

SUMMER 2009

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MITA's newest safety DVD gives viewers a fast-paced overview of trench safety. Contact MITA to sign up for this exciting experience, 517-347-8336.

Grant funding provided by: MITA and Michigan Occupational Safety and Health Administration.



Michigan Infrastructure & Transportation Association

Another Benefit of MITA Membership

MITA members enrolled in the MITA/Blue Cross Blue Shield of Michigan (BCBSM)/Blue Care Network (BCN) health insurance program now have access to exclusive discounts on weight-loss programs, gym memberships, hotels, family care and more through Blue365, a free program sponsored by the Blue Cross and Blue Shield Association.

In addition to discounts, Blue365 provides access to helpful resources to make informed health care decisions. The program complements a member's health coverage by making it easier and more affordable to live a healthier life year round. It's an added value for MITA members at no additional cost to employers.

Blue365 information and discounts are available in three categories:

HEALTH & WELLNESS: Discounts on gym memberships and diet and weight management programs at companies such as Curves®, eDiets®, Gold's Gym®, Kronos® Optimal Health Company, LA Weight Loss®, NutriSystem®, and Snap Fitness™

FAMILY CARE: Information to help make family-care decisions, such as selecting care for a parent or child, savings for senior care, a comprehensive guide for choosing long-term care insurance and a Medicare road map.

TRAVEL: Hotel and resort discounts, BlueCard information and instructions on receiving care from physicians and hospitals worldwide.

Currently enrolled MITA members can access Blue365 after clicking on "I Agree" at bcbsm.com/blue365 and MiBCN.com/blue365.



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you said it

Letters to MITA

Dear Mike:

I wanted to let you know that I thought the last meeting and trip to the Capitol to meet our representatives went well. I enjoyed getting a better understanding of what exactly we are trying to accomplish as a group and what you guys have been doing. It was interesting to actually meet my representatives and I felt well prepared from a knowledge of the issue standpoint. I want to thank you for the time and opportunity. I have really enjoyed the group so far.

Michael L. Lounsbury
Project Manager
Lounsbury Excavating, Inc.

Dear Mike:

Glad to hear of your peer recognition as one of the top lobbyists in Lansing. I know you earned it through a lot of hard work and heartache and have no doubt that the honor is well deserved.

Vance Johnson
Central Asphalt

Dear Mike:

I always knew that you worked your butt off for us but never realized we had the best. Thank you and congratulations on being named one of the top lobbyists in Lansing!

Ken Anderson
Genesee-Bay Constructors, Inc.

Dear Mike:

Thanks for another well organized DC Fly-In. Without MITA spending the time to put us in front of the people with the money, I fear we would be a forgotten industry. It also allows us to express our concerns about current or future issues that are vital to our industry. I feel that it is very helpful to have representatives from the various interest groups like MDOT, MML and CRAM as well as some of the state elected officials involved as they have the same goals as MITA for infrastructure improvements. I believe our time spent discussing our concerns for infrastructure funding were well received by most of the delegation we met with and that our continued investment of time and money will ultimately benefit us all.

Now I am going to stand on my soap box! We have been involved in the DC Fly In for many years. There used to be wide involvement by those in our

Continues on pg.35

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The Big Surprise in Multi-Employer Pension Liability

By Donald H. Scharg, Bodman LLP

Some companies in these turbulent business times have labor contracts which require contributions to a multi-employer pension plan, a pension which receives contributions from more than one employer. The Teamsters' Central States Pension Plan is widely recognized example. The underlying labor contract typically requires a set dollar contribution for each hour or week worked by a covered employee. Participation in the multi-employer plan can present significant potential problems to a financially-troubled company, its officers, and shareholders.



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Under the Multi-Employer Pension Plan Amendment Act, 29 USC 1381 et. seq. ("MPPAA"), a company withdrawing from a multi-employer pension fund is responsible for its share of the "unfunded liability" which is the company's portion of the pension plan's vested benefits not adequately funded. Simply, the underfunded plan is committed to pay more than it currently has in assets. The valuation is almost always done as of the last day of the plan year preceding the date of the withdrawal and the unfunded liability determination is based on the plan's actuarial assumptions and mortality tables. In years of economic downturn, such as we are now facing, these plans are plagued by poor investment performance. When the plan's investments have a projected lower rate of return, the unfunded liability will be increased and continue to increase unless and until the plan trustees either reduce the pension benefits or increase employer contributions. If the plan financially reaches "critical status" under The Pension Protection Act of 2006, there may be additional charges and surcharges required.

As a general rule, shareholders or officers do not have personal liability for withdrawal liability under MPPAA if the company cannot pay the withdrawal liability and are protected by the corporate veil. Personal liability is sought when the corporate form has not been respected and an attempt is made to pierce the corporate veil.

These pension funds, however, are vacuums for money. If the withdrawing company cannot pay the withdrawal liability, ERISA also allows the pension fund to seek collection of the withdrawal liability from "all...trades or businesses (whether or not incorporated) which are under common control [and which] shall be treated as...a single employer." 29 U.S.C. § 1301(b)(1). Essentially, the common control test is used to determine whether multiple entities should be deemed a single employer for purposes of assessing which entities are liable under MPPAA for unpaid withdrawal liability.

Unpaid withdrawal liability can have significant potential impact. Central States was allowed to go after commercial real estate owned by the sole shareholder which was a trade or business. Deductions for advertising, utilities, repairs, and depreciation are "strong evidence" that real estate activities are a trade or business. The "real estate activities rose to the level of a trade or business because they were continuous and regular and designed to produce income." Not only are partnerships holding the real estate subject to liability, but the liability can also run personally to the individual partners. The Sixth Circuit has recognized that holding shares of stock or bonds in publicly traded companies was a "personal investment", not a trade or business.

ERISA also provides another potential attack on employer long-term planning actions. Section 1392(c) provides that "if a principal purpose of any transaction is to evade or avoid [withdrawal] liability...this part shall be applied (and liability shall be determined and collected) without regard to such transaction." This statutory provision has been invoked by multi-employer funds to invalidate asset transfers.

Courts have also considered breach of fiduciary duty claims against officers who have discretion to direct funds to be paid to other creditors instead of the fringe benefits funds. Determination of fiduciary status may depend on fringe benefit plan language on status of contributions.

Great care must be taken in evaluating the ramifications of a labor contract containing a multi-employer pension plan.

Donald H. Scharg, a partner and member of the Bodman LLP Workplace Law Group, has been representing MITA and its members for over 20 years. His practice is limited to representing employers in labor and employment matters. Don Scharg can be contacted at Bodman LLP, Suite 500, 201 West Big Beaver Road, Troy, MI 48064 or at (248) 743-6024.

Member Voice: If you were a lawmaker for a day, what one state law would you add/delete or change?

From time to time we ask MITA members questions about issues of importance to the industry. Some of the answers are then published in this magazine.

Our question this time was: If you were a lawmaker for a day, what one state law would you add/delete or change?

Here are samples of the responses we received.

Improve highway safety by: 1) Increase truck speed limit to 65 mph, reducing speed differential speeds between cars and trucks (this would also increase our productivity). 2) Train Michigan State Police Traffic Safety Division officers as troopers so they can enforce traffic laws of operators of all vehicles (this would also increase the efficiency of the entire State Police Department.

James Burg

James Burg Trucking Company

This is a very interesting question with lots of opportunity for comments. Actually I have two – both of which relate to being fiscally accountable. One law would be to require the government to operate like a business where a budget needs to be maintained without benefit of increasing taxes to offset poor spending choices. If there is a revenue shortfall, staff needs to be cut and other hard decisions made. Our state government isn't downsizing proportional to our loss of population and living within its means. To increasingly tax what's left of us who stick it out in Michigan will only drive more out of Michigan.

The second one I would put in place (that would never pass as it impacts Congress) is to have our elected representatives be subject to the same benefit structure as its constituents. Specifically, eliminate "healthcare for life" with their exorbitant benefit levels. On a related note on the national level, when President Obama in his ABC address was asked if he would have his own family participate in a healthcare reform plan he proposes, he did not answer yet, but merely he wanted them to have the best care. What's good for the gander should also be good for the goose yet there is a "we know what's good for you" mentality that is most disconcerting. On numerous occasions I have written to our state senators particularly on healthcare reform. Every response back says "Thank you for contacting

me with your input, BUT I voted the opposite and here's why..." As a constituent, I feel there is no use in writing. And here is government waste in action ... I received 11 identical response letters on the same day from one of our U.S. congressmen.

Leslie M. Loftus

Veritas Benefits Group LLC

I would eliminate prevailing wage requirements for state funded jobs. Prevailing wage is a huge burden on small contractors due to excessive paper work and suffering cash flow. If qualified contractors could perform the work with lower labor costs, think how much further our tax dollars would go toward repairing Michigan's infrastructure.

Roger Jourden

Accurate Excavators, LLC

I would cut the fee on non-resident hunting and fishing licenses in our state to half its current rate, maybe even eliminate them. This would encourage out of state sportsmen and their family/friends to spend more time/money in Michigan taking advantage of outstanding fishing/hunting opportunities. Successful out of state fishing and hunting trips often turn into annual expeditions that last a lifetime.

Mike Randazzo

John Carlo, Inc.

I would get the gas tax passed. I know no one wants to pay more taxes; however, if your lawmakers want to create jobs, this is a great way to do it and fix our roads at the same time. Road construction workers make good money and this more than anything they have done would help kick start the Michigan economy. I did the math and my wife drives 50,000 miles a year with a vehicle that averages 17 mpg and the new tax would

cost us \$200 more a year. However, it would save us money on maintenance and would also help our friends and neighbors get jobs. A small price to pay.

Ken Geoghegan

JDE Equipment Co.

I would eliminate the MDEQ and turn their responsibilities back to EPA like 41 other states do. I have seen too many cases of municipalities and engineers wasting precious taxpayer money on satisfying the whims of the MDEQ. The reality is the Big Three built this state and paid for the government we have. As the auto industry is forced to downsize, so must our state government.

Jim Zalud

Isabella Corporation

Eliminate all income and property taxes (real and personal) and have the sales tax be adjusted to cover a balanced budget annual spending state government. I would make Michigan a right to work state. Michigan's highly skilled and highly motivated workers deserve this simple freedom of choice to maximize their personal potential and that of our great state.

Ron Deneweth

Deneweth Dugan & Parfitt

Change prevailing wage laws to more accurately represent actual wages of the area and not mirror union wages, which are not necessarily the true prevailing wage of an area.

Richard Maike

Dan Hoe Excavating Inc.

I would like to increase term limits four to six years. Provide stable inflation adjusted revenue for infrastructure projects.

Steven Funck

Posen Construction, Inc.

MEMBER PROFILE

Trac Trenching & Dirt Works, LLC

www.tractrenching.com

Contacting Trac Trenching

Phone: 517-782-8328

Fax: 517: 782-8328

2627 E. Kimmel Rd.
Jackson, Mich. 49201

Owner: ROBERT COCHRAN
robert@tractrenching.com

Secretary: TRENA COCHRAN

Specialties from MITA's Directory and Buyer's Guide

- 25 Contractors: Drain Tile
- 34 Contractors: Trenching
- 37 Contractors: Utility
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telephone, cable)
- 57 Manhole Block
- 58 Manhole Frames, Covers
- 71 Rehabilitation: Sewers -
Manholes
- 73 Soil Erosion Control,
Stabilization, Retention
- 86 Milling, Grinding and
Recycling Asphalt
& Concrete

Trac Trenching & Dirt Works, LLC, is a specialty excavating company in Jackson founded in 2003 by the Cochran family after Robert Cochran changed his family-owned business to pursue a lifelong passion – excavating.

Cochran's outgoing personality brings along with it technical expertise, compassion, hardwork and cost saving ideas from his 25 years of experience as an electrician with Cochran Electric.

"We work with lots of MITA contractors," said Cochran, who recently demonstrated one of his latest services, manhole cutting, at a MITA event in July. "Being a small company, we have many advantages, like personalized client relations. We have less overhead, so we can work more efficiently than larger companies."

The services Trac Trenching offers include trenching and excavating, silt fencing that does not disturb vegetation, light post and sign foundations with ceme tube smooth forms, drainage, electrical services, and their newest service: manhole and water valve cutting and adjustment.

Since 2007, Trac Trenching has provided numerous services to Michigan International Speedway in Brooklyn, Mich. One project at the Speedway involved trenching and installing over 90,000 feet of electrical conduit for new campsites to the Walk Michal's Graves Farm Campground. Almost all of the 300 campsites have electric hookups. In addition, Trac Trenching worked with Fritz Advertising from Jackson to install over 200 sign foundations for maps and directional signs on "Fan Plaza" and in the parking lot.

Other top projects include trenching and installation of all electrical work for a new student housing development at Jackson Community College in 2006. The bases were installed using Sonotube technology, which leaves a smooth finish on all parts of the concrete surface. That same year the company worked with Dunigan Bros., Inc. on a sewage installation project at Gull Island in Kalamazoo. The vehicles and equipment for the project were transported to the island by barge. Trac Trenching installed all of the sewer leads to the homes on the island and provided the restoration work for the four month, \$800,000 project.

"My favorite, new part of my business now is seeing how fast I can cut manholes and water valves," Cochran said. "It's a new service, and we are taking time to educate people about it so they feel comfortable."

What makes it so special? Cochran explains:

- The way he cuts the manholes and water valves, he uses GPS so there is no measurement error.
- He uses dry cut, with no water, therefore no compaction problems.
- He can cut a structure in six minutes.
- This is a serated edge after cutting, unlike the smooth edge left by other cutting methods letting asphalt and concrete bond together better.

The benefits to customers, including municipalities, and MDOT, are savings on time and traffic control. "My best asset is the small amount of time it takes to do my job so people can get on with their work."

Cochran recalls one day on the job which demonstrates his abilities:

"We were doing a job on 94. Traffic control setup a lane closure, and we had two structures to adjust case one. We did both structures, plus added five inches to one casting, loaded all equipment up, and move five miles to do two more and traffic control was still not done. We had to wait one hour and 10 minutes for them to complete their setup."

MITA membership helps Cochran keep up with his workload. For example, when he needed a safety manual for insurance purposes, he did not have to hire someone to write it and print it. All he had to do was call MITA and order a free copy. In addition, MITA's engineering staff has assisted him with the cumbersome MDOT product approval process.

"Right there, that safety program paid 1/2 year of my dues," Cochran said. "A MITA membership is PRICELESS!"

To view photos of Trac Trenching projects, visit www.tractrenching.com.



Trac Trenching & Dirt Works, LLC, demonstrated their manhole cutting ability at a special event at MITA in July.



*More Trac Trenching
photos on page 44*

ASSOCIATE MEMBER PROFILE

Geoproducts, Inc

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Since 1997 Geoproducts, Inc., has specialized in the marketing and distribution of geosynthetics, drainage, stormwater, restoration and paving products to the construction industry.

"We pride ourselves in marketing effective solutions to the engineering world and the efficient distribution of products throughout the Midwest," said Brian Francis, vice president of sales for Geoproducts, which is headquartered in Birmingham. "We represent over 40 manufacturers, and we also produce many of our own products."

Speedy delivery of products to contractors is helped by the fact that Geoproducts leases their warehouse space from a same day, next day, expediting company (D&S Delivery on Schoolcraft Road in Livonia). Further product deployment is aided by their distribution agreements with fellow MITA members Michigan Pipe and Valve.

"We have access to a fleet of delivery trucks and a full support staff at our fingertips," said Francis, a U of M grad with a background in geology. The company Owner and President, Scott Adams, is an MSU grad with a background in geophysics.

While the state sank further into a recession, 2009 got off to a great start for Geoproducts. They acquired two large I-69 projects for Dan's Excavating, Inc., and Interstate Highway Construction, Inc, with high hopes for further successful projects this year. Geoproducts already has an impressive list behind them. Past projects include lifting 17 inches of concrete on top of 9 inches of asphalt for Detroit Metro Airport; numerous city and county fiberglass asphalt overlays, and oil and sediment catch basin protection for many industrial customers throughout the Midwest.

In addition to Geoproducts, Francis and Adams together own A & F Industries, which represents specialty contractors, and markets their services. To name a few, A & F represents URETEK USA, a company that utilizes polyurethane injection to densify soils, lift concrete, stabilize asphalt pavements and seal infrastructure; and Road Fabrics Inc., a company that installs fiberglass geotextiles in asphalt, thus providing a moisture barrier that prolongs the life of pavements and delays reflective cracking.

Avid outdoorsmen, Adams and Francis also spend as many hours as they can entertaining engineers and contractors in the woods and on the water. Want to catch a 50-inch muskie, limit out in the grouse woods, shoot a pile of ducks and geese, or fill the boat with walleye, then place your next big order with Geoproducts, Francis said.

According to Geoproducts, MITA membership has been a great networking opportunity. "I can't go to a sporting event or golf outing without running into the MITA faithful." Francis further said the MITA engineering staff has successfully helped them resolve numerous payment, contract, and specification issues that have come up.

For more information about Geoproducts, visit their website at www.geoproductsinc.com.





**Scott Adams (right) of Geoproducts
with a 50+ Muskies**



**Brian Francis of Geoproducts (left) and fellow
MITA member Gary Putrow with a pile of Grouse**

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V.P. Sales: BRIAN FRANCIS
brian@geoproducts.com

Specialties from MITA's Directory and Buyer's Guide

- 53: Geotextiles, Erosion Control
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Where's Your MITA Hat Been?

Have you worn your MITA hat while golfing, boating, hunting, etc? Please send the photo and a brief explanation to nancybrown@mi-ita.com. Thanks for your participation.

This is not a duplicate picture of Craig Pasternak of Inspecsol Engineering, Inc. This is Craig on the 18th green of the links of Spanish Bay in Monterrey, Calif. Craig has sent us pictures in the past on other golf courses.



Allen Broskey of Michigan CAT was found on a pontoon boat in Duck Lake, Mich., wearing a MITA hat.

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Utility Locating is Always a Hot Topic

One thing that stirs the emotions of our members is the issue of utility locating. In the opinion of this writer, finding a specific utility in an intersection of underground spaghetti is at best luck and, at worst, can be dangerously inaccurate.

To make matters worse Public Act 53 of 1974, the state law governing the protection of underground utilities, is lopsided in favor of utility owners and offers little protection to the excavator.

In 2000, then AUC joined a group of major utility companies to form the Michigan Damage Prevention Board (MDPB). MDPB members representing the utilities were high enough on the food chain to not only make suggestions, but also follow through with the decision makers at their respective companies. Other than discussing issues and concerns, the board determined that the purpose of MDPB was to construct a replacement for the severely flawed P.A. 53.

Much to my surprise, significant agreement was reached on a number of issues; however, the board felt that a pilot program to test many of these improvements made sense. This pilot program was manifested in the creation of a Best Practices Contract between this association and nine of our state's utility owners.

The "contract" corrected at least one major problem with P.A. 53 in that an excavator does not have to expose a utility and determine the precise location of the facility until they are within 60 inches of the flag or mark. Current law simply states that you will determine the precise location of facilities prior to construction, which allows

for a broad interpretation.

Other changes include a 72-hour notification to MISS DIG instead of three full working days; the establishment of a positive response system; defines the ticket life as either 21 or 180 days; and requires three hour response from a utility for either no marks or additional assistance. Most important of all the contract allows for recovery of actual damages to non-compliance with the Best Practices.

By all measurements, the contract seems to be working so the next logical step would involve incorporating the document in to a total re-write of the current law. It's important to note here that the contract only affects nine public utilities. Conversely, a re-write of Public Act 53 on the other hand will apply to all public utilities in Michigan.

The proposed replacement for P.A. 53 has been completed by the MDPB and its fate now is in the hands of those employees of the utilities who possess the authority to give it the "thumbs-up." My hat is off to Consumers Energy, Detroit Edison, Michigan Consolidated Gas, SEMCO, Michigan Electric and Gas Association, Michigan Electric Co-ops, AT&T and the Associated Petroleum Industries for their patience and diligence in the process. It is expected that the new act will be introduced in bill form in early 2010.

Included at the back of this issue (pgs. 55-65) is a comparison of the proposal developed by MDPB and Public Act 53.

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

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New release of FieldManager Contractor reflects user input

By Doug Needham, Director of Technical Services, MITA; and Chad Schafer, Construction Management Specialist, Info Tech, Inc.

The initial release of FieldManager Contractor in March of this year has been a success on all fronts. User feedback has been overwhelmingly positive, projections on implementations have been greatly exceeded, and interest from state agencies outside of Michigan is growing. Info Tech is excited to continue to improve this product by working directly with MITA and the contracting community to meet the construction administration of contractors.

The software development methodology for FieldManager Contractor is simple: ask contractors to guide the process. With direct input from contractors like you about your workflows, issues, and pain points, Info Tech has been able to develop a system that truly meets your business needs and will continue to grow.

During the process, a great deal has been learned. While initially it was felt the discrepancy reporting was the main benefit of the system, we have learned that users find the subcontractor payment functionality equal or even higher in value. We learned that many subcontractors (usually primes in a sub role for a job) are using the system to ensure they are paid accurately by the prime. We have also learned that more help is needed for DBE tracking. All of this feedback is reflected in the

newest release.

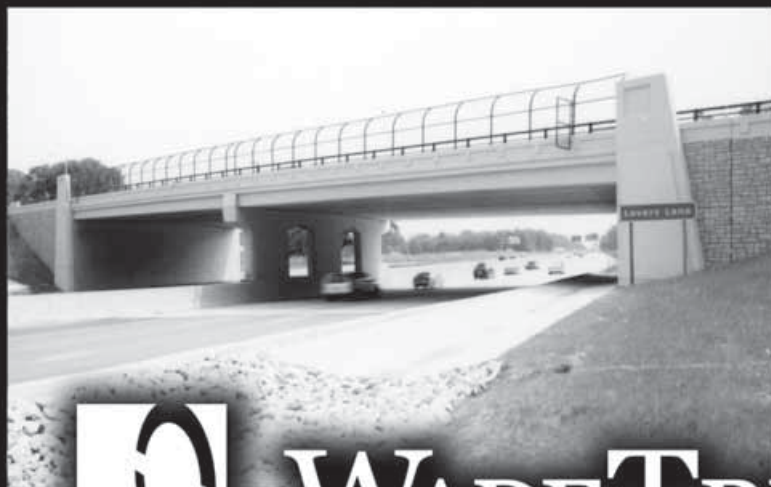
The enhancements and improvements for the latest release, which became available on July 31, don't focus on a specific area; rather, there are many small improvements in multiple areas to make FieldManager Contractor more valuable and user-friendly.

The first improvement is in DBE tracking. FieldManager Contractor now has a check box in the subcontractor screen that can be selected to indicate if a subcontractor is a DBE. The data also appears in a column in the subcontractors' list so that you can see, at a glance, who the DBE subs are on a project. Another enhancement is the ability to see revenue on the Foreman's Report. When combined with the expense data, it is easy to track profit/loss by day using this report. A Contractor Status Inquiry has been added that displays pertinent prime, sub and DBE data and an Equipment Inquiry that allows you to see equipment cost to date.

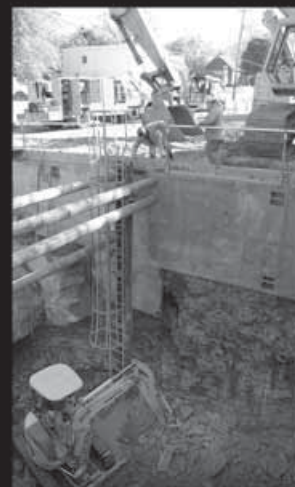
The ability to configure the subcontractor payment report was added, including the addition of a customizable signature block. Revisions to the subcontractor report have also been made with a great amount

Continues on pg.44

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The Latest on Transportation Funding

MITA began the initiative to increase transportation investment in Michigan four years ago this summer. Obviously, it has been an uphill battle from the beginning with the challenging economic times facing Michigan, the Big Three going into a tailspin, and our state elected officials dealing with numerous difficult issues including a complete overhaul of our state's business tax structure.

As staff, we have not waived in our dedication to this initiative. Quite the contrary, as we have rolled along through this process, we have become more creative and aggressive in our efforts to get the legislature, the media and the general public to recognize that this issue needs to be a priority in order to turn Michigan around.

Every single major daily newspaper in the state has in one way or another backed the concept of increasing transportation funding. Many of those newspapers have endorsed the concept numerous times over the course of the last couple years. As staff, we have literally done hundreds of radio and television interviews, and MITA has been recognized as one of the top lobbying groups in Lansing twice in the last four years. We have highlighted this issue to the point that recently the History Channel ran a program called "The Crumbling of America," which specifically highlighted Michigan's crumbling roads. MITA was

recognized at the end of this program as contributing information to its production.

Even though the end is not necessarily in sight, we do feel that we are gaining momentum based on the fact that by next spring our state Legislature will be debating a transportation budget, which if the problem is not fixed will leave over \$700 million of federal funds on the table to be redistributed to other states. The reason for this situation is simple; Michigan's current investment strategy does not anticipate enough revenue to allow us to come up with the 20 percent match required in the federal law in order to take advantage of those federal dollars. This point specifically has highlighted the dramatic need that we have been talking about for nearly four years, and now has many in the Legislature on both sides of the aisle recognizing this situation as a pressing priority.

We have taken advantage of every single media opportunity that has been presented before us including 24 different counties across the state that are now rubbing paved roads because they cannot afford to keep up the maintenance on those roads due to a lack of funds. We have also taken advantage of new-age communication tools such as: YouTube where we currently have three different MITA developed videos. We also have a presence on Twitter as well as Facebook. We are literally talking about this issue in every possible venue.

As we face another summer with the cost of gas quickly approaching \$3.00 a gallon again, it is no surprise that discussion of an increase in Michigan's gas tax is facing harsh criticism. What most people don't know is that while the big oil companies continue to rake in billion dollar profits, funding for our roads and bridges is dwindling. Under our current transportation funding system as gas pricing rise there is no extra money from the price increase that will flow into our transportation network. In a period of seven weeks during the late spring, the price of gas shot up more than 75 cents a gallon and yet none of this increase

Continues on pg.48



Mike Nystrom



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The Future of Training

How often do you feel like you are being hit from every angle about training requirements? You need this to work here you need that to work there. Can I see your permit for this do you have a card for that. These inconsistent and cumbersome requests are enough to make one puke. The MIOSHA standards clearly state that each employer is responsible for the safety of their own employees. So why does everybody you perform work for feel the need to demand or require additional training to work their site? The simple answer is fear. Fear of being dragged into the liability loop and a lack of understanding what training subs may need to complete their work. So the roller approach is taken once again. MITA has taken the position that all employees have to learning the basics: hard hat, back-up alarm, 6 foot fall rules that apply to all types of construction activity. after that I feel an employee is best served with a complete emersion into training related to the type of work they perform. Guess what? It seems I have been outvoted by the planet regarding this issue.

What does this mean to MITA members? Training on topics that you may not perform from a work standpoint. In an effort to meet these needs (realized or not), MITA will be changing the method of delivery for training services. Some members have also suggested this change; so, as new employees are hired, they can experience the highest level of training available without waiting for a once-annual event (i.e. Super Conference). Therefore, MITA will be trying a new method of delivery in an effort to meet member needs in the following ways:

- Offer regular and varied programs at the MITA building. The bulk of the training would occur from November through April.
- Offer members the ability to customize employee-training days by selecting classes from a variety of MITA offerings (full day and half day). Members will also have the option of training at the MITA building or a venue of their choosing.
- Develop web-based training so members can do refresher and new hire training based on training materials produced by MITA.
- Suspend Super Conferences.

This new approach will allow members to train more employees on a wider variety of issues and will contain curriculum that is flexible enough to meet specific areas of need. This will also allow MITA the ability to provide more to members at a reduced cost when compared to the per head price of \$100 for a Super Conference. As we approach the fall, training schedules will be developed. The cost for this expanded training is estimated at \$25/person/session if training is held at the MITA facility and \$35/person/session if held at remote location with consideration given to the number of employees to be trained. CPR & First-Aid training/refreshers could be paired with any class at an additional cost.

MITA has and will continue to expand its ability to offer new training classes in an effort to meet member needs. The new Mine Safety Training is just one example. MITA will be prepared to offer MIOSHA/OSHA 10-hour and 30-hour training classes this fall to help members meet many of the requirements they encounter when working out of state; and, as previously stated, these requirements are now showing up on work site in state.

The hope is this shift in training, while breaking from tradition, will provide cutting-edge, flexible and affordable programs that meet an ever-changing industry's needs.

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



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Vice President of Engineering Services Comment

MDOT "Gets It Done"

On February 17, 2009, President Obama signed into law the American Recovery and Reinvestment Act (ARRA), which designated over \$48 billion to the United States Department of Transportation (USDOT) for distribution to its various transportation governing federal offices. As we know, the key provisions of ARRA are preserving and creating jobs, promoting economic recovery, and investing in transportation infrastructure that will provide long-term economic benefits to each state and our nation.

Michigan's share of the ARRA "stimulus" dollars for transportation totaled \$873 million \$635.4 million directed to the Michigan Department of Transportation (MDOT) for state trunkline road and bridge projects, \$211.8 going to local agency jurisdiction road and bridge projects, and \$25.8 million directed to transit authorities for rural and intercity bus capital projects.

When the ARRA "stimulus" funds were distributed to the states for spending, those funds came with "strings" attached to ensure their prompt and appropriate investment. Like other USDOT federal-aid programs, ARRA funded projects required the traditional Davis-Bacon prevailing wage, EEO and DBE, and Buy American provisions. Additional new oversight and reporting rules were imposed on the ARRA funded projects to insure full transparency in the contracting and project delivery processes.

One of the most demanding ARRA requirements was that the state departments of transportation must "obligate" projects totaling at least one-half of their ARRA allocation within 120 days of the signing of the act. States that were unable to meet the "120 day obligation" requirement risked forfeiting their un-obligated fund balance back to Washington for redistribution to the states that met the obligation deadline. Complicating this obligation requirement for the states was the additional requirement that the ARRA funded projects were a supplement to, and not a replacement for, their regular annual federal-aid highway program.

As we learned from counterparts in other states, ARTBA staff, and MDOT, several state DOTs were less than enthusiastic about these ARRA requirements and many were ill prepared in terms of having a strategic plan and the corresponding list of "shovel ready" projects that would facilitate their meeting the "120 day obligation" requirement. MDOT leadership on the other hand, took a very proactive and aggressive approach in their planning and preparation for the distribution of any federal stimulus dollars to Michigan. From the earliest days of the stimulus plan discussions, it was MDOT's plan to be positioned and prepared to spend every federal stimulus dollar it could get plus any additional stimulus dollars it could get in a re-distribution from states that didn't meet the obligation deadline.

In December of last year (two months before ARRA was actually signed into law), MDOT began developing their economic stimulus implementation plan that included a project list of several hundred

potential projects totaling in excess of \$2 billion. By mid-March that list had been pared down to include 178 "shovel ready" projects representing a total investment of \$757 million (\$122 million above the Michigan ARRA distribution in anticipation and preparation for a re-distribution of un-obligated ARRA funds from other states).

To insure they would meet the "120 day obligation" requirement ("obligation" means a project is approved by the FHWA for advertisement) MDOT Director, Kirk Steudle, established an internal "Barrier Busters" team comprised of his top administrators, and bureau and region leadership. These Barrier Busters met weekly and were empowered to "cut through the red tape" in working with the various regulatory and governing agencies to add flexibility and timeliness to the

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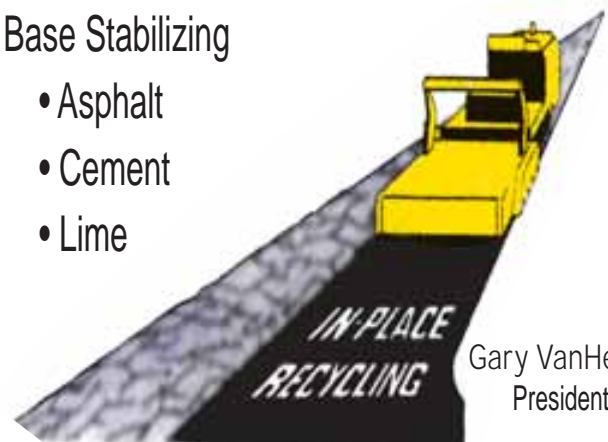
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Gary VanHevel
President

Director of Safety & Workforce Development Comment

Be Prepared

One can never predict when tragedy might strike. My father says that "accidents" are predictable and avoidable. I believe this to be true and false. You can prevent accidents from occurring in situations where you are in control. You can't prevent accidents when someone else has control.

So, are you and your employees prepared for the worst? Do you train on what to do during a catastrophic event? Do you document training and toolbox talk or job site analyses? There is a lot to be said for this. When the guys moan and groan about signing the sign-in sheet for attending a brief training session, ask someone that has been put through the tremendous amount of pressure that is on while MIOSHA does an investigation. Staying up on your MIOSHA 300 (injury log) or answering the twisted one-sided questions that the media reporters throw at you can take its toll. Being prepared for such a thing can make or break a company. Minor accidents far out number major ones or the fatalities, but if you

are prepared for any type of incident, it will ease the stress load on the entire company. MITA has the experience and recourses to assist and guide you through any type of crisis. MITA contact cards contain names and phone numbers of the people you need to talk to or simply visit our web site. MITA staff is dedicated to helping our members. All you have to do is call.

On a similar note, MITA has noticed an increase in the numbers of visits that contractors are getting from MIOSHA inspectors. This increase is attributed to a decrease in infrastructure work and an increase in the number of safety officers. MIOSHA has started an attempt to train their safety officers to communicate "better" with the contractors. They are trying to shed the image of "bad cop". MITA has noticed some change in this area but it still has a ways to go. If

you haven't had an inspection in some time, there is a good chance that you will, and that is all the more reason to be prepared. Getting into an argument over right and wrong is futile. These safety officers are out there doing a job just like you are and for the most part, with the exception of a few they are trying. The quicker they get started, the quicker they should be done and remember that fixing something that the safety officer might point out is not an admission of guilt. Abatement at the time of inspection actually helps in the long run when it comes to monetary penalties. If and when citations are issued, MITA will assist your company in the appeals process. MITA will help prepare you for a MIOSHA inspection through its job site inspection program. This service is free of charge and similar to that of a MIOSHA inspection with out all the pain.

The key to being prepared is to train and document EVERYTHING!

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



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Director of Legislative Affairs Comment

Facebook, YouTube, Twitter and More: MITA Uses Newest Communications Tools to Promote Industry

The infrastructure industry is notorious for being strong, steady and slow to change. It is the nature of our work. We build things to last—our roads, bridges, water lines, utilities—with heavy-duty durable equipment and proven construction techniques created over generations.

It was only a few short years ago that AUC communicated with the membership primarily through Friday mailings. These were labor-intensive end-of-the-week projects requiring staff to have “all hands on deck” to help copy, collate, staple, stuff, lick envelopes and mail the information. Like pretty much all organizations, technology advances ushered in the dawn of e-mail communication and the Friday mailings went the way of the dinosaur.

Pretty much every large organization now has a web presence with content available for those seeking information. MITA is no different. We have the MITA website www.mi-ita.com as well as the www.drivemi.org website specifically created to promote the transportation funding initiative. The latter site is chock full of transportation reports, media stories, letters to the editor and frequent updates about the status of the funding initiative.

But, in addition to the typical technological tools used by most organizations, MITA is on the cutting edge of emerging new communication tools. We Tweet. We YouTube. We Facebook. And just recently, we have added a toll-free number to contact legislators.

Facebook

The popular social networking site has over 200 million active members who use the website to connect and communicate with friends and family. MITA has created a “cause” known as Fix Our Roads (FOR) on Facebook as a way to attract members of the general public to support this public policy effort. With nearly 500 members, the FOR cause is a new way for us to recruit, engage and communicate with the general public free of charge.

YouTube

YouTube is a video sharing website on which users can upload and share videos. The Michigan Transportation Team has recently produced a couple of videos highlighting just how bad the roads are and uploaded them. We also created a “channel” dedicated to investing in our infrastructure. <http://www.youtube.com/FixMIRoads>

As a way to cross-promote the use of this site, we have announced our new videos through press releases to local media. In each case, we

got TV coverage of the uploaded videos.

Twitter

Twitter is a free social networking and micro-blogging service that enables its users to send and read each others’ updates, known as “tweets”. Tweets are text-based posts of up to 140 characters, displayed on the author’s profile page and delivered to other users - known as followers - who have subscribed to them.

MITA created a Twitter account <https://twitter.com/DriveMI> several months ago as a way to keep people informed on smaller developments that may not necessarily rise to the level of importance enough to create a bulletin or press release on a given topic. MITA has built a

Continues on pg.50



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Director of Technical Services Comment

MITA Ads Website: Join the Club

A while back, a member called MITA voicing a concern regarding a missed opportunity. They conveyed how they forgot to check one of the thirteen publications they typically watch for project advertisements and missed a bidding opportunity. From this experience, it was suggested that MITA create a website that could be used for posting advertisements for non-MDOT let projects eliminating the need to check multiple publications on a weekly basis.

We are proud to let you know that MITA created just that! The MITA Ads website (www.mitaads.com) was rolled out the first of the year and was slowly gaining momentum. However, with little notice, on April 21, 2009, the last issue of Michigan Contractor & Builder (MC&B) was published. This left a huge void for the advertisement of non-MDOT let projects. Given the tight economic times, MITA contractors were looking under every stone for work and that task became even greater with the closing of the MC&B. Therefore, MITA went back to a grass roots effort pounding the streets promoting

the MITA Ads website. MITA once again contacted the County Road Association of Michigan (CRAM), Michigan Municipal League (MML), Michigan Association of County Drain Commissions (MACDC), Michigan Department of Environmental Quality (MDEQ), American Public Works Association (APWA), and American Council of Engineering Companies (ACEC). MITA also conducted on-site seminars for groups and companies that wanted more information about the website and its many functions. Our work is yielding promising results. As of the writing of this article there are over 650 users of the website and over 150 projects have been posted.



Doug Needham, P.E.



If you are a MITA Ads registered subscriber, then you are familiar with the site's many features. For those that are not, I'll give a quick run down. The project advertisement is laid out similar to what is required for all state and federal funded projects. One advantage for being online is that if an agency has additional information on their website, they can link you to it from the advertisement. Once an advertisement is posted, an email is sent to all users notifying them about the project. There is also a counter that tallies the number of hits on each advertisement. This is important when tracking potential interest on the project. We have found that it's not uncommon to have over 100 viewers, which could potentially represents over 100 interested bidders. On the home page, you will notice projects, which can be posted any time, are arranged in chronological order based on bid opening date. There are no timelines for submitting a project to be posted. Once an agency or designer is ready to advertise a project, they logon, create the advertisement, and post it. It's that simple ...

Minor revisions to the website have been made since its launch but MITA has some major enhancements in the works. These enhancements are based on requests from current users and will include grouping advertisements into categories (i.e. airport, demolition, electrical, roads, bridges, etc.). This "grouping" will allow subscribers to receive email notifications and track only those types of

Continues on pg.50

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Before you get started:

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- 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.

Welders and cutters are exposed to a variety of workplace hazards. The recognition of these hazards, safe worker practices and use of proper personal protective equipment will make welding and cutting operations as safe as any other work activity.

What to look for:

- Fire hazards from welding or cutting on or near combustible or flammable materials, dust, vapor or liquids.
- Toxic gases, fumes and dust which may be released while welding or cutting.
- Repeated exposure to ultraviolet and infrared rays produced by electric arc and flames.
- Explosion hazards related to closed containers that may once have held flammable liquids.

Common sense safe work practices and the proper personal protective equipment can be used to avoid injury to yourself or others when welding or cutting.

- When working above ground level, use a guarded platform or safety harness.
- When working in confined spaces such as tanks and bins, wear the proper respiratory protection and a safety harness attached to a lifeline. Always use a helper or spotter who can initiate emergency rescue procedures.
- Always follow confined space entry procedures.
- When finished welding or cutting, warn others of hot metal.
- Always wear the appropriate personal protective equipment such as aprons, leggings, safety shoes, hard hats and the proper goggles, shield or safety glasses for the operation being performed.
- Do not leave welding area unattended for one half hour once welding has stopped.
- The cylinders should be restrained in a manner to prevent falling.
- Valves should be closed when not in use.
- No welding within 50' of explosives, stored cylinders or stored fuel. A fire extinguisher should be available in work area.

The recognition of hazards and safe work procedures will insure a safe environment for all workers.

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

7/9/2009 Toll-Free Number Allows Public to Tell Lawmakers to Fix MI Roads

The Michigan Transportation Team (MTT) has set up a toll-free number allowing state drivers to encourage lawmakers to fix Michigan's crumbling transportation system.

By dialing 888-719-3087, callers will only have to enter their five-digit zip code to be connected with their legislator at no cost to them.

"This toll-free number is a resource for anyone who has blown a tire, cracked a rim, or spilled coffee in their lap after passing over a famous Michigan pothole," said Mike Nystrom, vice president of government and public relations for the Michigan Infrastructure and Transportation Association (MITA) and co-chair of MTT. "Legislators have told us that they want to hear from their constituents on the issue of Michigan's failing transportation system, we're happy to oblige."

The Michigan Legislature is currently exploring a package of bills that would increase road funding over the next five years in Michigan. The plan is expected to yield an additional \$1.8 billion in new transportation revenue per year, increasing the amount local road commissions would receive to maintain, repair and replace existing roads as well as create 46,000 jobs for the state.

If Michigan legislators fail to address Michigan's transportation funding needs, Michigan's road and bridge funding will plummet dramatically in 2011, causing the state to return almost \$600 million a year to Washington because of the state's inability to match federal aid.

"Our transportation system is in shambles," Nystrom said. "Our roads, bridges, and busses have been drastically underfunded for years and it is time our lawmakers take notice. Our crumbling roadways are no longer safe for Michigan motorists and we need our legislators to hear this from the public."

MTT is a broad-based, bi-partisan partnership of business, labor, local government, associations and citizens linked with the common

goal of improving Michigan's transportation infrastructure. The DriveMI campaign is committed to promoting the development and maintenance of a safe, convenient and efficient transportation network that serves the public, private and economic development needs of Michigan. Please visit www.drivemi.org for more information on transportation funding.

7/6/2009 Detroit Free Press Op-Ed: No more excuses - it's time to fix our roads

Few people in Michigan would argue that our roads don't need to be fixed. It has become the norm to drive over bone jarring potholes without thinking twice about them. But, a recent study by The Road Information Program (TRIP) out of Washington D.C. concluded that the average Michigan driver now pays \$370 per year in costs associated with bad roads. This is a cost Michigan motorists cannot afford any longer.

Not only do we know our roads are bad, but the nation has taken notice. The History Channel recently aired a national program (The Crumbling of America) on our nation's aging infrastructure – the special highlighted Michigan's failing roads and bridges. Our transportation system is so bad, that producers even stated the entire special could have been filmed in Detroit. In addition, a national magazine for truckers rated our state's roads the third worst in the nation.

The problem is only getting worse. Based on current funding levels, almost half of Michigan's roads will be in poor condition within 10 years. Already 25 counties have been forced to pulverize their failing pavement back to gravel with no plans to repave them. Michigan is falling decades behind as we continue to disinvest in our state's infrastructure and our economic competitors watch us crumble.

A generation of state and federal policymakers have allowed our world-class highway system to collapse under the guise of "protecting taxpayers." We have always had a user-fee approach to finance our transportation system. If you use the roads, you support them by paying



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a gas tax. But, as fuel efficiency standards have improved dramatically and gasoline prices have skyrocketed, drivers are not consuming the same amounts of fuel as in years past, thus substantially reducing revenue from gasoline taxes to fix our roads. We need to raise per gallon tax rates periodically just to keep pace with inflation, but policymakers haven't done that.

Unfortunately, the big oil companies – the ones that raised your gas prices by 75 cents per gallon in only a few short weeks – are now concerned that you are paying too much for fuel. Yet, none of those increased costs went to fix our roads. They went into the pockets of oil tycoons. Their opposition to funding our roads through fuel taxes is self-serving at best.

There is a proposal in Lansing that would base transportation taxes on fuel prices rather than gallons as a way to provide incremental increases over time. To protect taxpayers, the legislation calls for a limit of increases to no more than the equivalent of three pennies per gallon per year. With gas prices fluctuating as much as 25 cents in one day, motorists would hardly notice the difference, yet it would go a long way to helping begin to rebuild a crumbling Michigan.

No more excuses – Fix Michigan's Roads Now!

6/24/2009 Michigan Roads Featured on History Channel

The state of Michigan's crumbling infrastructure is so bad, even Hollywood has taken notice. On June 22 at 9 p.m., The History Channel will air "The Crumbling of America," which explores the state of the nation's highways, bridges, water and sewage systems, and more. (The show will repeat on Sunday, June 28, at 5 p.m.)

"The Crumbling of America" explores the nation's infrastructure problems using expert interviews, on location shooting and computer generate animation to illustrate the kinds of infrastructure disasters that could be just around the bend.

"It's no surprise that Michigan was selected to highlight the dangers a crumbling transportation infrastructure pose," said Mike Nystrom, vice president of government and public relations for the Michigan Infrastructure and Transportation Association (MITA), and co-chair of the Michigan Transportation Team (MTT). "The History Channel visited Michigan back in April, and filmed significant portions of our roadways to use in the program. We were even contacted to provide more footage of our deteriorating roadways after they wrapped filming. If this isn't a wake up call to our legislators, I don't know what is."

A study done by the Michigan Chapter of the American Society of Civil Engineers (ASCE) gave Michigan's roads and bridges a D rating, noting 38 percent of Michigan's roads are in poor condition and 28 percent of Michigan's bridges are structurally deficient or functionally obsolete.

A recent Michigan Department of Transportation (MDOT) report shows 919 highway bridges are "functionally obsolete" and another 471 are "structurally deficient." More than 250 of these bridges are at least 75 years old, meaning they were built before the last Great Depression.

"It makes it more challenging to attract job providers when Michigan keeps receiving attention for our crumbling roads and bridges," Nystrom said. "Hopefully this attention will encourage our legislators to act. If Michigan is to have a strong, viable future, we need

our roadways to get us there. We must fix Michigan's roads now!"

The Michigan Legislature is currently exploring a package of bills that would increase road funding over the next five years in Michigan. The plan is expected to yield an additional \$1.8 billion in new transportation revenue per year.

MTT is a broad-based, bi-partisan partnership of business, labor, local government, associations and citizens linked with the common goal of improving Michigan's transportation infrastructure. The DriveMI campaign is committed to promoting the development and maintenance of a safe, convenient and efficient transportation network that serves the public, private and economic development needs of Michigan. Please visit www.drivemi.org for more information on transportation funding.

6/24/2009 Michigan Roads Pulverized In New YouTube Video Lack of funding leads to destruction of Montcalm County roads

A YouTube video released today documents the intentional pulverization of paved roadways in Montcalm County. Faced with dwindling funds for road maintenance, many Michigan counties are being forced to replace paved roads with gravel.

"The destruction of these roads represents a tragic regression of our state's infrastructure," said Mike Nystrom, vice president of government and public relations for the Michigan Infrastructure and Transportation Association (MITA) and co-chair of the Michigan Transportation Team (MTT), which released the video. "It has never been clearer that Michigan is in desperate need of increased transportation funding. We need our legislators to take action immediately."

The YouTube video shows a section of Lake Montcalm Road, Montcalm County as it was pulverized on May 18, 2009. Since 2007, 25 counties in Michigan have been forced to let their roads meet the same fate as the road in the YouTube video.

The Michigan Department of Transportation (MDOT) recently released a study on a new package of transportation reform bills introduced in the Michigan Legislature. According to the projections, the 10 counties with the highest number of federal aid miles could nearly double their pavement preservation programs and begin critical, overdue infrastructure repairs. In addition to fixing our roads, this legislation would also help combat Michigan's unemployment crisis by sustaining more than 35,000 jobs.

"Not only is our infrastructure crumbling, now we are being forced to destroy it ourselves," Nystrom said. "We've got a serious problem on our hands. The transportation reform bills that have been introduced represent a real solution."

The Michigan Transportation Team is a broad-based, bi-partisan partnership of business, labor, local government, associations and citizens linked with the common goal of improving Michigan's transportation infrastructure. The MTT is committed to promoting the development and maintenance of a safe, convenient and efficient transportation network that serves the public, private and economic development needs of Michigan. Please visit www.drivemi.org for more information on transportation funding. Links: YouTube Video: http://www.youtube.com/watch?v=b8Z-_hKYEKY

Continues on pg.37

MITA in the News

The following are excerpts of media coverage generated by MITA. Visit the news section of www.mi-ita.com to read entire stories.

6/23/2009

Michigan Information and Research Service: Michigan's Bad Roads Go National

To the rest of the country, Michigan is seen as being synonymous with the automobile. The birthplace of Ford, General Motors and Chrysler, Detroit and Michigan are known as a place where people take a lot of pride in their cars and trucks.

Yet, the roads these cars drive on have fallen in such disrepair they're being turned back to gravel in some areas.

It's a piece of irony that the writer of the History Channel's "The Crumbling of America," which airs tonight (June 22) at 9 p.m., said was so striking an entire documentary could be made on the devolving situation.

Documentary writer Henry Schipper said the plight of Michigan's deteriorating roads is prominently mentioned. He regrets that more footage wasn't taken in the Mitten State and that more time wasn't dedicated to how bad the state's roads are. However, the feature needed to keep its national focus.

"We could have done the whole show in Detroit," said Schipper, whose family moved from the city when he was 12. "The most extreme problems with infrastructure that cropped up nationally came from Michigan and Detroit in particular, but we couldn't spend too much time with it or our viewers would have discounted it as, 'Oh, that's just Detroit.'"

Schipper, now of Los Angeles, said the producers of the show hired a Chicago crew to spend some time in a pair of small Michigan towns in Berrien County and found "some pretty good visuals."

But he said by the time he and the producers realized the extent of the problem throughout Michigan, and in particular the state's busier roads, the show was too far along in the production process to re-shoot areas in metro Detroit.

"Whenever you hear of Michigan, you think of it as the pride and glory of the auto industry and here they can't even protect its primary asset," Schipper said. "You just get this impression that something has gone horribly wrong."

Tonight's program on the nation's crumbling infrastructure is divided up into acts: "bridges, roads, etc." One entire act is devoted to roads and producers debated about whether to dedicate that entire act to Michigan.

"We came close to (doing that) because of that irony," he said. "This is the best road story in the country, what's happening in Michigan."

The Michigan Transportation Team (MTT), which is lobbying the Legislature to change the gas tax from one based on a flat 19 cents per gallon to a percentage-based system in order to raise more road money, highlighted The Crumbling of America in a press release today.

A study done by the Michigan Chapter of the American Society of Civil Engineers (ASCE) gave Michigan's roads and bridges a D rating, noting 38 percent of Michigan's roads are in poor condition and 28 percent of Michigan's bridges are structurally deficient or functionally obsolete.

"We were even contacted to provide more footage of our deteriorating roadways after they wrapped filming," said MTT Co-Chair Mike Nystrom. "If this isn't a wake up call to our legislators, I don't know what is."

6/5/2009

The Detroit News: \$740M of Michigan roadwork axed

The state took another hard shot Thursday when the Michigan Department of Transportation announced it has canceled more than 137 road and bridge projects, totaling \$740 million, due to Michigan's inability to match federal dollars. Michigan's portion of the federal match for road construction will now go to other states.

"We are in a state of crisis when it comes to our transportation funding, and it is being felt in every community across the state," said Mike Nystrom, vice president of government and public relations for the Michigan Infrastructure and Transportation Association, which represents 800 construction related companies within the state. The list of canceled projects, which includes 28 high-profile projects in Metro Detroit, was part of MDOT's five-year road and bridge program presented earlier this week to the House Transportation Committee. Nearly \$247.8 million would have been spent on road projects in Metro Detroit.

"These projects are vital to Michigan's economic future," said Nystrom. "When roads are maintained, they attract new business. Economic and job growth will not happen in Michigan when MDOT is forced to cancel critical infrastructure projects..."

6/1/2009

Kalamazoo Gazette: Contractors still waiting for projects via federal funds

At the beginning of the year, talk of a large stimulus plan for infrastructure improvements and other possible work was generating



Hundreds of people attended a press conference May 14 at the Capitol during which Mike Nystrom, MITA's vice president of government and public relations, was among members of the Michigan Transportation Team who discussed transportation funding bills

much interest in the commercial construction community. Three months after Congress passed the American Recovery and Reinvestment Act, most of the industry is still waiting to see any real action from it.

The first quarterly report to the president said there have been \$28.5 billion in actual outlays and \$88 billion in obligations, but not much of that is going to construction-related portions of the stimulus...

5/15/20

Crain's Detroit Business: Transportation bills could raise 1.8B for roads, bridge

Legislation that could raise some \$1.8 billion annually for Michigan roads and bridges was announced Thursday in Lansing by lawmakers, transportation and business interests.

The 13-bill package, which has not yet been fully introduced, moved from announcement at a Thursday morning press conference to discussion in the House Transportation Committee...

5/14/2009

Detroit Free Press: Plan's gas tax, vehicle fees would help fix roads

An influential coalition proposed today increasing the state gasoline tax and vehicle registration fees to generate an additional \$1.8 billion for new and improved roads.

Under the plan, Michigan's 19 cents per gallon gas tax would be

replaced by a tax on fluctuating wholesale prices of gas starting Jan. 1. The tax would be passed on to motorists, and it would be capped at the equivalent of 34 cents per gallon.

Until Jan. 1, the current gas tax would drop to 18.5 cents per gallon.

Annual registrations for most light cars and trucks would almost double over five years. Registration fees would rise 10 percent in 2010, and then 20 percent for each of the next four years.

But owners of older, less expensive cars would get a 10% break on their registration fees, which would be smaller than fees for new cars. Fees for cars valued at \$12,000 or less would rise very little or not at all...

Detroit Free Press: Plan's gas tax, vehicle fees would help fix roads

4/29/2009

Gongwer News Service: Take advantage of lower gas prices to pass transportation funding hike

With gas prices hovering around the \$2 mark for several weeks, lawmakers were told now is the time to act on a transportation infrastructure-funding package that would include going to a wholesale gas tax and increasing vehicle registration fees.

Officials from the Michigan Infrastructure and Transportation Association told members of the House Appropriations Transportation Subcommittee on Tuesday that tough decisions have to be made in order to catch funding up to the level it needs to be to support the

Continues on pg.53



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Staff from MITA met with Governor Granholm in June.

Pictured from right to left are:

Governor Jennifer Granholm,
Jim Ryan of Public Affairs
Associates; Mike Nystrom, MITA's
vice president of government and
public relations; and Keith Ledbetter,
MITA's director of legislative affairs.

Mike Nystrom Voted Top Lobbyist

Wednesday, May 27, 2009 Mike Nystrom, MITA's vice president of government and public relations, has been voted one of the top lobbyists in the state by the Michigan Information and Research Service. Nystrom earned the honors for his efforts lobbying state legislators regarding issues of importance to the construction industry.

"It is an honor to be recognized by those that you work with," Nystrom said. "But, this recognition also belongs to the rest of the team at MITA who work alongside me on a daily basis."

The results came as part of the MIRS-EPIC/MRA Insider Survey, which was e-mailed to well over 1,000 lawmakers, lobbyists, association executives and executive branch officials over a three-week period in May.



Mike Nystrom

"We are proud that Doug participated in this program, which is an example of MITA staff taking on educational opportunities that ultimately benefit MITA members," said Bob Patzer, MITA's executive vice president.

The YEDP program included sessions on federal, legislative and regulatory processes. Participants heard from industry leaders, such as National Surface Transportation Policy and Revenue Study Commission Vice-Chair Jack Schenendorf regarding future infrastructure challenges. Bob Meredith, a transportation specialist for the Federal Highway Administration's Office of Legislative and Governmental Affairs, led a half-day session on the financing of the federal highway program. YEDP participants also received briefings on current legislative, environmental and regulatory issues.

YEDP fellows visited Capitol Hill and met with their congressional delegations to talk about the need to address the financial solvency of the Highway Trust Fund and the importance of completing action this year on the next highway and transit authorization bill. The current funding law – SAFETEA-LU – expires September 30.

Doug Needham, P.E. Participates in ARTBA Program

Doug Needham, P.E., MITA's director of technical services, was among 30 transportation design and construction industry "rising stars" who recently participated in the American Road & Transportation Builders Association's (ARTBA) annual Young Executive Development Program (YEDP). The intensive three-day program, which was held in Washington, D.C., May 19-21, focused on the impacts the federal government has on the industry and the role that ARTBA plays in shaping national transportation policy.



Doug Needham, P.E., MITA's director of technical services (left); and Bill Toohey, executive vice president and chief operating officer of the American Road & Transportation Builders Association.



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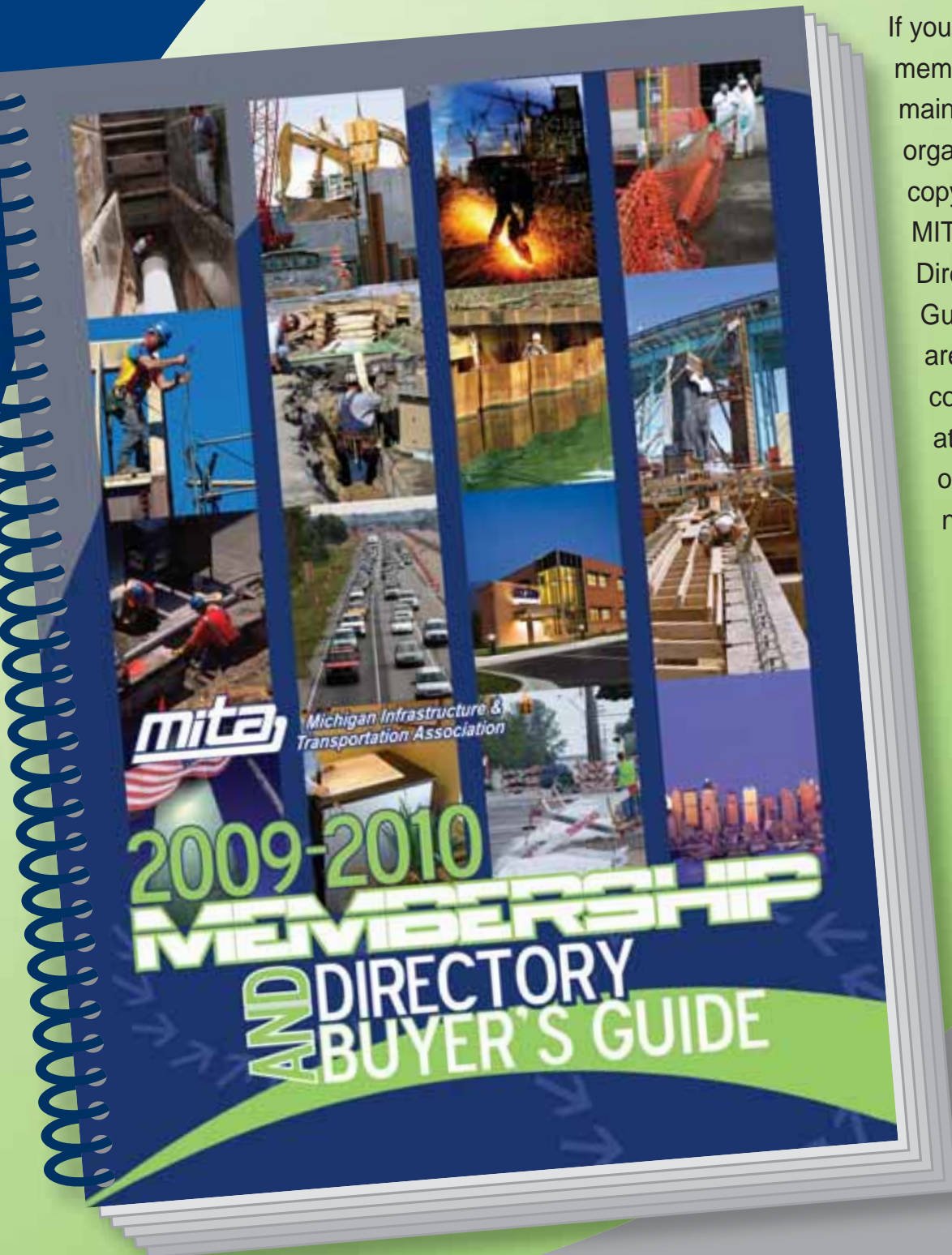
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Additional MITA Membership Directories and Buyer's Guides Available

If you are a MITA member, by now the main contact in your organization has received a copy of the 2009-2010 MITA Membership Directory and Buyer's Guide. Additional copies are available to you at no cost. Call Nancy Brown at 517-347-8336 to order, or e-mail her at nancybrown@mi-ita.com.



industry: material suppliers, equipment dealers, union reps and contractors. WE would fill several taxis as well as a couple of large buses with people intent on providing our thanks as well as our concerns about funding for infrastructure and related issues. Over the last few years I have noticed a significant drop in attendance and I'm not certain people realize the importance of these trips.

This is not meant for those who have attended in the past and may skip a year or two in between; but, rather, for those who have never attended a Fly In and expect others to handle issues that affect the industry. We need more involvement from everyone in this industry as we all have the same interests at heart – we want to have successful businesses that are financially healthy. I've noticed a distinct reduction in the amount of contractors attending the Fly In.

I know these economic times are difficult and every business person has to monitor their spending and we are no different. My way of thinking is that any investment of \$1,000 or so have the potential to bring in millions of dollars of work, so then it is well worth the expense. Most of us contractors take larger monetary risks than that every day and think nothing of it, yet we won't spend a few extra dollars to help ourselves. All members need to consider getting involved with the political process because in the near term it's the only source of funding in sight. If we present a unified front as an industry we will have a better chance of achieving our goals. There is strength in numbers. There was a very wise fellow named Benjamin Franklin who stated: "If we do not hang together, we will surely hang separately." I can't think of a more appropriate quote for the times we are in presently.

Mike, I wonder if we need to expand the program and attend with more frequency, especially since Washington is the only place that has any money. We are in if you need us.

Scott R. Bazinet
Lowe Construction Company

Dear Pat:

I am thanking you for your expeditious trek to our job at Delhi Waste Treatment Plant while the MIOSHA inspector was there. Unfortunately, I will be discussing this further with you when the (albeit misguided) citations arrive. I do appreciate, however, your presence, input and support.

Robert I. Solway
Merlyn Contractors, Inc.



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WHY ONLY SOLVING THE FEDERAL MATCH PROBLEM IS A BAD IDEA

There are some policymakers who would prefer the state provide only the additional \$100 million necessary in the State Transportation Fund (STF) to meet the federal match, but not provide any new money to the transportation system. A vote to provide only the minimum state match is a vote for bad roads and preservation of a collapsing system.

Raising the Gas Tax to Meet State Match Requirements

Despite common perceptions, the state could not simply raise the gas tax by roughly \$100 million in order to meet the match requirements. Taking \$100 million and running it through the PA 51 formula would provide only \$34 million to MDOT. To increase this contribution to \$100 million, the state would need to raise approximately \$300 million – the equivalent of a 6-cent gas tax increase plus diesel parity.

PRESERVING A BROKEN SYSTEM

Michigan has been getting our full federal match on roads and bridges for years and yet our transportation network is crumbling. Doing things the way we've been doing them has given us 69,099 miles (58 percent) of roads in Michigan that are either unpaved or in poor condition, according to the 2008 Michigan Asset Management Council Annual Report.

Preserving the current system means preserving...

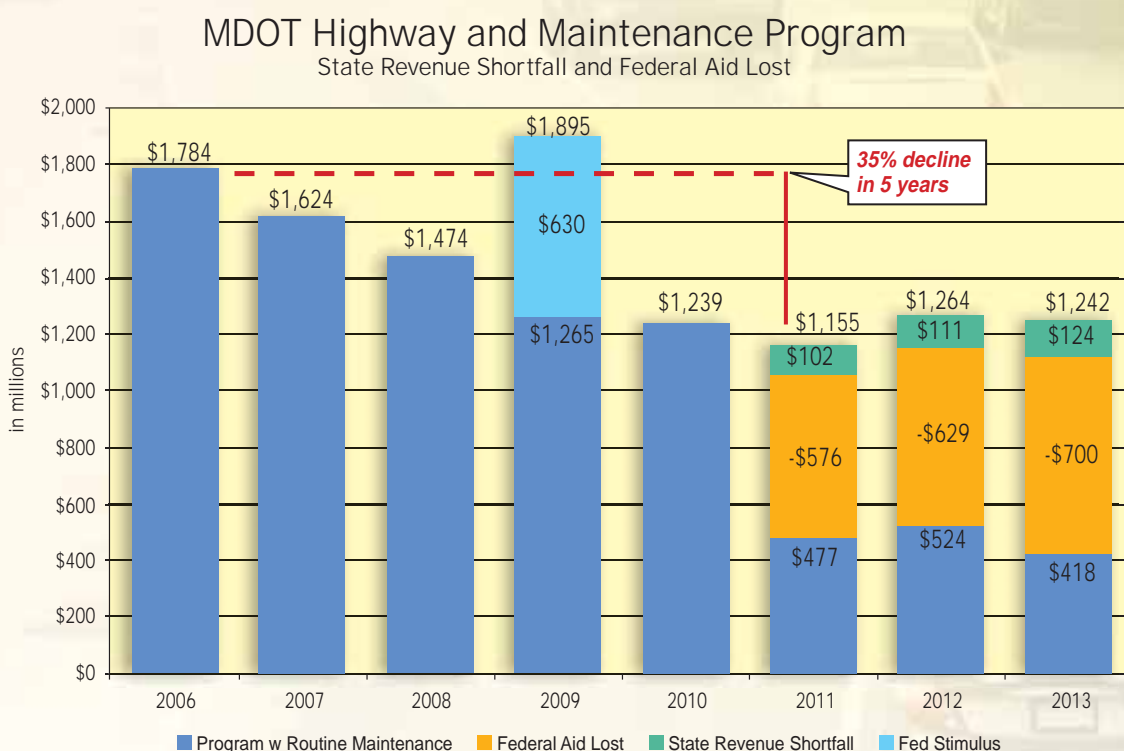
- a rapidly-deteriorating system with over 28,700 miles of all paved roads in poor condition.
- 40,395 miles of state and local roads that are unpaved.
- 24 counties that have pulverized crumbling pavement into gravel

roads.

- a price tag for repair which is estimated at over \$3 billion annually.
- cutbacks on snow removal which is causing lack of weekend maintenance and plowing only one lane on multi-lane roads and elimination of highway mowing and trash pick up during key tourism months.

If the state only provides the minimum amount of money in the State Transportation Fund to meet its match obligations:

- In 2011, the state will spend \$1.155 billion on the MDOT Road and



Bridge program. This is \$629 million (35 percent) less than what was spent five years earlier.

- The MDOT Road and Bridge Program will be a decrease of 25% of the previous ten-year average of 1.54 billion.
- The purchasing power declines caused by global steel, asphalt, diesel, cement and other construction materials prices means that Michigan will not even be able to pave half the lane miles we did 5 years ago.



**6/5/2009
Message in a
Bottle: No Excuses!**

Legislators received a stern warning when bottles filled with the remains of Lake Montcalm Road, Montcalm County were delivered to their state offices today. The bottles contained millings collected when the road was pulverized and turned back to gravel due to lack of funding – a cost-saving move now occurring in 24 Michigan counties. “Delivering this ‘message in a bottle’ draws critical attention to the immediate need for our roads to be fixed,” said Mike Nystrom, co-chair of the Michigan Transportation Team (MTT). “No excuses, Fix MI Roads. That’s our message and it continues to be the message of Michigan’s employers, taxpayers and drivers,” Nystrom said. Due to funding shortfalls, counties throughout Michigan have been forced to return once- smoothly paved roads back to gravel. “With proper funding, Michigan roads can be maintained, and further pulverizations can be avoided,” said Nystrom. Wednesday morning Michigan state legislators received bottles filled with gravel from the pulverized Montcalm County road with this warning message attached: “24 counties in Michigan have been forced to pulverize and return roads to gravel due to lack of funding. Don’t let Michigan crumble on your watch!” A warning label added: “WARNING! This bottle contains millings collected from the pulverization of Lake Montcalm Road, Montcalm County when it was turned back to gravel due to lack of funding. Don’t let this happen in your county!”

“There will never be a ‘right’ time to invest in our infrastructure; we can’t wait another day, and we can’t wait for another county to turn its roads back to gravel because there isn’t enough funding to maintain them,” Nystrom said. “This new investment in Michigan’s transportation infrastructure will create 46,000 jobs – which Michigan desperately needs. There are no more excuses, the legislature must act now!”

The Michigan Legislature is currently exploring a package of bills that would increase road funding over the next five years in Michigan. The plan is expected to yield an additional \$1.8 billion in new

transportation revenue per year – increasing the amount local road commissions would receive to maintain, repair and replace existing roads.

MTT is a broad-based, bi-partisan partnership of business, labor, local government, associations and citizens linked with the common goal of improving Michigan’s transportation infrastructure. The DriveMI campaign is committed to promoting the development and maintenance of a safe, convenient and efficient transportation network that serves the public, private and economic development needs of Michigan. Please visit www.drivemi.org for more information on transportation funding.

6/5/2009 MDOT Cancels Road and Bridge Project

The Michigan Department of Transportation (MDOT) has been forced to cancel more than 137 road and bridge projects, totaling \$740 million, due to the state’s inability to match available federal dollars.

MDOTs recently released five-year plan lists the statewide projects that have been cancelled, including road preservation projects, bridge preservation projects and new roads/capacity improvement projects. MDOT Director Kirk Steudle presented the list of projects to the House Transportation Committee on Tuesday.

“We are in a state of crisis when it comes to our transportation funding, and it is being felt in every community across the state,” said Mike Nystrom, vice president of government and public relations for the Michigan Infrastructure and Transportation Association (MITA) and co-chair of the Michigan Transportation Team (MTT). “These projects are vital to Michigan’s economic future. When roads are maintained, they attract new business. Economic and job growth will not happen in Michigan when MDOT is forced to cancel critical infrastructure projects.”

“This should be yet another wake-up call to our legislators that the time is now to Fix Michigan Roads,” Nystrom said. “If we fail to address this issue now, Michigan’s road and bridge funding will plummet dramatically in 2011, causing the state to return almost \$600 million a year to Washington because of our inability to match federal aid.”

The Michigan legislature is currently exploring a package of bills that would increase road funding over the next five years in Michigan. The plan is expected to yield an additional \$1.8 billion in new transportation revenue per year.

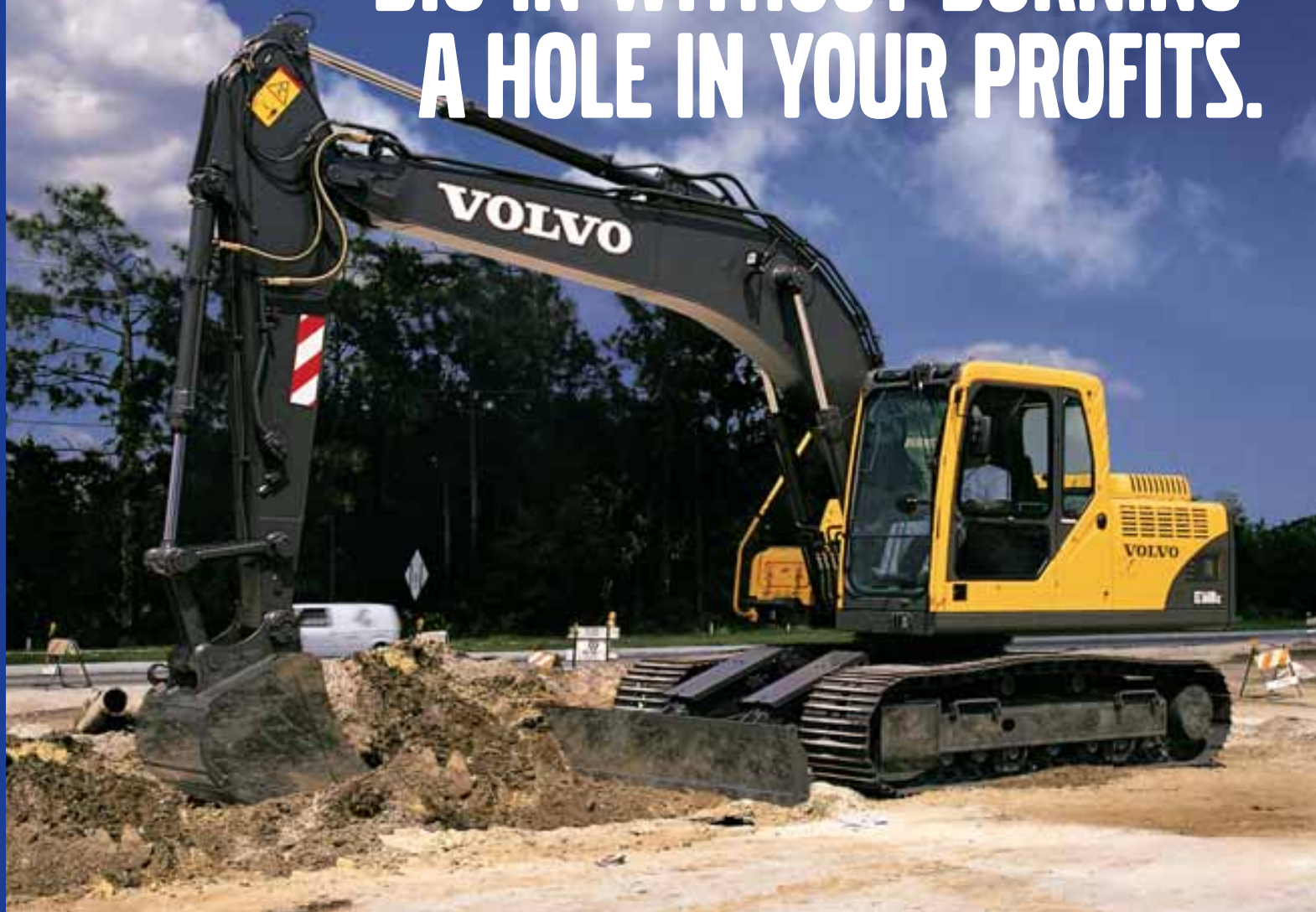
“We all need to tell our legislators: ‘No more excuses, Fix Michigan Roads now,’” Nystrom said.

June 24, 2009 Michigan Roads Pulverized In New YouTube Video Lack of funding leads to destruction of Montcalm County roads

A YouTube video released today documents the intentional pulverization of paved roadways in Montcalm County. Faced with dwindling funds for road maintenance, many Michigan counties are being forced to replace paved roads with gravel. “The destruction of these roads represents a tragic regression of our state’s infrastructure,” said Mike Nystrom, vice president of government and public relations for the Michigan Infrastructure and Transportation Association (MITA) and co-chair of the Michigan Transportation Team (MTT), which released the video. “It has never been clearer that Michigan is in

Continues on pg.50

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MEMBER NEWS

From left to right: MITA Associate Member Tim Pedro, of TTL Associates, and Jim Pitzen, of Anderzack-Pitzen Construction and Ten Mile Creek Excavating, LLC. Tim and Jim were dubbed celebrity waiters during a fundraising dinner for the Kidney Foundation of Northwest Ohio. They both had to do different chores for tips that went directly to the Kidney Foundation. In this photo, Tim and Jim were waiting tables and singing country western, "In this case," Jim said, "we sang 'Save a Horse and Ride a Cowboy.'"



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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.

G2 ADDS PILE DRIVING ANALYSIS TECHNOLOGY

G2 Consulting Group, a geotechnical, environmental and construction services engineering firm based in Troy, Mich., is offering pile driving analysis (PDA) services to help construction and engineering companies meet a new Michigan requirement for PDA on certain deep pile foundation construction projects.

PDA involves monitoring the pile driving process with sensitive equipment that measures stresses that occur in the piles and the soils' reactions to the impact. G2's specially trained engineers then evaluate the data to determine the bearing capacity of piles, and recommend a depth to which the piles should be driven for that specific foundation.

When the Michigan Department of Transportation recently issued a special provision that required PDA for some pile driving projects, G2 acquired the specialized equipment to perform the analysis. G2 personnel also participated in comprehensive training necessary to perform the analysis.

"The pile driving analysis technology compliments our existing geotechnical capabilities for deep foundation consulting and design," according to Noel Hargrave-Thomas, P.E., geotechnical group leader and founding principal. "We continue to strive to be the go-to resource for engineers and contractors in the underground and infrastructure construction arenas."

G2 recently used PDA technology on the Bridgeview Road Bridge over the Clinton River in Harrison Township, which Posen Construction is rebuilding. G2 provided PDA and wave equation analysis to make sure the piles performed as intended, and remote

vibration monitoring to assure that work on the bridge wouldn't damage nearby buildings. G2 also performed a pre-condition assessment of three nearby structures of the Macomb County Road Commission project.

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.

G2 PROVIDES ENGINEERING SERVICES FOR NEW SHELBY MACOMB MEDICAL MALL

An extensive foundation designed by G2 Consulting Group made it possible to build the newly opened 160,000-square-foot Shelby Macomb Medical Mall on a highly visible site with soft blue clay soils in Shelby Township, Mich.

The less-than-ideal soils required a deeper, sturdier foundation system than normal for the building, which is three stories with a full basement. G2 designed a foundation that used 325 auger-cast piles extending 20 feet below the basement, at least 18 feet deeper than a typical foundation for this kind of structure, said Mark Smolinski, G2 founding principal.

"A standard foundation for a building like this would extend around one to two feet below the foundation in more stable soils," Smolinski said.

The 24-inch diameter piles were created by drilling holes down to the hardpan – very dense soils above the bedrock – and pumping grout into each hole as the drilling auger was pulled out. Spaced about six feet apart, these auger-cast piles are topped with pile caps, which support the grade beams of concrete reinforced with steel bars. The grade beams form a grid on which the basement was built.

G2 also provided geotechnical and construction engineering services for the building, located at the corner of 23 Mile and Schoenherr roads. Frank French Associates, Inc., of Rochester is the architect and Frank Rewold and Son, Inc., of Rochester is the construction manager.

Continues on pg.40

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TEC WORKING ON MICHIGAN'S FIRST STIMULUS-FUNDED ROAD PROJECT

TEC is working on Michigan's first stimulus funded project located in Ogemaw County near West Branch. TEC has been retained by the general contract to provide concrete batch plant certification services for this project.

Governor Jennifer Granholm was on hand for the April 24 groundbreaking and said that this project is the result of the recovery act.

With offices in Detroit, Ann Arbor and Troy, TEC, a Detroit-based and woman-owned enterprise, provides professional environmental, geotechnical, building and infrastructure engineering consulting, and construction materials testing and inspection services.

Chandler Earns Accredited Professional Designation

Scott M. Chandler, CIH, LEED AP, manager of industry hygiene services at TEC, recently passed the exam administered by the Green Certification Institute, and earned the designation of LEED Accredited Professional.

Chandler, an American Board of Industrial Hygiene Certified Industrial Hygienist since 1989, joined TEC more than 25 years ago and is experienced in evaluating air quality complaints related to construction and renovation activities, as well as worker exposure to a wide variety of workplace contaminants. He provides professional consulting services to assist clients in compliance with numerous federal and state environmental regulations, including: hazard communication, respiratory protection, general industry and construction industry occupational health standards, air emissions, brownfield redevelopment, and asbestos and lead-based paint.

He is a member in good standing of the American Industrial Hygiene, the Michigan Industrial Hygiene Society, and the American Society of Heating, Refrigerating, and Air-Conditioning Engineers.

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Jason Macdonald, RLA, a landscape architect in Wade Trim's municipal services group in Taylor, earned his professional registration. To become registered in Michigan, landscape architects are required to pass the Landscape Architecture Registration Exam, a rigorous, five-section exam, and complete an approved program of professional education including three years of work experience under the supervision of a registered landscape architect.

With more than 12 years of experience, Macdonald provides community planning and environmental design services to municipal and private sector clients. His expertise includes streetscape design and redevelopment, urban space planning, design studies for residential and retail developments, and mixed-use developments.

He received his bachelor of science degree in landscape architecture from Michigan State University. Macdonald is a member of the American Society of Landscape Architects and the Congress for the New Urbanism. He joined Wade Trim in 2007 and lives with his wife and daughter in Ferndale, Mich.

Wade Trim has more than 350 professional and support staff in 21 offices throughout Michigan and seven additional states. They provide engineering, GIS, surveying, planning, operations, landscape architecture, and construction services for transportation, water resources, land development and municipal government projects.

APPOINTMENTS BRING NEW PERSPECTIVES TO WADE TRIM BOARD

Two new corporate board members have been appointed by Wade Trim as part of internal strategies to develop a team of elite project managers and advance the firm's technical leadership. Cathy Cassar, P.E., and Jordan McCormack, P.E., were selected to serve in these one-year appointments based on their abilities to advance the firm's strategic planning goals. They will bring new perspectives to board discussions and help implement change.

Cassar was appointed to the Wade Trim board of directors, to help advance the firm's technical leadership. As a senior engineer in the firm's transportation group in Taylor, she has been involved in many projects using cutting-edge technology and design software to advance roadway design and the coordination of intelligent data throughout the project life cycle. She has presented many projects at the Bentley Conference as well as the Geopak and InRoads International Users Conferences.

McCormack, a senior project manager in Wade Trim's water resources group in Cleveland, Ohio, was appointed to the board of directors. He was selected to serve in this annual appointment based on the firm's emphasis on developing a team of elite project managers. He has more than 27 years of experience managing and designing improvements, expansions and rehabilitations for sanitary, combined and storm water collections systems.

Continues on pg. 42

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KOWATCH EARNS LEED CERTIFICATION



Justin L. Kowatch,
P.E., LEED-AP

Justin L. Kowatch, P.E., LEED-AP, recently satisfied the U.S. Green Building Council's requirements to become an Accredited Professional in the Leadership in Energy and Environmental Design (LEED) program of sustainable design and construction. LEED professional accreditation demonstrates a commitment to the understanding and implementation of green building design and construction practices, as well as a familiarity with the specific requirements, resources, and processes through which new projects can be certified.

Kowatch is a Professional Engineer in the Land Development Group in Wade Trim's Gaylord office. He has more than 15 years of experience in the design of mechanical, electrical and plumbing systems for commercial, institutional, and municipal buildings. Wade Trim helps clients integrate LEED-approved credits and other sustainable building practices into their building projects. The high efficient plumbing and HVAC systems, designed by Wade Trim, at the recently constructed BATA Bus Terminal in Traverse City helped earn LEED-Gold certification for the project.

Kowatch earned a bachelor of science degree in Mechanical Engineering from Michigan Technological University. He is a member of the National Society of Plumbing Engineers; the American Society of Heating, Refrigeration, and Air Conditioning Engineers; and a professional affiliate of the American Institute of Architects.

Windemuller Electric, Inc.

www.windemuller.us

WINDEMULLER CREATES NEW WIND TURBINE ELECTRICAL SERVICE & INSTALLATION DIVISION

Windemuller a Michigan based electrical contractor announced today the formation of a new wind division. Windemuller's new division will focus efforts on consulting, design, installation, operation and maintenance of wind turbines.

"The creation of this new service division was made easy with the recent order of additional turbines for the completion of Phase I at Stoney Corner's wind farm", said Windemuller Vice President, Jim Rose. "This division will be built on our experience in the wind industry that we have been building on since 2001

Heritage Sustainable Energy, the owner of Stoney Corners, has added seven additional wind turbines from RePower Inc. The new turbines are expected to be in full service by the end of the year.

According to Windemuller's lead wind technician, Chris McGuire, "When these turbines are running at full speed, each will be able to power 500+ homes".

ABOUT REPOWER SYSTEMS AG - *Repower Systems AG is one of the leading manufacturers of onshore and offshore wind turbines. The international engineering company develops, produces and sells wind turbines with outputs ranging from 1.5 to 5 megawatts and rotor diameters of 70 to 126 meters for almost all locations. Listed on the stock exchange since March 2002 and with around 880 employees worldwide, the Hamburg-based company relies on its experience in the production and installation of*

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ABOUT HERITAGE SUSTAINABLE ENERGY- *Heritage Sustainable Energy is a leading Michigan-based wind power company composed of long-time Michigan residents. We are committed to working closely with land owners to maximize the productivity of their leases, minimize the intrusiveness, and realize our ultimate goal of providing Michigan with clean, renewable power for years to come.*

The Heritage staff has extraordinary experience in energy development. The Principal Owners and Managers have been involved in energy and land management for over 30 years. They have educational backgrounds in engineering, geology, land use planning and law.

As a company, we have formed long-standing relationships with landowners, community leaders and communities in general, allowing us to pursue projects that have greatly benefited everyone involved. Today, Heritage is committed to developing renewable energy projects to the betterment of Michigan residents and communities.

ABOUT WINDEMULLER - *Windemuller was established in 1954 as an electrical contractor*



While still offering electrical services, we also provide automation services, communications services, outdoor utility services, and information technologies services. Windemuller is headquartered in Wayland, Michigan with satellite offices in Big Rapids, Montague, Petoskey and Traverse City.

Windemuller provides service for industrial, institutional, government, utilities, commercial and municipal customers. We offer the highest level of service 24/7/365.

Windemuller employs over 200 employees, including approximately 42 master electricians. Our current EMR safety rating is .58.

At Windemuller, we strive to provide the best possible service to all our customers. We expect honesty, trust, commitment, and accountability from all our employees. We want to continue our success by providing quality service to all and still maintain an innovative edge in all we do.

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New release of FieldManager Contractor reflects user input

Continued from pg.19

of input from users. Usability modifications with sub payments have also been made. In addition, a few simple additions will help the user. For instance, when you see a small calculator icon near a field, you can now click the icon to have calculations done for you. Web demonstrations will be set-up for contractors to demonstrate all of these new features.

There are additional features we are hearing about from you that will likely be included in a future release of the software. For instance, we understand you would like the ability to import more than just the .EBS file format so that you can use FieldManager Contractor for private jobs and jobs from a subcontractor perspective.

Info Tech is poised to continue to work with MITA contractors and enhance FieldManager Contractor to meet your needs. In addition to the summer release, another release for the 2010 construction season is being planned. Contractors will again have an opportunity to prioritize features for this release.

MITA and Info Tech would like to thank the contractors who have been so willing to contribute their time to helping us understand your workflows and processes. In planning future releases, this continued feedback is essential, and Info Tech is looking forward to continuing to work with MITA and the contracting community. Info Tech invites anyone to contact our development team to share their thoughts at customer.support@infotechfl.com.

Introducing Paradigm 2000 Inc.

Submitted by Lester Lewis

Paradigm 2000 Inc., would like to take this opportunity to inform MITA and its members of the latest technology that is available to them, which we feel can assist them in security and responsibility. Paradigm would like to introduce you to a series of safety devices. It's

unfortunate that our economy is in such a bad state, because it causes employees to do unorthodox things that can be costly to us as owners. We can lose revenue through materials, work loss, time and financial revenues. If you contact your CPA or accountant, they will inform you that you are losing 20-30 percent, and, in some cases, even more within those boundaries. With the technology that I am about to introduce to you, you can close that loss to zero and retain that revenue.

What would be the benefit to you if you could monitor all of your equipment in the field and in the yard from anywhere in the world? Would it be a benefit to you to be able to monitor locations of employees with company phones? Would it be a benefit to you to be able to see the work site from anywhere in the world? Think about the benefit of being able to monitor our office without anyone knowing that it is being monitored. This is the technology that Paradigm 2000 Inc., is speaking of. We have camera systems that will allow you to monitor

visually and with sound, where you can monitor the activities of your employees and the public that they represent. We have the technology that will allow you that capability.

Let us give you a small example. If you had a supervisor that is supposed to be on the jobsite, and no one can find him on the jobsite, but he is carrying a company phone, our technology will allow you to pinpoint the location of that supervisor within 10 feet to where he/she is at any given time. Just as well as pinpointing the location of an employee, we have the same GPS tracking for any of your equipment. A lot of our members have lost millions of dollars in equipment stolen from the jobsite. Now, you will be able to track all of that equipment.

One of the unique things that we have is being able to view a jobsite 24/7. This will allow you to view the progress on the jobsite during the day, and be able to monitor the jobsite at night, and, of course, be alerted of any intrusion after the work site has been abandoned.

Most of us don't want to get stuck with monitoring fees. Paradigm 2000 Inc., has the ability to make you the monitor. In short, the alarm can be set up to alert you, and five other people of any intrusion on the jobsite. And, you will be able to view the jobsite from anywhere in the world, as long as you have Internet access. This can be a benefit in

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Introducing **Paradigm 2000 Inc.**

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many ways. One, revenue, a big savings in insurance premiums, and it can be a liability saver. You can maintain the option to record, and we can set you up to where you can record up to 30 days, and be able to retrieve events without interfering with the recording process. You will also be able to store events, without being able to interfere with the recording process.

One of our recent clients called us and explained to us that they were getting broken into at least two times a week. In addition, they had installed a burglar alarm and dogs before they decided to call us. After reviewing their situation, we came up with a covert system. First, we informed the customer not to inform anyone of what we were going to do. We confirmed the deal with the client on Wednesday and we came into his operation in the middle of Wednesday night and installed a covert system that consisted of four cameras that were undetectable with a 30-day recording system and call out alarm system. The client opted to have the silent alarm system activated because they wanted to catch the perpetrator. Thursday, the next day, about 3 a.m., they received an alarm that came directly to their cell phones. After arrived to their jobsite, they were able to apprehend the perpetrator. What is funny about this whole ordeal, after reviewing the video, we found that the perpetrator was using a power jack to pry open a steel roll down door, and he was feeding the dogs with hamburger meat. However, what is really hilarious is that the perpetrator went to their lunchroom and retrieved food from their refrigerator, heated it up in their microwave, sat down, and had a late night dinner. And, the dogs were right there, too.

Now, for members only, Paradigm can provide you with these covert systems, at a discount price for MITA members. Moreover, you can ask us about the other technology that you feel can benefit your company. We recommend that you get with your insurance companies and see how it can benefit with your premiums. We have no room for loss. But, we have all of

the intentions to gain. The liability lies with us along with the responsibility.

For those members who are not familiar with Paradigm 2000 Inc., we also provide you with services of pre-construction video, vibration video along with pipe-video inspection. We are DBE pre-qualified with MDOT. We currently hold state, county certifications and we are certified with the federal government. For MITA and those of you that are having special events that need services in video production, lighting or sound, Paradigm 2000 Inc., can provide you with those services, along with web development and design.

We also would like to take the opportunity to thank MITA for its support, and Paradigm 2000 Inc., would like to thank all of the prime contractors that have given us the opportunity to provide our services to them. And, we would like to give a special thanks to C.A. Hull Co., Inc., for allowing us to videotape one of their jobsites for our global promotional video.

Paradigm 2000 Inc., is looking forward to assisting you in securing your lost revenues.

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



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project development process. Barriers associated with permitting, utilities, right-of-way, design exceptions, letting schedules, and FHWA, State Transportation Commission, and Ad Board approvals are a short list of the issues the Barrier Busters tackled.

As much as MDOT was preparing itself to meet the "120 day obligation" requirement, there was one hurdle over which Director Steudle and his Barrier Busters had no control. Before a penny of the ARRA funds could be spent by the State, that authority had to be approved by the Michigan legislature with the passage of a supplemental appropriations bill. After some debate and much scrutiny of the proposed projects list, the legislature passed a bill that was signed by Governor Granholm on March 31, 2009. MDOT could now spend the ARRA funds....

On June 4th, MDOT announced that they had obligated \$296.5 million of ARRA funded projects meeting the June 29th, "120 day obligation" deadline by a full three weeks. In meeting this deadline Michigan was eligible to receive ARRA funds redistributed from other states. Unfortunately, all state DOTs met the deadline so there was no redistribution of funds. MDOT's push to get their ARRA funded projects obligated hasn't slowed since meeting the deadline in early June as it is their goal to have all of their ARRA funded projects obligated within the calendar year.

A "tip of our hat" to MDOT's leadership and staff for their execution of a well-developed and aggressive plan that will maximize the benefits ARRA brings to Michigan's road and bridge industry. Because

of their diligent efforts to deliver ARRA funded projects to construction, thousands of construction and construction-related jobs will be sustained for our MITA member companies.

Author's Note: Equally worthy of notice and appreciation are the efforts of the MDEQ, counties, cities, villages, and transit agencies as they too deliver their ARRA funded water, sewer, road, bridge, and transit projects to construction sustaining thousands of construction and construction-related jobs for MITA member companies.

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

Vice President of Government & Public Relations Comment

Continued from pg. 48

was being put towards the funding of our roads and bridges. We are working hard to help the general public, the Legislature and the media to understand this fact. It should be recognized that if only ten cents of this increase were to be put into our transportation network it would have a significant impact.

Of the over 400 legislative meetings that we have had during the course of this initiative, the recognition of need has been unanimous by our elected officials. The challenge, however, has been that everyone wants good roads, but no one is willing to step up to pay for them. Recently, we are seeing that there are a handful of elected officials, both Democrats and Republicans, who have been willing to come together and discuss this issue and try to find a solution. There is recognition that when our roads are maintained we are more likely to attract new businesses. Economic and job growth will not happen in Michigan when our road agencies cancel critical infrastructure projects and return our roads back to gravel. Businesses will not invest in Michigan, if we are not investing in ourselves and we continue to leave potholes unfilled and bridges closed because we lack the necessary funds - funds that are necessary to maintain them.

MITA staff will continue to work this issue relentlessly and look for opportunities to highlight the need to invest in Michigan's transportation network.

Our state elected officials need to unite and work towards a bi-partisan solution of fixing our crumbling transportation system. We can no longer stand by while our roads continue to fail. The time is now - no more excuses!

If you have questions or comments regarding this issue, please contact Mike Nystrom, vice president of government and public relations at the MITA office 517-347-8336.

To contact Mike Nystrom, email him at mikenystrom@mi-ita.com or call 517-347-8336.

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Highway Trust Fund Crisis: Drastic Job Cuts and Continued Transportation Infrastructure Deterioration Likely

Increase federal Highway Trust Fund (HTF) revenue through user fees and excises, drastically cut federal highway and public transportation funding to the states, or significantly increase the federal deficit by borrowing the needed funds. These are the only options for Congress to address the future solvency of the HTF and complete action on a six-year surface transportation bill, according to the American Road & Transportation Builders Association's (ARTBA) top economist.

ARTBA Vice President of Economics and Research Bill Buechner, Ph.D., says there are two serious problems with the HTF that must be immediately addressed. Buechner made his comments to a House Ways & Means Subcommittee on Special Revenue Measures & Oversight hearing aimed at addressing U.S. surface transportation needs.

"The first is dealing with the short term solvency of the trust funds to protect jobs," Buechner said. "The second is raising the significant additional revenue necessary to fund the federal share of the future capital improvements and activities necessary to upgrade the dismal physical conditions and performance of our highway and transit system.

"Today, through neglect, we have a system that is an increasing drag on the U.S. economy in terms of lost productivity and increased health care and energy costs."

Buechner, a Harvard-trained economist who spent two decades with the Congressional Joint Economic Committee before joining ARTBA in 1996, told the subcommittee a \$5-\$7 billion revenue cash infusion will be necessary by August to prevent the HTF Highway Account from failing to meet its obligations during this fiscal year.

Maintaining the current \$41 billion highway program funding level in FY 2010 will require an additional \$10 billion trust fund revenue enhancement. "Failure to provide it will mean every state will lose more than a third of its annual highway fund apportionment—a situation that would jeopardize about 400,000 jobs across the nation," Buechner testified. "We urge Congress to address the current fiscal year problem immediately, and to address the FY 2010 and beyond problem by passing a robust, six-year authorization bill this year."

Beyond the immediate HTF challenge, is the immense gap between projected future HTF revenue and looming highway and mass transit investment needs that we should begin tackling in the next surface transportation authorization bill, ARTBA says.

The U.S. Department of Transportation (U.S. DOT) reports to Congress every-other year on the condition and performance of the nation's surface transportation system. This "needs report" provides a widely accepted baseline of infrastructure cost estimates.

When you combine the U.S. DOT report estimates with real world information on highway construction costs and also assume the federal share of highway investment will be consistent with that of the past several decades, Buechner said, it becomes clear the federal highway program needs to be funded at a minimum of \$62 to \$69 billion per year in the next authorization just to maintain current conditions and performance.

He pointed to a Congressional Budget Office (CBO) finding that anticipates annual Highway Account revenues over the next authorization period to be between \$32 and \$35 billion. This means Congress will have to address a more than \$31 billion annual revenue gap just to maintain current road and bridge conditions, he said. Absent additional revenues to the trust fund, CBO calculates that it could only support an average annual highway program investment over the next authorization of \$31 billion. That compares to \$40.7 billion during the current fiscal year.

A similar analysis based on the U.S. DOT report indicates a public transportation program need of \$12 to \$13 billion annually just to main-

Continues on pg.51

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Director of Technical Services Comment

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projects for which they bid. Another enhancement will be the addition of a "professional services" advertisement group.

With the recent growth and influx of users to the MITA Ads website, the MITA MBE/WBE/DBE Solicitations website has been upgraded and incorporated as a link on the MITA Ads home page. The MBE/WBE/DBE Solicitation site allows contractors to solicit DBE participation for upcoming MDOT and non-MDOT projects. MDOT has acknowledged the MITA website as an approved advertisement location that would serve as a part of a contractors good faith effort to solicit DBE participation. An additional feature we are planning for the MITA Ads website is an automatic email notification to DBE contractors/suppliers when a prime contractor posts a solicitation.

I'm happy to say that the MITA Ads website is making great headway to becoming the advertisement portal of choice for non-MDOT projects throughout the state of Michigan. If you have not already done so, logon to www.mitaads.com and sign up for an account.

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

Director of Legislative Affairs Comment

Continued from pg. 25

network of almost 300 followers including statewide media and tweets from the site have generated a number of news stories.

Toll Free Number

The Michigan Transportation Team (MTT) has set up a new toll-free number allowing state drivers to encourage lawmakers to fix Michigan's crumbling transportation system.

Modeled after the ARTBA legislative hotline in Washington,

By dialing 888-719-3087, callers will only have to enter their five-digit zip code to be connected with their legislator at no cost to them.

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

MITA PRESS RELEASES

Continued from pg. 29

desperate need of increased transportation funding. We need our legislators to take action immediately."

The YouTube video shows a section of Lake Montcalm Road, Montcalm County as it was pulverized on May 18, 2009. Since 2007, 25 Counties in Michigan have been forced to let their roads meet the same fate as the road in the YouTube video.

The Michigan Department of Transportation (MDOT) recently released a study on a new package of transportation reform bills introduced in the Michigan Legislature. According to the projections, the 10 counties with the highest number of federal aid miles could nearly double their pavement preservation programs and begin critical, overdue infrastructure repairs. In addition to fixing our roads, this legislation would also help combat Michigan's unemployment crisis by sustaining more than 35,000 jobs.

"Not only is our infrastructure crumbling, now we are being forced to destroy it ourselves," Nystrom said. "We've got a serious problem on our hands. The transportation reform bills that have been introduced represent a real solution."

The Michigan Transportation Team is a broad-based, bipartisan partnership of business, labor, local government, associations and citizens linked with the common goal of improving Michigan's transportation infrastructure. The MTT is committed to promoting the development and maintenance of a safe, convenient and efficient transportation network that serves the public, private and economic development needs of Michigan. Please visit www.drivemi.org for more information on transportation funding.

Links: MTT YouTube Video: http://www.youtube.com/watch?v=b8Z-_hKYEKY

5/27/2009 Aging State Bridges Not Scheduled for Repair

(One of 14 press releases. To see other releases and the MDOT Bridge report, visit the news section of www.mi-ita.com.)

The Michigan Department of Transportation (MDOT) has been forced to cancel more than 137 road and bridge projects,

Continues on pg.52



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The American Council of Engineering Companies of Michigan (ACEC/M) has announced the election of Paul Wade, P.E., as its president for 2009-2010.

Paul was installed as president during ACEC Michigan's Annual Conference, which was held recently at the Kellogg Hotel & Conference Center in East Lansing. Roger Johr, past president, presented the President's Pin to Wade and also announced the new Board of Directors during a special ceremony at the conference.

Wade serves as chairman of the board of directors for Spalding DeDecker Associates, Inc., (SDA), a civil engineering, surveying and landscape architecture firm in Rochester Hills. As chairman, he plans and manages the firm's business development policies and objectives. He is a licensed professional engineer with 36 years of experience in design, project management, inspection, and construction supervision of civil engineering projects.

Wade earned his bachelor of science degree in civil engineering in 1973 from Michigan Technological University. He began at Spalding DeDecker in 1985 as a project manager and advanced to vice president, and, subsequently, senior vice president before becoming chairman in March 2006.

ACEC/Michigan also elected the following officers and board members:

2009-10 ACEC/M OFFICERS

Andrew McCune, P.E., Wade Trim, Taylor, president-elect
Keith Swaffar, P.E., NTH Consultants, LTD, Detroit, treasurer
Tom Long, P.E., Rowe Professional Services Co., Flint, national director

2009-10 ACEC/M BOARD OF DIRECTORS

Wally Alix, P.E., Hubbell, Roth & Clark, Pontiac
Kirk Branson, P.E., Parsons Brinckerhoff MI, Lansing
Michael Cooper, P.E., Harley Ellis Devereaux, Southfield
Larry Fleis, P.E., Fleis & Vandenbrink Engineering, Inc., Grand Rapids
John Friel, P.E., HNTB Michigan, Inc., Detroit
John Hiltz, P.E., Orchard, Hiltz & McCliment, Inc., Livonia
Mark Kramer, P.E., Soil and Materials Engineers, Inc., Plymouth
Ruben Ramos, P.E., Testing Engineers & Consultants, Detroit
James Susan, P.E., Fishbeck, Thompson, Carr & Huber, Grand Rapids
Amy Trahey, P.E., Great Lakes Engineering Group, Lansing

ARTBA NEWS Continued from pg. 49

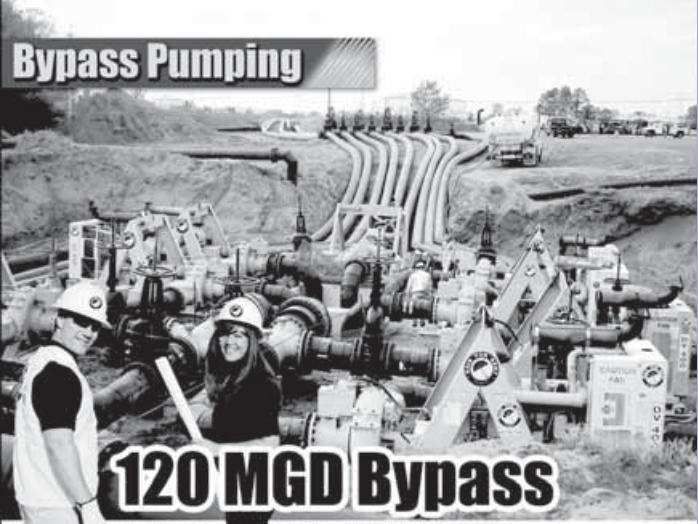
tain transit conditions and performance, and a \$16 to \$18 billion investment to improve them. According to CBO, revenues into the trust fund's Mass Transit Account are anticipated to average only \$5 billion per year.

Buechner cited the reports from the congressionally-chartered National Surface Transportation Infrastructure Financing Commission, and the National Surface Transportation Policy & Revenue Study Commission, which reached a similar conclusion: the most efficient way to increase transportation improvement revenue is to raise the federal gas and diesel tax rates and then index them annually to inflation to finance the next authorization bill.

All other revenue options such as tolling, public-private partnerships, and congestion pricing should also be on the table, Buechner testified. A plan to transition to a vehicle-miles-traveled user fee system for the long term should also be included in the final legislation.

He urged the subcommittee to look at new revenue enhancements to support the development of a federally-led, accelerated program to ensure the nation has the infrastructure necessary to facilitate the safe and efficient movement of goods as proposed in the ARTBA's "Critical Commerce Corridors" initiative.

The association engaged PricewaterhouseCoopers to develop the structure, administration and revenue estimates for this new freight-related excise and provided it to the subcommittee. To finance this important new initiative outside the gas tax, ARTBA proposes establishment of a new federal freight-related fee—a "Highway Transportation Services Tax," similar to the federal aviation services tax that has been in operation since the early 1970s.



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totaling \$740 million, due to the state's inability to match available federal dollars.

MDOTs recently released five-year plan lists the statewide projects that have been cancelled, including road preservation projects, bridge preservation projects and new roads/capacity improvement projects. MDOT Director Kirk Steudle presented the list of projects to the House Transportation Committee on Tuesday.

"We are in a state of crisis when it comes to our transportation funding, and it is being felt in every community across the state," said Mike Nystrom, vice president of government and public relations for the Michigan Infrastructure and Transportation Association (MITA) and co-chair of the Michigan Transportation Team (MTT). "These projects are vital to Michigan's economic future. When roads are maintained, they attract new business. Economic and job growth will not happen in Michigan when MDOT is forced to cancel critical infrastructure projects."

"This should be yet another wake-up call to our legislators that the time is now to Fix Michigan Roads," Nystrom said. "If we fail to address this issue now, Michigan's road and bridge funding will plummet dramatically in 2011, causing the state to return almost \$600 million a year to Washington because of our inability to match federal aid."

The Michigan Legislature is currently exploring a package of bills that would increase road funding over the next five years in Michigan. The plan is expected to yield an additional \$1.8 billion in new transportation revenue per year.

"We all need to tell our legislators: 'No more excuses, Fix Michigan Roads now,'" Nystrom said.

5/14/2009 No More Excuses: Group calls on policymakers to fix roads NOW!

On the heels of a report issued last week showing more than one-third of Michigan roads are now in poor condition, a bipartisan group called for immediate action to fix the state's transportation network.

A group comprised of labor and business leaders, members of the Transportation Funding Task Force (TF2) and state transportation leaders announced today the introduction of a series of bills to increase funding for Michigan's crumbling roads and bridges.

"No excuses, just fix Michigan's roads, that's our message, and that's been the message of the taxpayers and drivers of Michigan," said Mike Nystrom, vice president of government and public relations for the Michigan Infrastructure and Transportation Association (MITA). "Today's announcement now places the spotlight squarely on the Legislature to help make our bridges and roads safe."

The package of bills, announced at a news conference today at the state Capitol in Lansing, would phase-in increased transportation funding over the next five years, and include a conversion to taxing the wholesale price of gasoline, increase in vehicle registration fees, reform vehicle fee 'banding' and increase truck registration fees. If maximum funding levels were reached after the end of the 5-year phase-in period, the funding plan would provide about \$1.8 billion in new transportation revenue per year.

"This is an opportunity to invest in our state now and improve the quality of life in Michigan," said State Representative Pam Byrnes (D-Chelsea), who is the chair of the House Transportation Committee. "We must restore our infrastructure in order to create an environment that attracts job providers back to Michigan. The Legislature must pass these bills now."

"This is about jobs and creating a competitive business climate," said Michigan State Chamber of Commerce President and CEO Rich Studley. "No more excuses, it's time we did the right thing for our job providers, small and large, who are working incredibly hard to keep and create jobs. There are no more excuses, Michigan's business community needs good transportation."

"Jobs, jobs, jobs," said Dennis Gillow, Director of Infrastructure, International Union of Operating Engineers, Local 324 and co-chair of TF2. "As opposed to doing nothing, this new investment in Michigan's transportation infrastructure will create 46,000 jobs. With unemployment lingering around 13 percent in Michigan, there are no more excuses."

The package of bills reflects the measures recommended by the TF2 to achieve a "good" level of funding. Improving road quality will save lives, money, time and energy. If passed, these bills would cost motorists an additional \$13 per month. These bills would also mean: Saving more than 4.5 million hours of commuter time, which also means reducing harmful car emissions and cutting gas consumption by three million gallons; saving over 1,400 lives and preventing over 10,000 injuries; saving Michigan consumers \$250 per year in improved safety; \$300 per year in vehicle maintenance costs; and \$450 per year in personal income for an estimated savings total of \$1000.

"Michigan can no longer wait for action, the poor quality of our roads and bridges has already passed the crisis stage," Nystrom added. "There can be no more excuses. Legislators need to pass these bills, and fix Michigan's roads now."

"This is neither a Republican nor Democrat issue," added Dan Gilmartin, chief executive officer and executive director for the Michigan Municipal League. "This is a Michigan issue, an issue of doing what's right for Michigan drivers, businesses and taxpayers. Providing safe transportation is a core service of government, and one that our state can no longer afford to ignore. No excuses. It's time for our elected officials to step up; there are no more excuses."

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MITA in the News

Continued from pg. 31

state's roads and bridges.

"When is a good time to raise taxes or increase fees? You aren't going to find a good time. This is looking at you in the face," said Mike Nystrom, vice president of government and public relations for MITA.

Even with the state receiving \$873 million for transportation projects through the federal stimulus package, Mr. Nystrom said that is a "drop in the bucket" in terms of the state's overall needs that are closer to \$3 billion.

And he said congressional lawmakers are not likely to act on equalizing the amount of money coming to Michigan that it sends out until the state puts its own house in order.

Mr. Nystrom said he understands there are some measures that can be done that lawmakers support, such as reviewing interdepartmental grants and going through with some cuts to give transportation more money, but he said that would not be enough to cure the problem.

Ed Noyola, deputy director of the County Road Association of Michigan, said there are options to deal with transportation funding, including raising the \$8 transfer fee on vehicles based on when they buy a new car and whether they upgrade to a nicer vehicle. But he said steps like those would raise \$15 million to \$18 million.

The bottom line: the state needs to generate more revenue from the fuel tax and registration fees, he said.

"There's a multitude of areas we could generate revenues from. We're not just trying to beat up on the gas tax," he said.

But Rep. Doug Bennett (D-Muskegon) questioned why the state would make a move to increase fuel taxes if the next generation of cars will be electric and not gas-powered.

David Worthams, legislative associate for the Michigan Municipal League, said the group does believe the wholesale fuel tax and other measures will buy officials some time to prepare a tax and fee system for the next generation of automobiles. And Keith Ledbetter, director of legislative affairs for MITA, estimated the proposal could be a

10- to 20-year solution until another user fee system is created.

Rep. Lee Gonzales (D-Flint), chair of the subcommittee, said there will be continuing dialogue on the transportation funding proposal, but the key is to get to "syzygy."

While jokingly commenting that he's "been saying rosaries quite often," Mr.

Worthams said his organization and others are continuing to work on building support for the proposal.

But he also said it's clear the package would either need to be passed by the end of June or else it won't happen until after the 2010 election is over and lawmakers are in the lame-duck session.

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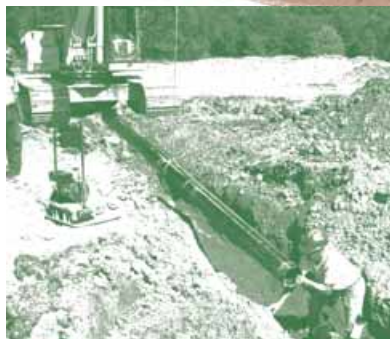


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Michigan Damage Prevention Committee Comparison

Proposed 1974 PA 53 Revisions with Act 53 and Michigan Best Practices Agreement • May 29, 2009

PROPOSED REVISED ACT 53 (VERBATIM LANGUAGE)	COMPARABLE PROVISION OF 1974 PA 53 (ACT 53), MICHIGAN BEST PRACTICES ("MBP"), OTHER COMMENTS
<p>SECTION 1.</p> <p>This act shall be known and may be cited as the "underground facility damage prevention and safety act."</p>	<p>Act 53 is entitled "Protection of Underground Facilities Act." MCL460.701 et seq.</p>
<p>SECTION 2.</p> <p>The purpose of this act is to do all of the following:</p> <ul style="list-style-type: none"> (a) Protect the public safety by reducing the risk of both harm to persons and property and interruption of utility service resulting from damage to underground facilities caused by blasting and excavation operations. (b) Provide for the continuation and funding of a non-profit corporation established by owners and operators of underground facilities to administer a one-call notification system. (c) Establish uniform practices for the one-call notification system, facility owners and facility operators and persons involved with blasting and excavation operations and to provide for enforcement of this act. 	<p>Act 53 contains a "recital" of purpose—to protect public safety by providing for notice to public utilities of construction activity or building demolition, notice to affected parties of damage and to prescribe penalties</p>
<p>SECTION 3.</p> <p>As used in this act:</p> <ul style="list-style-type: none"> (a) "Additional assistance" means a response by a facility owner or facility operator to a request made by an excavator during normal working hours on a business day, for help in locating a facility in certain circumstances specified in this act. (b) "Approximate location" means a strip of land at least 36 inches wide, but not wider than the width of the facility plus 18 inches on either side of the facility. (c) "Blasting" means any operations by which the level or grade of land is changed by or by which earth, rock, building, structures or other masses or materials are rendered, torn, demolished, moved or removed by the detonation of dynamite or any other explosive agent. (d) "Business day" means Monday through Friday, excluding holidays observed by the call system and posted on the call system website. (e) "Business hours" means the hours of a day from 7:00am to 5:00pm Eastern time on business days. (f) "Call system" means MISSDIG System, Inc., a Michigan non-profit corporation formed and operated by facility owners and facility operators to administer a one-call notification system, or any successor to this corporation. (g) "Caution zone" means the area within sixty inches of either side of the approximate location marks provided by a facility owner or facility operator. (h) "Commission" means the Michigan Public Service Commission created by section 1 of 1939 PA 3; MCL460.1. (i) "Damage" means any impact or exposure that results in the need to repair or replace an underground facility due to a weakening or partial or complete destruction of the facility, including but not limited to the protective coating, lateral support, cathodic protection or the housing of the facility. (j) "Design ticket" means a communication to the call system in which a request for information regarding underground facilities for predesign, design or advance planning purposes, but not marking for excavation or blasting, is made under the procedures described in Section 7 of this act. (k) "Dig notice" means a communication to the call system by an excavator providing notice of intended excavation or blasting activity as required by this act. 	<p>Not defined in Act 53. The only separate defined terms in Act 53 are "association," "person," "public agency" and "public utility." MCL 460.701.</p> <p>Act 53 defines "association", as "the MISSDIG utilities communications programs." MCL460.701(a).</p> <p>There was no such concept in Act 53, although some erroneously viewed the "approximate location" as a caution zone.</p> <p>No such concept in Act 53.</p> <p>Not defined in Act 53, but the phrase "notice of intent" was used for this communication. MCL460.705.</p>

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Michigan Damage Prevention Committee Comparison

Proposed 1974 PA 53 Revisions with Act 53 and Michigan Best Practices Agreement • May 29, 2009

PROPOSED REVISED ACT 53 (VERBATIM LANGUAGE)

- (l) "Emergency" means a sudden or unforeseen occurrence, or government-declared emergency, involving a clear and imminent danger to life, health, environment or property, or the interruption of essential utility services or blockage of public transportation that requires immediate excavation or blasting.
- (m) "Emergency notice" means a communication to the call system to alert the facility owners or facility operators of the urgent need for marking the location of a facility due to an emergency.
- (n) "Excavation" means any operation in which earth, rock or other material below existing surface grade is moved, removed or otherwise placed by means of power tools or equipment and includes without limitation grading, trenching, digging, drilling, boring, augering, tunneling, scraping, cable or pipe plowing, and pile driving and any operation by which a structure or mass of materials is wrecked, razed, rended, moved or removed. Excavation does not include:
 - (1) the commercial extraction of oil, gas and minerals;
 - (2) opening a grave in a cemetery;
 - (3) surface maintenance of roads, sidewalks and railroads;
 - (4) normal commercial agricultural activities including plowing, harvesting, cultivating, planting and similar operations directly related with growing crops, provided the activity does not disturb the soil at or below the depth of 18 inches unless a right of way easement or agreement has more stringent requirements; installing drain tile is not considered a normal agricultural activity.
- (o) "Excavator" means any person performing excavation or blasting operations.
- (p) "Facility" or "underground facility" means an underground or submerged conductor, pipe or structure used in providing utility service, including but not limited to a conduit, duct, line, pipe, wire or other device and its appurtenances used to produce, store, transmit or distribute communications, data, electricity, heat, natural or manufactured gas, oil, petroleum products, steam, sewage, water and other similar substances.
- (q) "Facility Operator" means the person who controls operation of a facility.
- (r) "Facility Owner" means the person who owns a facility.
- (s) "Governmental body" means the state and its political subdivisions, including counties, townships, cities, villages or any other governmental entity.
- (t) "Mark," "marks" or "marking" mean the temporary identification on the surface grade of the approximate location of a facility in response to a ticket by methods described in Section 11(2) of this act.
- (u) "Person" means an individual, firm, joint venture, partnership, corporation, association, governmental body, department or agency, utility cooperative, or joint stock association, and includes any trustee, receiver, assignee or personal representative thereof.
- (v) "Positive response" means the procedure administered by the call system to allow excavators and other affected persons to determine whether all facility owners or facility operators contacted under a ticket have responded in accordance with this act.

COMPARABLE PROVISION OF 1974 PA 53 (ACT 53), MICHIGAN BEST PRACTICES ("MBP"), OTHER COMMENTS

No separate definition, but Act 53, Section 9 applies to certain emergencies "involving danger to life, health or property" or involving "an immediate and substantial danger of death or serious injury." MCL460.709.

Not separately defined, but Act 53 refers to "excavation, discharging of explosives, tunneling or demolition." And also "drilling or boring procedures" and "demolition of a building containing a utility facility." MCL460.705.

Act 53 imposed the notice requirement on "a person or public agency" engaged in covered activities. MCL460.703.

Not separately defined, but Act 53 uses the phrases "underground facilities" and "public utility facility" and "utility facility" throughout the act.

Act 53, Section 1 (d) defines "public utility" to include FERC-regulated natural gas companies and MPSC-regulated electric, steam, gas, telephone, power, water or pipeline companies; it also includes cable television and municipal utilities (including sewers, storm sewers and drains) but not those of the state transportation department. MCL460.701(d).

Act 53 defines "public agency" to include all of these government entities. MCL460.701(c).

Michigan Damage Prevention Committee Comparison

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PROPOSED REVISED ACT 53 (VERBATIM LANGUAGE)

- (w) "Safe zone" means an area sixty inches or more from either side of the approximate location marks provided by a facility owner or facility operator, also described as the area outside the caution zone.
- (x) "Soft excavation" means methods and techniques designed to prevent contact damage to underground facilities, including but not limited to hand-digging, cautious digging with non-mechanical tools, vacuum excavation methods or use of pneumatic hand tools.
- (y) "Start date" means the date that a proposed excavation or blasting is expected to begin as indicated on the ticket.
- (z) "Surface maintenance" means the repairing or patching of road potholes and cracks, reshaping a road surface or maintaining existing channels to assure proper drainage, graveling and repositioning loose stone, railroad rail and tie replacement and reshaping and repair of the railroad grade. Surface maintenance does not include any work below the depth of the existing road surface material or 12 inches, whichever is less.
- (aa) "Survey ticket" means a communication to the call system in which request to mark underground facilities for purposes other than blasting or excavation is made, under the procedures described in Section 7 of this act.
- (bb) "Ticket" means the communication from the call system to a facility owner or facility operator requesting the marking of underground facilities, based on information provided by an excavator in the dig notice.
- (cc) "White lining" means the voluntary marking by an excavator, not required by this act, of the area of a proposed excavation or blasting, with white paint and/or flags prior to giving notice to the call system.

SECTION 4.

- (1) MISS DIG System, Inc., a Michigan nonprofit corporation, shall function as the call system on and after the effective date of this act. The call system functions and duties shall not include the physical marking of facilities, which is the responsibility of the facility owner or facility operator upon notification under this act.
- (2) The call system shall be governed by its board of directors and in accordance with its current articles of incorporation and by laws as the effective date of this act, with any future changes made in accordance with the articles, bylaws and board procedures. The call system shall make reasonable ongoing efforts to obtain input regarding its policies from all interested persons, including facility owners and facility operators, excavators, marking service providers and governmental bodies.
- (3) Funding for the call system operations shall be established by the call system through fees based on reasonable assessment of operating costs among facility owners and facility operators.
- (4) Facility owners and facility operators shall participate in the call system and pay the fees levied by the call system pursuant to this section. This obligation and the requirements of this act for facility owners and facility operators, do not apply to persons owning or operating facilities located on real property the person owns or occupies and that are operated solely for the benefit of that person.

SECTION 5.

At a minimum the dig notice shall contain the name, address and telephone number of the excavator; a description of the proposed area of blasting or excavation including street address and property description as available; the specific type of work to be performed; the start date and time of activity and whether the proposed excavation or blasting will be completed within 21 days after beginning. For purposes of this section, notice to the call system constitutes notice to all facility owners or facility operators regarding facilities located in the area of the proposed excavation or blasting.

COMPARABLE PROVISION OF 1974 PA 53 (ACT 53), MICHIGAN BEST PRACTICES ("MBP"), OTHER COMMENTS

No such concept in Act 53, which merely defines "approximate location" for marking but says nothing about activity in a safe zone.

Not defined in Act 53, which uses the phrase "hand digging" in connection with exposing facilities. MCL460.711.

Act 53, Section 7 requires public utilities with underground facilities to form and operate an association to receive notification of proposed activity. MCL460.707(1).

Act 53 implies this obligation for all in Section 7(1), which requires municipal utilities to participate and pay their share of costs and services. MCL460.707.

The exemption in Act 53 is for those using non-powered hand tools in performing covered activity. MCL460.702.

Act 53, Section 5 (2) requires this information in the notice of intent. MCL460.705(2).

Act 53, Section 7(1) says notice to the association = notice to each public utility with facilities in the area of proposed activity. MCL460.707(1).

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COMPARABLE PROVISION OF 1974 PA 53 (ACT 53), MICHIGAN BEST PRACTICES ("MBP"), OTHER COMMENTS

SECTION 6.

A ticket is valid for 21 days from the start date of the excavation or blasting on the ticket as identified by the excavator, except that ticket shall be valid for 180 days from the start date if the dig notice indicates that the proposed excavation or blasting will not be completed within 21 days from the starting date.

No ticket life provision in Act 53 but MBP9 has the same provision.

SECTION 7.

- (1) The call system shall establish reasonable procedures, including marking response times, for design or survey ticket notification to facility owners or facility operators of requests for project design or planning services to determine the type, size and general location of facilities during the planning and design stage of a construction or demolition project. Facility owners or facility operators shall have the right to charge separate fees for their design or planning services.
- (2) Procedures under this section shall not affect the obligation of excavators to provide notice of blasting or excavation under Section 9 of this act.
- (3) The response to a design ticket is to provide general information regarding the location of underground facilities, not to mark any facilities. Neither a design ticket nor information provided in response to a design ticket satisfies the requirement under this act for excavation or blasting notice to the call system or marking the approximate location of facilities for blasting or excavation.
- (4) The response to a survey ticket is to mark the approximate location of facilities for informational purposes under procedures and deadlines established by the call system for survey tickets. Neither a survey ticket nor marks placed in response to a survey ticket satisfies the requirements under this act for blasting or excavation notice to the call system or marking the approximate location of facilities for blasting or excavation.

No design or survey notice concept in Act53 or MBP, but informally MISS DIG has developed procedures.

SECTION 8.

In an emergency, blasting or excavation required to address the conditions of the emergency may be performed as the emergency conditions reasonably require, subject to the provisions in this act for emergency notice and marking facilities in response to an emergency notice. Emergency notices shall not be used for situations outside the definition of emergency in this act.

Act 53, Section 9 allows excavation without advance notice for most emergencies but prior notice required to utility or association for emergency blasting. MCL460.709.

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PROPOSED REVISED ACT 53 (VERBATIM LANGUAGE)

SECTION 9.

An excavator shall do all of the following:

- (1) Provide notice to the call system by means of a dig notice, of the intent to engage in excavation or blasting at least 72 hours, but not more than 14 calendar days before the start date. The 72 hour period shall be measured from the time the dig notice is made to the call system if the notice is given during business hours on a business day. For a dig notice given before 7:00 am on a business day, the period begins at 7:00am on that day. For a dig notice given after 5:00 pm on a business day or on a non-business day, the period begins at 7:00 am on the next business day. All hours of non-business days are excluded in counting the 72 hours period. If there are multiple excavators on the same site, each shall provide its own dig notice.
- (2) Comply with the call system procedures and all requirements of this act.
- (3) Before conducting excavation or blasting in the caution zone, expose all marked facilities in the caution zone by means of soft excavation, except as otherwise provided in this subsection. If conditions make complete exposure of the facility impractical, consult with the facility owner or facility operator to reach agreement on how to protect the facility. For excavations within the caution zone parallel to a facility, employ soft excavation at intervals as often as reasonably necessary to establish the precise location of the facility.
- (4) Provide support or bracing of facilities and/or excavation walls in the excavation or blasting area as may be reasonably necessary for protection of the facilities.
- (5) Provide notification to the call system if: (i) facility markings are destroyed or covered by excavation or blasting activities; or (ii) the ticket expires before the commencement of excavation.
- (6) Provide notification to the call system requesting additional assistance if the precise location of a marked facility cannot be determined.
- (7) Provide immediate additional notice to the call system if the excavator has reason to suspect the presence of an unmarked facility due to: (i) visible evidence of a facility with no marks visible, (ii) lack of a positive response to a ticket, or (iii) a positive response from a facility owner or facility operator indicating the presence of a facility with no marks visible.
- (8) Provide immediate notice to the facility owner or facility operator, if known, or to the call system, if the excavator's activities cause any contact with or damage to a facility.
- (9) Provide immediate notice by calling 9-1-1 and to the facility owner or facility operator if damage to a facility results in the escape of any flammable, toxic or corrosive gas or liquid, or endangers life, health or property; and also take reasonable measures to protect the excavator, those in immediate danger, the general public and the environment until the facility owner or facility operator, or emergency first responders, have arrived and taken control of the site.
- (10) Provide prompt emergency notice to the call system for any proposed excavation or blasting in an emergency.
- (11) In the event the location of the proposed excavation or blasting cannot be described in a manner sufficient to enable the facility owner or facility operator to ascertain the precise tract or parcel involved, provide (1) either white lining in advance of submitting the ticket, or (ii) additional assistance to the facility owner or facility operator on reasonable request to identify the area of the proposed excavation or blasting.

COMPARABLE PROVISION OF 1974 PA 53 (ACT 53), MICHIGAN BEST PRACTICES ("MBP"), OTHER COMMENTS

Act 53 does not use the concept of separate sections listing the duties of excavators, facility owners or the call system.

Act 53, Section 5(1) requires notice at least 2 working days but not more than 21 calendar days before commencing activity. MCL460.705(1).

MBP1 called "Normal Notice" contains the proposed notice language.

Act 53 requires "reasonable care" when working in close proximity, including hand digging if facilities are exposed. MCL460.711.

Act 53 requires reasonably necessary support to protect facilities that are exposed. MCL460.711.

Not covered by Act 53 but MBP4 ("No Marks") and MBP5 ("Additional Assistance") provide for additional notice under these circumstances.

Act 53, Section 12 requires this. MCL460.712.

Act 53, Section 12 (not as detailed).

Act 53, Section 9.

Not in Act 53; MBP5 addresses "Additional Assistance" (3 hours or mutual agreement)

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Michigan Damage Prevention Committee Comparison

Proposed 1974 PA 53 Revisions with Act 53 and Michigan Best Practices Agreement • May 29, 2009

PROPOSED REVISED ACT 53 (VERBATIM LANGUAGE)

SECTION 10.

The call system shall do all of the following:

- (1) Receive dig notice notification of planned excavation and blasting activities and promptly transmit a ticket to facility owners or facility operators of facilities in the area of the proposed excavation or blasting. The call system shall provide alternative means of access and notification to the system. The capacity to receive notice shall be provided at no cost to excavators and calls shall be received 24 hours per day and 7 days per week.
- (2) Publicize the availability and use of the call system and educate the public, governmental bodies, excavators, facility owners and facility operators regarding the practices and procedures of the call system.
- (3) Administer a positive response system which will allow excavators to determine whether all of the facility owners or facility operators in the area responded to a ticket and whether a particular utility has no facilities in the area of proposed excavation or blasting.
- (4) Maintain adequate records of its notification activity for a period of 4 years from the date of notice, including voice recordings of calls. Copies of such records shall be provided to any interested person upon written request and payment of a reasonable charge for reproduction and handling as determined by the call system.

COMPARABLE PROVISION OF 1974 PA 53 (ACT 53), MICHIGAN BEST PRACTICES ("MBP"), OTHER COMMENTS

Act 53 does not identify specific call system duties beyond receiving notice, filing descriptions with county clerk of utility area and maintaining adequate records. MCL 460.707.

MBP3 deals with Positive Response (notin Act53).

No time period for record retention in Act 53, Section 7.

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PROPOSED REVISED ACT 53 (VERBATIM LANGUAGE)

- (5) Receive design and survey tickets under the procedures described in Section 7 of this act and transmit them to facility owners or facility operators.
- (6) Expedite the processing of any emergency notice.

SECTION 11.

A facility owner or facility operator shall do all of the following:

- (1) Respond to a ticket by the start date and time for the excavation or blasting determined under Section 9(1) of this act, by marking the approximate location of its facilities in the area of proposed excavation or blasting in a manner that permits the excavator to employ soft excavation to establish the precise location of the facilities. If the start date and time on a ticket is later than the minimum period for notification required by Section 9(1), the facility owner or facility operator may delay marking its facilities until the start date and time. The facility owner or facility operator may, but shall not be required to, respond to a ticket by marking the approximate location of facilities by a date and time indicated on the ticket that is earlier than the time required for notification by excavators in Section 9(1).
- (2) Mark the approximate location of each facility with paint, stakes, flags, or other customary methods using the uniform color code of the American National Standards Institute as follows:

COMPARABLE PROVISION OF 1974 PA 53 (ACT 53), MICHIGAN BEST PRACTICES ("MBP"), OTHER COMMENTS

Act 53, Section 8 requires identification of approximate facility location not less than 1 working day in advance of proposed construction. MCL460.708.

Some of these are in Act 53, Section 8 but not purple and white. MCL460.708.

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Michael Reinbolt, Business Manager
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Toledo, OH 46312
Phone: 419-478-2652
Fax: 419-478-0208

Daniel Rauch, International Representative
Phone: 419-467-1372

Michigan Damage Prevention Committee Comparison

Proposed 1974 PA 53 Revisions with Act 53 and Michigan Best Practices Agreement • May 29, 2009

PROPOSED REVISED ACT 53 (VERBATIM LANGUAGE)

- (a) White – used by excavators to mark a proposed excavation or blasting area
- (b) Pink – temporary survey markings
- (c) Red – electric power lines, cables, conduit and lighting cables
- (d) Yellow – gas, oil, steam, petroleum or gaseous materials
- (e) Orange – communication, alarm or signal lines, cables or conduit
- (f) Blue – potable water
- (g) Purple – reclaimed water, irrigation and slurry lines
- (h) Green – sewers and drain lines
- (3) Provide notification using positive response.
- (4) Upon receiving a notification during business hours from an excavator through the call system of previous marks being covered or destroyed, mark the approximate location of a facility within 24 hours excluding all hours on non-business days.
- (5) Provide additional assistance to an excavator within 3 hours of a request made by the excavator during business hours on a business day, upon receiving a request under the circumstances described in Section 9(6) and Section 9(7). The excavator and a facility owner or facility operator may agree to an extension of the time for additional assistance. When the request for additional assistance is made at a time when the additional assistance cannot be provided during normal business hours on a business day, the response time shall be no later than 3 hours after the start of the next business day or based on mutual agreement.

COMPARABLE PROVISION OF 1974 PA 53 (ACT 53), MICHIGAN BEST PRACTICES ("MBP"), OTHER COMMENTS

MBP3 – Positive Response
Not covered by Act 53 or MBP.

Not covered by Act 53, but MBP4 (No Marks) and MBP5 (Additional Assistance) cover this.



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PROPOSED REVISED ACT 53 (VERBATIM LANGUAGE)	COMPARABLE PROVISION OF 1974 PA 53 (ACT 53), MICHIGAN BEST PRACTICES ("MBP"), OTHER COMMENTS
<p>(6) Upon receiving a notification during business hours from an excavator through the call system of previous marks being covered or destroyed, mark the approximate location of a facility within 24 hours excluding all hours on non-business days.</p> <p>(7) Upon receipt of notice that a facility has been damaged, promptly dispatch personnel to the area.</p> <p>(8) Respond within 3 hours to an emergency notice, or before the start day and time provided in an emergency notice if more than 3 hours from the time of notice.</p> <p>(9) Participate in the call system, including the positive response system, and pay applicable fees. No fees shall be charged by facility owners or facility operators to excavators for locating and marking facilities under this section.</p> <p>(10) Construct underground facilities in a manner that allows their detection when in use.</p> <p>(11) Comply with the call system procedures and all requirements of this act.</p>	<p>Not specifically covered in Act 53 or MBP.</p> <p>Required by Act 53, Section 12.</p>
<p>SECTION 12.</p> <p>Excavation maybe conducted in the safe zone using power equipment without establishing the precise location of any facilities, except as otherwise provided in this act.</p>	<p>No safe zone in Act 53; MBP7 (A.1) allows this.</p>
<p>SECTION 13.</p> <p>This act shall not limit the right of an excavator, facility owner or facility operator to seek legal and equitable relief before the courts of this state in a civil action arising out of matters covered by this act or to enforce the provisions of this act, nor shall this act determine the level of damages or injunctive relief in any such civil action except as otherwise provided in this section. An excavator, facility owner or facility operator who incurs</p> <p>Actual damages as a result of the violation of the requirements in Section 9 or 11 of this act shall have the right to recover the damages caused by the violation from the person violating such requirements in a civil action in a court of competent jurisdiction. The provisions of this section shall not affect or limit the availability of any contractual or legal remedy that may be available to an excavator or facility owner or facility operator arising under any contract to which they may be a party.</p>	<p>Act 53, Section 12 provides that the act does not affect civil remedies. The Best Practices Agreement contained similar recognition of civil remedies.</p>

Continues on pg. 64

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Michigan Damage Prevention Committee Comparison

Proposed 1974 PA 53 Revisions with Act 53 and Michigan Best Practices Agreement • May 29, 2009

PROPOSED REVISED ACT 53 (VERBATIM LANGUAGE)

SECTION 14.

To the extent otherwise permitted by law, neither the call system nor any of its officers, agents or employees shall be liable for damages for injuries or death to persons or damage to property caused by its acts or omissions in carrying out the provisions of this act. The call system is not responsible for assuring performance by a facility owner or facility operator of its obligation to participate in the call system under Section 4(4).

SECTION 15.

- (1) A person who engages in the following conduct is guilty of a misdemeanor and shall be subject to a fine of not more than \$5,000 for each offense or imprisonment for up to one year, or both:
 - (a) The person knowingly damages an underground facility and fails to promptly notify the facility owner or facility operator;
 - (b) The person knowingly damages an underground facility and backfills the excavation or otherwise acts to conceal the damage;
 - (c) The person willfully removes or otherwise destroys stakes or other physical markings used to mark the approximate location of underground facilities unless such removal or destruction occurs as an expected consequence of the excavation or blasting activity.

COMPARABLE PROVISION OF 1974 PA 53 (ACT 53), MICHIGAN BEST PRACTICES ("MBP"), OTHER COMMENTS

New provision, although call system has acted as a referral system only and does not conduct actual marking.

New

New

Act 53, Section 16 covered marking removal as a criminal misdemeanor. MCL 460.716.



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PROPOSED REVISED ACT 53 (VERBATIM LANGUAGE)

- (2) Upon complaint filed with the commission or upon the commission's own motion, following notice and hearing, a person who violates any of the provisions of this act may be ordered to pay a civil fine of not more than \$5,000 for each violation. Before filing a complaint under this subsection, a person shall attempt to settle the dispute with the adverse party or parties using any reasonable means of attempted resolution acceptable to the involved parties. In determining the amount of any fine, the commission shall consider all of the following:
- (a) The ability of the person charged to pay or continue in business.
 - (b) The nature, circumstances and gravity of the violation.
 - (c) Good faith efforts by the person charged to comply with the requirements of this act.
 - (d) The degree of culpability of the person charged.
 - (e) The history of prior violations of the person charged.

SECTION 16.

If any provision of this act or the application thereof to any person or circumstance is held invalid, the remainder of this act and the application of such provision to other persons or circumstances shall not be affected thereby.

COMPARABLE PROVISION OF 1974 PA 53 (ACT 53), MICHIGAN BEST PRACTICES ("MBP"), OTHER COMMENTS

Act 53 did not have provisions for enforcement of act by administrative agency with ability to impose fines. New authority for MPSC, but Federal PIPES Act (pipeline safety) requires adequate state civil enforcement and oversight, regarding one-call systems.

Act 53, Section 17 is similar. MCL460.717.

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MITA 2009 Event Calendar

OCTOBER

October 13, 2009

Board Meeting

Hunter's Ridge Hunt Club
8:30 a.m.

DECEMBER

December 2009 Date TBA

Western Michigan Holiday Party

11:30 a.m.

December 11, 2009

Board Meeting

Country Club of Lansing
8:30 a.m.

December 11, 2009

Central Michigan Holiday Party

Country Club of Lansing
11:30 a.m.

December 18, 2009

Southeastern Michigan Holiday Party

11:30 a.m.

MITA BOARD MEETINGS

October 13, 2009,
Hunters Ridge, Oxford,
8:30 a.m.

December 11, 2009,
Country Club of Lansing,
8:30 a.m.

BID LETTINGS

Friday, September 4

Friday, October 2

Friday, November 6

Friday, December 4



For details on any event, contact Danielle Coppersmith, events coordinator,
daniellecoppersmith@mi-ita.com or visit the events section of www.mi-ita.com.



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5/15/2009	ACTION ALERT: '09 Transportation Funding Package Unveiled

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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."

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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".

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