eastern edge of the General Motors

Continues on page 66.

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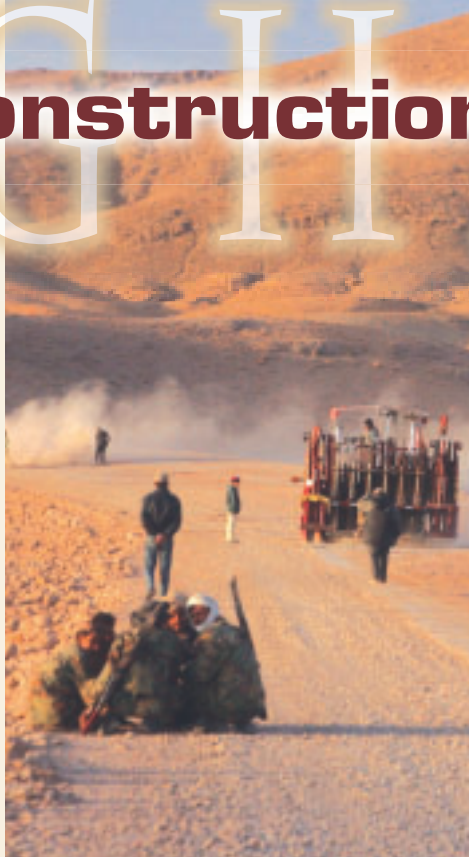
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# Antigo Construction, Inc. in

The following is the first in a series of articles and photos regarding Antigo Construction's involvement with a USAID project in Afghanistan to rebuild the Kandahar-Herat Highway, a 557 km (345 miles) stretch of road that connects the southern and western parts of Afghanistan. USAID is funding 326 km (202 miles) of this highway. George Shinnars, president of the Antigo Construction, said: "Nothing we've done elsewhere compares to Afghanistan because of its lack of resources, isolation and security situation. Everything necessary to live and to work had to be hauled in over almost impassable roads, constructed in four desert locations and protected from extreme weather conditions and occasional Taliban attacks."

Shinnars, who is no stranger to overseas work, had plenty of time during a recent flight to Moscow to answer all of our questions in detail. We think you will enjoy his story.



## 1. How did you get involved in Afghanistan?

We began receiving e-mails in early 2004 from Turkish, Indian, and South Korean contractors regarding a pavement rehabilitation project in Afghanistan, which specified that the PCC (Portland Cement Concrete) pavement was to be cracked and sealed prior to an asphalt overlay. After receiving photos of the pavement from the Louis Berger Group (LBG), the American project manager, I questioned whether the pavement could be cracked and sealed due to its very irregular shape. I recommended that LBG consider rubblization to insure more uniform sized pieces in the broken pavement and to eliminate the sharp edges in the existing pavement, caused by the many thousands of cracks, joints and voids, which in turn cause reflective cracks in an asphalt overlay.

In June 2004 LBG arranged for me and several LBG pavement engineers to drive the 557 km (345 miles) from Herat to Kandahar to inspect the pavement. The trip took 14 hours because we had to leave the pavement and drive on the sand trails about a third of the distance. This inspection led to the decision that Sections 2 through 5 (km 116 to 537), which were the responsibility of LBG, would be rubblized. (Editor's note: Rubblization is a cost-effective means of rehabilitating deteriorated concrete pavements. The concrete is broken into pieces, and then is overlaid with asphalt. The rubblized pavement becomes a strong but flexible base material which is left in place and provides the following advantages: the existing pavement does not have to be trucked off to a landfill; the

asphalt paving begins immediately behind the rubblizing operation which eliminates delays. The required thickness of new pavement is reduced and the rubblization/HMA overlay procedure has proven to be more cost effective than removing and replacing bad joints and cracked slabs.)

## 2. What made you decide to do the project?

My interest in this project was four-fold. First, I wanted to do what I could to ensure that the rubblization rehabilitation procedure was chosen because I was certain that it provided the highest probability of long-term, high quality pavement performance. Second, if Antigo was chosen to rubblize this pavement it would be involved in the most significant rubblization project to date based upon its 441 km length (273 miles), short two-year construction schedule, and extremely remote location. Third, it would be Antigo's largest, by far, rubblization project. Finally, I thought it would be an opportunity for me, personally, to make a small difference in the overall USAID mission in Afghanistan.

## 3. What costs and profit were involved in this project?

Antigo was chosen from three contractors to perform all the rubblization for the following contractors: Kolnat JV from Ankara, Turkey; Gulsan-Cukurova JV from Istanbul, Turkey; and BSC/C&C JV from Delhi, India. After some trade-offs, Antigo was paid on average the same price for rubblizing as it receives in the United States. Antigo's added costs included the following: transported four

MHB machines\* to and from either Turkey or Pakistan; provided MHB operators to train Turkish and Indian operators; provided \$120,000 of maintenance supplies and spare parts; provided a full-time project manager/maintenance supervisor and arranged for me to be on the several jobs more often and longer than anticipated.

The contractors provided operators, fuel and grid roller, which somewhat compensated Antigo for added costs.

(\*Editor's note: Antigo created an affiliated company, Badger State Highway Equipment Inc. in 1988 to manufacture a line of much improved concrete breakers, which includes the MHB Badger Breaker®.)

## 4. Who paid for food and lodging?

Food and lodging were provided at no cost, but were pretty basic at first. My first lodging for several months in the winter of 2004 consisted of a converted 40-foot ocean shipping container. There was no hot water, a small electric heater and only occasional electricity (thus no heat). Accommodations improved over time as pre-fabricated cabins, and a proper boiler and power generator were installed. As the LBG personnel arrived in work camps, we were able to use their spare cabins, mess halls and Internet service, which helped us considerably.

## 5. How did you handle security for yourself and Antigo employees?

Security was all important. We followed established procedures or risked serious



# STAN

E-mail from George Shinnars to the Security Manager of one of the Antigo projects.

*"Paul tells me there have been some killings in Section 2 and 3 lately. I was planning on going back the 23rd. Have you any details?"*

According to the USAID Web site ([www.usaid.gov](http://www.usaid.gov)), many of Afghanistan's institutions and much of its infrastructure have been destroyed as a result of neglect and unrest. USAID is building and refurbishing infrastructure to boost economic growth and agricultural yields, connect rural Afghans to services, and provide facilities, education, healthcare, a civil society and local governance.

E-mail to George Shinnars April 7, 2006 from the Security Manager of the project, in which he discusses the timing of George's next visit to the project.

*"A Turkish equipment operator was killed at km 234, a culvert site, by two rocket propelled grenades followed by small arms fire and the equipment was burned. Dieter was killed by a command detonated improvised explosive device driving through Delaram in a long convoy. It was a targeted hit. As far as your timing, it depends what you want to see. Rubblizing complete in Section Five. Section Two may complete July/August. Spring and summer always brings increased enemy activity. The weather is perfect right now. The longer you wait, the hotter and more uncomfortable it will get. Remember, the 120-day winds start in June. In my opinion, you've missed your window."*

## BACKGROUND ABOUT

**Antigo CONSTRUCTION INC.**

[www.antigoconstruction.com](http://www.antigoconstruction.com)

**2520 N. Clermont St.  
P.O. Box 12  
Antigo, Wisc. 54409  
Phone: 715-627-2222  
Fax: 715-623-7073**

**George Shinnars, president  
Matthew Shinnars, secretary  
Christopher Shinnars, vice president  
Jason Jansen, operations manager**

*The company has 44 full-time employees located in Antigo, Wisconsin; Boise, Idaho; and Oxford, England. The company has handled thousands of jobs in the United States and Canada (in 44 states and three provinces so far) and will work anywhere in the world where there is concrete pavement to be broken.*

*Matthew and Christopher Shinnars manage the day to day operations of the company, while George Shinnars concentrates on international business with a special emphasis on the United Kingdom, China and Afghanistan at present.*

*Founded in 1977, Antigo Construction, Inc. is a full-service concrete pavement breaking specialist equipped to provide concrete pavement rubblization, cracking & seating, and breaking for removal.*

consequence. An American security company, USPI, was responsible for the overall security program. Their camp security managers in turn each supervised about 200 Afghan militia supplied by the local Afghan commander.

Four to eight armed security guards traveled with us whenever we left camp to go to the work site or from camp to camp. After the first few days of this arrangement, it was obvious that some of the guards were not very well trained in how to secure an area. I decided it was necessary that our Afghan driver, my manager and I be armed at all times as an added precaution.

## 6. Tell us some brief details about employees involved in the project and the project timeline.

Antigo is rubblizing four of five sections of the highway, or 265 miles. Section One is still in the planning stages. The first job, Section Four, began in November 2004. Two Antigo operators joined me on site for three weeks to organize supplies and train several employees from the Turkish contractor who operated two MHBs to complete 100 km (62 miles) of rubblizing work in November 2005. This section is now paved. The second job, Section Three, began in February 2005. Two Antigo operators were onsite with me for two weeks to train several Turkish contractor employees who then operated two MHBS to rubblize 124 km (77 miles) of road by October 2005. This Section is now paved. The third job, Section Five, was begun by the India-based contractor in May 2005. Antigo's project manager and I trained several operators who were able to rubblize 75 km (46 miles) of road by the time winter weather shut the asphalt paving operation

down in November 2005. The final 26 km (16 miles) were rubblized in March and April 2006. The fourth job, Section Two, was begun in March 2006 and should be rubblized by the end of June 2006.

## 7. Tell us about the project cost.

Sections Three through Five are being financed by USAID at a construction cost of \$175 million. Section Two is being financed by Saudi Arabia at a construction cost of \$60 million. Japan is financing Section One, but details for this section are not available.

## 8. How much were workers paid?

The Turkish and Indian skilled workers were paid a premium due to the nature of their jobs but worked very long hours for two or three weeks straight before having a day off. I'm not certain exactly how much the Turkish workers earned, but I believe an operator earned about \$1,200 (equiv.) per month. The Indian workers were basically doubling their salary in India, plus they did not have to pay for their food and lodging, plus they are eligible for completion bonuses, which are on a sliding scale. The bonus will equal about six month's pay. The average wage for unskilled labor in Afghanistan is U.S. \$40 month. The Afghan workers and security guards earned about twice their normal wage, but worked from daylight to dark seven days per week for several weeks before having a day off. There really is not much else to do while in camp. The Turkish and Indian management and technical staff worked similar hours but did get a week or two of vacation twice a year.

**Stay tuned for Part Two in which Shinnars will talk more about security incidents, the language barrier and more.**



# MITA Members Pitch in After Katrina

## Hurricane Season – in the Aftermath of Katrina

*Many members of MITA have been involved in the aftermath of Katrina by generously donating equipment and supplies, handling dewatering operations, cleaning catch basins, sewers and wastewater treatment plants. Here are just a few stories that have come across our desk thus far. We will be printing other stories in upcoming issues.*

Some of us have forgotten that just last year, less than a year after Hurricane Ivan, Katrina tore through the Gulf Coast devastating parts of Alabama, Mississippi and Louisiana. The Mississippi Coast was slammed with horrendous winds and an estimated 30-foot wall of water which affected vital infrastructures. Major power generating plants, chemical plants, municipal water and sewer facilities, and communications were severely damaged or totally inoperable. Beachfront property was non-existent as the houses and businesses that once supported the economy were completely destroyed.

In New Orleans, storm water surge and severe winds from Hurricane Katrina caused large sections of the 17th Street Canal levee to wash away. The breach allowed water from Lake Pontchartrain to pour into the city, destroying lives, homes and businesses.

Several emergency response crews realized the need to dewater the city quickly and called Rain for Rent to provide temporary pumps, piping and water storage tanks. The floodwaters had to be pumped back into several canals that run between the Mississippi River and Lake Pontchartrain. Rain for Rent's Gulf Coast Strategic Emergency Response Teams began handling logistics and responding to the immediate needs for pumping and water storage equipment. All 50 Rain for Rent branches and 850 employees across the nation worked together to transfer equipment and personnel to assist with the dewatering efforts.

Chris Claeys, Rain for Rent's Michigan Sales Representative, said the Brownstown, Mich. branch sent numerous pieces of equipment to the recovery effort. The equipment included two, 18-inch 425 hp DV-400 pumps that pumped 16,000 gallons of water a minute; 10, 21,000 gallon frac tanks used to store diesel fuel; many 3-12 inch smaller pumps; and numerous filtration units to clean dirty water.

One of the main reasons that Rain for Rent became involved in the effort, Claeys said, is that the company's nationwide network includes branches in New Orleans, Baton Rouge, and Mobile. New Orleans resident and Rain for Rent Sales Representative, Mark Ippolito, recalled, "There was total devastation in this area. Never have I seen anything that bad, and I hope to never see it again. To be part of the recovery and to help in the process of emptying the city of water – I take a lot of pride in that. I'm proud to represent Rain for Rent and help my city."

**Rain for Rent**  
**20101 Sibley Rd.**  
**Brownstown, Mich. 48193**  
**[www.rainforrent.com](http://www.rainforrent.com)**  
**734-479-1892**

Temporary pumps move floodwaters through the repaired 17th Street canal levee in the aftermath last year of Hurricane Katrina in new Orleans. The photos, taken by Associated Press Photographer David J. Phillip, are reprinted here with permission from Rain for Rent, a dewatering company with locations across the country, including a branch in Brownstown, Mich.







## MITA Member Donates to Katrina Effort

Cheryl Sment, president of Interstate Sealant & Concrete, Inc., is proud her company rushed to the aid of people right after Hurricane Katrina.

Her husband, Jeff Sment, and his friend, both firefighters, scrambled to get their shifts covered in Waukesha, Wisc., and to gather generators and supplies right after the hurricane hit. The men delivered \$2,000 worth of supplies such as water, cleaning agents, toiletries and non-perishable food. In addition, Interstate donated tools, saws, generators and 200-gallon fuel containers.

"It was very moving," Cheryl Sment said. "All the way down they witnessed highways full of truck sand trailers with supplies, all heading the same direction – south."

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# Calendar of Events 2006

Watch your e-bulletins and visit [www.mi-ita.com](http://www.mi-ita.com) for updates, details, maps and registration information.

## M A Y

May 16-18

**The Michigan Transportation Team  
2006 Washington Fly-In**

May 24

**MITA Soil Testing Seminar Golf Outing**  
Boulder Creek, Belmont, 9 a.m.

## J U N E

June 6

**MITA Board Meeting**  
Lansing Country Club, Lansing, 8 a.m.

June 14

**MITA Open Golf Outing**  
Buck's Run Golf Club, Mt. Pleasant,  
1 p.m.

## J U L Y

July 26

**MITA Annual Golf Outing and Auction**  
Fox Hills Golf and Country Club,  
Plymouth, 7:30 a.m.

## A U G U S T

Aug. 10-13

**MITA Summer Conference**  
Grand Hotel, Mackinac Island

## S E P T E M B E R

Sept. 14

**Friends of MITA Golf  
Outing/Reception**  
Eagle Eye Golf Course, East Lansing,  
9 a.m.

## O C T O B E R

Oct. 17

**MITA Board Meeting**  
Hunter's Ridge, Oxford, 9 a.m.

## D E C E M B E R

Dec. 8

**Holiday Open House**  
Grand Rapids, 11:30 a.m.,  
location to be determined

Dec. 15

**MITA Board Meeting**  
Lansing Country Club, Lansing,  
8:30 a.m.

Dec. 15

**Holiday Open House**  
Lansing Country Club, Lansing,  
11:30 a.m.

Dec. 22

**Holiday Open House**  
Detroit, 11:30 a.m.,  
location to be determined

## 2006 MDOT BID LETTINGS

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Friday, Jan. 6	Friday, July 7
Friday, Feb. 3	Friday, Aug. 4
Friday, March 3	Friday, Sept. 1
Friday, April 7	Friday, Oct. 6
Friday, May 5	Friday, Nov. 3
Friday, June 2	Friday, Dec. 1

## Mark Your Calendars

It is not too early to plan ahead so you can attend the MITA Summer Conference, Aug. 10-13 at the Grand Hotel on Mackinac Island. Join us for golf and plenty of family fun.

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**MITA Legislative Golf Outing, September 14, 2006 – Eagle Eye**

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NEWS

[www.artba.org](http://www.artba.org)

## 2006 Starts Off With Legal Victories for ARTBA

By Nick Goldstein

Reprinted with permission from ARTBA and Transportation Builder Magazine

ARTBA's legal efforts on behalf of the transportation construction industry are already paying dividends in 2006—and the year has only just begun. In less than three months, ARTBA has participated in two significant legal victories, helped provide industry perspective to the U.S. Supreme Court, and become involved in litigation that has the potential to change the entire scope of federal environmental regulation.

For some, this would be a good year. But for ARTBA, it means we're only getting started. What follows is a list of ARTBA's achievements on behalf of the industry so far in 2006:

### Federal Appeals Court Clears the Way for Mining Operation

ARTBA helped the industry earn an important victory Feb. 10 when a federal appeals court upheld a consent decree that will allow aggregate mining operations to commence at a southern California mining site. Aggregate is the principal ingredient in concrete—a key material used on transportation projects across America. The decision could help increase supply in the highway

construction materials market.

The litigation involved a project that began in 1990. With the approval of the Bureau of Land Management, CEMEX, Inc. purchased the federal government's rights to sand and gravel operations in the Soledad Canyon area of Los Angeles. Despite extensive and multiyear environmental reviews, local officials continued to file numerous legal challenges to delay the project from moving forward.

After more than a year of mediation, the parties reached an agreement. Following multiple objections by the city of Santa Clarita—which had been granted intervener status in the case—the District Court on May 20, 2004 approved the decree and entered the judgment. Santa Clarita officials appealed the ruling to the 9th U.S. Circuit Court of Appeals, which rejected their arguments.

In a “friend of the court” brief supporting CEMEX, ARTBA and its industry allies underscored the importance of consent decrees in resolving litigation in environmental matters and highlighted the economic importance of ensuring reasonable access to domestically-available building materials such as sand, gravel and other products. The groups also argued that the federal law which the consent decree is based upon preempted any further delays of CEMEX's project at the state and county level.

Continues on page 70.

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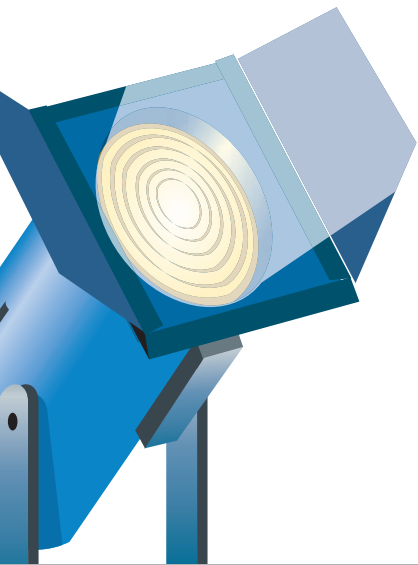
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# Public Relations Ideas

## Shining the Spotlight on Your Company



By Gretchen Dunham, Creative Marketing Associates

No news is bad news in the marketing world. Even the smallest contractor has something to tout. Let's face it, a little publicity can go a long way when trying to draw attention to a good thing—especially when that attention comes from the right people; people meaning consumers. Hence we have the press release.

What exactly is a press release? It's a cost-effective marketing tool that builds credibility and image awareness. Cheaper than advertising, it should be the key element in any company's business plan.

You're probably thinking you have no reason for press releases. Your business is doing just fine where it is. And what newsworthy topics could you possibly cover anyway? You may be surprised to know you don't have to look far.

Land a big customer? Finish a challenging project? Introduce a new safety program? A press release is your chance to prove to the rest of the construction industry that your company—no matter its size—is a contributor to the community.

Thanks to the Web, the press release is no longer limited to the eyes of the media. In today's world of growing technology, the press release has become an organization's voice to the public, a direct line of communication to future customers. And it's free. So, by all means, take advantage.

Now let's get you started. Begin with 8 ½" by 11" letterhead paper and one-inch margins. Write in the third-person voice (using your company name) and follow these guidelines:

► **FOR IMMEDIATE RELEASE** This phrase appears capitalized in the left-hand margin under your letterhead.

► **Contact Information** Type this phrase two lines after the release statement. List the name, title, phone, fax and e-mail of your company's spokesperson. Media professionals and consumers will use this information to learn more about your products and services.

► **Headline** Skip two lines after the contact information. Use boldface type and grab the reader with a heading that leads interest to your main story.

► **City, State, Date** After the city and state from where you're sending the release and the date of its submission, start with a catchy sentence. Introduce the reader to your message with who, what, when, where, why and how. But make it short and snappy.

The main body is your opportunity to develop your message. Target your audience. Go into detail about your new fleet of wheel loaders or your recent award, but don't go overboard with description. Keep it factual and easy to read.

Include a quote from a credible source for added worth. Be sure to give background information (i.e. name, company, title) and reasons why this source is credible.

The last paragraph should be a brief description about your company. Location, services and products offered, Web site—everything potential consumers would want to know about your company before soliciting your services.

► **###** Type "###" centered and two lines under your final paragraph to indicate your release has ended. If your copy continues onto the next page, type "—MORE—" centered at the bottom of the page with an abbreviated version of your heading in boldface at the top left-hand corner and "###" centered and two lines after your final paragraph.

OK, so you have your story written. On to distribution. There are several ways to get your news out there: fax, e-mail and snail mail. Send

Continues on page 72.

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# Establishing Speed Limits - A Historical Perspective

By First Lieutenant Thad V. Peterson,  
Michigan State Police, Traffic Services Division

It is my hope that this article will serve as an introduction to a topic that is very interesting to me on both a personal and professional level. As you will see through the course of this article, and those to follow, the true function of speed limits has been known since shortly after vehicular traffic became commonplace—certainly by the late 1930s—but that over the last three decades, the science has gotten swallowed up by public perception not founded in fact or science.

There is no time like the present to begin the process of re-educating the motoring public about the truth regarding speed limits. Hopefully, in so doing, our gradual but steady reduction of Michigan's traffic fatality rate will continue on to record-setting lower levels. In this article, I hope to explain how the events of political history have shaped the setting of speed limits in the United States, and thereby lay the foundation to explain just how integral properly set speed limits are to my mantra, Maximizing Traffic Safety.

This article will, therefore, not focus on the “nuts and bolts” of the interplay between speed limits and other engineering factors of highways (as that term is defined along with street in the Michigan Vehicle Code: “the entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel”). Without establishing that framework to understand how we have come to hold many of our current beliefs about speed limits to be self-evident, the following information about how they really interrelate with other traffic engineering factors and enforcement efforts will be less easily understood. Much of the information in these articles will run counter to conventional thinking about speed limits, and only if we first recognize the events that have shaped our perceptions about speed limits can we fully understand that the truth isn't really as far fetched as it might otherwise appear. As I often say, speed limits are counterintuitive.

To get right to the heart of the matter, it is certainly a true statement that much of the general public's current belief system about speed limits was precipitated by something seemingly unrelated from speed limits—crude oil supply and demand, and its effect on energy costs for the United States. Despite being largely self-sufficient in terms of crude oil production as recently as 1950, over time the U.S. became increasingly dependent on foreign oil. By 1973, imported crude oil accounted for approximately 35 percent of the annual U.S. demand, with about 28 percent of our total yearly consumption supplied by members of the Organization of Petroleum Exporting Countries (OPEC).

In the early 1970s—prior to October of 1973—85 percent of Americans drove themselves to work in a variety of fuel-ravenous vehicles. And why not? Gas was cheap, and life was good. Americans were certainly not concerned about fuel economy. It seemed as if there was an endless and uninterrupted supply of gas at the pumps. However, political events half a world away stood at the ready to change that.

Stinging from the preemptive strikes Israel had levied against them in the Six Day War of 1967, and deeply ashamed on behalf of the Arab world by the outcome of that conflict, Egypt and Syria readied their forces throughout 1973 to even the score. Israel had established itself as the dominant military power in the Middle East by then, which didn't sit well with any of Israel's neighbors, most of whom refused to even acknowledge Israel as a country. Israeli intelligence early in October

indicated the Egyptian military was on the move, and an attack may be imminent. Despite that knowledge, Israel held fast in the temptation to attack first. This restraint probably can be attributed to some brilliant military strategy on the part of Egypt that engendered an unconcerned attitude among Israelis, a message that President Nixon and Secretary of State Kissinger had clearly conveyed to Israeli Prime Minister Golda Meir—another preemptive strike would render Israel without U.S. support in any ensuing war.

Oct. 6, 1973 marked the holiest of Jewish religious holidays, Yom Kippur. Once each year, on Yom Kippur, most activity in the country of Israel comes to a complete standstill. On that day, much of the country abstains from any use of fire, electricity, engines, communications, etc., and the highways are largely without vehicular traffic. Egypt seized that opportunity in 1973 to capitalize on the complacency it had instilled in the Israelis, and attacked Israeli outposts during mid day of Yom Kippur. Egyptian troops then crossed the Suez Canal, and advanced into the Sinai desert as the Syrian army marshaled for its advance into the Golan Heights that Israel had seized six years earlier. With this military configuration, Egypt and Syria had devised to attack Israel from opposite ends of the country at the same time.

Not altogether speedily, the United States came to the aid of Israel, while Iraq, Jordan, Saudi Arabia, Kuwait, Libya, Lebanon, Palestine, Morocco, Algeria, Tunisia, and indirectly the Soviet Union, all lent support to the front line countries of Egypt and Syria. In the end, Israel drove back its invaders, recouped all of its losses, and had pushed even deeper into some areas of the attacking countries to claim additional territory for itself.

Despite the general feeling of redemption by the Arab countries for the damage they had inflicted against Israel early in the war, they were nonetheless consumed with anger toward the allied countries—especially the United States—for preventing them from achieving their envisioned destiny, the complete and permanent destruction of their sworn enemy Israel.

By now, you're probably wondering exactly what all of this Middle East history has to do with speed limits in Michigan, and especially in Michigan's work zones. Well, this is where the history of speed limits gets interesting.

To retaliate against the United States for assisting Israel in the Yom Kippur war, the OPEC cartel imposed a ruthless oil embargo against the U.S. Suddenly, the comfortable American way of life was threatened in a very serious way. Remember, OPEC countries had been supplying around 28 percent of the crude oil being consumed by the United States, and that tap was suddenly shut completely off.

So that they couldn't just purchase cheap crude and pass it on to the U.S., OPEC also imposed drastic price increases against specific allies of

Continues on page 50.



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# Establishing Speed Limits - A Historical Perspective Continued from page 49.

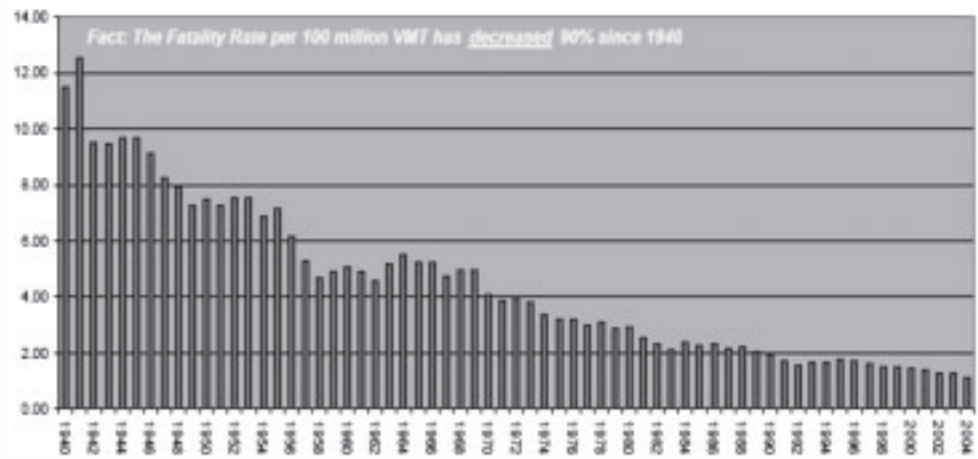
the U.S., especially those identified as assisting in the war with Israel, such as the Netherlands. Almost overnight, OPEC crude prices shot up, initially from \$3 to over \$5 per barrel, and in January of 1974, all the way up to \$11.65 per barrel. This sudden shortage of crude meant that American motorists no longer had an endless supply of gasoline at the pumps. The free-wheeling American motorist was suddenly thrown into a tailspin, and the independent "a car for every person" American way of life was shattered.

The price of gasoline at the pump leapt to previously unheard of levels, from 30 cents per gallon to over \$1.20 per gallon at the height of the crisis. By comparison to this four-fold increase, recent increases in the price of gasoline, seen by many as intolerable, are almost insignificant.

While the sight of lines at the gas pumps stretching around the block made a lasting impression on those who witnessed it, the overall impact of the shortage may well have been more of a perceived problem than a real one. As we all know, perceived problems are very real to the people who perceive them (voters), and this fact wasn't lost on our political leaders. With the understanding that some vehicles could use 17 percent less fuel at 55 miles per hour than at 75 (the maximum speed limit in some states at that time), President Nixon, et al., implemented a National Maximum Speed Limit that became law in early 1974.

The national 55 miles per hour speed limit, that marked the end of speed limits set on scientific grounds, was sold initially to the public as a nationalistic effort to save fuel only. It appears that initial acceptance of the national 55 miles per hour limit was high, and with that acceptance came relatively good compliance. With that compliance came uniform traffic flow at lower speeds and, accordingly, temporarily enhanced safety

1940-2004 Michigan Fatality Rate / 100 Million Vehicle Miles Traveled



followed, at least on the higher speed highways such as our freeways.

Enhanced traffic safety—the Holy Grail to those of us in the traffic safety community—can come as a pleasant surprise at times, and like the old saying goes, you don't look a gift horse in the mouth. The problem with that approach in this case is that the traffic safety experts of the time seem not to have looked deeply enough into the exact changes that had occurred to the dynamics of the statewide or national traffic systems to fully understand what had happened, or why. It seems that this may have been a case of seeing one appealing piece of the puzzle, and failing to put the rest of the pieces together to get a good look at the rest of the picture.

Before I wrap up this historical perspective on speed limits, I need to introduce the concept of the fatality rate by VMT. The single most useful statistic for students of traffic safety is the fatality rate that weighs the number of highway deaths against the amount of use of the highway system, the Vehicle Miles Traveled (VMT). This single number provides a useful and direct measure of the overall safety of the roads as a complete system. The number is derived by dividing the number of traffic deaths that occur in a given calendar year by the number of vehicle miles traveled in that year. This number is ordinarily given as fatalities per one hundred million vehicle miles traveled. The importance of the rate is that this is what takes the raw numbers of deaths, and puts that number in perspective.

The fatality rate is such an important measure of traffic safety because it encompasses all of the factors and problems that relate to traffic safety and wraps them up into one neat bundle, kind of like a grade point average as opposed to a single grade obtained in a single class. Looking back on the events of 1974, it appears that figuratively speaking, the traffic safety community took a look at one grade from one semester of one class, that being the fatality numbers on high speed highways across the country, and noticed that they were down. It appears that solely from this realization about the raw numbers, the conclusion was drawn that the 55 mile per hour speed limit had provided a significant traffic safety improvement.

The fact is that the fatality rate for Michigan has been on a rather dramatic trend of reduction since 1941, as you can see in the table below, and the overall trend had certainly been quite strong since 1964. The improvement from 1972-1974 was a good one, but probably did not come close to matching the improvement federal law makers must have seen in the reductions of traffic fatality raw numbers on freeways, which appears to be the number upon which they based their permanent enactment of the

*Continues on page 53.*

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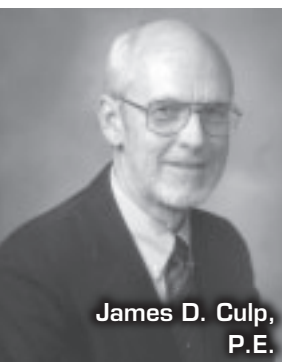


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# Michigan's Strategic Highway Safety Plan

By James D. Culp, P.E.  
MDOT Engineer of Traffic and Safety



James D. Culp,  
P.E.

On Aug. 10, 2005, President Bush signed into law the \$286.4 billion highway bill, titled the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU). This bill focuses major emphasis on improving safety on the nation's highway and roadway systems. One of the requirements of the legislation is that by July 1, 2007, every state Department of Transportation must develop a Strategic Highway Safety Plan (SHSP). In anticipation of this requirement, the Governor's Traffic Safety Advisory Commission (GTSAC) had previously requested development of a statewide, multi-disciplinary Michigan Strategic Highway Safety Plan. In December

2004, a three-day facilitated session brought together all the partners in Michigan's safety community to develop the plan. Representatives participated from the following agencies:

- AAA Michigan
- Federal Highway Administration
- Federal Motor Carrier Safety Administration
- Michigan Center for Truck Safety
- Michigan Department of Community Health
- Michigan Department of Information Technology
- Michigan Department of State
- Michigan Department of State Police
- Michigan Department of Transportation

- Michigan Sheriffs' Association
- Mothers Against Drunk Driving
- Office of Highway Safety Planning
- Office of Services to the Aging
- Road Commission of Macomb County
- Southeast Michigan Council of Governments

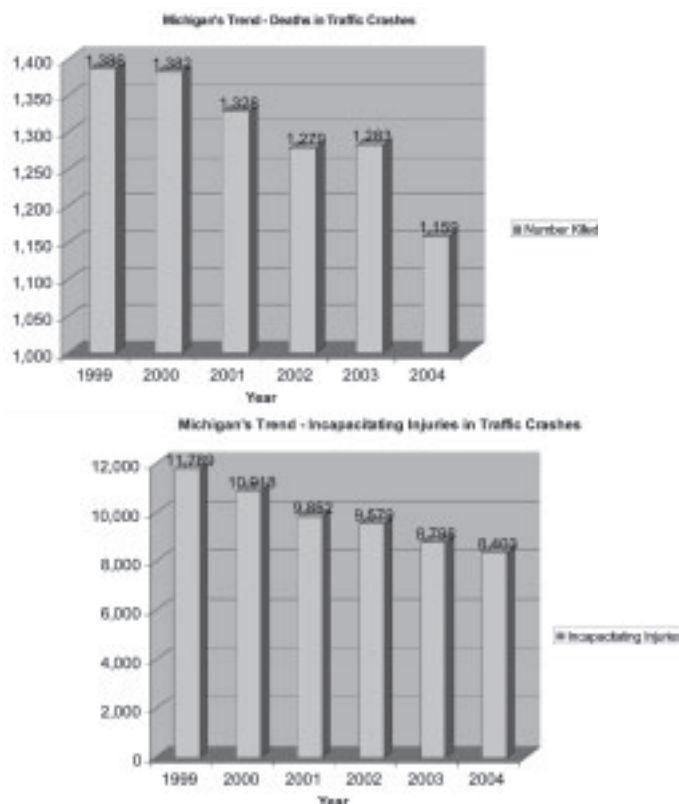
The importance of such a Strategic Highway Safety Plan is underscored by considering that in 2004 there were 373,028 reported traffic crashes, 99,680 injuries, and 1,159 fatalities on Michigan roadways. Approximately, 60 percent of the fatalities occurred on the local road system and 40 percent on the state trunkline system. The death rate in Michigan in 2004 was 1.14 fatalities per 100 million vehicle miles traveled (MVMT). Of the 10,112,620 people living in Michigan in 2004, one out of every 8,725 was killed in a traffic crash, and one out of every 101 was injured. It's estimated that the annual economic loss due to traffic crashes in Michigan exceeds \$9 billion. The strategic plan was developed after looking at Michigan's crash data and identifying the areas where the majority of these fatal crashes occurred.

## FATALITY REDUCTION GOAL

The Michigan SHSP adopts the goal for reducing the fatality rate to 1.0 per 100 MVMT by 2008. This is also the nationwide goal adopted by the American Association of State Highway and Transportation Officials in 2004. The graphs and chart in Figure 1 show Michigan's six-year traffic crash, fatality and injury trends from 1999 through 2004. It appears from the 2005 crash data, which is not completely finalized, that the 2005 Michigan fatality rate was further reduced to 1.10 per 100 MVMT or lower. Michigan has one of the lowest fatality rates in the U.S., the nationwide average was still at 1.44 per 100 MVMT in 2004.

Figure 1

## MICHIGAN'S FATALITY/SERIOUS INJURY CRASH TRENDS



Continues on page 73.

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## ***Establishing Speed Limits - A Historical Perspective***

Continued from page 50.

National Maximum Speed Limit in 1974.

It seems fairly certain that the traffic safety experts of the time gave little thought to the dramatically reduced amount of travel during the fuel shortage era, or to the sustainability of an artificially low speed limit that was complied with largely because of the temporary fuel shortage shock, combined with a strong patriotic sentiment among the American people at the time. Almost as clearly, federal lawmakers were probably not aware of the unintended consequence of strictly enforced artificially low speed limits on freeways.

Given the option of different roads leading to the same destination with the same speed limit (set artificially low expressways compared to speed limit determinations derived using the scientific standards of 1974), motorists tend to take the most direct route, especially if that route is likely to have less of an enforcement presence on it. This phenomenon diverts traffic to the non-freeway roads (during the imposition of the National Maximum Speed Limit) that characteristically have death rates almost five times as high as freeways, largely because of intersections and lack of access control.

The National Maximum Speed Limit has since been repealed, and slowly, speed limits are being set more and more by rational scientific analysis. The death rate continues to decline, but there is more work to be done. In the next article, I'll begin to take a detailed look at how the nuts and bolts of speed limits, enforcement, and overall safety come together. Take care until then.

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# MDOT News

## Kirk Steudle named Director of the Michigan Department of Transportation



Kirk Steudle

**Kirk T. Steudle** was named the new director of the Michigan Department of Transportation (MDOT), effective March 4. He was born and raised in Adrian, where his family currently resides. Most

recently, Steudle was the department's chief deputy director, and earlier had been the Bay Region engineer, where he was responsible for the delivery of all state transportation programs in a 13-county region near the Saginaw Bay area.

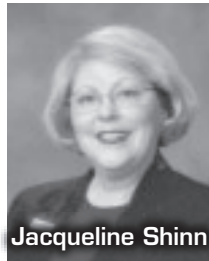
As director, Steudle will administer the department's multi-modal transportation programs in an agency with approximately 2,800 employees.

During his 19-year career at MDOT, Steudle served on and chaired many committees, ranging from specifications for construction, to warranties, leadership conferences, and employee mentor programs. One of his most prominent assignments has been his service on the Michigan Transportation Asset Management Council, a state and

local partnership that annually assesses the condition of more than 120,000 miles of road in Michigan, regardless of jurisdiction. His work on asset management has made him an internationally recognized leader in transportation system management.

In a news release issued by Governor Jennifer Granholm, Steudle was commended for his "commitment to state, local and public/private partnerships that will provide steady and innovative leadership."

Steudle grew up in Adrian and graduated from Adrian High School. He has a bachelor of science degree in construction engineering from Lawrence Technological University and is a registered professional engineer in Michigan. He and his wife, Marilyn, have two children. Steudle's parents have been longtime residents of Adrian.



Jacqueline Shinn

## Jacqueline Shinn Named Interim MDOT Chief Deputy Director

**Jacqueline Shinn** has been named interim chief deputy director of the Michigan Department of Transportation (MDOT.)

During Shinn's 23-year career at MDOT

she was most recently the administrator of the department's Transportation Economic Development and Enhancement Office, which included the State Infrastructure Bank and the federal Transportation Enhancement program. Prior to that position, she was the advisor to the State Transportation Commission.

"Jackie's ability to solve complex problems and foster collaboration among people with diverse needs and interests has led to her appointment as chief deputy director," said newly named State Transportation Director Kirk T. Steudle. "Her experience and leadership skills will help lead our department into the 21st century."

As interim chief deputy director, Shinn will have direct oversight of the major offices within the department and assist the director in strategic initiatives throughout the department.

## New 2006 State Transportation Maps Available to Motorists

The newest edition of the Official MDOT map is now available at locations across the state. Produced by MDOT and widely distributed free of charge through Travel Michigan Welcome Centers and MDOT offices, the new edition features a colorful display of photos that reflects the 2006 theme: "Michigan: A State For All Seasons."

"Every new edition of the state Transportation Map is a useful navigational tool, but at the same time, it's also great for tourism, and planning your family vacation," said State Transportation Director Kirk T. Steudle. "The 2006 map theme is designed around Michigan's seasonal changes and displays some of our state's unique destinations, such as the Holland Tulip Festival, lighthouses, Fayette State Park in the Upper Peninsula, and Great Lakes fishing."

The 2006 edition includes several updates. The text of the index of municipalities and communities is larger, and easier to read. There are no new freeways this year, but configurations for new ramps are shown, including US-24 at I-94 in Taylor, M-59 at Adams Road near Rochester Hills, Beck Road at I-96 near Novi, and M-53 at 18-1/2 Mile Road in Sterling Heights (a new "roundabout").

There are 14 city maps that can be viewed and downloaded for printing from the MDOT Web site. Guidelines require that a city has a

Continues on page 64.

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At MITA you are not just a number. We take pride in the personal, prompt and professional manner in which we service our members. From the day to day nagging problems with bureaucracy to the monitoring of legislation we are there for you.



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## Get Involved with Give 'em a Brake

MITA continues to be involved with Michigan's Give 'em a Brake Safety Coalition in an effort to help encourage drivers to slow down in work zones. Last year's highly successful radio ad campaign is being followed up this year with a new ad and bumper stickers which will highlight the new work zone sign "Where Workers Present 45." In addition, the Michigan Give 'em a Brake Safety Coalition issued a press release this month that explains the new work zone guidelines that require drivers to adhere to the posted speed limit in work zones; but, where workers are present, motorists must reduce their speed to 45.

The radio ad is being developed with an opportunity for recognition of major sponsors. For example, MITA's tagline at the end of the radio commercial will sound like this:

*"This message has been brought to you by the Michigan Infrastructure & Transportation Association and its members."*

Obviously any campaign of this magnitude requires capital investment. If you would like to support MITA in this endeavor and be part of a comprehensive statewide radio buy, please respond with a pledge on the form below. Individual opportunities are available for members who want their own separate radio commercial taglines.

Contact Rob Coppersmith, MITA vice president of membership services, with any questions (rob.coppersmith@mi-ita.com or 517-347-8336). Thank you in advance for your support.



This new bumper sticker is helping to promote this year's Michigan's Give 'em a Brake campaign.



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☐ Call me to discuss my own separate radio commercial tagline.

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Contact: \_\_\_\_\_

Company: \_\_\_\_\_

Fax to MITA at 517-347-8344

# Give 'em a Brake



## ASSOCIATE MEMBER FACTS Continued from page 20.

Milford office are led by Frank Patrello, P.E. Patrello is highly experienced in the design and management of civil engineering and site development projects for a range of clients. Within six months of the office's opening, Williams & Works has developed a staff of eight, including civil design personnel, CAD technicians, land surveyors, and construction administration staff.

Patrello's site development team is currently working on two large commercial retail developments, one in Madison Township near the City of Adrian and one in Newark, Ohio. The Madison Township development will have a square footage of more than 145,000 and the Ohio development will have 120,000 square feet; Kohl's will anchor both developments. The Milford staff also will soon be providing services for the development of single and multi-family residential projects in the Oakland/Livingston County area.

In addition to the Milford office's site development projects, Williams & Works serves as engineer of record for Hartland Township and was also hired for separate assignments for the township and for Livingston County. Jerry Powell, P.E., leads the Milford office construction administration staff. The staff coordinates design work and construction with contractors working on a sewer trunk and transmission main to Genesee County; a lift station; and septage receiving station.

When the workload at one office gets hectic, the staff at the other office helps out. According to Nix, the workload has been heavy, not just in the Milford office, but also in Grand Rapids. With projects ranging from big infrastructure jobs for MDOT, to water and wastewater work in various Michigan townships, to commercial and residential site development projects, staff members have to be willing to lend a hand. Nix says there are no hard and fast job descriptions and all staff members are interested in getting the job done well, on time, and in budget. So whether it's one of the company's principals or a junior staff member helping out, the goal is common and everyone is interested in attaining and exceeding it.

"When the six of us started up this new incarnation of Williams & Works 10 years ago, we locked arms and jumped off a cliff, so to speak," Nix said. "A decade later, our growth and success has gone beyond our greatest expectations. We're in this together, which is why we're an employee-owned company. Obviously, without our clients, we wouldn't be where we are today. The same can be said for our staff."

Williams & Works leaders readily admit the firm's history doesn't follow a straight line, the company's approach to business management is a bit unconventional, and the furniture definitely doesn't match, but it's these things that shaped the company into what it is today.

"Of course we're dedicated to the company's financial success, but that's not the reason we come to work every day," Nix said. "In a time of corporate mergers and impersonal 'growth-for-profit-only'

business plans, our company holds firm to its original commitment to maintain an inventive, hands-on culture. The company has passed on a few seemingly good projects and growth opportunities because it would be disruptive to who we are and what we want to be. With this philosophy, our company has comfortably grown from six to more than 50 employees in our 10-year history; opened a second office; remained profitable, even during economic downturns; and has very little employee turnover. At the end of the day, I can say Williams & Works did good."



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## EXECUTIVE VICE PRESIDENT COMMENT Continued from page 21.

different from the life of a ticket (21 or 180 days) addressed earlier.

MITA and the utilities continue to meet monthly to discuss issues such as multiple lines, abandoned facilities and depth with our eye towards inclusion to the contract. Obviously we have made great strides, but have other important issues upon which to reach agreement.

If you are not signed up, please visit our Web site ([www.mi-ita.com](http://www.mi-ita.com)), and click on Safety & Training for details on the utility contract, which includes a list of utility participants.

To contact Bob Patzer, e-mail him at [bobpatzer@mi-ita.com](mailto:bobpatzer@mi-ita.com) or call 517-347-8336.

## VICE PRESIDENT OF GOVERNMENT & PUBLIC RELATIONS COMMENT Continued from page 22.

available for communities of all sizes.

Currently, the SRF has a lending capacity of nearly \$250 million a year. However, that capacity could grow if more resources were needed, which would force Proposal 2 bonds to be issued.

The hope is that more communities will use these loans while the interest rate remains low, and make these wastewater infrastructure projects a priority before their systems fail or they are forced to make improvements because of disincentives that are mandated by the Michigan Department of Environmental Quality or the Environmental Protection Agency. The current interest rate (as of early January) for loans through the SRF is 1 5/8 percent, among the lowest in the country.

The state recognizes the importance of updating Michigan's wastewater infrastructure and has designed these loans and grant programs to assist municipalities in making these improvements at the most efficient cost. Hopefully, this will help to bring about more sewer construction work that our industry so desperately needs. Information on these funds is available on the MITA Web site at [www.mi-ita.com](http://www.mi-ita.com).

### Grants May Be Available to Help Locals Secure Federal Transportation Dollars

Governor Granholm recently announced a plan to provide \$80 million in much needed grants to expedite local road and transit agency projects in 2006 and 2007. Obviously, the short-term effect is increased construction work, but the long-term benefit of reliable, safe transportation is equally as important.

Under the governor's program, the state would provide grants to cities, counties and local transit agencies to allow them to take advantage of

approximately \$320 million of federal transportation funding. The plan is expected to create more than 7,100 jobs in Michigan in 2006 and 2007.

Senator Michael Prusi (D-Ishpeming) has sponsored a bill, which MITA supports, that will amend a portion of the transportation funding law, Public Act 51, to allow the state to issue the bonds for these local transportation grants.

According to the governor's "Local Jobs Today Initiative" \$80 million of State Transportation Fund (STF) monies will be used to provide the 20 percent match for local road projects that is required for federal-aid eligible projects. This will help to leverage the \$320 million in federal funds that are available and may have gone unused without this grant program due to local budget concerns. The state will fund the program by issuing bonds to be repaid with future STF funds. The debt service on the \$80 million dollars to is expected to ultimately cost the state approximately \$110 million.

In order to accelerate the use of these federal transportation dollars, the state will issue short-term notes, which local agencies can then borrow from to construct federal eligible or designated local programs. These loans will be paid back with expected federal revenues coming to Michigan for local projects over the next three years.

So, the state is making efforts on several fronts in order to get money flowing at the local level. MITA is hopeful, and yet cautious regarding these initiatives and how they affect the future of Michigan's economy and health of the heavy construction industry.

To contact Mike Nystrom, e-mail him at [mikenystrom@mi-ita.com](mailto:mikenystrom@mi-ita.com) or call 517-347-8336.

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## VICE PRESIDENT OF MEMBERSHIP SERVICES COMMENT

Continued from page 23.

made to last year's radio ads, which all in all should reinforce the message. MITA obviously spends a great deal of time, effort and resources to make a public relations campaign like this possible; please call if your organization can help further the cause with monetary donations to the cause.

## SAFETY SERVICES

As referenced in Pat Brown's article, since Jan. 1 MITA has focused a great deal of attention on training its members via three Super Conferences and numerous command training performances. For obvious reasons, safety is an issue near and dear to my heart and one I don't take lightly. How MIOSHA regulations are administrated through enforcement actions is a topic that MITA monitors closely through the appeals process. The addition of Pat will only make MITA better in this arena; he is motivated and ready to learn. I am confident that we have the right individual to help me / MITA continue its leadership role in the safety arena. To reinforce the training that has already occurred, MITA will also be performing job site inspections for members. This non-threatening form of inspection is a great way to determine if the training vaccination is taking. Training requests can be made by simply calling Pat or filling out an inspection request and faxing it to the MITA office.

The addition of Pat will allow me time to address some emerging safety issues that year after year go largely unresolved and will take years to complete due to rule changes that will ultimately be required. Pat will also allow me to look for new opportunities to provide members with additional services and unique functions.

What I have learned in 11 years of association work is that each member belongs for his or her own reason or reasons. I have known members over the telephone that I have not met and may never meet, but I am confident that they will remain members. That is why my focus will concentrate on a wide variety of areas – some seen and others unseen. If you feel an area is going unaddressed by your association, please let me know; we will do our best to continue to provide meaningful services to our MITA members.

To contact Rob Coppersmith,  
e-mail him at [roboppersmith@mi-ita.com](mailto:roboppersmith@mi-ita.com)  
or call 517-347-8336.

## VICE PRESIDENT OF ENGINEERING SERVICES COMMENT

Continued from page 24.

corporate philosophy from the top of your organization to the bottom and you know that it can have a significant impact on your bottom line. We believe there is a direct analogy between where we are today with quality and the way safety was viewed some 30 years ago. The challenge we face on this CQP journey is how we integrate quality into every corporate philosophy just as safety is today.

Although the ink on the charter is barely dry, the first CQP-driven training was conducted in three separate industry forums this late winter. Formal training on Quality Control Plan Development involving owner, consultant, and contractor participants was conducted at recent MCPA, APAM, and MDOT conferences.

These training efforts are noteworthy in that they involved contractors, consultants, and MDOT personnel sitting in the same rooms getting the same training presented by MDOT and industry representatives.

The CQP Training Sub-Committee continues to work on the development of formal training curriculums in the concrete paving, asphalt paving, and capital preventive maintenance disciplines. These disciplines are being targeted initially because of the significant amount of training material and opportunities already developed and available within those disciplines. Other disciplines, like bridge, are being discussed such that work in those disciplines could begin soon.

In an effort to maintain a unified and consistent industry perspective relative to the CQP initiative, MITA facilitated the organization of an Industry CQP Task Force involving the contractor associations, APAM, MCPA, and MRPA. This task force affords the boards and membership of each association an avenue for providing input to the association staff who sit on the CQP Executive Steering Committee.

This CQP journey we have embarked on has just begun and is very much like trying to find the end of a rainbow; we cannot tell you how long it will take or the specific path we will follow. We do

Continues on page 60.

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## VICE PRESIDENT OF ENGINEERING SERVICES COMMENT Continued from page 59.

believe that just like finding that proverbial pot of gold at the end of the rainbow, this CQP initiative will have significant positive impacts and pay huge dividends to our industry as we are able to provide the high quality, best value products our customers expect, grow and develop a highly skilled work force that addresses our current and future personnel needs, reduce risk for everyone as we maintain an industry

focus on continuous quality process improvement, and gain that very important public trust that will be critical to our success in securing a long term solution for funding transportation in our state..

To contact Glenn Bukoski, P.E., e-mail him at [glennbukoski@mi-ita.com](mailto:glennbukoski@mi-ita.com) or call 517-347-8336.

## DIRECTOR OF SAFETY & WORKFORCE DEVELOPMENT COMMENT Continued from page 25.

promise of another MIOSHA inspection. I am confident that given all the training MITA has provided, no member should have a problem handling an inspection. Well, just in case, I will be available for jobsite inspections throughout the season. This is an opportunity for member companies to have MITA come out and perform an inspection that will be followed up by a written report outlining potential hazards or areas of concern on your job site. I have been assisting Rob by handling many of the MIOSHA appeals. The inspections and appeals go hand in hand. I have an idea in just the few short months that I have been here, how MIOSHA looks at job sites. By MITA coming to your jobsite, we can identify hazards, which will ultimately make for a safer work site and may help avoid potential MIOSHA citations.

As I settle into this awesome job, I look back and wonder why I was

not doing it sooner. I look forward to assisting the membership in any way possible, whether it's MIOSHA, safety, training, anything, just call me and I will try to help.

To contact Pat Brown, e-mail him at [patrickbrown@mi-ita.com](mailto:patrickbrown@mi-ita.com) or call 517-347-8336.



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form unless that vendor has otherwise obtained a waiver from the Gaming Board.

- Once the payments to a particular vendor reach \$200,000/\$400,000, casinos may not make further payments to that vendor until the vendor submits a supplier license application or obtains an exemption.

## ONE TIME TRANSACTIONS

The resolutions create an exemption for one-time transactions that exceed \$200,000. Eligible vendors must submit an application and disclosure form to the Executive Director in order to confirm to the Executive Director's satisfaction that the transaction will not occur on a regular and continuing basis.

- The exemption is only valid for the one transaction
- Those supplying goods or services for construction of permanent casinos are ineligible.

## MEDIA OUTLETS

Media outlets that sell advertising to casinos may be eligible for an exemption if their annual gross revenue from casino-related business is less than five percent of their total annual gross revenue. In order to be granted the exemption:

- Eligible media outlets must submit an application and disclosure form as provided by the Executive Director and,
- Submit documentation of their casino revenue and total revenue twice each year.

## OTHER EXEMPTIONS:

- Publicly traded companies that are regulated by the Securities and Exchange Commission (as long as annual overall gross revenues from doing business with casinos constitutes less than five percent of the corporation's annual gross revenues)
- Medical services; insurance services; legal services; banks (except when providing financing)
- Institutes of higher education; public utilities; government agencies, providers of facilities and services used to provide advertising or special events to casino customers (as long as those facilities or services are available to all licensed casinos on similar terms)
- Professional entertainers, athletes, and other celebrities, and their agents, who appear at a casino sponsored event or promotion (as long as their engagement is not on a regular or continuing basis).

Contractors working on the permanent Detroit casinos must either obtain a supplier license or an exemption. Failure to do so could result in criminal prosecution and would almost certainly preclude that contractor from doing additional work for Detroit casinos. Construction companies who are interested in this exemption must file the appropriate documentation seeking the exemption and must complete a basic criminal background investigation. Among other hurdles related to supplier licensing is the Gaming Act's prohibition against suppliers making political contributions after the time a supplier license application is submitted. Given the complexity of Michigan's gaming law, it is recommended that contractors consult with legal counsel that is experienced in gaming law to help navigate through the supplier licensing process.

For additional information regarding gaming laws in Michigan and other states, please visit: [www.gaminglawyers.net](http://www.gaminglawyers.net).

1 Michigan Gaming Control and Revenue Act, Initiated Law of 1996, MCL 432.201 to MCL 432.226 (the "Gaming Act").

Jason Hanselman is an attorney in the government policy department at Dykema Gossett PLLC. His practice focuses on issues related to state and local government, including gaming-related issues, education law, election law, and general corporate matters. Hanselman regularly represents the Detroit casinos and casino supplier licensees before the Michigan Gaming Control Board, and also works with various interests related to tribal gaming. Prior to joining Dykema, Hanselman was employed at the Michigan Supreme Court, State Court Administrative Office, and the United States Internal Revenue Service's legal division. Hanselman publishes a Web site dedicated to gaming law matters throughout the United States at [www.gaminglawyers.net](http://www.gaminglawyers.net). He can be contacted at 517-374-9181 or [jhanselman@dykema.com](mailto:jhanselman@dykema.com).



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Some of their success stories include a three-cent gas tax increase in Indiana in 2003, helping temporary gas tax increases in Kentucky become permanent in 2005, and heading a campaign in Ohio that brought about a six-cent gas tax. All told, TRIAD's involvement in transportation funding issues has secured roughly \$1.1 billion annually for the transportation construction industry.

"Our achievements are based on the fact that we recognize each client is different from the others, and we need to design programs and products that will work best in their respective environment," said Kevin Jones, director of construction public relations. "We pride ourselves on becoming closely involved with our clients and understanding the complexities of their problems, which then allows us to craft solutions that their target audiences can relate to and comprehend and, in turn, generate their support."

Specifically, Jones noted the company's success in demonstrating to both public and elected officials the importance of transportation in their everyday lives and why it should be appropriately funded. TRIAD believes lawmakers are increasingly looking for direction and buy-in from citizens. Through active public relations programs, quality support materials and interaction with the media, they work towards that support by delivering services that persuade all parties on a personal level.

A key example of this occurred during the campaign to increase Ohio's gas tax in 2003. Already facing a Republican Governor and Republican Legislature, there was also the issue of the Ohio Taxpayer's Union, an anti-tax group that had secured pledges from many legislators that there would be no new taxes in the state.

TRIAD's coalition work, grassroots involvement and support materials helped bring about support from not only transportation interests, but also agricultural and labor/business groups. And in the end, the Ohio Taxpayer's Union gave a "neutral" pledge on the issue, allowing legislators to back the issue without ramifications.

"In a campaign full of successes, that was one of the biggest accomplishments," Jones said.

Like any public relations enterprise, TRIAD is able to produce top-quality materials to meet their clients' needs. They have an in-house art team and audio/video production studio, as well as an on-site research library. In addition to funding campaigns, they have worked with the industry in addressing overzealous environmental regulation, fighting the diversion of transportation funding for other uses, and leading workforce development ventures. But it is their experience and ability that have made them national leaders in the field of industry public relations.

"Transportation advocacy has become second nature to us," said Keller. "We talk roads, bridges, and all other forms of mobility. We know how they work, what benefits they bring to society, and what they mean to our clients and their audiences. But most importantly, we know how to use that knowledge and educate others to the value of a quality transportation network."

It might have seemed like a risky move in devoting itself to the transportation industry, but after more than three decades in the business, TRIAD, Inc. has demonstrated in choosing the "road less traveled" that they have helped promote and communicate the needs of the heavy/highway construction industry across the country.



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## **CROSS-SECTION ADVERTISER Q & A**

Continued from page 37.

**A:** Our territory is anywhere in Michigan and we are getting the word out through our membership in MITA, advertising in Cross-Section, and also flyers that are distributed to MITA members.

**Q:** *What additional services do you offer?*

**A:** We install dandy bags for storm sewers, which are required on job sites to protect run-off from entering storm sewers. Dandy bags are basically inlet protection for storm sewer systems to prevent sediment from entering storm sewer. We also install a lot of trenching and vibratory conduit for electrical contractors, concrete light pole bases in parking lots and communication conduit trenching. Last year, we installed 19,000 feet of electrical and communication conduit at the International Speedway, which was part of a total re-vamping of the entrance to the speedway.

I also do yard and ditch restoration for water and sewer jobs.





The formation of the Michigan Infrastructure & Transportation association in early 2005 brought the opportunity for the heavy construction industry to have a single voice representing the industry on all fronts.

One specific area of representation that has a significant impact on your business is in the legislative arena. Your staff at MITA has made it a point to keep an eye on the over 3,000 pieces of legislation, which are introduced every legislative session, to ensure that we are strongly supporting legislation that might be helpful to your business, and aggressively lobbying against any legislation that would be harmful to your business. We have made it a top priority to make sure the revenues that are available for public works are ultimately and actually spent in that area and not diverted for other government budget balancing.

In order for us to be successful, however, we need to have a strong Political Action Committee (PAC) to support our cause. We need to be able to financially support those elected individuals who understand and sympathize with the needs of our industry. It is for that reason that we are asking you to consider supporting the MITA PAC by sending in a contribution (personal check or money order) today. Please consider an investment in your company's future. Thank you in advance for your contribution.

## CONTRIBUTION FORM



Yes, I will support MITA's effort to elect candidates who will fight for contractors.

Enclosed is my personal contribution of :

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We encourage MITA member-owners and upper-management to give at the \$200 level or higher. We also encourage all other managers and salaried employees to contribute at whatever level they feel is appropriate. Non-salaried, non-managerial, and union members are prohibited by law from contributing to MITA PAC.

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## MEET OUR PARTNERS Continued from page 35.

information technology, leadership, legal/risk management, finance and project management. Technical sessions are also offered relating to design practices, inspection, design software, and safety related topics. The ACEC Institute for Business Management maintains a library of books and CD's concerning business topics, produces on-line seminars and develops on-site training programs as needed.

### INFORMATION & NETWORKING

Through our monthly electronic newsletter, "The Trusted Advisor," and regular e-mails, ACEC keeps members abreast of changes in the business, economic and political environment. Annually, the Council holds a joint conference with the Michigan Department of Transportation to share information, learn about the newest technology and improve our working environment.

For 40 years, ACEC has been recognizing members for their innovation and excellence in design during our Engineering & Surveying Excellence Banquet. After the banquet, a display showcasing all of the engineering projects travels throughout the state to universities, local government offices and other facilities.

For the past two years, ACEC has teamed with MSPE to host an Annual Conference in Northern Michigan. This creates the opportunity for members to bring their entire family for a weekend of fun while getting to know their peers and suppliers on a personal level.

### MEMBER BENEFIT PROGRAMS

The ACEC National office has developed three trust programs designed specifically for engineering companies to provide members affordable insurance, retirement and health care coverage. The ACEC

Business Insurance Trust oversees a program that provides business and professional liability coverage for member firms. The ACEC Retirement Trust oversees a program that provides retirement plans for participating member firms. The ACEC Life/Health Trust oversees a program that provides life and health insurance coverage for member firms. The programs are designed by engineers for engineers.

Many of our member firms have taken advantage of our Peer Review Program. Organizational peer review, ACEC's paramount quality management tool, provides design firms the opportunity to review their management practices through the eyes of objective, experienced colleagues. All information is confidential and the review provides information to establish the best profitability and growth plan for a firm.

ACEC also finds it important to develop our next generation of design professionals. ACEC has participated in the Michigan Youth Engineering & Science Expo developed by Michigan Technological University for the past two years. The Council also provides nearly \$10,000 annually to deserving engineering and surveying students who are pursuing a career in the profession through our Scholarship Program.

All of this being said, one of the largest benefits of membership is getting involved in the association and learning from each other. It may be through involvement in one of the 15 ACEC committees or by attending a CEO Roundtable. "You get out what you put in" cannot be overstated.

If you have any questions about ACEC, I invite you to contact our office at 517-332-2066 or visit our Web site at [www.ACEC-MI.org](http://www.ACEC-MI.org).

ACEC of Michigan is located at 215 North Walnut Street, Lansing, Mich. 48933.

## MDOT NEWS Continued from page 54.


population of 100,000 or more in order to be featured on the printed version.

Think you're seeing more yellow on the map? You are correct. Urban areas have been updated and highlighted in yellow on the 2006 map. These areas are based on Federal-Aid Urban Boundaries (FAUBs) and U.S. Census boundaries for urban areas that have a population of at least 5,000. FAUBs add an area to the census boundaries in order to "smooth" them out and to include area which is urban in character, but not high in population density (such as airports, industrial parks, and shopping centers).

Since 1919, MDOT has provided a map for navigating Michigan roads. Starting with the 2005 map, the department is creating a new cover and interior design for each annual edition. Two million maps will be produced this year, costing just 11 cents per copy.

To view the online version of the map, get more details, report a suspected error, or request a copy, go to the MDOT Web site: [www.michigan.gov/statemap](http://www.michigan.gov/statemap).






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# WORKING TOGETHER... BETTER ROADS, CLEANER STREAMS

## MDOT'S Storm Water Management Program Findings – Soil Erosion and Sedimentation Control

MDOT's statewide NPDES Phase II Storm Water Permit became effective on April 1, 2004, and the agency has moved full steam ahead to more closely manage sources of transportation-related storm water pollution. In an effort to share its findings with its partners in the transportation construction industry, MDOT will be contributing a series of articles for "Cross-Section." For more information about MDOT's Storm Water Program and a list of available handouts and resources, please visit [www.michigan.gov/stormwatermgt](http://www.michigan.gov/stormwatermgt).

Over the last couple of years, the Michigan Department of Environmental Quality (MDEQ) has increased enforcement activity relating to soil erosion and sedimentation control (SESC) on construction sites. SESC activities help protect our precious water resources from becoming contaminated.

MDOT is committed to environmental stewardship and has a comprehensive SESC program which is audited by the MDEQ. To help raise awareness, the MDEQ is looking to MDOT to educate contractors as part of our Storm Water Permit requirements. This includes directing our field inspectors to review SESC practices more thoroughly. With

that said, why should contractors be concerned about SESC?

### IT'S THE LAW

First of all, SESC is the law. Under Public Act 451, the Natural Resources and Environmental Protection Act, landowners, including MDOT, are required to contain soil and sediment within the limits of the right-of-way and out of the waters of the state during earth change activities. There are two parts of Public Act 451 that must be complied with: Part 91, entitled Soil Erosion and Sedimentation Control, and Part 31, which covers the National Pollutant Discharge Elimination System (NPDES).

This means that any contractor working on an MDOT construction project must follow approved SESC installation and maintenance practices. Violations could result in costly fines, delays and lost production. Civil penalties can result in fines of up to \$25,000 per day; criminal penalties could result in fines up to \$1 million and up to five years in prison. Therefore, you can save time and money by staying in compliance.

Continues on page 69.

## Storm Water and the Construction Industry

An ounce of prevention is worth a pound of cure!



**Storm Drain Inlet Protection**

- Use aggregate or other appropriate material to cover the storm drain inlet to filter out trash and debris.
- Make sure the aggregate size is appropriate (usually 1 to 2 inches in diameter).
- If you use inlet filters, maintain them regularly.



**Vegetative Buffers**

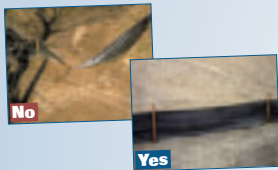
- Protect and install vegetative buffers along water bodies to slow and filter storm water runoff.
- Maintain buffers.
- Do not disturb areas outside the specified limits of earth disturbance.



**Construction Entrances**

- Remove mud and soil from the tires of construction vehicles before they enter a paved roadway.
- Properly size entrance BMPs for all vehicles anticipated on the construction site.
- Make sure that the construction entrance does not become buried in soil.

**Silt Fencing**



- Inspect and maintain silt fences after each rainstorm.
- Make sure the bottom of the silt fence is buried underground.
- Securely attach the material to the stakes.
- Don't place the silt fence across a roadway or use it as a check dam.
- Make sure that storm water does not flow around the silt fence.
- Periodically remove sediment from behind the silt fence.

*Maintain Your BMPs!*  
for Soil Erosion & Sedimentation Control



[www.michigan.gov/stormwatermgt](http://www.michigan.gov/stormwatermgt)

**Site Stabilization**



- Vegetate, mulch, or otherwise stabilize all exposed areas as soon as land alterations have been completed.
- Stabilize inactive construction areas whenever practical.



**Protect Natural Features**

- Minimize clearing.
- Minimize the amount of exposed soil.
- Identify and protect areas where existing vegetation, such as trees, will not be disturbed by construction activity.
- Protect streams, stream buffers, wetlands, or other sensitive areas from any disturbance or construction activity by fencing or otherwise clearly marking these areas.



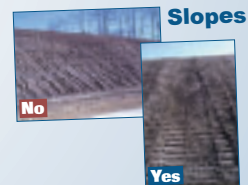
**Soil Stockpiles**

- Cover or seed all soil stockpiles.
- Surround stockpiles with a silt fence, if required, to prevent off-site sedimentation.



**Construction Phasing**

- Sequence construction activities so that soil exposure is minimized.
- Schedule work to limit grading to 50 stations of dual roadway or 100 stations of single roadway.
- Install key sediment control practices before site grading begins.
- Schedule site stabilization activities to be completed within five days of final grading or within 24 hours if within 150 feet of a waterway.



**Slopes**

- Rough grade or terrace slopes.
- Break up long slopes with sediment barriers, or divert storm water away from slopes.



parcel at Rivard Street east to Gabriel Richard Park at the MacArthur Bridge to Belle Isle.

TEC's scope for this three plus-mile waterfront improvement project will include testing and inspection of paving, walkway and seawall construction, pavilions, utilities, light, lighting, landscaping and irrigation, security and sound systems, and site furnishings, as well as monitoring of the contractors' methods and procedures and their adherence to the specifications.

With offices in Detroit, Troy, and Ann Arbor, TEC (a Detroit-based business) provides professional engineering consulting services in the fields of environmental, geotechnical, and facility engineering, and construction materials testing and inspection services.

## Wade Trim

[www.wadetrtrim.com](http://www.wadetrtrim.com)

### HONORS

**Shane Sevo** was one of 16 young engineers recently recognized in the New Faces of Civil Engineering program of National Engineers Week. The program honors engineers under the age of 30 for their contributions to the



Shane Sevo

engineering profession. Candidates are nominated by their employer and selected by professional engineering societies. Sevo was selected by the American Council of Engineering Companies for his ability to integrate multimedia technology into a civil engineering business environment. Sevo uses computer-generated illustrations and real-time interactive 3D environments to help clients visualize their engineering projects before

construction begins.

Sevo is the creative director/multi-media producer in Wade Trim's Taylor office. He earned a bachelor's degree in mechanical engineering from Cedarville University and joined Wade Trim in 2000. Sevo is a member of the SIGGRAPH Computer Graphics Association. He is a member of SemaFX ([www.semafx.net](http://www.semafx.net)), a community of animation and visual effects artists in the metro Detroit area. Sevo is also involved in the local arts through a collaboration of independent film and media enthusiasts known as SuperHouse ([www.superhousemedia.com](http://www.superhousemedia.com)).

Engineers Week is a coalition of more than 70 engineering, education and cultural societies and more than 50 corporations and government agencies. The New Faces of Engineering program is one of several initiatives sponsored by the coalition to raise public awareness of engineers' positive contributions to society's quality of life and to encourage high school and college students to pursue an engineering career.

### NEW HIRES

**Craig G. Seger, P.E.**, joined Wade Trim's Gaylord office to lead their Land Development Services group in providing concept, design and construction engineering services.

With 14 years of experience as a civil engineer, Seger has a broad understanding of the land development industry. From scenic, shoreline settings to bustling, energetic commercial districts, Seger helps clients make the best use of their properties. He holds a Bachelor of Science degree from Michigan Technological University.

Seger and his wife, Marina, and their children, live in northern Michigan.



Bradley Kalmbach, P.S.

**Bradley Kalmbach, P.S.**, joined Wade Trim's Gaylord office as a professional surveyor where he will assist the local group manager in providing surveying services primarily to gas and oil clients. He has extensive experience performing boundary and ALTA surveys on large, commercial projects, and subdivisions and condominium developments.

Raised in Roscommon, Kalmbach holds a Bachelor of Science degree in surveying from Ferris State University and is a member of both the state and local chapters of the Michigan Society of Professional Surveyors. He currently resides in the Roscommon area.

Wade Trim has over 400 professional and support staff in 12 offices in Michigan, Ohio, Indiana, Pennsylvania and Florida. They provide engineering, surveying, planning, operations, landscape architecture, and construction services for transportation, water resources, private development and municipal government projects.

## Northern Concrete Pipe, Inc.

[www.ncp-inc.com](http://www.ncp-inc.com)

### NEW PRODUCT

Northern Concrete Pipe, Inc. recently announced that it has reached sub-license agreement with Hydro Conduit, a division of Rinker Materials Corporation, to market and manufacture the Stormceptor oil/sediment separator in Michigan.

Northern is pleased to add the nation's leading stormwater treatment system to its product line. Stormceptor is the most field- and lab-tested product of its kind, with a proven performance history.

With more than 16,000 units installed worldwide, Stormceptor is produced in 12 different sizes and can be used as a stand-alone system or as a pre-treatment for ponds or stand filters. It can be customized to work with most stormwater retention or detention systems. Its patented

*Continues on page 67.*



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## MEMBER NEWS *Continued from page 67.*

internal high flow bypass allows it to be designed to capture and retain over 80 percent of the total suspended solids and over 98 percent of the hydrocarbons from the stormwater, while requiring the smallest footprint of any stormwater treatment system in its class.

Northern has added to its staff Daniel J. Sand, P.E., as its marketing engineer for Stormceptor. He will provide quotes, technical support and presentations. His contact information is:

Daniel J. Sand, P.E.  
Office Phone: 313-386-7217  
Cell: 517-202-9587  
Fax: 866-388-3598  
E-mail: dans@ncp-inc.com

Northern Concrete Pipe, Inc. has plants in Bay City (800-222-9918) and Lansing (800-874-9701) and has been a leader in the concrete pipe and precast industry since 1958.

To order a Stormceptor catalog, CD-ROM, or a technical presentation to assist in selecting the proper size model, please contact Daniel Sand at the numbers listed above. You may also visit the company Web site at [www.ncp-inc.com](http://www.ncp-inc.com) or call 800-222-9918. In addition, you may download the Stormceptor Sizing Program and more details about this product by visiting [www.rinkerstormceptor.com](http://www.rinkerstormceptor.com).

### **Oakland Companies** **[www.oaklandcompanies.net](http://www.oaklandcompanies.net)** CERTIFICATION

Oakland Companies, which provides corporate insurance, bonds, personal insurance and employee benefits, recently achieved ISO certification. This ISO 9001:2000 certification places the Troy-based agency in an elite position as the first full-line insurance agency in Michigan to achieve ISO certification. It is also one of fewer than six insurance-related firms in the country to embrace ISO as a business operating system.

The certification is the result of an agency-wide business effort to provide an additional level of confidence to agency customers who need commercial, surety/bond, personal and life/health insurance products.

"With increased importance placed on risk management and the need to provide assurance of best-in-class insurance services, we used the ISO standard as a foundation to identify and integrate best practices throughout our agency," said John Growney, president

of Oakland Companies. "Our agency's mission is to increase each client's profitability and financial security by delivering professional and meaningful insurance and surety services. Our ISO 9001:2000 certification is an indication of this commitment."

Rochelle Miller, vice president of operations, said that the agency was established on the principles of unfaltering dedication to customer service.

"It is this philosophy that has made us what we are today," she said. "With nearly 30 years of experience in the insurance industry, we have the expertise to fully understand each customer's insurance needs. Our agency goal has always been to make sure every customer is completely satisfied with our services. I have no doubt that ISO certification will provide an additional layer of assurance to our customers."

The quality and process improvement consulting services division of Follmer Rudzewicz Advisors, located in Southfield, Mich., provided ISO facilitation and implementation assistance to Oakland Companies.

### **Rieth-Riley Construction Co., Inc.** **[www.riethriley.com](http://www.riethriley.com)** ACQUISITION

Rieth-Riley Construction Co., Inc. acquired Consumers Asphalt Co. of Benton Harbor on March 14, 2006. This new acquisition will further strengthen Rieth-Riley's position in the southwestern Michigan market and provide continuity of the same high quality service that customers of both companies have come to expect.

Consumers Asphalt will operate as a division of Rieth-Riley and will continue to run under the new name of Consumers Asphalt Co., a division of Rieth-Riley Construction Co., Inc. Jack Kinney and Tim Kinney of Consumers Asphalt will continue with the organization. Central Dock Co., an affiliated company of Consumers, is not affected by the sale and will continue under the management of John Kinney, doing priority business with Rieth-Riley.

Founded in 1916 by Albert R. Rieth and George Riley, Rieth-Riley is a 100 percent employee-owned heavy and highway construction company. The company has 22 permanent and portable asphalt plants and several portable concrete plants located through Michigan and Indiana. Rieth-Riley specializes in asphalt and concrete paving.



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Julie Hartwell, an Apprentice out of Laborers Local 998 in Lansing considers MLTAI and the apprenticeship program an important part of her professional growth. Hartwell stated,

**"I learn something new on the job every day. The on-the-job training I receive each day combined with the classroom training required by the apprenticeship program will prepare me to eventually move up the professional ladder."**

Michigan Laborers' Training and Apprenticeship Institute provides training to Apprentices and Journeypersons alike. Our instructors have a wide range of field expertise to provide our members with top-notch training and cutting edge technology. Our state-of-the-art training facilities located in the City of Wayne, Perry, and Iron Mountain, accommodate on average 2500 members annually. Courses range from 2 hours to 120 hours in length and include environmental training, construction training, life skills courses and on-line courses.

Persons reaching Journey worker status will receive 64 of the 96-quarter credits required at Baker College to earn an Associate of Applied Science Degree in Industrial Technology.

Union trades are similar to many other professions in the sense that each trade has specialized work areas and jurisdictions. Just as a heart specialist wouldn't attempt brain surgery, a Construction Craft Laborer wouldn't attempt to perform an Electrician's job duties. MLTAI and the Construction Craft Laborers Apprenticeship Program produce Laborers skilled in their field, dedicated and trained.

While Ms. Hartwell enjoys her current position and the challenges that each day brings, she expects to someday pursue one of the many career paths open to those Construction Craft Laborers that have good work ethic and a commitment to education.

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



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## MDOT'S Storm Water Management Program Findings

Continued from page 65.

### Here are some examples of enforcement action taken by the MDEQ:

- MDOT is currently negotiating an administrative consent order proposed by the MDEQ which includes a substantial fine along with several internal measures to improve SESC procedures.
- Last construction season a county road commission on the west side of the state was assessed \$40,000 in fines for violations of erosion control laws.
- Last year in Kent County, a developer and their contractor were fined \$95,000 for sediment discharge to a river.
- Several years ago the Michigan Department of Management and Budget was fined over \$1 million for violations of soil erosion laws during the construction of a prison.

As you can see, the fines can be significant. Even so, MDEQ fines are not the only possible negative impact on a contractor's bottom line for failing to maintain adequate SESC measures.


### AUTHORIZED PUBLIC AGENCY STATUS

MDOT is recognized by the MDEQ as an authorized public agency (APA). This allows MDOT to be covered by a blanket SESC permit for all of its projects. MDOT maintains this status through an MDEQ audit of its erosion control program every five years. If MDOT fails to enforce SESC practices and this status was revoked, MDOT would be required to apply for a soil erosion permit for EVERY project involving an earth disturbance of one acre or more. This could impact the volume of projects let each year, which in turn affects our contractors' sources of revenue.


For this reason, it is critical that MDOT and its contractors work towards the same SESC goals. MDOT is required to follow a set of procedures approved by the MDEQ. These procedures are detailed in MDOT's Soil Erosion Control Manual. All contractors should be familiar with these procedures as they go hand in hand with the MDOT Standard Specifications for Construction. To help simplify this task, MDOT has prepared an SESC summary poster for its contractors. The poster contains photo examples and a detailed summary of good and bad practices complete with checklists. If you did not attend the SESC discussion at this year's MITA Super Conferences and receive a poster, information on how to obtain one and other important materials is given at the end of this article.




Continues on page 71.




## Operating Engineers Local 324 Labor-Management Education Committee




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[www.324lmecc.org](http://www.324lmecc.org)

## Tulloch Wetlands Litigation

On Feb. 3, ARTBA won a major legal victory when a federal court rejected efforts by the U.S. Army Corps of Engineers (Corps) to keep the association from challenging a proposal to expand federal regulation of wetlands.

The case now returns to federal district court where ARTBA and its allies will challenge the proposal on its merits. ARTBA was joined in the case by the National Stone, Sand & Gravel Association (NSSGA) and several other organizations.

The U.S. Court of Appeals for the District of Columbia Circuit agreed with ARTBA saying: "It is obvious that industry will face hardship if review of its challenge is denied." The court also said the current rule places developers in the position of applying for a permit which may or may not be legal or facing civil or criminal penalties for failing to do so.

At issue is the so-called "Tulloch Rule," which involves a 1993 decision by the Corps and U.S. Environmental Protection Agency to extend the legal definition of "discharge of dredged material" in wetlands development decisions to include the redeposition of material caused by earthmoving equipment incident to land clearing and other excavation activities.

The agencies' intent was to use "incidental fallback" as a basis for requiring federal permits under the Clean Water Act (CWA). The challenged regulations affect activities such as ditch digging, channelization and excavation.

ARTBA and its litigation partners first challenged the Tulloch rule nearly a decade ago, winning an initial court decision in 1997 that reduced the jurisdiction of the Corps to regulate construction activities in wetland areas. The Clinton administration unsuccessfully appealed the ruling five separate times. In 2001, the Corps redrafted the rule, but the practical effects have been the same.

## Supreme Court Hears Arguments in Clean Water Act Case

The Supreme Court heard arguments Feb. 21 in one of the most significant transportation-related wetlands cases in the past five years. ARTBA, in partnership with NSSGA and Nationwide Public Project Coalition, filed a friend of the court brief in this potentially precedent-setting wetlands litigation.

At issue are two separate wetlands cases which have been consolidated for the Court's review. The cases ask the Court to decide whether the Clean Water Act (CWA) allows the regulation of "isolated wetlands" by the Corps that have no connection with "navigable waters." The Court will also decide whether or not a tenuous connection between a wetland and "navigable water" is enough to allow regulation by the Corps, or if there is a minimal standard that should be applied.

ARTBA's brief explained that these cases have the potential to either greatly expand or sensibly limit the authority of the Corps to issue permits for transportation construction projects in all areas of the country. If the Court expands the ability of the Corps to regulate wetlands, transportation construction projects will become subject to greater federal scrutiny, leading to greater delay, and state departments of transportation as well as local communities will be effectively removed from project-related decisions.

## ARTBA Files Brief in Federal "Nuisance" Case

ARTBA joined with a coalition of nine other trade associations in submitting an amicus brief March 2 in the cases of *Connecticut, et al. v. American Electric Power Co., et al.*, and *Open Space Institute, Inc. v. American Electric Power Co., et al.* The cases are before the U.S. Court of Appeals for the Second Circuit and represent an attempt by eight states (NY, CA, CT, IA, NJ, VT, RI and WI) and three land trusts to regulate so-called "greenhouse gas" emissions (GHG's) from five utility defendants under the legal theory of "nuisance."

If courts had jurisdiction over nuisance suits such as these, numerous companies, including many ARTBA members, would need to defend themselves at great cost in courts across the country, and ultimately could be faced with court orders imposing different GHG limits and reductions at different times and in many different places. Such a "patchwork" of GHG regulation would be an impracticable and ineffective way to address the issue of climate change, providing none of the certainty or predictability that ARTBA member businesses need.

During the news conference in which the suits were initially filed, New York Attorney General Elliot Spitzer termed these suits a "first step" in greenhouse gas regulation. Thus, if successful, nuisance lawsuits could be filed against other industries including transportation construction. Such an action would give anti-growth groups another tool by which to stop transportation improvement projects through litigation. Specifically, they could cite the GHGs from increased traffic after the project is built or from the equipment during project construction as a "nuisance" and demand that courts either delay or stop the project.

In light of the recent victories ARTBA has achieved in limiting frivolous litigation in SAFTETEA-LU and the NEPA reform process, a Second Circuit ruling in favor of the anti-growth interests would be a significant step backward.

ARTBA's brief supports the district court's conclusion that decisions on the question of whether GHGs must be regulated should be made on a national level by the elected political branches of government (the president and Congress) and not by the judicial branch; and also points out to the Second Circuit that the potential implications of this case go far beyond the five utility companies named in the suit.

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## SESC SPECIAL PROVISION PENALTIES

As a result of the MDEQ stepping up their enforcement activity and the risk of MDOT's APA status, MDOT created a new special provision to address non-compliance with SESC measures. This special provision will be piloted during the 2006 construction season on approximately 20 projects statewide. It is similar to the special provision that was developed two years ago for traffic control where monetary penalties are assessed based on non-compliance.

Penalties will be based on the level of non-compliance after a given period of time and depending on whether the situation is an emergency (requiring action within 24 hours) or a non-emergency (requiring action within five days). For instance, when deficiencies need to be corrected within 24 hours of notification, a penalty of \$100 per hour will be assessed after that 24-hour window until the necessary corrective actions have been completed. Non-emergencies that remain uncorrected after five calendar days will be assessed a penalty of \$500 per day until the necessary corrective actions have been completed.

Some examples of emergencies requiring corrective action within 24 hours include sedimentation of wetlands, water bodies or drainage structures which are in service; and erosion causing loss of support of a roadway with the potential to impact public safety. Non-emergencies are defined as all other deficiencies of SESC measures.

## SESC BASICS

**Here are some key items to be aware of during construction:**

- By law, the contractor is required to maintain SESC Best Management Practices (BMPs) on a daily basis, as needed.

Be sure to install temporary erosion control measures such as silt fence, inlet protection, turbidity curtains, etc., prior to the start of earth change activities.

Install the controls in the field at the locations as detailed on the plan sheets unless directed otherwise. You may have to add, modify or delete controls as field conditions dictate.

Permanent soil erosion controls such as seed and mulch should be installed in accordance with the time limitations detailed in subsection 208.03 of the standard specifications. These time limitations are within five calendar days of final grading or within 24 hours if the earth disturbance is within 150 feet of a lake, stream or wetland.

Silt fence is the most commonly used and misused erosion control device found on MDOT projects. It must be properly installed and routinely maintained to function properly (see Silt Fence Tutorial sidebar). Anchoring the fabric in a six-inch deep trench is critical for it to perform as designed. This is one item on which the MDEQ consistently cites us for noncompliance.

Inlet protection is another common device found on MDOT projects. After each rainfall event these devices need to be inspected and cleaned out or replaced to function properly. Periodic street sweeping decreases the need for maintenance.

MDOT's Soil Erosion Control Manual covers all earth change activities within the limits of earth disturbance of a given project. In most instances, these limits are defined as 10 feet beyond the slope stake line, except in areas adjacent to wetlands. Always refer to your project documents for these limits. If you intend to work outside of these limits but within MDOT right-of-way, you must prepare an earth change plan as required under PA 451. The earth change plan must be approved by the engineer.

When it comes to SESC, an ounce of prevention is worth a pound of cure! Learn how to properly install and maintain your BMPs by reviewing MDOT's educational materials today. They are available online at [www.michigan.gov/](http://www.michigan.gov/)

stormwatermgt - click on Educational Materials. To purchase a copy of the Soil Erosion Control Manual, call the MDOT Engineering Prints office at 517-322-1676. As always, specific questions about SESC practices on your construction site should be directed to the appropriate project manager and the Part 91 inspector for the project.

## SILT FENCE TUTORIAL:

### Proper Installation


- Install silt fence before clearing begins
- Anchor fabric in a 6-inch deep trench
- Do not install where concentrated flow is expected
- Stake posts on downhill side
- Space posts no more than 6.5 feet apart
- Install fence along the same elevation contour
- Turn ends of fence uphill

### Inspection and Maintenance

- Inspect weekly and after precipitation
- Remove sediment and properly dispose before it reaches half the height of the fence
- Stabilize trapped sediment uphill of fence
- Remove fence once area is permanently stabilized and all trapped sediment is properly disposed of

### Common Mistakes

- Not adhering to daily inspection/maintenance schedule
- Fabric not tucked into trench
- Posts on uphill side of fence
- Silt fence used in areas of concentrated flow



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*This article was submitted by Creative Marketing Associates (CMA), a marketing firm specializing in helping residential and commercial construction companies grow their businesses. CMA welcomes any inquiries from members of MITA—just mention this article! For more information, contact Brian Butterworth, president, at 1-800-435-2610 or visit [www.4-cma.com](http://www.4-cma.com).*



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# MICHIGAN'S STRATEGIC HIGHWAY SAFETY PLAN

Continued from page 52.

## REASONS FOR CRASH AND FATALITY DECLINE IN MICHIGAN

Michigan is now getting nationwide attention for its success in dramatically reducing crashes and fatalities on its roadway systems. Many factors and initiatives have contributed to this, not the least of which is the cooperative partnerships forged amongst all members of the state's safety community through the GTSAC. This commission was formed in May 2002, creating a safety partnership by bringing together state and local governmental agencies and major safety advocates from the private sector. The GTSAC is the central clearinghouse in Michigan for highway safety issues. Through the GTSAC, professionals from all agencies representing engineering, enforcement, education, and emergency medical services have developed a coordinated approach to all traffic safety issues (the 4 E's of traffic safety).

One notable example was a Michigan state law which went into effect on March 10, 2000 that allows police officers to ticket, as a primary offense, persons riding in a vehicle without a fastened seat belt. As a result of focused seat belt enforcement campaigns by the transportation and law enforcement agencies, Michigan's seat belt use increased in 2005 to 95 percent, up from 70.1 percent in 1999. This one factor alone is responsible for saving hundreds of lives per year. It is estimated that for every one percent increase in safety belt use in Michigan, an annual 10 traffic deaths and 120 serious injuries are prevented. The national safety belt use in 2004 was only at 80 percent. Similar enforcement campaigns targeting drunken driving (DUI) have resulted in a significant decline in alcohol- and drug-related crashes as well. DUI enforcement has had a significant impact since September 2003, when Michigan law lowered the allowable threshold for the blood-alcohol level to 0.08.

The Michigan Department of Transportation has placed a focus on improving roadway safety through engineering as well. The annual funding allocated directly to safety projects in 2005 was \$58 million. These funds are divided between programs to upgrade signing, pavement markings, guardrail, traffic signals and specific safety improvement projects. This program has been increased to nearly \$73 million for 2006, demonstrating a firm commitment to improving our roadway safety through engineering.

## THE STRATEGIC PLAN

A Strategic Highway Safety Plan (SHSP) must define a system, organization, and process for managing the attributes of the road, the driver, and the vehicle to achieve the highest level of highway safety. It needs to integrate the work of all related disciplines and agencies. The Michigan SHSP does this by including the planning, design, construction, operation and maintenance of the highway infrastructure (engineering); the disciplines involved in modifying driver behavior (enforcement); health and driver education, licensing, and training (education); and injury prevention, first responder assistance and medical treatment (Emergency Medical Services). These are referred to as the 4 E's of highway safety.

The Michigan SHSP, developed by representatives from all of the 4 E's identifies the following focus areas for reducing vehicle crashes and fatalities:

- Crash Data Information Systems
- Lane Departure Crashes
- Intersection Safety
- Work Zone Safety
- Commercial Vehicle Safety
- Occupant Protection
- Alcohol/Drug Impaired Driving
- Driver Behavior and Awareness
- Elderly Mobility and Safety
- Drivers Age 24 and Younger
- Motorcycle Safety
- Pedestrian and Bicycle Safety

These 12 focus areas combined address the majority of crashes and fatalities on Michigan roadways. Since the development of the plan in 2004, the GTSAC has formed multidisciplinary action teams for each of these areas.

MICHIGAN'S SIX-YEAR TRAFFIC SAFETY RECORD

Year	Total Crashes	Injury Crashes	Fatal Crashes	Deaths	'A' Injuries	'A' Injuries	Deaths per
							100 Million VMT
1999	415,675	87,620	1,349	1,385	11,768	13,175	1.49
2000	424,852	87,043	1,237	1,382	18,918	12,380	1.46
2001	400,813	80,922	1,206	1,338	9,852	11,180	1.38
2002	395,515	80,567	1,175	1,279	9,579	10,658	1.30
2003	391,485	76,588	1,172	1,283	8,798	10,081	1.29
2004	373,028	73,119	1,065	1,189	8,483	9,962	1.16

These teams were charged with reviewing the crash history relating to their respective areas and developing specific strategies for reducing both crashes and fatalities. These 12 safety action plans have now been completed and all state and local agencies and other safety partners are aggressively implementing the recommendation as resources allow. Each safety action plan contains both short-term (one year), and long-term strategies. The safety action teams will continue to meet regularly to review progress and update the strategies as necessary as well as reporting on progress to the bi-monthly meetings of the GTSAC. The entire SHSP can be accessed at the Web site [www.Michigan.gov/documents/MI\\_CSHSP\\_110103\\_7.pdf](http://www.Michigan.gov/documents/MI_CSHSP_110103_7.pdf).

Through the combined efforts of Michigan's entire traffic safety community, the state's roadway systems should continue to be amongst the safest in the country. Once the goal of 1.0 fatality per 100 MVMT is reached (we hope in 2006), the GTSAC will set a new goal to continue to reduce Michigan's highway death rate. Please be sure that each of you does your part in buckling your seat belts, don't drink and drive, and obey all other traffic laws. The life you save may be your own!

In the next issue of the "Cross Section," Paul Steinman, P.E., Manager of the Lansing Transportation Service Center, will expand on the Michigan Work Zone Safety Action Plan. Steinman is chairperson of the State Industry Construction Zone Advisory Team of which MITA is an active participant. This should be of great interest as it relates to the safest of all MITA members and their employees working on the state's roadways.



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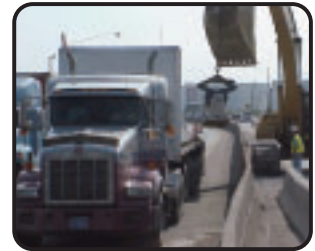
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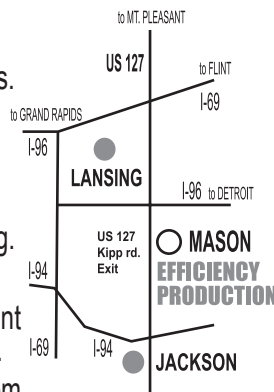
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# Industry Night 2006

MITA's annual Industry Night, formerly known as Engineers Night, once again highlighted projects throughout Michigan that engineering firms, municipalities, road commissions and others expect to bid this year and next. Hundreds of MITA members and others attended the events, which were held March 15 at Nota's in Grand Rapids; March 22 at the Italian American Center in Livonia; and March 29 at the University Club in Lansing.

To obtain a free copy of this year's project book, e-mail a request to [tiyakunaiyi@mi-ta.com](mailto:tiyakunaiyi@mi-ta.com).

**Contributions to this year's Industry Night book, which was compiled by Tiya Kunaiyi-Akpanah, are as follows:**

## Clinton County Road Commission

Dan Armentrout  
Ingham County Road Commission

Robert H. Peterson, P.E.  
Kalamazoo County Road Commission

Tom Hohm  
Kent County Road Commission

Wayne Harrall  
MDOT-Grand Region

Will Loehle, P.E.  
MDOT-Metro Region

Paige Williams  
MDOT-North Region

Gail Deans  
MDOT-Southwest Region

Kitty Rothwell  
MDOT-University Region

Jeff Reid  
Midland County Drain Office

Doug Enos  
Oakland County Drain Commission

Glenn R.Appel, P.E.

## Orchard, Hiltz & McCliment, Inc.

Jennifer Sullivan

Road Commission of Macomb County

Robert Hoepfuer

Road Commission of Oakland County

Bill Conklin, P.E.

Spalding DeDecker Associates

George Nichols, Jim VanTiflin,  
Mitch O'Connor, Cheryl Gregory

Wade Trim

Wendy Ratkowski

## Top Projects 2006-2007

The following chart shows some of the state's top projects for 2006-2007 based on estimates submitted for MITA's 2006 Industry Night book. (Unfortunately, some submitters could not provide estimated costs so their largest projects are not indicated on this chart.)

	LOCATION	TYPE	MAJOR ITEMS/ QUANTITIES OF WORK	ANTICIPATED BID DATE	ESTIMATED COST
Clinton County Road Commission	Wright-Pioneer to Jason	Road	Hot Mix Asphalt(HMA)	June 2006	\$800 K
Ingham County Road Commission	Old Plank Rd. Bridge over the Grand River	Bridge Replacement		5/5/06	\$909 K
Kalamazoo County Road Commission	Various locations to be determined	HMA Resurfacing		Summer 2006	\$500 K
Kent County Road Commission	Division Ave., 68th St. to 60th St.	Road Reconstruction- Widening to 5-lane and Streetscape	Concrete Curb & Gutter, Storm Sewer, HMA Paving, Sidewalk, Street Lighting	3/3/06	\$2.5 M
MDOT Grand Region	US-31: Port Sheldon St. North to 3rd St. in cities of Grand Haven & Ferrysburg	Road and Bridge	14.4 Miles of Cold Milling and HMA Resurfacing (One Course); Concrete Joint Repairs and Add/ Modify Left & Right Turn Lanes; Epoxy Overlay, Joint Replacement, Electrical & Mechanical Work on Bascule Bridge	4/7/06	Under \$10 M
MDOT Metro Region	I-75 Gibraltar to Toledo Dix	Road	Reconstruct	9/1/06	\$38.2 M
Midland County Drain Office	Little Salt Creek in Midland, Gratiot & Isabella counties	Open Ditch	14 Miles of Ditch; 100,000 cyds	Late March 2006	\$1.1 M
Oakland County Drain Commission	George W. Kuhn Drain-Flushing System Rehabilitation Contract No. 6	CSO Retention Treatment Facility	Construction of Approximately 10,000 LF of 18" dia. Ductile Iron Pipe & Fittings Hung Within a Confined Space. 16,140 PVC Flushing Nozzles, Installation of 44-18" Dia. Gate Valves & Replacement of a 10' x 12' Roller Gate	Spring 2006	\$8.0 M
Orchard, Hiltz & McCliment, Inc.	Seaver Farm in Ypsilanti Twp.	Water, Sewer, Road, Earthwork		May 2006	\$2.8 M
Road Commission of Macomb County	23 Mile Rd., Hayes to East of Romeo Plank	Reconstruct Road	75,000 SYD Concrete	4/1/06	\$9.0 M
Road Commission of Oakland County	Crooks-Square Lk. to M-59 in Troy & Rochester Hills	Road	Widen 2 Lanes to 4-Lane Blvd.	May 2006	\$22.0 M
Spalding DeDecker Associates- Lenox Township	North Gratiot/New Haven Sanitary Sewer; Gratiot Ave. between 26 Mile Rd. & 31 Mile Rd.	Sanitary Sewer	Approximately 6.0 Miles of Open Cut Tunnel Construction	April 2006	\$16 M
Spalding DeDecker Associates- Macomb Township	Sanitary Pump Station No. 7 Replacement; 23 Mile Rd. & Romeo Plank, Macomb Township	Sanitary Sewer	1,000 LF of 24" Force Main	June 2006	\$2.6 M
Spalding DeDecker Associates- The Charter Township of Clinton	Schiell, Katzman, and Schafer	Water Main Replacement	9,000 LF	Fall 2006	\$1.4 M
Spalding DeDecker Associates- Misc. Paving & Bridge Projects	I-94 Concrete Overlay N. of Gratiot in Kimball and Port Huron townships	Road/Freeway	3.7 miles of Concrete Overlay w/Concrete Reconstruction & Drainage Improvements	March 2006	\$18 M

# Spring 2006 Cross-Section Ad Index



Ace Cutting Equipment & Supply .....	35	Lowe Construction Company, Inc. ....	26
AIS Construction Equipment Corporation.....	10, BC	Michigan CAT .....	IFC
The Argus Group.....	32	Michigan LECET .....	68
Association Benefits .....	51	Midwest Mole.....	64
Atsalis Brothers .....	6	Mourer Foster, Inc. ....	53
Ayres, Lewis, Norris, May, Inc. ....	66	National Concrete Products .....	63
Bacco Construction Company.....	70	Oakland Companies .....	60
James Burg Trucking Company .....	75	Operating Engineers Local 324 –	
Clawson Concrete Company.....	7	Journeyman & Apprentice Training Fund, Inc. ....	IBC
Consumers Energy.....	3	Operating Engineers Local 324 –	
Co-Pipe Products, Inc. ....	73	Labor-Management Education Committee .....	69
Corrigan Oil Co. ....	49	Plante & Moran.....	31
DeWind Dewatering.....	See insert	Premarc.....	44
East Jordan Iron Works, Inc.....	25	Pro-Tec Equipment, Inc.....	8
Ebony Construction Co., Inc. ....	23	Sandborn Construction, Inc. ....	71
Efficiency Production, Inc. ....	76	Spartan Specialties LTD.....	28
Etna Supply Co. ....	56	Stantec .....	24
The Fishman Group.....	61	Stoneco, Inc. ....	55
James E. Fulton & Sons.....	74	Stuart, Franey, Matthews & Chantres, P.E. ....	14
GBM Recycled Concrete.....	58	Swad & Company, CPA's.....	59
Gail & Rice.....	67	Ten Mile Creek .....	46
Griffin, Smalley & Wilkerson, Inc. ....	17	Testing Engineers & Consultants, Inc.....	52
Guy Hurley Blaser & Heuer LLC.....	47	Trac Trenching.....	37
Jay Dee Contractors, Inc. ....	54	Trench Tech, Inc. ....	57
Jensen Bridge Contractors, Inc. ....	50	Valenti Trobec Chandler, Inc. ....	18
Kerkstra Precast, Inc. ....	48	VanderLind & Son, Inc.....	39
Klochko Equipment Rental Co. ....	33	Wade-Trim .....	19
Kotz, Sangster, Wysocki and Berg, P.C. ....	72	Washtenaw Engineering Company .....	62
Lawrence Technological University .....	20	Wolverine Tractor & Equipment Co. ....	36
Edw. C. Levy Co.....	9	Zervos Group, Inc. ....	21

## Bulletin Index

### LABOR

2/27/2006 .....	Teamster Wage & Fringe Adjustment Effective
4/01/06 .....	UNDERGROUND CONSTRUCTION ONLY

### LEGISLATIVE

2/20/2006 .....	February Legislative Update
2/23/2006 .....	State Transportation Funding Initiative
3/3/2006 .....	Criminal Background Checks
3/27/2006 .....	March Legislative Update

### MDOT

1/31/2006 .....	MDOT Initiates Changes in February 3rd Letting
2/15/2006 .....	MDOT Announces Plans for Expedite Upgrade
2/20/2006 .....	MDOT Update - February 20, 2006
3/17/2006 .....	MDOT Issues Spring Weight/Load Restriction Bulletins

### MEMBERSHIP

1/26/2006 .....	Stolen Equipment Notice
1/31/2006 .....	Sign- Up for Super Conference Today!
1/31/2006 .....	Beware of Fraudulent Faxes!
2/1/2006 .....	Multiple Email Apology
2/15/2006 .....	Tragic Accident Claims Worker
2/15/2006 .....	MITA Industry Nights-Scheduled
2/23/2006 .....	MITA Welcomes New Members!
2/23/2006 .....	Member Survey
2/23/2006 .....	Stolen Equipment Notice
2/28/2006 .....	Governor Granholm Appoints Kirk Steudle as New MDOT Director
2/28/2006 .....	MITA Continues to Push for More Road, Bridge Funding
3/6/2006 .....	2006 MITA Golf Outings — Sponsorship Opportunities
3/7/2006 .....	Tax Liability on Construction Materials
3/7/2006 .....	Industry Night Reminder

3/7/2006 .....	City of Grand Rapids Invitation to Bid
3/8/2006 .....	MITA Welcomes Director of Legislative Affairs
3/8/2006 .....	MITA Supports Plan for Increased Transportation Funding
3/17/2006 .....	Metro Industry Night Reminder
3/22/2006 .....	Lansing Industry Night Reminder
3/23/2006 .....	Washington Fly-In May 16-18
3/28/2006 .....	Mark Your Calendars for the 2006 MITA Presidential Ball!
3/30/2006 .....	MITA Member Needs Your Support!
3/31/2006 .....	MITA Welcomes Director of Technical Services
4/3/2006 .....	MITA Offers OJT Placement Assistance
4/3/2006 .....	MDOT Lifts Spring Weight Restrictions for Lower Peninsula
4/4/2006 .....	MITA to Build Heavy Construction Industry Center
4/4/2006 .....	MDOT Weight/Load Restriction Bulletin #6
4/4/2006 .....	Staking Contacts II
4/5/2006 .....	Get Involved with Give 'em a Brake
4/5/2006 .....	MITA 2006 Student Intern Program
4/7/2006 .....	Reserve Your Room Now for the 2006 Presidential Ball
4/11/200 .....	6 Stolen Equipment Notice

### SAFETY

2/6/2006 .....	MIOSHA FORM 300, 300A, 301 POSTING REQUIRED
2/7/2006 .....	MITA Welcomes New Safety Director
2/7/2006 .....	Tragedy Will Bring Increased Scrutiny of Excavations
2/22/200 .....	6 Confined Space Training Available
3/3/2006 .....	Tool Box Talks Now Available
3/6/2006 .....	Appeals Update
3/6/2006 .....	Big \$\$\$
3/20/2006 .....	Staking Contacts
3/29/2006 .....	New Installment of Tool Box Talks Now Available





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