

SPRING | 2007

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For Cross-Section Magazine advertising, circulation or editorial inquiries, contact Nancy Hale Brown at: phone: 517-347-8336; fax, 517-347-8344; e-mail, nancybrown@mi-ita.com; or by mail at the following mailing address: MITA, P.O. Box 1640, Okemos, Mich., 48805-1640. The address for overnight deliveries is MITA, 3413 Woods Edge Drive, Okemos, Mich., 48864.

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Cover photo: Detroit-area deteriorating bridge..



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Update

What Should a MITA Member Have on Their Website?



By Ryan Doom
President of Web Ascender
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517-579-0420



A website can be extremely useful to any company, no matter what industry they are in. The key ingredient for any website is having content that will interest and inform your visitors. Most websites have common pages such as: About, Services, Contact, but some will also have features such as E-Commerce, Store Locations and Hours, and possibly a way for visitors to ask questions and receive answers directly through the website.

Web Ascender (www.webascender.com) has put together the following list of features and content specifically for MITA members. Incorporating these pages and content into your website will enhance your company image and increase the probability that your visitors will choose your company for their next project.

Photo Galleries and Case Studies are great ways to help visitors on your website understand what your business does and how you can fulfill their needs. For example, if you do excavation work you could showcase your crew with your most attractive equipment performing a complex excavation project. The photography should be accompanied by a paragraph or two of the project goals, along with any difficulties you encountered

during the project and how your team overcame them. If possible, you should take it one step further and include the customer's name and a testimonial from them explaining how well you completed the project.

Using testimonials on your website is a great way to increase your credibility and reinforce the quality of your work to the visitors of your website. Imagine if every page on your website had a sentence or two from satisfied customers raving about your work and how your company came in and finished the project on time and on budget. After reading many testimonials on your website, visitors will become more comfortable and confident in your company's ability to perform the services you advertise.

Effective testimonials often result in the potential customer engaging in a direct contract or agreement with you, rather than shopping around with other companies and deciding on price alone. If you want to take your testimonials to the extreme, consider recording a video testimonial with your clients after a project is finished and then making the videos accessible on your website. These testimonials will instantly build credibility with your business prospects.

Another important feature to include on your website is to offer your visitors a **clear and easy "next step" action** from your website. This could include an online contact form, or perhaps a form that allows them to "request a quote" from you. The key point is to drive your visitors to take some action after reading your website (and testimonials). Your website should make it easy for them to call you on the phone or contact you electronically if they're interested in your services. Online



MITA Introduces Technology Information on Website

Getting too much spam to your AOL, Yahoo, Hotmail or other e-mail account. What would you think about getting your own e-mail address at your company name.com?

Your first question undoubtedly is: "How much money do I have to pay and what benefit will I get from this?" Take a couple minutes and visit a new area of the MITA website (www.mi-ita.com/technology.asp) to get answers to that question. What do you have to lose? You can only gain additional knowledge to help make your business even more successful.

For more information, contact Stacey Morris, MITA's technical/web coordinator, by e-mail at staceymorris@mi-ita.com or by calling the MITA office: 517-347-8336.



Stacey Morris
Technical / Web
Coordinator

Getting too much Spam to your aol, yahoo, etc.?

As with any technology there are always options, provider is no different. There are thousands of who can offer email solutions. The most we can do is the level of service, the particular email options at company and narrow the options down enough to make a decision.

I have selected 3 good options that are available for email hosting.

Technology.....○

forms on your website are a great way to collect valuable information about your prospect. For example, the "request a quote" form should ask for as much information as you feel they would be comfortable providing to you. Most website visitors are comfortable providing information such as: name, company, phone number and email address. The information you collect using these forms will be valuable when preparing an estimate or getting ready for a phone conversation with your potential customer. Questions on the form should ask them to provide some details about their project, as well as their estimated or allocated budget. These questions can help you to make a competitive bid or simply qualify the buyer.

Incorporating these features into your website is just the first step. The next important step is keeping these areas of your website up to date with fresh content. For most companies, this part is the most difficult. An estimate of eight hours per month is a reasonable one for a company to spend working on their website to keep the content fresh and updated. Below are some common things you can do each month to create value for your website visitors.

- Creating a press release of a new job recently won or completed
- Composing an e-mail newsletter to send to all of your prospects and clients
- Updating the photo gallery or case studies area with projects recently completed

- Requesting and organizing testimonials to be added to the website

Normally the time spent actually updating the website does not take very long (especially if you are using a Content Management System), but the eight hours per month should be reserved for creating and composing valuable content. This content may even be worth adding to your existing marketing materials or submitting to a trade journal or newspaper for publication. Your website visitors will appreciate that you continuously offer additional information and services through your website.

It's common for potential customers who still use the Yellow Pages (either the book or the online version) to find a company and then visit the website address that is listed to make their decision between competitors. The companies with effective websites that communicate their message will overcome those who have a poor, outdated website (or worse, no website at all). Incorporating photo galleries, case studies, testimonials, and effective online forms will cause your website to stand out from your competitors and be remembered by your visitors. Your customers will appreciate it, and your sales should reflect it.

For more information about Web Ascender, visit www.webascender.com. For a testimonial about the company, contact MITA's Tech/Web Coordinator Stacey Morris at staceymorris@mi-ita.com.



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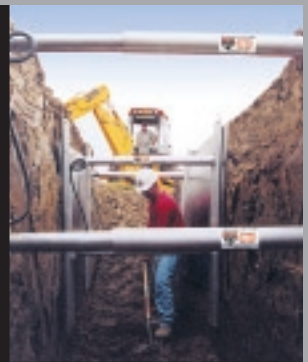
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Letters to MITA

Bob:

I'd like to thank you for your assistance that MITA has given to our business over the past year.

In June 2006 one of our employees was injured in an accident at our worksite. Shortly after our employee was safely off to the emergency room we were in contact with Patrick Brown, MITA's director of safety and work force development. Patrick dropped what he was doing and arrived to the site within 30 minutes to assist in the site evaluation and accident report documentation. His calm and objective guidance in responding to the MIOSHA safety officer's questions was greatly appreciated by our employees who had just come out of a very emotional situation.

Patrick Brown's assistance in documenting the worksite conditions, appealing of citations and representation at the claim hearing led to a successful appeal and abatement of several penalties.

On a different note I'd like to thank you for your assistance in dealing with the issues that came about during one of our regularly scheduled union payroll audits. Being able to call upon you enabled us to be represented by one who not only knows the subject matter better than anyone else but more importantly it allows us to be represented by an advocate who has tremendous integrity and credibility in our industry.

Additionally, we thank you for your involvement and discussions with a certain Public Agency for concerns over contract language interpretation and project administration. These concerns were voiced by several contractors over a period of a year preceding your involvement. Your participation in the discussions allowed multiple concerns to be voiced in a non-confrontational manner and led to a better work climate with this Owner on current projects, as well as better understanding of the Contractor's position in matters that involve public funds.

For a small company like ours, membership in MITA allows us to tap into a deep and diverse set of resources that would be very difficult (if not impossible) to replicate with hired professionals. We are deeply grateful for the skills that MITA offers us and even more grateful for the true interest you show for all MITA members regardless of size. Di Ponio and Morelli has been a member of MITA since 1973 and we have seen many changes since that time. Most notable of those changes are the diverse set of education programs that continue to grow every year, the membership roster that has expanded in terms of both geographic location and diversity of work specialties and, of course, the quantity and quality of the services you are able to provide to your contractor members. One thing that has not changed is that your office always returns phone calls, you are always ready to help and you speak to every member as if his business is the most important business on the MITA roster. We appreciate that because to us, we are the most important member on your roster.

Looking forward to another 34 years with MITA!

Jacob A. Di Ponio
Di Ponio & Morelli Construction Co.

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We Said It! MITA Speaks Up for the Industry

MITA Testifies to the State House Regarding State Revolving Fund

MITA testifies before the state Legislature on many issues throughout the year. The following is testimony given April 4, 2007 to the House Appropriations Subcommittee by Keith Ledbetter, MITA's director of legislative affairs. Ledbetter testified about the state revolving fund, which provides low-interest loan money that allows local municipalities to make improvements to the wastewater, sanitary sewer and drinking water systems in our state. The state Department of Environmental Quality estimates that the state has at least \$8 billion in needs over the next 20 years, yet budget cutting is adversely impacting the situation.

Dear Chairman and Members,

Thank you for allowing me the opportunity to speak to you today. My name is Keith Ledbetter and I am the director of legislative affairs for the Michigan Infrastructure and Transportation Association. We represent over 750 road builders and underground contractors in the state of Michigan.

I come before you today to talk about an issue important to our members and important to the precious water resources of the Great Lakes region.

We at MITA recognize the difficult decisions that legislators need to make because of the budget shortfalls facing our state. This Legislature has an unenviable task ahead and historic budget deficits that must be addressed.

We feel that it is important to let policymakers know the detrimental impacts that certain cuts are having on our state, specifically in the area of the state revolving funds.

As the committee members are no doubt aware, the state revolving funds provide low-interest loan money, which allows local municipalities to make improvements to the wastewater, sanitary sewer and drinking water systems in our state. The DEQ estimates that we have at least \$8 billion in needs over the next 20 years.

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Continued from pg. 10

From FY 1999 through FY 2004, state match funds were provided through general fund appropriations of \$17.35 million per year. We are able to leverage this seed money in our revolving funds to generate an even larger dollar amount that can be used as loans.

Unfortunately, one of the cost-savings moves employed by the Legislature in recent years has been to get rid of the state GF match for the Clean Water State Revolving Fund and severely limit the GF contributions to the Drinking Water State Revolving Fund.

Through some accounting maneuvers, the state has been able to match the available federal dollars. However, the lost CWSRF money for the last three years equates to \$39 million in lost lending capacity this year and \$120 million over 20 years. The lack of GF investment in this year's budget would equate immediately to \$13 million of lost lending capacity and \$42 million over the next 20 years.

This year, demand for revolving fund dollars reached historic levels. A whopping \$600 million in State Revolving Fund (SRF) loan applications were submitted in 2007. These amounts were almost three times the previous years' totals. We expect to see similar demand over the next several years as old systems deteriorate and new capacity is needed.

There is the potential to have more demand for SRF loans for next year than we will be able to handle, even with the additional Great Lakes Water Quality Bond Initiative of 2002 that is available for the next 5 years. We can be certain going forward for the next 20 years that the state will have nowhere near the lending capacity necessary to meet the demands.


Every spring we see the effects of a deteriorating system that needs to be updated and new capacity needs that are unmet in the form of beach closings. Our society is becoming accustomed to not being able to swim in our lakes, rivers and streams or eat the fish that inhabit them. Although we've been making progress, the budget balancing moves since 2004 jeopardize the future viability of our system for many generations to come.

In closing, I would like to reiterate that we at MITA understand the significant financial challenges facing this Legislature. The success and quality of life of our state rides in part on the decisions of this Legislature.

As you progress in your deliberations, we ask you keep in mind the long-term effects of these short-term solutions.

Thank you.

Continues on pg. 60

A black and white portrait of Brian Slagter, a middle-aged man with short hair, wearing a dark suit, white shirt, and patterned tie. He is smiling slightly and looking towards the camera.

Introducing MITA Board President Brian Slagter, Slagter Construction, Inc.

Q. *This may be old news, but what are your thoughts on the merger of AUC and MRBA and the formation of MITA?*

A. The merger of AUC and the MRBA is both bold and historic, and I'm convinced the needs of our industry can best be met by one larger organization. The staffing of the organization under the leadership of Bob Patzer has created an efficient and responsive organization well positioned to aggressively address the needs of its members as well as becoming the leading voice in addressing Michigan's huge economic issues. Both the MRBA and AUC had distinct cultures, and the culture of MITA is still evolving. We must continue to vigorously attend to the needs of the underground interests and road building interests equally. Also, our industry will likely see many transitional phases with company leadership, MDOT leadership and our own association within the next decade. And likewise, the makeup of our industry, MDOT's role in managing our state's assets coupled with increased attention to the growing environmental issues with our antiquated water and sewer systems, are going to present challenges on a scale of which our industries have not seen. The merger for those of us who traditionally were with one organization is a bit like getting a new college roommate. At first we didn't quite know this person and did not necessarily like the way they had furnished their side of the dorm room. Then as time went on you faced challenges and had some victories, and by the end of the school year you were life long friends. In my opinion MITA is just beginning the second month of a nine month school year.

Q. *Do you have any priorities in terms of MITA involvement during your term?*

A. My priorities for my term as president are in some ways no different than they were before. That is, to get involved and hopefully in some small way make a difference. First is to increase funding. This is a massive and exhaustive undertaking and, rest assured, MITA is aggressively pursuing this need. I also want to encourage the young people who are the future leaders of this industry to get involved in your association now. We will need your help in facing the challenges which lay ahead. Very significantly I feel that our new

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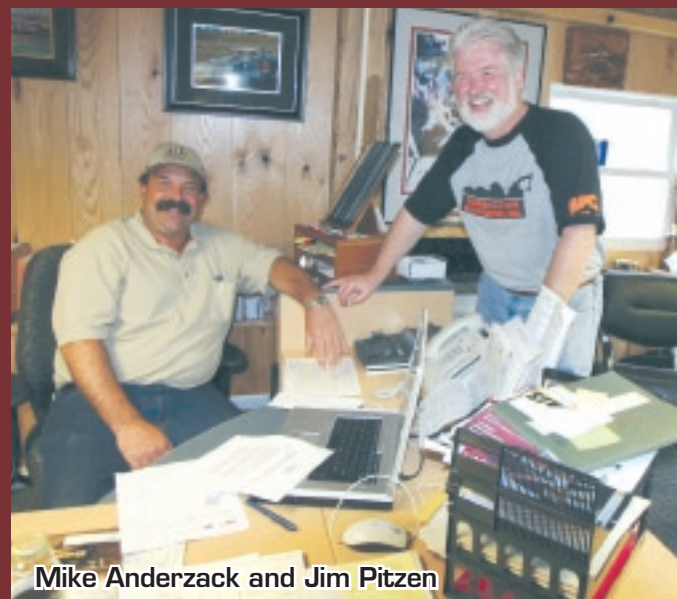
Member Profile

ANDERZACK-PITZEN CONSTRUCTION, INC.

Story submitted by Anderzack-Pitzen Construction, Inc.

**Spring 2007
in Maumee,
Ohio: The
Shops at
Fallen Timbers**

Installation of
2,800 lf of 30'
sanitary sewer
30' to 42'
deep along with
other
miscellaneous
improvements.



Mike Anderzack and Jim Pitzen



It was in the year 1992 that Mike Anderzack formed a company headquartered within his garage to perform smaller light commercial and industrial construction projects that larger contractors had passed over. From that time forward, the company has experienced continuous growth, now employing over 80 people. Currently headquartered in a renovated turn-of-the-century barn, Anderzack-Pitzen Construction, Inc., is located in Metamora, Ohio, a suburb of Toledo, Ohio. The company takes pride in its versatility and ability to meet the requirements of their clients.

After the first four years of growth, the company had expanded to the point that Mike needed operating assistance. Jim Pitzen joined the company as a partner bringing his administrative experience and construction knowledge to complement Mike's hands on experience. As the company grew, so did their capabilities. Today, the company specializes in grading, earthwork, underground sewer and waterline wet utilities, heavy highway and roadways, structural concrete, bridges and structures, cold asphalt milling, asphalt and concrete paving, and building renovation projects. Clientele includes both the public and private sector for projects throughout the states of Michigan, Ohio and future Indiana sites.

"We pride ourselves on the expertise of our office and field staff at all levels," states Pitzen. Being a union contractor, Anderzack-Pitzen employs knowledgeable professionals and hand picks their employees to meet the project's specific needs. Additionally, the company stays abreast of current technology in the construction industry recently adding GPS machine control to their arsenal of tools to efficiently construct their client's projects. The company stresses communication, both internal and with the client, on all construction projects. With their in-house expertise, there have been many projects where these communications have led to alternative construction methods that have saved all project partners either time or money while still maintaining quality and project safety (the latter being the company's number one priority). These factors help explain the continued growth of the company. This growth can be seen in the company's annual sales volume; they had a higher dollar volume of jobs under contract as of March 2007 than they did for all of 2006.

Another resource that the company utilizes is their membership with MITA. "Being a member of MITA helps us be more effective at our jobs on a daily basis," Anderzack states. "MITA is a loyal, educated advisor/mentor. They are one of the more progressive contractor associations we are familiar with. They get things done. It is not a country club and I notice the mutual respect contractor and associate members have for each other, even though they might be competitors."

As the company's reputation has grown, it has handled larger and more challenging projects. One example of this was the preparation of a 30-acre commercial site in Sylvania Township, a suburb of Toledo, Ohio. Once the site was cleared, it was determined that the ground was unstable and would require remediation prior to further construction. Anderzack-Pitzen dewatered the site, removed a buried peat bog and graded the ground to prevent future soil problems. They then installed all the underground wet utilities (waterlines, sanitary sewers, storm sewers, etc.), asphalt parking areas, lighting and striping. This once unstable site now houses a Lowe's home improvement store, a grocery store, restaurant and several other commercial businesses.

The past 15 years have been a time of tremendous growth both in size and capabilities for the company. Through it all, Anderzack-Pitzen has taken great pride in their work and track record but realizes that it is the relationships they develop with their clients that will ensure continued growth. Working together, they believe the best is yet to come.

ANDERZACK-PITZEN CONSTRUCTION, INC.

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Phone: 419-644-2111 Fax: 419-644-2110

www.wecandigit.com

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ANDERZACK-PITZEN CONSTRUCTION, INC. SAMPLE PROJECT LIST

Current Projects

Ohio

- Van Wert, Ohio – Project consists of upgrading of .91 miles of roadway by widening and reconstructing the roadway including curbing, storm sewer, water and sanitary modifications.
- Findlay, Ohio – Reconstruction of one mile of CR236 from two lanes to five lanes including removal of existing roadway, construction of stormwater drainage system, curbs, asphalt pavement, sidewalks, signalization and extending existing sanitary sewer 300'.
- Maumee, Ohio – The Shops at Fallen Timbers – Installation of 2,800 lf of 30" sanitary sewer 30' to 42' deep along with other miscellaneous improvements.

Past Projects

Michigan

- Oakland University – Kathke Golf Course – Site improvements including channel modification, installation of a precast bridge, and bituminous cart path.
- Frenchtown Township Resort District – Project consisted of canal dredging improvements, berm reconstruction, storm sewer improvements, cold milling of asphalt and paving of road surface.
- Maxey Training School – Removal of pavement, repaving and partial reconstruction of interior loop road and truck dock/dumpster drives.

Ohio

- Toledo, Ohio – River Road SSO Phase 3 Sanitary Sewer 1937 – Installation of 1680 lf of 60" RCP tunnel at 38' deep and 1,000 lf of 18" open cut sewer at a depth of 26'.
- Perrysburg, Ohio – Storm separation project - Project consisting of the installation of 60" RCP installed utilizing a tunnel-boring machine.
- Perrysburg, Ohio – Intersection realignment of Cherry and Indiana Avenues – Storm sewer improvements, roadway realignment, total roadway reconstruct.



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Bill Orawski

Magazine Evaluation

CROSS SECTION

Thank you for reading and/or advertising in *Cross-Section Magazine*. We value your input and ask that you please complete the following form and fax it to Nancy Brown at MITA (517-347-8344). We are constantly striving to meet your interests with our stories, so your comments are very important to us. Thanks for your participation in this survey.

Please rate each area of the magazine by circling a number.
One is poor; five is excellent.

Executive Vice President Comment	1	2	3	4	5
Vice President of Government and Public Relations Comment	1	2	3	4	5
Vice President of Membership Services Comment	1	2	3	4	5
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Member News	1	2	3	4	5
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Legislative Update	1	2	3	4	5
Toolbox Talks	1	2	3	4	5
MDOT Environmental News	1	2	3	4	5
Questions and Answers	1	2	3	4	5

Which articles did you find most helpful?

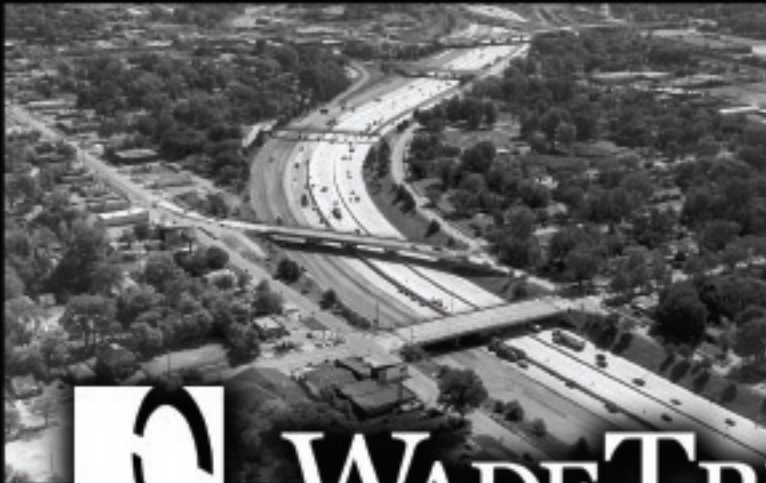
Which articles did you find of least value?

Are there any topics you would like to see covered in future issues of *Cross-Section Magazine*?

What is your overall impression of *Cross-Section Magazine*?

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Associate Member Profile



The Michigan Laser, Inc. Novi staff from left to right: Mike Fitzpatrick, Jennifer Shoring, Jeff Grigal, Rhonda Coates, Ted Teise, Jared Hynes.

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CONTACT INFORMATION:

Michigan Laser, Inc.

46870 Grand River Ave.
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Phone: 248-344-0770
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CONTACT LIST:

Mike Fitzpatrick,
PRESIDENT, NOVI DIVISION
service@michiganlaser.com

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From left to right from Michigan Laser: Mike Fitzpatrick, Rhonda Coates and Suzy Fore of DeAngelis Contractors.



Mike Fitzpatrick, president of Michigan Laser, Inc., does an excellent job using MITA's resources to get the word out about how his GPS systems and other products can help improve contractors' bottom-lines.

"Michigan Laser participates in our super conferences every year displaying products and connecting with MITA members," says Rob Coppersmith, MITA's vice president of membership services. "Mike Fitzpatrick knows how to use his MITA membership to the fullest."

Fitzpatrick also knows that the best marketing he has for his products begins with a test drive and ends with customer referrals. In addition to GPS systems, Michigan Laser sells laser systems (the predecessor to GPS), supplies, paint, flags and tape. Located in Novi and Grand Rapids, the company has sales/training staff, laser and optic technicians to provide service statewide.

"Contractors can't believe what this technology can do for them until they try it out," says Fitzpatrick, president of the business that sells Topcon GPS systems, in addition to other products. "Once they try GPS and see how much time it saves them, they think we are underselling them."

Satisfied customers then tell other contractors, and Fitzpatrick's business continues to boom. Great customer service is also a major part of his success story.

"Here is my marketing plan: If someone calls for help with a product we sold them, we get there, no matter what," says the friendly Fitzpatrick, who is joined by a talented crew to provide sales and service statewide.

Michigan Laser's staff of 14 includes Rhonda Coates, an energetic employee who joined his staff after working for an excavating contractor in Fenton.

"I can get a contractor up and running with a GPS system in a day," she says. "Teaching them the extra tricks of the trade is ongoing because this GPS equipment will do a lot. We don't want to overwhelm them."

As Fitzpatrick provides us with a tour of a DeAngelis Contractors' jobsite in Saline, we watch Rhonda answer questions from the job foreman, Suzie Fore. She is a happy GPS user because Michigan Laser's product has made her site development work at the new Toyota Center much easier on a daily basis.

"This GPS technology is amazing," says Fore, who has been in the business since 1990. "It cuts the job in half time-wise because the operators are self-sufficient. We don't need the ground guys. We put the GPS on the equipment and go. This is the up and coming thing!"

"A contractor who uses GPS sees such a large increase in efficiency that results in a higher profit margin and lower bids in the future," Fitzpatrick says. "It may be difficult in the future to compete without GPS."

What is GPS?

GPS stands for Global Positioning System. It is a worldwide radio-navigation system that was developed by the U.S. Department of Defense. In addition to military purposes it is widely used in many disciplines, including highway and heavy construction during the past seven years. The hand-held or equipment mounted GPS systems receive radio signals from satellites to help pinpoint locations on a job site.

For excavating contractors, GPS allows them to quickly obtain design elevations while fully utilizing cut and fill locations. Grading contractors use GPS-guided heavy construction equipment control systems to automatically move the cutting edge of grading equipment to match the design grade.

Without GPS, operators of excavating and grading equipment must rely on their experience and skill at reading stakes to carry a smooth, continuous grade. This is a time-honored but time-consuming, labor-intensive process. For decades, equipment operators have taken their instructions from these stakes in the ground, which had to be moved and reset as the work unfolded and then checked by surveyors or grade-checkers. With GPS, surveyors no longer have to reset stakes. At the end of the day, they can drive their sites in GPS-equipped pickups and send progress data to the home office so estimators can check productivity against the original schedule. All earthmoving and management functions are improved with proper use of GPS systems.

Although there are substantial start-up costs involved, use of GPS systems has been shown to reduce costs and time spent on a job. MDOT is now requiring GPS on one pilot project in the state, and in the future the use of GPS may become much more commonplace in the fields of heavy and highway construction.

Sample Project List Involving Michigan Laser's GPS Products

- Parts of I-75, US-23, I-94, US-31 as well as many local roads.
- Many jobsites, from one-acre to several hundred acres in size.
- Airports, landfills, and a variety of specialty projects.

Road Funding: Time for a New Direction

The state of our roads impacts our economy. Congestion, disrepair, a shortage of lanes and flat revenues threaten to leave Michigan's hopes for recovery stranded by the wayside. But creative options for raising revenues are available.

By Dr. John C. Taylor

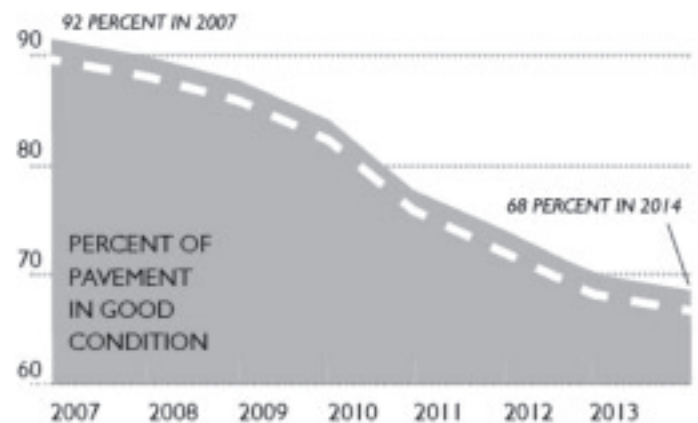
Michigan's road network is at a turning point. It can be allowed to deteriorate or it can be revitalized with new reforms. As long as the state stays in the road business, it must make roads a higher priority.

In 2004, Michigan state and local governments spent about \$3.4 billion on road construction and repair. However, money available for new construction and maintenance is decreasing at the very time the need for investment is increasing. Michigan's transportation funding shortfall is hundreds of millions of dollars per year for state, county and city roads. A well-maintained transportation network contributes more to the quality of life than many other state spending programs, including those often touted as promoting "economic development."

One can look at Michigan's road needs in terms of traffic trends, road conditions, congestion and auto damage costs. Vehicle miles traveled increased 58 percent between 1980 and 2000, while lane miles increased just 3 percent. Interstate travel is forecast to increase another 40 percent by 2026. Truck tonnage is forecast to grow by at least 70 percent by 2020. With traffic growth, road conditions will deteriorate. The portion of pavement in "good" condition is forecast

Projected Pavement Condition

The Michigan Department of Transportation projects a significant drop in road conditions around the state during the next seven years



Source: MDOT 2007-2011 Five Year Plan

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to drop from 92 percent now to 68 percent by 2014.

The best option for finding new road money is for the Legislature and governor to get serious about spending a lot less on things in state government that are far less important.

The congestion picture is no brighter. The Michigan Department of Transportation estimates that 15 percent of urban freeway vehicle miles traveled are congested. Absent new funding, this number is expected to reach 43 percent by 2030. Congestion and auto damage from potholes costs the average Michigan motorist more than \$318 per year, a figure likely to grow.

Fuel tax revenues have been flat, pegged to 19 cents per gallon regardless of the price of gasoline, and high prices have reduced consumption. Because of extensive bonding to augment tax revenue in recent years, debt service is climbing rapidly as construction costs soar. Asphalt costs nationally rose 43 percent between 2003 and 2006, and concrete costs rose 34 percent. As a result, Michigan's inflation-adjusted road dollars per million miles of travel dropped 53 percent since 1960.

The needs are especially clear to drivers in congested areas of southeast Michigan and the communities around Grand Rapids. However, more taxes with "business as usual" spending are not good enough. We need a smarter strategy for raising and spending the funds.

Michigan's transportation infrastructure requires at least an additional \$460 million annually. Legislators have a smorgasbord of options for stitching together a package that would meet those needs. They could start by scrapping the gimmicky 21st Century Jobs fund and put the money toward a real economic development program — good roads.

They could also consider raising gasoline and diesel taxes to come up with more, though that solution should be offset with tax and spending cuts elsewhere in state government to avoid further damage to our already fragile economy. Michigan gasoline and diesel taxes together cost the average driver \$107 in 2003, ranking us 42nd as a percentage of personal income. As of late 2005, our 19-cent-per-gallon gasoline tax ranked 31st nationally. Our diesel tax on motor carriers, at 15 cents per gallon, ranked us 45th among all states. So higher gas taxes, especially if they are sunsetted, are one option that wouldn't put Michigan out of line with other states. Another option is to dedicate up to 2 points of the 6-percent sales tax on gasoline to roads.

Continues on pg. 20

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Road Funding: Time for a New Direction

Continued from pg. 19

Additional road money could also flow from introducing automated express toll lanes for southeast Michigan; implementing impact fees on those benefiting most from new roads; changing current practices that drain money from the Michigan Transportation Fund; and enacting common-sense efficiency reforms like repealing prevailing wage requirements, consolidating the multiplicity of road agencies, and privatizing more maintenance functions through competitive contracting. Whatever money is raised should be targeted to key high priority state, county and city roads that are critical to economic development and mobility.

The best option for finding new road money is for the Legislature and governor to get serious about spending a lot less on things in state government that are far less important.

In light of Michigan's economic plight, meeting critical transportation needs must be a higher priority for state government. Uncommon leadership is required to accomplish this without raising the overall tax burden. Lansing can change its spending priorities, fix the roads and improve our business climate all at the same time.

Dr. John C. Taylor is a senior policy analyst with the Mackinac Center for Public Policy in Midland, Mich., an associate professor of marketing and logistics at Grand Valley State University and author of the Center's recent study on the Michigan transportation system.



Dr. John C. Taylor

Dr. Taylor is Associate Professor of Marketing and Logistics at Grand Valley State University. His previous professional experience includes Wayne State University, Clark Equipment International, and Dialog Systems, Inc. Both his teaching and research

interests have focused on transportation, logistics management, and marketing.

Publications and Presentations:

"Automatic Replenishment Programs and Level of Involvement: Performance Implications", (with Daugherty and Ellinger), forthcoming, International Journal of Logistics Management.

"The Role of Logistics and Transportation in the North American Economy", 1999, Federal Reserve Bank of Chicago Board of Directors.

"Retail In-Stock Performance on Promotional Items: An Assessment of Logistics Effectiveness", (with Fawcett), 1999, Council of Logistics Management National Conference.

"Transportation Deregulation in a World Economy: Too Far or Not Far Enough", 1998, Proceedings of the Council of Logistics Management.

"Administering the MIT Beer Game: Lessons Learned", (with Jackson), 1998, Developments in Business Simulation and Experiential Learning.

"Intermodal Channel Issues and the Marketing Channel Literature", 1997, Proceedings of the Intermodal Distribution Education Association.

"Riding the Highways of Success", 1997, Parcel Shipping and Distribution.

"Resolved Motor Transport Will be Re-Regulated by the Year 2006", 1996, Annual Conference Proceedings.

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Executive Vice President Comment

Exercise Your Rights Under Public Act 524

One of our duties as your representatives is to remind you of certain past successes that, in many cases, can affect your bottom line. Let's touch on one of these in the next few paragraphs and it's known as Public Act 524 of 1980, commonly called The Retainage Act.

With few exceptions the Act requires public agencies to deposit your retained funds in an interest-bearing escrow account with you as the recipient of all accrued interest. PA 524 also requires a "reasonable" interest rate and prohibits the public agency from commingling the retainage with other funds that the agency controls.

The Act was put forth not as a windfall for contractors but ostensibly to correct abuses. For example, why should a public agency withhold large sums of money for insignificant punch-list items? The answer, of course, is that prior to 1980 they could make money on your money. Retainage is simply money that you have earned but have not yet been paid.

Based on the number of calls I get, PA 524 is either working extremely well or it is being summarily dismissed by both the public agencies and contractors alike. Unfortunately, I suspect it's the latter.

It's not known whether contractors think that they will aggravate the owner by insisting that they follow the law or not. The only thing I know for certain is that in each and every case where MITA got involved in an owner's refusal to comply with the retainage, the public agency, when made aware of the Act's requirements, complied. Interest was recorded and paid to the member at the end of the project.

In 1979 we pushed hard for this "equitable" act against the objections of virtually all public agencies and the consulting engineers. This effort was put forth due to the excessive withholding of items that had no correlation to the amount of retainage. A small minority of MITA members exercise their rights under PA 524 of 1980 – you should too!

A Rambling

You're not going to believe this example of your federal government at work.

Section 511 of the Tax Increase Prevention and Reconciliation Act of 2005 requires that starting in 2011 federal, state and local units of government must withhold three percent of your progress payments and forward the money to the federal government. This arrangement is similar to the well-known process under which wages paid to employees are subject to withholding by the employer at the source. The payments are then forwarded by the employer to the feds.

The bureaucratic rationale appears to be 1.) It can speed up the revenues through the

withholding process and 2.) It will be collecting tax from contractors who might not be fully reporting on governmental payments. Trusting souls, aren't they?

Now — get this: the apparent underlying rationale is that a "typical" profit margin on governmental contracts would be 10 percent, so that withholding at the rate of three percent covers a 30 percent federal tax liability on that profit element. What have they been smoking over at the Treasury building?

As you can well imagine, MITA and ARTBA are all over this one. In fact two bills, S777 and HR 1023 have already been introduced to repeal Section 511.

Unbelievable!

To contact Bob Patzer, e-mail him at bobpatzer@mi-ita.com or call 517-347-8336.



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Mike Nystrom

Political Leadership and the Poisons of Partisan Politics

Most of us grew up in households that were either Republican or Democrat. We remember our grandparents and our parents debating the issues with family and friends and discussing the virtues of their political beliefs. I even remember my father and grandfather agreeing that the family should watch a particular evening news program instead of the many others based on the fact that it tended to lean towards their own conservative perspectives.

Although there were controversies as extreme as Watergate and as comical as Billy Beer, partisan politics didn't seem to be as dramatic in the past as it is today. There were actually numerous politicians, as recent as President Ronald Reagan, to whom we as Americans actually looked up. Statesmanship referred to those elected officials who stepped forward on issues and led them regardless of political repercussions, because they recognized that they were elected to do a job for their constituents both locally and nationally.

Back then, it was unheard of to consider that the government would shut down due to disagreements between the two primary political parties over budget solutions. And yet, in recent years that haggling and posturing has put countless programs and, more pointedly, hundreds of thousands of government employees in a position of questioning when their next paycheck will arrive.

Term-limits at the state level have actually accentuated partisan gamesmanship here in Michigan. In the past, experience and knowledge would allow our political leaders to step forward and take on tough issues with little concern over their next election. However, now with a maximum of 12 years of experience possible very few state elected officials dare to step up on those issues that will help to change the direction of Michigan's struggling economy.

The fear at the state level is not only based on partisan political pressures, but it also stems from threats of primary challenges within their own political party.

MITA has been working with a coalition called The Michigan Transportation Team (MTT) for over a year and a half developing the Drive MI Campaign, which calls on the legislature to dramatically increase the state investment in our transportation infrastructure. This plan is based on evidence from across the United States that indicates that this type of investment helps to attract businesses and job creators, which will help to turn Michigan's economy around.

Finally, after laying the ground-work with the media, the general public and the legislature for over 18 months, two legislators have stepped forward who were interested in leading the charge on this challenging yet necessary debate. Not only did these two legislators step forward during a tough time here in Michigan, but they decided to do it in a bi-partisan manner, which is historic considering this term-limited era.

Former Speaker of the House Rep. Craig DeRoche, a Republican from Novi who is serving his third-term as House Minority Leader, has long been a proponent for transportation investment. From the first day that I met Craig, which was just prior to his election in November of 2002, he has consistently recognized the value of transportation investment as one of his top priorities

here in Lansing. Since announcing his sponsorship on the revenue enhancement package, Craig has taken significant heat from those within his party across the state. Nonetheless, he has stood strong and has weathered the storm with the backing of two stalwarts from the conservative side of the aisle, the Michigan Chamber of Commerce and the Mackinac Center for Public Policy, who have also publicly recognized this as an important investment in Michigan's economy.

Rep. Hoon-Yung Hopgood, a second-term legislator from Taylor, Mich., has also stepped forward and is taking a leadership role on this investment package. Although new to the House Transportation Committee, Rep. Hopgood was named as the democratically controlling chair of this committee in late January and has quickly recognized the needs that exist across our state, and has embraced the challenge as one that he is willing to take on with urgency.

Both of these legislators have been questioned as to why they would take on such a difficult task since the announcement of the introduction of the bills, and yet both continue to stand firmly behind

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Vice President of Membership Services Comment

For Whom the Bell Tolls

Construction fatalities are a regrettable facet of our heavy construction industry. Try as we may with training, oversight and new work processes, fatal accidents still enter into the construction equation. They are the basis for rule changes, renewed training efforts and why some people won't work in our industry. To ignore the fact fatal accidents occur is disrespectful to the dead and a confirming factor that they will occur again. Grim? I have worked in the construction industry in some capacity since my teens. I witnessed a construction fatality at the age 19 and have investigated dozens of fatal accidents through my association work. This is one of the few tasks I am not reluctant to pass off to Safety Director Brown. I've seen more grown men cry than I could ever imagine.

Roberto (29), Sheldon (?), Jeffery (41), Joseph (41), Steven (37), Jesse (38), Dennis (48), Curtis (34), Ronald (40), Gary (54), Carey (62), Darryl (23), Frank (45), Jose' (23), Richard (35), William (57), Martin (29), Edward (?), Shawn (41), John (53), Daniel (27); are the 21 fathers, grandfathers, fiancés and friends whose lives were cut short on construction jobsites in 2006.

How does this compare with years past? Unfortunately, it pretty much falls in line: a few cave-ins, several falls, numerous struck by

Continues on pg. 62



Rob Coppersmith, vice president of membership services, spoke at the 2007 Give 'em a Brake campaign kickoff press conference May 3 at the state Capitol.



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Vice President of Engineering Services Comment

Construction Quality Partnership (CQP) – We're Building Momentum

It has been some time since we provided with you an update on the status and ongoing activities of the Michigan Construction Quality Partnership. Significant effort continues to be invested by the partners in evolving our CQP commitment to quality focus and continuous improvement in the relationships, processes and products the collective partners, as an industry, represent.

In November of last year, Mark Chaput (MDOT) and I presented the Michigan CQP story at the National Partnership for Highway Quality (NPHQ) 2006 Highway Quality Conference held in New Orleans. The 80 participants at the conference, who represented 15 state departments of transportation, the Federal Highway Administration (FHWA), the American Association of State Highway and Transportation Officials, and several other private interest groups, were interested and impressed with our story as we were, and are, the only state quality partnership proposed and spearheaded by a contractor community. NPHQ is a public/private partnership focused on improving highway products, services and information for the highway user through established state quality partnerships. I will talk more about the NPHQ and our efforts to earn their accreditation later in this article.

The 2007 construction season will be a "pilot year" for our CQP initiative as six pilot projects incorporating specific quality focused training requirements will be let. Five of the pilot projects will be MDOT projects, with the sixth being an Oakland County road commission project. Each of the pilot projects will require one to two days of project-specific training in the areas of 1.) Soil Erosion and Sedimentation Control, 2.) Work Zone Traffic Control and Management, 3.) Quality Control Plans, and 4.) technical elements of the specific discipline (concrete paving, asphalt paving, or CPM). Participation in this training is required for both the contractor and owner representatives (owner employees or consultants representing an owner) involved in the project. To date, several training sessions have been completed with the early feedback indicating they were very well attended and received. These training sessions are a demonstration of one of our most basic CQP goals to have MDOT personnel, local agency personnel, consultant personnel and contractor personnel all in the room at the same time getting the same training.

You will recall from previous articles and discussions about our CQP philosophy that it involves quality focus and continuous improvement, not just at the worker or project level but at all levels within our organizations. On April 13, 2007, over 30 leadership representatives of the eight CQP partners and many of their respective members participated in an executive level strategic training workshop. The Highways for Life – Performance Contracting Workshop, presented by FHWA representatives from FHWA headquarters in Washington, introduced the participants to the Highways for Life program, a new discretionary program provided for in SAFETEA-LU. The program provides \$1 million in funding to state departments of transportation who are willing to initiate projects that demonstrate and promote new technologies, elevated performance standards, and new business practices in their highway construction processes that result in improved safety, faster construction, reduced congestion during construction, improved quality and increased user satisfaction. MDOT intends to submit application for a Highways for Life project to demonstrate performance contracting concepts. Under the performance contracting framework traditional methods specifications and project requirements are replaced by performance based project goals.

On May 24, 2007, the CQP Executive Steering Committee will hold the first Michigan CQP Annual Meeting and announce the first Michigan Quality Achievement Award winners. The Michigan Quality Achievement awards will recognize Michigan construction projects in three areas; bridge projects, large projects (>\$20 M) and small projects (<\$20 M). From the Michigan award winners, candidate(s) will be selected for submittal to the 2007 NPHQ National Achievement Awards program.

With the May 24, 2007, annual meeting and 2007 Michigan Quality Achievement Awards announcement, the Michigan CQP will have fulfilled all the requirements necessary to submit application for NPHQ Tier I

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Director of Safety & Workforce Development Comment

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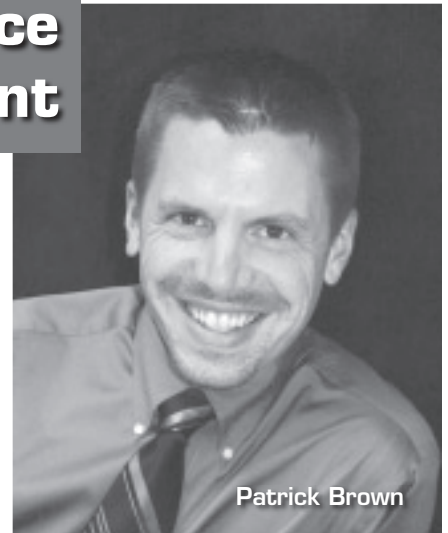
Where does safety start? Whose job is it to make sure employees are safe? Ultimately, it's the employer's job. Safety begins at the top of any organization, and I hear it all the time. "Safety is our top priority." I believe this to be true but the question is always raised: "How do I get my guys to follow the rules?" The simple answer is to make them. The good old days of no Personal Protective Equipment (PPE) and getting things done by any means possible are over. OSHA, MIOSHA, MSHA and all of the other regulatory agencies have made sure of that. Citations and costly penalties can put some companies right out of business. To curb this problem companies need to set rules and enforce them. As the employer, you are responsible for your employee's actions; and, if you can control those actions, it will create a safer, more productive work environment. The concept works and many MITA members can attest to this. Don't wait for MIOSHA to influence your work habits with citations like some have. There are fewer PPE violations (i.e., hard hat, safety glasses, vests, etc.) because employers are implementing and enforcing policy. All of these members met resistance at first but stuck with it and now achieve compliance.

MIOSHA issues citations and penalties to the employer even though it was something the employee did or did not do to that created for the citation. The only way to fight these types of citations is an Isolated Incident Defense

or Employee Misconduct. If the employer can prove that he provided the necessary tools or equipment to do the job, provided proper training in the specific task, there was a means of detection (i.e. foreman) to enforce rules and that the employee

was disciplined for his/her actions, then MIOSHA will typically dismiss the citation. Most companies don't have a problem with the first three. Where they fall short is discipline. This seems difficult to most because they don't want to rock the boat and think that simply telling someone not to do something or they did something wrong will suffice. That is not the case any longer. Everything needs to be documented in writing and kept on file. Discipline comes in many forms and is typically on a progressive scale. The key is to enforce and document. Once this is established, employees comply simply because their tired of being told over and over or don't want to be

Continues on pg. 63



Patrick Brown

Jobsite Inspections Available to MITA Members

The following is a list of inspections and training that MITA has provided to members this year. To schedule an inspection or training, contact Pat Brown, MITA's director of safety and workforce development. These services are available to MITA Members Only.

Pat Brown, MITA Safety Director

patrickbrown@mi-ita.com
Office: 517-347-8336
Cell: 517-896-4753



JOBSITE INSPECTIONS:

2/2/07 L. D'Agostini & Sons, Inc., Grosse Ile site
4/4/07 C & D Hughes, Inc., US-23 @ M-36 and US-12 in Saline
4/17/07 Anlaan Corporation, I-196 in South Haven
4/19/07 Milbocker & Sons, Inc., Hagadorn Road in East Lansing

OFFICE TRAINING:

1/15/07 C & D Hughes, Inc., All Trades
1/16/07 Dan's Excavating, Inc., Fall Protection
2/7/07 Hoffman Bros., Inc.
All Trades and Trenching, Excavating & Shoring
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Keith Ledbetter

Accountability and Reforms Pave Way for Increased Road Funding

It's not very difficult to convince legislators that our transportation funding system is broken and in dire need of repair. Getting them to fix it is another matter.

MITA has proposed a series of funding increases (HB 4575-4577) that would raise over \$1 billion of new money annually. In the era of term limits and the short-term mentality that accompanies it, state policymakers are hard-pressed to make difficult decisions that cost them political capital. They would much prefer to "study the issue" or appoint a task force to make recommendations so that future leaders can address the long-term needs. Herein lies the difficulty of fixing our transportation funding problem.

With additional road dollars will come additional accountability. Legislators often use the buzz words "road warranties" as a surrogate for "reforms" and "accountability". MITA believes that accountability comes at all levels— from ensuring legislators don't divert transportation dollars to other state agencies, to making sure local road agencies are spending the money wisely, to ensuring contractors are performing high quality work at a reasonable cost.

MITA is promoting a meaningful approach to reforms, taking the lead on offering ideas to legislative leaders. We've made use of recent suggestions promoted by the Mackinac Center in addition to reviewing recommendations from a number of different reports from state and national organizations over the past decade.

Some ideas currently being considered:

- Designate a high priority road network, focusing limited dollars on roads most critical for economic development.
- Allow counties to consolidate road commissions into general county government and allow contiguous road agencies to form regional road authorities. Reward local governments that consolidate operations.

- Require local agencies to adopt a state asset management program.
- Eliminate road dollar diversions to state agencies.
- Offer financial incentives for local governments that raise local dollars.
- Create a statutory framework for the Construction Quality Partnership program as a way to offer quality assurances for road building contractors.
- Expand road warranties to include design work.
- Require MDOT to do a feasibility study of fast lanes in Michigan to see which roadways might be able to support the necessary traffic flow.

These are just some of the ideas that are being considered. There will be a significant number of other ones under consideration as well—some of them acceptable to the industry, others quite onerous. While not all of these changes will be embraced or ultimately accepted by the Legislature, elected officials expect a high level of reforms to help justify their support for a tax increase with their constituents. You will be seeing a significant shift in the tenor of discussion from the need for additional dollars to a need for reforms.

Enticing reluctant term-limited legislators to fix our ailing transportation funding system isn't going to be easy. As a generation of moms once said, "it takes a spoonful of sugar to make the medicine go down." You can be assured that MITA is now in the business of making sugar.

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



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Which Business Tax Plan is Best for You?

The National Federation of Independent Businesses (NFIB) has published an updated tax calculator to help businesses figure out how their companies would fare under the proposed new business tax plans under discussion at the state Capitol. You can download the NFIB calculator at www.mi-ita.com in a bulletin entitled "Updated Tax Calculator Will Help Businesses Decide Which Tax Plan is Best for You."

In early May, the House passed a business tax replacement plan (noted as the MBT2 plan on the tax calculator) that has been gaining significant momentum. It has received some cautious but favorable comments from the Michigan Chamber of Commerce.

A more detailed explanation of the House-passed plan can also be found at www.mi-ita.com.

"Feedback from MITA members is vital for us to engage in the debate on business taxes and lobby for the plan most beneficial to our membership," said MITA Vice President Mike Nystrom.

MITA is looking for volunteers in the different disciplines including road building, underground, suppliers and services to help us determine what is the best tax plan for our membership.

If you run the calculations for your business, please e-mail Mike Nystrom or Keith Ledbetter (at the addresses listed below) and let them know of your results.

If you have any questions, please contact Mike Nystrom, vice president of government & public relations at mikenystrom@mi-ita.com or Keith Ledbetter, director of legislative affairs at keithledbetter@mi-ita.com, or call the MITA office at (517) 347-8336.

MITA Clean Water Update

Clean Water Construction Coalition Leads Successful National Effort on Water Infrastructure Funding

The U.S. House of Representatives recently approved the Water Quality Financing Act of 2007, H.R. 720, which authorizes \$14 billion to the EPA's Clean Water State Revolving Fund over the next four years. These funds are allocated to municipalities through a low-interest loan program for water infrastructure projects. Earlier this year, members of the Clean Water Construction Coalition (CWCC) met with House Transportation & Infrastructure Chairman Jim Oberstar in Washington D.C. regarding the estimated \$300 billion water infrastructure funding gap over the next 20 years. Chairman Oberstar introduced H.R. 720 only days later.

This legislation will also need to be approved by the Senate in the coming months and is receiving opposition from the Bush Administration. Supporters of the legislation are being encouraged to contact their members of the Senate and urge their support for this critical funding effort.

The House also passed another MITA supported bill recently for combined sewer overflow projects. H.R. 569 reauthorizes appropriations for construction project grants to municipalities, providing \$1.8 billion in funding over five years. As with H.R. 720, this legislation will also need to be approved by the Senate.

The Clean Water Construction Coalition (CWCC) is a national organization of construction associations, including MITA, whose purpose is to promote federal legislation that improves water and wastewater infrastructure on a national level. This coalition was formed in December 2005 and is currently comprised of 14 construction associations throughout the nation and is provided additional support by 10 organizational partners. The group is assisted by former Congressman Robert Roe and Sante Esposito, former chief counsel to the House Committee on Transportation and Infrastructure, in its endeavors.



Director of Technical Services Comment

Bidding Roundtable Discussion

At our 3rd Annual Conference, a dynamic round table discussion regarding bidding concerns and constructive solutions was held between MITA members and MDOT representatives. In this article, I want to provide an update on some of the major issues discussed and some developing outcomes.

E-Proposals

MITA members overwhelmingly supported MDOT's e-proposal initiative and suggested that it be a requirement on all projects let through the MDOT system. MDOT acknowledged that the e-proposal format has proven to be a valuable cost saving tool for the department and agreed to promote increased use of e-proposals by the local government agencies. At the County Road Association of Michigan (CRAM) Annual Conference, two months after our MITA conference, MITA and MDOT promoted the benefits of e-proposals and commented that it is the preferred format choice for the contracting community. MITA will continue to encourage MDOT to mandate the e-proposal format as the only option for MDOT-let projects, as well as to promote this format to American Council of Engineering Companies (ACEC), Michigan Municipal League (MML) and CRAM.

Contractor Inquiries

Although MITA members agreed responsiveness to contractor inquiries has

improved, problems with non-responsive inquiries still exist. As a short-term solution, MDOT has committed to continue to work with their staff to ensure all inquiries are answered. As a long-term solution, MDOT is pursuing posting all inquiries (questions and answers) on their website.

MDOT believes these postings will provide a documented trail of inquiries and responses and will ensure all information is available to all prospective bidders.

Addendum

When last minute changes are made to the proposal documents and issued in addenda format, MITA members overwhelmingly requested that the changes from the original documents be highlighted. MDOT has since conducted many internal meetings, agreed with the suggestion and is working toward implementation.

MITA members stressed that all contractors, primes and subs, need access to addenda. MDOT noted that under the e-proposal system addenda are posted on their website and available and accessible to anyone. For projects not in the e-proposal system, addenda are only issued to plan holders. MDOT further commented it is the responsibility of the prime contractor to ensure that all subcontractors receive addendum.

Progress Schedules

In a general discussion about project schedules, MITA members expressed concern that authors are not appropriately taking long lead-times, fabrication and cure times into account as the schedule is developed. As a result, MITA provided MDOT a detailed list of "long lead-time items" that should be considered when developing project progress schedules. MITA and MDOT have also formed a working committee to investigate specifically the structural steel fabrication lead-time issue.

Another progress schedule issue discussed was MDOT's general inclusion of the following language: "The contractor may work during weekends/nights at the discretion of the Engineer"... or ... "with the approval of the Engineer." MITA members expressed concern as to how they account for the "at the discretion of the Engineer" statement when developing their schedules. MITA contended to MDOT the progress schedule should be specific as to when the contractor can and cannot work. MDOT concurred and indicated they would have internal discussion on the issue.

MITA members and MDOT representatives equally complimented each other on the success of this roundtable discussion. The opportunity to engage in constructive dialogue and have others listen to concerns and opinions in a relaxed, non-confrontational format were cited as the keys to the success. Based on this success, we will likely utilize the roundtable format at future conferences to engage members and owner representatives. We look forward to your participation.

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



Doug Needham, P.E.



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TOOL BOX TALKS

Traffic Regulators: The Do's & Don'ts

Before you get started:

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

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

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

Traffic Regulators perform a very dangerous but critically important role in traffic control. The safety of workers, motorists and pedestrians depends on the Traffic Regulator's performance. Consequently, it is a must that the Traffic Regulator be alert, properly dressed, correctly located and facing traffic within the workzone.

The following list contains some important do's and don'ts essential to the proper and safe execution of this crucial job task.

DON'TS

- Don't stand directly in front of approaching traffic.
- Don't use red flags for normal traffic regulating operations.
- Don't mingle with the work crew while regulating traffic.
- Don't leave post until you are relieved
- Don't wave your *slow/stop* paddle sign.
- Don't abandon your post at the head of traffic to advise other drivers.
- Don't lean on vehicles and talk to occupants.
- Don't engage in arguments with occupants of vehicles.
- Don't make drivers guess what they should do.

DO's

- Do wear proper PPE (ie. hard hats, safety glasses.)
- Do have *stop/slow* paddles on 6' staffs.
- Do keep work area free from obstructions.
- Do have an escape route.
- Do remain alert at all times.

Always remember that your supervisor has chosen you as Traffic Regulator because you are physically able, mentally alert and sufficiently commanding in appearance to properly control traffic through construction work areas.

As a Traffic Regulator, your duties are to protect project personnel and provide safe, courteous, and authoritative directions to traffic passing through the work area. Yours is an important responsibility to be carried out with authority and dignity.

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

HIRING AND FIRING CONSIDERATIONS

By John T. Below And Heather G. Ptasznik,
Kotz, Sangster, Wysocki and Berg, P.C.

Hiring

Some of you who have conducted hiring interviews have probably made one bad hiring decision. You may have second guessed yourself as to what questions you did or did not ask during the interview process. Maybe you were afraid to ask a question for fear of asking something illegal or too personal. There are ways to ask questions in order to stay within the confines of the law and obtain information you need to make an informed decision.

Part of the hiring process not only includes actual in-person interviews, but job descriptions, employment applications and background checks. Developing appropriate interview questions, accurate job descriptions and conducting thorough background checks can help protect your company and avoid hiring pitfalls.

Interview Techniques

Under Federal law, pre-employment questions concerning race, color, religion, sex, or national origin are not considered violations of the law in and of themselves. However, such questions may constitute "evidence" of unlawful discrimination unless otherwise explained. Michigan law expressly prohibits employers from asking questions concerning an applicant's race, color, religion, sex, national origin, age, weight, height or marital status. Even the most innocent question such as "how tall are you?" could be illegal under the law. Accordingly, be

aware of how you ascertain information from an applicant and ensure it is information necessary to making an informed hiring decision (i.e., is the requested information related to the job?).

Job Descriptions

As a result of the equal opportunity and non-discrimination laws, it is essential employers provide precise job descriptions to ensure the nature of the job and its duties are clear. Such job descriptions are necessary not only at the beginning of the hiring process to advise applicants about the job responsibilities and to ensure placement of the appropriate qualified candidate in the position, but in identifying the organizational structures and relationships between employees, clarifying work assignments, appraising performance, determining the need for reasonable accommodations and returning an employee to work after a medical leave of absence.

Background Checks

The risks associated with hiring an unqualified or unstable employee are simply too great to ignore. Many applicants include inaccurate information on their resumes, whether intentional or not, or may omit information that might be harmful to their employment prospects. Common background checks include social security number verification, employment history, criminal background check, driving history report, and sometimes credit checks. By conducting a thorough background check on all applicants, you can prevent expensive hiring mistakes and potentially negligent hiring practices. Any offer of employment should be contingent upon a successful background check to the satisfaction of the employer.

What Should Employers Do?

Employers should carefully review their procedures for screening applicants for employment to ensure that lawful inquiries are only made to obtain information necessary to evaluate an applicant's qualifications for employment. In making this review, employers should assume they will have to defend the use of the information sought as criteria for hiring or explain why the information was sought but never used. Further, ensure you are taking adequate steps to establish job descriptions and check the backgrounds of all applicants before the employee begins his/her first day on the job.

Firing

Although Michigan is an "at-will" state whereby an employer can terminate an employee with or without cause and with or without reason (and the employee has the same right), there are exceptions to this doctrine. For example, it is unlawful to terminate an employee based upon protected categories under state/federal law (i.e., race, age, sex, religion, etc.), public policy exceptions (retaliation for filing a workers compensation claim or engaging in good faith whistleblowing activities), implied contract (i.e., failure to follow promised progressive disciplinary steps in an employee handbook), and implied covenants of good faith and fair dealing. Therefore, there are some basic rules employers can follow in connection with the termination process.

Documentation

If an employee is being terminated for performance issues, make

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sure there is appropriate documentation to support the termination. An employee should never be surprised by a termination based upon job performance.

Company Policies

If an employee is in a protected category, determine whether he/she is being terminated in accordance with company policy and past practices. If the termination for the alleged offense is inconsistent with past practices, the employee is likely being subjected to disparate treatment.

Reasons For Firing

Make sure you can specifically identify and articulate the reason for termination. Although employers need not advise employees in writing the reason for the termination, it should be clearly reflected in a written memorandum with supporting documentation and identification of the specific company rule that was violated (if applicable). This memorandum could be useful in subsequent legal proceeding(s).

Review File

Prior to terminating an employee, review the employee's entire personnel file and speak with the employee's supervisor regarding the employee's work history. The offense at issue may be inconsistent with the employee's documented employment history and uncharacteristic of the individual. There may be outside forces/factors affecting the employee's current performance (i.e., need for FMLA leave, disability accommodations, etc.). If an employer is on notice of an employee's need for FMLA leave or an accommodation, and terminates an employee without affording these rights, it could be subject to a lawsuit.

Retaliation

If the employee has complained about discriminatory or unlawful conduct that is protected under the law or has recently filed a workers compensation claim, a termination may be perceived as retaliatory in nature. Accordingly, carefully investigate the basis for a termination in these types of situations.

Severance Package

In looking at the totality of the circumstances, consider offering a severance package in exchange for a release of all claims against the company. For example, if the termination is due to a reduction in force, position elimination, or if the employee is a long term employee, a severance agreement may be appropriate. However, offering a severance package, in certain circumstances (ex., the employee is pregnant or has filed an EEOC charge or other complaint of discrimination), may raise red flags and an employee may question the employer's motive in offering the package.

What Should Employers Do:

To ensure you are treating all termination situations equally, it is important to have a policy which clearly defines offenses that could result in discipline or termination. Further, a termination checklist can be a useful tool in evaluating what legal issues could be raised as a result of the termination.

ANY FURTHER QUESTIONS SHOULD BE DIRECTED TO
JOHN T. BELOW OR HEATHER G. PTASZNIK AT (313) 259-8300.

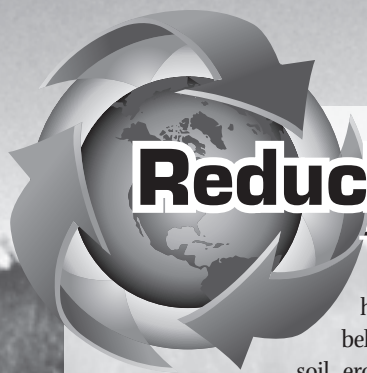
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Reducing erosion before it starts:

Based on the visibility of the typical highway construction site, one might believe that much of the effort to control soil erosion and sedimentation is focused on reducing erosion once construction begins. After all, that is when and where erosion and sedimentation occur. If the construction site appears to have soil erosion and sedimentation control (SESC) problems, the public may view this as neglect or lack of concern for the environment. As with any successful program, simple planning can improve the result of the program prior to implementing it. This article identifies some of MDOT's pre-construction SESC activities and provides examples of pre-construction planning that can reduce erosion. Time spent planning will have long-term environmental and perceptive benefits.

"Time spent planning will have long-term environmental and perceptive benefits."

The MDOT SESC Program

The Michigan Department of Transportation (MDOT) has already taken steps to limit erosion on its job sites. As an Authorized Public Agency (APA), MDOT is a self-regulated organization responsible for having and implementing an approved soil erosion program. Their program is subject to frequent on-site construction review and a statewide audit of the program at least once every five years. As part of its soil erosion program, MDOT is promoting more awareness of soil erosion and sedimentation issues, with the goal of improving conditions on highway construction sites across the state.

SESC Training

MDOT's initial step toward minimizing erosion on a job begins with training and education. Most MDOT staff within the construction and development divisions, including construction

technicians, construction engineers and development engineers, receive Part 91 SESC training sponsored by MDEQ. Some contractors also receive this training. Part 91 training attendees receive training on topics including controlling runoff and erosion on construction sites, developing an SESC plan, inspection of SESC methods, and governmental regulations. An exam covering the course topics is given at the end of the course. Individuals who successfully complete the exam are certified for five years. After five years, recertification is required. Furthermore, MDOT has also tried to improve awareness by developing an SESC guide for its construction inspectors, which outlines basic erosion control and pollution prevention principles.

SESC Construction Details

MDOT also requires SESC to be incorporated into its construction plans. MDOT's final construction plans are designed to minimize earth disturbances with an emphasis to include SESC in areas that have highly erodible soils as well as areas adjacent to lakes, streams and wetlands. Engineers include SESC on the construction plans as well as estimated quantities for all expected SESC to be used during construction. Details of the construction of these items are found in MDOT's standard manuals, such as the Standard Specifications for Construction Manual (section 208), the Standard Plans (E&S series) and the SESC Manual. These are contractual documents between MDOT and the contractor.

Site Visit and Review

SESC techniques shown on MDOT's construction plans undergo a review process to provide details about the location and quantity of each SESC method. One important aspect of MDOT's pre-construction practice is to visit the site. MDOT

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Pre-Construction Activities



conducts an on-site review prior to construction to look at the conditions and help the engineer to identify particular areas of concern and potential SESC measures that will be implemented. They specifically look for the potential to impact wetlands, stream crossings and methods to minimize soil erosion.

The contractor can provide important pre-construction SESC as well through proper planning. The contractor usually has the responsibility to set up the construction site, including the location of access roads and staging areas. The contractor can also minimize erosion by identifying sensitive areas prior to construction and conducting grading operations to limit the amount of disturbed areas at one time. MDOT has the authority to overrule locations and procedures that are not appropriate, including those that affect environmentally sensitive locations.

Access Roads

Access roads (temporary and permanent) should be aligned to travel along contours rather than across them. Aligning access roads along contours decreases the slope of the road and reduces storm water runoff velocity. Lower runoff velocities will decrease the amount of erosion. Additionally, where feasible, construction traffic should be routed over areas that will be disturbed for other construction to reduce the amount of ground that must be cleared and exposed to erosive wind and water forces.

Staging Areas

Staging areas, where the vegetative cover will be disturbed or aggregate will be piled, should be located away from sensitive locations. A pre-construction site visit can identify locations that may be susceptible to increased erosion (e.g., waterbodies, slopes, areas exposed to high winds). A pre-construction site visit can also identify general clearing limits, drainage courses and buffer zones, which may be in addition to SESC measures

identified on the plans. Furthermore, temporary drives with access to public roads should include a gravel access approach to minimize the tracking of

sediment (as shown in MDOT standard plans E&S-14-A).



Grading Plan

The contractor can also minimize erosion from the construction site before construction begins by preparing a grading plan that conducts grading operations in phases in order to reduce the amount and duration of disturbed areas and exposed soil at one time. Preparing a phased-grading plan can

be implemented through the coordination of disturbing the soil, implementing SESC and stabilizing the soil for each

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Underground Location Contact Number is Optional, Not Mandatory

The new "Always Call Before You Dig 811" is a national endeavor that is available in Michigan, but doesn't replace our existing 800 number, according to Kathleen Fournier, CEO and Executive Director of the MISS DIG System, Inc.

Fournier said that if you live in Michigan and are working in Michigan, she is still encouraging contractors to call 800-482-7171.

"Most telephone companies have programmed the new optional 811 number to point to MISS DIG, but there are still some bugs with some cell phone providers," Fournier said. "And, if you are a Michigan-based contractor working by a state border, for example Michigan and Ohio, your call to 811 might go to Ohio instead of Michigan."

Fournier said that 800-482-7171 is not going away, and contractors can still use it or they can use 811.

"We have nothing against 811," Fournier said. "I just want to clarify that the old number still works and 811 is just one more tool for the excavators to use to call MISS DIG."

The main thing to remember – 811 or 800-482-7171, BUT MAKE THE CALL!

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BEFORE YOU
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Help Support Epilepsy Foundation of Michigan

Last year Bob Patzer, executive vice president of MITA, was elected King of the Court for the Epilepsy Foundation of Michigan's Mardi Gras Event. This is a prestigious and honorable position to support the foundation. This year long-time MITA member Colette Russell, treasurer, Pamar Enterprises, Inc., has picked



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up the ball on this important public service issue.

You are invited to join Colette in an effort to raise necessary funding for the Foundation. Colette is participating in the Summer Stroll for Epilepsy taking place on June 9 at the Detroit Zoo in Royal Oak, and she is very excited to meet her individual fundraising goal of \$4,000.

"Your support in this event would mean a lot to me and individuals with epilepsy," said Colette. "I would be so grateful if you could walk as a part of my team or contribute to the cause. Please log on to my page to read more about the event. Thank you so much!"

To visit Colette's personal web page and help in the efforts to support Epilepsy Foundation of Michigan log on to www.epilepsyfoundation.org and follow the links to the Summer Stroll information. Colette's team goal is to recruit 50 walkers and raise \$5,000.

For more information about this fundraising event, check out the website above or e-mail Brianna Bromines at bromines@epilepsymichigan.org or call 1-800-377-6226 ext. 217.



G2 Consulting Group

www.g2consultinggroup.com

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

CERTIFICATIONS

Jeff Rayner and **Karl Steffes**, both senior engineering technicians with G2 Consulting Group's construction engineering services group, each recently received certification as a Level II Advanced Concrete Technician from the American Concrete Institute (ACI/Michigan Concrete Association).

The certification means they demonstrated competence in meeting American Concrete Institute standards involving aggregates for concrete, mix design theory, strength evaluation, placement finishing practices and troubleshooting, according to Bruce Wilberding, G2 founding principal.

To receive the certification, Rayner and Steffes had to pass a three-day classroom/laboratory class followed by a half-day exam, as well as earlier passing the Level I ACI field test.

All field personnel in G2's three offices are currently certified ACI/MCA Level I or Level II Concrete Field Testing Technicians, Wilberding said.

"ACI/MCA certification isn't required but assures that every G2 employee on their jobsite is well-qualified to observe and evaluate the quality of concrete con-

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Member News

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struction materials," Wilberding said.
LICENSE

Jeff Hayball, a project engineer in the geotechnical engineering group at G2 Consulting Group in Troy, Mich., has passed the Michigan Professional Engineers exam to earn his professional engineering license in Michigan.

Hayball, a G2 employee since 2001, earned a bachelor's degree in civil engineering from Michigan State University. He lives in Troy and is a member of the American Society of Civil Engineers.

Inspesol Engineering, Inc.

The CRA Family of Companies is pleased to announce the reorganization of their geotechnical services in Michigan and Ohio under Inspesol Engineering, Inc., a wholly owned subsidiary of Inspesol Inc.

The Inspesol Group has 400 staff specializing in geotechnical engineering, construction materials testing, building science and environmental engineering, with 17 offices throughout the U.S. and Canada. Inspesol was established in 1972 and has been affiliated with CRA since 1998.

In other news, Inspesol is pleased to announce that Michael Gentner, P.E., has been appointed vice president and managing principal of Inspesol Engineering, Inc. Gentner is a licensed professional engineer in Michigan and Ohio, and he has 15 years of experience in geotechnical engineering and construction materials testing.

OHM Buys Houghton-based Hitch LLC

<http://www.ohm-advisors.com>

<http://www.hitch-ohm.com>

OHM (Orchard Hiltz & McCliment, Inc.), engineering advisors to government agen-

cies on infrastructure issues, announced that it has purchased Hitch, LLC, a 15-person architectural, engineering and surveying firm based in Houghton, Mich. OHM is headquartered in Livonia.

"Hitch is a solid firm with a strong reputation and tremendous potential for growth," said Russell Gronevelt, president of OHM. "We feel that Hitch's talents in facility design and planning services will be a great complement to our offerings. With this purchase we can bring architectural, mechanical and electrical engineering services to our clients in southeast Michigan, while adding depth to Hitch's civil engineering capabilities."

Tracie Williams, general manager of Hitch, said: "I am excited about the opportunities that this relationship brings. Both Hitch and our clients will benefit from OHM's management systems and technical expertise. Culturally, both companies share similar values, which will help meld Hitch and OHM together seamlessly."

ABOUT OHM

OHM is an Engineering News Record Top 500 consulting engineering firm, headquartered in Livonia, Mich. A leading regional provider of municipal, transportation, environmental and water resource, construction and surveying engineering services, OHM was named one of the Top Ten of the 101 Best & Brightest Companies to Work For in Metro Detroit. On the web at: <http://www.ohm-advisors.com>.

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Member News

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ABOUT HITCH

Hitch, LLC, based in Houghton, Mich., has built a strong reputation for providing efficient, cost-effective architectural, engineering, surveying and geotechnical services to a diverse client base throughout the Upper Midwest. Hitch's website is: <http://www.hitch-ohm.com>.

Testing Engineers & Consultants, Inc.

Testing Engineers & Consultants (TEC) has been retained by Toyota Engineering and Manufacturing to provide the construction materials testing and observation during the construction of the \$26 million, E3 Office Building at the Toyota Research Center in York Township, Mich.

With offices in Troy, Ann Arbor and Detroit, TEC provides professional engineering consulting services in the environmental, geotechnical, facility engineering fields, and in construction materials testing and observation practices.

Wade Trim

www.wadetrim.com

Wade Trim has over 450 professional and support staff in 18 offices throughout Michigan and six additional states. They provide engineering, surveying, planning, operations, landscape architecture, and construction services for transportation, water resources, land development and municipal government projects.

NEW HIRE



Jeremy Powell

Jeremy Powell, ASLA, joined Wade Trim's Taylor office as a landscape architect. He will provide landscape design and site planning services to public and private clients.

With over two years experience, Powell's expertise includes landscape design and construction, site planning, retail planning and urban design. He received his bachelor's degree in landscape architecture from the Michigan State University School of Planning, Design and Construction. He is a member of the American Society of Landscape Architects and resides in White Lake, Mich.

Windemuller Electric, Inc.

www.windemuller.us

Windemuller Electric, Inc., headquartered in Wayland, has begun work on an Ethanol Plant in Marysville.

The project was won by competitive bid, according to Daryl Holwerda, sales and marketing manager for the company.

Windemuller has already completed over five ethanol plants, and Holwerda said the Marysville plant will bring revenue from ethanol and corn sales, about 45 new jobs at the facility and additional plant support positions.

For more information, contact Holwerda at dholwerda@windemuller.us or by phone 616-877-8770.

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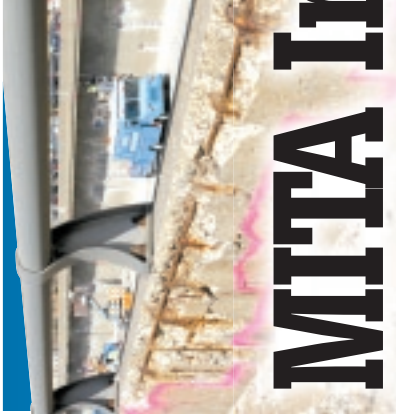
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**"DON'T FORGET
OUR ROADS"** See story
below...
MITA WORKS TO INCREASE FUNDING

HOLY See story
below...
POTHOLE!
MICHIGAN'S WORST POTHOLE

MITA Infrastructure Funding News

Michigan Infrastructure & Transportation Association

www.drivemi.org

Spring 2007

MITA Continues Push for Funding

MITA, in conjunction with other members of the Michigan Transportation Team, has been working non-stop for the past year and a half to increase state transportation funding. This effort will have obvious spin-off benefits for the entire heavy construction industry, not to mention the general public.

The effort has included every legislative and public relations tool imaginable, including intense lobbying, House Transportation Committee testimony, proposed legislation, editorials, letters to the editor, press releases, a website, a radio and billboard ad campaign, pothole contest and much more. The overall message of the funding campaign, known as Drive MI, has been "Don't Forget Our Roads." The point of the campaign has been to remind legislators that there is more work to be done besides the budget and Single Business Tax replacement during this legislative session.

This page highlights some of the most recent efforts, which include proposed legislation announced at a press conference, billboards and a statewide pothole contest. For more information about MITA's efforts, visit www.drivemi.org.

House Leaders Introduce Historic Bi-Partisan Transportation Legislation

Representative Hoon-Yung Hopgood (D-Taylor) and Representative Craig DeRoche (R-Novi) introduced critical bi-partisan legislation April 3 that will increase transportation funding by \$1 billion dollars to address the state's deteriorating infrastructure and transportation funding shortfalls.

According to the U.S. Department of Transportation, \$1 billion invested in transportation creates nearly 47,500 jobs across the economy.

"Everyday our roads connect workers with jobs, businesses with markets, and families and communities with each other," said Rep. Hopgood, chairman of the House Transportation Committee. "This proposal brings Democrats and Republicans, labor and business and many other groups together to ensure our roads are repaired, maintained and kept safe."

The legislation introduced includes:

- **HB 4575:** A gas tax increase phased in over three years at three cents per year for a total of nine-cents, which creates a \$450 million investment.

vehicle registration fees, which creates a \$500 million investment.

"Now is an important time in planning for Michigan's future, and this legislation calls for proactive measures to prevent further deterioration of our infrastructure," said Rep. DeRoche, House Republican Leader. "Attracting businesses and keeping our residents here is critical now, and an efficient and safe transportation network is key to both."

The legislative package is widely supported by MITA and other members of the Michigan Transportation Team including labor, business, transit and local governments.

"The sky is literally falling," said Mike Nystrom, vice president of government and public relations at the MITA and co-chair of the Michigan Transportation Team (MTT). "We've seen newspaper headlines recently describing concrete falling from bridges and landing on cars. We need to invest more in our roads and bridges to keep our families safe."

The legislation has also received unprecedented



Mike Nystrom, MITA's vice president of government and public relations, was among speakers during an April 3 press conference at the state Capitol. The purpose of the press conference was to announce the introduction of legislation that will in-

- **HB 4576:** Diesel tax parity phased-in over three-years at a seven-cent increase for the first year, and three cents per year for the following two years, which creates a \$120 million investment.
- **HB 4577:** A fifty-percent increase in

crease state transportation funding. Michigan Chamber of Commerce. "Whether it is manufacturing or tourism, Michigan's economy depends on good roads."

Pothole Contest Highlights Funding Needs Across the State

On May 3 the Michigan Transportation Team (MTT) announced three "service station scholarship" winners in a two-week long contest to identify the worst potholes in the state.

The judges chose: Richard Salzwedel's snapshot of a seemingly bottomless crevice in the 1700 block of North Capitol Avenue in Lansing; Sean Wilcox's shot of a stretch



Richard Salzwedel's snapshot of a seemingly bottomless crevice in the 1700 block of North Capitol Avenue in Lansing.

of roadway north of St. Louis that's more chewed up than corn on the cob at a county fair; and Brenda Hernandez's photo of a three-foot deep pothole that is being used as a trash dump on Edward Street between Cicotte and Clippert streets in Detroit.

"Unfortunately, there are no winners, only losers, when it comes to the deplorable



Sean Wilcox's shot of a stretch of roadway north of St. Louis that's more chewed up than corn on the cob at a county fair.

condition of Michigan's roads and bridges," said Mike Nystrom, MTA vice president of government and public relations and co-chair of the Michigan Transportation Team. "This was a difficult decision because there were so many horrendous potholes to choose from."

MTT's Drive MI campaign awarded \$250 "service center scholarships" to Salzwedel, Wilcox and Hernandez to help offset vehicle repairs due to the poor condition of Michigan's roads and bridges. The winners were chosen from numerous entrants from across the state that Nystrom said were a representative sample of the untold numbers of potholes lining Michigan roadways.

"While the contest was a fun way to draw attention to a serious problem, there's nothing fun about driving on dangerous roads and bridges in Michigan," Nystrom said.

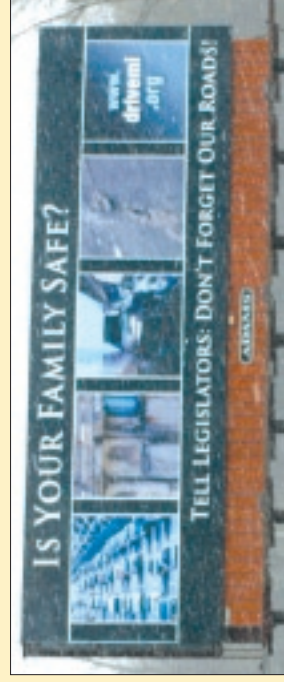
The contest is part of an ongoing effort to educate policy-makers and others that the dire condition of Michigan roads and bridges



Brenda Hernandez's photo of a three-foot deep pothole that is being used as a trash dump on Edward Street between Cicotte and Clippert streets in Detroit.

es poses both an immediate public safety risk to motorists and represents a roadblock for business development in the state.

Billboards Drive Home State Funding Message



These billboards were displayed throughout the state this spring to remind legislators that there is more to worry about in the state besides the budget and single business tax.



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Web Link Available to Ambassador Bridge Gateway Project

MDOT recently announced a new website (www.michigan.gov/gateway) designed to track the progress of the Ambassador Bridge Gateway Project. MITA member companies are involved in the project, which will begin this summer and continue through December 2009.

The website includes a map of project stages, a project area photo gallery, frequently asked questions, an artist's drawing of the proposed Bagley Street pedestrian bridge and much more.

The gateway project is a major economic development project. The project includes reconstructed free-ways and a new interchange at I-75 and I-96; a state-of-the-art pedestrian bridge across I-75-I-96 connecting east and west Mexicantown; and a redesigned Ambassador Bridge Plaza that will improve safety and ease traffic.

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INDUSTRY NIGHTS ARE A SUCCESS

The 2007 Industry Nights proved once again to provide an atmosphere for constructive interaction between MITA members, owner agencies, and engineering firms. During our three Industry Nights (Grand Rapids, Livonia, and Lansing), over 600 members networked with and learned first hand about project details from MDOT, municipalities, county road commissions, county drain commissioners and engineering firms.

In addition to building and revitalizing relationships, MITA members received a comprehensive 2007 Planned Project Catalog detailing more than 160 pages of construction projects from throughout the state that MDOT, municipalities, county road and drain commissions and engineering firms expect to bid in 2007 and 2008. This year the catalog also included projects from Michigan Metropolitan Planning Organizations and Rural Task Force Groups. These organizations represent the collective planning efforts of various geographical locations throughout the state. As stated at the events, the 2007 Planned Project Catalog is a living document and can change due to numerous circumstances including environmental issues, right-of-way problems, permit delays, funding shortfalls, etc.

If you have any questions or would like to receive a copy of the 2007 Planned Project Catalog, contact either Glenn Bukoski or Doug Needham via e-mail (glennbukoski@mi-ita.com, douglasneedham@mi-ita.com) or call the MITA office at 517-347-8336.

TOP PROJECTS 2007-2008

The following chart shows some of the state's top projects for 2007-2008 based on estimated costs submitted for MITA's Industry Night 2007 Planned Project Catalog. (Unfortunately, some submitters could not provide estimated costs so their largest projects are not included on this chart.)

Submitted by	Year	Agency/Jurisd.	Project/Route Name	Location	Description	Est. Cost
BCATS	2007	MDOT	MPO Area	Bay City Area	Cap. Prev. Maint. (Bridge)	\$3.0 million
BCATS	2008	MDOT	M-24 Center	Johnson to Livingston	Reconstruction	\$3.5 million
SEMCOG	2007	MDOT	Ambassador Bridge Gateway	City of Detroit	Improve Bridge Access	\$131 million
GCMPC	2007	MDOT	I-69	Elms to I-75	Concrete Reconstruct	\$14 million
GVMC	2007	MDOT	US-131/I-296	Ann St. N. to N. Park St.	Reconstruct & NB W/M Lane	\$11 million
MACC	2007	MDOT	US-31	James St. to M-45	Resurface	\$2.2 million
MACC	2008	MDOT	I-196	Zeeland Rest Area	Replace Rest Area	\$2.6 million
JACTS	2007	MDOT	I-94 WB	Grass Lk Rest Area	New Construction	\$4 million
JACTS	2008	MDOT	MPO Area	Jackson County	CPM (Road-Trunk line)	\$2.7 million
KATS	2007	MDOT	Cap Prev Maint, Roads	Gen. Prog. Acct.		\$2.78 million
KATS	2008	MDOT	I-94 EB	40th St. to Helmer	Joint repair and overlay	\$5.6 million
TCRPC	2007	MSU/Ingham County	Farm Lane	Mt. Hope to Trowbridge	Widen from 2 to 4 lanes with grade separators	\$21 million
TCRPC	2008	MDOT	Old US-127	I-69 to Guinea Rd.	Rubblize & resurface	\$14.1 million
WMSRDC	2007	Ottawa CRC	Fruitport Rd.	Over Petty's bayou	Rehab w/superst.replac.	\$2.7 million
WMSRDC	2008	Ottawa CRC	Mercury Drive	Grosbeck to 144th	Reconst. 2-3 lns, rep brid	\$900,000
SMATS	2007	Saginaw CRC/ City of Saginaw	Local Bridge	Area-wide	Area-wide local bridge improvements	\$1.59 million
SMATS	2008	Saginaw CRC/ City of Saginaw	Local Bridge	Area-wide	Area-wide bridge improvements	\$1.6 million
NATS	2007	Berrien CRC	W. River Road	US-12 to Niles City Limits	Resurface, rehab, major reconstruct	\$350,000
NATS	2008	Berrien CRC	Niles-Buchanan Road	From Mayflower Road to Buchanan City eastern limit	Resurface road & minor drainage	\$325,000
Twin CATS	2007	MDOT Coloma TSC	I-94	From I-196 to M-140	Reconstruct EB lanes	\$8.4 million
Twin CATS	2008	MDOT Coloma TSC	I-94 BL (Main Street)	Benton Harbor	Resurface, rehab	\$13.9 million
RFT	2007	Cheboygan CRC	St. Straits Highway	VL-S CL	Resurface	\$1.2 million
RFT	2008	Midland CRC	Meridian Road	Over Tittabawassee River	Resurface	\$3.5 million
MDOT Metro Region	2007	MDOT	I-75	At Ambassador Bridge	Reconst freeway to accommodate full access to I-75/I-96 NB & SB and local access from service drives, new bridges	\$122.6 million
MDOT University Region	2007	MDOT	M-59	I-96 to Michigan Ave.	Reconstruct	\$34 million
MDOT Local	2007	City of Port Huron	7th Street	Black River	Bridge	\$5.7 million
MDOT Local	2008	Road Commission of Macomb County	Bridgeview Road	Clinton River	Bridge	\$3.8 million
MDOT Local Safety Program	2007	Wayne CRC	Mack Ave, Vernier Rd. to Grosse Pointe Woods N. City Limit	Intersection	Remove bi-directional x-overs, const. 2 sets of directional x-overs	\$480,000
MDOT Small	2007	Berrien Springs	Deans Hill Rd.	Old US-31 to Love Creek	Rehabilitate	\$1 million
Chippewa County Road Commission	2007	Chippewa CRC	Tilson Road	M-48 north to M-28 (10 miles)	Crushing & shaping, sand sub base, aggregate base culverts, guardrail and HMA surfacing	\$2.1 million
Clare County Road Commission	2007	Clare CRC	Muskegon Road	Muskegon River	Bridges & Structures	\$2 million

Submitted by	Year	Agency/Jurisd.	Project/Route Name	Location	Description	Est. Cost
Hillsdale County Road Commission	2007	Hillsdale CRC	Moore Road	Over Beebe Creek	Bridge Replacement	\$575,000
Ingham County Road Commission	2007	Ingham CRC	Cedar Street	Dallas Avenue to Holbrook Drive	Reconstruct with roundabout at Holbrook Drive	\$3.8 million
Kent County Road Commission	2007	Kent CRC	28th Street	Kraft Ave. to Cascade Rd.	Install 18" diameter sanitary force main, reconstruct center 22", mill & fill, resurface remainder	\$2.4 million
Ogemaw County Road Commission	2007	Ogemaw CRC	Rose City Road	From Wangler Rd. to approx. 1.1 miles west	Crush and shape	\$356,000
Presque Isle Road Commission	2007	Presque Isle CRC	North Allis Highway	From Cheboygan County Line to Roost Road	Four miles of crush & shape, aggregate base, superstructure HMA 3C/4C, guardrail and replacement, substructure repair, approach work on bridge over Rainy River	\$1.3 million
City of Detroit	2007	City of Detroit	Garden View Estate Project			\$6.1 million
	2008	City of Detroit	2008 Milling Contract			\$5 million
City of Grand Rapids	2007	City of Grand Rapids	Various Locations		Building Improvements	\$18 million
City of Grand Rapids	2008	City of Grand Rapids	Highland St. (Various Locations); Jefferson Avenue, Hall to Highland		Combined Sewer Overflow	\$6.3 million
City of Ithaca	2007	City of Ithaca	Phase 1 - Water System Improvements		Approx. 15,000 feet of 8 inch water main construction to replace existing small diameter mains and provide loops within city. (Would include road work and other misc. construction associated with installation.)	\$1 million
City of Ithaca	2007	City of Ithaca	Phase 2 - Water System Improvements		Approx. 30,000 feet of 8 inch water main construction to replace existing small diameter mains and provide loops within city. (Would include road work and other misc. construction associated with installation.)	\$2 million
Hubbell, Roth and Clark, Inc.	2007	Cities of Berkley, Oak Park & Huntington Woods/ MDOT	11 Mile Road		Reconstruct 2 miles of full R & R of 4 lane concrete pavement	\$10.6 million
Orchard, Hiltz and McCliment, Inc.	2007	Greenfield to Woodward	11 Mile Road		Concrete reconstruction	\$10.2 million
Rowe, Inc.	2007	City of Flint	Third Avenue Reconstruction	Flint River to Saginaw Street	1.5 miles of roadway reconstruction and new eight-inch water main, including curb including curb and gutter, sidewalk, drive approaches, and drainage improvements	\$4.3 million
Spalding DeDecker Associates	2007	Macomb Twp.	23 Mile Road	At Romeo Plank Rd.	1,000 lf of 2 inch force main, 4 pump-24 CFS pump station & 1,530 lf of 16 inch water main	\$2.8 million
Tetra Tech	2007	City of Lansing	013 NE		Sewer Separation	\$10.1 million
Wightman and Associates, Inc.	2007	Village of Climax	43rd/44th Streets	R Ave. to N of Village of Climax	HMA crushing & shaping, reconstruction, realignment, tree removal & HMA paving	\$3 million
Williams and Works	2007	Kalamazoo	Crosstown Parkway		8,000 ft. of urban road reconstruction (MDOT Local Agency Project)	\$3 million
DEQ State Revolving Fund (SRF)	2007	City of Detroit		Wayne County	CSO; Rouge Tunnel Future Segs	\$584.4 million
DEQ State Drinking Water Fund (DWRF)	2007	St. Clair County		Port Huron	Future phases; repl mains; looping	\$46.6 million
DEQ Strategic WQ Initiatives Fund	2007	Genesee County		Davison	Future Segs; FDD	\$4.6 million
Oakland County Drain Commission	2007	Oakland CRC	Tamarack Drain	City of Southfield basin and drain	Storm water detention improvements	\$5.2 million

CONTRIBUTORS TO THE INDUSTRY NIGHT 2007 PLANNED PROJECT CATALOG

Metropolitan Planning Organizations

Bay County Area Transportation Study (BCATS)
 Southeast Michigan Council of Governments (SEMCOG)
 Genesee County Metropolitan Planning Commission (GCMPC)
 Grand Valley Metro Council (GVMC)
 Macatawa Area Coordinating Council (MACC)
 Jackson Area Transportation Study (JACTS)
 Kalamazoo Area Transportation Study (KATS)
 Tri-County Regional Planning Commission (TCRPC)
 West Michigan Shoreline Regional Development Commission (WMSRDC)
 Saginaw Metropolitan Area Transportation Study (SMATS)
 Niles/Buchanan/Cass Area Transportation Study (NATS)
 Twin Cities Area Transportation Study (TwinCATS)

Rural Task Force

Local Rural Task Force

Michigan Department of Transportation

Superior Region
 North Region
 Metro Region
 Grand Region
 Southwest Region
 University Region
 "Big Bridge" Program

Local Agency Projects

MDOT Local Bridge Program
 MDOT Local Large Bridge Program
 MDOT Local Safety Program
 MDOT Small Urban Program

County Road Commissions

Alpena County Road Commission
 Chippewa County Road Commission
 Clare County Road Commission
 Hillsdale County Road Commission
 Ingham County Road Commission
 Kalamazoo County Road Commission
 Kent County Road Commission
 Road Commission of Macomb County
 Ogemaw County Road Commission
 Presque Isle County Road Commission

Municipalities

City of Detroit
 City of Grand Rapids
 City of Ithaca

Consultants

Hubbell, Roth & Clark
 Orchard, Hiltz and McCliment
 Rowe, Inc.
 Spalding DeDecker Associates
 Tetra Tech
 Wightman & Associates
 Williams & Works

Department of Environmental Quality

DEQ State Revolving Fund
 DEQ Drinking Water Revolving Fund
 DEQ Strategic WQ Initiative Fund

Drain Commissions

Oakland County Drain Commission



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you said it Letters to MITA

Continued from pg. 9

Pat:

You did a great job at our Safety Meeting on March 27. You kept our folks engaged. The pace of the presentation was just right. And, of course, the topic was perfect. We've already got you pencilled in for next year's meeting. Thanks again.

Donald G. Rosenbarger, P.E.
Barrett Paving Materials Inc.

Bob, Mike, Rob:

My compliments to all of you for the focus and tenacity that you are displaying specific to the representation of your members and associate members specific to increased attention and funding potentials for state of Michigan infrastructure construction funding/projects. On my drive in this morning I heard a quip on WWJ whereby John McElroy on his automotive update section ignored the major SAE Conference currently being held in Detroit and instead voiced his opinion on the need and desire to have Michigan be considered a state with the best roadways and transportation system in the country. I found his comments dead on and refreshing. I have heard similar comments from numerous other news media throughout the state and unquestionably your efforts and focus on such are driving this initiative.

If anyone would have told me six months ago that there would be as much momentum in this state as there appears to be specific to a potential funding increase for transportation projects I would have voted that the chances of such were slim! I would now contend that I truly believe that there is support and impetus to move such a funding proposal forward and I credit the majority of the earned success to the leadership and efforts at MITA.

Great job and rest assured that all of us at Michigan CAT are here to help where needed.

Bill Hodges
Chief Operating Officer, Michigan CAT

Dear Bob:

I would like to extend my sincere thanks for MITA's final pledge payment of \$10,000 to The Inspiration Project – the campaign to transform The Henry Ford. Your support will allow The Henry Ford to inspire the next generation of creators and inventors.

MITA's gift is a tangible demonstration of your commitment to the mission of The Henry Ford, which seeks to inspire people to learn from America's traditions of ingenuity, resourcefulness and innovation to help shape a better future.

Patricia E. Mooradian
President, The Henry Ford

Dear Nancy Brown:

Thanks again for the nice job you did on our article and we're very pleased with it. We hope this will also be helpful to the membership to get to know us better and what services we can provide them.

Donald W. Burden
Zervos Group, Inc.

Dear Pat:

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 pg. 54

MITA Sponsors 2007 Give 'em a Brake Campaign



MITA is a major sponsor of the 2007 Give 'em a Brake Campaign (GEAB), which reminds motorists to slow down in highway workzones.

GEAB kicked-off its annual highway work zone safety campaign at a news conference held at the state Capitol in early May, unveiling encouraging numbers along with a warning: motorists should continue paying close attention work zones and drive the appropriate speed. In 2006, more than 5,000 crashes occurred on Michigan roadways – a 20 percent decline over 2005 data.

"We know our efforts, in collaboration with the statewide GEAB safety coalition, have saved many lives," said Kirk Steudle, director, Michigan Department of Transportation. "However, we must continue to promote work zone safety and reduce crashes, injuries, and deaths even further. Our goal is to make 2007 the safest yet."

Michigan's Give 'em a Brake Safety Coalition, representing union road workers, law enforcement, road builders and transportation interests, hopes that continued use of the Where Workers Present 45 signing will continue to provide a more consistent application of speed limits in all work zones in order to protect workers and motorists.

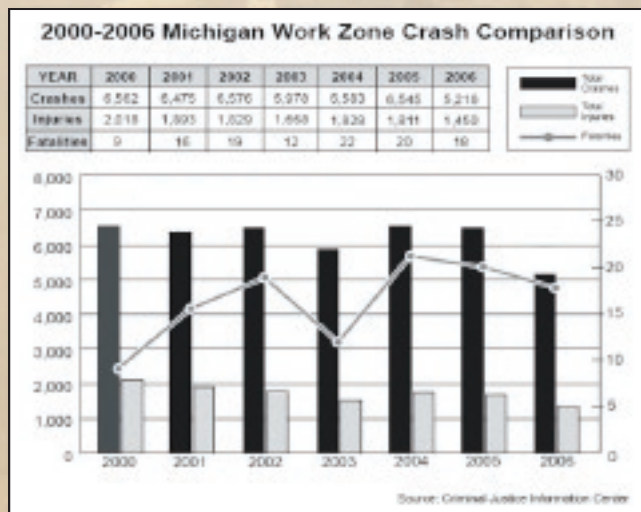
"We believe the new speed rules are working," said Dennis Gillow, infrastructure director, Operating Engineers Local 324. "Our group (and other labor organizations) collaborated with the Michigan Department of Transportation and the Michigan Infrastructure & Transportation Association on the work zone signing scheme. While 2006 was safer than 2005, we still have more work to do. The bottom line is this: appropriate speeds save lives - workers and motorists."

Last year, there were 18 fatalities, with 1,450 injuries and 5,216 work zone crashes in Michigan, a marked improvement over 2005 data. Fines for motorists that are caught speeding in construction zones are doubled. A motorist that injures or kills a road worker faces up to 10 years in jail and \$7,500 in fines. Pending work zone legislation, once passed, would extend the penalties for injuring ANYONE in a work zone.

"We don't want to rest on our laurels now," said Rob Coppersmith, vice president of membership services, Michigan Infrastructure & Transportation Association. "The Where Workers Present 45 signs seem to be working, but we must focus on reducing crashes even more. Safety is serious business and motorists need to take their job behind the wheel as such."

GEAB Coalition members include: Michigan Department of Transportation; Michigan Infrastructure & Transportation Association; Michigan Laborers' District Council; Michigan Building & Construction Trades Council and the International Union of Operating Engineers Local 324.

Other advisory members of the coalition include: the Michigan State Police; Michigan Office of Highway Safety Planning; Michigan Center for Truck Safety; the Michigan Secretary of State's Office; NES Traffic Safety and Sara Nelson, a roadway safety advocate.



Protect Michigan families: Where Workers Present Drive 45!

A message from MDOT and Michigan's Give 'em a Brake Safety Coalition



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Did You Know?

MITA is Building Relationships with Local Owner Agencies

MITA is very active in developing relationships and building rapport with owner agencies outside the MDOT arena. To ensure MITA's interests are recognized and our voice is heard by all owner agencies, MITA regularly conducts meetings involving both local units of government and MDOT. This format and communication allows MITA to effectively resolve many issues that often recur within the various owner agency projects.

As these relationships develop and grow they become self-perpetuating. A few examples of the evolving relationships follow:

1. MITA has been invited to attend and participate at the quarterly County Road Association of Michigan Engineering Committee meetings, as well as their Annual Conference. MITA's perspective and involvement at these meetings has proven to be very productive.
2. Michigan Municipal League (MML) recently underwent a reorganization of their committee structure and created a Transportation Infrastructure Committee. MML has invited MITA to be a regular attendee at these meetings to ensure the lines of communication can be further developed.
3. This past year MITA nurtured relationships with county drain commissioners by attending the Michigan Association of County Drain Commissioners summer and winter conferences. The lines of communication being established provide the avenue needed to resolve issues, like SESC permit issues, with this owner agency group.

MITA is at the forefront pursuing and advocating the interest of the Michigan's heavy construction industry, and the relationships that have been formed with the units of local government will continue to be a valuable benefit for MITA members.



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Outstanding Projects

As National Engineers Week came to an end in February, the American Council of Engineering Companies of Michigan (ACEC) and the Michigan Society of Professional Engineers (MSPE) held their Annual Engineering and Surveying Excellence Awards Banquet at the Soaring Eagle Casino & Resort in Mt. Pleasant. Since 1965, firms have competed to receive the top honor for their outstanding projects. More than 250 professionals and guests gathered to see which project would become the Eminent Conceptor – the most prestigious award presented.

EMINENT CONCEPTOR AWARDS

An Eminent Conceptor was chosen for the best engineering and surveying project submitted. This year's engineering Eminent Conceptor winner was Southfield-based Harley Ellis Devereaux for designing the new 3-story A. Alfred Taubman Student Services Center at Lawrence Technological University in Southfield. The 42,000 square foot Taubman Center places students at the physical heart of the campus and at the core of the University's mission and delivery of services. The surveying Eminent Conceptor winner was Saginaw-based Spicer Group for creation of a computer-based information management system for the Saginaw Midland Municipal Water Supply Corporation's 100-mile pipeline that delivers raw drinking water to the Saginaw and Midland Area.

HONORABLE CONCEPTOR AWARDS

The Honorable Conceptor is the second highest award that can be achieved. Four Honorable Conceptor awards were presented, three for engineering and one for surveying. The engineering awards went to Detroit-based Hazen and Sawyer for design of the Detroit Water and Sewerage Department's new Conner Creek CSO Control Facility; Hubbell, Roth & Clark based in Bloomfield Hills for design of the new South Lyon Waste-

water Treatment Plant; and to Ann Arbor based Tetra Tech, Inc. for design of a world-class biosolids incinerator for the Ypsilanti Community Utilities Authority. The surveying Honorable Conceptor award went to Spalding DeDecker Associates, based in Rochester Hills, for providing surveying control for the East Side Watermain Phase II tunnel crossing beneath the Maumee River in Toledo, Ohio.

MERIT AWARDS

Two Merit awards were given for outstanding engineering projects. The engineering Merit awards went to: Tetra Tech, based in Ann Arbor, for improvements to the George W. Kuhn Drain Retention Treatment Facility in Madison Heights which added 31 million gallons of storage; and Wilcox Professional Services, based in Cadillac, for designing improvements to I-94 in Dearborn from the Rouge River to Wyoming Avenue in advance of Super Bowl XL held at Detroit's Ford Field.

JUDGE'S CHOICE AWARD FOR BOARD DESIGN

The best display board entered in the competition was given to Wightman & Associates of Benton Harbor for their Pokagonek E'dawat project entry. While creating their display board, Wightman & Associates used graphics and text in a clear and concise manner that allowed viewers to quickly understand the project story.

The 2007 Engineering and Surveying Excellence Program offers the opportunity to showcase the year's best engineering and surveying achievements to an audience of peers, clients, and decision-makers at all levels. Eminent and Honorable Conceptor award winners have gone on to compete at the National ACEC competition in Washington D.C. For more information on the projects submitted and award winners, please contact the ACEC office at 517-332-2066 or visit the ACEC/Michigan website at www.acec-mi.org.

RS Engineering and Orchard, Hiltz & McCliment Achieve ACEC Firm of the Year Status

The American Council of Engineering Companies of Michigan (ACEC) presented the ACEC Firm of the Year award, its highest firm honor, on February 24, 2007 during their annual Engineering & Surveying Excellence Awards Banquet at the Soaring Eagle Casino & Resort in Mt. Pleasant. Firms are judged, not only for their stature as respected members of the consulting community, but specifically for their professional leadership in ACEC and the communities in which they service. Since the inception of this award, ACEC has had a small firm category for firms with less than 30 employees, and a large firm category for firms with greater than 30 employees.

LARGE FIRM OF THE YEAR

Livonia-based Orchard, Hiltz & McCliment (OHM) was honored with ACEC Large Firm of the Year. OHM is an Engineering News Record Top 500 consulting engineering firm and a top 10 winner in the Michigan Business and Professional Association's 2006 101 Best & Brightest Firms to Work For. OHM is very active in ACEC, with Dan Fredendall currently serving on the Board of Directors as Past President and nine other employees serving on ten ACEC committees.

"Dan Fredendall's leadership at ACEC has ignited our government and

Continues on pg. 64

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Construction Law Update: *Amendments to the Michigan Construction Lien Act*

By Jim Urban, Butzel Long

In early 2007, the Michigan Construction Lien Act, MCL 570.1101, et seq (the Act) was amended to add new requirements affecting how Sworn Statements and Lien Waivers are handled under the Act. These changes do not diminish any of the rights and benefits you currently enjoy under the Act as contractors and subcontractors on private construction projects. However, the changes will require you to update the construction lien forms you are accustomed to using. Additionally, one of the changes to the Act provides you with an additional mechanism for early detection of possible problems in the project payment process and enables you to intervene earlier in the project payment stream to avert problems when the time for final payment arrives. A brief overview of these changes to the Act is provided below.

Sworn Statements

The Act as amended not only changes the form of the Sworn Statement,

but imposes new duties upon Owners and grants new opportunities to Subcontractors:

➤ **Notice of Receipt.** An Owner must now provide a Notice of Receipt of a Sworn Statement from a Contractor to each Subcontractor, Supplier or Laborer who has either filed a notice of furnishing on the project or, if a notice of furnishing is excused, to any Subcontractor, Supplier or Laborer which is included in the Sworn Statement. A Sworn Statement is typically submitted by the General Contractor in conjunction with a request for payment under the General Contract. The Notice of Receipt affords you the opportunity to check the accuracy of the information being provided the Owner in connection with your account for the labor, equipment or supplies you are furnishing to the project. In the event of an error or unscrupulous conduct by a General Contractor, this early opportunity to assure accuracy in the project payment stream may very well enable you to avoid complications in collecting the payment to which you are entitled. To avail yourself of this opportunity, you must issue a:

➤ **Request for Sworn Statement.** The revised Act allows the Subcontractor, Supplier or Laborer to request a copy of the Sworn Statement, and the Owner must provide a copy within 10 business days after receiving the request. We recommend that Subcontractors, Laborers and Suppliers always take advantage of this opportunity. By doing so, you can verify that the Sworn Statement is accurate or if it is not accurate to either correct error in the Sworn Statement or, seek to prevent an unscrupulous Contractor from misrepresenting to the Owner the amount that is owed or will be owed on your account for the project. A template for a letter requesting a copy of the Sworn Statement is available on MITA's website.

In addition to the Notice of Receipt (of Sworn Statement) and the ability to request a copy, the recent changes to the Act, implement other changes aimed at accomplishing the same goal of assuring accuracy in the project payment stream.

➤ **New Sworn Statement Form.** The Sworn Statement form has been changed to reflect the notice of receipt and request for Sworn Statement requirements. The Sworn Statement form must now also include the address and telephone number of each Subcontractor, Supplier or Laborer in addition to the name. This requirement will apply to Sworn Statements submitted at any tier in the contract chain for the project. To avoid delays in the payment process resulting from submitting incomplete Sworn Statement forms, we strongly recommend that you update the Sworn Statement form you are currently using so as to reflect the new requirements. A copy of the revised Sworn Statement form is available on MITA's website.

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Waivers of Lien

The Act also imposes new duties upon Owners in connection with lien waivers and the lien waiver forms must reflect these requirements:

- **Verification of Authenticity.** If a lien claimant has filed a notice of furnishing or is excused from doing so, an Owner may not accept and presume that a waiver of lien is genuine if the waiver of lien is received from someone other than the person or firm signing the waiver without getting verification of the waiver's authenticity in writing, by telephone or personally. Put differently, if an Owner receives a waiver of lien for a Subcontractor from the Contractor instead of from the Subcontractor itself, the Owner must verify the accuracy of the waiver of lien by directly contacting the Subcontractor. This new requirement may be resolved in several different ways. First, the Owner may arrange for the Subcontractor to send waivers of lien directly to the Owner. An alternative will be for Owners to implement standard procedures for directly verifying that the waiver of lien is genuine. This could entail sending a verification form and a copy of the lien waiver received directly to the Subcontractor to be signed and returned. The revised Act also allows the Owner's verification to be by telephone or personally, and it is likely that any one of these procedures will be encountered on the projects where you are furnishing labor, equipment or materials to the project. Keep in mind that this verification process is now required by the Act. Accordingly, receiving a verification request from the Owner does not necessarily mean that the Owner does not trust your General Contractor or that there is anything untoward occurring in connection with submittals. Naturally, if there is something improper being attempted in connection with lower tier waiver of lien submissions, the new verification requirement will go a long way to nipping such practices in the bud.
- **New Waiver of Lien Forms.** Each of the waiver forms (full unconditional, partial unconditional, full conditional and partial conditional) have been revised to clearly post the Owner authenticity verification requirements. You should replace waiver

of lien forms you are currently using with the updated forms. By doing so, you will assure that the Owner is aware of its statutory obligation to verify the authenticity of a waiver of lien bearing your name and assure that you receive the benefit of this new requirement. The updated waiver of lien forms are available on the MITA website.

Residential Liens

The Homeowner Construction Lien Recovery Fund (the Fund) was originally established to protect homeowners who fully paid Contractors for improvements to residential property from the liens of Subcontractors and Suppliers who remain unpaid. The Fund provides an alternative avenue of recovery for those Subcontractors and Suppliers who have paid the necessary annual fees to be eligible to claim a recovery from the Fund. The revised Act contains general changes and imposes new requirements upon residential contractors, residential suppliers and homeowners, some of which make it more difficult to recover from the Fund:

- **Additions to Homeowner's Affidavit.** As before, if a homeowner files an affidavit saying that it has paid a Contractor in full for a residential improvement, it will preclude any construction liens of Subcontractors, Suppliers or Laborers from attaching to the residential structure. Homeowners now have the additional requirement that copies of the contract, any change orders, and any evidence of payment the homeowner has made to the Contractor must also be attached to the homeowner's affidavit.
- **Increase in Maximum Payout.** When a homeowner files the affidavit attesting that the Contractor has been paid in full, as before, eligible Subcontractors, Suppliers and Laborers who otherwise have valid liens must seek recovery from the Fund. However, the maximum the Fund will pay to Subcontractors, Suppliers or Laborers per residential structure has been increased from \$75,000 to \$100,000.
- **Report of Changes.** Each member of the Fund must report any name, address or form of business changes in writing to the

Continues on pg. 69

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BUILDING SYSTEMS

Grant Strategies that Work

By Leah Groya, AICP, Wade Trim

Funding has always been an important aspect of infrastructure projects. The following article discusses effective strategies to pursue grants. While the number of grant programs has decreased over the years, there are state and federal programs worth pursuing and other funding mechanisms available. Early identification of the project and needed funds, targeting the right funding programs and preparing a solid submittal are key to securing funding. Wade Trim (www.wadetrिम.com) has developed a variety of internal resources to help communities of all sizes navigate this process.

As communities and agencies are faced with difficult financial decisions, many are looking for outside funding sources, such as grants, to help implement a wide variety of projects. Compiling and writing a successful grant application is not an easy task, particularly when funds for projects of all types and sizes are highly competitive. There are several strategies that should be kept in mind when deciding whether or not to apply for funding assistance and when developing a grant application.

Know the funding source

Do your homework up front and fully understand the goals and purpose of the funding agency. This is essential in determining whether or not your project has a high likelihood of being considered for funding. Funding is extremely competitive. Understanding the funding source will require work up front but could save you the time of completing an entire application if your project scope is not appropriate. This upfront work could also change your project scope and can definitely make your application stronger.

Talk with the funding agency

Talk with a representative of the funding agency either via phone, or better yet in person, to discuss your project before investing time and resources to complete a grant application. Be prepared to show photos and a map of your proposed project. This meeting or discussion will help you make a final decision as to whether or not you should submit an application. This will also make the funding agency aware of your project and will give them some context and understanding when reviewing your application.

Collaborate

It is essential, particularly in non-motorized planning, design and construction projects, to collaborate with multiple agencies, organizations and departments. Meet early on with adjacent communities, with adjacent property owners and other interested parties. Gather their input and incorporate it into the grant application and design. Include letters of support from the various partnerships you have developed. Funders look for projects with collaboration and broad support that will improve a community and provide benefits to an expansive cross-section of the population or environment. Like you, funders look for ways to get the biggest bang for their buck!

Start early

The time it takes to assemble a high-quality grant application is often underestimated. Meeting with potential partners, gathering letters of support, generating solid cost estimates, developing graphics, taking photographs, holding public hearings, getting resolutions of support from governing bodies and discussing your project with

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Letters to MITA

Continued from pg. 46

Dear Pat:

Thanks for your help. Our crews enjoyed your presentation.

Joe Tomco
Central Asphalt

Dear Mike:

On behalf of the Michigan Municipal League and its member communities, thank you for participating as a panelist during the infrastructure session of the Legislative Conference last week.

You contributed a significant amount of technical knowledge to the conversation and your comments about investing in Michigan's infrastructure were well received by our membership.

We also appreciated your willingness to answer questions and show support for local government concerns.

Again, thank you for your participation; we look forward to working with you in the future.

Joe Fivas
*Assistant Director of State Affairs
Michigan Municipal League*

potential funders takes a considerable amount of time. Deciding to submit a grant application three weeks before it is due will likely not yield a strong submittal and chances for success are lessened. Be aware of funding opportunity due dates and make decisions to assemble an application package at least two to three months prior to the due date.

Be clear and concise

Assume that the reader and evaluator of your grant application have never been to your community and that they know very little about your efforts to date. In your grant application, describe your project's scope and benefits, and include photographs and graphics that clearly and concisely illustrate your project. If it's part of a bigger project, describe the bigger project, but be very clear as to the exact scope and elements for which you are requesting funding. Set the stage and paint the picture for the application reviewer. What's clear to you may not be clear to someone who has never been to your community or never walked the project area.

Cost estimates

Ask someone who has experience in designing and constructing the type of project you are considering to help you develop a cost estimate to include in your grant application. This is a difficult task because often you will be attempting to generate a cost estimate based on a loose conceptual idea. You may not have completed soil investigations, you may not have preliminary engineering completed, or fully understand the extent of necessary permits, or cost of construction design drawings.

If awarded a grant, your community is typically held to the funding

amount requested in your application. Any cost overruns are typically the responsibility of the grantee, not the grantor. It is essential to ensure you have developed conservative cost estimates and are capable of providing any required local match. You don't want to be in the situation of having to return grant funds because you underestimated the cost of the project and now don't have sufficient local funds to complete it.

Know the schedule.

Fully investigate and understand how the funding source and its requirements and stipulations will affect the timing of your project. It can take many months to hear whether or not your project has been selected to receive funds and then several more to execute an agreement with the funding agency. Many times, no work can be done on your project (for which you expect to be reimbursed) prior to an agreement being executed. Your public and governing bodies need to be aware of the potential delays in beginning the project versus the potential benefits of funding assistance.

Leah Groya, AICP, is a professional planner with Wade Trim. You may contact her at 734-947-9700 or lgroya@wadetrim.com.

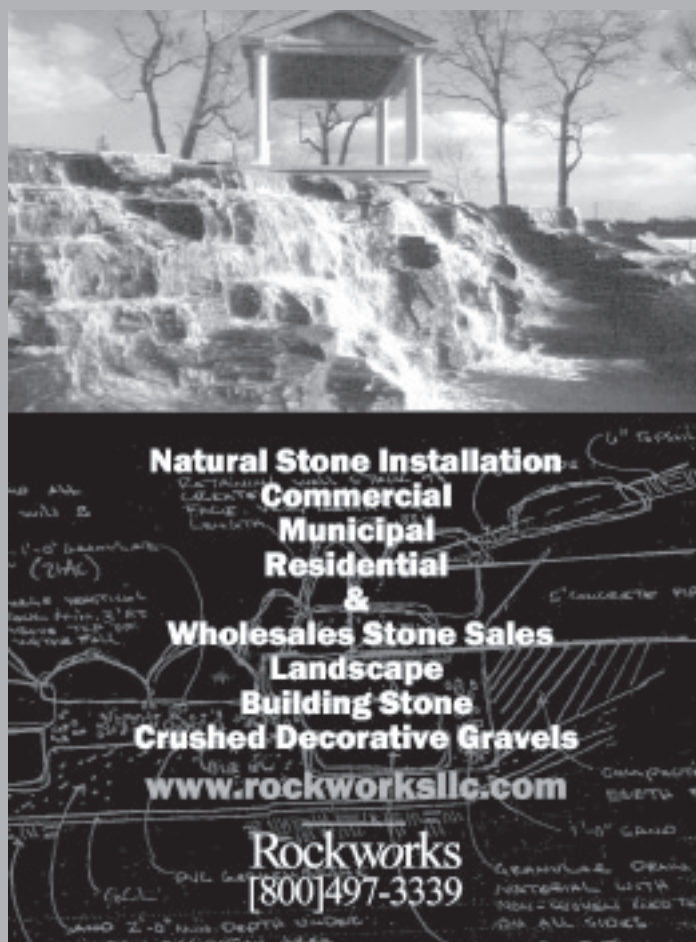
Dear Friends at MITA:

Thank you for your generous donation to the March of Dimes Jail & Bail 2007 campaign of which I was a prisoner.

On behalf of my grandson and all healthy babies, thank you for contributing to the success of this event. With your help, we were able to raise \$211,000.00 this year.

Funds raised will directly benefit the mission, which is aimed at improving the health of babies by reducing the incidence of birth defects, premature birth and infant mortality.

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"All that is necessary for evil to triumph is for all good men to stand by and do nothing."

— Sir Edmund Burke

This quote is as relevant now as it was when Burke coined it some 100 plus years ago. When it comes to the legislative arena your survival and ability to make a profit is tied directly to your aggressiveness in financing the campaigns of those who understand the difficulties associated with Michigan's heavy/highway construction industry. Contrary to what you may think, through the collective power of MITA you can affect the legislative process.

The primary focus of MITA's legislative agenda will be long-term, adequate and stable funding for Michigan's supporting infrastructure. It is essential that we convince our elected officials that public works are an investment in our future, improves the quality of life and provides real and meaningful job programs and tax stream. The "no new tax" platform and attitude of many politicians must be changed and this change will require a calculated not emotional approach to this issue. Before we get to this mode, we must have the ear of those who control state government. It is your PAC dollars, and yours alone, that will allow MITA to open the necessary doors in Lansing in our mission to convince lawmakers as to the importance of funding infrastructure improvements.

We need your commitment and investment in MITA-PAC today! Those of you who are content with "letting the other guy carry your weight" are only cheating yourself and short changing our industry.

Send your personal check or money order now to MITA PAC and remember that democracy is not a spectator sport.

What is MITA PAC?

The MITA POLITICAL ACTION COMMITTEE is the legislative voice of Michigan's heavy construction industry. MITA PAC is the most effective tool our industry has to support candidates who will fight for contractors in the Michigan legislature. Your financial support of the MITA PAC gives all of us who care about the future of heavy construction and free enterprise a strong influence in the political process.

Why Do We Need a PAC and Why Should I Support It?

The infrastructure and transportation construction industry survives on public funding. Without your support, our level of influence to promote adequate public funding is diminished. We must also fight negative public policy. Our industry is also constantly under attack in the Michigan legislature. Not a day goes by that some legislators in the Michigan House and Senate aren't proposing legislation that would boost our workers' compensation costs, negatively impact our labor force, raise taxes on personal property, increase business liability – the list goes on and on. Our ability to provide jobs and protect our bottom line is profoundly affected by the legislative and regulatory process.

If we do not prevail in the legislative and regulatory process, we will cease to exist in our business as we know it. We will not be able to provide jobs. We may not be in business!

We have full-time lobbyists fighting for us in Lansing and communities around Michigan. We have spent a great deal of time educating the men and women who decide our fate in Lansing. However, term limits have made this task even harder and there are still some lawmakers who may not have a grasp of our issues or the impact that their decisions have on our industry and you. But, the law allows us to band together under MITA PAC. Instead of lobbying elected officials who don't know or

don't care about our ability to provide jobs, our PAC allows us the opportunity to find and fund candidates who believe in us and our employees. The MITA PAC is now one of the top PACs in Michigan. But, only 20 percent of our members provide 100 percent of the funds raised to support candidates who will fight for us – all of us. If the 80 percent of our members who don't participate gave just \$200, we would be an even more potent force for the heavy construction industry.

Do Candidates Really Need Our Help?

Absolutely! Each State House district has 87,000 people in it. Each State Senate district has 250,000, and Michigan has over nine million people. Just as we need to advertise our services, every candidate for office must be able to communicate with tens of thousands of voters. This takes money. Lots of it. Money for brochures, TV ads, radio ads, billboards and other devices. Our PAC can help the candidates we support get their message out and get elected. These are the elected officials who will listen to us and champion our issues.

What Can I Do?

MITA PAC needs your financial support. We are asking every member to step up and contribute. Don't let others carry your load.

Make Your Voice Heard. Support the MITA PAC.

"Those who choose not to be involved in democracy are doomed to be controlled by those who do."

— Abraham Lincoln

MITA PAC Contribution Form



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

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Non-salaried, non-managerial, and union members are prohibited by law from contributing to MITA PAC.

Note: PAC Contributions are not tax deductible.

If you have questions regarding the MITA PAC, please contact Mike Nystrom, MITA vice president of government and public relations at mikenystrom@mi-ita.com or call 517-347-8336.

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We Said It! MITA Speaks Up for the Industry

Continued from pg. 11

Detroit Free Press Letter to the Editor

The March 21 article "Shattered windshields and shattered nerves" should serve as an eye-opener to the danger of continuing to let our infrastructure deteriorate. In recent years, Michigan has not made investing in our transportation network a priority, and it shows. The main revenue source for roads, our 19-cent gas tax, has not been increased in 10 years and lags behind many neighboring states. Concrete falling from bridges is an awful reminder that deterioration of our transportation system has a direct correlation to public safety.

Potholes should not be the only worry of Michigan's motorists; bridges also need to be repaired. There is real danger in underfunding the transportation system; and, unfortunately, that means that someone could be hurt. Roads and bridges are a necessity to our way of life, and keeping them safe is critical.



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Introducing MITA Board President Brian Slagter

Continued from pg. 11

office will push us farther down the road in the unification of MITA. It will truly be our home, and I encourage the membership to stop by for a visit.

- Q.** In your opinion, how has the heavy construction industry changed in the past 10 years?
- A.** The past 10 years have created an environment for increased efficiency and cost saving methods and products in heavy construction. We have seen a significant increase in the amount of consultant-run projects in place of being fully managed by MDOT. Infrastructure expansion has given way to maintaining the current inventory of roads, bridges and underground utilities. Decreases in funding have greatly limited the expansion of our state's infrastructure. I also believe this past decade was the catalyst needed for the formation of MITA, and the sky is the limit as to what we can accomplish as a group. We have had significant changes in the past 10 years, and I believe the next 10 years will bring even greater changes.

Q. Can you give our readers a short history of your company?

A. Slagter Construction has been in the heavy highway construction business since 1955. My grandfather, John Slagter, for many years was a general superintendent for VanderVeen Construction. When my father completed four years in the Navy, he returned home to the company's first project, which was half completed. The year was 1955. My grandfather and father worked side by side every day until later in the 1960's when John Slagter retired.

Initially the company built box culverts as a three-employee subcontractor for larger companies. With the advent of pre-fabricated culverts, we built a few new bridges mostly in rural areas over small streams. Since 1972, the company began overlaying bridge decks with concrete or waterproof membranes.

In 1982, we acquired Moored Construction, which specialized in guardrail installation. We now focus on every phase of bridge rehabilitation and guardrail installation and sales. We have operated as Slagter Construction since 1999.

Q. Tell us about Brian Slagter and what you do outside of running your business.

A. I'm the father to five children; the eldest, Rachel currently lives in Asheville, NC.; Brittany is in Deerfield Beach, FL.; Jessica will graduate from high school this year; James is a freshman in high school; and, last but not least, Alleya is 8 years old and in second grade. Besides that my passion has to be airplanes and flying. My son once suggested that the only reason I work is so I can fly, and I have found this hobby to be a positive influence. Other interests include sailing and traveling with my wife. The latter of which we haven't done enough of lately.



Founded in 1902, ARTBA is the only national association that exclusively represents the collective interests of all sectors of the U.S. transportation construction industry before the White House, Congress, federal agencies, media and the public. Information about the association can be found online at www.artba.org.

NEWS

www.artba.org

\$20 Billion Annually Necessary to Maintain Status Quo on Nation's Roads

Simply maintaining current physical conditions and levels of safety and traffic flow on the nation's highway network will require \$20 billion annually in new revenue flowing into the Highway Trust Fund over the life of the next federal surface transportation investment bill, a new analysis of U.S. Department of Transportation (U.S. DOT) data shows. The current highway and transit law—the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU)—expires September 30, 2009.

This troubling finding comes from an analysis of the U.S. DOT's 2006 biennial report to Congress on U.S. highway conditions, performance and congestion levels on the nation's highways that was conducted by ARTBA Vice President of Economics & Research Dr. Bill Buechner, a Harvard-trained economist who spent two decades with the congressional Joint Economic Committee before joining ARTBA in 1996.

Beginning in fiscal year (FY) 2010, Buechner says the federal government would have to invest \$54.5 billion and grow to \$61.5 billion by 2015 just to maintain highway conditions and ensure traffic congestion doesn't get any worse. By comparison, current Highway Account revenues are projected to range from \$34.7 billion to \$40.5 billion between FY 2010 and FY 2015—a shortfall of

approximately \$20 billion annually.

An increase in the federal motor fuels excise is the most effective way to fill this void in the short-term, Buechner says. A fuels tax increase of 10 cents per gallon in FY 2010 is necessary to meet the federal government's share of the documented highway investment needs in the U.S. DOT report. The federal motor fuels excise has not been increased since 1993, and inflation has eroded 30 percent of its purchasing power during this time.

The challenges of meeting the nation's highway needs loom even larger, Buechner says, with continued projected growth in the U.S. economy and population, and future increases in truck and passenger vehicle traffic.

To maintain current conditions and system performance on the nation's public transit system, in the next surface transportation bill the federal government would need to invest \$9.3 billion in FY 2010, rising to \$10.5 billion in FY 2015. The U.S. DOT report did not consider the costs of constructing new transit systems, which would substantially boost transit investment needs, Buechner says.

The complete text of ARTBA's analysis can be found in the "government affairs" section of www.artba.org.

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Vice President of Government & Public Relations Comment

Continued from pg. 22

their decision, recognizing that the need is great and the opportunities are greater. These two legislators have proven that leadership on tough issues in a term-limited era is still possible. In the end, there is still a large amount of debate that will ensue regarding this issue. We at MITA are hopeful that other legislators will begin to step forward on this issue and recognize that they are "elected officials" who were chosen to make tough decisions for the citizens of their district as well as citizens of the state. They were not elected to make decisions based on how it will affect their next election.

If you are so inclined, please make it a point to contact both Rep. DeRoche and/or Rep. Hopgood to thank them for taking a leadership role in this challenging yet important debate.

Please contact Mike Nystrom, MITA vice president of government and public relations, with any questions or comments at mikenystrom@mi-ita.com or by phone at 517-347-8336.

Send your letter of appreciation to Rep. Craig DeRoche and Rep. Hoon-Yung Hopgood at:

House of Representatives
State Capitol
PO Box 30014
Lansing, MI 48909

For any comments or questions, please contact Mike Nystrom either by e-mail at mikenystrom@mi-ita.com or call the MITA office at 517-347-8336.



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Vice President of Membership Services Comment

Continued from pg. 23

(generally equipment or other items on jobsites), rounded out by several electrocutions. Unfortunately, when you compare fatalities to the volume of work performed in 2006, I'd say they probably have increased.

The information regarding crash data in construction zones is a little more promising. Overall, Michigan experienced a little over 20 percent reduction in total crashes in the work zone. Rear-end sideswipe crashes were both down 16 percent. Unfortunately, 20 motorists died in construction work zones, which is the same as the previous year. Only one worker died in a traffic related incident.

The overall reduction of 20 percent is significant. Part of the credit should go toward the decision to set realistic speed limits based on the type of work and protection in place. 45mph where workers are present may have its hiccups but, overall based on speed studies conducted on jobsites last year, the data has led the State Police and many others, myself included, to the conclusion that the vast majority of drivers are complying with the new requirements. On May 3 the Give Em' a Brake coalition kicked off this year's campaign which will simply take last year's successful radio commercial and try to get played more often on an expanded station base. If you wish to contribute to the radio buy, information is available on the MITA website.

In a perfect world no fatalities would occur. The reality is they do and will continue to. The real question is: if a fatality occurred on one of your jobsites would you be able to sleep knowing you did all you could as a company owner to train, educate and provide supervision to employees that did not cut corners at the expense of safety?

On a lighter note, the MITA Summer Conference is returning to Crystal Mountain Resort, July 26 -29, 2007. Golf at the Mountain Ridge course and Arcadia Bluffs will be available on Thursday and Friday, respectively. Fireworks will cap Friday evening's events. A long list of additional activities is also available for the family to choose from. Do yourself a favor and come meet your industry peers to solve the world's problems; and entertain your family with an awesome time that they won't soon forget.

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



Vice President of Engineering Services Comment Continued from pg. 24

accreditation. When that accreditation is awarded, Michigan will become only the third state in the country to achieve that national recognition for its state quality partnership.

In closing, many things are happening as our CQP initiative evolves that may not yet have but certainly soon will include you. Every partner signatory to the CQP charter has cooperatively conducted personnel training with the goal of improving the quality of the relationships, processes and products our industry represents. We are hopeful our CQP initiative will pay huge dividends in terms

of increased public trust as we demonstrate a total industry commitment to a quality focus and continuous improvement. That increased public trust will be critical to MITA's and the Michigan Transportation Team's success in getting a long term increase in transportation funding here in Michigan.

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

Director of Safety & Workforce Development Comment Continued from pg. 25

written up anymore. Set the tone early and let your employees know what you expect of them. Also, let them know if they don't live up to your expectations, there will be consequences. Now, everyone is on the same page and no one is left wondering.

Members of the MITA Safety Committee with help from Orchard, Hiltz & McCliment, Inc., have successfully completed talks with MIOSHA with regard to false decking. A construction "facts sheet" (available on the MITA website) has been put in place to allow flexibility from the standard 2" x 10" planks 24" on center. Span charts were developed to incorporate different types and dimensions of lumber that can be used. This should simplify things for field personnel and allow for some variation. Anything put in place outside the scope of this "fact sheet" will need to be calculated by an engineer to meet the 4x safety factor.

Another issue previously discussed is growing. According to Part 32, rule

3209 (29), the use of aerial lifts on floating vessels is prohibited. MITA has assisted two members in obtaining variances to allow for this. MIOSHA is not issuing permanent variances, and the use of aerial lifts on barges is currently being considered on a case-by-case basis. The point that a contractor needs to prove is no other means of safe access could be provided. MITA and the Safety Committee will continue to work with MIOSHA to address issues as they come up.

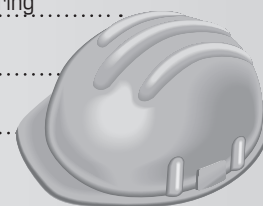
Lastly, now that the construction season is in full swing, it's always a good idea to get a different perspective on how safe your jobsite is. Call the MITA office or download the job site inspection form from our website and get your jobsite inspection scheduled today!

If you have any questions or comments, contact Pat Brown by e-mail at patrickbrown@mi-ita.com or call (517) 347-8336.

OFFICE TRAINING PROVIDED: Continued from pg. 25

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Reducing erosion before it starts

Continued from pg. 33

construction phase. Efforts should also be made to avoid earth work during especially wet times of the year when runoff from snow melt or rainfall is increased. If construction must be done during wetter periods of the year, the weather should be monitored and soil disturbance should be minimized prior to rainfall.

Other Planning Efforts

Other planning efforts, such as having all of the required erosion control materials on-site before earth work begins or creating a checklist of erosion control efforts, are also an important pre-construction activity that can help reduce soil erosion from the site.

Summary

Soil erosion and sedimentation control is a team effort. The pre-construction meeting between MDOT and the contractor should be utilized to discuss these erosion control plans. Planning and training prior to construction by the designer, reviewer, inspector and builder is important to the overall success of the project. Pre-construction activities like training and site visits can have long-term benefits for both the environment and public perception. Construction activities should be planned to reduce soil erosion. Simple tasks such as planning to minimize the amount and duration of disturbed soil, avoiding unnecessary disturbances in sensitive areas, and providing adequate erosion control for access drives and staging areas can go a long way to reducing soil erosion before it starts.

Contributed by: The MDOT Storm Water Management Team and its consultant, Tetra Tech

PARTNER News

Continued from pg. 50

political affairs program," stated Ronald W. Brenke, ACEC executive director. "He knows how to motivate people and has significantly elevated the status of our legislative program in Michigan."

OHM's mission statement "Helping Build Better Communities" reflects their commitment to community involvement. OHM serves more than 55 community organizations with volunteers, donations and fundraising. This is the second time OHM has been awarded ACEC Firm of the Year.

SMALL FIRM OF THE YEAR

RS Engineering, based in Lansing, was awarded ACEC Small Firm of the Year. RS Engineering is in its third year of business providing professional consulting services on civil, structural and traffic related engineering projects for MDOT, various local governments and the private sector.

"Robert Rayl and Thomas Sereseroz are an inspiration to any engineer who has aspirations of becoming an owner of their own firm" stated Brenke. "They have done everything right to grow their firm, achieve the respect of their peers and run a successful business."

RS Engineering is active on several ACEC committees and has shown excellent leadership through the formation of a joint Design Technology Committee between ACEC and the Michigan Department of Transportation.

Co-owner Robert Rayl said: "RS Engineering believes that not only have they contributed to the success of ACEC, but

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ACEC has in turn contributed to the success of RS Engineering."

The American Council of Engineering Companies of Michigan is the voice of Michigan's engineering industry. Council members – numbering more than 120 firms throughout the state – are engaged in a wide range of engineering/architectural/surveying works that propel the state's economy and enhance and safeguard Michigan's quality of life. These works allow people to drink clean water, enjoy a healthy life, take advantage of new technologies and travel safely and efficiently. The Council's mission is to contribute to Michigan's prosperity and welfare by advancing the business interests of member firms. For more information, contact the ACEC office at 517-332-2066 or visit the website at www.acec-mi.org.

Scholarship Winners

ACEC of Michigan recently awarded \$10,000 in scholarship funds to engineering students. As part of the scholarship requirements each, applicant must have worked part time for an established private consulting engineering or surveying firm. The winners this year gained engineering experience by being employed at the following firms: Spicer Group, St. Johns and Saginaw; Ruby & Associates, Farmington Hills; Hubbell, Roth & Clark, Pontiac; Wilcox Professional Services, Saginaw; and Orchard, Hiltz & McCliment in Livonia.

The first place award of \$4,500 went to Pierre Fuller of Flint, a senior civil engineering student at Lawrence Technological University, Southfield. A \$2,500 award for second place was given to Jessica Robinson of Battle Creek, a senior environmental engineering student at Michigan Technological University, Houghton. The \$2,000 third place award went to Thomas DeHondt of Sterling Heights, a senior civil engineering student at University of Detroit-Mercy, Detroit. Cara Lynn Parks of Milford, a Michigan State University junior majoring in civil engineering, and Steven Roznowski of Bay City, a Michigan Technological University junior civil engineering student, were tied for fourth place and each was a recipient of a \$500 scholarship grant.

ACEC/M hosts an annual Scholarship Golf Outing and a Silent Auction, as well as a yearly raffle, to raise funds for these scholarship grants. ACEC/M is proud to help sponsor the educational goals of the future consulting engineers and surveyors who will serve the needs of Michigan citizens in coming years. They understand that the mission of the Professional Consulting Engineer and Surveyor is to protect the public health and safety in carrying out their duties. ACEC/M has been in existence for 51 years and has been providing educational sponsorships for more than 40 of those years.

People interested in careers in engineering and surveying can contact ACEC/M at 517-332-2066 or visit the website at: www.acec-mi.org.




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There's Still Time to Sponsor MITA's 2007 Golf Outings

Please check out the form (right) and fax it back to MITA at 517-347-8344 if you are interested in sponsoring one of MITA's golf outings this year.

You can find details on the event section of www.mi-ita.com. If you have questions, please call Danielle Keating, MITA events coordinator, at 517-347-8336 or e-mail her at daniellekeating@mi-ita.com.



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Sponsorship Opportunities

With warmer weather on its way so are MITA's golf outings! MITA is again offering members a one time sponsorship opportunity. Essentially, instead of signing up for a hole or beverage sponsorship at each golf outing, members can commit to one hole or beverage sponsorship at all outings and receive a discount by doing so. The sponsorship packages available are as follows:

Golf Sponsorship Packages

3 Hole Sponsorships (one at each outing) for \$300, that's a savings of \$75

3 Beverage Sponsorships (one at each outing) for \$750, that's a savings of \$150

1 hole and a Beverage Sponsorship at each outing for \$1,125, that's a savings of \$150



Soil Testing Seminar, May 23, 2007—Boulder Creek, Belmont

MITA Open, June 6, 2007—Bucks Run, Mt. Pleasant

Metro Golf Outing, July 19, 2007—Fox Hills, Plymouth

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Julie Hartwell 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.

Sincerely,
Lynn Coleman
Director
Michigan Laborers Training
And Apprenticeship Institute

department that administers the Fund and any appropriate licensing agency within 30 days of the change.

- **Interest.** A construction lien on a residential structure may no longer include interest, time price differential or finance charges that is not included in the contract between the Contractor and Subcontractor or that accrue 90 days or more after the claim of lien is recorded. With this statutory prohibition, it is important that you only include Time Price Differential in your lien calculation if it is authorized by your contract. Otherwise, a court could accept an argument that your lien was improperly inflated and exercise its discretion to disallow your entire lien. While this is not likely to be the typical reaction of a court, you should avoid the possibility of this drastic remedy being applied against you when you seek to prosecute your lien.
- **Work Requiring a License.** As before, a Contractor performing residential construction must be licensed if working in particular fields. If a Contractor is not licensed, it may not sue to recover money owed for its work performed and may not lien the residential property. A homeowner or person affected by a lien that was recorded by a Contractor or Subcontractor who was not properly licensed may now bring an action to discharge the lien. If the homeowner or interested party is successful, he or she may recover the damages incurred from the recording and attempts to enforce the lien, including attorney's fees.

A Contractor or Subcontractor bringing an action to recover

for work requiring a license must allege that the Contractor or Subcontractor was properly licensed in the Complaint, and the Contractor or Subcontractor has the burden of proving that it was properly licensed or, in the case of a Subcontractor, that its contract was with a licensed Contractor.

- **Same Contractor or Entity.** In order to recover from the Fund, a Subcontractor, Supplier or Laborer must establish that it contracted with the same person or entity with whom the homeowner contracted. This could be interpreted to prevent a sub-Subcontractor from recovering under the Fund and will likely be one of the earlier litigated changes to the Act.
- **Fund Fees.** In order to become eligible or to maintain eligibility to recover from the Fund, laborers, suppliers and non-licensed subcontractors must pay a \$30 renewal fee on June 1st every three years. If the initial membership in the Fund was prior to June 1, 2006, the first renewal fee will be due June 1, 2009 and every third year thereafter. A laborer, supplier or non-licensed subcontractor paying the initial membership fee after June 1, 2006 must pay the \$30 renewal fee by the first June 1st following the third anniversary date of the initial payment and a \$30 renewal fee by June 1st of every third year thereafter.

Licensed contractors are now required to pay a \$10 fee for the initial license and \$10 annually for renewal, rather than one \$50 fee upon initial licensure.

Continues on pg. 74

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PROGRESS REPORT

The New MITA Building

Work continued through the long winter and spring on the new MITA facility in Okemos. In addition to MITA, the building will house the Michigan Concrete Paving Association and the Asphalt Pavement Association of Michigan.

The 20,000-square-foot facility will feature increased space for training and meetings for the membership and staff. Expected completion is still set for August 2007.



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UNEARTHING POSSIBILITIES

MITA 2007 Calendar

For details, visit www.mi-ita.com, or e-mail
MITA's Events Coordinator Danielle Keating at
daniellekeating@mi-ita.com.

2007 MITA BOARD MEETINGS

Tuesday, June 12, 9 a.m. — The Country Club of Lansing
Tuesday, August 14, 1 p.m. — MITA Headquarters (U Club back-up)
Tuesday, October 16, 9 a.m. — Hunter's Ridge Hunt Club
Friday, December 14, 8:30 a.m. — TBA

MDOT BID LETTINGS

June 1, 2007	October 5, 2007
July, 6, 2007	November 2, 2007
August 3, 2007	December 7, 2007
September 7, 2007	

MAY 2007

23 Soil Testing Seminar, Boulder Creek Golf Club, Belmont

JUNE 2007

6 MITA Central Golf Outing, Buck's Run Golf Course,
Mt. Pleasant

JULY 2007

19 MITA Metro Golf Outing, Fox Hills Golf and Country Club,
Plymouth

26-29 MITA Summer Conference, Crystal Mountain

AUGUST 2007

14 MITA Board Meeting
MITA Office, 1 p.m.



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OCTOBER 2007

- 18** MITA Board Meeting
Hunter's Ridge Hunt Club, 9 a.m.

DECEMBER 2007

- WMR** Holiday Open House
TBA

- 14** MITA Board Meeting
TBA

- CMR** Holiday Open House
The Country Club of Lansing

- MMR** Holiday Open House
TBA



Mark Your Calendars

Plan on attending the MITA 2007 Summer Conference at Crystal Mountain July 26-29. Join us for golf and plenty of family fun. A brochure with details will be mailed to you soon and posted on the MITA website at www.mi-ita.com.



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- **Suppliers with Multiple Retail Locations.** If a supplier conducts business from more than one retail location, each retail location shall be treated as a separate person for purposes of paying fees and renewal fees for fund membership.
- **Requirements for Supplier to Recover From Fund.** There are now significant preconditions a Supplier must meet to recover under the Fund. Unless a Supplier provided material or equipment to a particular Contractor or Subcontractor within the preceding year, the Fund will no longer reimburse a Supplier that fails to obtain advance payment in full until the Supplier establishes the following:
 - The Supplier required the Subcontractor or Contractor to submit a credit application before it supplied the material or equipment;

- The Supplier obtained a credit report for the Contractor or Subcontractor (or its owners or principal officers if a non-publicly traded corporation);
- If the Contractor or Subcontractor is less than 4 years old, the Supplier obtained a personal guaranty from the owner or one or more of its principal officers;

AND

- The credit report for the Contractor, Subcontractor or its owners did not disclose that the Contractor or Subcontractor was insolvent, subject to a receivership, or subject to total delinquent judgments of more than \$1,000.

The Fund will also not reimburse a Supplier who failed to obtain advance payment in full if it provided materials or equipment when the Contractor or Subcontractor was already delinquent for a specified time or already owed the supplier an amount more than or equal to its credit limit. In 2007, the Subcontractor or Contractor may not be delinquent more than 180 days. This is reduced to 150 days in 2008, 120 days in 2009, and 90 in 2010 and thereafter.

It is clear that the Legislature in amending these portions of the Act, is sending the message that it will not allow the Fund to be used as a bad credit risk guarantee. The onus is clearly shifted to suppliers of materials to residential projects to take a proactive stance in managing the credit it extends to contractors. It is therefore imperative that Suppliers follow these directions and keep copies of the credit applications and credit reports, as well as records of a Contractor or Subcontractor customer's payment history.

It should be obvious that actual or at least perceived improprieties in the handling of Sworn Statements and Lien Waivers in the stream of payments on private construction projects was the driver behind the recent amendments to the Act. In this article we have given you an overview of the recent changes to the Construction Lien Act to assure that you are kept up to date on changes to an Act that have a direct bearing on your day to day activities in the construction industry. Check the MITA website for the new forms resulting from these statutory amendments and, if you are in doubt about how these changes directly affect you, we encourage you to contact your counsel to clear up any confusion. Many prior articles and seminars have discussed the great payment protection afforded by the Act for private construction. Only you can take the steps to assure that you properly take advantage of that protection.

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Lee Graham Elected New Training Director of Operating Engineers Local 324 Training Center

Lee Graham has been elected Training Director of the Journeyman & Apprentice Training Fund, Inc. (JATF) and its Howell Education Center. Located on 515 acres in Livingston County, the facility is the training arm of the International Union of Operating Engineers Local 324. The announcement was made by Local 324 Business Manager, John M. Hamilton. Graham succeeds Gregg A. Newsom, who retired Jan. 1, 2007, as the facility's training director.

Graham says he looks forward to increasing training opportunities for all Journeyman and Apprentice members of Local 324.

"We are very fortunate to have a training facility of this scale right here in Michigan," says Graham. "My predecessors and the JATF Board of Trustees have done a remarkable job of creating a state-of-the-art educational facility that is second-to-none in the United States. Our goal is to increase training opportunities to members around the state and the region, better utilizing the excellent staff and programs that have been developed by Local 324 in recent years."

Graham was a member of the JATF Board of Trustees from 2003 to 2006 and also served as its Chairman. He is a Trustee of the International Union of Operating Engineers Local 324, a 17-year member of the Local, and a 1990 graduate of the Howell Education Center. Previous to his appointment as Training Director, he was a representative of Local 324's Shop Division, and is currently a member of Gov. Jennifer Granholm's Board of Health and Safety Compliance and Appeals Committee. He is also a member of the Board of Michigan Urban Search & Rescue, and the Michigan Apprenticeship Steering Committee, Inc. Graham has taken a number of business and labor-related courses at Wayne State University and is a graduate of the Dale Carnegie Institute.

Graham resides in Fenton, Mich., with his wife, Vicky, and two children.

About the JATF's Howell Education Center

The Howell Education Center is supported by the Journeyman & Apprentice Training Fund, Inc. (JATF), which is funded solely by the members of Local 324 and administered jointly by the JATF Trustees and signatory contractors including: The Associated General Contractors of America-Detroit Chapter, Great Lakes Fabricators & Erectors Association of Michigan, Michigan Distribution Contractors Association and Michigan Infrastructure & Transportation Association. The JATF is Michigan's only self-funded, hands-on Apprentice training program offering heavy equipment training annually to 14,000 of Local 324's Journeyman and Apprentice Operating Engineers. Located on 515 acres, JATF technical and state-of-the-art classroom facilities provide critical experience so members can safely learn and update their skills for changing technologies in the heavy construction industry.

Organized in 1896, IUOE Local 324 is a 14,000-member trade union representing Operating Engineers who work in the construction industry as heavy equipment operators. Local 324 provides its members many important services including collective bargaining, education and training, improved wages and working conditions, and excellent fringe benefits, including health care and pension.

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The Local 324 Labor-Management Education Committee stands ready to facilitate positive interaction between Labor, Contractors and Project Owners. The committee also actively markets and promotes the use of Signatory Contractors on all types of construction projects.



All of us at Team 324 are committed to providing the highest level of Productivity and Value to our Contractors and Project Owners.

We invite contractors not already reaping the benefits of employing Local 324 members to join us for a MUTUALLY PROFITABLE partnership.

Contact:



Local 324

37450 Schoolcraft Road Ste. 110
Livonia, MI 48150
734-462-3660
www.iueo324.org



Training Center

275 E. Highland Road
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