

CROSSSECTION

SPRING 2017



Page 8: Member Profile: Timmer Construction Company

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Page 18: MITA Developing Safety First Policy

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COVER PHOTO:
Courtesy of Consumers Concrete
Corporation, from M-231 bridge project.

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Photo of the Middleville Bridge project, provided by Consumers Concrete Corporation.
See story about Consumers Concrete Corporation and more photos on page 10.

COMMENT




Mike Nystrom


EXECUTIVE VICE PRESIDENT

As the industry moves into its busy season, MITA is reinforcing our emphasis on safety. MITA recently received a MIOSHA grant to provide updated safety training that reflects the latest MIOSHA safety standards to protect employees. For details, read an article by MITA's Director of Safety and Compliance on page 18. As always, MITA offers jobsite safety visits, which are discussed on page 16.

On the federal level, a regulation requiring electronic log devices could potentially go into effect in December for commercial motor vehicles throughout the country. There are, however, some exemptions that will apply to some MITA members. See an article by our Vice President of Government Affairs on page 17. In addition, MITA is working hard with our federal affiliate, ARTBA, and the Trump administration to eliminate many other unnecessary regulations, including those that pertain to electronic log devices.

In the area of innovative technology, an article by MITA's Vice President of Engineering Services on page 15 discusses the impact of the Moving Ahead for Progress in the 21st Century Act, which was signed into law in 2012. The Act established a multi-faceted federal program with the goal of incentivizing states to become more engaged in accelerating the implementation and adoption of innovation in highway transportation.

With all the emphasis in Washington on immigration, it is a good time to review hiring rules for new employees. Even with increased attention from Washington, the hiring rules really haven't changed significantly, yet! Check out the Legal Issues on page 26 for more information about a hiring employer's major obligation and potential headache—the I-9 form.

If you have any questions about hiring rules, or anything else, please remember that MITA staff is only a phone call away at 517-347-8336. 



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Timmer Construction Company

Timmer Construction Company was founded in 1956 by Russ Timmer and his brother, Ben Timmer. According to those who know him well, like Bob Patzer, MITA's former executive vice president, "Russ is a contractor's contractor and by all measurements, a man's man."

"Even after all these years, if you want to find Russ, just look for the concrete truck," Bob said, while paying tribute to Russ in the past, "I

guarantee you'll find him at the end of the chute."

Nowadays, you can find Russ, a former AUC board president (MITA's predecessor) hanging out in the office, still holding the title of company president, while his son, Don Timmer, and others do the heavy lifting running the reinforced concrete structures company on a daily basis.

Don, vice president, began following in his father's footsteps at

age 13, then moved on to operate his own landscaping business during the 1980's recession. He rejoined the Farmington Hills-based company to help his father after his Uncle Harold retired. Harold Timmer and Don Durfee were the two partners who helped Russ grow the company, and, like Ben Timmer, have since passed away.

Don is joined in operating the company today by his son, Donny, age 25, who has been working

Timmer Construction Company

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Farmington Hills, Mich. 48336
Phone: 248-478-9400 • Fax: 248-478-5890

Russell Timmer, President

Donald Timmer, Vice President
don@timmerconstruction.com

Nannette Edgil, Bookkeeper
nannette@timmerconstruction.com

Donny Timmer
donny@timmerconstruction.com

From left to right: Nannette Edgil, Russ Timmer, Donny Timmer, Mike Andrews and Don Timmer

Member of MITA Since 2005
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for the company when he was not in school since age 16. There are many other long-time, loyal employees, including Nannette Edgil, bookkeeper, with 23 years behind her. Mike Andrews, who runs the shop, has been with Timmer Construction since the 1980's. Many of the field crew are also veterans of the industry.

"We form and pour concrete," Don said, "including retaining walls, meter vaults, pipe supports, head walls and junction chambers. We have also done architectural concrete at the Detroit Metropolitan Airport, cast in place stairs, and foundations. It is all custom form work that is built in the field and performed for municipalities, private developers, utility companies, and cities in Michigan and Ohio."

Nannette said the company is known for its reliability and scheduling finesse, and her

guys are considered fondly in the underground industry as hardworking, dedicated employees.

"I work for two of the greatest guys around, Russ and Don," Nannette said. "They are very loyal and generous with their employees. We have had people who have worked here for 50 years. Many times those who leave to take other work want to come back."

They must love the work as much as Don said he does. "It is hard work, but it is also fun and rewarding to see what you did at the end of the day," Don said. "You drive down the road, and see a project you worked on. We do the majority of our work in Wayne, Oakland, and Macomb. If I can sleep at home, I am happy."

When Don is not working, he enjoys fly fishing and skiing with his wife, Terry, or visiting his daughter, Mandy, who lives in Salt Lake

City, Utah and works as a nurse practitioner on a pediatric heart transplant team.

For Don, being a member of MITA means knowing the industry has a big brother.

"MITA has always been helpful to us, especially in the safety area, and they support the industry on a daily basis," Don said. "That support is so important, especially with the legislature in Lansing. The industry needs more funding, and MITA is our voice and is important to our success as a company."

Rob Coppersmith, MITA's vice president of membership services, said that Don's son, Donny, was a recent participant in the MITA Future Leaders Program, and he is "a chip off the old block, which is a testament to the future success of Timmer Construction Company." 🏠



Yesterday: The Consumers Concrete plant in the 1950's.

Today: The Consumers Concrete plant in Kalamazoo.

By Thomas Richeal, Marketing Manager

Consumers Concrete Corporation

Consumers Concrete started in 1933 as Consumers Sand and Gravel in Kalamazoo, Michigan. Today, Consumers Concrete is recognized as a Pure Michigan® company, maintains an A+ rating with the Better Business Bureau and has cemented its status as a leader in the concrete industry. The company has grown from its original single plant in Kalamazoo to operating 22 ready mix plants and 2 concrete products manufacturing locations throughout West and Central Michigan. Many of the innovations in ready mix concrete that are in use today started in this region at Consumers Concrete.

For example, in the 1950's, Consumers Sand and Gravel was the first Michigan concrete company to radio dispatch their trucks for their customers. In the 1960's, Consumers Sand and Gravel became the first company in Michigan to have "computerized" concrete batching. This "computer" was a punch card type system, but it was the first time

a customer could rely on the concrete being the same mix design from one day to the next. During this decade, Consumers added some of the first 6-wheel drive trucks and introduced the first front discharge mixers that are the standard in Michigan today. Consumers Sand and Gravel also successfully added manufacturing concrete block and other products into the family business during this time.

By the 1980's, Tom and Steve Thomas along with their brothers Greg and Don assumed management of the company from their father, Don Thomas. In 1983, the company name was changed to Consumers Concrete to more accurately reflect the direction of the company. Consumers Concrete continued to grow steadily through the years adding additional concrete plants and an additional concrete manufacturing facility.

In 2016, Consumers Concrete opened their Rockford ready mix plant and added a new state of the art, high performance concrete block

grinding system to its Wyoming manufacturing location. Consumers Concrete will expand its Byron Center location to a dual plant operation later this spring to continue its growth in the West Michigan market.

In 2016, Consumers Concrete also added another first to its long history with the first non-family member to lead the company as president and CEO. Consumers picked concrete industry veteran Bruce Blair to lead Consumers Concrete. Bruce brings over 30 years of progressive industry experience to the position. Tom Thomas stated, "It was important that we facilitated the transition to the next generation by installing senior leadership with the knowledge, experience and expertise necessary to maintain our leadership position in the Michigan markets we serve." While relinquishing their daily duties, Tom and Steve Thomas continue with the company as board chairman and vice-chairman respectively. The four Thomas brothers continue



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ASSOCIATE MEMBER PROFILE

their ownership of the company.

As many of their customers will tell you, Consumers Concrete has developed into the concrete producer of choice when the performance requirements of the project are demanding. In 2013, Consumers began offering their Artevia line of mixes designed for polished concrete and exposed and decorative concrete. Building on the recognized success of the Artevia products, Hydromedia Pervious Concrete and Agilia Self-Consolidating Concrete were added to the line of branded concrete products available at Consumers Concrete. In addition, Consumers has been the concrete supplier to some of the award winning bridge projects around the state over the past few years. Consumers Concrete with CA Hull Co., Inc., and Hardman Construction, Inc., completed the M-231 Bridge over the Grand River in Nunica and was awarded the 2016 MCA Award of Excellence. The bridge project had 36 mix designs including a non-shrink underwater tremie mix. Consumers Concrete also supplied the concrete for the 2017 MCA Award of Excellence winning bridge project Milbocker and Sons, Inc., completed for the Village of Middleville. The bridge included four "viewing areas" that demanded a concrete mix that performed and finished well because these areas would be viewed up close by the local residents who come to see the river and the dam from the bridge. The project also included integrally colored concrete that was stamped and needed to match an existing streetscape already in place throughout the downtown area.

Mike Kline, senior account executive for Consumers Concrete and a person familiar to many MITA members, expressed, "When the concrete matters, we are the producer

to turn to." Mike proudly notes Consumers Concrete's history with MITA goes back to the days of the Michigan Road Builders Association and Associated Underground Contractors. "We value our relationship with MITA as a voice for us in the industry and how MITA helped us develop many of the relationships we value today. Consumers Concrete has given me the opportunity to work for a company that values integrity and honesty at the core of its business. I feel the members of MITA reflect that philosophy as well and I enjoy the relationships I have with many of the members."

Bill Dyke, sales manager for Consumers Concrete, agrees with Mike's assessment. "MITA and the relationships Mike developed through that organization have been very important for Consumers Concrete. MDOT and other infrastructure projects are an important component to our overall business. The support and resources MITA brings to us helps us continue to grow and succeed in this challenging area of work."

As Consumers ramps up for another busy construction season, Mike reflects back on his 32 years at Consumers Concrete. "I have been blessed to hold many positions at Consumers through the years and I am grateful for many of the friendships I have in our industry."

The team at Consumers Concrete is proud of our history. As we move into 2017 and the future, we are even more excited about what is to come. We will continue to offer the quality concrete and great service our customers have come to rely on from us. In addition, we will continue to introduce and promote industry leading products designed to meet the demands of a new and changing construction industry. ▲



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Letters to MITA

Dear Mike:

Thank you for delivering the challenge to rebuild Michigan to the concrete industry. Unless we become as passionate as you were, we will never convince the public and the legislature that it is necessary.

Daniel DeGraaf, Michigan Concrete Association

Dear Mike:

Thank you for taking a portion of your valuable time to come to St. Louis and share your experience with our AGC of Missouri members. Your insights really helped our members as they work to adapt to our new market conditions.

Len Toenjes, AGC Missouri

Dear Lance:

Thank you for your presentation in committee. It was excellent! I look forward to our growing relationship.

Rep. Leslie Love, Michigan House of Representatives

Dear Mike and Glenn:

First of all, I want to thank you for your friendship over the years and your invitation to the MITA Annual Conference in January. I was very honored and humbled by MITA's Legacy Award. Please give a big thanks to Nancy Brown, Rob Coppersmith, Danielle Coppersmith, Mariam Robinson, and other MITA staff members.

Gian Taneja, MDOT

Dear Mike:

Thank you for your excellent presentation last week at Capitol Issues Forum, "Pipes and Pavement: Digging into Michigan's Infrastructure Issues."

We appreciated your insights on the 21st Century Infrastructure Commission's findings and recommendations. You helped us better understand the challenges facing Michigan legislators as they work to fund state infrastructure improvements. The group came away more informed about the significant impact infrastructure has on our economy and quality of life.

We're very grateful for the time you took to share your knowledge and expertise with us. We hope you will consider coming back to speak again in the future, as well as joining us as an honored guest at upcoming meetings.

Mike Rogers, Small Business Association of Michigan
Barbara Lezotte, Lezotte Miller Public Relations, Inc.

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Accelerating the Deployment of Innovative Technology

When the Moving Ahead for Progress in the 21st Century Act (MAP-21) was signed into law in 2012, it established a multi-faceted federal program with the goal of energizing states to become more engaged in accelerating the implementation and adoption of innovation in highway transportation. As a part of that program, the Federal Highway Administration's Center for Accelerating Innovation (CAI) is responsible for developing a national network of innovation deployment and for stakeholder collaboration within the highway transportation community through the **State Transportation Innovation Council (STIC)** network.

Each state-based STIC is intended to bring together public and private transportation

stakeholders to evaluate innovations and spearhead deployment in their state. The research and development of an innovative idea is not the goal of any STIC. They leave that to academia and the established research programs. The STIC goal is to facilitate the advancement and deployment of tried and true, well-vetted innovative technologies and processes. Today, STICs (or an equivalent task force) are active in all 50 states, the District of Columbia, Puerto Rico, the U.S. Islands and Federal Lands Highway.

To foster innovation deployment efforts within the national STIC network, the CAI administers the STIC Incentive program, which offers federal funding of up to \$100,000 per state per federal fiscal year to support or offset some of the costs of standardizing innovative practices within the public transportation agency. STIC Incentive Funds can be used to develop guidance, standards and specifications, implement process changes, organize peer exchanges, offset implementation costs, or

other approved activities that support the advancement of an innovation. STICs can consider innovative ideas from within their own membership, from within the national STIC network, or from a variety of national research efforts, such as the FHWA's Every Day Counts Initiative, the American Association of State Highway and Transportation Officials' Innovation Initiative, and the Strategic Highway Research Program.

Michigan's STIC (MI-STIC) was formed in 2012 and is chaired jointly by leadership from the FHWA Michigan Division Office and MDOT. The MI-STIC transportation stakeholder membership includes individuals from the American Council of Engineering Companies of Michigan (ACEC-MI), the American Public Works Association (APWA), the County Road Association (CRA), FHWA, Michigan's Local Technical Assistance Program (LTAP), MDOT, MITA, The Michigan Transportation Planning Association (MTPA), the Michigan Municipal League (MML) and the National

Continued on page 54



Glenn Bukoski, P.E.

To contact Glenn Bukoski email him at glennbukoski@mi-ita.com or call the MITA office at 517-347-8336.

Did You Know?

MITA Offers Jobsite Safety Visits

Ensuring that all employees and visitors stay safe is one of the most important priorities for any MITA member running an active jobsite. MITA understands, encourages and respects this, which is why the association offers jobsite safety inspections as one of our many member services.

Jobsite safety inspections are free to members, and they are an easy way to ensure that you are doing everything as safely as possible, while also staying compliant with ever-changing MIOSHA regulations.

Matt McClintick, MITA's director of safety and compliance, is on staff to help you maintain a safe and healthy jobsite. He can answer questions, provide information, lead trainings and do so much more if you take the time to reach out and set up a safety inspection.

Matt is trained to recognize hazardous conditions and dangerous situations, so he is equipped to demonstrate and to teach the proper way of doing things. Don't wait to set up your jobsite safety inspection today. It's the best, most proactive way you can ensure the safety of everyone on your site, as well as continued health and compliance for the duration of your project.

Matt can be reached at mattmcclintick@mi-ita.com or by calling 517-347-8336. You can also submit a form online to request a jobsite inspection. These forms get sent directly to Matt's attention for processing. The form is available on the MITA website. Click on the Safety button located on the homepage. When you reach the Safety page, click on the Request A Job Site Inspection button. Fill out the form, submit it, and Matt will be in touch shortly. Don't delay! 🚧

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Electronic Log Book Requirement for Commercial Vehicles

On December 18, 2017 a federal regulation requiring electronic log devices (ELDs) will potentially go into effect for commercial motor vehicles throughout the country. There are, however, some exemptions that many MITA members and their employees will fall under to not be required to install them. Some of those exemptions include drivers within the 100 air-mile radius of the normal work reporting location as well as those vehicles manufactured before model year 2000.

MITA is working hard with our federal affiliate, the American Road & Transportation Builders Association (ARTBA), and the Trump administration on eliminating many unnecessary regulations (including the

electronic log devices) in an attempt to stop the new requirement before it goes into effect. President Trump signed an executive order enforcing the regulatory reform agenda, which states that it is the policy of the United States to alleviate unnecessary regulatory burdens placed on the American people. MITA is hopeful that some of the long time regulatory burdens that the heavy construction industry has been under can be eliminated through this process.

Here is a complete list of the exemptions that are currently in place for the new rule taking effect on December 18, 2017:

ELDs are required through Michigan's adoption of the Federal Motor Carrier Safety Regulations.

49 CFR part 395.8 (a)(1)(i) states:

Subject to paragraphs (a)(1)(ii) and (iii) of this section, a motor carrier operating commercial motor vehicles must install and require each of its drivers to use an ELD to record the driver's duty status in accordance with subpart B of this part no later than December 18, 2017.

- (ii) A motor carrier that installs and requires a driver to use an automatic on-board recording device in accordance with §395.15 before December 18, 2017 may continue to use the compliant automatic on-board recording device no later than December 16, 2019.
- (iii) (A) A motor carrier may require a driver to record the driver's duty status manually in accordance with this section, rather than require the use of an ELD, if the driver is operating a commercial motor vehicle:
 - (1) In a manner requiring completion of a record of duty status on not more than 8 days within any 30-day period;
 - (2) In a driveaway-towaway operation in which the vehicle being driven is part of the shipment being delivered;
 - (3) In a driveaway-towaway operation in which the vehicle being transported is a motor home or a recreation vehicle trailer; or



Lance Binoniemi

To contact Lance Binoniemi email him at lancebinoniemi@mi-ita.com or call the MITA office at (517) 347-8336.

Continued on page 54

MITA Developing Safety First Jobsite Analysis Policy

MITA recently received a MIOSHA CET Grant to provide updated safety training that reflects the newest MIOSHA safety standards to protect employees. We are developing a new company safety policy that will reflect these standards that members can use. The updated policy will have a focus on safety before you step on the jobsite to begin work, and it will be ready to roll by May 2017. The following is the background of MITA's goal in preparing this new policy for members.

Unfortunately, nine fatalities have occurred in Michigan before the peak construction season has begun (MIOSHA Annual Fatality Information, 2016). Two fatalities happened within the heavy construction industry for reasons including Struck-by and Caught-in/between.

Michigan's Heavy Construction industry (Road, Bridge and Underground) is considered one of the most hazardous industries. Heavy construction workers are exposed to a myriad of hazards and an environment that changes rapidly. In addition, nearly every step taken by a contractor on a construction site is governed by rules and regulations related to jobsite safety, and those rules are constantly changing.

Over the last year, new rules implemented at the federal level have affected our industry. For example, OSHA's confined space rule has increased in scope and became a construction industry standard in early 2015. MIOSHA adopted and enforced the rule at the end of 2015. Additional rule changes have occurred with Fall Protection, Welding and Cutting, Cranes & Derricks, Hazard Communication and Injury &


Illness reporting and others. More rules are expected in the coming months, advancing well into 2017.

Having the right safety plan in place and the proper employee training

before any employee steps foot on the jobsite is very important. Putting safety first is the best way to avoid incidences and citations resulting in less injuries and fatalities. In addition, understanding complicated rules now and pre-planning for what's in store for the future will help better prepare the heavy construction industry.

MITA shares MIOSHA's commitment to the safe jobsite goal defined by "one fatality is one too many." Through the proposed program, called Safety First, MITA will create Safety and Health Management Systems (SHMS) with heavy construction companies focused on training to enhance safety and compliance in the industry. The Safety First program will help build a company's safety foundation to help bring companies up to the new industry standards quickly and efficiently, preventing industry lag time when rules are implemented.

The program will expand the time and dedicated resources to ensure that sound SHMS are crafted and implemented to anticipate the conditions existing at specific jobsites and to promote an industry-wide injury and fatality-prevention culture as part of their SHMS. MITA staff will be available for preconstruction consulting and training. Staff will also be available for jobsite inspections to identify hazards that could injure employees or lead to possible MIOSHA violations.

If you have questions regarding MITA's Safety First program or would like to schedule a site visit and training, please contact MITA's Director of Safety and Compliance, Matt McClintick, at mattmcclintick@mi-ita.com or call the MITA office at 517-347-8336. 



Matt McClintick

To contact Matt McClintick, email him at mattmcclintick@mi-ita.com or call the MITA office at (517) 347-8336.

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Outreach Spotlight

Let's Get Those Legislators Out To YOUR Jobsite!

By Mariam Robinson



Mariam Robinson
Director of Strategic Affairs

Spring is here, and busy season is rapidly approaching for MITA members. It's a great time of the year, because the public can start to see the infrastructure work being done around the state, and members can have their crews and equipment out on the jobsites, doing what they do best.

This is also an excellent time to get your legislators out on your jobsites. It's a non-election year, so they won't have political campaigning as an excuse not to come. They'll be on summer break, regardless, which means they won't be spending much time in Lansing and will be back in their home districts. This makes it a perfect time for them to visit some heavy construction jobsites to see just what goes into improving infrastructure in Michigan.

Legislators receive a wide variety of information on a daily basis. They have lobbyists and constituents vying for their time and attention constantly, which can make it hard for them to focus on one issue, like infrastructure, no matter how important it may be. The purpose of a legislative site visit is to help make it impossible for legislators to set the issue aside. When they walk a jobsite and can talk to a member about the work they are doing, the money being invested and the improvements that are being made, their understanding of the issue is improved 100 percent.

Don't miss out on this wonderful opportunity to not only showcase what you and your company do, but to also educate the lawmakers who have the power to pass legislation that will make infrastructure investment a top priority at the state level.

We strongly encourage members to reach out to MITA to help make these jobsite visits happen. Let us know what project you are working on and in what area of the state. Pick a day that you feel would be good for a legislator or two to come by for a visit

and a walk-through. We'll handle the logistics and details once we have the initial information from you.

Please contact Mariam Robinson, Director of Strategic Affairs, if this is an opportunity you would like your company to take part in. She can be reached at mariamrobinson@mi-ita.com or by calling 517-347-8336. Take a look at your calendar today, so a legislative site visit can be planned sooner rather than later. Spring is already here, with summer close behind, and you don't want to miss your chance to showcase your work in 2017! 

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SPRING 2017: MITA PAC UPDATE

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Rep. Triston Cole (R-MANCELONA)

Q: How has your background in the trucking industry helped prepare you as the House Transportation and Infrastructure Committee Chair?

A: In my ten years as a truck driver I have had many conversations with a broad spectrum of individuals who utilize our transportation network. I have had the chance to talk with truckers from all different types of industries, some with unique problems and others more common. Discussing these issues in-depth in my time as a truck driver has prepared me to hit the ground running as Chair of the House Committee on Transportation and Infrastructure. I know which issues are most pressing to our community because I have encountered many of the problems myself, or have heard first-hand accounts.

Q: What transportation and infrastructure legislative priorities do you have for the 2017-2018 term?

A: We need to streamline our permit process. The state needs to get out of its own way with respect to road construction projects. On this premise, if a permit has been issued already, we should not put ourselves through the same process again. I would like to avoid redundancy as much as possible.

I would like to see more money dedicated to our township roads. I would also like to address infrastructure issues in our rural townships. Currently, there are many

situations concerning a high percentage of state land ownership coupled with low taxable values and this is a problem.

I am interested in finding solutions to ensure that our recreational trails are accessible and well-maintained.

All-in-all, we need to ensure that we get fresh concrete and asphalt on our roads as soon as possible and that will remain my main focus as Chair.

Q: What has been your reaction to the public's calls for increased underground infrastructure investment in Michigan?

A: I agree with the public on this issue. I believe that the money is already available, but we could re-prioritize the funds to ensure increased underground infrastructure investment in Michigan.

I would also like to see potential loan opportunities offered to municipalities to invest in their unseen infrastructure.

Q: What lessons, if any, can we learn from the Flint water crisis and the Macomb County Sinkhole?

A: With respect to Macomb and Flint, I think we need to have a discussion on record-keeping. Concerning Macomb, who knows how long the problem existed before it came to light? I believe that the damage could have been minimized if an inspection had discovered problems earlier. These incidents also highlight the necessity for consistent, routine inspection of unseen infrastructure, local accountability for the installation, maintenance, repair and replacement plans.

Continued on page 42

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Hiring When Washington DC's Focus Is On Illegal Immigrants

With the 2017 construction season upon us and almost daily reports from Washington, D.C. focusing attention on illegal immigrants, it is the time to review hiring rules for new employees. The truth is that even with the increased attention from Washington, the hiring rules really haven't changed.

At the threshold, it is important to remember that the anti-discrimination laws prohibit hiring and employment decisions based upon color, religion, sex, national origin, age, height, and weight. An applicant cannot be rejected merely because he or she is an immigrant, his or her appearance, or because of actual or perceived national origin status.

All applicants should be required to complete an employment application. MITA's employment application, which is available to members, contains important protections for employers, such as at will status and a six month statute of limitations. The application also contains a section for applicant references. This should not be just an exercise in futility or a waste of paper. Employment history should always be checked. Once the applicant is hired and working, it is too late to check the references.

The Equal Employment Opportunity Commission (EEOC) discourages employers from asking whether or not a job applicant is a United States citizen before making an offer of employment. Instead, the EEOC defers to the Immigration and Nationality Act (INA) employment

eligibility verification (I-9) form.

A hiring employer's major obligation and potential headache is in the I-9 form. The I-9 forms are used

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INTRODUCING MITA'S **Confined Space App**

A problem facing the industry is that foremen have trouble making the proper determination regarding what kind of confined space that they have encountered. It all revolves around employee safety. A new MIOSHA standard regarding confined space took effect over a year ago, and since then there has been a problem with awareness and education. Employers and employees need to be aware of the hazards that they can face when entering a confined space, such as hazardous atmospheres, physical hazards and also the awareness of the hazards that are caused by the employees themselves, since it is generally human error that will cause the event, accident or problem.

The new MITA Confined Space App, "Enter Right," was developed in part, thanks to a MIOSHA CET Grant. Enter Right is now up and running and will help employers make an accurate determination regarding what hazards lie beneath the surface in a confined space situation, whatever type of situation it may be.

Each year, MITA tries to find something that can expand awareness and safety and reduce hazards within the industry. The new MITA Confined Space App does just that, and is available online at www.enterright.com. Within the easy to follow program, the user answers questions regarding their specific confined space situation, and the app steers them down the

path to identify the type of confined space and what requirements pertain to working safely in the space.

If you have questions regarding the new MITA app, please contact MITA's Director of Safety and Compliance, Matt McClintick, at mattmcclintick@mi-ita.com or call the MITA office at 517-347-8336. 



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to verify the identity and employment eligibility of all employees hired after November 6, 1988. The change in administration in Washington has not altered, in any aspect, the I-9 obligations which arise only after the applicant has been hired.

The I-9 form must be completed within three days of hire by all new hires, not just those who appear to be foreign. The I-9 form lists the type of documentation which is required to be submitted as acceptable proof of the right to be employed in the United States. Employers cannot require any more or any less than what is required by the I-9 form. Moreover, the I-9 documents may not be required during the application process. Employers may not reject valid documents or require additional documents beyond what is required in the I-9 form or e-verify process. Although the employer is not the verifier or authenticator of the documents, the employer must not accept documents that a reasonable person would suspect were fraudulent. Employers must also reverify an employee I-9 if his or her temporary employment authorization has expired.

The government treats I-9 forms as very serious business. It is extremely important that the I-9 form

be completed. Even innocent mistakes can be fined. Staffers who are assisting in the I-9 process should be trained to double check and triple check the forms before completing the process for the new hire. Employers should engage in periodic self-audits to ensure that the information is collected and retained.

Even though there is no obligation to retain copies of the I-9 supporting material provided by the new employee, it is good practice for employers to retain those copies. If the employer chooses to keep copies, it must do so for all new hires. In addition, the I-9 form should not be kept in the employee's personnel file. Instead, the I-9 forms should be kept together in a separate file. I-9 forms must be stored for 3 years after the date the employee is hired or one year after the date the employee terminates employment, whichever is later.

Maintaining control of the I-9 forms is important because Immigration and Customs Enforcement (ICE) has been visiting employers (and especially federal contractors) with "three day notices requiring the production of I-9s within three business days. The

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MDOT Director **Kirk Steudle**

Receives ITS Lifetime Achievement Award

The following article and photos first appeared in the January 2017 edition of Traffic Technology International magazine (trafficechnologytoday.com) Copyright 2017 UKIP Media & Events. Reprinted with permission.

Following his acceptance of an ITS Lifetime Achievement Award, Kirk Steudle, director of Michigan DOT, spoke exclusively to TTI about his vision for the future. (Interviewed by Tom Stone.)

He is a civil engineer by training and used to think that connected and autonomous vehicles were science fiction. It's funny how things change, because now Kirk Steudle, director of the Michigan Department of Transportation, is in the ITS World Congress Hall of Fame with the Lifetime Achievement Award to hang on the wall in his office. How did that happen?

"I was very skeptical about automation and connectivity. I was a construction engineer, a very practical person, and I looked at it in the 1990s and said, 'This is all Buck Rogers—way too far out. It's only presentations. There's nothing happening.'"

Scoff if you like, but two decades ago that view was common. Steudle, though, got an early revelation about the future. "I happen to live close to a General Motors test facility and was invited to come look at their latest technologies. In 2005 or 2006 I road in the V2V Cadillacs, which were the first ones. At the time I think they were the only ones of their kind. They communicated back and forth," Steudle recalls. "The trigger for me happened after we were passed by the companion car, which then stopped in our lane. We went at 60mph toward the back of car and our driver did nothing and the car stopped on its own. After going, 'Phew!' I said, 'Okay, this is real.'"

Steudle's ability to accommodate new technologies is evidenced by Michigan's support for everyone striving to improve travel and logistics. "I said, 'We're



in the perfect spot. We need to be talking with the auto companies about what they need.' Then this last year we rolled out our umbrella, Plant M, making southeast Michigan the place to develop a vision for a connected vehicle environment. So we've formed pretty unique partnerships in Michigan."

Forward thinking

As someone who has the ultimate responsibility every day for 10,000 miles of state road, 4,000 bridges, 2,500 employees and a US\$4bn annual budget, Steudle is always thinking ahead, accepting the latest developments and considering what part they will play in future road transport. "If you'd asked six months ago what my vision was, I'd have said it was moving a lot more in the direction of connectivity," he says. However, other advances have shifted his view. "In the past six months the automated side has advanced tremendously. For me, the safety benefits happen when we get to connected automation—that's why we need connected automated vehicles."

He's also synthesizing the potential impact of Mobility as a Service (MaaS). "I come from Detroit,

where we sell a lot of cars, but MaaS has pushed me into thinking about how we harness technology to increase the efficiency of mobility,” says Steudle.

So far, the issue of MaaS has raised more questions in his mind than answers. “How does it fit with traditional public transit? Is it going to be a replacement for that? What happens with the revenue it creates? Is this a purely private thing, purely public or a public-private mix?” he asks. “I view it as a question of how the technology can be harnessed for the good of society. We have to make sure that when we’re done we’ve helped all of society move forward and we’re all in a different place, as opposed to something that we just let happen. I think there’s a fine line between forcing it to happen and removing barriers.”

Public duty

There’s little doubt that Steudle has used his role at MDOT to enable new technologies to be applied to vehicles and traffic, removing barriers to allow innovations to blossom, yet keeping some safeguards so that it’s not a free for all. His approach to MaaS is similar. “I do think there’s a role of government to make sure that we’re serving all people. There’s an equity component here. We have to make sure we haven’t provided this pay system or this public or private system that allows individuals who have the means to opt into some other solution,” he says.

“I think it’s the appropriate time to be having these discussions, as opposed to just letting everything fly and then a year or two from now wake up and say, ‘Wait a minute, we’ve created something that does not work, and now we’ve got to retrofit it back.’ We’re in the early stages, so it’s the perfect time to be having the conversation.”



Michigan’s CAV testing facility.


Those are sound words from someone who readily admits that he hasn’t always seen the future coming but somehow has to prepare for it anyway. “My average



Steudle accepting his award at the ITS World Congress in Melbourne.

day could be dealing with some legislative issue or it could be dealing with a driveway; it could be dealing with a US\$100m construction project. It could be dealing with the future that’s 20 years away. I deal with everything, from what happened yesterday to what’s going to happen 40 years from now. That’s exciting.”

One of the most obvious rewards of such a varied role is the opportunity to try tomorrow’s technology today. Is there another element of the job that keeps Steudle going to work every day?

“What do I get out of it?” he asks, “I get the ability to bring people together to look at a larger situation for the common good of society. I’m a public employee, right? What ultimately drives me is what’s good for society. How do we make good public policy? How do we make good decisions?” So, it seems he’s not about to quit and read sci-fi comics. “I’m going to be in this job as long as I’m having fun and the Governor wants me to be here.” A statement that means Michigan is likely to be at the forefront of transportation innovation for many years to come. 

Association Benefits Company

thesalusgroup.com

Association Benefits Company has relocated their Southfield office to a new location at 42400 Grand River in Novi. Following the Association Benefits Company (ASB) merger with Salus Group, which was announced last summer, the new Novi location will allow the company to be more centrally located to better serve their clients.

Working as a division of Salus Group, ASB continues to operate under the leadership of Mike Buck as a full-service health and welfare consulting firm with special focus on Taft-Hartley Trust Funds and the Building Trades. Their newly expanded team of professionals work on behalf of their clients to navigate the ongoing pressures of the industry and health care reform. With their team, they have the experience, expertise and carrier relationships to service each account in a manner that is second to none.

As of March 8, 2017, their new mailing address is changing from Southfield to their main Salus Group office, which is located at:

Association Benefits Company, a division of Salus Group

38221 Mound Road, Building G
Sterling Heights, Mich. 48310

All other contact information for the Association Benefits team will remain the same.

G2 Consulting Group

g2consultinggroup.com

G2 Consulting Group, a nationally recognized Troy, Michigan-based geotechnical environmental and construction engineering services firm, is part of the construction team that earned two separate industry awards for the Downtown Fenton Streetscape and Road Reconstruction project.

Downtown Fenton retains much of its historical charm while offering modern shopping, dining and lifestyle experiences. The city was looking to improve portions of its streetscape and hired Champagne & Marx as general contractor and OHM Advisors as project engineer.



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G2 Consulting managed all aspects of geotechnical exploration during the design phase of the project and provided quality assurance materials testing during project construction. Eastlund Concrete Construction performed the site concrete work and Modern Concrete provided the concrete materials.

The American Society of Civil Engineers (ASCE) SE Michigan branch named the project the "James F. Bliskey, P.E. Quality of Life Project of the Year" winner at its annual meeting. Also, the Michigan Concrete Association recognized the team in its "Municipal Flatwork" category with an award during its annual meeting.

In both cases, the significant enhancements to the downtown area, including work on the water mains, sanitary and storm sewer, roadway pavement and sidewalks, now fully ADA compliant, were noted as exceptional. As a result, there is an improved quality of life for residents and visitors to Fenton. It's hoped that the improvements will encourage more development in adjacent neighborhoods.

"At G2 Consulting Group, our mantra is Smart. Results. Fast.," said Jim Berry, project manager. "These two awards are a nice tribute to the collaborative nature of the project and our ability to help the City of Fenton continue to enhance its vibrant downtown area."

Berry noted that G2 Consulting has been involved in several urban redevelopment projects for local municipal clients, including the cities of Birmingham, Auburn Hills and Southfield.

About G2 Consulting Group:

G2 Consulting (g2consultinggroup.com and twitter.com/G2_consulting) is a geotechnical, geoenvironmental, and construction engineering firm that has delivered thousands of telecommunications, land development and civil infrastructure projects for two decades across the United States. Based in Troy, Mich., G2 also has offices in Ann Arbor, Mich., and suburban Chicago, Ill.

Continued on page 36

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Continued from page 35

Northern Concrete Pipe, Inc. ncp-inc.com



Northern Concrete Pipe, Inc., received the highest quality award of America's concrete pipe industry in January. From left to right: Bo Gossett, American Concrete Pipe Association (ACPA) chairman of the board; Jake Jyrkema, Rinker, manufacturing committee chairman; Rich Brewster, Northern Concrete Pipe, quality director; and Matt Childs, ACPA president.

The Northern Concrete Pipe plant in Bay City was recently named the number one quality plant in North America.

When you visit a Northern Concrete plant, visitors notice a dedication to worker safety and quality. Because of those traits, Northern Concrete Pipe was awarded the highest quality award of America's concrete pipe industry, which was presented at the American Concrete Pipe Association's (ACPA) annual Pipe School in Arlington, Texas in January.

The ACPA's "Quality Cast" Plant Certification Program, commonly known as QCast, is a recognized plant certification for quality assurance in the concrete pipe industry. ACPA QCast awards are designed to recognize outstanding plants on the most important measures of production quality.

The QCast program covers the inspection of materials, finished products, and handling/storage procedures, as well as performance testing and quality control documentation. Plants may be certified in



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stormsewer and culvert pipe, sanitary sewer, precast boxes, three-side structures, manholes and other precast structures.

Plants in each of the certification categories that score 95 percent or better on their annual QCast audit are recognized with the ACPA QCast Awards. One overall winner is selected in each category. Regardless of where you score in each category, the plant with the highest over-all score in all categories is selected as the top QCast Plant for the year.

While all Northern Concrete Pipe plants scored 95 percent or better on their annual audit, the plant in Bay City was awarded the Top-Quality QCast Plant in North America for 2016.

Winning awards is nothing new for Northern Concrete Pipe, as they have also been awarded Platinum, Silver and Gold Michigan Governors Awards for their safety program at all plants.

Ask any Washabaugh family member about these awards, and they will humbly tell you it was a group effort steered by their Quality Control Manager Rich Brewster. Through Brewster's guidance, and a dedication to quality

and safety by all plant employees and management, Northern Concrete Pipe customers receive products that will outperform any others in Michigan and Ohio.

Established in 1958 in Bay City, Michigan, Northern Concrete Pipe (NCP) is the oldest concrete pipe producer in Michigan. Ed, Pete, and Bill Washabaugh were the founding fathers of NCP, and it remains a family-owned company.

The Washabaugh family soon established themselves as innovators within the precast industry in 1967 when they developed and produced the first precast boxes used for culvert construction in North America. These 50-year-old box culverts are still in use throughout Michigan. Today, NCP is producing precast boxes for culverts and other applications with spans up to 26 feet and rises of 14 feet.

To keep up with market demand for their products, NCP built a plant in Lansing, Mich., in 1965, and added their Clarkston and Grand Rapids plants in 2012. Most recently, NCP purchased a plant in Sylvania, Ohio. As

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Productivity in Construction

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



Kimberly Dohn completed the course recently and commented:

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

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

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



Michigan Laborers' Training and Apprenticeship Institute
11155 S. Beardslee Road, Perry, MI 48872-9774
517-625-4046 www.mi-laborers.org



Continued from page 37

NCP built and acquired their plants, their employment base grew as well, and they now employ 225 people throughout Michigan and Ohio. Some employees hold over a 45-year tenure.

Nine Washabaugh family members manage the operation; and, as Bill Washabaugh, president of NCP will tell you: "Our company is about the people who work with us. We couldn't do what we do without them."

About Northern Concrete Pipe, Inc.

Northern Concrete Pipe, Inc., was established in 1958 and continues to be a major influencer of the concrete pipe industry. Production, engineering, sales, and distribution staff provide the quality products and services required to build America's critical infrastructure. Northern Concrete Pipe, Inc., has four manufacturing facilities in Michigan and one in Ohio.



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RBV Contracting rbvcontracting.com

RBV Contracting, Inc., has been recognized as one of the 2017 "Michigan 50 Companies to Watch," an awards program presented by Michigan Celebrates Small Business.

RBV Contracting was honored at an awards ceremony during the 13th annual Michigan Celebrates Small Business gala event in May in Lansing. The company provides construction contracting services and self performs much of their work for commercial retail and a growing number of government agencies. They have also played a key role in the revitalization of Detroit.

Companies making it to the "Michigan 50 Companies to Watch" list are a remarkable group of second-stage companies. Defined as having six to 99 full-time-equivalent employees and generating \$750,000 to \$50 million in annual revenue or working capital from investors or grants, these companies form the backbone of Michigan's economy. Representing all regions of the state and a diverse range of industries, companies like RBV Contracting are known for their exceptional entrepreneurial leadership, creation of innovation or use of innovation in creative ways and their sustainable competitive advantage.

Winners were selected by Michigan-

Continued on page 41

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Continued from page 39

based judges from the banking, economic development, entrepreneurship development and venture capital communities.

For more details about RBV Contracting, visit www.rbvcontracting.com. Information about Michigan Celebrates Business can be found at www.michigancelebrates.biz.

Rieth-Riley Construction Co., Inc.

rieth-riley.com

Rieth-Riley Construction Co., Inc. recently announced the promotion of Eddie Holliday to area manager of the company's LaPorte, Indiana region.

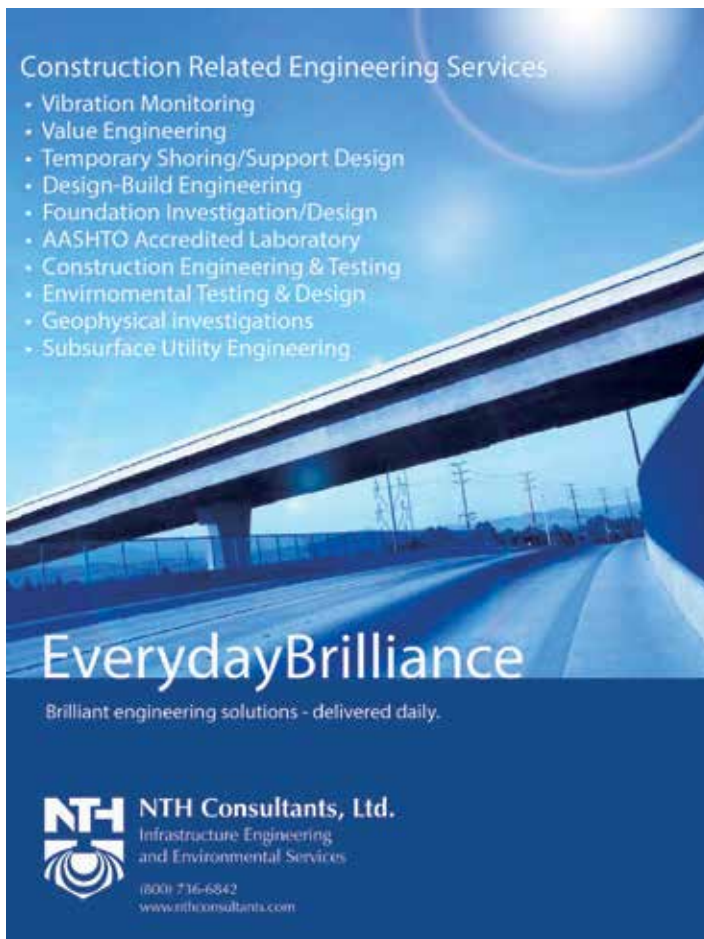
Holliday joined Rieth-Riley in 1988 as a union laborer. In 1995 he was promoted to foreman, and in 2002 was promoted to assistant superintendent. In 2006, he was

again promoted to general superintendent of the LaPorte area and has held that position prior to his most recent promotion. He and his wife, Tracy, have four children and reside in the Walkerton, Indiana area.

About Rieth-Riley Construction Co., Inc.

Rieth-Riley Construction Co., Inc., a heavy/highway construction company, was founded in 1916 and has built a reputation for quality workmanship and reliability. The company is unique in the construction business because it is 100 percent employee owned. The company has permanent locations throughout Indiana and Michigan with additional asphalt, concrete and aggregate plants to meet the needs of customers. Rieth-Riley has the capacity to serve asphalt and concrete paving, site preparation, excavation, curbs, gutters, underground utilities and bridges.

Continued on page 43



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Q & A

LEGISLATIVE QUESTIONS AND ANSWERS

Continued from page 25


Q: As Transportation and Infrastructure Chair, what do you feel is the next step towards adequately funding our infrastructure in Michigan?

A: I believe that there is enough money already available, however it could be re-prioritized to be used more effectively. We need to utilize the resources already available and maximize the recent revenue increase to the best of our abilities to make sure that our resources are focused on the most vital aspects of our infrastructure, both below and above ground.

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

A: I have a great working relationship with the MITA representative in Lansing. I also work closely with many of our smaller heavy construction companies in my district and I have been an excavator myself, meaning that I now have full-circle experience with the heavy construction industry.

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

A: Regular communication between MITA members and their representative is the most effective way to advocate for their industry. Attending events on a regular basis is a great opportunity to maintain steady relationships with government officials. 



*Rep. Triston Cole
(R-Mancelona)*

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Continued from page 41

Southeastern Equipment Co., Inc.

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Southeastern Equipment Co., Inc., is pleased to announce the availability of Vacall sewer trucks and excavators, USB sewer truck nozzles, and Pearpoint pipeline inspection equipment as deep discounts through National IPA. The regional contract allows any government, nonprofit or educational entity to purchase these types of equipment from Southeastern Equipment in Ohio, Indiana, Michigan and Kentucky. Financing and leasing options are available, as is on-site delivery, operator training and service.


As a governmental purchasing cooperative, the National IPA meets legal requirements for competitive solicitation. Contracts are solicited and awarded by a government entity that acts as the lead agency. Contracts utilize industry best practices, processes and procedures, ensuring maximum value and absolute security with complete transparency in the process.

For additional information, contact Mike Zalweski at mzalwski@southeasternequip.com.

About Southeastern Equipment Co., Inc.

Southeastern Equipment has been selling, servicing and renting heavy machinery since 1957. The company has 18 locations throughout Ohio, Michigan, Kentucky, and Indiana. Manufacturers represented by Southeastern Equipment Company include: CASE Construction, Kobelco, BOMAG, Gradall, Kubota Construction, Etnyre, Vacall, Schwarze, Alamo Industrial, Eager Beaver Trailers, Superior Broom, Midland Machinery, Fecon, Skytrak, JLG, Sullair, New Way, USB, and a wide variety of companies that manufacture heavy equipment attachments. For more information, visit their website at www.southeasternequip.com.

About National IPA

National IPA is a cooperative purchasing organization dedicated to serving public agencies and educational institutions nationwide. The National IPA team of tenured, certified public procurement professionals, supply chain and cooperative purchasing experts is committed to bringing value to agencies nationwide. For more information visit www.nationalipa.org. 

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Fax: 517-235-7006

Fred O'Keefe
CEM/Project Manager
okeefefred@gmail.com

Janene Grace
ADM
fmconcreteconst@gmail.com

F and M Concrete Construction LLC

1. What is a brief history of your company?

F and M started in 2009. We were a one crew company in the beginning. In the past six years, we have grown to 24 employees and completed 430 jobs and were prime contractor on three.

2. What do you specialize in?

F and M has become quite efficient in doing some of the harder projects, such as rain gardens, and quick set concrete for early opening of roads. We have excelled in colored and stamped concrete, as well as bridge approaches, curb and gutter, sidewalks and detectable warning surface.

3. Where in Michigan do you perform work?

We generally work in Bay, University, Southwest and Grand TSC regions. But we've been known to venture further out for our valued customers.

4. Can you share examples of past projects?

We successfully were the prime contractor for two MDOT jobs in 2016: M-17 in City of Ypsilanti and Webberville. In 2016 we also successfully completed

23 MDOT jobs as subcontractor and several other county or non-MDOT jobs. Our largest project to date was in 2015 with Dan's Excavating on I-96.

5. What current projects are you working on?

We are gearing up for the 2017 season, which will begin with a huge project we are subcontractor on for Dan's Excavating, which is 11 miles on the US-23 reconstruction.

6. What do you like about the industry?

We enjoy the challenge of working with different contractors and inspectors. We always strive for a quality product and ensuring that the job is completed on time.

7. How does being a MITA member help you?

The office team has attended several MITA sponsored seminars that they have found very helpful. Also, we are able to get questions answered with a simple phone call. Additionally, the MITA staff has proved very helpful with information about the ever changing MDOT paperwork and requirements. 🏠



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LEGAL ISSUES

Continued from page 31

additional documents sought are typically various employee and independent contractor lists to make sure that all of the employees are accounted for. After the audit, ICE will notify the employer of the inspection results. If violations or potential violations are identified, ICE may issue a Notice of Suspect Documents; Notice of Technical or Procedural Failures; Warning Notice; Compliance Letter, and/or a Notice of Intent to Fine. Fines can range from \$110 to \$1,100 per employee and can be challenged in administrative procedures.

Once the employee is hired and I-9 completed, there may be times when an employer may receive a "no match" letter from the Social Security Administration (SSA) informing the employer that the worker's name and social security number do not match SSA records. Although an employer may have a natural tendency to terminate an employee who is the subject of a "no match" letter, this knee-jerk reaction must be completely avoided. An automatic termination can lead to a discrimination charge.

There are possible reasons for a "no match" letter which have nothing to do with an individual's immigration status or work authorization. Because of this, employers should not assume that an employee in a "no match"

letter is not authorized to work in the United States. "No match" letters can be the result of marriage, divorce, naturalization, input errors by the SSA staff, recording errors by an employer or employee, identity theft, fraud, or even multiple surnames.

Best practices provide guidance for employers on what action should be taken when a "no match" letter is received.

- (a) Promptly (no later than 30 days) check its records to ensure that the mismatch was not the result of an error on the employer's part;
- (b) If the record check does not resolve the problem, ask the employee to confirm the accuracy of the employer's records;
- (c) If necessary, ask the employee to resolve the issue with the SSA;
- (d) If the employer is able to successfully resolve the mismatch, follow the instructions in the letter from the SSA; and

Continued on page 51

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2017 Calendar of Events

For more information and to register for these events, log on to www.mi-ita.com/events.

JUNE 7

MITA Western Golf Outing
Boulder Creek, Grand Rapids

JULY 12

MITA Metro Golf Outing
Twin Lakes Golf Course, Oakland

July 27

MITA Board Meeting
Grand Hotel, Mackinac Island
9 a.m.

JULY 27-30

MITA Summer Conference
Grand Hotel, Mackinac Island

AUGUST 17

MITA Central Golf Outing
Eagle Eye Golf Club, East Lansing

SEPTEMBER 14

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

SEPTEMBER 21

Wild Game Dinner
Palazzo Grande, Shelby Township
5:30 p.m.

DECEMBER 8

MITA Board Meeting
Country Club of Lansing
9 a.m.

DECEMBER 8

MITA Central Holiday Party
Country Club of Lansing
11:30 a.m.

DECEMBER 12

MITA Western Holiday Party
The Waldron Public House
Grand Rapids
11:30 a.m.

DECEMBER 14

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ARTBA Submits Regulatory Priorities Report to Commerce Department

By Nick Goldstein, vice president of regulatory affairs & assistant general counsel, ARTBA

ARTBA on March 31 submitted additional ideas to the U.S. Department of Commerce on how to streamline permitting and reduce regulatory burdens.

Citing its Manufacturers Division, ARTBA stressed reforms in a variety of areas, noting “the rulemaking process has morphed from something intended to protect the public interest into a tool to achieve policy and political objectives, many of which are largely unrelated to improving our transportation infrastructure.”

Prompted by a Jan. 24 executive order from President Donald Trump, the department is exploring ways to cut red tape in domestic manufacturing.

ARTBA will continue working with several federal agencies seeking to help advance the president’s regulatory reform goals.

OTHER NEWS:

Trump Order Ends Social Cost of Carbon and Climate Change Considerations

President Trump’s March 28 executive order rolling back Obama administration’s Clean Power Plan (CPP) impacts ARTBA members on at least two fronts.

First, the order directs federal agencies to cease using “Social Cost of Carbon” (SCC) metrics in future regulations. SCC was developed

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in 2010 by 13 federal agencies, including the U.S. Department of Transportation. It is “an estimate of the monetized damages associated with an incremental increase in carbon in any given year.”

ARTBA objected to the use of SCC in developing regulations in a February 28 statement to the House Committee on Science, Space and Technology.

Second, the president calls on the Committee on Environmental Quality to stop considering climate change impacts in National Environmental Policy Act (NEPA) reviews. ARTBA has voiced concerns about the use of climate change in NEPA reviews, noting that including

such analysis is “beyond the scope and the purpose” of the statute.

Industry Supports Bill Ending Mandatory Project Labor Agreements

In a March 27 letter to the House of Representatives, ARTBA and 13 other trade association allies urge support of the “Fair and Open Competition” Act. The bill, H.R. 1552, would prevent mandatory “project labor agreements” (PLA), which require the use of union labor, on federal and federal-aid projects. ▲



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- (e) If none of the foregoing measures resolves the matter within 90 days from receipt of the mismatch letter, the employer should complete, within three days, a new I-9 form as if the employee was newly hired. No document may be used to verify the employee's authorization for work that uses the questionable social security number and no

document may be used to verify the employee's identity that does not have a photograph of the employee.

- (f) If the employee verifies that the information is false or the employer cannot confirm the employee is authorized to work by following these procedures, the employer risks liability for violating the law by knowingly continuing to employ unauthorized persons.

Care needs to be taken. Fines for employing persons not authorized to work run from \$250.00 up to \$10,000.00, with potential jail time.

Employers must always be careful, even when hiring. Avoid rash decisions. Documentation is essential. Consistency is essential. Make sure your I-9s are complete. Knowledgeable legal counsel should be consulted. ⚠

Donald Scharg is a member of Bodman, PLC in the Troy, Michigan office. His direct dial number is 248.743.6014.



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Association of County Engineers (NACE of MI).

The MI-STIC is very engaged and active at both the national and local level, participating in many videoconferences and maintaining a regular meeting schedule. The MI-STIC remains extremely aggressive in their efforts to identify and nominate innovative ideas for CAI and other federal incentive funding, capturing in excess of \$300,000 for innovation deployment in Michigan since program inception. Innovations successfully advanced and/or deployed in Michigan (at both the state and local level) through the efforts of the MI-STIC include, but are not limited to: Safety Edge (SE), Warm Mix Asphalt (WMA), Geosynthetic

Reinforced Soil-Integrated Bridge System (GRS-IBS), e-Construction, Data-Driven Safety Analysis (DDSA), the Super Air Meter, the Geospatial Utility Infrastructure Data Exchange (GUIDE), Bridge Slides, the Diverging Diamond Interchange (DDI), AMG/AMC & Stringless Paving and Ultra High Performance Concrete (UHPC).

If you are aware of an innovative technology or process that is not utilized (or is currently underutilized) in Michigan that could be considered by the MI-STIC for advancement of deployment, please pass those ideas on to me at glennbukoski@mi-ita.com or give me a call at the MITA office at 517-347-8336. ▲

- (4) That was manufactured before model year 2000, as reflected in the vehicle identification number as shown on the vehicle's registration.

Exceptions to Log Books and ELDs

Short-haul operations —

100 air-mile radius driver. A driver is exempt from the requirements of driver's record of duty status (i.e. log books) and Supporting documents if:

- The driver operates within a 100 air-mile radius of the normal work reporting location;
- The driver, except a driver-salesperson or a driver of a ready-mixed concrete delivery vehicle, returns to the work reporting location and is released from work within 12 consecutive hours;
- The driver of a ready-mixed concrete delivery vehicle returns to the work reporting location and is released from work

within 14 consecutive hours;

- A property-carrying commercial motor vehicle driver, except the driver of a ready-mixed concrete delivery vehicle, has at least 10 consecutive hours off duty separating each 12 hours on duty;
- A driver of a ready-mixed concrete delivery vehicle has at least 10 consecutive hours off duty separating each 14 hours on duty;

A property-carrying commercial motor vehicle driver, except the driver of a ready-mixed concrete delivery vehicle, does not exceed the maximum driving time specified in §395.3(a)(3) following 10 consecutive hours off duty; or

A driver of a ready-mixed concrete delivery vehicle does not exceed 11 hours maximum driving time following 10 consecutive hours off duty; or

The motor carrier that employs the driver maintains and retains

for a period of 6 months accurate and true time records showing:

- The time the driver reports for duty each day;
- The total number of hours the driver is on duty each day;
- The time the driver is released from duty each day; and
- The total time for the preceding 7 days in accordance with §395.8(j)(2) for drivers used for the first time or intermittently.

MITA will continue to update the membership as this issue develops through bulletins and notices. If you have any questions or concerns at this time please feel free to contact Mike Nystrom, executive vice president at mikenystrom@mi-ita.com or Lance Binoniemi, vice president of government affairs at lancebinoniemi@mi-ita.com. They both can also be reached at (517) 347-8336. ▲



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