

SPRING 2010

# CROSS SECTION

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Transportation Association

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Cover Photo: By Jay Frost, Michigan CAT, MITA Lobby Day 2010

For Cross-Section Magazine advertising, circulation or editorial inquiries, contact Nancy 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.

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# MICHIGAN LABORERS' TRAINING & APPRENTICESHIP INSTITUTE



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

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

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

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

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

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



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# you said it

## Letters to MITA

Dear MITA:

I just came back to the office from the press conference. I know that the ultimate goal is still a ways off and much more needs to be done. But, take some pleasure in the small victories leading up to the big ones... a simply outstanding job and turnout this morning that deserves a spot in the victory column. Onward and upward.

James J. Urban  
*Butzel Long*

Dear MITA Team,

Congratulations on the well-deserved Pinnacle Award and People's Choice Awards from the Public Relations Society of America. The impact of the "simple" message is unmistakable, combined with the YouTube video regarding Michigan roads being turned to gravel, MITA yet again presents a compelling argument for increased funding for road repair, reconstruction and new construction. Keep up the great work on behalf of the MITA Members!

Eric J. Flessland, Esq.  
*Butzel Long*

Dear Glenn and Doug:

The 2010 Bridge Team would like to thank you for your participating in the 2nd Annual MDOT Design and Build Bridge Challenge. Your involvement in this event helped to make it a huge success and was appreciated by our team, the sponsors, and the participating teachers and students.

Sincerely,  
The 2010 TRAC Bridge Team

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### The Storm is Approaching

By George F. Curran, Esq. CHMM, and R. Edward Boucher, Esq.  
Kotz, Sangster, Wysocki and Berg, P.C.

**O**n December 1, 2009 the United States Environmental Protection Agency (EPA) published the long-awaited new National Pollutant Discharge Elimination System (NPDES) Final Rule setting forth new requirements for storm water management at construction sites.<sup>1</sup> This new rule tightens existing requirements and for the first time sets monitoring requirements and fixed limitations on sediment in construction site stormwater discharges.

The new rule, which became effective on February 1, 2010, requires construction site owners and operators who disturb one or more acres of soil at a particular site, including contiguous properties that are part of a collective project, to undertake "Best Management Practices" at the site. Commencing on August 1, 2011, eighteen months after the effective date of the final rule, owners and operators of construction sites disturbing twenty or more acres will be required to implement and comply with monitoring requirements and must meet a numeric limitation

on turbidity in the effluent discharged from the site: 280 "nephelometric turbidity units" (NTUs). Beginning on February 2, 2014, four years after the effective date of the rule, these requirements must be met by those construction sites disturbing ten acres or more at a time.

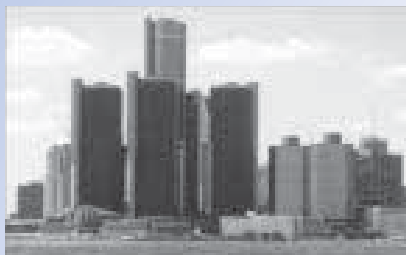
EPA has set a four year phase-in to give state and local authorities time to issue their own regulations that meet or exceed the federal requirements and to give the regulated community time to meet the new standards.

**What to expect:** The regulatory timeline is fixed and short. Michigan has not yet promulgated regulations to meet the rule, but it is certain that Michigan's new requirements will be more comprehensive, and potentially more costly, for owners and contractors involved with projects that disturb soils or result in off-site discharges. At a minimum, the new rule is likely to require more comprehensive soil erosion and sedimentation

*Continues on pg. 43*



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# MITA Future Leaders



**M**ITA is hosting its 2nd Annual Future Leaders Program, and the following MITA members are participating in these highly informative sessions, which will cover a wide variety of important industry-related matters:

Michael W. Peake	<i>Action Traffic Maintenance</i>
Dave Cowper	<i>Ajax Paving Industries</i>
Timothy Balkema	<i>Balkema Excavating</i>
Kyle Toteff	<i>Cadillac Asphalt</i>
Brad Lubahn	<i>Civil Landscape Constructors</i>
Michael D'Agostini	<i>L. D'Agostini</i>
Heather Hendges	<i>Davis Construction</i>
Sean Mooney	<i>Give 'Em A Brake</i>
Jamie Turner	<i>C.A. Hull</i>

Greg Veltema	<i>Kerkstra Precast</i>
Tim Mattice	<i>Lowe Construction</i>
George Troth	<i>Michigan Paving Materials</i>
Nathan Vohwinkle	<i>Michigan Pipe &amp; Valve</i>
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Anthony Rau	<i>Rauhorn Electric</i>
Dan Larson	<i>Rieth-Riley Construction</i>
John Arvai	<i>Weiss Construction</i>



# MITA Member Training Day



**M**ichael Hiestand, vice president of business development for Lounsbury Excavating in Paw Paw, was happy with a great turnout for the Southwest Michigan Training Day in February. Topics that were covered included trenching/excavating and shoring, MISS DIG, MIOSHA All Trades, Confined Space and more.

Pat Brown, MITA's director of safety and workforce development, did a great job keeping the group engaged, Hiestand said. Good food and give-aways were also part of the successful training day.

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# Associate Member Profile

## Wells Fargo Construction

[www.wellsfargo.com/construction](http://www.wellsfargo.com/construction)

**W**ells Fargo Construction is a division of Wells Fargo Equipment Finance, Inc. (WFEFI), the nation's second largest bank-owned equipment finance company. With a long history of providing customized financial solutions to infrastructure contractors in the greater Michigan area, Wells Fargo Construction is poised to help companies secure financing for the equipment they need to build and maintain the state's transportation infrastructure.

Chris Campo, the local Territory Manager and a MITA member since 1999, lives in South Lyon and has been active in the construction equipment finance business for the last 12 years.

"My focus is on construction contractors and how to help them secure financing for the equipment they work with every day," said Campo. "Our support team of 200 professionals is dedicated solely to the construction industry so we understand the equipment, how it's used and the cyclical nature of the construction industry. It's all we do."

Wells Fargo Construction can finance up to 100 percent of the cost of new or used equipment contractors need to run a business, including soft costs such as tax and shipping. The company offers a full range of loan and

lease structures, including operating leases for purchasing equipment, leaving capital and credit lines available for other investments and operational expenses.

Here are a few examples of products and services available to MITA contractors:

- New and used equipment financing or re-financing at competitive rates
- Tax leases, including TRAC Leases or other structure more appropriate
- Term loans, with or without skip payments for seasonal slowdown
- Debt consolidations
- 3 to 7 year financing, with both fixed and floating rate options and rate locks

"It's important to work with a lender who is committed to the long-term success of the industry," said Campo. "Contractors don't look just at the immediate situation; they're focused on the better days ahead and it helps to work with a lender that has been there and will be there."

Campo said that her approach is to work with contractors to design transaction terms, types and structures that match their cash flow, tax and accounting objectives, and business needs. She said some of the questions she



helps address are similar to the following:

What does it take to qualify for competitive rates on new or used equipment?

How do you right-size an equipment fleet?

How and when is it in my best interest to refinance equipment?

What can I do to increase my bonding capacity?

MITA contractors can also benefit by working with Campo and her team to coordinate any cross-border activity with WFEFI's Canadian counterpart, Wells Fargo

Equipment Finance Company. Headquartered in Toronto, the Canadian affiliate serves established, middle-market construction companies by providing a full range of lease and loan options for equipment purchases in both Canadian and U.S. dollars.



## Chris Campo

Territory Manager - Michigan

Wells Fargo Construction

248-486-6201 Office

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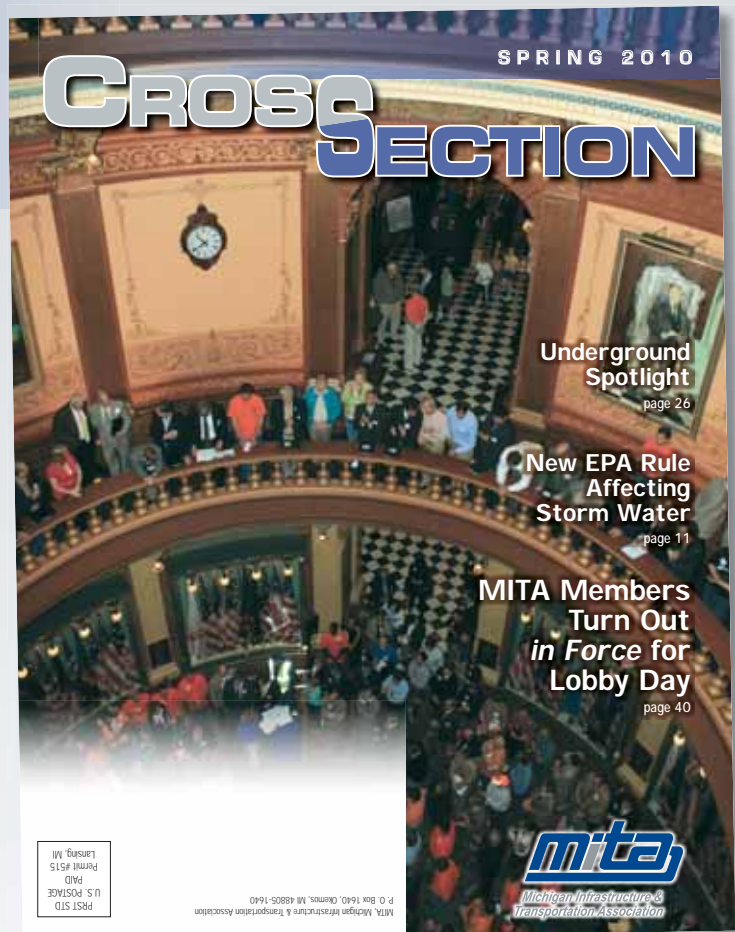
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## Underground Focus

**O**n February 1, 2005, the Michigan Infrastructure & Transportation Association (MITA) was formed when the Associated Underground Contractors (AUC) and the Michigan Road Builders Association (MRBA) merged to become one unified voice representing the heavy construction industry. In many ways, the timing of this merger was perfect in that the organization was able to consolidate many of the services, resources and expenses that were being dealt with by each independent organization at a time when the economy was coming to a screeching halt.

During the first five years of MITA's existence, Michigan has seen a near collapse of the manufacturing sector, a complete shutdown of the residential building market and a total restructuring of the banking and financing industry. All the while our state and local governments deal with tighter and tighter budget scenarios. These combined dilemmas have left our industry to deal with some of the toughest times in decades.

It is during these tough times that most associations normally hear a higher volume of complaints regarding service to the membership. Recently, we at MITA have heard some concerns that we are not serving the underground sector of our industry equally to that which we are offering the transportation related members.

It is my belief the MITA staff is as good, if not better, at what we do as any staff across the nation, and we do not take complaints or concerns in this regard lightly.

As your new Executive Vice President, I took a step back and reviewed not only the information that MITA puts out on a regular basis, but I also went back in time and looked at the types of information that we used to put out to the AUC membership. I then sat down with the staff at MITA and gathered ideas from each of them on how we might better serve all segments of the industry.

What I found was that because of our transportation funding initiative and because

of our heavy dealings with the largest owner agency in the state, MDOT, we did tend to put out a significant amount of information with regard to those two fronts.

However, I also found that much of the information that we put out today parallels that which was put out to the AUC membership years ago. I also found that not only are we putting out a similar message on a regular basis, we are doing it better than ever before with more details, more sophistication and a broader array of professional services being offered to the industry.

Now that is not to say these concerns were unfounded. In fact, some of the areas that were mainstays for AUC in the past, such as regular MIOSHA updates, MISS DIG/Utility bulletins and sewer funding reports are now less frequently mentioned in MITA's weekly bulletins. This does not mean that as staff we aren't involved in these issues on a regular basis, but rather we are not turning out as much information on these issues specifically.

This is now going to change. You will soon begin to see "Underground Focus" showing up in our weekly email updates, you will also see an underground spotlight routinely in our Cross-Section Magazine, and you will even see an underground emphasis on our MITA website. Each of these areas will highlight issues of interest specifically for the underground industry.

As a team, we have recognized the need to communicate to our members all the activities with which we are involved more clearly.

Understand that this effort should not negatively impact our representation of the other segments of the industry, but rather, offer a more balanced communication approach from the MITA staff. A majority of the information that we at MITA churn out actually has an impact on the



Mike Nystrom

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*Continues on pg. 59*

## Vice President of Membership Services



Rob Coppersmith

### Clean Diesel a Win Win Win

Last October MITA announced it was attempting to apply for a federal grant with four partners: AIS, JDE, Michigan CAT and the then Wolverine Tractor but now Alta Equipment. The purpose of the grant was aimed at lowering diesel emissions by bringing "aged" equipment into compliance with requirements of the Diesel Reduction Act. It is my sincere hope that the award has been made official; currently I'm typing this with my fingers crossed. Regardless of award the information that follows is pertinent. The goal of the Act is to bring air quality up by reducing particulate through the control of diesel emissions. Southeast Michigan currently boast two non-attainment areas in regards to air quality and is currently considered one of the worst areas in the nation for asthma sufferers.

If you have ever written or applied for a grant, you can probably understand what a daunting task it is. MITA and its' partners had just a little over a month to complete and submit the grant. The first step required each partner approach contractors that perform work in attainment areas and complete an equipment assessment to determine what pieces might and I emphasize might be eligible based on requirements set forth in the fifty page National Clean Diesel Funding Assistance Program narrative. The prize at the end of the rainbow is the first win referenced

in the title of this article. A 75 percent EPA grant with a required 25 percent customer match. Thus, providing needed dollars to upgrade equipment that in all likelihood would continue to add to the problem without funding.

Several past awards have gone to school districts with an intent of targeting buses. The MITA proposal is the first to address construction equipment that can leave a large carbon footprint because of the massive amounts of hours it often runs and the sheer horsepower needed to perform the task at hand. In essence one large excavator can out produce numerous school buses with regard to particulate emissions. Based on the equipment in the MITA submission a lifetime emissions reduction of 11 tons of particulate is anticipated. Thus, identifying the second win.

If you are reading this, the third win is starting to be realized, public awareness is always the best first step. Let's give credit where credit is due. The Diesel Reduction Act is a reality; the EPA has and is promoting voluntary compliance initiatives throughout various regions of the country. The simple fact is they could have just started enforcing the requirements of the act, which ultimately would have created undo stress on businesses of all shapes and sizes. MDOT and municipal

*Continues on pg. 60*

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## What about Prompt Payment to the Prime Contractor?

**Y**ou should know that MITA is not adverse to the premise of prompt pay by prime contractors to subcontractors and suppliers when their work has been satisfactorily completed and/or the terms of their subcontract or agreement have been fulfilled. The prompt payment of downstream subcontractors and suppliers by prime contractors has become a matter of growing concern for public owner agencies who are building projects funded by federal-aid dollars. But what about prompt payment to the prime contractors by the owner agencies?

Much, if not all the "prompt payment" attention has been focused on the payment from the prime contractor to subcontractors and suppliers below. However, there are numerous instances and situations we are all aware of where an owner agency, or their representative, has been very slow in making payment to the prime contractor for work that has been completed and accepted.

For projects being built under the MDOT Standard Specifications, the prime contractor should expect and anticipate that progress payments, for work completed and accepted, will be processed and made on a biweekly basis. Yet many owner agency engineers, or their representative responsible for the administration of a project, fail to process progress payments at any regular interval. Common "justifications" we hear from those engineers who fail to make regular progress payments are, "I'm way too busy to process an estimate as often as the contractor wants", or "I don't have all the paperwork" (even when all the paperwork has been submitted), or "I want to wait until near the end of the job to process a payment so I can see how the quantities balance", or simply "I forgot". All unacceptable justifications for any owner not to make prompt payment to a prime contractor for completed and accepted work.

As a prime contractor on an MDOT let project have you ever had to wait to be paid for extra work the engineer authorized,

you completed, and the engineer accepted? Probably a more appropriate question would be, "Have you ever not had to wait for payment for extra work?"

In the case of extra work, or overruns that don't put a project in overrun status, the timeline for payment to the prime contractor is part "engineer controlled" and part "process controlled". The engineer controls the time it takes to fully develop and document the contract modification for the extra work or contract overrun. Once the engineer submits an adequately documented contract modification to MDOT's Construction & Technology Division (C&T) for processing, it will at a minimum take 90 days for that contract modification to move through the internal review process and finally get State Transportation Commission and State Administrative Board approval. Delays by the engineer in getting the contract modification to C&T, and/or delays resulting from an iterative exchange of information between the engineer and C&T to appropriately document a contract modification, will quickly add weeks and months to the timeframe a prime contractor waits for the payment that contract modification will eventually approve.

Just as the delayed payment from a prime contractor to subcontractors and suppliers below them cause the federal-aid public owner agencies concern, the delayed payment for completed and accepted work from the owner agencies to prime contractors should cause all contractors concern .... and MITA is here to help all of you with that concern.

Recently, MITA staff initiated  
*Continues on pg. 60*



Glenn Bukoski, P.E.

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## Director of Safety & Workforce Development



Patrick Brown

### Are You Involved in Safety?

Safety starts at the top. If you as an employer or management are not in touch with the safety of your company and its employees, you are doing a disservice. Many companies say they are and put together elaborate safety programs, but never enforce them. It is the employer's responsibility to create a workplace free of recognizable hazards. They accomplish this by designating a "qualified" person (i.e. foreman, superintendent) to enforce state standards and company policy. As I travel around the state and talk with different contractors, I ask foremen when the last time was that they disciplined an employee for violating a rule or policy? Sadly enough, there are "qualified" people out there with 10, 15, 20 years in a position of authority that have NEVER disciplined a worker. The proverbial "butt" chewing is only good once and the line should be drawn after that.

With all that said, let's talk about training your people and what MITA has available. MITA staff thought long and hard about ways

to change things up in the training arena for 2010. With some reservation, MITA choose to provide training to its members different than years past. Super Conferences have been a staple of MITA even pre MITA during the AUC days. This was a great way to train the masses in one day and still it holds true in some instances. For 2010, we offered training in house (The MITA house), as well as taking it to the individual companies as in the past. The fear was contractors choosing not to train because of the change. This was not the case at all. As matter of fact, in a three month time period, MITA staff train almost 850 workers for a total of almost 3,200 man-hours of training. Down slightly from years past, this was to be expected considering the economy and lack of work in Michigan.

The plus to this change comes from the contractors' ability to send workers to any number of classes offered twice a month in the MITA building throughout the year or make it company oriented in their own facility. Some workers have said they like the individual training over the Super Conferences because they feel more comfortable asking questions among their own people.

For more information on upcoming classes or to schedule a class, visit the MITA website at [www.mi-ita.com](http://www.mi-ita.com).

#### MIOSHA

Frequent MIOSHA inspections are becoming a sign of the times due to lack of work in the state and a push from Federal OSHA to issue more citations and higher penalties. MITA has heard from a few members to "get used to it because you are gonna see a lot of me this summer". This type of intimidation should be reported to your association, even MIOSHA management doesn't support those type of comments. The reality is that a contractor works in a certain geographical area (which most do) and they interact with a certain safety officer on a regular basis, then the actual

*Continues on pg. 60*



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# TOOL BOX TALKS

## Angle Of Repose

### 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.

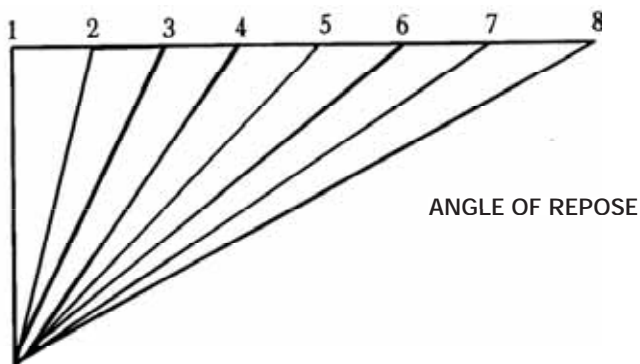
- KNOW YOUR JOB.
- BE ALERT.
- EXPECT THE UNEXPECTED.
- USE GOOD JUDGEMENT.
- ALWAYS THINK SAFETY.

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.

The three "S"s of excavation safety are shielding, shoring, and sloping. The angle of repose refers to the amount of sloping required for safe entry into a trench without using a trench shield or other method of protection.

The angle of repose is a major focus of a MIOSHA inspection because of the potential threat a trench poses to employees. When is the last time your crew determined if the excavation at hand met the proper angle of repose by means other than a visual check?

The angle of repose is determined by using a penetrometer to calculate the tons per square foot (TSF) of an excavation's walls. This TSF reading is then correlated to one of the following soil conditions:



1. Solid Rock Formation (90°)
2. Fractured Rock Formation (75°) 1/4:1
3. Stiff Clay (63°) 1/2:1; 2.5 TSF minimum
4. Firm Clay (56°) 2/3:1; 1.5 TSF minimum
5. Granular Soil - Dry (45°) 1:1; 1.0 TSF minimum
6. Granular Soil - Wet (34°) 1 1/2: 1, < 1.0 TSF
7. Saturated Granular Soil (26°) 2:1
8. Running Soil (18°) 3:1

If the angle required for safe sloping cannot be met due to surface obstructions such as sidewalks and roads, an alternate method must be used. This can be accomplished with shielding and shoring used by itself or in combination with sloping.

The MITA Trench Safety Handbook offers step by step instructions for calculating the angle of repose. Incorporating the practice of calculating the angle of repose will ensure MIOSHA compliance and employee safety.

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## Director of Legislative Affairs



Keith Ledbetter

## Heavy Construction Industry Descends on State Capitol to Lobby Legislators

**F**our hundred transportation infrastructure advocates converged on the state capitol on a beautiful spring day in early May to lobby their legislators. Five changeable electronic message boards surrounded the state capitol facing legislative office buildings with an unmistakable message: "Fix our roads".

MITA staff coordinated a Transportation Lobby Day with members of the American Council of Engineering Companies (ACEC), County Road Association of Michigan (CRAM), Michigan Municipal League

(MML), Laborers District Council, Operating Engineers Local 324 and others to show strong support for increased transportation funding. At an opening press conference packing the capitol rotunda on three floors, the group handed legislators over 5,000 signatures collected in support of increased transportation investment. (If you haven't already, you can sign the online petition by going to [www.drivemi.org](http://www.drivemi.org).)

At the end of the press conference, about 150 MITA members dispersed to talk with their hometown legislators in pre-arranged



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meetings to discuss the importance of infrastructure investment in local communities. Although no immediate legislative action was expected as a result of the lobby day, the event was a major success. Policymakers got to hear firsthand from business owners, construction workers, local officials and others from their local communities about the negative impact of waiting to fix the transportation funding mess.

Transportation issues weren't the only issue being discussed at lobby day. MITA staff prepared a set of talking points for the underground industry. Pressing underground issues include underground storage tank clean up money being diverted to other areas of the state budget and ensuring that the state spends enough state dollars to meet the federal match of State Revolving Fund dollars. As of this writing, the pending Department of Natural Resources and Environment (DNRE) budget is short \$4 million of state Drinking Water Revolving Fund money, which means we would not be able to match \$20 million in federal funds. This money, which would be sent to other states, could generate tens of millions of dollars in construction work for contractors for drinking water projects here in Michigan.

### **My MITA Dues Already Pay for a Professional Lobbyist So Why Do I Need to Help?**

Legislators care more about their constituents than paid lobbyists. They need to hear that their local communities and job providers are struggling as a result of their inaction. While MITA staff has been very active in educating the entire state Legislature about the statewide funding gap and how it affects jobs in Michigan, the message is reinforced when they hear it from constituents "back home". If those constituents have a particularly close relationship with their legislators, there is likely to be a more frank discussion

on issues and a more open mind to support good public policy even when it requires going against the grain.

MITA has created a group called "Pavement Pounders" who are industry leaders willing to

*Continues on pg. 61*



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## Director of Technical Services



Doug Needham, P.E.

## Not Just Another Federal Form

**W**hether you bid on MDOT projects, SRF funded DEQ projects, EPA projects, local agency projects, or any other type of project funded with federal aid, there is a good chance you have encountered the requirements set forth in the Federal Highway Administration (FHWA) Form-1273 "Required Contract Provisions Federal-Aid Construction Contracts." This document, included in all federally-funded project proposals doesn't resemble your typical looking form. It is a multi-page document that lays out a high level road map that must be followed over the course of the project. All of the stipulations set forth in this document must be inserted into each subcontract as well as any lower tier subcontractor or purchase order. This form must also be physically inserted into each subcon-

tract or purchase order and not incorporated by reference. As clearly stated in the document it is the prime contractors responsibility that this form be inserted into each lower tier subcontract/purchase order.

In this article, I'm not planning to summarize all of the provisions of this federal document, however, there are a few areas worth mentioning. For a copy of the complete form, either locate the document in one of your federal-aid projects or contact the MITA office.

### EEO

Federal law requires that all employers have an Equal Employment Opportunity (EEO) policy in place. If you haven't updated your EEO lately, MITA has recently updated our on-line guidance manual to assist you with this task. Visit the

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MITA website and the MITA EEO guidance manual is located under the "Material Resource" option under the heading "Services". You are required to keep your EEO records for a period of three years following completion of the contract work.

### Prevailing Wage

Prevailing wage has been a topic that MITA members are all too familiar. This federal document requires that all mechanics and laborers employed or working on the site of work be paid once a week at the prevailing wage as defined in the project proposal. The contractor/subcontractor are required to post a copy of the wage determination at the site of work in a prominent and accessible location. The wages paid for each worker shall be paid according to the most appropriate classification as detailed in the wage determination. It is the contractors/subcontractors responsibility to find the appropriate worker classification. Remember that this may not fit the employees' job titles but rather should be related to the work that is actually being performed.

The wage determinations located in the project proposals also include the appropriate fringe benefits for the work classification. The contractor and subcontractors must either pay the benefits as stated in the wage determination or an hourly equivalent. FHWA recognizes the hourly wage and fringe benefit as a total package; so, as long as the workers total package is paid, you have met the federal requirements. However, if you plan to vary from the published wage rates and fringe benefits, contact MITA for guidance as some of the rules do get confusing.

### Apprentice

Only bona fide apprenticeship programs are allowed. A contractor/subcontractor cannot arbitrarily assign a worker as an apprentice. According to the federal rules, apprentices will be permitted to work at less than the predetermined rate for work they perform provided they are individually registered in a bona fide apprenticeship program registered with the DOL, Employment and Training Administration, Bureau of Apprenticeship and Training, or with a state apprenticeship agency that has been recognized by the Bureau.

### Overtime

Remember that overtime applies to all hours worked over 40 hours per work week. This requirement applies to a combination of both prevailing wage and non-prevailing wage work. If an employee works on both private and publicly funded projects during the same work week, their overtime must be a prorated amount between their non-prevailing and prevailing wage rate.

### Certified Payrolls

It is the requirement of the contractor and subcontractors to submit weekly certified payrolls. The weekly submission of a properly executed certification is detailed on the optional FHWA form WH-347. The contractor and subcontractors shall make these records available for review and allow for the federal and/or state agency to perform interviews of the employees to validate the payrolls. Payrolls and basic record keeping relating to certified payrolls shall be maintained by the contractor and subcontractors for a period of three years from the date of completion of the project.

As clearly spelled out in the FHWA Form-1273, any breach of these requirements set forth in this document is considered sufficient grounds for termination of the contract and possible debarment from bidding on future federal aid projects. Remember when bidding on a project funded with federal-aid that you need to be aware of the federal requirements and ensure that all subcontractors and suppliers are also aware.

MITA has been informed that the FHWA is placing a concerted emphasis on ensuring that the requirements set forth in this document are being followed and that it is physically placed in all subcontracts/purchase orders.

If you have any questions relating to the applicability of these requirements, don't hesitate to contact us.

To contact Doug Needham, e-mail  
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# Underground Spotlight

## Cracks in Installed Reinforced Concrete Pipe

### Did you know?

MITA staff recently met with various underground contractors and concrete pipe suppliers to discuss perceived problems associated with concrete pipe. As a result of that meeting, MITA has been in communication with the design community, owner agencies, and other parties of interest to educate them on the performance of concrete pipe. The emphasis of this education is that not all cracks are detrimental and require replacement or remediation.

"Some engineers insist that a crack in a concrete pipe in excess of 0.01-inch represents a failure or partial failure situation. Such a conclusion is utterly ridiculous and represents a disservice, not only to the concrete pipe industry, but taxpayers as well."<sup>1</sup>

This quote from Professor M.G. Spangler, a well respected authority and early pioneer in the design of concrete pipe, should be taken into consideration when designing, installing, inspecting, or funding a project using reinforced concrete pipe (RCP). All parties involved should be aware of the insignificance of a 0.01-inch crack.

Reinforced concrete pipe, like other reinforced concrete structures, is designed to crack. It is well known that while concrete is very strong in compression, its tensile strength is so low that it is considered negligible in design. Therefore, RCP design accommodates the high compressive strength of concrete and the high tensile strength of steel. As load on the pipe increases, and the tensile strength of the concrete is exceeded, cracks will form as the tensile load is transferred to the steel. Typically, the cracks form a V-shape with the largest part of the crack at the surface. The presence of a 0.01-inch crack does not represent failure, but rather an indication that the concrete and reinforcement are working together, as intended.

The 0.01-inch crack criteria has been used as a service load design criteria for RCP for nearly 70 years. This criterion has served the industry well through the clear designation of a plant test protocol. It has also served the public well by conservatively ensuring that a strong and durable product is used in their buried infrastructure.

The 0.01-inch crack was never intended to determine the failure of installed RCP. This crack width was established by Professor W.J. Schlick of Iowa State University to establish the comparative strength of RCP, in a three-edge-bearing test by using a simple 0.01-inch thick leaf gauge to determine a measurable and definitive size crack.

The three-edge-bearing test is a plant test that applies a bearing strip along the top of the pipe, and two closely spaced bearing strips along the bottom. Specifications for RCP require an ultimate load resistance that exceeds the required 0.01-inch crack strength, giving the designed pipe a significant factor of safety above the required service load. The 0.01-inch crack width has absolutely no relation to the size of a crack that should be considered a structural failure of an installed concrete pipe. In fact, ASTM C76-06 states, "As used in this specification, the 0.01-inch crack is a test criterion for pipe tested in the three-edge-bearing test and is not intended as an indication of overstressed or failed pipe under installed conditions."<sup>2</sup>

Professor Spangler noted his opinion on the durability of RCP as, "Cracks up to approximately 1/16-inch in width will not permit corrosion except under the most adverse conditions"<sup>3</sup>.

In the CP Info -Effects of Cracks in Reinforced Concrete Culvert Pipe, a study performed in Los Angeles County on the Diamond Bar Culvert installed under 80 feet of fill in California, found that even with



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Pictures 1, 2 and 3 shown as if viewing the crack standing, kneeling, or through a video inspection, respectively.

0.01-inch crack  
measured in  
a 36-inch,  
Class IV Pipe.



1



2



3

Cracks may  
appear larger in  
video inspection.

The 0.04-inch crack  
shown is less than  
half the crack width of  
0.10-inch accepted  
by Clatrans<sup>4</sup> and  
AASHTO<sup>5</sup>.



Autogenous healing in concrete pipe.

cracks 0.2-inch wide, structural integrity was maintained. These results should be reasonably representative of what would be expected in similar environments.

Furthermore, a phenomenon, known as autogenous healing often occurs between two surfaces of cracks in buried pipe. Autogenous healing is the ability of concrete to heal itself in the presence of moisture and air. This explains why the healing occurs in concrete pipe where moist conditions are higher than those of other concrete structures.

During this process, calcium carbonate, (a hard white substance), forms when moisture reacts with unhydrated cement powder and regenerates the curing process. This self-healing process creates a

*Continues on pg. 61*

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**F**ieldManager Contractor, a construction management application built especially for and by contractors, continues to grow and expand its functionality. Not only is the product usage increasing amongst contractors, the user input is also driving the development of this application. The most recent release in summer 2009 added all of the functionality requested by users, including Disadvantaged Business Enterprise (DBE) tracking, modifications to the subcontractor payment functionality, and additional reporting capabilities.

Info Tech has continued to work with the contractor community to expand the product. The results of this are a new release for the 2010 construction season. Key features added in this release include, the export of labor and equipment and subcontractor payment data to accounting, labor and equipment unit pricing, the 1302 items sheet, and ability to load and manage a user's non-DOT contracts. Again, these features

were requested by users and we will continue to work very closely with our user base to build a long-term working business relationship.

The new features have been added to the existing functionality of the application, which already allows you to:

- Create discrepancy reports comparing the owner agency contract with your working copy. This compares the owner agency quantities placed and paid vs. your quantity placed calculating the dollar amount difference.

- Create a daily progress discrepancy by item showing the Inspector Daily Report dates with quantity discrepancies between your record and the owner agency.

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- Track costs of personnel and equipment per day using the Foreman's Daily Report functionality.

- Specify the quantity for each item to pay to your subs and calculate the dollar amount due, creating the payment reports for subs.

For more information about FieldManager Contractor, please visit [www.infotechfl.com](http://www.infotechfl.com). FieldManager Contractor is available from Info Tech, Inc. Established in 1977 and based in Gainesville, Fla., Info Tech, Inc. provides software development and systems integration services for infrastructure construction management, and also provides highly technical consulting and network communications services. Info Tech's software products, services and professionals serve public agencies, consulting engineers, contractors and bidders. Info Tech has a highly skilled workforce of more than 150 professionals, and maintains regional and project offices throughout the U.S. Info Tech can be reached at 352-381-4400.



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## Motorists tell Leaders to Fix Michigan's Crumbling Infrastructure

May 4, 2010

More than 5,000 petition signatures were delivered during a Michigan Transportation Team (MTT) rally at the Capitol today, telling lawmakers to fix Michigan's deteriorating infrastructure – now.

With local jobs and construction projects at stake, advocates said it's urgent for lawmakers to invest in Michigan's crumbling infrastructure.

"Legislators can no longer ignore the deplorable state of our roads, bridges, transit systems and all aspects of our state's infrastructure," said Mike Nystrom, executive vice president of the Michigan Infrastructure and Transportation Association (MITA), and co-chair of the MTT. "Michigan citizens are demanding action and will hold their legislators accountable."

Constituents at the rally included a truck driver, a Grand Rapids area transit rider for more than 30 years, an aviation representative from Oakland County, the mayor of Saline, and more who spoke about the impacts of Michigan's inability to properly fund its infrastructure.

"I signed my name to the petition and am here today because after traveling across the country from Texas, I know firsthand that Michigan roads are by far some of the worst in the nation," said Laura Baughman, a truck driver originally from Lansing, who now lives in Texas. "I'm waiting for my truck to be swallowed up by one of Michigan's potholes. Michigan lawmakers must recognize that for truckers like me, braving the condition of Michigan's roads is a serious risk because we can't afford to pay for a blown tire or realignment."

Those rallying today told lawmakers to act now to avoid an \$84 million transportation funding shortfall, which would force the state to send \$475 million to California, Indiana and other states because of Michigan's inability to meet federal matching requirements.

"I signed my name to the petition because as the owner of a trucking company based out of Michigan – employing Michigan workers – there's too much at stake for lawmakers not to invest in our roads," said John Hunt, J.W. Hunt, OTC located in Bad Axe. "As a business owner, I'm already paying for the poor condition of our roads. I pay more when my trucks are damaged by concrete falling from overpasses in the Metro area. I am more than willing to pay a higher fuel tax rate to drive on roads that are maintained during the winter and do not cause damage to my equipment."

The current MDOT budget cuts Michigan's road and bridge program by 62 percent due to declining gas tax revenues and the state's inability to match federal dollars. Michigan faces a \$2.4 billion reduction in state and federal

funding for projects between 2011 and 2014. Although Michigan's roads are the most visible victim of funding shortfalls, cuts in airport funding have created a \$1.6 billion backlog of capital needs.

Snapshot of Michigan's infrastructure:

- Michigan has more than 28,000 miles of road in poor condition; 58 percent of Michigan roads are either in poor condition or unpaved.
- Nearly 1,400 bridges are either structurally deficient or functionally obsolete.
- 38 counties have had to pulverize failing pavement into gravel.
- 257 road and bridge projects have been cut across the state.

"I signed my name because increasing transportation investment is absolutely critical to our state's local communities and cities," said Gretchen Driskell, mayor of Saline, and chair of the Transportation Funding Task Force (TF2) Citizens Advisory Committee. "It's been almost two years since we presented our findings to lawmakers calling for an immediate investment in our state's roads. Yet lawmakers have failed to act on our recommendations. Michigan citizens are fed up. We need to secure transportation funding now!"

"With our man-hours in the road and bridge industry down 23 percent from a year ago, and even worse down 50 percent from five years ago, it is unacceptable for lawmakers to pass a underfunded budget that hurts job creation," said Sam Houston, Region IV Director/Guard, International Union of Operating Engineers Local 324. The current MDOT budget also drastically underfunds the state's public transportation system. The bipartisan Transportation Funding Task Force (TF2) recommended a "good" level of investment in public transit as \$773 million – this is \$500 million above the state's current level of investment.

"I signed my name to the petition because I've been a rider of public transit for more than 30 years, and without it I'd be home-bound," said Casey Dutmer, a Grand Rapids area transit rider for more than 30 years. "Now is the time to implement the recommendations of the TF2 so our state can finally invest in public transportation!"

Petition signers indicated support for any legislation that will increase investment in Michigan's transportation infrastructure, including raising revenue through adjustments in vehicle registration fees, user fees on gasoline and diesel fuel, and other new funding strategies. To view the petition and exact petition language, visit [www.DriveMI.org](http://www.DriveMI.org).

Michigan residents can voice their concerns about road funding by calling a toll-free number – 888-719-3087 – set up by MTT. Callers simply enter their five-digit ZIP code to be connected with their legislative offices.

*Continues on pg. 63*



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# MITA In the News

Associated Press:

## Rally calls for more investment in Michigan roads

May 04, 2010

Organizations that say they're upset with the condition of Michigan's roads are again calling for more funding for transportation projects.

A coalition of business groups, road builders, transportation agencies and motorists is gathering Tuesday at the state Capitol. The coalition is urging lawmakers to come up with a solution that would allow the state to spend more money on roads.

Proposals that would boost road funding, including higher taxes on gasoline and diesel fuel, aren't getting much attention in the Legislature.

The state plans to delay hundreds of road and bridge projects scheduled for the next five years because of its inability to raise enough money to match federal transportation dollars.

Detroit Free Press:

## Budget to hurt roads, MDOT says

April 30, 2010

Michigan's roads will deteriorate quickly -- and construction will be scarcer -- unless lawmakers fill a gaping hole in the state's transportation budget, officials said Thursday.

The Michigan Department of Transportation warned during a meeting of the state Transportation Commission that it might do significantly less roadwork in 2011-14.

Revenues from gas taxes and vehicle registration fees will be \$84 million short of what the state needs to leverage more than \$600 million in federal matching funds, MDOT said.

The state said it is delaying 100 pavement upgrades covering 375 miles of roadway and repairs to 575 bridges. In metro Detroit, delayed work includes the rebuilding of seven miles of I-96 in Wayne County, resurfacing of 10 miles of I-94 in Macomb County and reconstructing the M-59-Crooks Road interchange in Oakland County.

"We continue to seek creative solutions but we face the reality of having to cut \$600 million annually, beginning in 2011, and seeing the revenue from federal fuel taxes paid by Michigan taxpayers going to Ohio and other states that are able to match federal funds," MDOT Director Kirk Steudle said.

The department said it is giving regional planning agencies across the state two sets of plans for the 2011 construction season -- one based on losing the federal funds, and another in case lawmakers find money to plug the funding hole.

Mike Nystrom, spokesman for the Michigan Infrastructure and Transportation Association, said the announcement portends trouble.

"They're telling us the Legislature continues its inaction, and that they have to put a plan in place that recognizes we're losing the money," Nystrom said. "It is dangerous territory. To let Michigan money go to other states is unconscionable..."

ABC News: Students Win Pothole Prize

## ABC News: Students Win Pothole Prize

April 23, 2010

A group of Freeland High School students who found a few monstrous potholes are cashing in on their find.

Using their video camera and a lot of creativity, seven Freeland Highvideoproductionstudentswontheirfirst-everawardthisweek. "Finally. Finally we won one," Tyler Norfleet said.

What these students won was first place in the video portion of the Michigan Transportation Team's contest to find

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the worst potholes in the state. It was an assignment from teacher Tom Short. "It's something that affects all of us every single day on our drive on the bus or in our car," Short said. One of their two award-winning videos was shot on Muirhead Drive.

"My cousins live on that road, and they have wrecked two or three cars on that road alone just because the potholes are deep," Justin Willett said.

Most of the videos were dramatized for effect, but that wasn't the case all the time.

First one where he flings his head forward, that I got randomly beforehand, before we were trying to act dramatic," Tyler said.

These high schoolers say finding the potholes was the easy part. Their time in the school's one edit room was the hard part. "We're at this computer a lot," admitted Tyler.

All are happy to take top honors, but the prize is especially sweet for Justin Willett. "That's nice because, for my future, I actually want to pursue a career in filmmaking."

They won \$370 for their hard work. That's what officials say represents the costs drivers pay in vehicle repairs and time lost in congestion on Michigan's poor roads.

"We've all been down rocky roads, so we all feel the effects of potholes. So this is our way of showing that they need to be dealt with," said student Andrew Robishaw.

The Detroit News:

## Michigan roads second worst in country

March 30, 2010

Michigan has the second worst roads in the nation, according to a "Highway Report Card" released today by Overdrive Magazine, a publication for truckers and trucking company owners.

Michigan placed third on the report card in 2009. Pennsylvania topped out this year's list with the worst roads, and New York and California tied for third place.

Michigan drivers won't see much relief from crumbling roads in the next five years after the Michigan State Transportation Commission in January slashed 243 road and bridge projects from the Michigan Department of Transportation's 2010-14 road program.

The commission was forced to cut the projects due to continued declines in state gas tax revenues and the state's

inability to match federal dollars beginning in 2011.

The cuts were based on a one-year forecast that predicts road revenues of \$1.16 billion in 2011, if the federal money is secured, down from \$1.8 billion this year. Road revenue could be less than \$639 million if Michigan can't come up with the match for available federal transportation dollars, according to MDOT spokesman Bill Shreck.

"Based on the fact that we have been talking about the needs of our network for years now, the results of this shouldn't be surprising to anyone," said Mike Nystrom, executive vice president of the Michigan Infrastructure and Transportation Association and co-chair of the Michigan Transportation Team.



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# MITA Adds Two New Staff to Better Serve Industry



**Nicole Cook**  
Outreach Coordinator

Nicole Cook is MITA's new Outreach Coordinator. Nicole will broaden MITA's membership outreach efforts to encourage their direct and consistent communications with their legislators. With the 2010 election rapidly approaching, she will help members nurture relationships with future legislative candidates to establish long-term benefits to MITA and the industry.

Prior to joining MITA, Nicole worked as the first Administrative Director for the Coalition Protecting Auto No Fault (CPAN). She also worked as a paralegal at a mid-size Lansing law firm for six years, specializing in the areas of environmental, municipal and drain law. She received her associate's degree in business in 2001 and a bachelor's degree in business administration/management from Northwood University in 2007.

Nicole can be reached by phone at the MITA office at 517-347-8336 or e-mail at [nicolecook@mi-ita.com](mailto:nicolecook@mi-ita.com).



**Anita Lindsay**  
Website/Data Coordinator

Anita Lindsay is MITA's new Website/Data Coordinator. Anita's focus will be to ensure that the MITA website will be the trusted source for labor and legal information, the latest legislative and industry updates as well as accurate contact information for the entire membership.

Previously, Anita worked as a membership coordinator at the College of Healthcare Information Management Executives (CHIME), based out of Ann Arbor, Mich. She earned a bachelor's degree from Central Michigan University in 2007 and looks forward to contributing positively to the MITA team.

Anita can be reached by phone at the MITA office at 517-347-8336 and by email at [anitalindsay@mi-ita.com](mailto:anitalindsay@mi-ita.com).



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# MITA Receives Top Public Relations Awards



(Pictured from left to right: Andrea Fischer, The Rossman Group; Nancy Brown, MITA; Keith Ledbetter, MITA; and Kelly Rossman McKinney, The Rossman Group.)

**M**ITA was honored in April with two prestigious public relations awards by the Public Relations Society of America at a ceremony in Lansing. The awards were given for the “Message in a Bottle” project, spearheaded by MITA and the Michigan Transportation Team.

The project, which was done in conjunction with the County Road Association of Michigan, not only won the top “Pinnacle Award” for the best PR campaign tactic, but also won the coveted “People’s Choice Award” -- recognized as the best PR effort of all the award winners in each category.

The “Message in a Bottle” project delivered samples of a pulverized Montcalm County road to legislators to call attention to Michigan’s transportation funding crisis. To view a YouTube video regarding Michigan roads being turned to gravel, visit [www.drivemi.org](http://www.drivemi.org).



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Michigan Infrastructure &  
Transportation Association

# Summer Conference

## July 29 - August 1, 2010

### Grand Hotel, Mackinac Island



## SCHEDULE OF EVENTS

Upon hotel registration, information regarding ferry transfers and room confirmation number will be provided via mail by the Grand Hotel.

### THURSDAY

JULY 29, 2010

4:00 p.m.  
Check-in

6:30 p.m.  
Welcome Reception, East Front Porch

7:30 p.m.  
Dinner, Reserved Section, Main Dining Room (dress code enforced)

9:00 p.m.  
Afterglow at the Gate House (cash bar)

### FRIDAY

JULY 30, 2010

7:30 a.m. - 9:30 a.m.  
Breakfast in the Main Dining Room (included with Grand Hotel room rate)

8:30 a.m.  
Tee Times at The Jewel

12:00 p.m.  
Lunch on own (not included with the Grand Hotel room rate)

6:00 p.m. - 8:30 p.m.  
Cocktail Reception and Cookout, Tea Garden (casual dress)  
Back-up (Main Dining Room)

10:00 p.m.  
Afterglow at the Gate House (cash bar)



### SATURDAY

JULY 31, 2010

7:30 a.m. - 9:30 a.m.  
Breakfast in the Main Dining Room (included with Grand Hotel room rate)

9:00 a.m.  
MITA Membership Meeting (Terrace Room)

12:00 p.m.  
Lunch on own (not included with the Grand Hotel room rate)

6:30 p.m.  
Dinner on own in Main Dining Room

8:00 p.m.  
Arrive at Sheplers dock

8:30 p.m.  
Departure for the Sunset / Dessert Cruise, sponsored by Michigan Laborers Local 1191 LECET



### SUNDAY

AUGUST 1, 2010

7:30 a.m. - 9:30 a.m.  
Breakfast in the Main Dining Room (included with Grand Hotel room rate)

Check out before 11:00 a.m.

## GOLF: THE JEWEL

- 18 holes w/cart
- Transportation between courses
- \$89 per player for hotel guests
- \$118 per player for non-hotel guests

MITA has tee-times scheduled for participants of your foursome on all courses. Proper attire is walking shorts. **Please contact us before July 9th to reserve your spot.** You will be charged the full rate for golf if you do not reserve.

Green fees are each participant's responsibility. Payment is due in the registration fees. Payment is due at the time of registration.

If you wish to play golf on Thursday or Friday, please call the Grand Hotel at 906-847-3331 to reserve.

## HOTEL INFORMATION:

Fill out the enclosed reservation form and fax it to the Grand Hotel. Forms faxed after this date are subject to availability. MITA has reserved rooms for its members. Reserve early to better your chances of reserving a room that meets your needs.

**Please read** the enclosed room reservation form **carefully** for complete details on rates, tipping and other hotel policies.

The **Grand Hotel operates** on the Modified American Plan. This means the room rate **includes breakfast and dinner**. Lunch is on your own at locations throughout the Grand Hotel.

**For those not interested in staying at the Grand Hotel**, rooms are available at Mission Point Resort. To reserve a room please call (800) 833-7711 and refer to the Summer Conference block. Conference guests staying at **Mission Point are invited to all Summer Conference functions**:

### THURSDAY NIGHT, JULY 29 2010

Welcome Reception Registration Fees:  
Adults - \$35 Children (12 & under) - \$15

### SATURDAY NIGHT, JULY 31, 2010:

Sunset/Dessert Cruise Registration Fees:  
\$45 per person

Note that the guests that decide to stay at Mission Point will be billed for other meals are completely on your own and not included with your room rate. Dinner on Thursday in the Grand Hotel's main dining room by purchase only.

Mission Point Room Rates are as follows:

\$209 per room per night (Single Occupancy)  
\$209 per room per night (Double Occupancy)  
\$279 per suite per night (Specialty Suite)

All rates are quoted single or double occupancy. For each additional person, plus tax (6% State tax & 8% Resort tax). There is a maximum of 4 people per room.

For more information about the Grand Hotel visit [www.grandhotel.com](http://www.grandhotel.com). For more information about Mission Point visit [www.missionpoint.com](http://www.missionpoint.com).

## DRESS CODE:

After 6:30 (everyday), Grand Hotel guests over the age of 13 are required to comply with a dress code. Jackets and ties for men and dresses or pantsuits for women are required in all areas of the hotel. Guests may enter and exit the east entry of the building in casual attire.

## CHILDCARE:

See enclosed form for details on childcare and daily children's programs.

P.O. BOX 1640, OKEMOS MI 48805-1640: PHONE: 906-847-3331



ed for Friday morning beginning at 8:30 a.m. Indicate  
e on the registration form. Proper golf attire is required  
includes shirts with sleeves and collars, dress slacks or  
ct Danielle Coppersmith at the MITA office no later  
spot(s) for golf. Any cancellations after that date will  
golf.

ant's personal responsibility and are not included  
ment for golf can be made upon arrival of your

day, Saturday, or Sunday, you may call the Grand  
ve your tee times.

el at (906) 847-0945 by Wednesday, June 30, 2010.  
served a limited amount of the various room types.  
eets your needs!

complete details on room

means that your daily  
nd is available at several

being held at Mission  
erence the MCA room  
attend the following MITA



#### FRIDAY NIGHT, JULY 30, 2010:

Cocktail Reception & Cookout in the Tea  
Garden Registration Fees:  
Adults - \$130 Children (12 & under) - \$65

illed accordingly for the events as listed above. All  
our room rate. Mission Point guests can join MITA for  
chasing dinner tickets for \$60.00 per person.

tional person there is a charge of \$20 per person per  
of four adults allowed in a room.

el.com.  
om.

(517) 347-8336 FAX: (517) 347-8344

# 2010 MICHIGAN INFRASTRUCTURE & TRANSPORTATION ASSOCIATION SUMMER CONFERENCE REGISTRATION

We would like to attend the 2010 MITA Summer Conference. The following people from our company are attending:

Registration fees will be billed to MITA members. All costs associated with golf are your responsibility.

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

Name: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

**Adult Registration: \$235 per person Young Adult (13 -18): \$135 Child Registration (5-12): \$75 per child**

Spouse/ Guest Name: \_\_\_\_\_

☐ **Grand Hotel Registration** *Same price since 2009!*

*\* Includes breakfast & dinner*

\_\_\_\_\_ Adult(s) @ \$235 \$ \_\_\_\_\_  
(Over 18)

\_\_\_\_\_ Young Adult(s) @ \$135 \$ \_\_\_\_\_  
(13 -18)

\_\_\_\_\_ Child(ren) @ \$75 \$ \_\_\_\_\_  
(5-12)

Total Registration Fees \$ \_\_\_\_\_

*\*4 and under are free!*

**Child(ren) Name(s) Age**

_____	_____
_____	_____
_____	_____
_____	_____

☐ **Mission Point Registration**

*\* These guest must register below to participate  
in the MITA Summer Conference activities.*

Thursday - Welcome Reception

\_\_\_\_\_ Adult(s) @ \$35 \$ \_\_\_\_\_  
(Over 18)

\_\_\_\_\_ Young Adult(s) @ \$25 \$ \_\_\_\_\_  
(13 -18)

\_\_\_\_\_ Child(ren) @ \$15 \$ \_\_\_\_\_

Friday - Cocktail Reception & Cookout

\_\_\_\_\_ Adult(s) @ \$130 \$ \_\_\_\_\_  
(Over 18)

\_\_\_\_\_ Young Adult(s) @ \$85 \$ \_\_\_\_\_  
(13 -18)

\_\_\_\_\_ Child(ren) @ \$65 \$ \_\_\_\_\_  
(12 & under)

Saturday - Sunset / Desert Cruise

\_\_\_\_\_ \$45 per person \$ \_\_\_\_\_

Total Registration Fees \$ \_\_\_\_\_

- OR -

## GOLF

Please note that payment is your responsibility.

Name(s) of Golfer(s)	Golf @ The Jewel
All tee times must be reserved by July 9, 2010	\$89.00 ea.
Reservations will be made on your behalf and you will be responsible for payment. All cancellations must be made by July 10, 2010. Questions? No problem, contact Danielle at (517) 347-8336.	

## CHECKLIST:

Have you completed your hotel room  
reservation form and faxed it to Grand Hotel?

Yes ☐ No ☐

**Fax this completed registration form to MITA  
at (517) 347-8344 or mail it to P.O. Box 1640,  
Okemos MI 48805-1640.**

# Michigan Infrastructure & Transportation Association

ARRIVE: Thursday, July 29, 2010 DEPART: Sunday, August 1, 2010

ACCOMMODATIONS MAY BE AVAILABLE PRIOR TO AND FOLLOWING THE ABOVE DATES

Return this form by: Wednesday, June 30, 2010

To: Reservations Department  
Grand Hotel  
Mackinac Island, Michigan 49757  
Telephone: (906) 847-3331  
Fax: (906) 847-0945



MR.  
MS.  
MR. AND MRS. \_\_\_\_\_  
(circle one) (please print or type)

Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_ Cell Phone (\_\_\_\_) \_\_\_\_\_

If sharing a room, name(s) of person(s) sharing with you: \_\_\_\_\_ Business Telephone (\_\_\_\_) \_\_\_\_\_

E-mail \_\_\_\_\_

Grand Hotel offers a variety of room types for conference attendees. Guests sometimes ask to arrive earlier or remain later than the conference's official dates. We welcome your request for a specific room, room type, or room dates either prior to or following the conference. While your request will receive careful attention, please understand that it cannot be guaranteed.

ARRIVAL DATE: \_\_\_\_\_ DEPARTURE DATE: \_\_\_\_\_

## PLEASE RESERVE THE FOLLOWING ACCOMMODATIONS:

	DOUBLE Daily, Per Person, Based on Double Occupancy	SINGLE Daily
CATEGORY I - Smaller, interior-view rooms	_____ \$195.00	_____ \$315.00
CATEGORY II - Larger, interior-view and smaller, lake-view rooms	_____ \$235.00	_____ \$395.00
CATEGORY III - Special, deluxe lake-view guest rooms, some with balcony	_____ \$300.00	_____ \$525.00

Grand Hotel operates on the **Modified American Plan**. This means that your daily rate *includes* breakfast and dinner. In addition to our Grand Luncheon Buffet, other facilities are available at Grand Hotel for lunch.

## RESERVATIONS FOR ADDITIONAL PERSONS

\_\_\_\_\_ 4 years of age and under, no charge  
\_\_\_\_\_ 5 through 11 years of age, no charge  
\_\_\_\_\_ 12 through 17 years of age, \$55.00 daily, per person  
\_\_\_\_\_ 18 years of age and over, \$130.00 daily, per person

For an adult staying in a guest room with one or more children, the adult will pay the single convention rate, the children will be at the appropriate children's rates listed above. For two or more children staying in a guest room without an adult, the oldest child will be charged the single convention rate based on the category of room they are in and the remaining children will be at the additional persons rates listed above.

PLEASE NOTE THAT A LIMITED NUMBER OF ROOMS ARE AVAILABLE FOR EACH RATE CATEGORY. IF THE RATE REQUESTED IS NOT AVAILABLE, THE CLOSEST AVAILABLE RATE WILL BE CONFIRMED.

**NO TIPPING:** Tipping to any employee anywhere within Grand Hotel is not required, expected or permitted. Tipping is suggested at the following offsite restaurant locations: The Jockey Club at the Grand Stand, Woods, The Gate House and Fort Mackinac Tea Room. The Hotel makes an ADDED CHARGE of 19.5% of the daily room and meal rates on each account.

**NOTE:** Michigan 6% Sales Tax applies to all charges, including the 19.5% added charge. There is also a one-time charge of \$7.50 per person for transfer of luggage from the dock to the Hotel and return. Taxi transportation to and from the boat docks and the Hotel is not included in the daily rate.

The block of rooms being held for this meeting is based on estimated attendance. Please make your reservation as promptly as possible. Requests received after the block is filled will be contacted and given an option of being placed on a waitlist. The waitlist is not a guarantee of a room. All rooms in the block which have not been reserved 30 days in advance of the meeting will be released for other guests. Individual group reservations are subject to a 10-day cancellation policy. Reservation deposits will be refunded if cancelled 10 or more days prior to arrival, less a \$40.00 processing fee. Reservations cancelled less than 10 days prior will forfeit the room deposit.

Once a guest confirms a departure date upon check-in, should check-out occur earlier than agreed, there will be a \$375.00 charge.

**DEPOSIT POLICY:** A deposit of either one night's stay or the full stays room charge must accompany this form in order to hold your room.

METHOD OF DEPOSIT: ☐ Visa ☐ MasterCard ☐ Discover ☐ AMEX ☐ Check

☐ Please charge one full night rate to my credit card ☐ Please charge my full stay to my credit card

CREDIT CARD NUMBER: \_\_\_\_\_ EXPIRATION DATE: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_ (Not valid without signature)

Grand Hotel accepts VISA, MasterCard, Discover, American Express, Diners Club, traveler's checks, personal checks, and cash payments for bills.

**CHECK-IN TIME:** After 4:00 p.m.

**CHECK-OUT TIME:** Before 11:00 a.m.

Visit our Web site at <http://www.grandhotel.com>

Your hotel confirmation will be arriving to you via e-mail. Please check your confirmation to make sure it is correct and print it for your records. Please contact us with any questions or changes.

In accordance with Michigan law, all Grand Hotel guest rooms, meeting rooms, restaurants and bars are non-smoking.



**"UNOFFICIAL" PETITION  
IN SUPPORT OF INCREASED  
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TRANSPORTATION  
INFRASTRUCTURE**

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

**TO DEMONSTRATE SUPPORT FOR INVESTING  
IN OUR STATE'S INFRASTRUCTURE.**



# May 4 Lobby Day is Great Success for MITA Members



**H**undreds of MITA members joined a rally of over 500 persons at the Capitol May 4 to encourage lawmakers to increase funding for infrastructure.

The message delivered during a press conference and individual meetings with legislators was clear:

Finding a real funding solution for Michigan's infrastructure is long overdue! Our legislators must act now because the future of Michigan's roads and bridges, the construction industry and thousands of jobs depend on it.



## Companies that provided vehicles :

- Give 'Em A Brake Safety (Also provided changeable message signs)
- M & M Excavating Company, Inc.
- Michigan CAT
- Saginaw Asphalt Paving Co. – Division of Edward C. Levy Company
- Ace Asphalt & Paving Co. – Division of Edward C. Levy Company
- Wade Trim
- Timmer Construction Company, Inc.
- Pamar Enterprises, Inc.
- Operating Engineers Local 324
- Capitol Barricading, Inc.
- P.K. Contracting, Inc.
- AJAX Paving Industries, Inc.
- Michigan Pipe & Valve, Inc.







## Thanks to the following MITA members who registered for the May 4 Lobby Day.

<b>ACE Asphalt</b>	Bill Jones David Wilhelmsen Jason Reinhart Mark Marshall Mike Hlavacek Tom Gatza
<b>AGC Michigan</b>	Bart Carrigan Damian Hill
<b>Ajax Paving</b>	Mark Johnston
<b>Alta Equipment</b>	Ric Simon
<b>Angelo Iafraate Const.</b>	Bob Adcock
<b>Anlaan Corporation</b>	Ryan O'Donnell Thomas Wagonmaker
<b>Barrett Paving Materials, Inc.</b>	Nick DiBartolo
<b>Bergmann Associates</b>	Keith Simons
<b>C&amp;D Hughes, Inc.</b>	Cheryl Hughes
<b>CA Hull</b>	Dave Turner Mike Malloure
<b>Capitol Barricading, Inc.</b>	Kendra McComb
<b>CPAM Eng/Am Concret Pipe Association</b>	Mike DeVries
<b>Dans Excavating</b>	Brian Schember
<b>Davis Construction</b>	Heather Hendges Scott Miller
<b>DiPonio Construction</b>	Frank DiPonio
<b>Diversco Construction</b>	Dave Maas
<b>Dunigan Brothers</b>	Joe Dunigan Patrick Dunigan Steve Dunnigan
<b>E.T. MacKenzie</b>	Michael Marks
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<b>Fonson Inc.</b>	Rick Fons
<b>G2 Consulting Group</b>	Mark Stapleton
<b>Give Em A Brake</b>	Cody Alcock Dan Babcock Jim Clark Mike Heyboer Mike Wiggers Paul Kennedy Sean Mooney Shane Lemke

<b>Guy Hurley Blaster &amp; Heuer, LLC</b>	Mark Madden
<b>H&amp;D</b>	Tom Irwin
<b>Hoffman Brothers</b>	Ed Davids
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<b>John Deere Equipment</b>	Frank Pytlowany
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<b>Michigan CAT</b>	Bill Hodges Brian Schultz Clay Cutchins Erv Gambee Jay Frost Jodan Hodges Terry Erickson
<b>Michigan Paving and Materials Co.</b>	Aaron Price Chriss Abbott Henry Elden Jason Ryder Norm Holm, Jr. Steven Moran
<b>Michigan Pipe and Valve</b>	Gary Putrow Nate Vohwinkle Mike Deneen
<b>Michigan Road Preservation Association</b>	Jim Murner

<b>MITA</b>	Mike Nystrom Rob Coppersmith Glenn Bukoski Nancy Brown Keith Ledbetter Pat Brown Doug Needham Janis Strang Nicole Cook
<b>MJC Golf</b>	Mark Caverly
<b>Northern Concrete Pipe</b>	Bill Washabaugh Bob Washabaugh Jim Washabaugh John Washabaugh Tom Washabaugh
<b>P.K. Contracting</b>	Chris Shea
<b>Pamar Enterprises, Inc</b>	Dan Acciavatti
<b>Paradigm 2000 Inc.</b>	Lula Lewis
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## Legal Issues

*Continued from pg. 11*

control plans, more extensive pollution prevention measures, and more diligent maintenance of the site management practices that those plans call for. As noted above, depending upon the size of the site, daily monitoring of turbidity will be required. Failure to comply with these requirements can be costly: up to \$32,500 per day for the worst offenders. Understanding these federally mandated requirements is therefore essential.

### Background: the current regulatory framework

Most civil contractors and design professionals are already familiar with soil erosion and sedimentation control plans and stormwater pollution prevention plans, since these are part of the current regulatory framework. Because Michigan has promulgated a set of regulations that meet or exceed the previously enacted federal regulations, up to this point, Michigan has been permitted to enforce its own rules.

Michigan regulates the control of soil erosion to protect the waters of the State of Michigan from sedimentation under Parts 31 and 91 of the Natural Resources & Environmental Protection Act.<sup>2</sup> (NREPA) The Michigan Department of Natural Resources and the Environment (MDNRE) is the state agency responsible for implementing the storm water programs in Michigan.

Part 31 of NREPA protects and conserves the water resources of the State, including the prohibition of pollution of waters of the state. In Michigan, a point source discharge is one which discharges to the waters of the State by a specific confined conveyance including a pipe, ditch, channel, container, county drain or other mechanism. Part 91 provides for the control of soil erosion and the protection of the waters of the state from sedimentation. This section of NREPA applies to all activities disturbing one or more acres of land or where such disturbance occurs within 500 feet of a water body.

In response to an earlier set of federal

storm water regulations under the Clean Water Act, the State of Michigan developed administrative rules to permit discharges from construction activities through the method of Permit-by-Rule. In Michigan, Permit-by-Rule coverage is required for construction activities disturbing one or more acres of land that have a point source discharge of storm water to the waters of the State. Since the 2003 amendments to Part 31, the rules provide automatic permit

coverage for construction sites disturbing one to five acres as long as the site has coverage under the Part 91 Soil Erosion and Sedimentation Control Program. Even though there is no permit fee or application requirement in Michigan for one-to-five acre construction sites, the construction site owners must still comply with Permit-by-Rule requirements.

If the site disturbed is five acres or more

*Continues on pg. 50*

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# MITA Member Giving Back - Wade Trim

## Pancakes for Haiti Relief

**W**ade Trim clients and staff shared a pancake breakfast in the Taylor office of their engineering company earlier this year. The breakfast benefited the American Red Cross' earthquake relief efforts in Haiti. The event raised more than \$600 in donations toward an operation that has involved more emergency response teams than any other single-country disaster in global Red Cross history. The organization is focusing on meeting the health needs of Haitian survivors and their families through its emergency responders and partners, including sending food to those in need, producing and distributing drinking water, and providing shelter items.



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# Member News

## Fishbeck, Thompson, Carr & Huber, Inc.

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

*Serving clients for over 50 years, FTC&H is a full-service civil engineering, environmental, architectural/engineering, and construction management firm with over 360 employees and offices in Grand Rapids, Lansing, Kalamazoo, and Farmington Hills, Mich.; and Cincinnati, Ohio.*

The following employees recently received their professional engineer licenses: Cynthia C. Irving, Brianne N. Rootes, Andrew T. Peters, and Brian D. Phillips.

## G2 Consulting Group

[g2consultinggroup.com](http://g2consultinggroup.com)

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

Katie Lamb has passed the Michigan Professional Engineers exam to earn her professional engineering license in Michigan. She has also been promoted to project engineer in the geotechnical group of G2 Consulting Group.

## Grant Thornton LLP

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

*Grant Thornton, LLP, offers the following tax tips for contractors coming off what has to be one of the most dramatic decades in history.*

Bookended by 9/11 and a severe recession, with boom years in the middle, the past 10 years have challenged the resources of even the most financially solid and best-run companies. Recently enacted stimulus bills offer tax-saving opportunities, while current budget deficits and the change of administration portend tax increases. Contractors need to do what they can to maximize cash by effectively managing their tax burdens and protecting themselves against tax increases and assessments. With 2010 ushering in a very uncertain tax climate, construction contractors should keep in mind the following tips:

1. Make the most of your net operating loss deduction. Recent tax legislation opens up opportunities for taxpayers of all sizes to choose an extended carryback period for net operating losses (NOLs). This provision allows contractors who have NOLs to choose a five-, four- or three-year carryback period (increased from the normal two-year rule) for NOLs incurred in a tax year beginning or ending in 2008 or 2009. Keep in mind, however, that only a single year can qualify for this enhanced carryback period. Taxpayers with NOLs in two or three qualifying years need additional analysis to maximize their cash refunds.
2. Take a hard look at bonus depreciation deductions. As an incentive for investment in equipment, taxpayers are allowed to deduct half of the cost of 2009 qualifying property in the first year of use, and then depreciate the remaining half of the asset over its normal useful life. For five-year equipment (the most common tax



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- life for construction equipment), this allows a deduction of 60 percent of the asset's cost in the first year of its life. For contractors in a tax-loss position, this deduction increases NOL carryback opportunities. However, pass-through entities, such as S corporations or LLCs, should be aware that significant individual income tax increases are possible, which may make depreciation deductions worth more in the future. Careful planning is required to make sure this deduction is right for you.
3. Consider future capital gains and dividend tax rate increases. Under current law, capital gains and qualified dividends are taxed at a favorable 15 percent federal income tax rate. This preferential treatment is scheduled to expire at the end of 2010 and individuals (absent a law change) will face higher taxes on these items in 2011. Taxpayers with significant capital gains transactions should work with tax advisers to analyze whether accelerating capital gains and dividends into 2010 is a prudent tax move.
  4. Take full advantage of capital asset expensing deductions. Rules originally intended for small businesses were expanded significantly to allow contractors to expense up to \$250,000 of 2009 fixed asset costs, provided less than \$800,000 of assets were placed in service throughout the year. Unlike bonus depreciation, this applies to new or used assets. However, this deduction cannot be taken if a contractor is already in a tax-loss position.
  5. Consider not deferring income. The traditional wisdom of deferring income for tax purposes deserves another look. With many government entities looking for increased tax revenues, new tax policies and rate increases are very possible. At the current time, individual taxpayers are a target. With tax increases scheduled for 2011, taxpayers would be well-advised to consider whether deferring taxable income is still the most cash-efficient option.

*Continues on pg. 48*



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## Inspecsol Engineering, Inc.

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

*The Inspec-Sol Group has 600 staff specializing in geotechnical engineering, construction materials testing, building science, environmental engineering and metallurgy with 28 offices through the U.S. and Canada.*

Inspecsol Engineering, Inc., a wholly owned subsidiary of Inspec-Sol Inc., recently announced the addition of Michael D. Stieler, P.E., to the Plymouth, Mich., operation.

Stieler joined Inspecsol with 23 years experience in the consulting industry, and has focused on infrastructure inspection and design. He has managed inspection oversight projects, such as the reconstruction of I-69 in St. Clair County, an MDOT Design, Build, Finance Contract, and various other state/municipal projects through southeast Michigan.

At Inspecsol, Stieler will lead the infrastructure testing and inspection unit within the Plymouth office construction materials group, concentrating on state, county, and local roadway projects.

## Orchard, Hiltz & McCliment, Inc. (OHM)

[www.ohm-advisors.com](http://www.ohm-advisors.com)

*Orchard, Hiltz & McCliment, Inc., (OHM), is an award-winning architectural and engineering firm committed to Advancing Communities. OHM was founded in Livonia, Mich., in 1962, where their headquarters exists today, with additional offices in Lansing, Auburn Hills, Columbus, Ohio, and Gallatin, Tenn.*

Orchard, Hiltz & McCliment, Inc., (OHM), recently merged with Bird Houk, a land planning, urban design and architectural firm in Columbus, Ohio.

The merger integrates OHM's public-sector focused architectural design, civil, environmental and transportation engineering, surveying and GIS services to municipalities, agencies and institutions with Bird Houk's award-winning architectural design, urban planning, and economic analysis serving both private and public sectors.

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The Hoseguard is Rain for Rent's latest innovation for pipe and hose spill containment.

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## Ritchie Bros. Auctioneers

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

*Established in 1958, Ritchie Bros. Auctioneers (NYSE and TSX:RBA) is the world's largest industrial auctioneer, with over 110 locations in more than 25 countries, including 40 auction sites worldwide.*

### Ritchie Bros. Auctioneers Launches 21-Language Website

Ritchie Bros. Auctioneers has officially launched its 21-language website. Millions of unique visitors already use the site annually and purchased more than \$830 million of equipment online in 2009. The new website delivers the world's largest used equipment inventory, largest database of auction results and equipment specifications, and more features in more languages than any other equipment auction website. The website address is: [www.rbauktion.com](http://www.rbauktion.com).

## Wade Trim

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

Christopher Brinks, P.E., recently joined Wade Trim's Taylor office as a senior project manager in the transportation group. He will be responsible for managing construction engineering projects for large transportation facilities throughout Michigan.

Brinks has 25 years of construction engineering experience on road, bridge and airport projects and has provided contract administration, construction layout, survey and design. As the former Wayne County Department of Public Services Construction Engineer, he has managed a staff of project engineers, project managers and surveyors; reviewed



Christopher Brinks, P.E.

and negotiated project changes and extras; provided pre-design project scoping; designed and reviewed construction plans a specifications; and provided cost accounting and project coordination with local governments as well as the Michigan Department of Transportation.

He is a registered engineering in Michigan and earned a bachelor's degree in civil engineering from the University of Michigan.

## MITA New Members

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## Legal Issues

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be submitted by the site owner or operator to receive coverage under Permit-by-Rule. The permittee under this program must be the land owner or holder of a recorded easement. Once MDNRE receives the completed NOC form, along with a \$400 fee, a copy of the SESC coverage and a site location map, the Permit-by-Rule coverage begins. Michigan requires that this information be submitted prior to beginning the construction project.

Michigan's existing rules overlay federal standards. To understand the complete regulatory system and the new stormwater rules, it is helpful to understand these federal standards.

### The Clean Water Act

On October 18, 1972, Congress passed the federal Water Pollution Control Act of 1972 ("Clean Water Act") with the stated objective to "restore and maintain the chemical, physical and biological integrity of the nation's waters." To achieve this goal, the act provides that the "discharge of any pollutant by any person shall be unlawful" except when in compliance with other provisions of the statute. Discharge of a pollutant under the Clean Water Act includes "any addition of any pollutant to

and has a point source discharge of storm water to the waters of the State, a Notice of Coverage (NOC) must

navigable waters from any point source." The act authorizes EPA to issue NPDES permits for the discharge of any pollutant from a point source, and as required by the act, EPA has promulgated effluent limitation guidelines and standards for many industrial point source categories. These requirements are incorporated into the permits.

In 1987, the Clean Water Act was amended to require a comprehensive program for addressing storm water discharges. Section 402(p) of the act established a structured and phased approach to address storm water discharges. In 1990, EPA promulgated Phase I Storm Water Regulations, which required NPDES permit coverage for discharges associated with industrial activity and from large and medium municipal separate sewer systems. As part of the rule-making associated with implementation of this section of the act, EPA interpreted storm water "discharges associated with industrial activity" to include storm water discharges associated with "construction activity." The EPA defined "construction activity" to include clearing, grading, and excavation of sites larger than five acres.<sup>3</sup>

Since then, EPA's storm water program has been implemented in two phases, the first of which was initiated in 1990. Storm water runoff under Phase I of the program was aimed at three storm water runoff sources:

- (a) Storm water runoff from municipal separate storm sewer systems serving populations of 100,000 or more;

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- (b) Construction activity disturbing five or more acres of land; and
- (c) Ten specified industrial activity categories.

Under the Phase I regulations, a permit is required for discharges associated with construction activity if that activity will result in the disturbance of five acres or more or will result in the disturbance of less than five acres that is a part of a larger common plan of development or sale if the larger common plan will ultimately disturb five acres or more.<sup>4</sup>

In 1999, EPA promulgated the Phase II Storm Water Regulations, which required discharges associated with “construction activity” to have an NPDES permit if the construction activity will result in land disturbance of one or more acres and less than five acres or will result in disturbance of less than one acre of land that is part of a larger common plan of development or sale if the larger common plan will ultimately disturb equal to or less than one and less than five acres.

In addition, the Phase I regulations required NPDES permits for large and medium municipal separate storm sewer systems and required the operators of these systems to address storm water during and after construction activity. The Phase II regulations extend this obligation to small municipal separate storm sewer systems. In this regard, EPA has issued guidance to municipalities to assist them in implementing the NPDES Phase II rules and the regulations specifically anticipate development, implementation, and enforcement of a program to control pollutants in storm water discharges associated with construction sites, including the development of ordinances to require implementation of erosion and sediment control practices, among others. Therefore, many local governments have a role to play in the regulation of construction activities because they are owners and operators of a municipal separate storm sewer system.

There are two options for obtaining NPDES permits for storm water discharges associated with construction activity: general permits and individual permits. General permits have been issued by the EPA in areas where it is the NPDES permitting authority. Because it enforces its own regulations, Michigan is not subject to this authorization. However, most states, including Michigan, have followed EPA’s construction general permit format for content and have modified their program’s components to address specific conditions encountered at construction sites within their jurisdiction, based upon soil types, topographic or climatic characteristics, or other relevant factors. An individual permit, on the other hand, is intended for use by one permittee or one group of permittees. They are infrequently used, but can be employed for very large projects or for projects located in sensitive watersheds.

EPA has determined that most discharges associated with construction activity are covered under NPDES general permits, which are issued by the permitting authorities after an opportunity for public review of the proposed general permit. To obtain authorization to discharge under a construction general permit, the discharger (usually the owner or operator of the construction and development site, developer, builder or contractor) submits a Notice of Intent to the permitting authority to be covered under the general permit. Although not a permit, by submitting the

Notice of Intent, the discharger acknowledges it is eligible for coverage under the general permit and agrees to the

conditions in the published general permit. Discharges associated with the construction activity are thus authorized consistent with the terms and conditions established in the general permit.

EPA allows permitting authorities to regulate discharges from small construction and development sites under a general permit without the discharger first submitting a Notice of Intent if the general permit includes language acknowledging that such notice of intent is unnecessary. In those circumstances, any storm water discharges associated with small construction activities are automatically covered under the applicable general permit and the discharger is only required to comply with the terms, conditions and effluent limitations of the permit.

Similarly, the permitting authorities may notify construction and development site operators they are covered under a general permit even if they have not submitted a Notice of Intent, thus, giving the operator an opportunity to request coverage under an individual permit.

#### The New Rule

On December 1, 2009, the EPA published 40 CFR Part 450, Effluent Limitations Guidelines and Standards for the Construction and Development Point Source Category, Final Rule in the Federal Register.<sup>5</sup> As noted above, the Final Rule became effective on February 1, 2010.

The Storm Water Phase II Final Rule extends the previous set of regulations to owners and operators of small construction activities that disturb one or more, but less than five acres of land. Moreover, the new rule allows EPA to designate construction activities disturbing less than one acre as being subject to the rule if EPA determines that storm water controls are necessary. Finally, and perhaps most importantly, the new rule sets tightens the regulations and standards that have been applicable to the larger sites.

The Phase II Final Rule requires operators of small construction activities to apply for NPDES permit coverage and to implement best management practices (“BMPs”) for storm water discharge management controls. The specific storm water controls applicable to small construction activities will be defined by the NPDES permitting authority on a state-by-state basis. In those jurisdictions in which NPDES permitting authorities have adapted their existing Phase I general permits for large construction activity to also include small construction activity, a storm water pollution prevention plan (“SWPPP”) will be required.

EPA projects that implementation of the regulation will result in a reduction of approximately 4 billion pounds per year of discharges from construction sites. But, this will be achieved at a cost. The annual cost of this reduction is expected to be \$8,000,000 in 2010, \$63,000,000 in 2011, \$204,000,000 in 2012, and a total annual cost of \$953,000,000 once the entire program has been implemented. Although EPA was able to estimate a monetized

## Legal Issues

*Continued from pg. 50*

*Continues on pg. 54*

## MDOT to Move Forward with Plans for a Reduced 2011-2014 Program

**T**he Michigan Department of Transportation (MDOT) recently announced that the state is moving forward with plans to implement a reduced 2011-2014 road and bridge program. At the State Transportation Commission's April 29 meeting, MDOT said it was working with state and local transportation agencies to advance a reduced State Transportation Improvement Program (STIP). Due to declining state gas tax and vehicle registration revenues, MDOT is faced with being unable to match at least \$84 million in available federal funding beginning in 2011. MDOT first announced the possibility of a reduced program in February.

Under the reduced highway program, MDOT will have to delay 100 pavement improvement projects, leaving more than 375 miles of road in need of repair untouched. More than 575 bridge repair

projects will be delayed. Capacity Improvement/New Roads funding will be reduced to \$10 million a year. In Ottawa County, portions of the Holland to Grand Haven bypass will be delayed, including work along M-231, I-96 and US-31. Reduced safety funding will significantly impact the replacement of traffic signs and the replacement and retiming of traffic signals.

Commissioners were told that MDOT is submitting two programs to the Metropolitan Planning Organizations in order to keep potential projects moving through the federal approval process in time for the 2011 construction season in case matching funds become available. One would be a program reduced by approximately \$600 million per year, while the other would be a \$1.25 billion program that would include the ability to match federal aid. Because its funding crisis remains unsolved, the department needs to begin program development in May to accommodate the six months required to complete the federal planning process and advertise and let projects for bid. MDOT says there will be delays in restoring the full program if the Legislature acts after May 1 to approve a revenue increase for transportation.

"We are required by federal law to balance our program to the funds available, but we continue to look for ways to minimize the impact that a reduced program would have on Michigan residents, job creation and Michigan's economy," said State Transportation Director Kirk T. Steudle. "We continue to seek creative solutions but we face the reality of having to cut \$600 million annually, beginning in 2011, and seeing the revenue from federal fuel taxes paid by Michigan taxpayers going to Ohio and other states that are able to match federal funds."

Even if the department receives the \$84 million it needs to match federal aid for the 2011 program, the state will face substantial decline in its road and bridge conditions and rail freight, passenger transportation and aviation programs. According to a Transportation Funding Task Force report in November 2008, Michigan needs to at least double its current investment in transportation to provide an adequate level of service, let alone an improved one.



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# Green, clean – and inexpensive

By Thomas Doran, P.E.  
Hubbell, Roth & Clark, Inc.

What's below the ground, under our tires, or out of sight – the plumbing and pathways of Michigan – have a big impact on our waters. It's important to note that the net cost of green measures can be positive, rather than negative, if they are integrated early in the planning process, rather than after projects are completed.

Reducing peak storm flows by constructing local retention systems can result in smaller downstream sewers, or preclude the need to build bigger sewers in areas where infrastructure is already in place. In certain situations, trenchless technologies can be less expensive than traditional open cut methods. Enhancing biological treatment processes is often less costly than spending money on chemicals and the excess sludge they generate.

It isn't unprecedented for cost economy and environmental improvement to go hand in hand, nor should the cost of these measures in relation to the benefits be ignored.

Michigan communities and businesses are doing these things today. We are actually ahead of many of the states, and many countries, in these practices.

Because analytical chemistry has advanced dramatically in recent decades we might conclude that our water is getting dirtier, but this perception can be attributed to now being able to detect one drop of a chemical in a swimming pool (parts per billion or trillion) where before we could only detect that drop in a small cup (parts per million). Our glass of water, as measured by the generally improving water quality and the innovations we've implemented, is not half empty, as some would suggest, but more than half full.

The fact that there is more to do should not detract from what we ought to celebrate.

*Thomas Doran is a professional engineer and a principal with MITA Member Company Hubbell, Roth & Clark, Inc.*



**Thomas Doran, P.E.**



## Legal Issues

Continued from pg. 51

annual value of the program once fully implemented, it could not monetize the value of some benefit categories, including increases in property value near water bodies, reduced flood damage, and reduced cost of ditch maintenance.

The rule applies not only to discharges composed of storm water, but also discharges

of other pollutants from construction and development sites such as from dewatering activities.<sup>6</sup>

The rule specifically indicates that EPA is promulgating a series of non-numeric effluent limitations, as well as a numeric effluent limitation for the pollutant turbidity, and that all construction sites will be required to meet the series of non-numeric effluent limitations. In the event they are equal to or more stringent than the federal requirements, state and

local regulations will supersede the new Effluent Limitations Guidelines and New Source Performance Standards.

### New Monitoring Requirements

Construction sites disturbing ten or more acres of land at one time will be required to monitor discharges from the site and comply with the numeric effluent limitation. This numeric effluent limitation is being phased in over four years. Construction sites disturbing twenty or more acres at a time will be required to conduct monitoring of the discharges from the site and comply with the numeric effluent limitation beginning eighteen months after the effective date of the Final Rule, while construction sites disturbing ten or more acres at one time will be required to conduct the monitoring of discharges from the site and comply with the numeric effluent limitation beginning four years after the effective date of the Final Rule.

Although the existing national storm water regulations require dischargers engaged in construction activity to obtain NPDES permit coverage and to implement control measures to manage discharges associated with their construction activity, there have not been any national performance standards or monitoring requirements for this category of dischargers. Thus, EPA's new rule establishes a "technology-based floor or minimum requirement on a national basis." EPA announced that the rule constitutes the nationally applicable, technology-based Effluent Limitation Guidelines and New Source Performance Standards applicable to all dischargers currently required to obtain NPDES permits. These include storm water discharges associated with construction activity and "small construction activity." EPA defines storm water discharge associated with small construction activity as "the discharge of storm water from...clearing, grading, and excavating that result in land disturbance of equal to or greater than one acre and less than five acres. Small construction activity also include the disturbance of less than one acre of total land area that is part of a larger common plan of development or sale if the larger common plan will ultimately disturb equal to or greater than

Continues on pg. 55

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one and less than five acres. Small construction activity does not include routine maintenance that is performed to maintain the original line and grade, hydraulic capacity, or original purpose of the facility. . .”<sup>7</sup>

In addition, EPA may waive the otherwise applicable requirements in a general permit for storm water discharge from construction activities that disturb less than five acres based upon the applicable rain fall erosion factor during the period of construction activity. The EPA may also waive the requirements where the activity will occur in an area where controls are not needed based upon a “total maximum daily load” (TMDL) approved or established by EPA that addresses the pollutants of concern.

### New Erosion Controls

The new regulation requires all permittees to implement erosion and sediment controls and pollution prevention measures at regulated construction sites, to sample storm water discharges from construction and development sites that disturb 10 or more acres of land at one time, and to report the levels of turbidity present in the discharges to the permitting authority.

The EPA does not dictate the specific methods of soil erosion and stormwater controls that owners and contractors must employ on a given site. Rather, EPA has set the maximum daily turbidity level that can be present in discharges from construction and development sites. Permittees may select management practices or technologies best suited to site-specific conditions on each construction and development site if they are able to consistently meet the limitations and consistently meet the requirements established by the permitting authority. Permittees can phase their construction activities to limit applicability of the monitoring requirements and turbidity limitations.

The EPA’s new Effluent Limitation Guidelines and the New Source Performance Standards were not established in a vacuum; they are based upon the degree of control that can be achieved using pollutant control technologies. The regulation requires any new source subject to the regulation to achieve at a minimum the new source performance standards representing the degree of effluent reduction attainable by application of best available demonstrated control technology. Moreover, the case *Weyerhaeuser Co v Castle* held that it would be inappropriate for EPA to consider the water quality of specific water bodies in establishing technology-based effluent limitations pursuant to the Clean Water Act.<sup>8</sup> Thus, the effluent guidelines pertaining to sediment and turbidity do not take into consideration background levels in the receiving streams when establishing a turbidity limitation since the new standards are based upon the capabilities of technology, not the receiving water quality.

Four types of control technology are envisioned under the Clean Water Act and the new rule:

- (1) Best Practicable Control Technology currently available (“BPT”);
- (2) Best Available Technology economically achievable (“BAT”);
- (3) Best Conventional Pollutant Control Technology (“BCT”);
- (4) Best Available Demonstrated Control Technology

## Legal Issues

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(“BADT”) for New Source Performance Standards (NSPS).

### (1) Best Practicable Control Technology Requirements

Section 450.21 of the new rule specifies that except as provided in 40 CFR 125.30 through 125.32, (the case-by-case establishment of effluent limitations differing from the national Guidelines) “any point source subject to this subpart must achieve at a minimum, the following effluent limitations representing the degree of effluent reduction attainable by application of the best practicable control technology currently available (BPT).”

Under Best Practicable Control Technology, EPA considers the total cost of application technology in relation to the effluent reduction benefits to be achieved from the application. It also considers the age of the equipment and facilities, the processes employed and any required process changes, engineering changes, and non-water quality impacts, including energy requirements. EPA has broad discretion to adopt Best Practicable Control Technology limitations that are achievable with available technology and can limit the application of the technology only where “the additional degree of effluent reduction is wholly out of proportion to the cost of achieving such marginal level of reduction.”

Section 450.21 of the new rule requires the achievement of effluent limitations using Best Practicable Control Technology in the design, installation and maintenance of effective Erosion and Sediment Controls to minimize the discharge of pollutants; in attaining Soil Stabilization; in conducting Dewatering; in

*Continues on pg. 56*

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## Legal Issues

*Continued from pg. 55*

implementing Pollution Prevention Measures; protecting from Prohibited Discharges and in using Surface Outlets. At a

minimum these controls must: (1) control storm water volume and velocity within the site to minimize soil erosion; (2) control storm water discharges, including both peak flow rates and total storm water volume to minimize erosion at outlets and to minimize down-stream channel and stream bank erosion; (3) minimize the amount of soil exposed during the construction activity; (4) minimize the disturbance of steep slopes; (5) minimize sediment discharges from the site; (6) provide and maintain natural buffers around surface waters; (7) direct storm water to vegetated areas to increase sediment removal and maximize storm water infiltration; (8) minimize soil compaction and (9) preserve top soil.

Using Best Practicable Control Technology, stabilization of the disturbed area must be initiated immediately whenever the clearing, grading, excavating, or other earth disturbing activities have permanently ceased on any portion of the site, or when temporarily ceased on a portion of the site, not to resume for a period exceeding 14 calendar days. Stabilization must be complete within a period of time determined by the permitting authority.

In addition, discharges from dewatering activities, including dewatering trenches and excavations, are prohibited unless managed using Best Practicable Control Technology controls.

Further, the regulation requires that effective pollution prevention measures must be designed, installed, and implemented using Best Practicable Control Technology to (1) minimize the discharge of pollutants from equipment and vehicle washing, wheel wash water, other wash waters, all of which must be treated in a sediment basin or an equivalent mechanism; (2) minimize the exposure of building materials and products, construction waste, trash, landscaping materials, fertilizers, pesticides, herbicides, detergents, sanitary waste, and other materials at the site to precipitation and storm water; and (3) minimize the discharge of pollutants from spills and leaks, and using Best Practicable Control Technology implement chemical spill and leak prevention and response procedures.

The regulation further prohibits the discharge of waste water from wash out of concrete, waste water from wash out and clean out of stucco paint, from release oils, curing compounds and other construction materials, fuels, oils and other pollutants used in vehicles and equipment operation and maintenance, and soaps and solvents used in vehicle and equipment washing unless managed using Best Practicable Control Technology controls.

### (2) Best Available Technology Requirements

Section 450.22, "Effluent Limitations Reflecting The Best Available Technology Currently Available (BAT)" provides that any point source subject to this subpart must achieve, at a minimum, the effluent limitations representing the degree of effluent reduction attainable by application of best available technology economically achievable (BAT).

*Continues on pg. 57*



Beginning no later than August 2, 2011, during construction activity that disturbs 20 or more acres of land at one time, including non-contiguous land disturbances that take place at the same time and are part of a larger common plan of development or sale, and no later than February 2, 2014, during construction activity that disturbs 10 or more acres of land at one time, (including non-contiguous land disturbances that take place at the same time and are part of a larger common plan of development or sale) the average turbidity of any discharge for any day must not exceed 280 NTUs (nephelometric turbidity units).

Further, monitoring consistent with the requirements established by the permitting authority must be conducted and each sample must be analyzed for turbidity in accordance with the method specified by the permitting authority. If storm water discharge in any day occurs as a result of a storm event in that same day, that is larger than the local 2 year 24-hour storm, the effluent limitation of 280 NTU will not apply for that day. In addition, erosion and sediment controls, soil stabilization, dewatering, pollution prevention measures prohibited discharges, and surface outlet requirements are identical to those required under Section 450.21 but are subject to use of Best Available Technology.

Best Available Technology effluent guidelines are applicable to toxic and non-conventional pollutants. The pollutants are identified at 40 CFR 400.15 and 40 CFR Part 423, Appendix A. Best Available Technology generally represents the best available performance of facilities through application of the best control measures and practices achievable, including process and procedural innovations, treatment techniques, operating methods, and other alternatives within the point source category. EPA will give consideration to the cost of achieving Best Available Technology effluent reductions, age of equipment and facilities, processes employed and engineering aspects of the control technology, as well as non-water quality environmental impacts, such as energy requirements, among others. "Economic achievability" enables EPA to look at the overall effect of the rule on the industry's financial health. Section 450.22 pertaining to effluent limitations reflecting best available technology economically achievable

("BAT") provides that any point source subject to this subpart must achieve, at a minimum, the effluent limitations representing the degree of effluent reduction attainable by application of best available technology economically available.

### **(3) Best Conventional Pollutant Control Technology Requirements**

Any point source subject to Section 450.23 must achieve at a minimum the effluent limitations representing the degree of effluent reduction attainable by application of best conventional pollutant control technology (BCT). Erosion and sediment controls, soil stabilization, dewatering, pollution prevention measures prohibited discharges and surface outlets requirements are identical to those required under Section 450.21 but are subject to use of Best Conventional Pollutant Control Technology.

Best Conventional Pollutant Control Technology replaces the former best available technology used for control of conventional pollutants under the Clean Water Act. EPA is required to establish Best Conventional Pollutant Control Technology limitations after consideration of a two-part cost-reasonableness test. The conventional pollutants designated under Section 304(a) (4) of the Clean Water Act which are subject to the technology-based effluent limitations guidelines include bio-chemical oxygen demand (BOD<sub>5</sub>), total suspended solids (TSS), fecal coliform, p.H., and other pollutants defined to be "conventional," including oil and grease.

### **(4) Best Available Demonstrated Control Technology Requirements**

Section 450.24 requires that any "New Source" subject to Section 450.24 must achieve at a minimum the New Source Performance Standards representing the degree of effluent reduction attainable by application of best available demonstrated control technology (BADT) using the standards that are described

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## **Legal Issues**

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## Legal Issues

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(February 1, 2010)."

The New Source Performance Standards (NSPS) reflecting best available demonstrated control technology ("Best Available Demonstrated Control Technology") apply to all new sources and are effective February 1, 2010. Since the opportunity exists at New Sources to install the best and most efficient production processes (rather than retrofitting), New Source Performance Standards are expected to achieve the greatest degree of effluent reduction attainable through application of Best Available Demonstrated Control Technology. In establishing New Source Performance Standards, EPA takes into consideration the same factors it considers in establishing Best Available Technology, including cost of achieving the effluent reduction and any non-water quality environmental impacts and energy requirements.

### Conclusion

While contractors and design professionals are familiar with most site management practices for managing stormwater, the new rules are certain to require more extensive and intensive use of them. Over the next several months, state and federal regulators will reexamine and redefine the standards to be employed at construction sites to meet the new effluent limitation guidelines and to define what constitutes Best Management Practices. All in the industry agree, however, that the new Clean Water Act Final Rule regarding Effluent Guidelines and Standards for the Construction and Development Point Source Category is ushering in a new era of site controls, monitoring costs, and compliance requirements at construction sites large and small.

in Section 450.22. The regulation defines a New Source as meaning "any source, whose discharges are defined in 40 CFR 122.26(b)(14) (x) and (b)(15) that commences construction activity after the effective date of the rule

*George F. Curran is the head of Kotz Sangster's Environmental and Insurance/Risk Management Group. For the past 28 years, he has counseled and represented corporate, insurance and municipal clients in Michigan and nationwide regarding environmental compliance, permitting and insurance coverage matters and in complex litigation involving generator, transporter and treatment, storage and disposal facility owners and operators under both federal and state law and defense in environmental contamination litigation, and in connection with real estate acquisitions, land use and Brownfield Redevelopment funding, compliance auditing, wetlands development and captive, self-insurance and reinsurance programs. For more information, please contact Mr. Curran by calling him at 313-259-8300 or emailing him at gcurran@kotzsangster.com*

*R. Edward Boucher is a partner practicing in Kotz Sangster's Construction Law and Real Estate Practice groups. He has over ten years experience in these practice areas and has handled claims involving unforeseen soil conditions, defective workmanship, and delays in the construction of hospitals, casinos, and roadways. He has also represented contractors and construction industry executives in litigation concerning surety general indemnity agreements and has represented contractors before state administrative bodies, such as the Michigan Gaming Control Board and Michigan Occupational Safety and Health Administration. Mr. Boucher has also drafted and negotiated contracts for owners, construction managers and general contractors, and subcontractors. For more information, please contact Mr. Boucher by calling him at 313-259-8300 or emailing him at rboucher@kotzsangster.com.*

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UNEARTHING POSSIBILITIES

- i Effluent Limitations Guidelines and Standards for the Construction and Development Point Source Category; 40 CFR Part 450
- ii MCL §324.3101 – 3133; MCL§ 324.9101 – 9123
- iii 40 CFR 122.26(b)(14)(x)
- iv 40 CFR 122.26(b)(14)(x) and (c)(1)
- v at Volume 74, No. 229, for Tuesday, December 1, 2009, commencing on page 62996
- vi Clean Water Act, Section 301(a)
- vii 40 CFR 122.26(b)(15)
- 8 590 F2d 1011, 1040-44 (DC Cir 1978)



# Partner News

## Fleis & VandenBrink Engineering Named 2010 ACEC/Michigan Firm of the Year

The American Council of Engineering Companies of Michigan (ACEC/M) recently presented its highest honor, the 2010 "Firm of the Year" Award to Fleis & VanderBrink Engineering, headquartered in Grand Rapids.

The award was presented during the Annual Engineering & Surveying Excellence Banquet held Feb. 20 at the Grand Rapids Public Museum. This is the only award program instituted to recognize ACEC/M member firms for leadership in professional organizations and community involvement. Recognition is based on the firm's contributions to the success of ACEC/M, its efforts to advance the engineering profession, and the firm's efforts to improve the quality of life for Michigan communities.

"Fleis & VanderBrink Engineering is a successful and growing firm," said ACEC/M Executive Director Ronald W. Brenke, P.E. "They are very active in ACEC, and in their community and they have a reputation of doing quality work."

Larry Fleis, P.E., and Steve VandenBrink, P.E., formed the company in 1993 and offer a wide range of engineering services with offices throughout Michigan and Indiana. Fleis serves on the ACEC/M Board of Directors, and he is currently leading the council's strategic initiative to become the recognized voice on engineering-related issues to state and local governments, the Legislature and other groups. Fleis also assists the Qualifications-Based Selection (QBS) coalition by providing advice and assistance to public/private owners on proper procedures for selecting design professionals.

Fleis & VanderBrink is active in various professional groups sharing experience on a variety of subjects through presentations and written material. The firm strongly supports empowering their employees and provides continual professional

development opportunities through training, education and participation in professional societies.

Staff engagement in civic and community activities is not only encouraged by the firm, but required in order to become considered as an associate or principal of the firm. Sponsoring an "Adopt-a-Highway" program, leading the Chemical/Environmental Engineering Day, and serving on city councils, planning commissions and church boards are a variety of ways that Fleis & VandenBrink gives back to the community.

*The American Council of Engineering Companies of Michigan is the voice of Michigan's engineering industry. Council members – numbering more than 100 firms throughout the state – are engaged in a wide range of engineering, architectural and surveying projects 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/M office at 517-332-2066 or visit the website at [www.acecmi.org](http://www.acecmi.org).*



## Executive Vice President Comment *Continued from pg. 17*

industry as a whole. MITA staff proudly and passionately serves the overall heavy construction industry, and when the phone rings at the MITA office the entire team stands ready to serve each and everyone member company.

Unfortunately, we as an organization cannot control many of the factors affecting our state and national economy, but we will do everything within our power to try to turn things around and get this industry back on its feet again.

Over the next couple years, I plan to get out and meet with as

many member firms as possible to hear how we might better promote and protect the industry and at the same time offer each and every member a return on investment that you are placing in MITA. If you have any questions, comments, concerns or ideas, please feel free to contact me at any time. I am very interested in hearing from you.

---

Contact Mike Nystrom by email at [mikenystrom@mi-ita.com](mailto:mikenystrom@mi-ita.com), or at the MITA office 517-347-8336.

## Vice President of Membership Services Comment

*Continued from pg. 18*

owners should be excited that the contracting community is working on this issue before they are leveraged into requiring the act be met on their jobs that contain federal dollars. It is my sincere hope that compliance with the act becomes a non-issue. Meaning that by the time enforcement rolls around contractors have either upgraded or bought compliant equipment. As you purchase new or used equipment, you should keep in mind.

Please watch this magazine closely as future articles will discuss tier levels and ideas for reducing your carbon footprint.

---

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

## Vice President of Engineering Services Comment

*Continued from pg. 19*

dialogue with MDOT leadership to discuss changes and improvements to their contract modification approval process. Although no formal changes to the current approval process have yet been agreed to, the MDOT leadership does acknowledge and recognize the need for an expeditious process for the approval and payment of extra and overrun work.

If you have a public works project where the owner agency, or its representative, is not making timely payment to you for work you have completed and they have accepted ... MITA can only help you if you give us a call!

---

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

## Director of Safety & Workforce Development Comment

*Continued from pg. 20*

number of citations to that contractor should go down because they have gotten the message. A certain level of fear always accompanies a MIOSHA inspection. The best recourse is a deep breath, rely on your training, demand compliance from employees and provide diligent oversight. Many of the inspections as of late have yielded minimal citations due to better interaction with some safety officers. This should not bring your guard down but offer a small level of comfort that not every inspection ends badly.

Finally, remember as things start ramping up this season, MITA will come out and perform job site audits similar to that of a MIOSHA inspection without the pain of citations or penalties. Contact Patrick Brown at [patrickbrown@mi-ita.com](mailto:patrickbrown@mi-ita.com) or call the MITA office 517-347-8336 to set something up today.

---

If you have any questions or comments, contact Pat Brown by e-mail at [patrickbrown@mi-ita.com](mailto:patrickbrown@mi-ita.com) or call w517 347-8336.



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## Director of Legislative Affairs Comment *Continued from pg. 23*

invest their time and energy in the legislative process. We send out Pavement Pounder emails every few weeks that provide the latest updates about what is going on in the legislative process. These updates are helpful in keeping you up with current events as you have ongoing dialogue with local elected leaders. E-mail me at [keithledbetter@mi-ita.com](mailto:keithledbetter@mi-ita.com) to sign up to become a Pavement Pounder.

Although our highway funding effort has been our primary public relations focus as we try to build support for greater investment in our roads, the Pavement Pounders program is an effort to create a strong network of leaders on all issues affecting the heavy construction industry. From new environmental standards to changes in the Michigan Business Tax, MITA needs a strong voice on a wide range of issues. Consider become an industry leader and sign up today!

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

## Underground Spotlight *Continued from pg. 27*

monolithic structure. In Ohio, the Department of Transportation developed a post construction inspection standard for installed pipe that requires nothing be done to a pipe with a crack width up to 0.06-inch, due to the autogenous healing that is expected to occur.<sup>6</sup>

Video inspections are often employed to inventory existing systems and determine the acceptance of new installations due to recent developments in video imagery technology, OSHA confined space rules, and the Governmental Accounting Standards Board (GASB) 34 rules. GASB 34 radically changes how state and local governments must report their finances. Governments must perform condition assessments on all existing major infrastructure assets every three years.<sup>7</sup> During these video inspections, cracks and the presence of autogenous healing may be evident. All too often an untrained inspector views a small crack in a post installation video inspection of a RCP to be a failure. This occurs most often because many of the cameras currently available for video inspections produce some distortion and unavoidably magnify hairline cracks. This causes the cracks to appear as though they are much larger, resulting in unnecessary repairs or replacements. It is important to know the intensity of magnification and how the magnified image appears in a video inspection. Recent technology has produced a calibration device that clearly indicates the actual size of the crack, resulting in an accurate inspection. Engineers, contractors and owners of pipelines should contact a professional who is familiar with the procedures involved in the inspection of RCP to ensure an accurate inspection.

*Continues on pg. 62*

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# Underground Spotlight

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**Mike Crowley, Tim Brugger**  
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## Statewide Pothole Contest Winners Announced • April 20, 2010

A coalition working to secure more funding to fix Michigan's roads and bridges today announced winners in the fourth annual contest to identify the most nerve-racking potholes in the state.

Award-winning potholes were identified in Lansing, Monroe and Muskegon Heights. New to the contest this year was a video competition. Students from Freeland High School's video production class won for their creative videos.

"We decided to give a few survivors of this year's pothole season their own private award," said Mike Nystrom, executive vice president for the Michigan Infrastructure and Transportation Association (MITA), and co-chair of the Michigan Transportation Team (MTT). "It was hard to narrow down just a few winners of the contest this year. People worked so hard to creatively showcase an ongoing problem in our state."

The contest, sponsored by the MTT, awarded \$370 to help offset the cost of vehicle repairs due to the poor condition of Michigan's roads and bridges. The winners were chosen by a panel of judges from more than 20 entries from across the state. Pothole contest entry winners were:

West Mt. Hope next to the GM Parts Plant, Lansing  
S. Rauch Road, Monroe  
Seventh and Rotterdam, Muskegon Heights  
Freeland area roads

For the first time, MTT accepted videos as part of the contest and videos produced by students from Freeland High School's video productions class won for two original and creative videos that took a unique perspective on Michigan's crater-filled roadways.

The contest was part of an ongoing effort to educate legislators about the dire condition of Michigan's roads which threaten public safety and create a roadblock to business development. MTT is pushing to end legislative inaction and is asking legislators to address the lack of transportation funding that puts Michigan drivers at risk.

"The winners took home \$370 because this amount represents the costs Michigan drivers pay in vehicle repairs and time lost in congestion on Michigan's poor roads," said Nystrom. "Unless state lawmakers act now to provide a long-term source of state transportation funding, terrorizing potholes will continue to be a part of Michigan's legacy."

## Michigan Transportation Team Launches Online Petition • February 17, 2010

Michigan drivers can hop online and tell their lawmakers to get moving on fixing the state's crumbling transportation system, thanks to the Michigan Transportation Team's (MTT) online petition.

Under the governor's transportation budget unveiled this week, the state road and bridge program was cut by an astounding 62 percent because of continued declining gas tax revenues and the state's inability to match federal dollars.

"Our online petition is just another outlet for frustrated Michigan motorists to let their legislators know they support increased investment in our state's transportation infrastructure," said Mike Nystrom, vice president of government and public relations for the Michigan Infrastructure and Transportation Association (MITA). "We've already collected more than 1,000 signatures calling on Michigan legislators to finally make transportation funding a priority."

Although the petition will not change the law, the names of petition signers will be presented to state lawmakers to demonstrate the level of statewide support for investing in transportation. "Infrastructure investment is a catalyst for economic expansion," said Nystrom.

"Without a quality transportation system, the chances of Michigan pulling out of this recession are grim. We are encouraging everyone who believes in moving our state forward to sign our petition."

Those who sign the petition support the immediate passage of any legislation that will increase investment in Michigan's transportation infrastructure, including raising revenue through adjustments in vehicle registration fees, user fees on gasoline and diesel fuel, and other new funding strategies.

"Without increased transportation funding, MDOT will continue to eliminate projects throughout the state, they recently eliminated 243 projects across Michigan," said Nystrom. "Those projects represent hundreds of local jobs, No more excuses, fix Michigan's roads now!"

Michigan residents can also voice their concerns about road funding by calling a toll-free number, 888-719-3087, set up by MTT. Callers simply enter their five-digit ZIP code to be connected with their legislative offices.

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## TRIP Report Highlights Transportation Projects that Could Help Turn Michigan Economy Around

**P**ressing ahead on 50 proposed transportation projects around the state could help to propel Michigan's economic turnaround, according to a recent report.

Heading the "Top 50 Surface Transportation Projects to Stimulate Michigan's Economic Recovery" list is a new bridge connecting Detroit and Windsor.

The report was put together by TRIP, a nonprofit organization located in Washington, D.C., that promotes transportation policies to improve safety, protect the environment and enhance economic productivity.

Projects on the list cover everything from freight trains and bridges to roads and rapid transit systems and come with a combined price tag of nearly \$12 billion. They are spread across the state in 21 counties.

"The physical condition of Michigan's transportation system will play a significant role in determining how successfully the state's economy will perform in future years," said Frank Moretti, TRIP's director of policy and research. "Investments in transportation today would represent a critically important down payment for a stronger Michigan economy in the years to come."

The report – a blueprint for reversing Michigan's economic slide – points out that much of Michigan's success in the 20th century came as a result of its top-notch transportation system. But years of neglect and the failure to make needed improvements and expansions have taken their toll. Unless Michigan takes quick action to meet its transportation needs, it faces the very real possibility of becoming a secondary player in the global economy, the report says.

TRIP ranked the projects based on a scale that provided points for a number of categories, including short-term economic benefits, such as job creation; improvement in the condition of transportation facilities, including safety improvements; improved access and mobility; and long-term improvement in regional or state economic performance and competitiveness.

The need for these projects has been identified by local and state transportation agencies and these projects are in various phases of planning and their funding status ranges from being unfunded, partially funded to fully funded. Additional information on the status of each project can be found in the appendix of the report.

Below are the transportation projects judged to be the "Top



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

10" most needed to launch a Michigan economic revival. Where available, the cost of the project and potential job creation are included (see attached report for the complete statewide list of 50 projects).

1. Build an international bridge connecting I-75 in Detroit to Highway 401 in Windsor. A quarter of all trade between the U.S. and Canada – about \$44 billion annually – passes through the Detroit-Windsor crossing. Cost: \$1.8 billion. Jobs: up to 25,000 jobs in Michigan and up to 97,000 jobs in the U.S. preserved or created.

2. Widen from six to eight lanes a 6.7 mile stretch of I-94 in Detroit, from I-96 to Connor Ave. Cost: \$1.4 billion. Jobs: 15,200 over the multi-year construction.

3. Add two HOV ("High Occupancy Vehicle") lanes on 18 miles of I-75 from Eight Mile Road to M-59 in Oakland County. The HOV lanes could only be used during peak hours by vehicles carrying multiple passengers. During slower periods, they would be general purpose lanes for use by any vehicle. Cost: \$663 million. Jobs: 7,200 over the

multi-year construction.

4. Construct a 13-mile light rail service along Woodward from downtown Detroit to Eight Mile Road. Cost: \$614 million.

5. Widen from four to six lanes an eight-mile stretch of I-94 from M-60 to Sargent Road in the metro Jackson area. Cost: \$473 million. Jobs: 5,150 jobs over the multi-year construction project.

6. Reconstruct and widen from four to six lanes a 7.5 mile section of I-196, from US 131 easterly to I-96. Cost: \$426 million. Jobs: 4,630 over the multi-year construction.

7. Construct a Detroit Intermodal Freight Terminal and make improvements to both train tracks and local roads. It would provide a more efficient transfer of freight from rail to truck, which would attract additional business and industry shipping. Cost: \$1 billion. Jobs: 4,500 permanent new jobs in Michigan upon completion, including 2,300 in Detroit.

8. Upgrade facilities at the Blue Water Bridge, which links Port Huron to Sarnia, Ontario. The

*Continues on pg. 68*

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## Health Care Overhaul – Affect on YOU

association benefits company

March 22, 2010

### IF YOU ARE INSURED THROUGH AN EMPLOYER

#### You can keep your current plan

Within 6 months, the plan will have to stop some practices like setting lifetime limits on coverage and canceling policy holders who get ill. They will also have to allow children to stay on their parents' policies through age 26 and cover children with pre-existing conditions, but can still deny adults with medical problems until year 2014.

High-value group plans (those in which premiums for families are \$27,500 or more) will have to pay a 40% excise tax in 2014.

Starting in 2013, flexible spending accounts (FSAs) will be limited. There will be a \$2,500 maximum on accounts that typically carry \$5,000 limits and you will no longer be able to use the accounts for over-the-counter medications.

High income earners (families making more than \$250,000) would pay several thousand dollars more in Medicare payroll taxes starting in 2018. Unearned income, now exempt from the payroll tax, would also be subject to a 3.8% levy.

#### OR You may be eligible to buy insurance via 'exchanges'

If your employer's policy covers less than 60% of costs, or you are paying more than 9.5% of your income to get it, you can buy subsidized coverage on the exchanges.

If you receive subsidies and enroll in a health plan that covers abortion, you will have to pay a separate premium for that coverage.

And states could prohibit abortion coverage by these plans.

You can get a voucher from your employer to buy insurance on the exchanges if your income is below \$88,000 for a family of 4 and your premiums cost between 8 - 9.8% of your income.

### IF YOU ARE INSURED AND PAY THE PREMIUM YOURSELF

#### You can keep your current plan

Within 6 months, the plans will have to stop some practices like setting lifetime limits on coverage and canceling policy holders who get ill. They will also have to allow children to stay on their parents' policies through age 26 and cover children with pre-existing conditions, but can still deny adults with health issues until 2014.

Premiums for individual policies will be 10 - 13% higher by 2016 than the average premium that year under current law, but most people would qualify for subsidies meaning they may pay less than they do now.

High income earners (families making more than \$250,000) would pay several thousand dollars more in Medicare payroll taxes starting in year 2018. Unearned income, now exempt from the payroll tax, would also be subject to a 3.8% levy.

#### OR You may be eligible for subsidized coverage

A family of 4 with an income of less than about \$88,000 can get tax credits, on a sliding scale, to help pay for insurance premiums and deductibles.

Health plans on exchanges can offer abortion coverage but if they do, subscribers who get federal subsidies will have to make separate premium payments for the abortion coverage. States can also ban this coverage.

### IF YOU ARE UNINSURED

#### You can get coverage from a high-risk pool.

If you are refused coverage because of your health, the pool will be established within six months and will operate until 2014 when insurance companies can no longer refuse applicants with pre-existing health conditions. Annual out-of-pocket medical costs will be capped at \$5,950 for individuals and \$11,900 for families.



## Health Care Overhaul – Affect on YOU

Page 2

association benefits company

March 22, 2010

### IF YOU ARE UNINSURED

**You can get coverage from exchanges.**

If your employer doesn't cover you and you make too much to qualify for Medicaid, you can buy from private insurers through exchanges starting in 2014.

Coverage for those making up to 4 times the poverty level (\$88,200 for a family of 4 in 2009) will get subsidies on a sliding scale. That means you will pay between 3 - 9.5% of your income for insurance and the government will cover the rest.

Health plans will cover at least 60% of medical costs. Insurers will also have to offer more tiers that cover up to 90% of costs for additional premiums.

Premiums of older people can be no more than 3 times as expensive as those for younger people.

There will be limits on overhead and profit. Insurers will be required to spend between 80 - 85 cents of every premium dollar on health care. They have been paying 74 cents on average.

Health plans on exchanges can offer abortion coverage but if they do, subscribers who get federal subsidies will have to make separate premium payments for the coverage. States can prohibit abortion coverage.

### IF YOU DO NOT BUY INSURANCE

**Most Americans will be required to buy health insurance or pay a penalty starting in 2014.**

The penalty will be phased in starting at 1% of income in 2014 and rising to the maximum of \$2,085 for a family in 2016.

American Indians don't have to buy insurance. Those with religious objections or a financial hardship can also avoid the requirement. And if you would pay more than 8% of your income for the cheapest available plan, you will not be penalized for failing to buy coverage.

Those who are exempt, or under 30, can buy a policy that only pays for catastrophic medical costs. It must also allow for three primary care visits a year.

### IF YOU ARE INSURED AND RECEIVE YOUR COVERAGE FROM MEDICARE

**Your benefits may change if you are insured through a private Medicare Advantage plan.**

You will pay less for preventive care and prescription drugs.

Medicare will pay for an annual checkup, and deductibles and copayments for many preventive services and screenings will be eliminated.

The gap in coverage of prescription drugs, known as the "donut hole", will gradually be filled by 2020. This year, consumers who hit the donut hole will receive a \$250 rebate. Subsidies would be reduced for individuals making more than \$85,000 or couples making more than \$170,000.

Subsidies for Medicare Advantage plans run by insurance companies under contract with the government will be slashed substantially leaving their 10 million beneficiaries with the prospect of higher premiums or reduced benefits.

### IF YOU ARE INSURED AND RECEIVE YOUR COVERAGE FROM MEDICAID

**You and your children can maintain eligibility and receive free preventive services.**

#### Adults

States cannot cut people from Medicaid until the exchanges start operating in 2014 unless a state faces a budget shortfall. Many preventive services would be offered without cost.

#### Children

States cannot cut children from Medicaid or the Children's Health Insurance Program (CHIP) until 2019.

### IF YOU ARE UNINSURED, YOU CAN GET COVERAGE THROUGH MEDICAID

Beginning in 2014, anyone with an income below 133% of the poverty level, or about \$29,327 in 2009 for a family of 4, will be eligible for a rejuvenated Medicaid program. Medicaid's reimbursements will be increased to the same level as Medicare making more doctors willing to accept it.

## TRIP Report Says Projects Could Help Turn Michigan Around

Continued from pg. 65

project would provide additional inspection booths and docks to unload cargo. Improvements would be made to connecting roadways to lessen congestion and delays at the fourth busiest U.S./Canada crossing. Cost: \$583 million. Jobs: 6,350 construction jobs.

9. Design and construct a new deck system on 1.4 miles of the suspended portion of the Mackinac Bridge, from pier 18 to pier 21. The project would increase safety standards and provide a long-lasting road surface that would require minimal maintenance. Cost: \$150 million. Jobs: 1,630 construction jobs.

10. Widen U.S. 23 from four to six lanes between M-14 near Ann Arbor and I-96 in Brighton. The project would also replace several obsolete/deteriorated interchanges and structures over the freeway. Jobs: 4,400 construction jobs.

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*Founded in 1971, TRIP of Washington, DC, is a nonprofit organization that researches, evaluates and distributes economic and technical data on surface transportation issues. TRIP is sponsored by insurance companies, equipment manufacturers, distributors and suppliers; businesses involved in highway and transit engineering and construction; labor unions; and organizations concerned with providing an efficient and safe surface transportation network. For more information, visit [www.tripnet.org](http://www.tripnet.org).*

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## Summer Conference 2010 is Coming Soon!

It is time to mark your calendar for the 2010 Summer Conference! This fun family-oriented event will be taking place Thursday, July 29 through Sunday, August 1, 2010 at the Grand Hotel, Mackinac Island, Mich. As always, this event promises a number of great events such as a cookout, dessert cruise, golf, and a number of great networking opportunities.

For information on what sponsorship opportunities are available, contact Rob Coppersmith at the MITA office at (517) 347-8336.

**See the center spread of this magazine for details.**

## MITA 2010 Event Calendar





For details on any event, contact Danielle Coppersmith, events coordinator, [daniellecoppersmith@mi-ita.com](mailto:daniellecoppersmith@mi-ita.com) or visit the events section of [www.mi-ita.com](http://www.mi-ita.com).

**July 15**

**Southeastern Michigan  
Golf Outing**

Fox Hills Country Club, Plymouth

**July 29-31**

**MITA Summer  
Conference**

Grand Hotel, Mackinac Island

**August 10**

1:00 p.m.

**MITA Board Meeting**

MITA Office, Okemos

**October 12**

8:30 a.m.

**MITA Board Meeting**

Hunter's Ridge Hunt Club

**December 1**

11:30 a.m.

**Western Michigan  
Holiday Party**

Location to be determined

**December 10**

8:30 a.m.

**MITA Board Meeting**

Country Club of Lansing

**December 10**

11:30 a.m.

**Central Michigan  
Holiday Party**

Country Club of Lansing

**December 16**

11:30 a.m.

**Southeastern Michigan  
Holiday Party**

Location to be determined

**2010 MDOT  
Bid Lettings**

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

Friday, July 2, 2010

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