

WINTER 2014

CROSSSECTION



New MISS DIG Act: Signed into Law

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MEMBER PROFILE:

**Michigan Paving
& Materials Co.**

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Patriot Pumps

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MISS DIG Act bill signing.

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Cover Photo: New MISS Dig Act Bill Signing: From left to right Jim Urban, of Butzel Long; Mike Nystrom, MITA's executive vice president; Bob Patzer, former executive vice president of MITA; Lance Binoniem, MITA's vice president of government affairs; Governor Rick Snyder; Rob Copersmith, MITA's vice president of membership services; Senator Mike Nofs, R-Battle Creek; and Greg Moore, legislative aid to Sen. Nofs.

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Mike Nystrom

EXECUTIVE VICE PRESIDENT

MITA entered 2014 on a high note for the construction industry after the new MISS DIG Act was signed into law. MITA staff members have logged endless hours of work since 2000, when the former AUC formed the Michigan Damage Prevention Board. The mission of the board was to develop a new public act through a contractual arrangement known as the “Best Practices” for utility locating. Public Act 174 includes numerous positive changes to notification, ticket life, damages, exemptions and enforcement reporting tools. MITA’s Vice President of Membership Services Rob Coppersmith details all the changes starting on page 16.

Many other MITA accomplishments are covered throughout the magazine, including engineering matters discussed on page 18 by Glenn Bukoski, P.E., vice president of engineering services; and legislative issues on page 21 by Lance Binoniemi, vice president of government affairs.

Recent developments in another area that affects the entire heavy/highway and underground construction industry are outlined on page 36 in an article written by Michael J. Leavitt, “Recent Developments in Trucking Laws that Affect Seasonal Construction Contractors.” The article covers three major changes that affect contractors.

Looking ahead into the construction season for 2014, an article by ART-BA on page 42 summarizes the outlook nationally for highway, bridge planning and design work. MITA members in Michigan are looking forward to a busy season, and two member companies are highlighted in our Member Profile on page eight and Associate Member Profile on page 12.

Other articles and photos highlight MITA’s numerous special events, which we hope you all will participate in this year. For a complete calendar of events, see page 31 or visit the event section of www.mi-ita.com. We hope to see you soon!

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such as stone base, tack coat and delivery to your job.

“We are a very vertically integrated company,” said Gregg Campbell, president, who joined the company in 1975 starting as a flagger, and later gained a degree in

Continues on pg. 10




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Because Michigan Paving controls the source and quality of aggregates and liquid asphalt cement, they can meet and exceed specifications for jobs.

They can produce more than 600 tons of asphalt per hour at each of their plants, and have access to more than 15 fully-equipped paving crews to handle any size paving project. Each facility also arranges for other products needed in the paving process, such as stone base, tack coat and delivery.

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- Driveway Paving
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QUICK COMPANY PROFILE

After over 50 years of professional service, Michigan Paving remains committed to providing customers with high-quality materials, precision craftsmanship and cost-effective solutions.

As America's largest supplier of asphalt aggregates and liquid asphalt cement, we control the source and quality of all materials — allowing us to meet or exceed specifications for any project on any deadline.

MEMBER PROFILE *Continued from pg. 8*

business and moved into management. "We make our own aggregates, own the terminal for liquid asphalt, produce our own asphalt mix, and do our own paving. This has helped make us profitable and steady, and keep control on quality, since almost all the aggregate is internal."

Michigan Paving and Materials sells 20 percent of the asphalt they make and their aggregates to others, and also recently added a commercial division, which has been especially busy doing parking lot work in the Grand Rapids area. MDOT is their single largest customer for project work, followed by counties, and all of the project work is handled by about 400 employees from regional facilities in Lansing, Jackson, Grand Rapids, and Kalamazoo.

The company was founded in 1959 by Robert Thompson as a seal coating operation, which later grew through the acquisition of other companies throughout Michigan, including Ann Arbor, Jackson, Lansing, Kalamazoo and Grand Rapids. He sold the company in 1999 to Oldcastle, a public company headquartered in Atlanta and owned by CRH in Ireland. In 2001 the company name was changed to Michigan Paving and Materials.

Notable recent projects include Detroit Metro Airport, in which 200,000 tons of asphalt was used. In the Kalamazoo area the company worked on projects on US 131 and I-94, and in Jackson the southern part of US 127.

"In 2013, we saw an improvement in the number of commercial projects over the previous year, with slow and steady growth," Campbell said. "MDOT work has not been as encouraging, down most years, but 2013 was steady with the previous year. If politicians set aside politics and do what is right for the public, we will get more funding for projects."

Regardless of available funding, Michigan Paving and Materials keeps high standards for their work following the motto of "Safety First." They also focus on customer service, quality materials, being good citizens and neighbors, and providing consistent performance for shareholders.

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Kimberly Dohn completed the course recently and commented:

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

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

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



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Patriot Pumps, LLC was founded by Brian Lenaghan in 2002 in southeast Michigan to help take the guesswork out of bypassing pumping and dewatering for contractors and offer his expertise at dealing with complex pumping problems.

Since then the company has grown to 34 employees, with headquarters in Waterford; offices in Indianapolis, Indiana and Brantford, Ontario; and a lay down yard in western Ohio where equipment is stored.

"We fought through the recession and expanded when business was down," said Lenaghan, who before starting his business worked for a large pump manufacturer on the east coast in national sales. "During 2013, we stayed busy in Michigan – not as busy as when we initially started – although we are now seeing a spike in business in this state, yet I still feel we are still behind other states. The key to stability and growth can be attributed to the retention of our key employees. I have numerous employees that have been with me since the beginning."

The year 2004 was a banner year for the

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company, which was heavily involved in dealing with the sinkhole emergency in Sterling Heights. The sewer interceptor that collapsed at 15 Mile Road and Hayes was about 65 feet below grade and initially required a collective effort from various companies to supply centrifugal pumps and other bypass equipment; but, after further investigation, it was discovered that the flood level was approximately 35 feet below grade, and specialty pumps that could reach water at greater depths were ultimately needed. A temporary bypass was enabled when Patriot Pumps (also known as Thompson Pump Midwest) installed one 30-inch and one 24-inch pump inside temporary manholes in order to allow the engineers to craft

a permanent long-term bypass plan.

Lenaghan remembers the project well, including details involved with utilizing and installing axial flow hydraulic pumps as part of the long-term permanent bypass. The plan called for three pump ends to be installed in a series to accomplish the necessary 75-foot lift and bring water to the surface. Two stacks of 24" pumps and two stacks of 30" pumps completed the system. To expedite the more complex setup procedure with the axial flow hydraulic pumps, Lenaghan's company modified an existing manifold that was fabricated for another sewer bypass in Akron, Ohio.

"It took me about a week to get the pumps

here allowing us to begin installation,” Lenaghan said. “Every setup is different, so there is always some fabrication to be done. Regarding the temporary and permanent bypasses, the contractors, as a group, put together in just over a month what would have normally taken six months. I still can’t believe that we got it together as quickly as we did, but they were pushing us 24/7 to get this stuff installed.”

In addition to the temporary bypass, Patriot Pumps was involved in the design of the permanent bypass which required the system to handle 45,000 gallons per minute. The engineer required 100 percent redundancy allowing the system to handle flows to 90,000 gallons per minute.

“As per usual, we experienced unforeseen weather conditions in January 2005 with torrential rain, snow and melting conditions that caused severe flooding,” Lenaghan said.

Lenaghan recalls pumping close to 70,000 gallons a minute for a couple of days straight pushing the bypass system to its upper limits. The scale of the Sterling Heights project was equaled by other bypass projects: a stormwater bypass near the Atlantic Ocean in Halifax, Nova Scotia; a forced main bypass near Niagara Falls; a tunnel excavation in California; and emergency work done after Hurricane Katrina in New Orleans and Hurricane Sandy in New York. All of these projects have offered him a great sense of adventure, challenge and accomplishment.

Being a member of MITA has helped the company be able to accomplish so

Continues on pg. 14



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CUSTOMER PROFILES: Contractor, industrial, commercial, aggregate, mining, refinery, municipal, maritime, agricultural, pulp and paper

COMPANY PROFILE:

Patriot Pumps, LLC also known as Thompson Pump Midwest, is a service-oriented company specializing in bypass pumping and dewatering. The business, headquartered in Waterford, provides pumps and accessories for both rental and sale. Patriot's rental fleet features over 115 well-maintained pumps at its main location. Patriot has an experienced team of professionals available to rent you, supervise or turn-key any installation.

The company has developed a reputation for providing reliable, durable equipment, exceptional customer service and finding solutions to complex problems. Patriot's sales and rental fleet consists of portable diesel self-priming trash pumps, electric submersible dewatering pumps, submersible trash pumps, hydraulic trash pumps, sewer plugs and generators up to 900KW. Patriot also features a rotary pump capable of handling wellpoint systems up to 1400 feet in length, offering you significant fuel cost savings. Furthermore, Patriot offers a one-of-a-kind super quiet piston wellpoint pump that uses less than five gallons of fuel per day.

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ASSOCIATE MEMBER PROFILE

Continued from pg. 13



much, he said.

"To be a part of MITA is critical to us," said Lenaghan, who lives in Clarkston with his wife, Colleen, who assists in the business, and their three sons. "The executive level is very influential with politicians and the Legislature. Safety knowledge is high, and Rob Coppersmith has helped us with many issues. MITA is an all-around good tool to have access to, and we try to attend events, advertise and sponsor holes at golf outings."

Lenaghan is also proud to have sponsored a Nascar Race in 2013 for the Michigan International Speedway. The race's sponsor pulled out at the last minute, so Patriot Pumps became the official race sponsor for the ARCA Racing Series presented by Menards in June.

"The partnership with MIS for the Patriot Pumps 200 race gave our company a great marketing platform to increase our company's brand awareness as well as grow our business," Lenaghan said.

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Public Act 174: The New MISS DIG Act Signed Into Law

For ease of reading, this article has been broken into several areas concerning the long path Public Act 174 has taken to become law. It should be known that MITA and MISS DIG are working on joint training materials in an effort to be consistent with the message presented to the industry. These materials were actually presented for the first time at the MITA Annual Conference.

The History

The MISS DIG Act was originally established in 1974 and has since governed utility locating throughout Michigan. The original form of the law was written by utility owners; and, thus was very lopsided when it came to assessing liability regarding damage responsibility. Essentially, if you hit an underground facility, in most cases you were sent a claim for the damages. In the late 1990's, the then Associated Underground Contractors (AUC) voiced its concerns with the Legislature, which was reluctant to change the law. Legislative leaders then requested that the contracting community and facility owners work out differences and bring revised language back to the Legislature at a later date.

The Michigan Damage Prevention Board (MDPB) was formed in 2000,

which consists of numerous stakeholders and was chaired by the former



AUC and MITA Executive Vice President, Bob Patzer, and has been chaired by me since his retirement. The mission of the newly formed group was to develop a new public act through a contractual arrangement known as the "Best Practices" for utility locating. The concept was to allow for the industry to work under a contract that could be changed over time based on the performance of the provisions set forth in the Best Practices. If a provision wasn't working for either party, the MDPB Board could renegotiate the item. It took three years to develop the first "Best Practices" contract. It was then amended in 2005 to add further agreed upon provisions and has since been the industry standard.

After numerous years of a steady reduction of damages for those working under the contract, the focus then turned toward codifying the "Best Practices" into law. After months of heated legislative debate and numerous committee hearings, the bill gained momentum and passed both chambers with overwhelming support. MITA is very grateful to Senator Mike Nofs (R-Battle Creek) for sponsoring the bill and the hard work that he and his Chief of Staff Greg Moore applied to making this public act a reality.

Notification and Ticket Life

An excavator shall provide a dig notice to the notification system at least 72 hours, but not more than 14 calendar days, before the start of any blasting or excavating. The purpose is to reduce the likelihood of marks/flags being pulled or destroyed.



**Know what's below.
Call before you dig.**

A ticket is valid for 21 days from the start date, except when a 180-day ticket has been requested and in place. Please remember that a 180-day ticket may require numerous staking events. MITA is happy to assist members with coordinating meetings regarding large projects to ensure that good lines of communication are in place to increase the success of the project.

If marks are destroyed during the course of construction and the excavator needs additional markings, a call must be made to MISS DIG and facility owners have 24 hours to provide new marks. If the ticket expires before the commencement of excavation, an excavator shall provide a new dig notice to the notification system.

Additional Assistance

If the precise location of a marked facility cannot be determined and assistance is requested during normal working hours, via the MISS DIG System, at this time the facility owner would have three hours to respond to the request or meet at a mutually agreed time.

In addition, if there is visible evi-

Continues on pg. 39

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

MISS DIG Damage Reporting

How many damages occur each year? What are the primary causes of damages and near misses? Are these events increasing

or decreasing – and why? Are some educational campaigns more effective than others?

These are some of the many difficult questions that remain unanswered due to the lack of data on a national level. Being able to answer these questions remains a necessary step in ensuring the safety and protection of people and the infrastructure.

To begin to address some of these questions, The Common Ground Alliance (CGA) stakeholders have focused on developing a method for national data collection. In late 2008, MISS DIG, in conjunction with the CGA, launched its Virtual Private DIRT (www.damagereporting.org/missidg) – a secure web application for the collection and reporting of underground damage information. Virtual Private DIRT allows users to submit damage and near miss reports; browse files submitted by the user's organization; administer role-based company and user information; edit personal profiles; change/retrieve password; and submit feedback and questions.

Purpose of Data Collection

The primary purpose in collecting underground facility damage data is to analyze data, to learn why events occur, and



how actions by industry can prevent them in the future, thereby ensuring the safety and protection of people and the infrastructure. Data collection will allow MISS DIG and the CGA to identify root causes,

perform trend analysis, and help educate all stakeholders so the damages can be reduced through effective practices and procedures.

The program's purpose is to reduce underground facility damage, which threatens the public's safety and costs billions of dollars each year. In order to better understand where, how and why these damages are occurring, we require accurate and comprehensive data from all stakeholders. The data will be analyzed and findings are issued via comprehensive reports. The data will not be used for enforcement purposes or to try and determine damage liability. The individual identities of parties involved with records submitted will be kept confidential.

In order to fully understand the complex issues surrounding underground facility damage on a national scale, thorough analysis of a large volume of statistical data is required. Although numerous agencies of various types and sizes have tracked similar data elements, there has been no prior coordinated analysis that represents all of the stakeholder groups.

To learn more about Virtual Private DIRT, view training tutorials, download important forms, register and begin entering data, please visit www.damagereporting.org/missidg/.

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A Look Back at Our 2013 Accomplishments...

As we wait out the winter months and prepare to dive head first into the challenges and opportunities 2014 will bring to our state and our industry, I want to stop for a moment to look back and recall some of the accomplishments we achieved in a busy, yet productive 2013. In maintaining our strong and aggressive voice for the heavy construction industry in 2013, we were successful in achieving many significant accomplishments that included:

- MITA continued a leadership role in working with various sectors of the industry (owner agencies, design firms, utility companies, and construction companies) to improve utility coordination in all phases of project development and delivery. As the chair of the Michigan Utility Coordination Committee, MITA is guiding the development of a first of its kind in the nation pilot program that will require the depth of buried utilities be captured and archived for future project reference. MITA again hosted the very successful 5th Annual Michigan Utility Coordination Conference as a part of our 2014 Annual Conference.
- Acknowledging and embracing the speed and efficiencies of technology, MITA continued to collaborate with MDOT for the further advancement and expanded implementation of

E-contracting. MITA developed a successful partnership

with the design community such that they will provide 3D designs that can be uploaded directly into a contractor's automatic grade control equipment for maximum efficiency and accuracy.

- MITA continued workforce development efforts and involvement on many notable fronts. MITA maintains an active leadership role in the Partnership for Diversity and Opportunity in Transportation and the Access for All pre-apprentice training initiatives. MITA also facilitated the introduction of over 1,000 Detroit Public School (DPS) students to the various career opportunities in the construction industry as students participated in the one-day, hands-on, 3rd Annual Construction Science Expo that was held this year at the Michigan Science Center in Detroit.
- MITA collaborated with contractor members and other industry safety stakeholders to identify work zone safety issues and concerns. Through these collaborations, MITA developed a plan for work zone safety improvements and has initiated ongoing discussions with MIOSHA, MDOT, and Michigan State Police about that plan.
- MITA successfully affected a variety of significant policy changes within various federal and state agencies:
 - Initiated legal action against MDOT forcing their collaboration on the development of a revised Special Provision for Prompt Payment that provides contractors increased double-payment risk protection
 - Positively influenced various elements of the MDOT DBE Program that included establishing realistic project specific DBE participation goals, the revision of the calculation for allocating OJT assignments, and the implementation of the Small Business Program and the Data Collection Process
 - MITA's relentless state and national advocacy influenced FHWA headquarters in Washington to issue a national clarification memorandum on the application of Buy America to manufactured products.
- MITA's engineers continue to provide members influential professional assistance on a daily basis covering a variety of matters and issues that include, but are not limited to, project claims, prevailing wage, payment, DBE certification and goals, extra work, prequalification, contract requirements, and specifications.

As we now roll forward into 2014 with hope of sustained and substantial economic growth in Michigan, we acknowledge the many challenges the year may bring; yet 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-ita.com or call 517-347-8336.



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BILL	BILL SPONSOR	DATE	LOCATION	SUMMARY	STATUS	POSITION
SJR - A	Sen. Walker - R	1/16/13	Senate Appropriations Committee	Provides for a Constitutional Amendment, provides for an increase of sales tax; revises distribution.	Referred to committee on 1/16/13.	Neutral
SJR - J	Sen. Richardville - R	1/30/13	Senate Appropriations Committee	Relates to a Constitutional Amendment; provides for increase in sales tax and use tax; revises distribution.	Referred to committee on 1/30/13.	Support
SB 6	Sen. Proos - R	1/16/13	Senate Appropriations Committee	Establishes the distribution of a percentage of the sales tax collected on motor fuel to be earmarked to transportation funding in 2013 and each year thereafter.	Referred to committee on 1/16/13.	Support
SB 85	Sen. Pappageorge - R	1/30/13	Senate Appropriations Committee	Repeals motor fuel tax act.	Referred to committee on 1/30/13.	Support
SB 86	Sen. Pappageorge - R	1/30/13	Senate Appropriations Committee	Modifies vehicle registration fees.	Referred to committee on 1/30/13.	Support
SB 87	Sen. Kahn - R	1/30/13	Senate Appropriations Committee	Modifies motor fuel tax and implements a wholesale tax on fuel wholesalers.	Referred to committee on 1/30/13.	Support
SB 88	Sen. Kahn - R	1/30/13	Senate Appropriations Committee	Modifies vehicle registration fees.	Referred to committee on 1/30/13.	Support
SB 157	Sen. Meekhof - R	2/6/13	Senate Government Operations Committee	Eliminates requirement of paying prevailing wages on state projects.	Referred to committee on 2/6/13.	Oppose
SB 539	Sen. Nofs - R	9/24/13	THIS IS NOW A PUBLIC ACT.	Damage to underground facility; exempt from immunity.	Assigned PA 173 of 2013 with immediate effect.	Support
SB 540	Sen. Nofs - R	9/24/13	THIS IS NOW A PUBLIC ACT.	MISS DIG underground facility damage prevention and safety act; create.	Assigned PA 174 of 2013 with immediate effect.	Support
HB 4172	Rep. Price - R	2/5/13	House Commerce Committee	Repeals the act that eliminates the requirement of paying prevailing wages on state projects.	Referred to committee on 2/5/13.	Oppose
HB 4359	Rep. Schmidt - R	2/28/13	House Transportation & Infrastructure Committee	Implements a wholesale tax and modifies the motor fuel tax.	Referred to committee on 2/28/13.	Support
HB 4539	Rep. Schmidt - R	4/11/13	Senate	Collection of sales tax on gasoline; eliminate.	Referred to committee on 4/11/13.	Support
HB 4571	Rep. Schmidt - R	4/16/13	Senate	Excise tax on aviation fuel; repeal and impose wholesale tax.	Passed House, transmitted to Senate on 12/5/13.	Support
HB 4572	Rep. Schmidt - R	4/16/13	Senate	Exempt aviation turbine fuel and aviation gasoline.	Passed House, transmitted to Senate on 12/5/13.	Support
HB 4577	Rep. Shirkey - R	4/17/13	House Transportation & Infrastructure Committee	Increase registration fees for mass transit buses.	Referred to committee on 4/17/13.	Neutral
HB 4608	Rep. Shirkey - R	4/23/13	House Transportation & Infrastructure Committee	Provide for a fee increase for certain vehicles powered by electricity or fuels not subject to the motor fuel or diesel fuel tax and make other general revisions to the Michigan vehicle code.	Referred to committee on 4/23/13.	Support
HB 4630	Rep. McCready - R	4/25/13	House Transportation & Infrastructure Committee	Modify registration fees.	Referred to committee on 4/25/13.	Support
HB 4632	Rep. Schmidt - R	4/25/13	House Transportation & Infrastructure Committee	Increase registration tax and create new registration tax for hybrid and alternative fuel vehicles.	Referred to committee on 4/25/13.	Support
HB 4677	Rep. Potvin - R	5/2/13	Senate	Earmark portion of sales tax revenue to transportation fund.	Passed House, transmitted to Senate on 12/5/13.	Support
HB 4925	Rep. Lane - D	8/2/13	House Transportation & Infrastructure Committee	Public-private partnerships; allow the state transportation department to enter into.	Referred to committee on 8/2/13.	Neutral
HB 5143	Rep. Lane - D	11/12/13	House Transportation & Infrastructure Committee	Gross vehicle weight limits; modify to 80,000 lbs.	Referred to committee on 11/12/13.	Oppose
HB 5167	Rep. Schmidt - R	12/4/13	House Transportation & Infrastructure Committee	Contracts entered into by state transportation departments and local road agencies; change bidding requirements and allow state transportation department to borrow money from local road agencies.	Referred to committee on 12/4/13.	Neutral
HB 4630	Rep. McCready - R	4/25/2013	House Transportation & Infrastructure Committee	Modify registration fees.	Referred to committee on 4/25/13.	Support
HB 4632	Rep. Schmidt - R	4/25/2013	House Transportation & Infrastructure Committee	Increase registration tax and create new registration tax for hybrid and alternative fuel vehicles.	Referred to committee on 4/25/13.	Support
HB 4634	Rep. Schmidt - R	4/25/2013	House Transportation & Infrastructure Committee	Change expiration date to January 1 for trailer registration.	Referred to committee on 4/25/13.	Support
HB 4677	Rep. Potvin - R	5/2/2013	House	Earmark portion of sales taxes revenue to transportation fund.	Awaiting second reading in the House.	Support

2013 Legislative Year in Review

During 2013, due to the continued efforts of MITA and its members throughout the state, the state legislature continues to recognize that Michigan significantly underinvests in its infrastructure. This has resulted in additional money from the state budget surplus to be diverted to transportation. A one-time increase of \$350 million for fiscal year 2013 – 2014, starting on October 1, 2013, was added for various road and bridge projects expected to be in early 2014 lettings.

While this could potentially be a double-edged sword, making some in the Legislature and the public believe that we have solved the problem, all four legislative leaders publicly spoke out that this was a one time “down payment” on a full comprehensive solution to our funding problem in Michigan.

Other highlights from 2013 include the following:

Legislative Intent Language For An Additional \$193 Million To Transportation Added To Medicaid Expansion Legislation

As one of the most debated pieces of legislation to pass in 2013, the Medicaid expansion bill, legislative intent language was added to take \$193 million of anticipated savings to the state’s budget, and put that money towards improving our transportation system in Michigan. Again, this demonstrates the committed work of MITA and its members to continue to keep increased transportation funding a top priority within the legislature.



Implementation Of New Stormwater, Asset Management & Wastewater (SAW) Program

DEQ has recently unveiled its new SAW program after new legislation (that MITA was heavily involved in) freed up the remaining \$654 million in bonds for water and sewer projects. Voters approved of this in 2002. The program will also create grants for communities to develop asset management programs. Several communities have already expressed interest in the new program, as it provides much easier access to loans for improving underground infrastructure, and all indications are that these projects will begin to start seeing movement in the spring of 2014.

MISS DIG

Several years of efforts to codify into law best practices for locating underground facilities has finally found a conclusion. MITA has been involved in the Michigan Damage Prevention Board since its inception and has helped develop the best practices that our members use.

The MISS DIG system has been a great tool for MITA members in preventing damages and accidents to underground facilities, and this legislation will make sure that all utilities and contractors are required to use those same preventative measures.

Legislative Site Visits

After receiving several positive responses from lawmakers who visited different job sites in 2012, MITA expanded its program and included more lawmakers to visit various sites and experience all that goes into road, bridge and underground construction projects. This opportunity allows those policy decision-makers to get an in-depth understanding of the importance of investing wisely in our infrastructure in Michigan, not only for the longevity of the system, but also for the safety of

those building our infrastructure as well as the public using it.

Continued Strong Support From Governor Snyder

Unlike any other governor in Michigan before him, Governor Rick Snyder has continued to advocate for increased investment in our state’s infrastructure. This was never more prevalent than during his state of the state address in January. While addressing all of the citizens in Michigan, he compelled the legislature to take action on investing in our infrastructure and to put politics aside. MITA and its members have tirelessly worked with Governor Snyder to make sure he continues to be our biggest advocate among elected officials.

Grassroots Outreach

MITA member participation in the legislative process was as high as it has ever been in 2013. Between op-ed pieces in local and regional newspapers; legislative contact through phone calls, emails or direct visits in Lansing or within lawmaker’s specific districts; attending various town-hall events; inviting legislators to member businesses and job sites; or attending the MITA lobby day; the heavy construction industry’s voice is being heard.

Collectively, we had two events this year to help increase member participation in the legislative process, as well as to grow and strengthen the MITA PAC. Hundreds of individuals who have interest in seeing increased funding flocked to the Capitol during our lobby day, urging lawmakers to take action. In addition, MITA launched a new PAC event that saw great success for its first year. We raised nearly \$15,000 during the first Road Rally for Infrastructure, and we look to expand upon that in the future. Continuing to be one of the top business PACs in Michigan, the MITA PAC raised over \$100,000 in 2013.

Contact Lance Binoniemi, Vice President of Government Affairs, at lancebinoniemi@mi-ita.com or call him at 517-347-8336 with any questions or comments.



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MEMBER NEWS

Alta Equipment Company

Alta Equipment Company and Evans Equipment Company, Inc., announced in October 2013a that they have signed a definitive agreement under which Alta acquired the assets of Evans. Since 1981, Evans has serviced the industrial and construction industries across Central and Southeast Michigan as a contractor rental supply business in Burton. Alta retained all Evans employees and Evans will continue to conduct business from their current location at G-3283 S. Dort Highway in Burton (same phone number: 810-744-4840).

"Evans Equipment has been a solid player in the rental business for over 32 years," said Steven Greenawalt, founder and CEO of Alta. "In that time they established a very loyal customer base, par-

ticularly in construction tool, aerial lift and power equipment rental segments. Their focus and expertise in the compact equipment rental, as well as construction tools, such as compressors, mobile power, and contractor supplies, will greatly complement our heavy equipment product lines and continue to expand our rental capabilities."

Based in Wixom, Alta is one of the largest industrial and heavy equipment dealers in the Midwest, employing over 500 people at 18 facilities spread across Michigan, Indiana and Illinois. Alta has an extensive product line-up including Yale® and Hyster® lift trucks, in addition to an extensive line of warehouse products and solutions. Alta's Construction Division represents Volvo Construction Equipment, Link-Belt cranes,

Sennebogen material handlers, Genesis shears, and Gomaco concrete paving products.

Evans' customers will now have access to Alta's rental fleet of more than 5,000 pieces of equipment, including forklifts, construction equipment, and a variety of specialty products for market segments such as paving, demolition, scrap and recycling. Alta also offers a large inventory of used equipment, options for fleet maintenance, as well as service and operator training programs. Customers who purchased equipment from Evans will continue to have access to parts and service for those products.

"In the construction industry, access to rental tools and inventory are essential to serving the needs of the contractor commu-

Continues on pg. 24

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nity,” says Rob Chiles, president of Alta’s Construction Equipment Division. “With the addition of thousands of power tools, attachments, generators, scaffoldings and other mobile equipment from Evans’ rental fleet, Alta will now be in a better position to provide our customers with a complete solution.”

David Glass, former co-owner of Evans, and now Alta’s Branch Manager at the Burton branch, said: “I am very excited about this opportunity to increase the scope of footprint of our rental business with Alta Equipment Company. We are committed to providing reliable rentals and customer satisfaction. We greatly appreciate the loyalty of our customers over the years and hope to continue to grow those relationships for years to come.”

C.A. Hull Co., Inc. **www.cahull.com**

The University of Michigan Civil and Environmental Engineering (CEE) Department recently honored the 2013 Alumni Society Departmental Award recipient, Joseph Malloure of C.A. Hull Co., Inc. After graduating in 1972, Malloure began working at C.A. Hull Co., Inc. Eventually he became president and, working alongside his brothers, the company evolved into one of the largest bridge-building firms in Michigan.

Hubbell, Roth & Clark, Inc. **www.hrc-engr.com**

Hubbell, Roth & Clark, Inc. (HRC) recently made

several staff changes. Roland Alix, P.E., and Jesse VanDeCreek, P.E., associate;

were appointed as vice presidents/partners and members of the board of directors. William Davis, P.E., associate, and Dennis Benoit, P.E., associate, were appointed as senior associates.



Roland Alix, P.E.

Alix joined HRC in 1997 and more recently in 2005, and has been involved in planning, design, and construction engineering for approximately \$200 million in public and private infrastructure improvement projects in Michigan and Ohio. He holds a bachelor’s degree in civil engineering from Michigan Technological University, and is a member of the American Water Works Association and the American



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Society of Civil Engineers, where he received the distinguished honor of ASCE Michigan Section Young Engineer of the Year.

VanDeCreek joined HRC in 1994 and has been involved in the planning, design and construction engineering of over \$300 million in municipal infrastructure improvements. He serves on the American Water Works Association Research and Technical Practices Committee and is past president of the American Society of Civil Engineers Southeast Michigan Branch. VanDeCreek earned a bachelor's degree in civil engineering from the University of Detroit, where he serves on the Advisory



Jesse VanDeCreek, P.E.

Council for the School of Civil and Environmental Engineering.

Davis joined HRC in 1992 and is widely respected for his expertise in project management, evaluation, design and construction engineering of major infrastructure improvement programs. With over 25 years experience, his project management efforts have been recognized by prestigious awards earned on numerous projects, most recently the \$17 million Wayne County sanitary interceptor project. He earned a bachelor's degree in civil engineering from Michigan State University, and is a member of the American Society of Civil Engineers and



William Davis, P.E.

the Downriver Branch of the American Public Works Association.

Benoit joined HRC in 2006 and oversees projects performed out of HRC's Grand Rapids office involving complex water and wastewater treatment system improvements, pumping stations, sewer and water main projects. He has 37 years of professional experience and holds both bachelor's and master's degrees in civil and environmental engineering from the University of Illinois. Professional affiliations include the American Water Works Association for which he has served on various committees; the Michigan Water



Dennis Benoit, P.E.

Continues on pg. 26

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Environment Association, the American Public Works Association and the American Society of Civil Engineers.

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Top Design Firm and Top 50 Trenchless Technology Design Firm whose work has been recognized by prestigious industry awards. HRC has offices in Bloomfield Hills, Grand Rapids, Howell, Detroit, Mt. Clemens and Delhi, Mich. For more information, visit our www.hrc-engr.com.

Southeastern Equipment Wins Vacall Award: Top Sales 2013

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Gradall Industries, which designs, manufactures and supports Vacall products, recently announced that Southeastern Equipment Company was named the top performing Vacall dealer in the United States. The "Top Sales 2013" award was presented at the annual training meeting, held in New Philadelphia, Ohio at Vacall's headquarters and attended by representatives from dealers throughout the U.S.

Southeastern Equipment has been a Vacall dealer for over four years and recently established an Environmental Division that showcases their products, which are used to clear sewer lines, clean up catch basins, perform hydro-excavation for underground utilities, and assist with industrial cleanup challenges.

Southeastern has a facility in Novi and Holt.



(Left to right) Brandon Unklesbay, Southeastern environmental division manager; Tod Ebetino, Vacall Midwest regional sales manager and Ken Edwards, Southeastern environmental division product specialist.



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2013 Project Achievement Award Winner Portland – Home of Michigan's Largest Lighted Pedestrian Tunnel

The Michigan Department of Transportation (MDOT) project to replace two I-96 bridges over the Portland Pedestrian Trail, received the American Concrete Pipe Association's Annual Project Achievement Award in 2013. Three MITA members firms were involved in the project, including **Northern Concrete Pipe, Inc.**, **Anlaan Corporation**, and **Kamminga and Roodvoets, Inc.**

To reduce maintenance and repair costs, 45 lighted, precast box culverts were used to replace two aging I-96 bridges over the Portland Trail. The trail is an 8-mile loop that passes through wooded areas and open public spaces along the scenic Looking Glass and Grand rivers.

According to John Washabaugh, of

Northern Concrete Pipe, Inc., cyclist and walking enthusiasts in Portland enjoy the Portland Riverwalk and the southeast trail crosses beneath two interstate I-96 bridges, identified by MDOT as being in need of rehabilitation. MDOT considered construction alternatives and their impacts on the bridges, which included maintaining mobility for over 30,000 vehicles per day.

Washabaugh provided the following other details about the project. MDOT's cost analysis revealed that rehabilitation of the two bridges was greater than removal and installation of a large capacity precast concrete box culvert. The culvert would provide a tunnel under the interstate, maintain the functionality of the trail, and meet the needs of motorists in a cost-effective manner.

Continues on pg. 32



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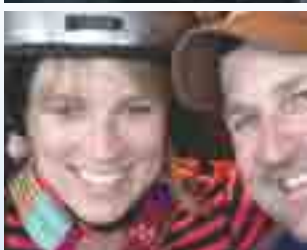
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2013 Year In Review





YEAR IN REVIEW



2014 MITA Calendar of Events

MITA Board Meeting

MITA Office
April 22, 2014 - Tuesday
1:00 pm

MITA Golf Outing-West Michigan

Boulder Creek, Belmont
June 12, 2014
9:00 am

MITA Board Meeting

Country Club of Lansing
June 17, 2014 - Tuesday
8:30 am

MITA Golf Outing-Southeast Michigan

Twin Lakes Golf Club, Oakland
July 17, 2014
9:00 am

MITA Summer Conference

July 23-27, 2014
Grand Traverse Resort,

MITA Board Meeting-August

MITA Office
August 19, 2014
1:00 pm

MITA Golf Outing-Central Michigan

Eagle Eye Golf Club, East
Lansing
August 21, 2014
9:00 am

MITA Board Meeting

MITA Office
October 21, 2014
1:00 pm

MITA Board Meeting

Country Club of Lansing
December 12, 2014
8:30 am

MITA Holiday Party-Central Michigan

Country Club of Lansing
December 12, 2014
11:30 am - 1:30 pm

MITA Holiday Party-Western Michigan

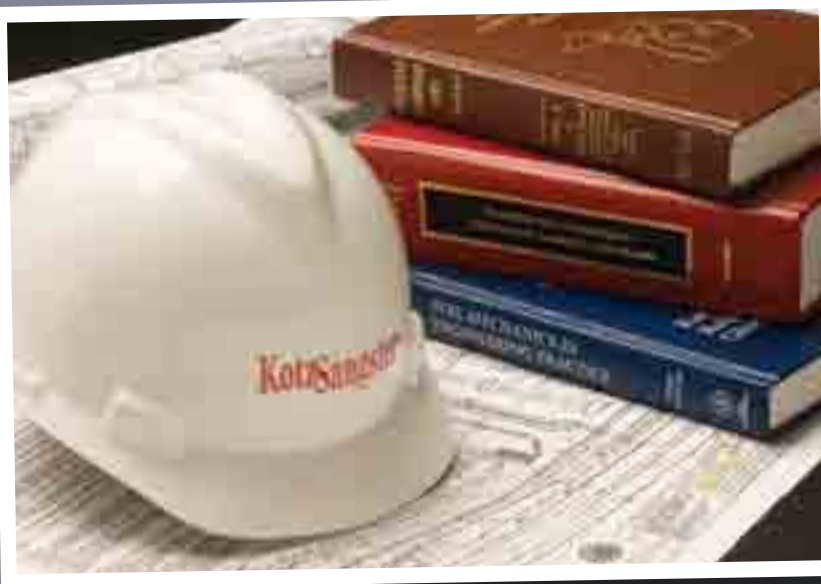
Location TBD
December 16, 2014
11:30 am - 1:30 pm

MITA Holiday Party-Southeast Michigan

Location TBD
December 18, 2014
11:30 am - 1:30 pm

Please check out MITA's electronic calendar for updates at www.mi-ita.com.

What Our Thinking Cap Looks Like



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A segmented precast concrete box culvert would limit impacts on the public and facilitate construction within one construction season. Assembly of the sections would be accomplished prior to demolition of the bridges. This solution allowed for rescheduling the closure of the Portland Trail at a low use period during the winter and early spring.

A safety concern of the city required coordinated lighting for the full 270 feet, and MDOT required stringent quality control standards from the precast manufacturer that included a protective concrete surface coating to deter graffiti.

The culvert was sized with internal dimensions of 24 feet x 14 feet (span and rise). Each section, supplied by MITA Member Northern Concrete Pipe, Inc., weighed approximately 80,000 pounds, which is

the gross vehicle load limit in neighboring states of Ohio and Indiana. The manufacturer met challenges of the size of the sections that included product handling, storage area requirements, and distribution of the 16-foot wide sections. The ceiling created by the existing bridge beams and the methods available to maneuver the box sections under the bridges were demanding situations met by the skills and experience of the contractor.

Anlaan Corporation was the prime contractor, while Kamminga and Roodvoets, Inc., assisted in the earthwork construction. Despite the mid-winter weather and site conditions, the team coordinated delivery and installation of the culvert on schedule.

The design of the segments was based on 1.2 times the AASHTO LRFD bridge design specification HL-93 loading. The

design tandem portion of the HL-93 load definition was replaced by a single 60 kip axle load before application of the 1.2 factor. The resulting load is designated HL-93 modified.

Anlaan Corporation offered a value engineering proposal to MDOT that eliminated the cast-in-place end treatments by replacing them with precast sections at no additional cost. Competitive bidding, coupled with contractor innovations, provided a savings to MDOT of eight percent less than the engineer's estimate. Reinforcing steel used for the boxes was purchased under "Buy America." All steel was certified as "melted and manufactured in America."



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MEMBER NEWS

Frank DiPonio, of Diponio Contracting, Inc., went "all contractor" with his Christmas tree decorating for 2013.



Continues on pg. 34

Letters to MITA

Mike:

I just wanted to tell you how much Hoffman Brothers appreciates your team getting us out of a training jam. You came to our office on very short notice and gave our people OSHA training to help keep us in compliance. Thanks to MITA for the over the top service.

Brian Hoffman
Hoffman Brothers, Inc.

Doug:

I just wanted to pass along a note to express our most sincere appreciation to you and MITA for your assistance and all the work you put into our arbitration hearing with Berrien. We could not have done it without you and our success is attributable to and a testament to your efforts.

Thank you,
Mark Howard
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GEI Hires Geotechnical Expert Michael Gentner for Lansing, Mich. office

Veteran consultant in underground solutions will focus on GEI clients throughout Michigan and Midwestern states



Michael Gentner

GEI Consultants, Inc., one of the nation's leading geotechnical, environmental, water resources, and ecological science and engineering firms, announced that geotechnical expert Michael Gentner, P.E., has joined the company as a senior professional with the firm's Lansing, Mich., office. With more than 21 years of experience in managing both public and private projects, Michael offers specialized expertise in geotechnical engineering and instrumentation, earth retention design, and construction support. He will focus his support efforts on GEI clients located in metropolitan Detroit, other parts of Michigan, and the Midwest.

"Michael is an exciting addition to GEI,"

said Jamie Matus, C.P.G., branch manager for the Lansing office. "He brings our Michigan and Midwest clients strong experience and understanding of complex ground conditions, and a keen interest in designing cost-effective solutions."

Prior to joining GEI, Michael was vice president at Inspecsol Engineering, Inc., an affiliate of Conestoga-Rovers and Associates. His ongoing success in offering services to remove project risks and uncertainties related to soils, water, and underground construction was demonstrated on such high-profile projects as The City of Allen Park's Sanitary District One Tunnel and Relief Sewer project, and the current renovation of the wastewater treatment facility in Ann Arbor, Mich. At GEI, he will continue offering innovative underground solutions to both government entities and private clients.

"It's gratifying to continue my work within the built environment where we can see the tangible differences throughout the

life of a project," said Michael. "I'm thrilled to be joining GEI, where there's both a rich legacy and ongoing leadership in geotechnical work."

Michael holds a bachelor's degree in civil engineering from Michigan State University. He is a longtime member of the Michigan Infrastructure and Transportation Association (MITA), and has contributed to the organization's Bridge Operations Committee. He is a licensed professional engineer in Michigan, Ohio, and Illinois.

About GEI Consultants, Inc.

GEI's multi-disciplined team of engineers and scientists deliver integrated geotechnical, environmental, water resources and ecological solutions to diverse clientele nationwide. The firm has provided a broad range of consulting and engineering services on more than 35,000 projects in 50 states and 22 countries. For more information, please visit the firm's web site at www.geiconsultants.com

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RECENT DEVELOPMENTS IN TRUCKING LAWS THAT AFFECT SEASONAL CONSTRUCTION CONTRACTORS

By: Michael J. Leavitt

Overview

There have been a number of changes to state and federal laws and regulations that impact contractors utilizing trucks to transport aggregate commodities, ready-mix and heavy equipment over Michigan highways. This article identifies three major changes affecting contractors.

Cell Phone Use Restrictions

In 2013 both the federal government and Michigan enacted regulations or statutes that prohibit the use of all hand-held mobile devices/cell phones while operating any commercial motor vehicle. More specifically, the federal ban on hand held cell phone use took effect on January 3, 2013, pursuant to 49 C.F.R. 392.82. The penalties for violating the federal cell phone regulations include:

- Federal civil penalties up to \$2,750.00

can be assessed a driver for each offense;

- A driver can be disqualified from operating a commercial motor vehicle for multiple offenses; and
- Companies for whom the motor vehicle is operated face a maximum penalty of \$11,000.00 for each violation.

At the same time Michigan enacted MCL 257.602b which was effective October 28, 2013. A violator under state law is subject to a civil infraction with a \$100.00 fine for the first offense and \$200.00 fine for all subsequent offenses. In addition, 2 points will be assessed on the driver's driving record if that driver is convicted on such a charge.

A recurring question is whether or not a mobile phone that can be operated by using one-push button can be used by a commercial driver. The answer is yes, but

only if the mobile phone is attached to a stationary mechanism inside the cab of the truck; reaching for a mobile phone such that the driver is no longer in a seated driving position restrained by a seatbelt is also prohibited. Simply stated, a commercial driver cannot hold a mobile phone in his or her hand. What is allowed is:

1. The use of a mobile device

through a wireless earpiece as well as speaker phone is permitted;

2. A hands-free mobile device located where the driver is able to initiate, answer, or terminate a call through a voice-activated system or by touching one button;
3. Subject to the above use by a driver while seated in the driving position and properly restrained by a seatbelt at all times; and
4. Use of a CB or private radio or private two-way radio.

30-Minute Break Rule for Hours of Service

Revisions to Section 395.8 of the Federal Hours of Service Rules which have been adopted by the State of Michigan incorporated a 30-minute break rule effective July 1, 2013. Under that change, commercial drivers are prohibited from driving more than 8 consecutive hours without taking a 30-minute off-duty break. The rule only prohibits driving if more than 8 consecutive hours have passed since an immediately prior off-duty period of at least 30 minutes. For example, if the driver spends 2 hours loading at the beginning of the day and then has a 10-hour drive ahead, he or she must take the 30-minute break no later than 8 hours after coming on duty. The driver can, however, take the break earlier. For example, if he or she takes a half-hour or more break at some point between the 4th and 8 hours after coming on duty, the driver can complete the rest of the planned 10 hours driving without another break.

Under this new regulation, meal breaks or any other off-duty time of at least 30-minutes qualify as a break. The

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30-minute break is included with the maximum 14-hour driving limitations under the regulations. The reasoning for this is allowing off-duty driving time to extend the work day would allow drivers to drive longer periods of time when fatigue becomes greatest. Similarly, time spent waiting to be loaded or unloaded is considered on-duty time unless the driver has been released from all responsibilities for the truck.

This legislation originally would affect short haul drivers and Michigan intrastate drivers operating pursuant to the seasonal construction hours of service rules (MCL § 480.15(a)). However, on August 2, 2013, a decision from the United States Court of Appeals for the District of Columbia struck down and vacated the 30-minute break rule for short haul drivers only. Short haul drivers are considered drivers that drive within a 100 air mile radius of their work reporting location. If your driver travels outside this 100 air mile radius, he or she are subject to the 30-minute break rule and would also have to keep a FMSCA log for that day or days as well. The Federal Motor Carrier Safety Administration did not appeal this appellate ruling and, as a result, the 30-minute break rule does not apply to intrastate short haul drivers.

Most of the intrastate drivers in Michigan who are seasonal construction drivers are considered short haul drivers. As a result they do not have to adhere to the 30-minute break rule.

Change in Misload Law Calculation of Fines

As of March 28, 2013, MCL 257.724 was amended to reflect a change in the calculation of fines for misloads in Michigan. Originally, to qualify for a misload, one's commercial vehicle would have to be under its gross legal weight and no axle could be more than 4,000 pounds over that axle's normal legal load for a misload to apply. Before the amendment fines were calculated at \$200.00 per axle for a misload on 1 to 3 axles. In other

words the maximum fine for a truck that had multiple misloaded axles could be as high as \$600.00. Under the amended change to the law, if the graduated fine schedule which assesses fines per pound on a graduated basis (starting at 3¢ per pound and ending at 20¢ a pound) would be less than the fixed misload fine of \$200.00 per axle, the courts will have to assess the smaller fines to give the trucking company the benefit of the doubt. For instance, under the new amendment, if an axle is 1300 lbs overweight, instead of being assessed a fine of \$200.00 on a mis-

loaded axle, the fine will now have to be calculated under the graduated fine schedule (1300 lbs x .03¢) which would equate to a fine of \$39.00 instead of \$200.00, a savings pursuant to this example of \$161.00.

Sullivan & Leavitt, P.C. has been a leading advocate for the heavy transportation and related industries for over 60 years. Michael J. Leavitt heads its trucking compliance and enforcement section. He can be reached at (248) 349-3980, ext. 208.

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dence of a facility yet it is unmarked (drops, meters, boxes, etc.) the contractor should contact the MISS DIG system for additional assistance.

This is probably the most significant gain for the contracting community. It provides an opportunity for expedited help to keep a job moving in a positive direction; and, as you will later read, you would be entitled to remedies if the facility owner failed to provide the need assistance. Thus, no excavator should have to call in another ticket (72 hours) when they are entitled to 3 hours. Hopefully, this will stop crews from making bad decisions and pushing forward with poor marks or noticeable problems. MITA regularly gets involved with utility conflicts and problems and should be at the top of your call list when you are having problems. Be sure to have your ticket number ready.

Damages

If an excavator damages a facility, the excavator shall provide immediate notice to the facility owner or facility operator. Many call MISS DIG. This is technically incorrect but often the best recourse considering many of the facility owners are unknown at the time of damage.

Any damages resulting in the escape of any flammable, toxic, or corrosive gas or liquid, or endangering life, health, or property, the excavator shall call 911 and provide immediate notice to the facility owner or facility operator. The excavator shall also take reasonable measures to protect the excavator, those in immediate danger, the general public, and the environment until the facility owner or facility operator, or emergency first responders, have arrived and taken control of the site.

Exemptions

- Any farming operation performed in the right-of-way to a depth not more than 12 inches below the existing surface grade, and any farming operation outside of the public right-of-way within 25 yards of an existing petroleum or natural pipeline to a depth of not more than 18 inches. In both instances no farming can occur within 6 feet of any

above ground structure that is part of a facility.

- Railroad employees or railroad contractors performing maintenance activities performed in the public right-of-way. In the track area, either to the bottom of the ballast or to a depth of not more than 12 inches below the bottom of the tie, which ever is deeper. Outside the track area but within the right-of-way to a depth of not more than 12 inches below the ground surface as long as the activity is not performed within 6 feet of any above the ground structure that is not owned or operated by the railroad.
- Any excavation

performed at a gravesite in a cemetery.

- Any excavation performed within a landfill unit.
- Replacing a fence post, signpost, or guardrail in its existing location.
- Routine or preventative maintenance to a depth of not more than 12 inches below the roadway and any shoulder of a street, county road, or highway.
- The Michigan Department of Transportation is exempt. (Don't get me started.)

Enforcement Reporting Tools

Through the legislative process many federal requirements were attempted to be met, such as little to no exemptions from

Continues on pg. 40

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the act and various tracking and enforcement requirements. Otherwise the federal government would have opposed the legislation. In the end, enforcement authority was extended to the Michigan Public Service Commission (MPSC) rather than MIOSHA. Until now the MPSC was charged for regulating gas distribution and related activities. Under PA 174 the MPSC will be required to investigate complaints, but only after the person has attempted to settle the dispute with the adverse party or parties. However, once a complaint has been filed, either party thereafter could be subject to escalating fines that start at \$5,000 and or additional training requirements.

The MDPB is currently working with MPSC regarding its complaint process. MITA members should use the association as a mediator as a precursor to filing a complaint; and, if one needs to be filed, we will be happy to assist.

The day-to-day reporting tool that MITA will be encouraging members to

use is the Damage Information Reporting Tool (DIRT), which will track the nature of damages based on submitted information. The danger for our industry is going to be the lopsided information the report generates. I don't envision contractors reporting every little problem associated with a locate request. However, I do envision facility owners requiring their third party locators and employees to post daily information; thus, at the end of the day, I could see information that points to the contracting community as the culprit for the lion share of the damages that occur. The Legislature supports the tool so that it can have better damage reporting information than MDPB was able to provide during the recent legislative process. The primary purpose of underground facility damage data is to analyze data, to learn why events occur, and how they can be prevented. Please use this tool as often as possible to keep the data at the very least balanced.

Effective Date

While the act is ordered to take immediate effect, Section 13 of PA 174 indicates the effective date as April 1, 2014; additionally those involved in farming activity shall comply beginning May 1, 2014. This will give needed time for training and also provide time for those that are not members of MISS DIG to join the MISS DIG System. Many of these new members will have to determine how they will comply with provisions, such as positive response and possibly staking. The additional time will also allow the MDPB time to determine how to amend or dissolve the existing contract, which should remain in place until the end of March.

In Closing

There is much more to discuss concerning this important improvement to the industry. Remember, MITA is prepared to provide the needed training on the new act so that it can become a reality in the field.

MITA will be encouraging members to add this training to the other components that we teach: excavation, road, bridge/fall, all trades, OSHA 10, OSHA 30, CPR/First Aid and many more. Also, we may ask members to join in on regional groups we are forming in an effort to get as many of your employees trained prior to the start of the construction season. As always, we are prepared to bring the show right to your office as long as you supply the coffee.



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USDOT Bonding and Access to Capital Education Program Update

The Michigan Department of Transportation (MDOT), the United States Department of Transportation (USDOT), and the Southwest Detroit Business Association (SDBA) recently held the Second Annual USDOT Bonding and Access to Capital Education Program (BACEP) from October 9 to November 13, 2013.

The USDOT BACEP is a partnership with the Surety and Fidelity Association of America (SFAA) to help small businesses become "bond ready." This six-week program is designed to assist established small businesses grow, increase their bonding capacity, and expand their participation in federal-aid transportation projects.

After the program concludes, participants are monitored for continued growth and assisted by consultants for 18 months. Participants of the 2012 session increased their bonding capacity to more than \$800,000 and have since contracted more than \$1 million in federal-aid projects. This year, 14 firms successfully completed the program and have already seen results, with more than \$350,000 added to their bonding capacity.

The program is a success both for Michigan and for those firms willing to commit to the six-week schedule. Existing participants will receive ongoing consultation to assist them with their financial journey.

Outreach and training sessions designed to identify future BACEP participant firms will be held prior to the next informational meeting. A third group of BACEP firms will be announced sometime in 2014. For more information about BACEP, please contact MDOT Outreach Specialist Ann Williams at 313-965-2319.

Continues on pg. 45



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States Look to Maintain Planning, Design & Engineering Work in 2014

By Dr. Alison Premo Black



The national market for highway and bridge planning and design work is expected to remain stable in 2014, according to the latest

ARTBA research and analysis. Although the outlook will vary from state to state,

over half of state Departments of Transportation (DOTs) are planning to maintain their current level of consultant contract awards and expenditures for planning, design and engineering work in the coming year. Eleven states are expecting to increase the level of consultant work in 2014. We expect the market to decline in five states, and the outlook for eight states is unknown. There will be additional market opportunities for planning and design firms as various state DOTs wrestle with staff changes, growing pro-

grams and the use of design-build.

State and local governments spent an estimated \$12 billion last year for project planning and design work, engineering costs, field inspections, material testing and other related costs, according to ARTBA analysis of data from FHWA. Over \$7 billion of that total was for work on federal-aid projects. This included work from outside consultants and in-house staff.

For many states, consultants are handling 50 percent or more of their



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planning and design work. This can be much higher in some states—private consultants complete over 70 percent of the value of design work in Kansas, New Hampshire, and Utah and over 80 percent in Louisiana, Ohio and Florida.

State DOTs Staff Challenges Provide Market Opportunities

Nearly half the state DOTs report they either increased the use of consultants in 2012 or plan to use more private consulting services in 2013 due to hiring freezes, retirements or internal staff cutbacks.

Some state DOTs have been forced to reduce their own planning and design staff because of budget cuts. Last year Wyoming lost 10 to 15 percent of their design staff and subsequently increased their use of consultants. Michigan has downsized their employment by more than half, from about 5,000 to 2,400 employees. California continues to face department furloughs—delivering their program with a five percent reduction in resources.

In the face of a flat economy, state DOTs have not been replacing workers as they retire or when they are hired away. New Mexico, for example, has a 20 percent staff vacancy rate even though the government-wide hiring freeze ended in 2010.

Other states are expecting to grow their program with consultants, rather than hiring new DOT staff. Colorado will increase the use of consultants over the next few years to meet their program growth. Even North Dakota, which saw a 372 percent increase in their budget and which operates in a booming economy, has not increased their DOT staff, adding only five engineers to a staff of 170. Several state DOTs are concerned about an aging work force. Over one-third of Louisiana's engineering DOT staff is eligible to retire in the next five years.

Design/Build Procurement

Nearly 20 states report they plan to continue or accelerate design-build project delivery as a major part of their program in 2014. North Carolina has

instituted an innovative “express design/build” system, which sets up an easy qualification process before moving applicants to the low bid process, yielding prices “competitive to the traditional design/build system”.

Ohio also has a robust design/build program, as the state DOT delivered 24

design/build projects worth \$133 million in 2013, with another 27 projects worth \$696 million in 2014, not including the second Cleveland Inner Belt Bridge estimated at \$336 million. Ohio is looking to prepare 52 design/build projects over the next five years.

Continues on pg. 46

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Donohue to Lead County Road Association

The Board of Directors of the County Road Association of Michigan (CRAM) in October 2013 selected Denise Donohue, CAE (Certified Association Executive) and APR (Accredited in Public Relations) as the new association executive director.

Donohue, an experienced association director and public relations veteran, replaces John Niemela, who retired in October after 17 years with the association. She comes to the association with 30 years of experience in communications and marketing fields, including nine years as executive director of the Michigan Apple Committee.

Dennis Kolar, P.E., managing director of the Road Commission of Oakland and

the president of the CRAM Board, praised Donohue. "Denise has a strong background well suited to leading this association," Kolar said. "She brings just the type of leadership style, experience and energy we need to guide CRAM into a new era. She will be a fresh face taking CRAM in a new direction."

Kolar noted Donohue joins the association at an exciting time, as the CRAM board is in the process of updating the association's long-term strategic plan and as press builds in Lansing to address the state's long-standing road-funding crisis. "We expect to see CRAM moving in some new directions and with a renewed vibrancy and energy," he stated.

Kolar added that Donohue was se-

lected after an exhaustive search for director candidates. "This has been a challenging and exciting process. We started with 50 highly qualified applicants. From there, the field was narrowed to seven prospective candidates, who were interviewed before the top three were identified. Denise was clearly the



Denise Donohue

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“We are confident that Denise will lead CRAM in a manner that meets the needs of our membership and communicates that local roads matter,” Kolar said.

Most recently, Donohue headed her own firm, Donohue Associates, which provided branding and communications consulting. Prior to that she served as executive director of the Michigan Apple Committee and has 14 years of communications and public relations experience in three departments of Michigan government.

Donohue also has extensive volunteer experience including serving as an acad-

emy instructor and task force chair at the Michigan Society of Association Executives and as a board member and past president of the Public Relations Society of America (PRSA) Central-Michigan Chapter. She is an adjunct faculty member at Lansing Community College in the Department of Communications.

CRAM represents the interests of Michigan’s 83 county road agencies that collectively maintain more than 75 percent of Michigan roads – more than 90,000 miles – the fourth largest local road system in the nation.

MDOT NEWS

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Following is a list of the successful graduates.

2012: Ace Steel Erection, Inc.; Hart & Associates Construction, LLC; Integrity Contractors, Inc.; Lucy’s Lawn Care and Snow Removal Corp.; Majestic Contractors, LLC; Marshall Concrete, Inc.; Maximized Security Systems, LLC; Rowe Trucking, LLC; Thomas Electrical, LLC; and Wireless Resources, Inc.

2013: AGI Construction; D.J. Fick Excavating Company, Inc.; Dumas Concepts In Building; Environmental Testing & Consulting, Inc.; KMR Construction Services, Inc.; Kopas Construction, LLC; Maybury Construction, LLC; On Target Contracting; Owens Maintenance; Rock N Rubble Trucking, Inc.; State Wide Janitorial Service, Inc.; Town Services, LLC; U.S. Construction Restoration, Inc.; and W.T. Stevens Construction, Inc.

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The Florida DOT, on the other hand, wants to cut back on the amount of design/build in the state, as it currently consumes 59 percent of their \$3.2 billion road and bridge budget.

New Jersey is also planning for about

\$100 million a year in design contracts. Vermont, which lost about half of their interstate bridges due to flooding this year, plans to use design-build for repair work.

Missouri has three design/build projects now underway with general support,

including a major rehabilitation of the I-70 through Kansas City, procurement on a Missouri River Bridge in St. Louis, and procurement on the Fairfax River Bridge in Kansas City. These projects were commissioned in 2012 as part of \$125 million in design/build.

The Highway Trust Fund Fiscal Cliff

Given that nearly two-thirds of planning and design and engineering work is on federal aid projects, any uncertainty surrounding the federal aid program is a wildcard for the 2014 market outlook.

Revenues to the HTF from highway user taxes are too low to support the current level of federal highway investment. Without increased revenues, the HTF would not be able to support any new highway investment in fiscal year 2015. All revenues collected in that year would be needed to pay for existing projects. Given the importance of the federal program to both highway and bridge construction and planning and design, such a cut in federal aid would have a significant impact on every state program.

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Outreach Spotlight

MITA Special Events

Road Rally for Infrastructure

The 1st Annual Road Rally for Infrastructure was an idea to encourage more member involvement in the MITA PAC fundraising process, and it became a reality this fall. In exchange for making a contribution to the MITA PAC, members were invited to bring a vehicle of their choice to the MITA building for a caravan-style ride up to the Soaring Eagle Casino & Resort, where lunch was provided. Members were able to connect with one another and have a good time while

simultaneously supporting the MITA PAC and its efforts to secure additional funding for the industry. It was a successful inaugural event, bringing in close to \$15,000.00 for the MITA PAC. MITA will work hard to continue the tradition in the years to come.

Continues on pg. 48

MITA Special Events



From left to right during the October event: Shelly Potter and John Potter of John W. Potter, Inc.; Governor Rick Snyder; Steve Jackson, Jackson-Merkey Contracts, Inc.; Nancy Sturrus, and David Sturrus from Grand Valley Concrete Products.

Governor Fundraisers

This fall, MITA hosted two receptions for Governor Rick Snyder. Both events were well-attended by members, and we raised close to \$150,000 total for the Governor's re-election campaign. The receptions were both excellent opportunities to not only meet the Governor, but to hear him speak directly about the issues facing the industry and how he plans to combat them in 2014 and beyond. Transportation and infrastructure funding are still at the top of his priority list, and he has no intention of letting that change anytime soon. It was so important to demonstrate to the Governor how we have his back as much as he has ours, and many of our members did just that. These events were really successful because of high member participation, so we hope to see even more of that in 2014.

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Tom Wagenmaker of Anlaan Corporation (left) talks with Pat Dunigan, Duni-gan Bros., Inc. during the Governor's fundraiser in October.



MITA Executive Vice President Mike Nystrom (right) and Chief Executive Officer of the Michigan Chamber of Commerce Rich Studley prepare to introduce the Governor at the October 16, 2013 reception.



(Above) Governor Snyder chats with Thomas Guy (with name tag) from Guy, Hurley, Blaser & Heuer, LLC and other MITA members at the November fundraising event.



Jeff Buckley from C.A. Hull Co., Inc. talks to the Governor at the November event.

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MITA Adds New Staff Member from the Ranks of the U.S. Marine Corps

MITA is pleased to announce the addition of Matt McClintick as our new Director of Safety and Workforce Development.

Matt, who recently transitioned from active duty in the Marine Corps, said he looks forward to working for MITA and making a difference for the industry. Governor Snyder, MDOT and FHWA are strong advocates for the hiring of veterans. By hiring Matt, MITA is hoping to lead the way for others in the industry to give veterans a chance to establish themselves with a career in the construction industry.

"It is important to know what veterans can bring to the table," said Mike Nystrom, MITA's Executive Vice President. "From the very first day, they have teamwork and leadership instilled upon them, constantly being mentored through their career."

Matt added that veterans are "used to getting the job done under tight deadlines, intense



Matt McClintick

pressure and high expectations, without losing integrity of the work or our attitude. We are dedicated to our work, to excel and to help drive the industry forward."

Matt, who grew up in La Crosse Wisc., served in the Marine Corps for 10 years and completed four deployments: two to Iraq and two to Southeast Asia for anti-terrorism and anti-piracy operations. He now calls Michigan his home, and lives in Bath with his wife, Alison, and his two children: daughter, Rowan, 17; and son, Luke, 2½.

McClintick studied English with a minor in photography at Winona State University in Winona, Minn. As a Marine, he went through FAA and college accredited aviation and inspector training, and took part in OSHA certified classes for heavy equipment. He is also certified as a Marine Corps instructor for

aviation maintenance, aircraft procedures and aerial gunnery.

"I am looking forward to meeting members throughout the spring construction season as I do job site visits and safety training," said Matt, who is an avid hunter. "Members can feel free to contact me anytime with safety-related issues. I'm ready to serve!" McClintick replaces former Safety Director Pat Brown, who has moved on to a new career in the insurance industry. You can reach Matt by e-mail at mattmcclintick@mi-ita.com, or by phone: Office: 517-347-8336; Cell: 517-897-1726.

Sign of the Times

Potholes have gotten so bad that MDOT Director Kirk Steudle was forced to fill potholes recently.



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- 01/17/2014 2014 State of the State Update

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- 02/14/2014 Membership: Please contribute to the MITA PAC Today!
- 02/12/2014 Stolen Equipment Notice
- 02/11/2014 In Memoriam - Terry Smid
- 02/03/2014 Did You Know: Update Blue Book Rates Faster – Submit Your Old Result Sheets!
- 01/31/2014 Member Action Alert: 2014-2015 MITA Directory In Progress
- 01/21/2014 New Report: Deficient Roadways Cost Michigan Drivers \$7.7 Billion

- 01/15/2014 2014 MITA Annual Conference - Registration Deadline, E-Verifile Info and Health Care Highlights
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