

WINTER 2009

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Front page photo: Lounsbury Excavating, Inc.



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Letters to MITA

Dear Bob:

Just wanted to say thanks for the wonderful holiday parties and for always making me feel a part of them!

Sandy Weaver
Premarc

Dear Glenn:

We have the west tunnel contract, approximately 21,000 linear feet of 13 feet diameter, which is roughly the size and scope of the job that we did in Columbus. Our tunnel shaft is located right on Puget Sound, which has a hell of a view (e.g. on a clear day). Unfortunately, one of the challenges is that we have to haul off the tunnel muck by barge, as opposed to trucking. Never did this before. If you ever have the chance, by all means we'd love to have you visit the site.

Tom DiPonio
Jay Dee Contractors, Inc.

Dear Pat:

We at Utility Contracting Co., would like to thank you for the outstanding representation you provided our company during the recent appeal process with MIOSHA.

Having a presence throughout the state as we do, and the line of work we are in, provides an easy target for an inspection. I think our lack of contact with a MIOSHA inspector is a compliment to MITA for your guidance in adhering to the numerous regulations and the employees at Utility Contracting Co., willingness to follow the safety procedures in place.

Bill Gilliam
Safety Director
Utility Contracting Co.

Dear Bob:

Great investment returns can still be found today. But anyone with any life experience will tell you that the greatest returns on investments will not be found on Wall Street, they will be found with our families and on Main Street, the places where we live and where we work. MITA's letterhead may say Atrium Drive but to MITA members your office is located on Main Street, all of our Main Streets! MITA is the wise shopkeeper down the street that we can count on for good counsel, expert advice, training opportunities and for highly respected political representation.

In exchange for a nominal quarterly investment your office has given us access to the following services in 2008.

► Consultation services by Lt. Dale Bordeaux (retired). His experience

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Continues on pg. 10

and advice helped us defend a trucking violation that was incorrectly written by an inexperienced officer. We were successful in our defense in large part due to Lt. Borden's involvement.

- ▶ On several occasions over the past year your office was able to quickly assist us in resolving MISS Dig conflicts that were causing us site downtime. Your assistance with contact names and phone numbers got us back to work much quicker than would have been possible without your assistance.
- ▶ On the subject of MISS Dig, we availed ourselves of the opportunity to refresh our employee's knowledge of the MISS Dig Act and the Best Practices Contract of which we are a party to. Rob Coppesmith traveled from Okemos to a jobsite in Wyandotte to conduct a very impressive on site program with all of our field employees. Safety is very important to us and MITA's commitment to safety training has, with no doubt, improved the working environment of countless workers across the state. I know of no other association, in any other state, that can offer such a deep commitment to the safety of the workers in this state and the public at large.
- ▶ Every year we set aside a day to attend the MIOSHA Super Conference. Under one roof and in one day we educate ourselves in dispute avoidance and other important contract issues from highly experienced construction attorneys like Eric Flessland and Jim Urban of Butzel Long, we refresh our CPR and First Aid skills and update our certifications, we learn the latest in accident prevention and safety communication at the MIOSHA training seminars, we can be trained in MDOT claims procedures, Davis Bacon rate determination and the latest in traffic control rules and regulations. The variety of subjects offered and quality of the training is unmatched by any organization we have ever been associated with.
- ▶ This past year we became involved in a contract dispute with a public agency. MITA has always been an advocate of fair

business practices; so, when MITA learned of our contract dispute, your office quickly became involved and referred us to the highly respected legal firm of Butzel Long. Once it became clear to us that the concept of a fair and reasonable dispute resolution was not going to happen without a fight, we engaged Eric Flessland of Butzel Long to represent and protect our interests. You could not have deferred us to a finer gentleman, a more knowledgeable attorney or a stronger advocate for our company. His detailed knowledge of construction law and the respect he drew from his peers, including opposing counsels, was quickly apparent to us and gave us great confidence at a time when we needed it. Your reference to Flessland and, of course, Flessland's wise counsel and excellent legal representation of our firm enabled us to prevail in our claim against this particular Owner.

- ▶ We've adopted MITA's safety program, we use your Toolbox Talks for our safety meetings; our trailers all have compliant jobsite posters provided by MITA; our foremen carry MITA penetrometers; and we have a complete binder of Material Safety Data Sheets that were provided to us by MITA.
- ▶ MITA was who we called when we had a disagreement with the audit results of our annual union fringe benefit audit. MITA quickly and fairly resolved the items in question, which saved us a great amount of time and effort.
- ▶ Our small PAC contribution, when combined with other member contributions, has given us a common voice with which we can address the numerous legislative parties that play a direct role in the future funding of the projects to meet our states many infrastructure needs, and our work opportunities, in the coming years.

So, here you have a quick snapshot of a year in the life of a MITA member. Since we first became affiliated with MITA in the early 70's we have seen a lot of ups and downs in our returns on investment as our business cycle followed close on the heels of

our normal economic cycles. During that period that spans more than 30 years, one thing has consistently improved. That being the scope and quality of those services, which MITA provides it membership and has grown to a point, which we could not have conceived of back in 1970. We consider ourselves fortunate to be associated with the fine men and women of MITA and we would like to acknowledge that among all the professional services our company has sought out over the past years, none has provided anywhere close to the value which MITA has provided to our company.

Thank you for all you have done for us over these many years. Congratulations on another year of outstanding service to your membership.

Ben and Jake DiPonio
DiPonio & Morelli Construction Co.

Dear Mike,

Yesterday's unfavorable outcome was a disappointment to all us, but I want you to know that I appreciate all of the effort that you personally and on behalf of all of us put into the passage of legislation. It is hard to define what the phrase "work of the people" means to our current group of legislators when road and bridge infrastructure is crumbling before their eyes! I know we will regroup after the new House is in session, but I wanted you to know that KCRC and I support MITA and Mike Nystrom.

Jon E. Rice
Managing Director
Kent County Road Commission

Glenn,

Just wanted to send you a quick note thanking you and Doug for your help this summer on our issue at the Airport.

Your help clearing up the contract language and the specifications and helping us with our position and the involvement of James Urban brought this potentially costly issue to a painless end. Just one more reason this company keeps our membership and support of MITA current. Again thank you for your time and work on this!

Kevin Hager, President
Mty-Cox, Inc.

Member Voice: What is your opinion of term limits?

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: "Do you feel that the Michigan Legislature is more or less effective with term limits," elicited our largest response to date with more than 10 percent of our members responding. The overwhelming majority said they believe legislators are less effective with term limits.

Here are samples of the responses:

More effective with term limits

I believe the way our founding fathers set up the governing body over 200 years ago was the correct way. They were taken away from their farms and jobs to serve for a limited amount of time, then they returned back to their way of life. Today we are more concerned about getting re-elected and making a career out of politics, and they lose focus why they are there to begin with. We have created a monster of excess government that is breaking America's back. If we don't go back to our roots soon, we will all be back on the farm with our team of horses.

David Tersigni

Morisco Dewatering, Inc.

They would be held more accountable for the time in office rather than comfortable. If a legislator knows he will be re-elected over and over, I feel he has less interest in the issues that affect the people he or she represents.

Shane Lemke

Give 'Em a Brake Safety

Puts a timeline in place for the official to produce and be productive.

Mike Hiestand

Lounsbury Excavating, Inc.

Political service should not be a career. It seems career politicians are always running for re-election and not effectively serving the public.

Ray Cousineau

Advanced Land Development

Less effective with term limits

We elect the legislature based upon capabilities and what we feel they bring to the position. If they're performing well, why limit their future potential with a term limit. Rather than limit an experienced strong performer, we should track results against specific goals that coincide with

campaign promises. For those that aren't meeting goals, there should be a method to remove them from their position rather than coasting to the end of a term.

J. Buxton

Association Benefits Company

Term limits have been an abject failure. The original purpose was to weed out ineffective politicians who continually got re-elected. Unfortunately, good knowledgeable legislators were thrown out at the same time. Now we have inexperienced elected bodies that depend on the lobbyists to educate them on issues. Election costs have skyrocketed to boot. I prefer the old system that depended on voters to do their job.

Tom DiPonio

Jay Doe Contractors, Inc.

Term limits are a disaster for our state. Michigan faces tremendous challenges from managing its \$44 billion budget to finding long-term solutions in the areas of: tax policy, healthcare, energy production and infrastructure funding. In our term-limited environment the institutional knowledge that is necessary to navigate our state through these important issues lies with unelected bureaucrats and lobbyists. The legislative relationships and knowledge that are necessary to effectively shape public policy are not able to occur due to the short time members are in office. Term limits shift the power away from the people of Michigan and they reduce the accountability of our elected officials. For the sake of our state, term limits should be eliminated or lengthened as soon as possible.

Daniel J. Acciavatti

Pawar Enterprises, Inc.

Though it seemed like a good idea when it was first introduced, term limits have failed to improve the legislative process. In fact, they have seemed to have harmed it. Our elected officials fail to act on any bill that is even remotely

Continues on pg. 47

Background Regarding Term Limits

In November 1992 Michigan voters approved by the sizable margin of 59-41 percent an amendment to the state constitution that limits the number of terms a person may serve in various public offices. These lifetime limits affect officeholders sworn into office on or after January 1, 1993.

- ▶ Limited to two terms are governor, lieutenant governor, secretary of state, attorney general, and state senators (terms of office are four years).
- ▶ Limited to three terms are state representatives (term of office is two years).
- ▶ Terms served need not be consecutive, and if less than half a term is served in an office, it does not count toward the limitation.

Note that limits are not imposed on the number of offices in which a person may serve only on the number of terms she or he may serve in each.

For more information about term limits, visit <http://www.michiganinbrief.org/edition/06/text/issues/issue-39.htm>.

Member Profile

LOUNSBURY EXCAVATING, INC.

CONTACTS:

MICHAEL LOUNSBURY, president

MBLounsbury@LounsburyExcavating.com

Having grown up with the family business as the son of the founder, Stuart Lounsbury, Mike controls the business side of the company. While watching over the company as general manager Mike developed the use of new technology in each department as well as the computer automation and GPS tracking of field equipment.

WILLIAM (BILL) LOUNSBURY, field operations

BLounsbury@LounsburyExcavating.com

Bill, the other son of Stuart, also grew up with the family business, and manages the day-to-day field operations. That means coordinating and scheduling up to 35 employees and equipment on 10-15 projects at any time. He implemented the computer automation of field equipment and trains all operators.

MICHAEL HIESTAND, vice president,

business development and estimating manager

MHiestand@LounsburyExcavating.com

Mike has been involved for the past 22 years in the construction industry as a site foreman, estimator, and project manager covering all phases of construction. He currently is responsible for estimating and bidding new projects, purchasing, company marketing, as well as coordinating job-site management, and overseeing the project management functions.

MICHAEL L. LOUNSBURY, project manager

MLLounsbury@LounsburyExcavating.com

Mike (the son of Michael Lounsbury) has been with the company eight years. He has a degree in business from Western Michigan University and has been a key in the success of computerized scheduling, resource tracking and GPS training. As a project manager, he provides hands-on problem solving with the field personnel and customer base.

JEFF LOUNSBURY, field operations

JLounsbury@LounsburyExcavating.com

Jeff, also the son of Michael Lounsbury, is a talented operator who made the leap to management by assisting the field with day to day operations and scheduling of manpower. With the company for the past 13 years, Jeff also works closely with the equipment maintenance and repair department.

Lounsbury Excavating, Inc., has a unique outlook on the current economic situation that has impacted everyone's bottom-line.

Michael Hiestand, Estimating Manager and Vice President for the Paw Paw-based company, puts it this way:

"When we went to this year's MITA annual conference we had first looked at it as what more can MITA do for our younger group of managers coming up," said Hiestand, who has worked in the industry for 22 years. "But we came away from the conference with a different mindset. What can we do for MITA to help the industry?"

Hiestand said it is not an issue if what MITA does directly helps Lounsbury, which was founded in 1945 by Stuart Lounsbury and sold to his sons, Mike and Bill, in 1980. The company is now owned by Mike, Bill, their sons, and Hiestand.

"If it helps the industry, it helps our region, so it helps all of us," Hiestand said. "This is a very competitive industry, but we don't want to see companies go bankrupt because that doesn't help the industry."

That "ask what you can do for your country" attitude also shows in the project that Lounsbury is most proud of in recent years. The company executives were part of the core steering committee group for the Paw Paw Community Funded, Community Built Super-Playground Structure, which was completed last year. The planning began in 2007 as community members worked on fundraising, design and construction. All labor and equipment towards the site construction was donated by Lounsbury. In addition, employees donated hours for planning meetings and construction.

"Lounsbury is well-known in Paw Paw for doing 90 percent of all projects in the city that are related to roads, maintenance and repair, so we were happy we could give back to the community and that our employees got involved," Hiestand said. "Our shop foreman took his vacation time to help."

Giving back to the community aside, Lounsbury is also known for work in the community that has arisen from the Kalamazoo Promise Zone Project. Announced in November 2005, the Kalamazoo Promise guarantees full college scholarships to potentially every graduate of the Kalamazoo Public School district. Behind the scholarship program is an economic development agenda that seeks to revitalize the city and the region through a substantial investment in public education, according to the W.E. Upjohn Institute. If the return on investment in human and economic terms is high enough, the Kalamazoo Promise could serve as a new model for community revitalization and change the way policymakers think about K-16 education.

Two years ago Lounsbury Excavating began to feel the positive impact of the project when they built an elementary school in Kalamazoo, the area's first new school to be built in 30 years. Then the economic ripple effect came and housing demand rose. This resulted in two subdivision projects for Lounsbury.

"We also take pride in doing a lot of larger, specialty type subdivisions, for example, with 85 foot elevations where it is a challenge to bring in utilities, and handle foundations and retaining walls," Hiestand said. "This is

LOUNSBURY EXCAVATING, INC.

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our bread and

butter – the dirty job that no one wants.”

This year Hiestand is optimistic with already two new “dirty” projects on the horizon, in addition to jobs they are finishing from last year. One is another school project in Kalamazoo; the other is a casino administrative site in Dowagiac.

“I’ve been an estimator for 22 years and I have never worked so hard to get a job,” he said. “The public market is horribly cheap, and with bidders coming in from out of the area, there is more competition. However, we have no plans to expand outside of our territory, which is the Indiana border to Allegan and the lakeshore to Battle Creek.”

Lounsbury is staying ahead of the curve in their region by inves-

tigating

each project coming through the estimating department by means of state of the art computer software estimating systems. The software calculates exact volumes of material, such as pipe, curb and asphalt. It also has the ability to automatically balance a site work project by raising and lowering elevations. Print-outs given to project owners show three-dimensional views of the finished product so problem areas can be identified prior to any field work.

“This detailed advance work keeps every project on time and budget,” Hiestand said. “This system is fairly new to the industry in our market area, and it helps us keep costs in line.”

Associate Member Profile

Jensen Bridge & Supply Company

Jensen Bridge & Supply Company has been a "friendly house of service" providing customers with steel and construction products for nearly 100 years.

Those products include corrugated metal drainage products; steel roofing and siding; guard rail, campfire rings, window wells; geotextile fabrics and silt fence; and aluminum products. The company has a manufacturing and distribution plant in Sandusky, Mich., and Wauseon, Ohio, and distribution offices in Grand Rapids, Mich.

To continue to manufacture and sell products during the current economic times, Jensen Bridge weathers the storm with the same optimistic attitude that has carried them through the past 97 years.

"We are keeping in close touch with our customers," says Dale Chambers, sales manager, who has been with the company for 35 years. "We are also working harder to find where the jobs are, because there have not been a lot of jobs.

Company President Roger Loding knows these difficult times are similar to the 1980s, and slightly reminiscent of the depression endured by the company's founder. When the company was founded in 1912, it focused on manufacturing culverts. By the 1940's it diversified into farm products, such as fencing, which became less than viable by 1982. Today, the company maintains a focus in the agricultural area by manufacturing steel roofing and siding.

In addition to steel roofing, the company produces culverts and aluminum products on their 17-acre site in Sandusky. They also distribute guardrails, geotextiles and fiberglass



Rich Darr and Darryl Thane standing by a press brake used to bend steel.



Kevin Pattullo and John Sullivan manufacturing corrugated steel pipe.

Jensen Bridge & Supply Company – Headquarters

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reinforced plastic panels. (Geotextiles are permeable fabrics which, when used in association with soil, have the ability to separate, filter, reinforce, protect, or drain.

The corrugated steel culverts Jensen Bridge produces are sold directly to contractors, county road commissions, municipalities, and drain commissions, with the rest of the products being sold to lumberyards. The corrugated steel culverts are considered an advantage to bridge engineers and managers faced with replacing or rehabilitating bridges. One of the most economic choices for bridge replacement is corrugated steel pipe and structural plate pipe systems distributed by Jensen. The advantages of these systems over conventional bridges include the strength of the steel, low cost and speed of installation, minimal maintenance, durability of coatings, and environmental benefits.

Although the economy has been tough, Loding said many of the company's good customers for corrugated steel pipe and other products have "stuck with us through thick and thin." Loding bought the company along with his brother-in-law and six other employees in 1973 from the Jensen family. The company was founded by a man named Parker, Loding said, and in 1923 Andy Jensen became the owner and hired Lloyd Frame as general manager. Later, in 1960, Al Loding (Roger's father) became general manager. In 1962, Andy Jensen passed away and his sons, Keith and Paul Jensen, became major owners. Over the years the company has grown to have 65 loyal employees, many of whom have been with Jensen a long time.

Now, probably more than ever, Loding and Chambers said, it is important for Jensen Bridge and Supply to be active with their associations, which helps them network with customers. In the past, MDOT bid lettings offered those opportunities, Loding and Chambers remember; but, with the switch to electronic bid lettings, they know those days are long gone.

"MITA is a strong voice with MDOT and the state," said Loding, who is also very active with the County Road Association of Michigan and the Michigan Association of County Drain Commissioners. "MITA helps our customers, and MITA events help us. We need to stick together."

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*Michigan Infrastructure &
Transportation Association*

Where Has Your MITA Hat Been?



Mark Caverly, MJC Golf, Inc., (right) and his guide during a hunt with the "Katz boys" in South Dakota last year.

Have you worn your MITA hat some where thrilling? If yes, please send the photo and a brief explanation to sancybrown@mi-ita.com. The brief information should include your name, company name and the place you visited. We have been publishing photos of MITA members hunting, traveling to India, etc., and you are welcome to join this "exclusive club."

Thanks in advance for your participation.



Michael Mancini, Man Con of Michigan, Inc., hunting in Oscoda County last November. The photo was taken by MITA Member Brian Francis of Geo-products, Inc.



Jim Doescher, Dan's Excavating (left), and Bob Adcock, Angelo Infrate Construction during after the October 2008 MITA Board Meeting at Hunter's Ridge in Oxford, Mich.

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Executive Vice President Comment



Bob Patzer

We Must Get Our House in Order

There is little argument. The public's approval rating of our elected state officials has tanked. Precious little is being done to create an atmosphere friendly to the expansion and retention of Michigan's business community and partisan bickering has all but paralyzed the legislative process.

History tells us that it hasn't always been this way. If we go back in time there is evidence that the legislature recognized that their duty is to create law that represents sound public policy.

Here's one example.

Beginning in 1994 the funding of clean water construction projects shifted from a grant system to a loan system. As a result most, if not all, of the federal rules no longer applied. The most notable deletion was a differing site conditions clause (DSC) that requires owners to negotiate with contractors when differing conditions are encountered.

In 1997, we drafted a bill that mandated the inclusion of a DSC in all public works contracts. This obviously was in response to the erosion of DSCs and a Michigan appeals court ruling that prohibited contractors from seeking reimbursement no matter how valid the claim absent a DSC.

Recognizing the fairness surrounding this issue, the Michigan Legislature unanimously passed the bill and sent it to Governor Engler for his signature. The governor, without explanation, vetoed the bill. Undeterred, it was reintroduced and, once again, was sent to then Governor Engler by unanimous vote. The bill suffered the same fate and was vetoed for the second time.

Due to the importance of DSC to our industry, the bill was unanimously approved by the Legislature for a third time, sent to Governor Engler, and was finally signed into law as Public Act 57 of 1998.

The point here is that our elected officials stood up to the challenge, determined that our initiative had merit and fulfilled their purpose of

enacting laws that demonstrated good, sound public policy. In the opinion of this writer this would not occur today and, in fact, it appears as though the Legislature has somehow lost their will to tackle issues that will move this state forward in these challenging times.

The new mantra in Lansing is clearly "no new taxes." Candidates are integrating this into their campaigns, but clearly ignored it during the 2008 budget "fix." The result of this debate was manifested in increasing personal taxes, replacing the Single Business Tax with the Michigan Business Tax and, because this wasn't enough, imposing a surcharge on business. None of these moves has resulted in increased employment but rather was designed to keep three legs on the stool of government.

Yet, when talking to members of the Legislature we hear the resounding pleas for jobs, jobs and more jobs. It was during the last legislative session that MITA provided them with the ultimate jobs program that carried with it the bonus of actually providing a product as well as a job. I'm talking, of course, about our proposal to restructure the method of funding our state transportation construction and maintenance programs.

Due to recall fever resulting from the budget debate, it was crystal clear that the Legislature didn't have the stomach for any increase in taxes no matter how productive they may be in creating/preserving jobs as well as bringing our roads and bridges up to safe and acceptable levels of quality.

The MITA transportation package was one of a handful of bills under consideration for "lame duck" session; but, while we made it to the dance, we didn't have a partner. At least a portion of the leadership team in Lansing shoved healthy debate aside and simply would not allow the legislative process to work as it is supposed to. In short, our issue, and other important issues, never received a fair hearing.

We will be back at it this legislative session because the survival of our industry depends on it as does the ability of our state to recover and prosper. In 1998 the DSC issue was deemed to be good public policy. Today it appears as though the primary legislative goal is to survive the minimum amount of years in office to collect a pension and health care benefits.

Comments such as: "We need more money from the feds," rings hollow

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MITA Members In Between Battling Unions

By Donald H. Scharg
Bodman LLP

In this difficult Michigan economy, employees are fighting to get work. Unions are also fighting, but fighting among themselves, with unions making jurisdictional claims for work performed by another union, sometimes making a demand for work performed by only one employee. Not only does one union claim the work assigned by the employer to another union, but it can actually file a grievance seeking back pay or threaten a work stoppage to force the assignment of work. Often the second union, faced with the transfer of work, will also threaten picketing or a work stoppage if the work is reassigned to the other union. Recently, several MITA members have been caught in the middle of two unions fighting for the same work, leaving the MITA members wondering what they should do when faced with competing claims for work.

The National Labor Relations Board ("NLRB") has a little used expedited procedure to resolve assignment of work issues. That procedure is located in Section 10(k) of the National Labor Relations Act ("NLRA"). Section 10(k) is triggered when at least two unions claim jurisdiction over the same work ("competing claims") and at least one of the unions threaten to engage in unlawful activity, such as a work stoppage or picketing to force the employer to assign the work ("threat to use proscribed means to enforce the claim to the work in dispute") which violate the secondary boycott prohibitions of the NLRA. This NLRB procedure can only be used when there is no other resolution procedure binding on all of the parties. The arbitration procedure in the various MITA labor contracts is not a resolution procedure binding all of the parties in a jurisdictional dispute because each contract only affects MITA and the one signatory union.

The NLRB process is started by the filing of an unfair labor practice charge against the union making the threat. Shortly after the filing of the charge a meeting is held with a NLRB agent and evidence is presented to support the charge. Once the preliminary NLRB requirements are met, the NLRB process is expedited and usually results in a NLRB hearing within three weeks. Witnesses are presented at the hearing, examined and cross-examined on the relevant facts, including a description of the disputed work. Photographs and videos of the disputed work can be presented.

The NLRB balances six factors in determining which union should be assigned the jurisdiction to perform the disputed work. Those six factors are:

1. Prior NLRB election certifications and collective bargaining agreements. Since few, if any of the MITA members have had NLRB elections in which the employees voted for a union, the labor contracts will be examined. Sometimes, both of the labor contracts claim the same work. Sometimes, neither or only one of the labor contracts will list the disputed work. The more precise language of the one labor contract will be considered a greater factor. When both unions have similar labor contract claims

to the work, the collective bargaining agreements are not a factor to be considered in the NLRB's determination.

2. Employer preference. This consideration is probably the most important factor, but if unsupported by other factors, employer preference will not be controlling. Employer preferences for composite crews will also be considered. The Board does not generally examine the reasons for an employer's preference unless there is evidence that the employer was coerced into stating a preference.
3. Past practice. Minor exceptions do not outweigh the employer's stated preference and past practice. Inconsistent prior assignment will reduce this issue to a factor not to be considered.
4. Area and industry practice. Evidence is presented as to how other employers in the area and industry assign the same work.
5. Relative skills of the employees. If the Board determines that employees represented by both unions have the skills and training to perform the work, this factor will not favor an award to either union.
6. Economy and efficiency of operations. Often, one union can complete the entire job and the second union can only perform certain portions of the job and will sit idly by while the majority of the work is completed. The NLRB held that the union which can handle the entire job establishes the efficiency and economic factor.

Once the hearing is over, the employer and unions are given seven days to submit written briefs to the NLRB in Washington D. C. summarizing the evidence and applying the relevant legal principles. Although extensions are often provided, they are short and this phase of the NLRB process is compressed. These are, however, no time restriction on how long the NLRB can take to issue a ruling. Some NLRB Section 10(k) cases have taken a year to be decided and the local Regional Office of the NLRB is authorized to seek a federal injunction against unions trying to unlawfully pressure an employer while the matter is being decided. Once the NLRB decision is finally issued, the underlying unfair labor practice charge will be dismissed if all of the parties comply with it.

With the continuing difficult economy and new construction season quickly approaching, we expect more jurisdictional battles between the unions. MITA members must be vigilant to avoid being caught in the middle between two unions fighting for work. Protect yourself by calling MITA at the first indication of competing union claims.

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 Suite 500, 201 West Big Beaver Road, Troy, MI 48064 or at (248) 743-6024.

Executive Vice President Comment

Continued from pg. 18

and allows for dangerous procrastination by legislators. The truth is that this state likely could not provide matching funds for new money from Washington. We simply must get our own house in order before we stomp our feet and whine to Congress about Michigan being a "donor" state.

It's simply good public policy to do so.

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

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The Use of Common Sense and Logic in Lansing

As we begin each new year, it seems we regularly reflect back on the previous year and look forward to the opportunities of the upcoming year. There are those who would probably warn us not to constantly look in the rear view mirror, or to look too far ahead, but to live in the present. In our position representing the industry, we must constantly do both and yet regularly recognize what is going on around us on a day-to-day basis.

First of all, looking back on a very tough year in 2008, MITA did have numerous successes on all levels. However, we will not mark it up as one for the record books as our entire industry continues to struggle. It is often said that people can learn from their mistakes and although I firmly believe that to be true, I also subscribe to the idea that we can also learn from missed opportunities. We certainly had several missed opportunities in 2008.

As we look forward to a more fruitful future, my goal is to take the lessons that we have learned and use them to help us achieve the goals that we set for ourselves for 2009.

Our first challenge in 2009 will be to meet with and educate the 46 new members of the Michigan House of Representatives. Breaking this down further to help you understand the full extent of this challenge, this number makes up nearly half of the 110 House members in Lansing who will be coming in with very little state-elected office

experience.

Obviously, our number one goal continues to be increased funding for Michigan's transportation network. If this goal were met, it would help our entire industry to get back on its feet. The stimulus package will be a nice start, but ultimately it is just a short-term fix to a much broader problem. We are back to work already aggressively pushing in every direction, including our lobbying efforts and our public relations front to help reach our goal of increased investment for Michigan's roads and bridges.

As your representatives in Lansing, it is our responsibility to not only promote but to also protect the heavy construction industry by keeping our eyes open for ill-conceived legislation that could ultimately harm our industry. There were 4,444 bills introduced in Lansing during the last legislative session (2006-2008). Of those bills approximately 540 were ultimately signed into law. Based on sheer odds, there will be numerous issues over the course of the next two years, which may be introduced, that could have a negative impact on our industry; and, therefore, MITA stands ready to defeat such initiatives.

Based on what we have learned from the past and looking forward at the needs of our industry in the future, we at MITA have made a resolution to use common sense and logic in the promotion of our ideas. We have always used solid data and honest facts while pushing for what we truly believe will help to turn Michigan's economy around. However, as we have gone through this process over the years, we have come to realize that the simplest ideas are, in the end, the ones that are most likely to be considered in Lansing.

MITA will keep pushing legislation and policies that solve the real problems that are facing our great state regardless of the obstacles that are placed in front of us. We will continue to tell our story and educate the general public and the media as to the importance of this initiative, thereby ultimately forcing the hand of our state elected officials to do the right thing.

However, with all of this said we need your help. We as MITA staff are going to



Mike Nystrom



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MITA Needs Pavement Pounders

As you know, MITA worked very hard last year in lame duck to pass legislation providing an additional \$1.5 billion per year in transportation funding. The transportation funding system is in the midst of collapse, and due to the election cycle, 2009 is probably our only chance in the next two years to get a funding plan passed. During lame duck, we had a small group of MITA members who were instrumental in lobbying their local officials and they made some important headway in convincing legislators to join in supporting the initiative. The members reported the outcomes of those communications with the MITA lobbying team and became a critical part of our funding push.

We are intensifying the funding effort starting immediately and we are looking to assemble a larger team who is willing to be political pavement pounders. As a pavement pounder, you will be asked to invite your state representative and/or senator for coffee or lunch, develop an ongoing dialogue and communicate



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with them as legislation of interest to our industry works its way through the Legislature.

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Vice President of Membership Services Comment

A Little Bit of Everything

The buzz from the Annual Conference is just beginning to fade. Thank you for your positive comments and be sure the staff at MITA is already laying the groundwork for next year's big event. I would like to again publicly thank our sponsors — events like this would not even be thinkable without them. A complete list of sponsors can be found on page 39 as well as a photo montage of the event on pages 38-41. I cannot stress enough the importance of supporting those who support us!

In my opinion the highlight of the conference was the interest expressed by members in the emerging Future Leaders program. The survey regarding course content and topics has been sent and the program will hit the streets in the near future. Thanks for your continued interest and as always your comments are welcome.

If you're reading this and haven't committed to the Presidential Gala now is the time. This year's event will be held at the Royal Park Hotel in Rochester Hills on May 2. Come thank the industry's tireless advocate Mark Johnston of Ajax Paving Industries, Inc., on his special night. Future galas will most likely coincide with the Annual Conference for purposes of continuity. Go to the MITA website for more details on what promises to be an outstanding night full of food, fun and industry friends.

On the MIOSHA front I've been asked to address the entire enforcement staff at an up-coming training event they have scheduled. I already know what I'm going to say; but, if you would like to add to my thoughts, please do so by sending me an email at roboppersmith@mi-ita.com. I thank MIOSHA and welcome the opportunity to provide the enforcement staff with the contractor's perspective regarding their activity. Pat Brown, MITA's Director of Safety & Workforce Development, is also working with MIOSHA regarding

MIOSHA Voluntary Protection Program for Construction (MVPPC). Essentially it's a program that would allow a contractor to enter into a contract of sorts that travels from job to job with continual involvement with MIOSHA with a trade of the possibility of no citations unless they are considered to be egregious. Stay tuned for further details from Pat.

On a training note the Trench Safety DVD is complete. Please call the office to reserve a copy if you have not done so already. The video is intended to be a good tool for either refreshing current employees regarding the requirements set forth in Part 9, Excavation Trenching and Shoring of the MIOSHA Construction Safety Standards or serve as a great introduction to new hires coming into the industry. The DVD was made possible by a grant from MIOSHA and outstanding acting by MITA staff. Big thanks to all members who let us disrupt their jobsites.

In closing MITA understands the struggles and hurdles that many members are facing due to the lack of work. As our keynote speaker Mark Breslin indicated, we as an industry must adapt and change to meet the challenges that face our industry or go under doing things the same old way. This message is not new and I believe it applies to all things personal and or business; it just holds more value in our current economic environment.



Rob Coppersmith

To contact Rob Coppersmith,
e-mail him at
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Vice President of Engineering Services Comment

A Look Back at MITA's Engineering Success

As we wait for this winter's record snowfall to melt, and plan for the work and economic upturn we all hope will be ignited by the Obama administration's American Recovery and Reinvestment Act of 2009, I want to pause and reflect on some of the accomplishments and successes we achieved in a year that was busy and productive. A depressed and stagnant Michigan economy combined with soaring fuel and material prices gave rise to many interesting and dynamic challenges for our industry in 2008. In response to those challenges, and in maintaining a strong industry voice, we were able to achieve many significant 2008 successes and accomplishments, which include:

- Continued aggressive advocacy for the integrity of the competitive bid process with several local agency jurisdictions that included a "local preferences" in their low bid determination. In protection of the competitive bid process MITA strongly advocates that projects be awarded to the lowest responsive and responsible bidder.

- Multiple successes in working with the US Department of Labor (US DOL), the Michigan Department of Labor and Economic Growth (DLEG), and the Michigan Department of Transportation (MDOT) to correct and update state and federal wage rate determinations for the carpenter and electrical worker classifications.

- Established partnership with InfoTech for the continued development and enhancement of FieldManager - Contractor, a FieldManager like software application "developed for contractors by contractors". If you want to learn more give us a call.

- Although it seemed unpopular to some at a time when fuel and material prices were climbing at unprecedented rates, MITA took no formal position in

support of price adjustment provisions. Rather, MITA reached out with much success to owner agencies at all levels encouraging them to be attentive and proactive in two specific areas that would impact a low bidders ability to expeditiously lock-in material and product prices: timeliness of contract award, and consideration and payment for stockpiled materials.

- We continue our focused efforts to establish positive relationships and rapport with many of the regulatory agencies, the infrastructure owner agencies, and the consulting engineer community through our regular interactions with US DOL, the Federal Highway Administration, DLEG, MDOT, the Michigan Department of Environmental Quality, the Michigan Occupational Health and Safety Administration, the County Road Association of Michigan, the Michigan Municipal League, the Michigan Association of County Drain Commissioners, the American Council of Engineering Companies of Michigan, and numerous utility companies.

- Successfully partnered with MDOT in developing the innovative concepts and provisions for two projects that were bid utilizing a "design-build-finance" contracting approach, and for several projects that will be bid over the course of the next three years utilizing provisions for alternate pavement bidding.

- Assumed a leadership role in the Design Task Force, Utility Subgroup and facilitated the much successful 1st Annual Michigan Utility Coordination

Conference (MUCC) ... see Doug's article for more on the MUCC.

As we roll forward into 2009 and anticipate the many challenges it may present, we remain optimistic about the opportunities these challenges may create for all of us in our industry.

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

From left to right: Glenn Bukoski, P.E., Kim Avery, MDOT; Sam Guerrazzi, MDOT; and Larry Tibbitts, MDOT. Avery and Guerrazzi received the National Partnership for Highway Quality 2008 Making a Difference - Partnership Award for the I-95/US-24 Single Point Interchange Project.



Director of Safety & Workforce Development Comment

Learn Something New Everyday

A wise man once told me, "you should learn something new everyday". I agree! I learn something new at almost every MIOSHA appeal. Many non-members or others outside the loop say that MITA does not care about safety because we appeal every citation issued to our members. That could not be any farther away from the truth. MITA promotes safety each and every day. There are several reasons to appeal citations, whether it be OSHA, MIOSHA, MSHA or DEQ. Rob Coppersmith explained the process of an appeal and how MITA handles it in a previous article (Summer 2008). One of the primary reasons is to learn from our mistakes and turn a negative situation into a positive one. MIOSHA would like MITA to encourage our members to take more Informal Settlement Agreements (ISA), which pretty much means pay 50 percent of the purposed penalty usually without any reclassification regarding severity and go on your way.

What does that teach our employees? Nothing! Through the appeal process, Freedom of Information (FOIA) requests produce photos, interview statements and measurements as well as any other pertinent information about the case. This is when the learning process starts. The contractor and their employees will learn right away that something different has to be done to address the issue. MITA takes this a step further and applies the good, the bad

and the ugly to all of its training sessions, incorporating many MIOSHA cases and field inspections to make learning an interactive process.

One of the most important reasons to appeal is for the chance that a citation classification may be changed; for example, from serious to other than serious (OTS). Monetary penalty in many cases is not the catalyst for appeal. Once a MIOSHA citation becomes a final order, it stays on your record for three years. This could affect your company's ability to bid a job, lead to higher insurance premiums and the possibility of a repeat citation if the violation occurs again. Also keep in mind that no citation is too big or too small – they all look the same on the OSHA website. If you have a question about a MIOSHA issue, call the MITA office and we will assist you; and, the best way to avoid the appeals process is to work in a safe manner and train.

Regardless of perception, MITA has a good working relationship with MIOSHA. We may not always agree, but work towards the common goal of a safe working environment for all construction employees. MIOSHA has published its five-year strategic plan containing a three-prong approach to safety. Goal number one focuses on "improving workplace safety and health for all workers, as evidenced by fewer hazards, reduced exposures, and fewer injuries, illnesses and fatalities." The construction safety division has added three new enforcement officers who will be street ready by March. Translation: more inspections. Goal number two: "Promote employer and worker awareness of, commitment to, and involvement with safety and health to effect positive change in the workplace culture." MITA has been encouraging employers to do this with employees for years now! The process is starting to bare fruit via fewer citations and reduced injury rates. It is imperative that the lines of communication run from the front office to the field. Goal number 3: "Strengthen public confidence through continued excellence in the development and delivery of MIOSHA's programs and services". All in all the goals are similar to MITA's, just administered in different fashions. Education and training is key to worker safety and MIOSHA along with MITA offer many opportunities in this area. Do yourself a favor and don't train to occupy time, train to affect change in the field. Reinforce your training with regular visits to the field and demand compliance.

Please remember that MITA offers: safety training, job site inspections and on-site consultations, safety videos, safety handbooks and programs as well as policy reviews. MITA also offers expertise on trucking issues, engineering and legislative services. These are just a few of the many ways MITA can serve you with just a phone call.

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



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New Mega-Projects Quietly Create Billions of Dollars of Work for Heavy Construction Industry

With the well-chronicled collapse of the private construction market, the heavy construction industry often looks to legislative reports to get an indication of demand for upcoming construction work in the public sector. Two heavily used indicators are the MDOT Road and Bridge Program and the State Revolving Fund for wastewater and drinking water.

The federal stimulus package includes billions of new dollars nationwide to upgrade our roads, bridges, sewer and water lines, utilities, schools and more. While this new investment is necessary and appreciated, MITA has been very clear in reporting that these dollars will not solve the chronic under funding of Michigan's crumbling infrastructure, nor will it be the final cure for our ailing industry.

There is an emerging trend in recent years of mega infrastructure project announcements. In the past decade, there has been a boom in cell phone tower placement, site preparation and other related work. In 2006, the Cross Section magazine profiled a story about AT&T's efforts to invest \$500 million in the U-verse underground cable TV initiative. This work was made possible as a result of legislation supported by MITA that opened the doors for AT&T to compete with the cable TV industry by offering video services to Michigan residents (House Bill 5895).

In December of 2008, the U.S. Department of Energy selected Michigan State University to design and create the \$550 million Facility for Rare Isotope Beams. The structure would include a huge underground loop to smash atomic particles at very high speeds to produce rare isotopes. An economic analysis created by the Anderson Economic Group says the project will create numerous design and engineering jobs from 2009-2012, then hundreds of construction jobs from 2013-2016. Funding for this long-term project is subject to annual appropriations by Congress.

I recently had breakfast with a lobbyist and high-ranking official from a major Michigan-based utility company. I was bemoaning how our industry has been unsuccessful so far in passing a \$1 billion-plus annual increase for transportation and wanted insight into how they were successful in getting a major utility rewrite done last term. His flip response was that Michigan is getting ready to build more than \$1 billion worth of windmills.

My natural reaction was to wonder aloud how our state's priorities are screwed up - we can't fix our leaky pipes to our homes or patch potholes in the pavement that takes us to our jobs, our schools, or to see our doctors, but we are on the verge of investing truckloads of money in an unproven technology???

As part of a legislative agreement, the legislature required utilities to create a certain amount of their energy from renewable sources. These Renewable Portfolio Standards (RPS) are forcing state utilities and their ratepayers to invest in alternative energy sources, including a massive investment in windmills. The good news is that these projects will create hundreds of millions of dollars in work for the heavy construction industry.

From cell phone towers to cable TV, windmills to atom smashing, the state is seeing massive investment driven by the legislative process in Washington and Lansing. There is a lot of new work that we can get excited about if the projects ultimately come to fruition.

Because policymakers have still not provided the money we need to maintain the traditional infrastructure of the past, we must continue to push for full funding of the State Revolving Fund and also for passage of our transportation funding initiative this year. At the same time, the industry will benefit from embracing the emerging opportunities of the future.

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Director of Technical Services Comment

First Annual Michigan Utility Coordination Conference is a Success

With over 200 people in attendance, MITA's Bob Patzer, kick started the 1st Annual Michigan Utility Coordination Conference (MUCC) held as a precursor to the 2009 MITA Annual Conference at the Soaring Eagle and Casino in Mount Pleasant, marking January 21, 2009 as a turning point for how the state of Michigan deals with utility issues.

For years, MITA has been a leader within the Michigan Damage Prevention Board with the goal to improve the dissemination, accuracy, and timeliness of utility location and to encourage that every effort is made to ensure the safety of all workers working near and/or around utilities.

MITA has also been involved with the roll out of the MISS DHG Design/Survey Ticket. This system vastly improves the communication between the designer and the utility company. The Design Ticket places the designer in communication with the appropriate utility company personnel whose facilities have the potential to be impacted. The Survey Ticket places flags in the ground so that designers can more accurately account for the location of the utility during the design survey.

Designers and owner agencies have also been working to resolve utility is-

suues through plan review meetings and the creation of the Design Task Force group. A major turning point occurred in the summer of 2006 when the Design Task Force formed a utility subgroup with the goal to enhance the means and methods for improving utility coordination in the design phase.

Under the heading of the Design Task Force - Utility Subgroup the parties united as a well represented cross-section of designers, utility companies, contractors, and MDOT, county, and city representatives. This diverse cross-section group is responsible for the development of the MUCC.

The focus of the MUCC was to gain a better understanding of each other's business operations and share current utility coordination challenges faced by utility companies, designers, owners, and contractors. The day started strong with the utility companies sharing their coordination procedures and problems. One common theme amongst all utilities was that early coordination is critical when dealing with utility issues. Their annual budgets and relocation timeframes need to be accounted for months if not years in advance of construction. Design of relocations take anywhere from 6-12 months (or longer) depending on the complexity. Utility companies also need at least 9-12 months (or longer) to budget for required relocation depending on cost. To summarize the morning session, it became evident that designers and owner agencies should contact utility companies throughout the design phase of a project. This includes project scoping, preliminary design, and final design; thereby allowing for the utility company to plan for upcoming work, and address as many issues as possible prior to construction.

During lunch, attendees were exposed to the danger of energized electric wires. DTE Energy demonstrated their "Aces and Sparks" presentation and enforced that when working around power lines to be extremely careful with equipment as well as any other objects that may be in contact with the lines (i.e. trees, fences, string, rope, etc.).

The MUCC afternoon focus was on efforts taken by both the owner agencies and designers to ensure utilities are informed of upcoming projects. MDOT demonstrated the quality of some "marked-up" plans received from the utility companies. The information presented was literally a line on a napkin with a note stating that facilities are located somewhere within the roadway ROW. Without question this type of information is completely useless. The majority of the designers and owner agencies feel that they are attempting to contact utility companies prior to the final design and start of construction but for unknown reasons their efforts are not reaping benefits.

MISS DHG focused their discussions on their new Design/Survey Ticket service and how it can help facilitate the early communication needed for a successful construction project. As more utility companies and designers utilize



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TOOL BOX TALKS

Safe Equipment Operation

Before you get started:

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

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

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

The equipment operator is responsible for knowing the requirements, precautions and work area hazards associated with equipment operation. Additionally, it is the operator's responsibility to communicate this information to all people that enter the working area of the equipment. The operator should assume that others in the work area do not understand the equipment hazards associated with the equipment being operated.

When operating equipment, employ the following procedures:

1. Prepare for operations.
 - Become completely familiar with all controls, indicators and warning lights on the machine.
 - Learn the limitations of the machine.
 - Consult operators manual as needed.
 - Know the clearance that is required for the machine and any attachment.
 - Know where and how to check the liquid, fuel and oil levels.
 - Become acquainted with the terrain where you will be working and any anticipated hazards.
2. Run an operating check.
 - Test engine speed control.
 - Test brakes against both engine power and ground speed.
 - Test clutch or neutral position on a power shift transmission to insure you can control machine speed.
 - Check the feel of all levers and the response of any/all attachments.
 - Check lights, back-up alarms and emergency brake.
3. Leave equipment secure.
 - Park in a non-operating area. If it's necessary to park in a traffic lane, use appropriate flags, barriers, flares and warning signals.
 - Park on level ground or position the machine at right angles to a slope, making sure the tracks are on firm footing.
 - Lower attachments, place control levers in neutral and set the parking brake.

Your safety is a top priority to your employer, coworkers and family. Follow the safety guidelines provided by your company.

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



12/17/2008 Legislators Face Last Chance to Fix Roads

Legislators have one day left to fix Michigan's crumbling roads and bridges, or the state will lose over 17,000 jobs, risk the immediate cancellation of hundreds of state and local projects, and would jeopardize \$2 billion in federal transportation funds over the next four years. The delay would also force the continued dangerous reductions in statewide snow plowing already being felt by Michigan's beleaguered motorists.

"Our elected officials need to act now; Michigan's roads and bridges cannot wait another day for legislators to take action," said Mike Nystrom, vice president of government and public relations for the Michigan Infrastructure and Transportation Association (MITA). The Michigan Department of Transportation (MDOT) recently announced the pending cancellation of 246 road and bridge projects in their five-year plan if no further funding is made available.

A series of bills providing the framework for needed reforms were passed by the House on December 10. The House and Senate must now fill in the specific details of the investment proposal by the end of Thursday or face months of additional delays.

The MITA transportation investment plan calls on the state to get rid of the per-gallon gas and diesel tax and replace it with a percentage tax based on the wholesale price of fuel. The plan also calls for the adjustment of vehicle registration fees and closing various loopholes. The bills pending in the Legislature are House Bills 4577, 6749, 6750 and 6752.

Groups calling for a transportation investment package this week include the Michigan Chamber of Commerce, County Road Association of Michigan, Operating Engineers Local 324 and numerous newspaper editorial boards across the state. The effort has few detractors, but has come under fire this week from the petroleum industry.

"Big oil has been gouging motorists and lining their pockets with multi-billion dollar profits, and yet they are the first to criticize a plan that ultimately will be an economic stimulus package for the entire state of Michigan," Nystrom said. "The MITA plan will not only help repair and improve our transportation system, thus making it safer for our citizens, but it will create thousands of jobs for the people of our state at a time when they are most needed."

The recently released Transportation Funding Task Force (TF2) report said that the effects of "doing nothing" could equate to a loss of over 17,000 jobs. The report also notes that almost half of all Michigan roads will be considered in poor condition within 30 years, and no new roads or bridges will be built for capacity improvements. In addition, the effects of Michigan's struggling transportation infrastructure have been felt by residents across Michigan this winter as snow removal and salting services have been drastically cut in counties across the state.

"These consequences are just the tip of the iceberg in terms of what will happen to this state if we do not provide adequate funding for transportation," Nystrom said.



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12/4/2008

State Proposes Cutting 250 Road Projects

The Michigan Department of Transportation's (MDOT's) proposed five year transportation plan would cut 246 road projects and 7,888 jobs by 2011, because of plummeting gas tax revenues and a road funding system in the midst of collapse.

The State Transportation Commission recently approved the proposed plan that would make across the board program cuts in areas that include: highway, pavement, bridge, capacity improvements, and safety because, according to the report's theme, "our needs are far exceeding our financial resources."

"State policymakers have delayed action on fixing our road funding formula," said Mike Nystrom, vice president of government and public relations at the Michigan Infrastructure and Transportation Association (MITA). "They've waited too long to address the problem and now legislators are seeing road projects in their own communities being cut due to their own inaction."

MDOT's draft 2009-2013 plan calls Michigan's transportation challenges a "crisis" and includes a list of 246 local projects across the state that would be delayed or cancelled if additional transportation funding is not identified. A project delay list and the entire five year plan are available on the MITA website (http://www.mti-ita.com/news_2.asp?id=2007&disp=2&type=1&page=news). MDOT is asking the public to e-mail comments on the plan to MDOT-Five-Year-Program@michigan.gov before Tuesday, Dec. 30, 2008.

Highlights of the plan include:

- The plan created 23,034 jobs in 2007 but by 2011 it would create only 15,146, a loss of 7,888 jobs in four years.
- Approximately 185 bridges will not receive needed repairs.
- Five of the six projects proposed for capacity improvement would be impacted or delayed.
- There will be fewer projects to address fatalities and severe injuries on roadways, and the proposal includes cuts to MDOT's Safe Routes to School Program.
- State revenues for local transit, intercity bus revenues, and passenger rail revenues will equal less than 50 percent of annual need.

"These cuts show the consequences Michigan is now facing due to inaction by state policymakers during the past several years," Nystrom

said. "The Legislature has a transportation rescue plan before it and policymakers must act before the end of this legislative session."

The MITA investment plan repeals the state's per gallon gas and diesel taxes and replaces it with an 18 percent tax on fuel wholesalers. This change would offset dramatically declining transportation revenues caused by higher gas prices, increasing fuel efficiency and alternative fuel vehicles, all of which have helped make the current gas tax obsolete.

The plan would invest nearly \$1.5 billion above current levels and is a first step towards bringing Michigan's transportation system up to the "good" level as described in the Michigan Transportation Funding Task Force (TF2) report, and sustain 46,000 Michigan jobs, according to estimates from MDOT. The average Michigan driver will pay an additional \$12 per month in various fees if the plan is approved by the Legislature. According to the TF2 report, a \$1.5 billion investment plan could save the average driver \$250 per year in improved safety, \$300 per year in vehicle maintenance costs and \$450 per year in personal income, or roughly \$1,000 a year in total savings.

11/19/2008

\$1.5 Billion Transportation Plan Unveiled for Lame Duck

The Michigan Infrastructure and Transportation Association today released a landmark economic stimulus plan that would rescue the state's crumbling transportation infrastructure.

The plan, which follows last week's recommendations from the Transportation Funding Task Force (TF2), provides a major new investment in the state's roads, bridges, transit, and airports and employs thousands of Michigan workers.

"State policymakers are interested in this new investment plan because it provides a safer and much-improved transportation system for Michigan both now and in the future," said Mike Nystrom, vice president of government and public relations for the Michigan Infrastructure and Transportation Association (MITA). "Investing in our infrastructure must now be a top priority for our elected leaders to act on in the lame-duck session."

Recent estimates have shown that Michigan has lost almost 45 percent of its purchasing power to fix roads and bridges in the past

Continues on pg. 45

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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.

2/2/2009 Detroit Free Press:

Get Ready for Pothole Hell!

Rachel Miller already is dodging big potholes on the Southfield Freeway as she commutes from Ferndale to Dearborn. And the spring thaw that brings out tire-killers is still weeks away.

"I feel like I'm playing dodge 'em," said Miller, a communications worker, describing the pocked terrain between 8 Mile and West McNichols roads in Detroit. "I try to stay in the middle lane as long as I can. ... I think they're trying to keep up with it, but it's just to the point where the freeway is disintegrating."

If you're driving in metro Detroit, you're sharing Miller's pain. This brutally cold and snowy winter already has punched potholes into roads, busting tires, and strapped road maintenance budgets...

1/29/2009 Port Huron Times Herald:

Newspaper's gas tax idea won't work

This point of view was submitted to the Port Huron Times Herald by MITA's Vice President of Government and Public Relations Mike Nystrom.

The Times Herald dropped a huge lump of coal in the stockings of Michigan students and local officials shortly before Santa was to arrive in St. Clair County.

The newspaper's Dec. 23 editorial, "Deceit, spin mar debate on fuel tax," said the state should get rid of the sales tax on gasoline and replace it with a gas tax dedicated to roads.

While we agree the state needs to invest significant new resources in our crumbling infrastructure, the Michigan Infrastructure and Transportation Association has been very careful to create a plan that would not fix roads at the expense of schools and local governments. The hastily-crafted Times Herald proposal would cost schools about \$500 million next year and local governments as much as \$150 million.

In the article, the newspaper also intimated that somehow MITA hid the details of the proposal or were deceiving legislators and the public in some way. We were quite surprised the Times Herald would make such uninformed claims, as if the newspaper is somehow tied into the inner workings of the legislative process.

The fact is we have had more than 160 meetings with legislators in the past year and a half, and we provided reams of data and facts on transportation funding trends. We also were part of countless public and legislative hearings on the topic.

The MITA proposal that would link transportation taxes to fuel prices was based on a recommendation put forward by the governor's Transportation Funding Task Force after almost a full year of research and discussion.

In your paper's hasty attempt to cast aspersions on a road funding solution supported by numerous major daily newspapers across the state, you failed to do your homework, got your facts wrong and offered a proposal which would gut education and local governments.

Perhaps you can now better appreciate the complexity of finding a solution to Michigan's transportation funding dilemma.

1/14/2009 Detroit News:

Stop road dollars diversion to state agency

This letter was submitted to the Detroit News by MITA's Vice President of Government and Public Relations Mike Nystrom.

It was quite interesting to read the column by Secretary of State Terri Lynn Land suggesting that we reform state highway spending before providing any new money for roads and bridges ("Reform state highway spending first," Dec. 24). We welcome Land's recent interest in helping solve our transportation crisis and look forward to working with her.

We certainly agree that the state would be well served by implementing many of the extensive reforms recommended by both the Mackinac Center and the governor's Transportation Funding Task Force at the end of last year.

It was interesting to note that one major reform Land failed to mention from the Mackinac Center report was the one aimed directly to her department, the diversion of road dollars to the Secretary of State's office. According to the report, more than \$100 million per year is diverted from the Michigan Transportation Fund to pay for Secretary of State operations.

While it is true the department collects vehicle registration fees for transportation and should be compensated for those services, the report concluded that those charges were excessive and should be slashed 50 percent, or \$50 million. Consider that it only costs the state roughly \$10 million for the Department of Treasury to collect \$1 billion in gas taxes, but it costs the Secretary of State 10 times as much to collect roughly the same amount in registration fees.

As Land suggests, one way to "watch our wallets" would be to save millions of dollars by allowing motorists to either renew their

vehicle registrations online or at retailers much like our hunting and fishing licenses. Cutting out the expensive overhead of fee collection at Secretary of State branch offices would cut down on the long lines and ensure money collected for roads and bridges are spent as taxpayers intended.

1/8/2009 Detroit Free Press:

As road needs sputter on empty, Granholm runs low on gumption

The legislature did not approve increased transportation funding during the lame duck session of 2008, but MTA is not giving up. There are still opportunities for funding to be approved in 2009 due to mounting pressure to address our crumbling infrastructure. An example of that pressure follows.

Gov. Jennifer Granholm has all but ruled out a gas tax increase this year, as she has before. Her refusal to make hard and sometimes unpopular calls, even in her final term, could cement her legacy as a governor who watched Michigan's transportation systems dangerously deteriorate.

Dismissing a gas-tax increase before the new legislative session starts is both poor policy and lousy politics. Instead, her representatives should be meeting with legislative leaders of both parties -- twisting arms if necessary -- to work out a plan that the state House and Senate could approve. A spokesperson for the governor said Granholm has supported pegging gas taxes to wholesale costs instead of gallons at the pump -- a move that eventually could increase transportation revenue.

But hundreds of road projects and \$2 billion in federal aid are in jeopardy. The governor must assert herself now.

Michigan last raised its gas tax by 4 cents, to 19 cents a gallon, in 1997.

To be sure, gas taxes are an inadequate and unreliable way of paying for transportation in the long term, especially as drivers use more fuel-efficient vehicles. In the long run, Michigan and the rest of the country need to find better ways to pay for roads, bridges and transit systems, as Granholm has pointed out.

So any state gas tax increase should have sunset provisions. But getting another revenue stream in place, such as an odometer tax, would take years...



Mike Nystrom, MTA's vice president of government and public relations, being interviewed by the media regarding infrastructure funding.

12/9/2008 WKZO Radio Kalamazoo:

Michigan Roads Severely Under-funded

Michigan legislators have a chance before the lame duck session ends to ensure roadways are fixed up and maybe a few new jobs are created, but the state's transportation budget is currently about three billion dollars short. Vice President of Government and Public Relations at MTA Mike Nystrom says a big part of the problem is that Michigan must match funding from the federal government.

"We're running short on money here at home," says Nystrom. "We have to make some changes at the state level in order to continue to match all the federal dollars...coming up next year, we're going to be short because we just have not invested enough in our own system."

So, they're putting pressure on lawmakers to make the infrastructure a top priority.

"It doesn't take an expert to know that our transportation infrastructure is really starting to crumble across the state..."

12/8/2008 Detroit Free Press:

Major road projects across Michigan could be shelved

Major road projects planned for the next five years could be delayed indefinitely beginning in 2010, as the state prepares for a future with big shortfalls in transportation funding.

The Michigan Department of Transportation has put together a revised 5-year plan for the 2009-13 construction seasons, highlighting projects that could be postponed or cut, including dozens on major roads and highway bridges in metro Detroit.

The plan details how declining gas tax revenues and rising costs for roadwork and materials will reduce the state's ability to keep its road system in good shape...

Continues on pg. 57

The Michigan Department of Transportation Introduces New Quality Initiative for Bidding Process

The Michigan Department of Transportation (MDOT) is pleased to announce that the new Design Package Evaluation (DPE) initiative is now available to Contractors.

MDOT works with Program Managers, Delivery Engineers, Quality Assurance Engineers, the Federal Highway Administration (FHWA) and Contractors to improve the quality of the Plan and Proposal Package used for the advertising and bidding processes.

Plan and Proposal materials are reviewed and evaluated throughout the plan development process. Evaluations are completed for both in-house and consultant designed projects. The stages at which evaluations are performed include:

- ▶ Scope Verification
- ▶ The Plan Review
- ▶ Omissions/Errors Check Meeting (OEC)
- ▶ Pre-Construction Meeting
- ▶ Post-Construction Meeting

▶ Final Right of Way

As many as 21 factors are used to evaluate the Plan and Proposal Package. Factors include, but are not limited to:

- ▶ Plan Clarity
- ▶ Plan Organization
- ▶ Overall Plan Accuracy and Completeness
- ▶ Special Detail Plans and Special Provisions
- ▶ Quantity Accuracy and Reliability
- ▶ Construction Progress Clause

When a factor receives a rating of Below Average or lower, the evaluator must enter a comment, and may also attach supporting documentation. This option ensures that the deficiency is fully understood and assists with determining the proper corrective action. Accurate and detailed comments are essential components in the process.

All of the information collected is used to identify and address deficiencies, thereby improving the quality of the Plan and Proposal Package. Once an evaluation is completed and submitted, it is stored in a database which is periodically sorted and analyzed. The information is shared with each MDOT region. Corrective action is proposed, approved and implemented for identified issues.

DPE is an Internet Web-based application that is simple to use with its easy-to-understand layout and menus. Whether the user is a novice or an experienced engineer, DPE is designed so that users can enter evaluations with ease, flexibility and autonomy. The graphic below is an example of a factor screen.

On November 17, 2008, the Design Package Evaluation became available to external customers. By making DPE available to both Contractors and Consultants, another valuable source of input is added to DPE and MDOT's effort to improve the quality of its bidding process. Both Contractors and Consultants are encouraged to participate.

DPE Evaluators must subscribe to the DPE application through the State of Michigan Single Sign On. For information on creating a new State of Michigan Single Sign On account and subscribing to DPE, go to: http://www.michigan.gov/mdot/0,1607,7-151-9625_51875---,00.html



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MEMBER NEWS

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FTC&H, an employee-owned company, has over 350 staff in four Michigan offices and one Ohio office. FTC&H's projects range from small feasibility, planning, and regulatory studies to very large design and construction projects. FTC&H provides a variety of services to clients from the governmental, institutional, industrial, and private sectors on a local and national basis.

NEW OFFICE LOCATION

FTC&H, a full-service civil engineering, environmental, architectural/engineering, and construction management firm, has relocated its Lansing office to a new facility at 5913 Executive Drive, Suite 100, Lansing, Mich., 48911. The phone number is 517-882-0383, and the fax number is 517-882-0388.

The company was founded in 1956 in the home of Ken Fishbeck on St. Joseph Street. Some of his first clients included the cities of Ithaca, Grand Ledge; and the villages of Fowler, Maple Rapids and Westphalia. Clients today include the city of Lansing, Michigan State University and many other outlying communities.

NEW HIRE



Jason Vander Kodde, P.E.

Jason Vander Kodde, P.E., has joined the Grand Rapids office as senior engineer with the civil group. He earned a bachelor of science degree in engineering from Calvin College and has 11 years experience in the areas of client and community relations, site development, utility design, project management, construction oversight, storm water management systems, zoning approvals, and utility design and permitting.

Vander Kodde is a member of the American Society of Civil Engineers and the Calvin Engineering Advisory Council. His areas of specialization include residential, commercial, and mixed use land planning and development.

OHM Engineering Advisors

www.ohm-advisors.com

Orchard, Hiltz & McClement, Inc. (OHM) is a firm of engineers and architects committed to advising government and other public organizations on infrastructure issues. They opened their doors in 1962 and have been "Advancing Communities" ever since. Their corporate office is located in Livonia, with branch offices in Houghton, Lansing, Auburn Hills and Galiatin, Tenn.

AWARD

OHM was recently named one of the Top 50 Best Civil Engineering Firms to Work for in the U.S.

Shannon Eisenbach, P.E., editorial director for CE News, which hosts the ranking program said: "Firms competed in the thorough evaluation and comparison of their culture, benefits, performance/recognition practices, compensation, professional development programs, recruiting and retention efforts and more. All of these firms are committed to creating a positive work environment for their staff. The top 50 firms are reaching the goal."

OHM President Russell Gronewelt credits the company's family atmosphere and strong focus on community involvement as factors in OHM's recognition as one of the best places to work.

OHM has also been named one of the top 10 Best and Brightest Companies to Work for in Metro Detroit by the Michigan Business and Professional Association in 2006 and 2007. The company received top recognition for its communication practices in 2006 and community initiatives in 2007.



Russell Gronewelt

BOARD APPOINTMENT

Russell Gronewelt, P.E., president of OHM, was recently elected Chairman of the Michigan Technological University (MTU) Board of Control. Governor Granholm appointed him to the MTU Board of Control in 2004.

Gronewelt is a graduate of MTU, was a trustee with the Michigan Tech Fund and was inducted into MTU's Academy of Civil & Environmental Engineers.

The MTU Board of Control is responsible for the general supervision of the University. This includes expenditures from the institution's funds; amending tuition and other fees and charges; and the appointment or removal of personnel, which may include, if necessary, the election of a president for the institution.



John J. Hiltz

PROMOTION

John J. Hiltz has a lot on his mind these days. He's about to take on the role of president of the regional engineering company founded by his great-uncle almost 50 years ago. The company's Board of Directors recently approved a strategic plan to double the economic value of this Michigan-based firm over the next five years. And he's taking on these challenges on the brink of what's been described as the worst economic crisis since the Great Depression.

Despite the economy, Hiltz is confident in OHM's chances. Since 1962, when former city engineers John E. Hiltz and Melvin Ernie Orchard joined to found the company now known as Orchard, Hiltz & McClement, Inc., OHM has worked for government organizations.

"As a consulting engineering firm, we've done a little bit of private development work in the past, but about 15 years ago we asked ourselves what really made us excited to go to work every day and what we thought we could be best in the world doing," Hiltz reflects. "And for us it's all about working with communities large and small, developing and redeveloping. We think of the entire state as a community. All the residents of Michigan share similar hopes and common challenges. We're here because we love Michigan and we know that it can be an economic engine for the country again."

Hiltz, the former vice president of operations, became the fifth person to lead OHM when current president Russell Gronewelt stepped down at the end of 2008. Gronewelt, who is also chairman of Michigan Technological University's Board of Control, will continue to work for OHM through 2009 in a part-time role.

Continues on pg. 34



Pro-Tec's New Barrierguard 800

Pro-Tec Equipment, Inc. www.pro-tecequipment.com

Pro-Tec Equipment Inc., the industry leader in quality trench shoring products, is proud to announce the addition of Barrierguard 800 to its ever-growing product line. Pro-Tec has been expanding into non-shoring, site access and work zone safety equipment with the additions of exit number grids, temporary bridge joints, Dura-Base temporary road system and Plug-It products.

Barrierguard 800 is a portable steel barrier which is FHWA approved at TL-3 and TL-4 for use in high-speed work zones or permanent barrier applications. Transportation costs can be reduced by up to 80 percent since 600 linear feet of positive protection can be hauled on one truckload. Due to the lightweight, at 60 pounds per linear foot, it is perfect for bridge construction/rehabilitation projects. Barrierguard 800 standard sections are available in 20 feet and 40 feet, which allows for rapid deployment at 1000 feet per hour.

When maximum work zone protection is required, the Barrierguard Minimum Deflection System (MDS) has less than one-inch deflection when impacted at 62 mph. This is very important when working in confined workspaces that desire maximum protection, with ease of installation.

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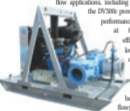
The radar liquid level gauge is easy to install, requires no contact with liquid and no confined space entry. The programmable data logger can be remotely mounted from the radar-sending unit.

DV300C 12-INCH PUMP

Rain for Rent's established high efficiency pumps have produced the latest innovation in high flow engineering - the DV300c.

With a remarkably high flow rate, up to 10,000 GPM, the 12 inch DV300c Power Prime Pump produces total dynamic head up to 170 feet and handles 3-inch solids with a semi-enclosed impeller.

Specifically designed to meet the needs of high flow applications, including bypass jobs, the DV300c provides superior performance operating at 80 percent efficiency. The low operational cost of the fuel-efficient DV300c offers the best in high flow pumping and high fuel savings.



XH100 MINING PUMP

The XH 100 4-inch pump from Rain for Rent is designed to produce extra high discharge heads for mining the dewatering projects. With superior fuel efficiency, this pump is able to move more gallons of water at a lower cost.

The pump can be made of 316 stainless steel or chromium steel for mining applications. The XH 100 can handle solids up to 7/8-inches in diameter, flows up to 1250 GPM, and head up to 605 feet.

Mounted on galvanized skids or trailers to protect against rust and corrosion, this equipment has a nearly

maintenance free surface.

Combine the XH100 pump with other Rain for Rent products for a complete solution to your unique liquid-handling problems.



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MEMBER

NEWS

Continued from pg. 35

Testing Engineers & Consultants, Inc.

www.testingengineers.com

Testing Engineers & Consultants, Inc. (TEC), an environmental, geotechnical and construction materials testing firm, has moved its Ann Arbor office to 3985 Varsity Drive in Ann Arbor. The phone number is 734-971-0000.

Wade Trim

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Wade Trim has more than 350 professional and support staff in 22 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.

NEW HIRE

Charles E. Smith, AICP, SLA, joined Wade Trim's Taylor office as a senior planner where he will be responsible for project management and business development.

With more than 10 years of experience, Smith focuses on building sustainable communities with emphasis on redeveloping urban areas. His professional experience includes urban design, downtown redevelopment, affordable housing, and market-based planning solutions for communities across Michigan and the southeast United States. He earned his bachelor's degree from Macalester College in 1992 and his master of landscape architecture degree from the University of Michigan in 1999.

Smith is a member of the American Institute of Certified Planners, American Planning Association, American Society of Landscape Architects and the College of New Urbanism. He resides in Ann Arbor.

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MITA 2009 ANNUAL CONFERENCE



Mark Johnston, Ajax Paving, MITA's outgoing board president.



Mike Nystrom (left), MITA's Vice President of Government and Public Relations, presenting Tom Irwin, of HSD, with MITA's Honorary Member Award.



Incoming MITA Board President Tom DiPonio, Jay Dee Contractors, Inc.

Thanks to all our sponsors and exhibitors who helped make the 2009 MITA Annual Conference one of the best ever. Attendance was at an all time high at over 600. The speakers were outstanding, the networking intense; and, if you didn't make it this year, mark your calendars for next year's event. The 2010 MITA Annual Conference will be held January 20-23, 2010 at Soaring Eagle Casino & Resort.

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Rob Coppersmith, MITA's Vice President of Membership Services.

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Bob Patzer (left), MITA's Executive Vice President, presents Don Anderson, of Anlaan Corporation, with MITA's Honorary Member Award.



Bob Patzer presents Russ Timmer, of Timmer Construction Company, Inc., with MITA's Honorary Member Award.

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MITA 2009 ANNUAL CONFERENCE

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EXHIBITORS

Ace Cutting Equipment
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Cloverdale Equipment
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Glenn Bukoski, P.E., MITA's Vice President of Engineering Services.



Kirk Staudle, MDOT director.



Keynote Speaker Mark Breslin.



Audience during MITA's Future Leader Program.





The Signaling Function of Transportation Infrastructure: the Theory of the Broken Window

By Dave Hoonigman
Former State Senator

Why is it that when the economy is in distress, and a society is desperately groping for a strategy to rebuild its confidence in the future, societies everywhere instinctively look to rebuild their transportation infrastructure—roads, bridges, ports, airports and rails?

Most free-market pundits respond that because the transportation infrastructure is the conduit of commerce, the better the infrastructure, the more efficiently commerce flows, the more productively resources are allocated, and the more rapidly information and price signals speed between consumers and producers, creating prosperity.

That is all true.

But I suggest that there is another equally or perhaps even more potent explanation of the vital linkage between transportation infrastructure and the economy based on what social scientists call the Broken Window Theory.

Let me explain.

Social scientists and police officers observe that if a building window is broken and left unrepaired, more windows will soon be broken. This is equally true in high income and low income neighborhoods. "Window-breaking does not occur because some areas are inhabited by determined window-breakers whereas others are populated by window-lovers; rather, one unrepaired broken window is a signal that no one cares, and so breaking more windows costs nothing." (Wilson and Kelling, 1982) Philip Zimbardo, a Stanford psychologist, conducted pioneering experiments testing

the broken-window theory. He parked a car without license plates with its hood up on a Bronx street and another on a Palo Alto, California street. A well-dressed, apparently middle-class family, composed of a father, mother and young son, was first to attack the Bronx car, doing so less than 10 minutes after its "abandonment." They removed the radiator and the battery. Within twenty-four hours, virtually everything of value was removed. Then capricious acts of destruction beset the car—windows were smashed, parts torn off, upholstery ripped. Children used the car as a playground. Most of the adult "vandals" were well-dressed white people. The Palo Alto car sat untouched for more than a week. Then Zimbardo smashed part of it with a sledgehammer. Within a few hours, the car was turned upside down and destroyed. Again, the "vandals" appeared to be affluent white people. Because of the nature of community life in the Bronx—its anonymity, the frequency with which cars are abandoned and things are stolen or broken, and the past experience of "no one caring"—vandalism begins much more quickly than it does in Palo Alto, where people have come to believe that private possessions are cared for, and that miscreant behavior is costly. The experiments demonstrated that untended property invites destructive acts by people who are ordinarily law-abiding "once communal barriers—the sense of mutual regard and the obligations of civility—are lowered by actions that seem to signal that "no one cares."

The Broken Window theory asserts that seemingly small physical disorders in urban neighborhoods may lead to a cascade of physical

and social decline. Minor bruises to the physical infrastructure and public incivilities like drinking in the street, spray painting graffiti, and breaking windows escalate into predatory crime, because predators learn from these expressions of disorder that residents are indifferent to what happens in their neighborhood. Visual signs of decay silently but forcefully convey messages about the neighborhood. Disorder triggers attributions and predictions in the minds of insiders and outsiders alike, changing the calculus of homebuyers, real estate agents, insurance agents and investors. The degree of disorder may or may not be a function of residents' degree of commitment to the maintenance and improvement of their neighborhood. But it is interpreted as such. The physical signs of decay both signal and mirror neighbors' reluctance to confront strangers, intervene when a crime is committed, or ask the police to respond. Physical disorder packs tremendous explanatory power in understanding the abandonment of many of our nation's urban cores. It is a cue that attracts predators and can initiate a roaring cascade of adverse social and economic consequences.

The authors of the Broken Windows Theory describe the waterfall-like decline of neighborhoods that is often triggered where the physical infrastructure is left "untended" even in seemingly minor ways as follows.

"A stable neighborhood of families who care for their homes, mind each other's children, and confidently frown on unwanted intruders can change, in a few years or even a few months, to an inhospitable and frightening jungle. A piece of property is abandoned, weeds grow up, a window is smashed. Adults stop scolding rowdy children; the children, emboldened, become more rowdy. Families move out, unattached adults move in. Teenagers gather in front of the corner store. The merchant asks them to move; they refuse. Fights occur. Litter accumulates. People start drinking in front of the grocery; in time, an inebriate slumps to the sidewalk and is allowed to sleep it off. Pedestrians are approached by panhandlers. At this point it is not inevitable that serious crime will flourish or violent attacks on strangers will occur. But many residents will think that crime, especially violent crime, is on the rise, and they will modify their behavior accordingly. They will use the streets less often, and when on the streets

Continued from pg. 64





MITA Launches Project Advertisement Website

MITA recently launched a new website designed to provide MITA members a convenient way to view the advertisements of public and private (non-MDOT let) projects.

It is the common practice of Michigan's heavy/highway industry to utilize MDOT's website to find project advertisement and letting information for state and federally funded road and bridge work.

MITA's Project Advertisement website is designed to be the advertisement portal for all those other public and private projects. Start the New Year off right and visit www.mitaads.com to view projects ready for bidding.

Please note that prior to viewing the posted projects you will need to create a username and password. Visit <http://mitaads.com> to start the registration process. If you have questions, please e-mail douglasneedham@mi-ita.com or staceywillis@mi-ita.com.



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five years, because of skyrocketing costs of asphalt, concrete, steel and other construction materials. The MI Asset Management Council reports that almost half of Michigan's roads will deteriorate to poor condition during the next decade. The TF2 pointed out that Michigan stands to lose up to 17,000 jobs and \$1 billion in federal funds each year, because transportation agencies will not have enough revenue to provide the required matching funds.

MITA's new transportation investment plan would cost the average Michigan driver an additional \$12 per month in various fees. However, according to the recently-released TF2 report, a \$1.5 billion investment plan could save the average driver \$250 per year in improved safety, \$300 per year in vehicle maintenance costs and \$450 per year in personal income—or roughly \$1,000 a year in total savings...

11/10/2008
Group Unveils Transportation Rescue Plan:
Eight Month Review Recommends Major
Overhaul

The Michigan Infrastructure and Transportation Association applauded today's long-awaited announcement of a major rescue plan for the state's transportation system. After public hearings at seven different cities across the state and more than eight months of study and review, the Michigan Transportation Funding Task Force (TF2) unveiled a series of major investment strategies aimed at repairing the state's crumbling transportation infrastructure.

As part of the report, the group offered a long list of efficiencies and reforms to ensure that every dollar spent is money spent wisely.

"For the past year, state policymakers have said they didn't want to fix our roads and bridges until a comprehensive review and report was completed," said Mike Nystrom, vice president of government and public relations at the Michigan Infrastructure and Transportation Association. "Today, a detailed blueprint has been given to the Legislature which would fix our crumbling transportation system and now it's time for our elected leaders to act."

The TF2, which included two Democrat and two Republican legislators, concludes that the state must double transportation investment in order to stem the massive deterioration and maintain

the current system in "good" condition. The report noted that current projections show 30 percent of Michigan roads are expected to decline into fair or poor condition during the next decade. They pointed out that Michigan stands to lose up to 17,000 jobs and \$1 billion in federal funds each year, because transportation agencies will not have enough revenue to provide the required matching funds.

"This report was an enormous undertaking," Nystrom said. "The completion of the task force work means the baton has been handed to state policymakers. We don't have anymore time to wait."

The Michigan Transportation Funding Task Force is comprised

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PROBLEM *Solver*

Nearing the end of a perimeter road construction project at a major airport facility in west Michigan, a MITA contractor member received a letter from the owner's engineer informing him that a section of the new road built on a significant fill had settled and that he was expected to make the necessary corrections at his costs. Believing the fill section was constructed in full accordance with the contract specifications, the contractor member contacted MITA's engineers for help.

After MITA's engineers reviewed the contract documents, it was clear and evident that the engineer had full responsibility for density control on the project. Through discussions with the contractor, they further learned that the engineer had employed "proof rolling" as the method of density control in the fill areas that had settled.

Working together, MITA's engineers and the contractor crafted a letter to the owner citing the engineer's responsibility for density control and requesting copies of all the density test results for the fill section in question. Not surprisingly, the owner's engineer was unable to produce copies of any density tests results.

With the help of legal counsel recommended by MITA, the contractor member moved quickly to present his case to the owner and establish that the engineer was in fact at fault for his failure to perform the appropriate density testing as the fill section was constructed. Soon after, MITA received the following note from the contractor member, "Your help clearing up the contract language and the specifications and helping us with our position, and the involvement of the legal counsel you recommended, brought this potentially costly issue to a painless end."

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Member Voice: What is your opinion of term limits?

Continued from pg. 11

controversial, spend far too much time trying to get re-elected, or lining up the next job following their term. It is time for our elected officials to do SOMETHING even if it isn't perfect. They need to act thoughtfully and to the best of their ability. I don't know if term limits are to blame for our politicians' lack of guts, but doing away with them seems like a good place to start.

Jim Kloote

J.E. Kloote Contracting, Inc.

There is no continuity in policy or legislation. The elected officials are on a merry-go-round trying to get elected, get re-elected and then start positioning themselves up to the next political position instead of working at making alliances to further their constituents best interest. Going to term limits essentially is the lazy way to control government. People don't have to participate because the legislators are automatically removed. Is it a coincidence or a direct correlation between term limits and the demise of business in Michigan?

Bruce Campbell
Conax

With term limits when legislators are just getting to be most effective, they are out of office.

Jim Novak
Novak Construction

I voted for term limits when they were placed on the ballot several years ago, and have since come to regret that decision. I would relish any opportunity to retract that vote today. At the time, I felt there was a need for some motivation among public servants to step into the arena and attempt to perform their function in the best interest of all Michiganders, while knowing they had a limited time in which to perform those tasks and then return to their private lives rather than becoming career politicians. Today in our term-limited environment, there appears to be little accountability as most legislators desire to concentrate on short-term solutions (quick fixes) that will have some impact during their tenure in office, rather than working toward true, lasting change for the benefit of everyone in our state. This behavior creates an environment where

Continues on pg. 48



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Member Voice: What is your opinion of term limits?

Continued from pg. 47

we are continually setting aside the gritty and difficult to tackle issues and leaving them for future generations to resolve. In addition, this situation has also ramped up a steadfast reliance on political party dogma, to which their faithful adherence appears to have become something far more important than anything which is truly of primary need to our state as a whole. There seems to be no strong, moderate faction in Michigan politics that has any willingness or ability to compromise on the issues, which further separates us all from what needs to be done. Our state constitution, for example, should be thoroughly re-examined and perhaps even restructured in the very near future; however, I have very little confidence in how beneficial such an effort would be in the current, short-sighted, term-limited environment.

George Verschuere
C.A. Hall Co., Inc.

Seems new legislators need to be trained too often, which leads to delay and poor decisions.

Busty Stafford
Michigan Paving

Entirely too much time and resources are spent by all interested parties to educate new legislators. I am not in favor of "life-time" legislators; but, perhaps the term limits could be increased, perhaps doubled.

Don Anderson
Arlan Corporation

Term limits can reduce the frustration of the good old boy and more of the same politics we once had; but, the limits we now have are too short. There is not sufficient time for a well educated legislature or a smooth transition after elections. There are no senior members to teach young members the ropes and stress long term goals. Alliances are not forged across the aisle among respected colleagues. Distasteful partisanship is encouraged by the system as legislators are not in power long enough to understand that we are actually in this together. The winners are the people who are able to receive multiple pensions, not the state of Michigan.

Steven Funck
Posen Construction, Inc.

It takes time to learn the job, just like any other, and to forge relationships that foster compromise to get things done. We can still kick the bums out at election time, or keep effective lawmakers long term, as we choose. Why take that option away.

Eamonn Dwyer
Scaddell

The term limits are too short. I think term limits can be good, but the current terms are much too short. I think the terms should be doubled and the person term limited should be able to run again, say if they stay out of office for one or two terms. This might bring competition and experience to the job.

John R. MacInnis
JRM Construction, Inc.

I feel that with experience comes knowledge, but it really boils down to how they use their knowledge. Michigan needs a legislative team that is working towards recovery and our future.

Dawn Plantz
Genesee-Bay Constructors, Inc.

It seems as though the legislature cannot deal with the major issues of the day (the reason they were elected in the first place). Issues such as budget shortfalls, education, funding for infrastructure, etc. The legislature instead deals with minor issues such as smoking bans in public places - issues that for the most part need no guts or vision from our representatives. It seems our representatives have paralyzed themselves with fear of losing their seats in Lansing for the short time they are there.

Michael Mooney
Give Em a Brake Safety

Green legislatures do not have the experience necessary on complex issues, i.e., taxes, infrastructure, etc.

Beggie Greenslade
LGL Construction Co.

Michigan legislators have no incentive to make bold decisions. They will make safe decisions so that they will have an opportunity for their next position.

Steve Graylin
Wide Tron

Continues on pg. 52

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Engineering Council Partners with Detroit Science Center to Create ACEC Design Center



With the Mini Mac bridge as backdrop, Ronald Brenke, executive director of ACEC/M (right); and Mark Smolinski, national director of ACEC/M (left); presented Detroit Science Center President and CEO Kevin Prihod with a check for \$15,000. The donation is the first of numerous ACEC member contributions that will total more than \$40,000 by 2009. (Photo courtesy of Detroit Science Center.)

In July 2007, the Detroit Science Center unveiled an 80-foot long model of the Mackinac Bridge to celebrate the 50th anniversary of Michigan's most famous bridge.

The American Council of Engineering Companies of Michigan (ACEC/M) recently began celebrating the promise of Michigan's future by teaming with the Detroit Science Center to begin work on the ACEC Design Center.

With the Mini Mac as a backdrop, Ronald Brenke, executive director of ACEC/M, and Mark Smolinski, national director of ACEC/M, presented Detroit Science Center President and CEO Kevin Prihod with a check for \$15,000. The donation is the first of numerous ACEC member contributions that will total more than \$40,000 by 2009.

ACEC membership is comprised of more than 100 private engineering firms that design Michigan's roads, bridges, schools and more.

Continues on pg. 61



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The American Road and Transportation Builders Association (ARTBA) was founded in 1902 and is the only national association that exclusively represents the collective interests of all sectors of the U.S. transportation design and construction industry.

NEWS

www.artba.org

ARTBA Foundation Announces Winners of ARTBA/CNA Contractor Safety Award MITA MEMBERS AJAX PAVING, JOHN CARLO INC., RECOGNIZED FOR WORKER HEALTH & SAFETY PROGRAMS

Three leading industry firms—Hunter Contracting Co., Ajax Paving, and John Carlo, Inc., — were recognized for their outstanding worker safety and health programs recently during the 2008 American Road & Transportation Builders Association (ARTBA) National Convention in Chicago. They were the top honorees of the ARTBA-Transportation Development Foundation/CNA "Contractor Safety Award."

CNA, a leading national insurance firm, and the ARTBA Foundation developed the program to promote worker safety and health as core values of the transportation design and construction industry. Award winners demonstrated a low "OSHA Recordable Rate" as measured against benchmark statistics established by the Bureau of Labor Statistics. Six finalists were selected based on their achievements as evidenced by recordable rates well below the industry average. Finalists were invited to make a presentation before a panel of industry judges who reviewed their safety programs based on factors, including corporate safety culture, operational safety plans and worker training programs.

Awards were presented in three categories, based on the number of employee hours worked during the previous year: 1,000,001 or more; 500,001-1,000,000; and 500,000 or fewer:

- 1,000,001 or more:** Hunter Contracting Co., Gilbert, Ariz.
- 500,001 – 1,000,000:** Ajax Paving, Nokomis, Fla.
- 500,000 or fewer:** John Carlo, Inc., Clinton Township, Mich.

"Achieving good safety and health performance on the job site is critical for companies to have long-term success in the transportation construction industry," said Brad Sant, ARTBA vice president for safety & education. "Our intent with this award is to promote and share the safety programs implemented by our winners, so they can serve as models for others in the industry to follow."

The 2009 awards will be presented in October during the ARTBA National Convention in Charleston, S.C. Applications are available on the ARTBA website.



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ARTBA Chief Writes President Obama Regarding Transportation Stimulus

A new vision for America's transportation network through development of Critical Commerce Corridors and better transit facilities for communities across America...the importance of transportation investment in the economic stimulus package...and an urgent need for a Presidential Executive Order to cut "red tape." These are the critical issues American Road & Transportation Builders Association (ARTBA) President & CEO Pete Raane addressed in a letter to President Obama in January.

President Barack Obama
The White House
1600 Pennsylvania Avenue, N.W.
Washington, D.C. 20500

Dear Mr. President:

On behalf of the more than 5,000 public and private sector members of the American Road & Transportation Builders Association (ARTBA), congratulations on your inauguration!

As you begin your first term of office and organize your administration, please know that the men and women of our industry deeply appreciate your personal interest and leadership in using transportation capital investment to build a better America for our children and grandchildren.

A new vision for our transportation network that includes development of "Critical Commerce Corridors" (www.criticalcommercecorridors.com) and better transit facilities for communities across America, coupled with a business plan for making strategic, long-term investments, is urgently needed. These would facilitate the nation's economic growth, competitiveness and development of alternative energy sources... reduce energy consumption, greenhouse gas emissions and public health care costs... and provide a safer, cleaner environment for all Americans.

ARTBA will assist you and your Administration in any way possible to achieve these goals.

2009 is a critical year for federal transportation programs. The first order of business, of course, will be to successfully implement the transportation component of your economic recovery program to save and create American jobs. With the cooperation of public agencies to get work out quickly, I assure you the private sector is poised and anxious to respond. This must not be "business as usual."

The short-term package, however, must be followed-up as soon as possible this year with robust, multi-year authorizations of the federal aviation and surface transportation programs that focus on longer-term strategic capital investments. Without that action, the American jobs that will be saved and created through the economic recovery package will again be in jeopardy due to the precarious position of the federal Highway Trust Fund, which some believe will fall short of the cash required to fund existing

commitments as early as mid-year.

Given this situation and the normal lag time that occurs in filling key administration sub-cabinet positions, I respectfully suggest an enlarged, initial White House role in overseeing the transportation component of your economic recovery program and these other, related, matters.

My recommendation is that a Presidential Executive Order be issued quickly, tasking all agencies to assign the top Senior Executive Service member (to be later assumed by the Deputy Secretary of each agency) to implement their agency's response and cut "red tape."

I further respectfully suggest that an inter-agency committee chaired by the Secretary of Transportation be established to permanently oversee your transportation initiatives. The working model for this approach is the Defense Department's Economic Adjustment Program, expanded by Executive Order 12049 in 1978. This program has a 40-year track record of success in dealing with short- and long-term economic crises caused by military base closures and other defense realignments.

Your chief of staff, Rahm Emanuel, should coordinate this effort to ensure the cooperation and support of all involved federal agencies and the nation's governors.

Mr. President, ARTBA looks forward to working with your administration in the months and years ahead to build a better America for all citizens through transportation. I would be pleased to discuss any of these issues and ideas further.

T. Peter Raane
President & CEO

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Member Voice: What is your opinion of term limits?

Continued from pg. 48

Michigan needs a legislature with the knowledge that comes with tenure that is committed to finding problems not deferring the problem to beyond their term limits.

Bob Adcock

Angelo Infante Construction

Politicians know they only have a certain amount of time in office between the Senate and House. In this time they focus more on individual (home district) or campaign promise issues. They never really look at the big picture.

Darrin Stanke

Zenith Tech, Inc.

In a state that is starving for leadership we force our effective leaders out every six years - how stupid is that. We have term limits, it's called an election. The bigger issue we have in Michigan is an informed vote. I'm absolutely amazed at how ill informed most people are. There are too many folks that vote for the person their Church, Union, Teacher/Professor or television personality tells them to vote for and don't bother to educate themselves as to what the issues are. Every voter has an obligation to inform themselves or we are going to continue down this slippery slope we are currently on.

Craig Fons

Fonson Inc.

The election should be the term limit if we the people do not like the person that we have elected we have the opportunity to elect a new person. Term limits is like having to fire your best man just because he has been working for you too long. With the term limits, you have to train a new person and get them up to speed and at times our legislature moves slow. This is an added delay that we do not have time for.

Karl Grant

TCI Inc. of Michigan

More frequent turnover in the legislature means that members are less knowledgeable on issues, leadership roles are severely underdeveloped, and relationships between parties and houses are less likely to become comfortable. All this leads to an inability to find solutions and compromise in order to pass meaningful and effective legislation.

Mike Malloure

C.A. Hall Co., Inc.

As with any job experience is key. Do we as suppliers or contractors rehire our workforce every six to eight years? No. If we had to, we would be out of business in seven to nine years.

Luke Fleischmann

Advanced Drainage Systems

Term limits, which I initially thought would be a good idea, have shifted the balance of power to unelected bureaucrats. Plus I believe that with today's complicated budget issues there is a learning curve that the elected officials are just starting to understand about the time they are termed out, then the process starts over and we as taxpayers and business people are suffering for it.

Scott Bazinet

Low

Term limits have left too little time for newly elected officials to become educated on the issues. As a result, our elected officials have become even more dependent on lobbyists (counter productive to the original intent of term limits). Term limits sounded good on paper but backfired in actual practice.

Keith Rose

Ruth-Riley

By the time a new member is educated in the system and acquainted with the issues it is time for them to leave due to the term limits. No one is

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there long enough to gain any substantial experience.

Dave Eichbrecht
John Carls, Inc.

The reasons for term limits are to keep fresh blood in our legislature and get rid of long term members who don't contribute much anymore. There are, however, and always will be experienced long term members who are familiar with the issues and continue to serve and represent us well. It is a shame that they need to leave. The legislators who should be retired can easily be voted out of office if the voters use their heads.

Jerry Nagelkirk
Grand Valley Concrete Products

The Michigan Legislature is more effective in the nature of preserving a democratic representative type of government. It is less effective in terms of efficiencies measured by the cost of citizens' involvement to educate our representatives on those issues, which may be of special interest to one group or another.

Gary Merkey
Jackson-Merkey Contractors, Inc.

I'm beginning to think that we may be tossing the baby out with the bathwater each term limit cycle now as opposed to possibly overstating the position and saying, "stay with the devil we know versus the devil we don't." Cite some of the recent escapades of our new legislators. There is a lot to be said for knowing the ropes.

Charlie Ganss
BridgeTec Services Corp.

Every six years in the House and every eight years in the Senate we lose all of the institutional knowledge in our state's Legislature and Governor. We must continually educate new legislators. The job of representing the electorate is too important to be a constant training ground. We need to have some amount of experience in our legislative bodies. This is particularly important in our legislative leaders. Our leaders are well meaning and good people, but they don't have the benefit of time in office to learn the complex issues they are facing. Our leaders do not have time to develop relationship and trust with their fellow legislative leaders on both sides of the aisle. As a result of this lack of institutional knowledge in the legislators, the repository of this knowledge is with the lobbyists. Is this what the voters wanted when they passed term limits?

Rich Lehman
Lehman Business Services LLC

Continues on pg. 56

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

— Sir Edmund Burke

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

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

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

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

What is MITA PAC?

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

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

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

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

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

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

Do Candidates Really Need Our Help?

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

What Can I Do?

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

Make Your Voice Heard. Support the MITA PAC.

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

— Abraham Lincoln

MITA PAC Contribution Form

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

Note: PAC Contributions are not tax deductible.

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

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Member Voice: What is your opinion of term limits?

Continued from pg. 53

By the time the learning curve is achieved the term is over. Doesn't make much sense to me.

Mike Anderzack
Anderzack-Pitrou

Part-time legislators never have a chance to learn their trade. Instead of reducing lobbying, which I believe was the original intent, it has increased lobbying because of their lack of knowledge on all the issues.

Gary Putrow
Michigan Pipe & Valve, Inc. - Lansing

The current term limits do not give the politicians enough time in office to accomplish their goals.

Heather Emmons
McDonald Plumbing

I voted for term limits thinking that politicians would make decisions less on protecting a life long seat and more on the merits of the issues. Instead they are more purely career oriented than ever, constantly angling for a government or lobbyist job after they are term limited. In addition, no one is

ever in office long enough to learn anything. No one in the bureaucracy fears anyone in the legislature. Term limits have been a disaster.

J.W. Fisher
Fisher Contracting

This is a difficult question to answer correctly. The election of new legislators creates a considerable amount of learning every term, which could be better put to use with the experience of people who have already made their mistakes and gained valued knowledge. On the other hand, the system gets misused by some elected officials remaining in office for extended time frames due to high influence within their districts and/or lack of voter turnout for elections. Most recently, the state representative from my area has been term limited and it is a shame because of his high level of integrity and his amazing work ethic. He would continue to bring great value to the office and in turn to the people of this district as well as the state of Michigan.

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Vice President of Government & Public Relations Comment

Continued from pg. 20

initiate a campaign to more directly involve our members in the legislative process in 2009, which will call upon each of you to participate by directly developing a relationship with your State Representative and State Senator. Then, as legislation is moving its way through the Capitol, we will call on you directly to contact your legislator and ask for their support on our side of the issue.

If you are interested in getting more involved to help promote your own industry, please feel free to contact me at the MITA office.

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

MITA in the News

Continued from pg. 31

12/8/2008 Detroit Free Press:

Save roads with a modest gas tax hike

There's no good time to raise taxes, and now, admittedly, is one of the worst. Still, for state elected officials to leave Michigan roads crumbling, and even unplowed and unsalted this winter, for lack of money is politically cowardly and publicly irresponsible.

Legislators should act during the lame duck session to increase funding for roads and transit system, and Gov. Jennifer Granholm, who so far has shown little courage or foresight on this issue, must take the lead. Waiting for dozens of new legislators to get up to speed on transportation issues next year would cause dangerous delays for the state's economy, quality of life and public safety.

Michigan's 19-cents-a-gallon gas tax was last raised by four cents in 1997. There's no magic number, but a temporary increase of nine cents a gallon, until the state can find better ways to pay for transportation, is reasonable. But an innovative plan by the Michigan Infrastructure and Transportation Association (MITA) is even better and deserves an immediate serious look. Michigan contractors seek \$1.4 billion in higher fuel taxes and registration fees. The plan, which would help stabilize revenues, calls for an increase in registration fees of up to 50% and replacing the per-gallon tax on gas and diesel with a percentage tax on the wholesale price of fuel...

12/8/2008 Oakland Press:

We need to bite bullet and approve road tax

There is a new tax increase proposal geared to improving Michigan's crumbling highways. We're never excited about a tax increase but considering the condition of our roads and the fairness of the plan, we think it should be approved by the state legislature.

The Michigan Infrastructure and Transportation Association developed the proposal that would start to implement the recommendations of the Michigan Transportation Funding Task Force.

The task force conducted a study earlier this year on the state's deteriorating road infrastructure and what could be done to fix the problem.

The association's proposal would change the current gas tax to an 18-percent wholesale fuel tax.

Continued on pg. 62

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During the first annual MUCC Conference, a DTE Energy representative demonstrated an "Arcs and Sparks" presentation to emphasize the importance of safety when working around power lines.

Director of Technical Services Comment Continued from pg. 26

this service the quality of construction plans will improve.

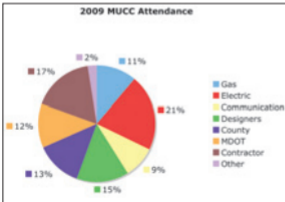
MITA ended the day with a presentation from a contractor's perspective on multitude of problems associated with poor utility coordination. These issues range from increased project timelines, lack of productivity, increased risk to construction workers, and loss of profit. Common frustrations were discussed including non-response on phone calls made to utility companies, misleading relocation timeframes, utilities that are not relocated prior to the start of work operations, information not accurately conveyed to MISS DIG field locators, lack of accuracy on relocated facilities, hand exposing deep utilities, etc., you get the point.

This conference was a great kick-start toward the improvement of utility coordination in the state of Michigan. Coordination must occur early as possible during the design phase of a project and leave as little as possible for construction person-

nel to resolve. It is recognized that even with the best coordination, there will be situations requiring the contractor to work with the utility companies during the construction phase. That's certainly acceptable and understandable but we must realize that an ounce of prevention and coordination between all parties can save the citizens of Michigan a considerable amount of money and impact. Remember that all citizens of Michigan are both ratepayers as well as taxpayers.

To view a copy of the presentations visit www.mita.cc

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



With over 200 people in attendance at the MUCC Conference, Doug Needham, P.E., MITA's director of technical services, spoke about a multitude of problems associated with poor utility coordination.





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of 13 members. Nine represent interests including manufacturing, labor, transportation, agriculture, aviation, commerce, public transit, tourism, and the general public. Four members of the Legislature also serve on the Task Force, two representing each legislative body and two representing each side of the political aisle. A full copy of the task force report can be found at <http://www.michigan.gov/tf2>.

Road Group Offers Cash for Pothole Pictures February 10, 2009

A coalition working to secure more funding to fix Michigan's roads and bridges today announced they are kicking off their third annual contest to identify the worst potholes in Michigan. The Michigan Transportation Team (MTT) will be awarding \$318 in cash for drivers who submit pictures of the worst teeth-rattling potholes in the state.

Driving on crumbling and congested roads costs each Michigan motorist an average of \$318 per year, according to The Road Information Program (TRIP) out of Washington D.C.

"There are some real rim-busters out there already, and it's only February," 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. "We thought last year was bad, but we've got a rough spring in store."

Due to the stiff competition, the MTT will be awarding four regional winners this year in northern, western, southeastern and central Michigan.

To enter, residents must take a picture of the worst potholed road or crumbling bridge and upload it to www.drivemi.org. The general

public can vote on their favorite choices and pothole contest winners will be decided on March 30.

"The contest is a fun way to highlight a serious problem, but there is nothing fun about dodging enormous potholes and driving on dangerous roads," said Nystrom.

The contest is part of an ongoing effort to educate policymakers that the dire condition of Michigan's roads are a serious threat to public safety and a roadblock to business development in the state. MTT is pushing to end legislative inaction and asking legislators to address the lack of transportation funding that puts Michigan drivers at risk.

A recent study by the Michigan Transportation Funding Task Force (TF2) says that the state needs to double its transportation funding from \$3 billion a year to \$6 billion a year in order to make just basic improvements in pavement conditions and congestion. The dire needs of our roads and bridges is due to decades of neglect. Now, the situation is getting even worse because gas tax revenues are plummeting. Since 2002, revenues have declined by almost 12 percent.

"We're turning a negative into a positive; hit a giant pothole and you could be \$318 richer," Nystrom said.

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. For more information visit www.drivemi.org.

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Partner NEWS

Continued from pg. 49

Brenke said the design center will inspire and educate Michigan students about the careers available to them in the varied fields of engineering.

"The ACEC Design Center will be a bridge to the future for talented Michigan students who are interested in pursuing careers in engineering," Brenke said. "ACEC members throughout Michigan understand the importance of showing young people exactly what engineers can create."

"The engineering leaders of tomorrow will be walking through these exhibits and we want to show them the possibilities that lie ahead for them. The goal is to get them excited about engineering – and Michigan will reap the benefits of their talents."

The Transportation Infrastructure Gallery will not only house the ACEC Design Center for at least the next 10 years, but numerous other exhibits detailing Michigan's vital infrastructure, including bridge design and road construction, with hands-on, interactive exhibits.

"We want to stress engineering as a career and the ACEC Design Center will put us before children and students for many years," said Smolinski, P.E., founder of G2 Consulting Group, Inc., of Troy and Brighton. "We all remember the toys and tools that inspired us to become engineers. We think that many dreams will begin here."

Prihod said the gallery's ACEC exhibits take the Detroit Science Center

down a new, exciting road.

"This is unique from almost everything we do and you simply will not see these type of exhibits anywhere," Prihod said. "The scale of engineering is so big and these exhibits will expose young people to the importance of engineering – and by using interactive exhibits, we make it fun and interesting. We want to provide that inspiration, and show them that engineering is cool."

Prihod said the more than 500,000 students and adults who visit the science center each year will be able to take on the role of engineers – designing roads and bridges, controlling traffic, inspecting tunnels and more. Visitors will also gain a better understanding of the materials used to build Michigan's infrastructure.

The exhibits in the ACEC Design Center will be built at the science center's 25,000-square-foot facility in Ferndale and most will be completed by 2010.

The Detroit Science Center is located at 5020 John R St. in Detroit, and online at www.detroitsciencecenter.org.

ACEC of Michigan represents the business interests of more than 100 Michigan engineering, surveying, architectural and related scientific firms employing more than 3,500 engineers who provide professional knowledge to the built environment.

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MITA in the News

Continued from pg. 57

which would decrease to 13 percent or 10 percent when gas prices rise. The decreasing tax rate is encouraging because it would take a little of the bite out of gas prices when they balloon to levels seen this past summer.

12/8/2008 Detroit News:

Lack of funding could delay road repairs

The Michigan Department of Transportation said Friday 246 road projects, scheduled from next year through 2011, will have to be delayed unless the state can come up with increased money to draw the full amount of federal money available.

The list of projects that would have to be moved back includes 73 -- most of them bridge and overpass repairs -- in Wayne, Oakland, Macomb and St. Clair counties. They are in the department's new five-year plan for road repairs and new highway lanes from 2009 through 2013.

12/8/2008 WLNS TV-Lansing:

State Releases 5-Year Transportation Plan

The state of Michigan's transportation system may soon be even worse off. The Michigan Department of Transportation just released their new five year plan. In it, MDOT has cut 246 previously planned road projects statewide over the next five years due to a lack of funding. Those cuts mean the loss of nearly 8,000 jobs the projects would have created.

Mike Nystrom, Transportation Lobbyist: "These are heavily traveled routes that are listed on this project that are being pulled back. In the end, yes, every one of them are important to the future of Michigan. We have deterioration, we have public safety, we have all those types of things that are a concern right now."

12/4/2008 Grand Rapids Press Editorial:

A new route to transportation funding in Michigan

Despite the old adage about the road to Hell, good intentions don't pave anything. Money does, and very soon the state won't have nearly enough. A new way of paying for highways, bridges and mass transit

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must be found. Part of the solution should be a restructuring and increase of the state's gas tax, the prime driver of our transportation infrastructure.

That is the logical conclusion of Gov. Jennifer Granholm's Transportation Funding Task Force, which recently reviewed the sorry state of financing for Michigan roads. The group's sobering conclusion: Michigan is fast approaching a "crisis of infrastructure funding." If it does nothing, the state stands to lose \$1 billion a year in federal funds, which the state must match at 20 percent. Road conditions will decline. Construction workers will lose jobs. Bus systems, which rely on the state transportation funds, too, will lose operational dollars.

The Michigan Infrastructure and Transportation Association (MITA) has suggested a reasonable solution...

12/4/2008 WLAI-TV Lansing: **Local Leaders Seek Transportation Funds**

It's getting down to the wire for state lawmakers to pass transportation funding and reforms before their holiday break.

On Wednesday, mayors and other local leaders gathered to urge lawmakers to consider the bills.

They say support for road and bridge repairs will bring more jobs to our state and billions of dollars in new developments across the region, it would also improve safety conditions on our roads.

"You drive through several metropolitan areas across the state and we see plywood under bridges," says Mike Nystrom, from the Infrastructure and Transportation Association. "That is just holding up the deterioration that is going on the bridge above..."

11/20/2008 Detroit Free Press:

Proposal overhauls funding for Michigan's roads

A construction industry group is pushing to change gas taxes in Michigan to raise more money for roads and other transportation needs.

Two major changes would fund the bulk of a proposal by the Michigan Infrastructure and Transportation Association (MITA) to raise an additional \$1.5 billion a year in state transportation funds...

11/11/2008 Forbes:

Better if Michigan taxes gas wholesale price

Gov. Jennifer Granholm and lawmakers should consider eliminating Michigan's 19-cents-a-gallon gasoline tax and replacing it with a tax on the wholesale price of gas, according to a report released Monday.

Swapping the taxes would let revenues rise or fall with changing fuel prices rather than tying gas revenues to consumption, which is falling as motorists drive more fuel-efficient cars or cut back on buying gas to cope with prices that at one point topped \$4 per gallon...

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UNEARTHING POSSIBILITIES

The Signaling Function of Transportation Infrastructure: the Theory of the Broken Window

Continued from pg. 43

will stay apart from their fellows, moving with averted eyes, silent lips, and hurried steps. "Don't get involved." For some residents, this growing atomization will matter little, because the neighborhood is not their "home" but "the place where they live." Their interests are elsewhere; they are cosmopolitans. But it will matter greatly to other people, whose lives derive meaning and satisfaction from local attachments rather than worldly involvement; for them, the neighborhood will cease to exist except for a few reliable friends whom they arrange to meet. Such an area is vulnerable to criminal invasion. Though it is not inevitable, it is more likely that here, rather than in places where people are confident they can regulate public behavior by informal controls, drugs will change hands, prostitutes will solicit, and cars will be stripped. That the drunks will be robbed by boys who do it as a lark, and the prostitutes' customers will be robbed by men who do it purposefully and perhaps violently. Muggings will occur."

The Albuquerque Police Department found that failure to vigorously enforce even minor traffic laws signaled to the community an abandonment of the highways to lawlessness, causing urban decay and an escalation in serious crime both on and off the highway. And the New York City Transit Department experience reveals the same dynamic with respect to New

York's subways.

I suggest that because our roads, bridges, rails and airports are the omnipresent symbol of the community's solicitude for its own economy, an unintended transportation infrastructure signals a community's abandonment of hope for its economic future. For one, it suggests that the pace of economic activity has not only declined, but also there is no hope of recovery, because we would not allow our transportation infrastructure to deteriorate and even abandon part of it unless we expected permanently reduced transportation needs resulting from a permanently depressed economy. On the other hand, a clean, efficient and modern transportation system telegraphs every day over and over again a collective expectation of and commitment to prosperity. Because we would not invest in the arteries through which commerce flows unless we believed in a future where lots of commerce will, indeed, flow, it signals a collective faith in a future where highways will carry ever more prosperous families, consumers and producers.

Improvement or even just break even maintenance of the transportation infrastructure, therefore, sends a signal that the economic future has not been abandoned and we do not expect a permanently depressed level of economic activity.

In other words, a degraded transportation infrastructure taxes economic activity and depresses it not only by adding to the cost of transporting goods and services, but also because it taxes our sense of economic optimism. To the degree that the state signals that it has constructively "abandoned" the infrastructure of personal and commercial mobility, the movement of people and business is progressively burdened with a sense of friction and obstacle.

In combination with other consequences of poor transportation infrastructure like reduced productivity, impaired economic cooperation and less effective exploitation of comparative advantage by less specialized producers, this can trigger a cascade of harmful economic



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and social effects that cumulatively coalesces into a waterfall-like economic decline, not unlike what we are witnessing today. Thus, seemingly small disorders in the transportation infrastructure, like potholes, asphalt cracks and graffiti may, in turn, initiate a cascade of economic decline much like a broken window triggers a cascade of decay in a city neighborhood.

This should not surprise. Freshman Economics courses throughout the world instruct their students that prosperity is vitally connected to consumers' expectations. Consumer expenditures account for more than 6 out of every \$10 spent in the American economy. When consumers are upbeat, they have a higher propensity to spend on goods and services. This increases business revenues, corporate profitability, stock values and government revenues. On the other hand, crumbling consumer confidence (triggered, in part, by crumbling transportation infrastructure) means crumbling business sales and profits which, in turn, depresses equities and other assets like real estate. Sound familiar?

Of further import, a depressed consumer makes foreign investors reluctant to invest in the United States. It raises the prospect of a weakening business climate and falling interest rates, both which bode ill for the dollar's value. Foreign investors will, therefore, sell our currency, our bonds, our stocks, our businesses and our jobs in search of higher returns and a stronger economy elsewhere. On the other hand, an ebullient consumer lifts US interest rates, business sales and profits, job growth and stock market returns and promises a higher return relative to investment in other nations. This dynamic creates foreign demand for US dollars, stocks and investment in American business enterprises and jobs relative to investment in enterprises and jobs in other nations.

The consumer's state of mind and the state of our economy are inextricably intertwined. And the consumer's state of mind is intertwined, in a fundamental way, with the signals communicated by the relative decay or maintenance of the transportation infrastructure.

The signs of physical disorder are highly visible cues to which neighborhood residents respond. It influences

Continues on pg. 67

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With the smell of spring in the air, many of you are preparing for the possibility of a busy construction season. The following list of things is required at each job site according to the Michigan Construction Safety Standards.

- State and federal jobsite postings (minimum wage, right to know, etc.). Postings have to be available for employees to view at any time.
- MIOSHA 300 annual summary posted where employees have access to read it. The annual summary must be posted from February 1st- April 30th.
- Safety or accident prevention program that all employees are familiar with along and a qualified person to implement the program.
- At least one person on each job trained in first aid.
- Annual inspections for all of your lifting and digging equipment.

These items are all a must in order to remain in compliance. MITA recommends starting a to-do list of the things you need to get done before work starts up i.e. update PPE, check tags and stamps on lifting devices, refresher training for flagger, fork lift and aerial lift certifications to name a few.

If you need help in any of these areas or have any questions, contact Patrick Brown at patrickbrown@mita.com or call the MITA office 517-347-8336.



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The Signaling Function of Transportation Infrastructure: the Theory of the Broken Window

Continued from pg. 65

migration, investment and the overall viability of a neighborhood. It precipitates a cascade of negative events, motivating residents to move out of their neighborhood. And because people move out only if they have the financial means to do so, out migration heightens the concentration of poverty among those left behind as well as transience and residential instability. This increased level of residential instability, transience and concentrated poverty, in turn, leads to more crime, disorder, instability and transience, negative consequences feeding on and fueling further negative consequences in an infinite loop.

So too does the economic and social disorder expressed by (and sometimes initiated by, but always contributed to and accelerated by) the disintegration of the transportation infrastructure constitute a highly visible cue to which consumers and businesses respond. It, too, operates in a cascading fashion by motivating residents to move out of their community and state. And, as with disintegrating neighborhoods filled with broken windows, people move out only if they have the financial means to do so. This out migration thereby increases the concentration of poverty among those left behind. Witness Detroit, the poorest big city in America. Witness Michigan,

becoming poorer relative to other states all the time. A social and economic feedback loop is grounded in our investment (or lack thereof) in our roads, bridges, airports and rails. Our nation's, our state's, and our community's future is vitally threatened by the pervasive decay of our transportation infrastructure.

This whole cascade of events cannot, of course, be traced exclusively to our decaying transportation infrastructure. However, the decay of that infrastructure is a vital component of that dynamic, because it taxes and, therefore, depresses economic activity both by adding to the cost of transporting goods and services and by taxing our sense of economic optimism.

I assert that if economic actors broadly share positive expectations about the state's commitment to a high level of maintenance of the physical infrastructure that makes economic transactions possible, if economic actors believe that there is a shared and durable commitment to the principle that hard workers and risk takers will retain the overwhelming share of the fruits of their labor/risk, and the polity is committed to a set of marketplace regulations widely regarded as fair, then investment in new business and job creation will flow. And economic withdrawal and

Continues on pg. 68



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risk aversion will be inhibited. If, on the other hand, economic actors observe that government cannot even maintain Detroit's roads or the New Orleans levees, and the government permits Board members and officers of major corporations to take down huge bonuses and receive government bailouts for self-dealing while shareholders are bankrupted, they hear the message that the government is inefficient and not committed to fairness and the maintenance of either the physical infrastructure that permits economic cooperation over distance or the rules of a free and competitive market. Under such conditions, consumers and businesses alike hunker down, retreat from risk, spending and investment, and hoard cash and resources as a safety net in the face of an uncertain future. The result of such public economic disorder is the state of economic emergency that confronts us.

People assign a high value to public order, and feel relieved and reassured when the police help them maintain that order. Similarly, people assign a high value to a safe and efficient transportation infrastructure and feel reassured when the government adequately maintains the infrastructure that makes economic transactions and personal mobility possible.

In the context of the global economy, our nation's economy is vulnerable to a dynamic of withdrawal and decline similar to that of the neighborhood with a broken window when the nation signals, by

its cumulative neglect of roads, bridges, airports and rails, by potholes, chunks of cement falling on the hoods of cars from overhead decaying bridges, graffiti lining expressway barriers, asphalt bike paths and cement sidewalks riddled with cracks and the occasional bridge collapse, that the nation has given up in the struggle for leadership in the global marketplace and surrendered ascendancy to other nations. And, in the context of the nation's domestic economy, Michigan signals, by the same neglect, that it has given up in the struggle for jobs and economic growth relative to other states.

NOTE FROM AUTHOR:

You may recall that I used to be a state senator from Oakland County and, before that, a state representative. I retired from the Michigan Senate in 1996 because of a life threatening illness.

I recently returned to Michigan with my family after living in Jackson Wyoming for several years, so that my son could attend kindergarten here. Now that I was back in Michigan and my health was better, I naturally started looking around for things to do to help my home state. I soon concluded that the most important thing that the state government could do to improve Michigan's ailing economy was to pass a transportation infrastructure funding and spending package.

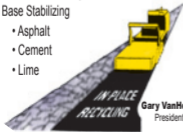
I wrote the enclosed essay outlining a fresh perspective about why a transportation infrastructure program is vital to both Michigan's and the nation's economic recovery. I think I said some things that no one else has said before.

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

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

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

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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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MITA 2009 Event Calendar

JANUARY

January 8-11, 2009
MITA Ski Weekend
Boyne Highlands

January 21-23, 2009
MITA Annual Conference
Soaring Eagle Casino and Resort, Mt. Pleasant

January 30, 2009
MITA Super Conference
Crowne Plaza, Grand Rapids

FEBRUARY

February 20, 2009
MITA Super Conference
Sterling Inn, Sterling Heights

February 26, 2009
MITA Super Conference
Causeway Bay Hotel, Lansing

MARCH

March 4, 2009
Industry Night
Noto's, Grand Rapids
6:00 p.m.

March 7-14, 2009
MITA Management Conference
Hilton Los Cabos, Los Cabos, Mexico

March 18, 2009
Industry Night
The University Club, Lansing
6:00 p.m.

March 25, 2009
Industry Night
The Italian American Center, Livonia
6:00 p.m.

APRIL

April 14, 2009
Board Meeting
MITA Office
1:00 p.m.

MAY

May 2, 2009
Presidential Gala
The Royal Park Hotel, Rochester

May 20, 2009
Western Michigan Soil Testing Golf Outing
Boulder Creek, Belmont

JUNE

June 9, 2009
Board Meeting
Country Club of Lansing
8:30 a.m.

June 10, 2009
Central Michigan Golf Outing
Eagle Eye Golf Club

JULY

July 16, 2009
Southeast Michigan Golf Outing & Silent Auction

July 23-26, 2009
MITA Summer Conference
Boyne Mountain

AUGUST

August 11, 2009
Board Meeting
MITA Office
1:00 p.m.

OCTOBER

October 13, 2009
Board Meeting
Hunter's Ridge Hunt Club
8:30 a.m.

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

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.

BID LETTINGS

Friday, January 9	Friday, July 10
Friday, February 6	Friday, August 7
Friday, March 6	Friday, September 4
Friday, April 3	Friday, October 2
Friday, May 1	Friday, November 6
Friday, June 6	Friday, December 4

MITA BOARD MEETINGS

April 14, 2009, MITA Office, 1 p.m.
June 9, 2009, Country Club of Lansing, 8:30 a.m.
August 11, 2009, MITA Office, 1 p.m.
October 13, 2009, Hunters Ridge, Oxford, 8:30 a.m.
December 11, 2009, Country Club of Lansing, 8:30 a.m.



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-----------------	---

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LOCAL 324 MISSION STATEMENT

To anticipate for, and capitalize on the ever-changing economic, social, political and legal challenges facing our union; to provide an unmatched level of services to members through a dedicated, loyal team of professionals.

LOCAL 324's VALUE PROPOSITION

*Members will provide a fair day's work, bringing unsurpassed **Unity, Pride** and **Productivity** to the job-site while performing safely.*

Local 324 Operating Engineers

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