

SUMMER 2022

# CROSSSECTION



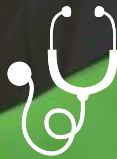
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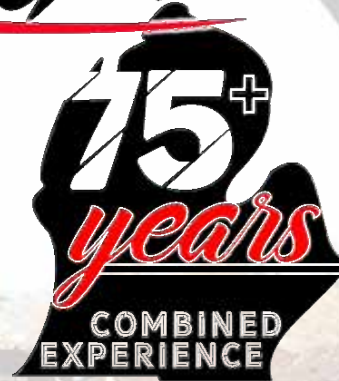
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## On The Cover

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"We do pavement milling and pulverizing at full depth or partial depth," Scott said. "We can handle 2,000-2,500 tons of asphalt or concrete with our machines and crews."

One of their projects involved the State Police Training Tracks in Lansing, which was done in phases throughout the summer in conjunction with other MITA Members. "Thirty percent of our jobs are private bid work," Jamie said, "and we are MDOT pre-qualified, so we receive requests from our customers for MDOT work as well."

"The private companies hire us for daily work. They're the ones who don't own their own mill. We mill it, they pave it."

For larger paving projects, Scott explained, a county, for example, will put up a road project for a season and the prime contractor will give a quote that includes milling or pulverizing. They then spread the huge projects over several years, and hire sub-contractors, such as Extreme Milling & Pulverizing, to do the pavement removal or pavement modifications for the project. Some counties also hire them directly to do milling at controlled depths, or to recycle existing material by pulverizing.

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In many subdivisions, the residents thank them for their portion of work because of how much better the road became, even before the new road was completed. The residents would state: "Before, they would just put so many band-aids on the roads. Now it's getting done right and it will last another 20 years," Scott said. Jamie added: "When we leave, we are proud of the job we have done for our contractors."

A crew of 11 guys, plus office manager Caryn Stubblefield, keep the company running smoothly throughout the year. They are always looking for skilled workers.

The qualifications needed: experience in the field, a Class A CDL license is a must because of the equipment, a good work ethic, and a willingness to accept seasonal work eight-nine months out of the year.

"Our crews can make a year's worth of wages between April to November," Scott

said. We all know each other well and the company is a family itself. Our guys have made us successful because they always have each other's back and stand strong. That includes Caryn, our office manager, who is one of the "guys!"

When the company first got going, they had just two machines. 2020 and 2021 were their first full seasons, and the business continues to grow every day. "We attended MITA annual conferences in 2020 and 2021," Scott said, "and we made many good business contacts. As of the end of 2021, we have four machines and four bad-ass crews.

"2022 is busy, and we look forward to providing quality work with our existing contractors and any new contractors to come." **CS**



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**Rob Coppersmith**

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## MITA IS GETTING MEDIA ATTENTION

The following op-ed, which was published in The Detroit News, was made possible by MITA's efforts to get the facts about a lack of stable, predictable infrastructure funding. To that end, MITA has worked hard to obtain earned media (free) opportunities and, to date, our messaging has been published nearly 74 times in various outlets across the state, which is well over our average. Additionally, several MITA members and MITA staff participated in a Detroit News Editorial Board Meeting concerning infrastructure. The information gathered by the board in that hour-long event will be used by them throughout the year in various articles about our industry.

A few days after the meeting, MITA was offered a rare opportunity to submit the following op-ed.

### **Opinion: Michigan roads keep getting worse. Here's how we make them better**

*By Rob Coppersmith*

*Published in The Detroit News, April 27, 2022*

It's no secret that Michigan's roads are in bad shape. As road crews are dealing with filling potholes and construction season gets underway, Michigan drivers are seeing once more just how much work still needs to be done to get our roads and bridges back in good shape.

With more than 120,000 miles of paved roadway across our state, the cost to keep roads in good condition is

significant. Currently, more than 42% of Michigan's lane miles are rated in poor condition. And if we keep on the path we're on, we will see that number rise further to nearly 50% by 2031.

Due to a combination of our unique environment with harsh winters — as well as a freeze-thaw cycle that punishes our roads — and a significant underinvestment in our infrastructure upkeep, Michigan's roads continue to get worse and worse.

Study after study shows the bad shape our infrastructure is in and how much worse it could become. The American Society of Civil Engineers issued a grade of D- for Michigan's roads in their Report Card for Michigan's Infrastructure. The 2022 TRIP Report estimated that the poor condition of our roads costs the average household \$4,845 annually due to traffic crashes, congestion caused by unreliable roads and the cost to repair cars due to roads in bad shape.

Even worse, that report shows that if we don't make a significant investment soon, the average household could be spending as much as \$6,273 annually at the end of the next 10 years.

And here's a real startling number: 11%, or 1,240, of Michigan's 11,284 bridges are classified as structurally deficient, according to the American Road and Transportation Builders Association. These are bridges that Michigan families use daily to go to school, work, and vacation. If we continue to underinvest in necessary repairs, it's estimated that the number of bridges classified as structurally deficient could rise to as many as 1,976 — a staggering 18% of Michigan's bridges — over the next decade. This is unacceptable.

Former Gov. Rick Snyder's 21st Century Infrastructure Commission issued a report in 2016 that found Michigan needs an additional \$2.2 billion in annual funding to get 85 to 90% of our roads up to good condition. Since the time that report was published, Michigan's leaders have not developed a long-term funding plan that would dedicate the needed funds to get our roads back to good condition.

In addition, Michigan's gas tax, which contributes about half of our funding for infrastructure construction and maintenance, is the lowest in the Midwest. And with the rise in fuel efficiency and the emergence of electric vehicles, we are seeing revenues generated at the pump falling, and that will only continue in the coming years as technology continues to improve.

When we notice that roads are in better condition in neighboring states, that is one of the factors. Our neighbors, such as Ohio, have been willing to make the needed investments for road and bridge repairs, spending nearly \$1 billion more annually than Michigan does.

We've had a series of short-term investments made, such as the recently passed Building Michigan Together Plan that would pump \$4.7 billion of state surplus and federal stimulus dollars into repairs and upgrades for Michigan's infrastructure.

The federal infrastructure plan enacted in late 2021 also provides a short-term boost over the next five years. In addition, the \$3.5 billion bonding program that began under Gov. Gretchen Whitmer provides another short-term injection of much-needed road repair dollars for state trunklines through 2025.

But these short-term investments, while helpful, are not nearly enough to get Michigan on the right track. And it falls well short of the needed \$44 billion of additional funding that Michigan needs over the next two decades.

By only funding for short-term fixes, we aren't making the necessary repairs to keep our roads in a good-working order for the long-term. Instead, we continue to keep coming back every five to 10 years to fix the same problems over and over again.

It is abundantly clear that the way we've been funding Michigan's infrastructure in the past several decades does not work. Like our neighbors in Ohio, we need to make the

necessary investment in our roads and bridges if we want to see improvements.

The solution to our road funding problem is a long-term, sustainable funding plan that would dedicate the necessary resources to fixing Michigan's roads and keep them in good working condition. Without a plan that provides stable funding for Michigan's crumbling infrastructure, we continue kicking the can down the road while conditions continue to worsen.

The lifetime of a road is very predictable. We know that when a new road opens, it will have a lifespan of 30 to 50 years. But without the necessary long-term plan to make the short, mid-range and long-term repairs needed during that lifespan, we fall further behind in keeping up with the problems we know will eventually develop.

Currently, we make only short-term fixes when the problem gets too big to ignore. This isn't good or responsible budgeting, and that isn't how we should treat the investments we're making in our roads.

Putting in place a stable funding plan works for the construction industry and the state as a whole. It allows construction companies to plan long-term, allowing them to build and retain workforces that can repair our roads and

*Continued on page 52*



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"There are not many marketers that exist today as companies in our industry either continue to mature or contract," said John Foster, the CEO & President of the company, which has a history dating back to 1942. "We have over 550 employees, with a high rate of long-term employment.

"The major burning issues we face, along with others in the industry, include workforce development given the wide reach our company has throughout Michigan. The company is currently reaching from US 127 and east, with locations in Richmond, Marine City, Lapeer, Lexington, Bridgeport, Bay City, Pewamo, Midland, Harrison, West Branch, Mio, Tekonsha, and Decker.

The company also offers 13 retail offices





with bulk plants/warehouses to service commercial and residential diesel, gasoline, kerosene, propane, diesel exhaust fluid (DEF), lubricants, industrial fluids, performance products, additives, and monitoring/management solutions. In addition, they operate 13 Pacific Pride locations and 40 Sunrise Convenience Stores throughout the state.

"Our Sunrise Convenience Stores are branded Marathon® or BP® products," Tom Foster, company president, explained.

"My Choice Energy can provide consumers with fixed pricing programs



for natural gas while Foster Blue Water Oil and FLT (Foster Liquid Transport) owns and operates one of the largest fleets of transport trucks and tank wagons in Michigan," John added.

"We are proud to be a family-owned and operated business that was born and raised in the great state of Michigan," said John, whose son, two daughters and two sons-in-law all work within Foster Blue Water Oil or within an affiliated company.

John and Tom Foster are the third-generation family members to run the business, which started out in 1942 when their grandfather, Don Foster, bought a corner gas station in Richmond, Mich. John and Tom's father, the late Dick Foster, bought the station from Don in 1954 while also driving a school bus to supplement his income. The company grew substantially between that time up until the oil crisis in the 70's, operating 24 retail outlets. In the late 70's the company

began to rise again as convenience stores with retail locations were slowly growing in popularity. In 1989, Sunrise Convenience Stores was created by President Tom Foster. Today, there are 40 stores on the eastern side of the state from Macomb County to Montmorency County.

Foster Blue Water Oil joined MITA in 2011 after noticing a huge part of their customer base was engaged in MITA and encountered the value within. "This exposure led to more growth opportunities, and we will always be actively involved with MITA," John said. "The team always joins and sponsors the MITA annual conference along with an exhibitor booth display. Foster Blue Water Oil is continuously joining additional MITA events such as the wild game dinner, summer conference and golf outings."

For more information about Foster Blue Water Oil, please visit [www.fosteroil.com](http://www.fosteroil.com) **CS**



Lance Binoniemi

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## 2022 ELECTIONS: A DIFFERENT ELECTION CYCLE

The 2022 election cycle is turning out to be one of the most interesting elections in decades. It is already an election year where all state elected officials will be up for election. Governor, Attorney General, Secretary of State and all 110 House of Representative districts and 38 Senate districts are included in this year's election. In addition, every Congressional seat is on the ballot. None of this is out of the ordinary and happens every four years in Michigan. What is different now is all of the House, Senate and Congressional districts have been redrawn and that has made for several interesting developments. In addition, 10 Republicans filed to run for Governor, the most Michigan has ever seen from a single party. A few of those candidates' signature collections required in order to be eligible to be on the ballot are being challenged with the state elections bureau and fraud has already been admitted to by a couple of candidates.

In 2018, Michigan voters drastically shifted the redistricting process by adopting Proposal 18-2. Instead of the traditional method of drawing district maps – legislators drawing lines often for their best interests – citizens would draw lines that best represent their interests. Thirteen citizens across the state were randomly selected from over 9,000 applicants. Equal political representation was required and four people who affiliate with the Democratic party, five independents and four who affiliate with the Republican party were on the final redistricting group. The Michigan Independent Citizens Redistricting Commission (MICRC) held 16 public hearings to gather input before creating any maps. On December 28, 2021 MICRC voted to approve final congressional and state

legislative districting maps. To see where your community ended up within the legislative maps, visit: <https://www.michigan.gov/micrc/mapping-process/final-maps>.

The new maps have produced some challenges for a few currently sitting elected officials. Some incumbents were drawn into another incumbents' legislative district, forcing some head-to-head competition with legislative colleagues or forced some to physically move and run in a different legislative district. It also has left open opportunities for some to seek a higher office as some new district lines become more favorable to specific candidates. What will be interesting to see is if new lines tilt the balance of power within the legislature. Republicans have held control of the Senate since 1983 and the fight for majority in both the Senate and the House will be very close.

With all these changes, it is more important than ever to get more involved politically. Staff at MITA will continue to take serious and close looks at all candidates and those who become elected, but it is imperative that our members keep a close eye locally on their individual candidates for office. Having local knowledge of a candidate is essential in understanding candidates beyond their professional campaign materials. I encourage each one of our members to attend a debate or coffee hours or campaign rally and get to know these individuals and see where they stand on what is important to you, your family, and your community. And if there is anything that you think MITA staff should know about a particular candidate or race, do not hesitate to contact us. **CS**



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Rachelle VanDeventer, P.E.

To contact Rachelle VanDeventer, P.E., email her at [rachellevandeventer@thinkmita.org](mailto:rachellevandeventer@thinkmita.org) or call the MITA office at 517-347-8336.

# MDOT TO LAUNCH FIRST PROJECT WITH A CONTRACTUAL 3D MODEL

This August MDOT plans to let a Building Information Modeling (BIM) for Bridges Model Delivery Pilot for their I-696 reconstruction project from I-275 to Lahser Road in Oakland County. This will be MDOT's first project to deliver a 3D model as a contract document. As the first BIM for bridges pilot, the project deliverables will include the bridge design of I-696 EB and I-696 WB over the Rouge River in the City of Southfield as 3D models, delivered as the contract documents in lieu of 2D plan sheets. The 3D models will be packaged within a larger project that includes 8.5 miles of road reconstruction on I-696, a couple of culvert structures, and 10 Capital Preventive Maintenance (CPM) bridges.

In place of 2D PDF plan sheets, scaled 3D models enhanced with annotations and model attributions will be accessible from a computer, tablet, or phone. The contract 3D models will include saved views of critical information, and will include supporting documents such as 2D details, tabular information, and specifications, as attachments to the 3D model. The 3D models will be the primary source of design intent for the two specified bridges for all (contractors, inspectors, suppliers, etc.) to use through every stage (bidding, construction, and as-builts) of the project.

MDOT intends to include a Model Coordination and Training Special Provision detailing requirements for model coordination meetings, training, post construction lessons learned expectations, and the requirements for the contractor's BIM Execution Plan. The BIM Execution Plan will detail the contractor's created plan for working from the models, detailing a variety of items including key personnel roles and responsibilities, quality control

and assurance procedures regarding model data, and communication expectations. The BIM Execution Plan will need to be reviewed and approved by the Department.

Training will be offered by MDOT both prior to project advertisement and after project advertisement. The intention of the early, non-mandatory training is to allow opportunities for any interested parties to get familiar with the model data and how to utilize that data prior to advertisement in hopes not to slow down the bidding process. Once the project is advertised, MDOT plans to hold a mandatory pre-bid meeting/training early in the advertisement process. There are also expectations of training for those involved in the construction of the 3D model bridges post award.

MDOT collaborated with industry throughout the design process on this pilot project. A volunteer group including contractors, consultants, surveyors, and suppliers met approximately once a month with the MDOT team over the past year to get an update and provide feedback on various model concepts. A variety of concerns were voiced throughout the collaboration process, including concerns about whether contractors will be able to get all the information they need from the model and whether contractors and inspection staff will be able to get to the necessary comfort level needed to work solely from the models. The MDOT team did implement a number of modifications to the model data as a result of this constructive collaboration.

Even though there have been concerns voiced, this pilot project creates opportunities to think and work differently, hopefully leading to the possibilities of gained efficiencies. There is

*Continued on page 52*

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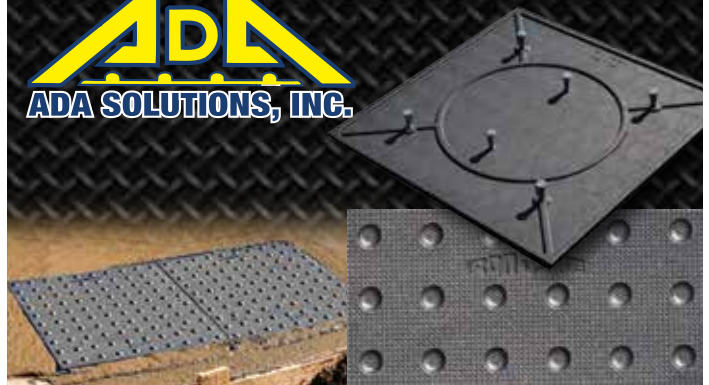


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**Kristoffer Hulsebos**  
Project Manager  
ncc11205@gmail.com



The Okemos Road Bridge Project

Tammy and Dennis Hulsebos, a dairy farmer turned road/underground “farmer,” milked 200 head of cattle in the morning, then worked road construction all day before forming Nashville Construction Company in 1977.

Tammy (President) and Dennis (Vice President) are now happily retired, and the company is run by their sons: Kristoffer, Project Manager; and Keven, Estimator. Rounding out the team is Brad Clark, the superintendent of the guardrail division. During the peak season they have 45 employees.

When it was founded in Nashville, about 40 miles southwest of Lansing, the company focused on MDOT work, and later expanded into underground, guardrail; and, most recently, in 2012, bridge and box culvert projects.

Their largest project to date is the Okemos Road bridge project, which began in February 2022 and is slated for completion this year. With an \$8.8 million price tag, Nashville is using 15 sub contractors on a job that involves

replacing the last remaining historic camelback bridge in Michigan. The work includes demolition of the old bridge, storm sewer, drainage, road reconstruction, traffic and ADA work.

“We are also doing a lot of guardrail jobs this year, 40,000 feet so far, all in the lower peninsula, for C.A. Hull Co., Anlaan Corporation and other contractors” said Kristoffer, who started working for the company along with his younger brother, Keven, when they were in high school. “My brother worked as a laborer, operator then foreman, and I also studied engineering and business at Michigan Tech.”

What is interesting for him about the business is the fact that when they got into bridge work, they were competing against companies, such as Anlaan, and other larger contractor members of MITA. “We still bid against each other, but it is friendly competition,”

Kristoffer said. “We can bid as a prime on a project and also quote as a subcontractor to companies we’re competing against on that same project. If we don’t get a job as a prime sometimes we end up getting the guardrail work as a subcontractor for our competition.” **CS**

A box culvert project project near Nashville, Michigan.





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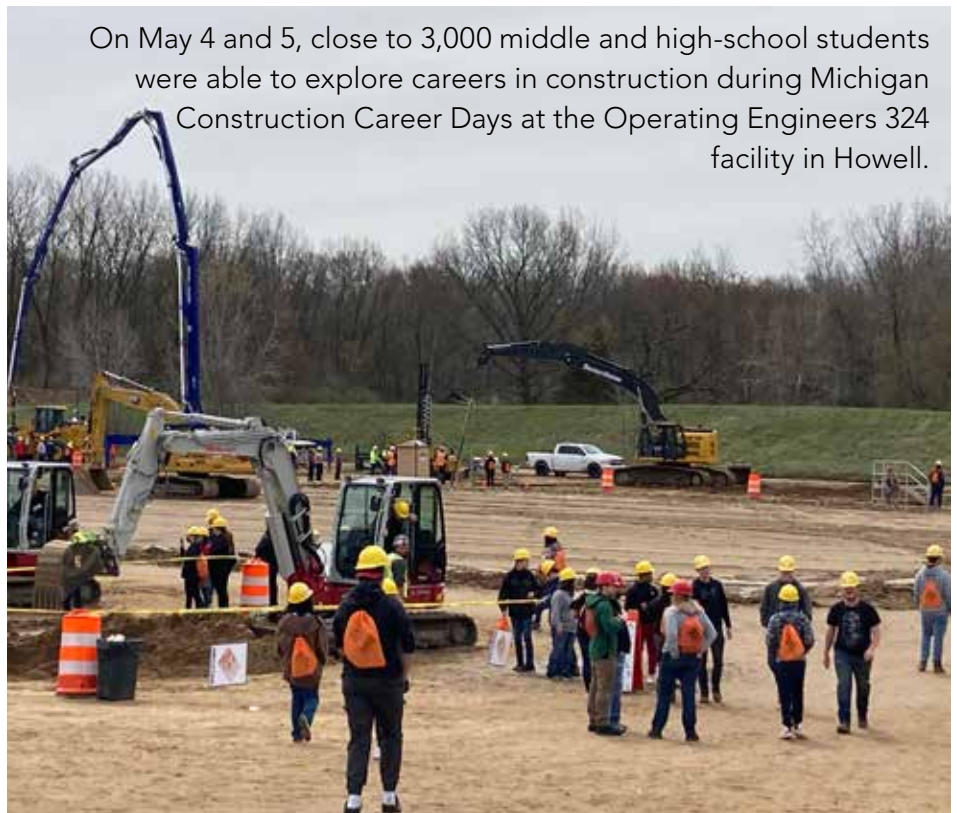


# MICHIGAN CONSTRUCTION CAREER DAYS: A WORKFORCE DEVELOPMENT FIELD DAY

Most of us learned about the construction industry through family, knowing at an early age the potential that this industry holds through life experiences by seeing the benefits up-close and personal. Our grandfathers and grandmothers, our fathers and mothers, all provided an amazing life for themselves and us through their businesses and their jobs. We knew what this industry could provide at an early age and understood the potential for providing for our future families. That was a given. How, then, can we send the message of the benefits of a construction career to young Michiganders who did not have the same opportunity of understanding our industry and all its benefits as we had?

On May 4 and 5, close to 3,000 middle and high-school students were able to explore careers in construction in a hands-on event. Michigan Construction Career Days (MICCD) is an event that has taken place since 2008. MICCD is based on the National Career Day model and provides our young students the opportunity to get their hands dirty by using real tools, materials and heavy equipment, while being directed by current industry practitioners from all areas of the industry. Students operated jack-hammers breaking up pieces of concrete. They welded using a simulator, laying down a bead and making strong connections. They hammered nails, racing against an experienced professional. They sat in

On May 4 and 5, close to 3,000 middle and high-school students were able to explore careers in construction during Michigan Construction Career Days at the Operating Engineers 324 facility in Howell.



the seat of a large excavator, digging holes in the earth, then refilling them. The excitement in the experience could be seen in their eyes as well as by the happy expressions on their faces. Colleges and universities were in attendance, describing the programs that are available in the construction field to graduating seniors who are on a path for a college degree. This often comes as a complete surprise to students: I can go to college and I can still go into construction?

In total, 2,852 students attended MICCD representing 115 schools from across the state! All of this was accomplished in a two-day period from 8 a.m. – 1 p.m. MICCD takes

place at the Operating Engineers 500-acre training facility in Howell. The event is organized by the Michigan Apprenticeship Steering Committee Inc. (MASCI). MASCI is an advocacy group made up of professionals from the education industry, manufacturing sector, construction trades and governmental departments of Michigan of which MITA is a member and active on the board. MASCI's objective is to educate Michigan's workforce and employer groups on the benefits of participation in registered apprenticeship. Trades in attendance at the 2022 MICCD included operators, laborers, plumbers, bricklayers,

*Continued on page 52*

# eDISCOVERY IN CONSTRUCTION LITIGATION

By *Evan M. Lumley*  
Kotz Sangster



**Evan M. Lumley**

Electronic communications — such as emails or texts — have become the primary form of communication among organizations and individuals. In the modern world, businesses large and small communicate internally and externally using electronic means. The same is true regarding document creation and record retention — electronic and digital media have largely replaced physical records. This is especially the case in the construction industry. In addition to using digital communications, contractors and design professionals create and maintain countless electronic documents, ranging from emails and letters to bids and contract documents to schedules, submittals,

and RFIs. When a construction dispute arises, all of these documents become relevant to the dispute.

These digital communications and documents are referred to by the Michigan Court Rules as the parties' "Electronically Stored Information," or ESI. Recognizing the prevalence of digital communications and documents, lawmakers have amended the rules governing civil litigation to mandate parties to maintain and exchange their ESI through the discovery process. In recent years, litigators began using the term "eDiscovery" to describe the process of defining what digital information is relevant during commercial litigation, determining where it is stored (such as on a company's servers), collecting that information, and ensuring it is in the proper format for evaluation and use.

The eDiscovery process is broad and expensive. The breadth and expense often takes contractors by surprise, to their detriment. Therefore, it is essential for a contractor to maintain good day-to-day eDiscovery business practices, and to have a solid eDiscovery plan in place for when claims arise.

To begin, eDiscovery arises in a system in which almost no secret can be hidden. The range of each party's discoverable ESI in the eyes of the law is abundant and ever expanding. The court rules already permit an opposing party to "obtain discovery regarding **any** non-privileged matter that is relevant to **any** party's claims or defenses." (Michigan Court Rule 2.302.) Relevance is broadly defined

as anything that makes a fact of consequence to the dispute "more or less probable." (Michigan Rule of Evidence 401.) And the court rules further state, "Information within the scope of discovery need not be admissible in evidence to be discoverable." In other words, parties may be required to turn over all of their documents and communications first, and make challenges regarding their admissibility later. This includes electronic documents.

The court rules have teeth to bite those who fail to follow these broad rules of production. Enforcement mechanisms include the imposition of sanctions upon a party who fails to make a complete production of its ESI. In certain instances, a failure to produce a document can result in severe penalties that greatly affect the outcome of a dispute, such as cost sanctions, a negative inference imposed by the law (i.e., that documents not produced contained information that was unfavorable to the party that failed to produce), or the outright loss or dismissal of a lawsuit.

## The Mandatory Exchange of Digital Communications

The most noteworthy change to the way discovery is exchanged among parties to a construction dispute is the production of the emails and texts created throughout the course of a project. Before the court rule amendments affecting ESI were adopted in 2013, rules and protocols developed in the "Age of Paper" were

applied to electronic documents and communications. Even though emails and text messages were widespread before 2013, discovery of them was often inconsistent. But with the adoption of the 2013 court rule amendment, discovery of ESI became mandatory. Since then, discovery of ESI has steadily grown in scope, sophistication, and cost. Contractors must get in front of this trend.

Foremost, contractors must implement business practices to manage the intrusive nature of electronic discovery. The authors of digital communications often fail to realize their texts and emails will be produced to an opposing party. The modern tendency to communicate internally in writing can result in disclosure of internal criticism, criticism which in the "Age of Paper" never have been put in writing and therefore never produced to an adversary. A hotheaded email, written in a heated moment, will become eternalized and public. The following excerpt of an internal email produced by a real party in a real claim provides a perfect, and unfortunate, example (with names in inappropriate language bleeped out):

I'm not blaming -----, the general foreman and foreman are at fault on this one! It's their responsibility to let him know what they need to get it done... SOUNDS LIKE A PAID F----- VACATION because

no one has done any work down there AND if we did were taking it down and re-installing it!

I will state it again, I don't know how in the f--- we take a three week schedule work load with three week look aheads, manpower forecasts, think that we are going to beat hours, too F----- lose hours and money in the very last week. We look like S--- and we are running this project like S--- from an install standpoint... You had better figure out a better plan, get the right supervision in place and get this thing headed in the right direction TODAY! This had better turn a corner real fast...

This email was discoverable under the court rules, and it single-handedly sank part of an otherwise good claim. Even if the criticism was overblown, the company attempting to contain the statements made by one of its own employees faced an insurmountable obstacle. Such emails occur with surprising frequency. The heightened candidness that often exists in internal communications makes them highly sought after by opposing parties. Because the court rules now contemplate the exchange of ESI, chances are that all such communications are discoverable.

Another common pitfall is the tendency for employees  
*Continued on page 40*

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State Senator  
Wayne Schmidt

**Q How has your time serving at the local level helped you throughout your time as a state lawmaker?**

**A** Serving as a Grand Traverse County Commissioner gave me exposure to local issues and an understanding of how state-level decisions impact our local governments. Further, my relationships with local leaders, many of which were formed in my local government years, have helped ensure that I can craft policies at the state level that benefit my constituents at home.

**Q You have been one of the strongest advocates for improving the state's infrastructure during your time in the Michigan Legislature. What motivated you to become such a supporter of this aspect of government?**

**A** Infrastructure is the grease that keeps our economy moving. Whether it's the transportation of goods or people, local roads, highways, rail, water, and air infrastructure and travel are critical in connecting our global economy. When it's good, infrastructure is something that we take for granted. When it's bad, we all feel the effects. I want to ensure our state's infrastructure supports our 21st-century economy.

**Q What do you see is the biggest challenge to adequately funding Michigan's infrastructure?**

**A** Bipartisan and bicameral relationships are the most significant barrier we currently face to adequately funding Michigan's infrastructure – and they don't have to be one. We have an amazing opportunity with the amount of federal dollars coming to our state. Our Legislature and Administration have shown that we can come together on other policy issues and make transformational changes. I hope that we can come together during this budget cycle and truly impact Michigan's infrastructure.

**Q With gas tax revenues declining and electric vehicles on the rise, how will the state collect user fee revenues to pay for our transportation network?**

**A** My colleagues and I have had productive discussions on how to encourage the use of EV vehicles and ensure we are not jeopardizing the upkeep of our transportation

network. Every user of our roadways needs to pay their fair share. We have plans for a study to look at the impact of EVs on roads - and a tolling study for transportation in general. This policy discussion will require compromise from various stakeholders, and I look forward to the continued conversations.

**Q As Chairman of the Committee on Appropriations Subcommittee on Transportation, what do you feel is the next step towards adequately funding our infrastructure in Michigan?**

**A** In 2015, we took the first bite at the apple by increasing registration fees and fuel taxes for the \$1.2B plan. We need to continue looking at how to get away from the gas tax and find new ways of funding roads. We must find a fair solution and require all users of our roadway network to pay for the upkeep. Alternative funding is our next policy and funding hurdle, and I hope we will start to chip away at this issue in the upcoming budget.

**Q What will you miss the most after serving 14 years in the state's Legislature?**

**A** The people. I have gained so many lifelong friends in the state Legislature. I am thankful for my colleagues on both sides of the aisle, staff, policy and caucus staff, non-partisan staff, and the lobby corps. We all come together to serve the people of our state, and I am proud of the work we have done together, especially for my

*Continued on page 33*



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## MITA PAC UPDATE

Thank you to everyone who has contributed to the MITA PAC. Your generosity is greatly appreciated. If you haven't donated to the MITA PAC yet this year, please consider making a contribution today.

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David Pytlowany	AIS Construction Equipment	\$500.00	Patty Meyer	Patty Meyer	\$25.00
Byron Miller	AIS Construction Equipment	\$500.00	Dustin Dunigan	Dunigan Bros., Inc.	\$500.00
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Robert Adcock	Angelo Iafate Construction Company	\$3,000.00			

# MITA TESTIFIES REGARDING AUTOMATED TRAFFIC ENFORCEMENT DEVICES

Rob Coppersmith, Executive Vice President of MITA, testified before the House Judiciary Committee in Lansing May 24 regarding House Bill 5750, a bill that would mandate use of automated traffic enforcement devices in certain work zones to enforce speed limit reductions. Here are his remarks:

Mr. Chairman, and Members of the Committee. My name is Rob Coppersmith, and I am the Executive Vice President of the

Michigan Infrastructure and Transportation Association also known as MITA. I'm here to advocate on behalf of House Bill 5750. MITA represents over 500 Michigan companies building our roads, bridges, underground water and sewer

infrastructure, utilities and other specialty infrastructure. In my 28 years of working for the industry, I have held a variety of positions prior to my current position. I was initially hired to be the safety director for the industry and have experienced first-hand the horrors that working in and around traffic can produce. These types of accidents leave lifelong scars and memories. I have felt the collective loss as I put families in touch with groups like Construction Angels, a non-profit that exists to help with unexpected death benefits for those who have had loved ones pass while trying to improve the quality of life for all of us. I've gathered professionals in many construction yards so employees can meet with grief counselors. I've also witnessed individuals

*Continued on page 32*

## Long-Term Sustainable Funding Campaign 2022

The MITA Political Action Committee (PAC) is a strong contributor to the overall political voice of Michigan's heavy construction industry. MITA PAC is the most effective tool our industry has to support candidates who will fight in favor of contractors in the Michigan legislature. Your personal financial support of the MITA PAC gives all of us who care about the future of heavy construction the opportunity to have a strong influence in the political process.

 100% Secure Donation

\$153,597  
raised

89  
donations

\$250,000  
goal

*\*Totals as of the printing of this issue.*



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leave good paying jobs that support their families because they simply can't do that type of work anymore.

MITA is part of the Michigan Work Zone Safety Task Force, a MDOT Contractor group founded to improve safety on all job sites. The amount of night work performed has been reduced, more concrete barriers are being deployed as well as many other positive changes. We're in the midst of a public awareness campaign called "Take the Pledge" which simply is a pledge to drive safer in job sites. In short, we are working hard on our side of the barrels to make safety a high priority.

To complicate construction safety issues, projects are happening at an all-time high due to decades of underfunding, an influx of federal dollars and our own state's increased investment in our infrastructure. This opportunity will cause disruption and frustration for anyone who travels at some point and appears to be our collective future for some time to come.

The need for additional options for speed enforcement in work zones has been proving itself over the last few years by way of fatalities, and I'm saddened and embarrassed that Michigan was not at the front of what has proven to be an effective tool for driver compliance in other states.

If it were possible, we would like to see law enforcement at every job site but MSP does not have the resources to deploy such measures. Our contractors regularly request law enforcement presence on job sites to little or no avail based on pleas made to me, even though just last weekend a trooper on a I-94 work zone pulled over three drivers going 98, 99, and 103 mph in a job posted at 45 mph, which clearly demonstrates the need for enhanced enforcement.

I implore you to move this bill forward. Michigan road construction workers and their families deserve another tool to enhance driver compliance.

Thank you for your consideration. I would be happy to answer questions the committee may have. **CS**

## MITA APPLAUDS HOUSE JUDICIARY COMMITTEE ACTION TO IMPROVE WORK ZONE SAFETY

Rob Coppersmith, executive vice president of the *Michigan Infrastructure & Transportation Association (MITA)*, issued the following statement on May 24 after the House Judiciary Committee voted in support of *House Bill 5750*, legislation that would allow for the placement of automated speed cameras in certain construction zones to protect Michigan's road workers:

"We're glad to see the House Judiciary Committee take action to support House Bill 5750 that would protect road construction workers while they're hard at work fixing Michigan's roads. Construction sites are dangerous places, especially when working on the side of highways with traffic moving at high rates of speed. Placing automated speed cameras in construction zones would help protect our construction workers by strictly enforcing work zone speed limits.

"In 2020, there were 4,035 work zone crashes alone in Michigan that resulted in 14 work zone fatalities and 1,050

work zone injuries. Recent data shows that those numbers will increase over the next decade if we don't take action to stop it.

"Keeping our road workers safe is a top priority for MITA. Ensuring our construction workers have safe work zones is a big reason why we are heavily involved with the Michigan Work Zone Safety Task Force, an effort between the highway construction industry, MITA, and the Michigan Department of Transportation focused on making work zones safe across Michigan. Our organizations have worked hard on making our work zones safer over the past couple years, and we're excited to see this legislation move out of committee and before the House for full consideration.

"Let's put the lives and safety of our construction workers first and make sure they are protected while on the job site. We look forward to the House acting very soon to pass House Bill 5750 to ensure our construction workers have a safe day in the office fixing Michigan's roads." **CS**



# MITA COMMISSIONS ELECTRIC VEHICLE STUDY

MITA has joined a coalition of local government, business and road agencies that rely on gas tax revenues and the coalition has commissioned a study to assess the fiscal impact of the electric vehicle transition and the effect on road funding in Michigan.

The state and federal gas taxes equate to well over half of the revenues for our transportation network in Michigan. As fuel efficiency has increased and electric vehicles become more prevalent, revenues to maintain our road and bridge network have suffered.

States will have to find alternative ways to collect user fees from those using the roads and MITA will be front and center in that conversation in Michigan. **CS**



constituents in the 37th Senate district.

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

**A** MITA has done a great job at coming to the table and offering solutions to problems in the transportation sector. MITA members should know that they have effective and responsive representation with Lance Binoniemi, Vice President of Government Affairs. Continue to contact my office and let me know how I may support the transportation industry.

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

**A** MITA members should continue to be engaged. Legislators won't know about your needs unless you tell us. And, even if you tell us, bring us a budget request or a policy solution. We want to partner with industry groups and

stakeholders to craft sustainable solutions, but we need your help. MITA does an excellent job of making us aware of industry needs, so keep up the good work. I look forward to continuing to work with you.

## Meet Senator Schmidt

Sen. Wayne Schmidt is a native of Traverse City. He graduated from Traverse City Central High School in 1985, and attended the University of Chicago where he majored in economics and public policy. Schmidt is also a graduate of the Michigan Political Leadership Program at Michigan State University.

Before serving in the state Legislature, he was elected five times to the Grand Traverse County Board of Commissioners and served terms as both vice-chair and chair.

Prior to his election to the Senate, Schmidt served from 2008-2014 in the Michigan House of Representatives. In that time, he served as chairman of the House Transportation and Infrastructure Committee, and the

House Commerce Committee.

In 2014, Schmidt was elected to represent the 37th Senate District, which includes the Lower Peninsula counties of Antrim, Charlevoix, Cheboygan, Emmet, and Grand Traverse, as well as Chippewa, Mackinac and Luce counties in the Upper Peninsula.

Schmidt currently serves as chair of the K-12 and Michigan Department of Education Appropriations and Transportation subcommittees.

The senator is also very active in the district. He hosts monthly coffee hours at several locations throughout Northern Michigan and the Upper Peninsula, and has been involved with Grand Traverse Area Right to Life and Big Brother/Big Sisters of Northwestern Michigan.

As an avid sportsman, he is a member of the National Rifle Association, National Wild Turkey Federation, Ruffed Grouse Society and Trout Unlimited.

Schmidt currently lives in Traverse City with his wife, Kathleen, and their two boys, Ryan and Danny. **CS**



# UTILITY LOCATING CONTACT LIST

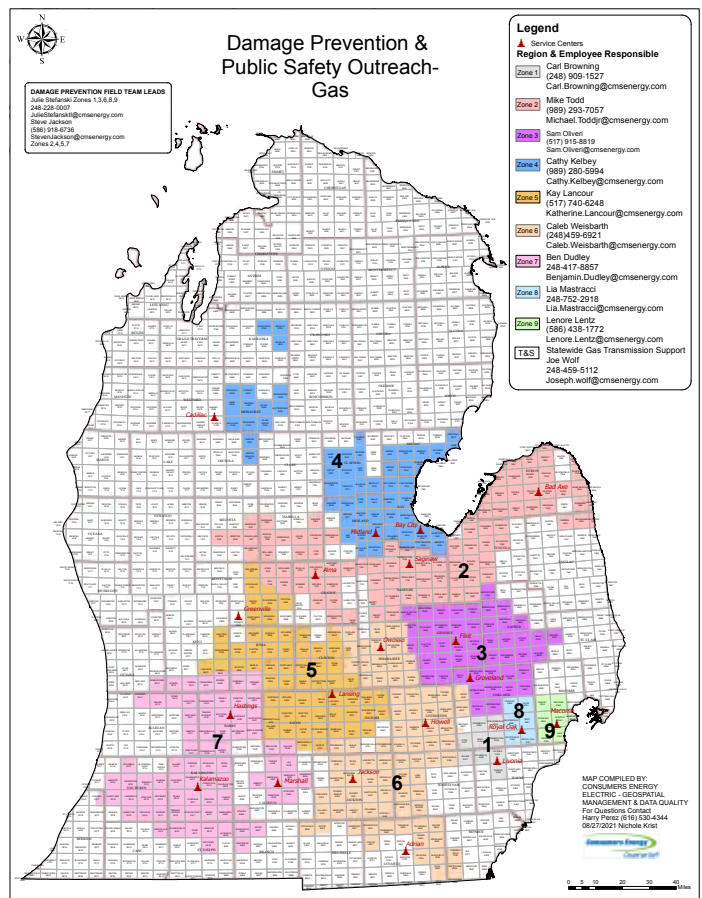
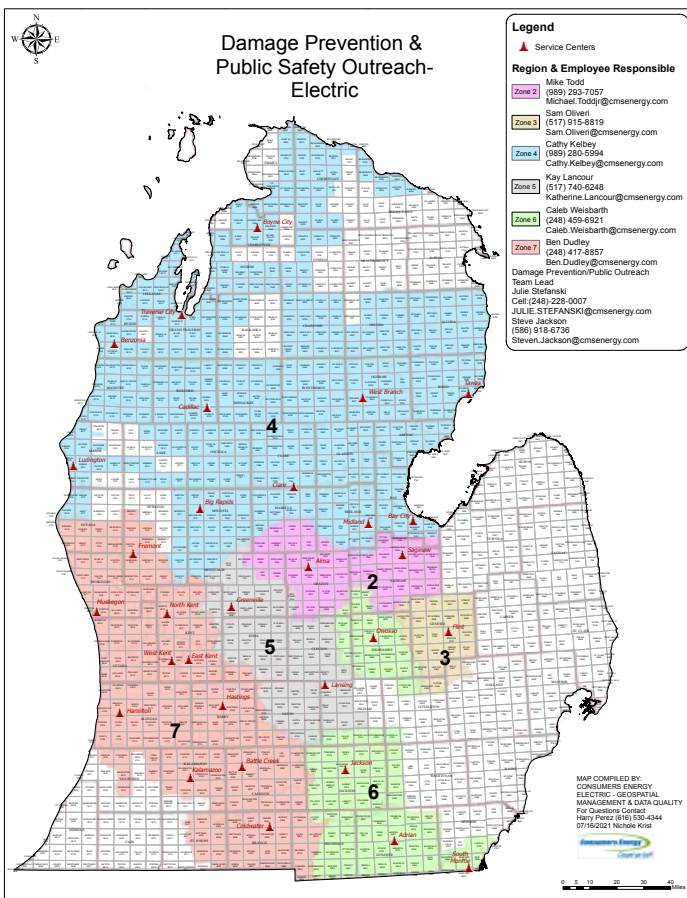
By Eric Urbain, Director of External Affairs, MISS DIG 811

It is no secret how MITA members feel about the new Pelican System that MISS DIG 811 implemented over the winter. Patience and training will pay dividends concerning the new system. During the dig season, the following list of contacts should prove helpful, and MITA suggests you take the following approach to your utility locating problems when they arise. Always have your ticket number handy!

- Call or request additional assistance on the ticket in question when you have no marks, the presence of an unmarked facility, or an incomplete positive response. Do not call in a new ticket because this will only exacerbate your problem. You should be contacted within 3 hours, so start the clock for a potential downtime claim. If you're not contacted

or feel the need to expedite your request, start the next step.

- Use the USIC contact list first if you are experiencing problems with your locates unless otherwise noted on the ticket. USIC purchased/merged with URG over the past few months and will be performing the vast majority of your locates.
- If you are getting nowhere with your attempts to contact USIC, move up the chain. Please use the contact information for Consumers Energy, AT&T, and DTE field personnel based on region. These individuals have the means to manage your problems. The list has been broken down into gas and electric, and some contacts handle both.



- Call MITA if you are still having trouble. MITA will push your issues to the next level with the system and involve individuals at the next level and/or even the MPSC, which is charged with the enforcement of the MISS DIG Act.

**MITA Contacts**

Greg Brooks: 517-507-2531, MITA's Director of Safety & Compliance  
 Rob Coppersmith: 517-896-1495, MITA's Executive Vice President

**DTE Contacts**

**Kevin Price: 313-600-1884**

Gas Damage Prevention

**Sarah McKenzie: 313-378-0346**

Grand Rapids & Northern Michigan Supervisor


**Mark Kovalciki: 586-994-1204**

Electric Damage Prevention

**AT&T Contact**

**Bryant Thomas: 231-409-7939**

Statewide Damage Prevention

			
<b>Michigan Districts - Contact List</b> Dispatch: 800-778-9140			
Western Michigan District (WMI)			
Staff	Position	Email	Cell
Garry Seeburger	District Manager	<a href="mailto:garryseeburger@usicllc.com">garryseeburger@usicllc.com</a>	(616) 262-6940
Tony Bauman	State Operations Manager	<a href="mailto:anthonybauman@usicllc.com">anthonybauman@usicllc.com</a>	(616) 648-5309
Katie Keech	Operations Coordinator	<a href="mailto:katiekeech@usicllc.com">katiekeech@usicllc.com</a>	(734) 812-7843
Mike LaGorio	Claims Coordinator	<a href="mailto:mikelaorio@usicllc.com">mikelaorio@usicllc.com</a>	(586) 612-5036
Nicholas Kruisenga	Training & Development Leader	<a href="mailto:nicholaskruisenga@usicllc.com">nicholaskruisenga@usicllc.com</a>	(616) 885-7880
Esperanza Santos	Administrative Assistant	<a href="mailto:esperanzaneleviasantos@usicllc.com">esperanzaneleviasantos@usicllc.com</a>	(248) 762-2301
Supervisor	Team	Email	Cell
John Holle	WM4 Team	<a href="mailto:johnholle@usicllc.com">johnholle@usicllc.com</a>	(616) 490-5468
Steven Parent	WM5 Team	<a href="mailto:stevenparent@usicllc.com">stevenparent@usicllc.com</a>	(616) 558-8147
Patrick McKerroll	WM6 Team	<a href="mailto:patrickmckerroll@usicllc.com">patrickmckerroll@usicllc.com</a>	(616) 490-8021
Robert Sommer	WM7 Team	<a href="mailto:robertsommer@usicllc.com">robertsommer@usicllc.com</a>	(616) 490-8021
James Nowak	WM8 Team	<a href="mailto:jamesnowak@usicllc.com">jamesnowak@usicllc.com</a>	(248) 817-9415
David Renney	WM9 Team	<a href="mailto:davidrenney@usicllc.com">davidrenney@usicllc.com</a>	(616) 885-4345
Nick Cross	WM10 Team	<a href="mailto:nicholascross@usicllc.com">nicholascross@usicllc.com</a>	(616) 238-9225
Steve Rucker	WM11 Team	<a href="mailto:stevenrucker@usicllc.com">stevenrucker@usicllc.com</a>	(616) 690-5477
Eastern Michigan District (EMI)			
Staff	Position	Email	Cell
Tony Risher	District Manager	<a href="mailto:tonyrisher@usicllc.com">tonyrisher@usicllc.com</a>	(810) 360-9582
Tony Bauman	State Operations Manager	<a href="mailto:anthonybauman@usicllc.com">anthonybauman@usicllc.com</a>	(616) 648-5309
Joel Geary	Training & Development Leader	<a href="mailto:joelgeary@usicllc.com">joelgeary@usicllc.com</a>	(734) 620-1252
Katie Keech	Operations Coordinator	<a href="mailto:katiekeech@usicllc.com">katiekeech@usicllc.com</a>	(734) 812-7843
Mike LaGorio	Claims Coordinator	<a href="mailto:mikelaorio@usicllc.com">mikelaorio@usicllc.com</a>	(586) 612-5036
Esperanza Santos	Administrative Assistant	<a href="mailto:esperanzaneleviasantos@usicllc.com">esperanzaneleviasantos@usicllc.com</a>	(248) 762-2301
Supervisor	Team	Email	Cell
Robert Stone	EM1 Team	<a href="mailto:robertstone@usicllc.com">robertstone@usicllc.com</a>	(586) 612-5015
Erin Ferguson	EM2 Team	<a href="mailto:erinferguson@usicllc.com">erinferguson@usicllc.com</a>	(248) 496-0563
John Fratto	EM3 Team	<a href="mailto:johnfratto@usicllc.com">johnfratto@usicllc.com</a>	(248) 251-6185
Ryan Young	EM4 Team	<a href="mailto:ryanvoung@usicllc.com">ryanvoung@usicllc.com</a>	(248) 275-9755
Brian Hayes	EM5 Team	<a href="mailto:brianhayes@usicllc.com">brianhayes@usicllc.com</a>	(412) 667-1820
Patrick Ayling	EM6 Team	<a href="mailto:patrickayling@usicllc.com">patrickayling@usicllc.com</a>	(517) 425-9289
Andrew Jernigan	EM7 Team	<a href="mailto:AndrewJernigan@usicllc.com">AndrewJernigan@usicllc.com</a>	(248) 275-9321
John Kastanis	EM9 Team	<a href="mailto:johnthankastanis@usicllc.com">johnthankastanis@usicllc.com</a>	(248) 786-9325
Northern Michigan District (NMI)			
Staff	Position	Email	Cell
Tony Bauman	State Operations Manager	<a href="mailto:anthonybauman@usicllc.com">anthonybauman@usicllc.com</a>	(616) 648-5309
Katie Keech	Operations Coordinator	<a href="mailto:katiekeech@usicllc.com">katiekeech@usicllc.com</a>	(734) 812-7843
Mike LaGorio	Claims Coordinator	<a href="mailto:mikelaorio@usicllc.com">mikelaorio@usicllc.com</a>	(586) 612-5036
Esperanza Santos	Administrative Assistant	<a href="mailto:esperanzaneleviasantos@usicllc.com">esperanzaneleviasantos@usicllc.com</a>	(248) 762-2301
Supervisor	Team	Email	Cell
Darrin Meyer	NM1 Team	<a href="mailto:darrinmeyer@usicllc.com">darrinmeyer@usicllc.com</a>	(616) 647-7985
Darrin Meyer (interim)	NM2 Team	<a href="mailto:darrinmeyer@usicllc.com">darrinmeyer@usicllc.com</a>	(616) 647-7985
Shannon Taylor	NM3 Team	<a href="mailto:shannonataylor@usicllc.com">shannonataylor@usicllc.com</a>	(989) 313-0132
Jacob Jones	NM 4 Team	<a href="mailto:jacobjones2@usicllc.com">jacobjones2@usicllc.com</a>	(248) 296-1563

**PLEDGE UPDATE PLEDGE UPDATE PLEDGE UPDATE PLEDGE**

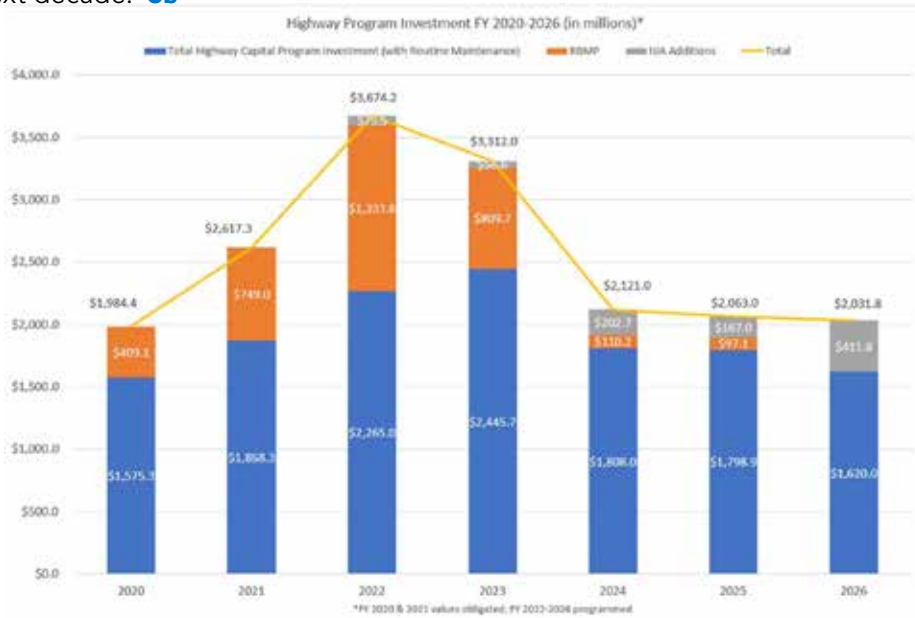
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# FUNDING PROJECTIONS

According to Laura Mester, Chief Administrative Officer of MDOT, excluding the Rebuild Michigan Plan bond dollars, MDOT forecasts FY 2022 – 2026 state revenues to grow by 1.7 percent per fiscal year. With the passing of the Infrastructure Investment & Jobs Act (IIJA) in FY 2022, federal revenues grew 25 percent from actual FY 2021 funding levels. However, much of the increase relates to federal General Fund contributions.

Going forward, estimated FY 2023 – 2026 federal revenues are expected to grow by 2 percent per fiscal year. Even with the additional funding expected at the national level through IIJA, MDOT funding levels are not enough to maintain or improve current pavement conditions. MDOT’s trunkline system condition is projected to decline rapidly over the next decade. **CS**



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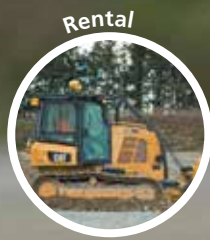
Including  
Rebuilding Michigan  
and the Infrastructure  
Investment & Jobs Act

# PARTNERSHIP AWARD

The MDOT and MITA Partnership Award was presented this year to Jason Gutting, P.E., (center) MDOT’s Administrator for the Construction Field Services Division. Jason received the award for his efforts and achievements forging an ongoing working relationship between MDOT and the industry. That is Tony Kratofil, P.E., MDOT’s Chief Operations Officer on the left, and Rachelle VanDeventer, P.E., MITA’s Vice President of Engineering on the right. The award is normally given during the MITA Annual Conference in January, and Jason could not be there, so MITA caught up recently with him to present the award. Congratulations, Jason! **CS**



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Ace Cutting Equipment & Supply, Inc., hosted an open house in April at their new location in Novi at 25125 Trans X Road.



## UHY HIRES ROBERT BOESIGER AS MANAGING DIRECTOR



Robert Boesiger

*UHY Advisors*, (UHY), one of the nation’s leading accounting and professional services firms, announced recently that *Robert F. Boesiger, CPA, JD, LL.M.* has joined the team as Managing Director in its Detroit Office.

Boesiger has an extensive list of legal and financial accomplishments in the areas of estate planning and wealth transfers, corporate law, mergers and acquisitions, minority

business enterprises, private capital transactions, and taxation.

Boesiger will lead UHY’s Estate Strategy and Trust practice. He will help UHY clients to create effective estate tax and asset protection strategies that can include a variety of tools, such as trusts, advanced estate planning strategies, insurance policies, and other methods.

He received his Bachelor of Arts in Accounting from Michigan State University, his Juris Doctorate from the University of Detroit School of Law, and his Masters of Laws, LL.M.-Taxation, from Wayne State University Law School.

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to discuss potential problems internally over the course of a project. Casual digital communication is commonplace, and often contains more information than a company would like to have exposed. A party communicating digitally should always assume he or she is afforded no privacy in the discussion, even when discussing purely personal matters (think Kwame Kilpatrick and his relationship with Christine Beatty, exposed through text messages).

Accordingly, best internal communication practices are key. Contractors must train employees to ask how their messages will be perceived by a third party before hitting the send button and to always draft text messages, emails, or other digital communications as if an opposing or third party will be reading and **scrutinizing** them.

### Navigating the eDiscovery Process

After litigation has begun, and ESI has been exchanged, the parties engage in a thorough and extensive review of it. Construction disputes are often won or lost based on the quality of the review, and each party's respective

ability to identify crucial documents to use as evidence, such as the email in the example above. Because of the vast array of documents used on a construction project, the amount of documents to be collected, reviewed, and produced can be considerable. Not only does it include the parties' communications, but it also includes all project documents created and used throughout the duration of the construction project.

Because of the enormous amount of documents involved and because of the enormous amount of work that must go into the eDiscovery phase of a litigation dispute, the cost can be extraordinary. Indeed, the unwary will suffer sticker shock. This must be taken into consideration when determining whether to escalate a claim to litigation or arbitration.

The extraordinary volume of electronic communications and documents generated by the construction industry has increased the cost of discovery in construction disputes. In the past, assembling discoverable documents consisted of collecting boxes of paper documents and sifting through them in an office. But creating an electronic document is

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much easier than creating a paper one, and this ease of creation has caused the number of documents generated in the course of a construction project to explode. Today, eDiscovery involves the collection and review of hundreds of thousands of documents kept on digital storage drives and servers, and can contain gigabytes to terabytes of information. A single email may be sent to numerous recipients in multiple organizations and may ultimately create several threads with several responses – each with several attachments. And because most construction projects span the course of many years, the accumulated volume of documents can be enormous.

The eDiscovery process has many stages in litigation. For starters, a party making a production must collect its relevant documents using sophisticated search methods and must carefully review them for any applicable privileges. It then must store those documents, ensure they're in the proper format, and exchange them with adversarial parties. Some parties may engage in pre-collection negotiation to define how relevant documents will be collected and produced, in

an effort to save on costs and to avoid enormous productions. By way of example, a company's email server may contain 1,000 gigabytes of emails, but only 10 gigabytes of those 1,000 are emails relevant to the dispute; figuring out the best manner to identify those 10 gigabytes is critical to avoiding substantial unnecessary review costs. The same is true when an opposing party's document production is received. The production is likely to contain a similar data size, and although it may contain duplicate documents, it still needs to be thoroughly reviewed so critical emails (like the one in the example) are unearthed.

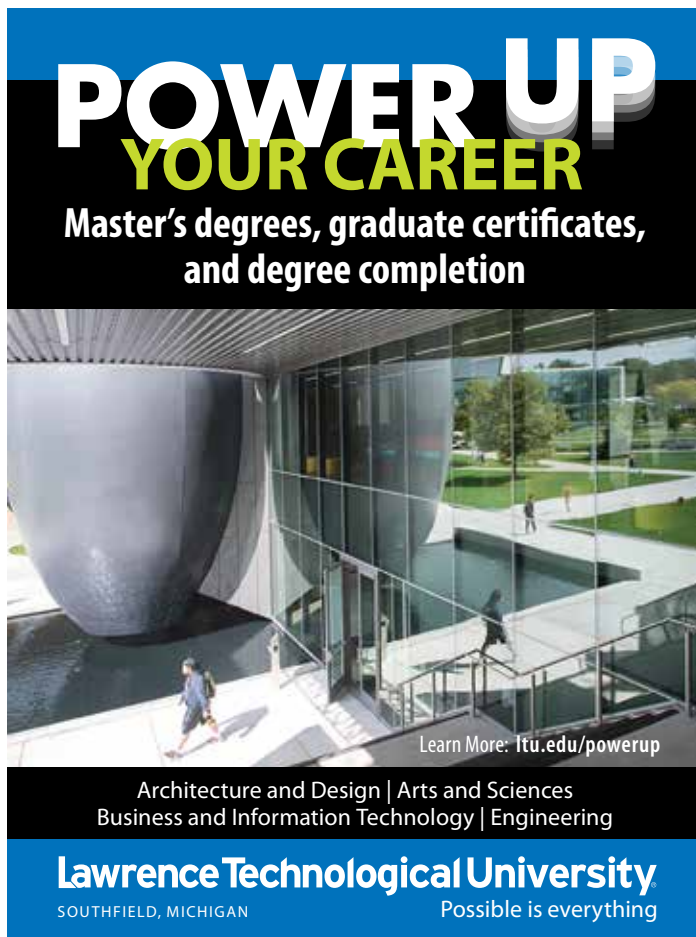
### Best Strategies in eDiscovery

Being prepared for the eDiscovery process is critical to avoiding costly mistakes. It is also key to prevailing in a construction dispute. A well-rounded eDiscovery strategy should involve a plan to:

- Properly manage and organize the vast amount of electronic communications and documents collected and received (often in the hundreds of thousands, or more);
- Maximize efficiency of review and therefore limit costs throughout the eDiscovery process;
- Recognize the various types of construction documents, interpret the documents, and understand their significance to the construction dispute;
- Ensure privileged information remains withheld from productions to opposing parties;
- Ensure proprietary business information is protected;
- Store the electronic communications and documents collected in a manner that allows for them to be easily accessed, reviewed, and preserved;
- Effectively hone in on the best documents to support your case;
- Ensure all documents are reviewed to identify potential issues with your claims or defenses;
- Hold accountable any opposing parties that attempt to limit their document collection to avoid the production of key evidence against them; and
- Ensure best business practices are in place with respect to the use of digital communications and best record retention practices.

When multiple parties are involved in a construction dispute, and the issues are complex—which is often the case in construction litigation—the need for a plan to confront the challenges of eDiscovery in construction litigation is intensified. During litigation, digital communications and documents can come from many

*Continued on page 42*



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Continued from page 41

sources (subpoenas, productions, FOIA requests, etc.), and from many parties (owners, engineers, architects, contractors, subcontractors, suppliers, etc.), and the volume of ESI in a construction dispute can be overwhelming. Effectively and efficiently dealing with the arduous demands of eDiscovery can provide an invaluable tactical advantage.

### Conclusion

eDiscovery is an ever-changing landscape of technological development and legal regulation, and has become a critical aspect of construction litigation. In today's constantly evolving digital world, and with the modern practice of creating, maintaining, and using digital documents, navigating the eDiscovery process is vital to experiencing success in a construction dispute. It is critical to know your legal obligations and to follow best practices in order to minimize risks and reduce costs, without sacrificing the benefits of thorough collection and review of ESI.

Evan M. Lumley can be reached at [elumley@kotsangster.com](mailto:elumley@kotsangster.com), or 313-259-8657. **CS**

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# 2022 EVENT CALENDAR



## JANUARY

19-20 - Annual Conference  
Soaring Eagle Casino & Resort

## JUNE

8 - Western Golf Outing  
Boulder Creek Golf Club, Grand Rapids

## JULY

13 - Metro Golf Outing  
Twin Lakes Golf Club, Oakland Twp.

28-31 - Summer Conference  
Crystal Mountain, Thompsonville

## AUGUST

24 - Central Golf Outing  
Eagle Eye Golf Course, East Lansing

## SEPTEMBER

28 - Wild Game Dinner  
Palazzo Grande, Shelby Twp.

## DECEMBER

9 - Central Holiday Party, Location TBD

14 - Western Holiday Party, Location TBD

15 - Metro Holiday Party, Location TBD

## BID LETTINGS

January 7, 2022

February 4, 2022

March 4, 2022

April 1, 2022

May 6, 2022

June 3, 2022

July 1, 2022

August 5, 2022

September 2, 2022

October 7, 2022

November 4, 2022

December 2, 2022

For the most up-to-date  
event information visit  
[www.thinkmita.org/events](http://www.thinkmita.org/events).

## MITA SUMMER CONFERENCE SET FOR JULY 28

What's better than summer in northern Michigan? Not much except for sharing the experience with fellow MITA members. MITA is excited to be back at the beautiful Crystal Mountain Resort July 28-31, 2022, and we hope to see you there.

This year's event includes golf, a family canoe trip and a membership meeting, just to name a few highlights. Complete registration details can be found on the MITA website ([www.thinkmita.org](http://www.thinkmita.org)) under the Events section.

Questions? Email MITA's Events Coordinator Danielle Coppersmith at [daniellecoppersmith@thinkmita.org](mailto:daniellecoppersmith@thinkmita.org). **CS**



## MITA MEMBERS ATTEND THE 2022 INFRASTRUCTURE HIRING EVENTS

March saw the re-start of the MITA Infrastructure Hiring Fairs as a live event. The hiring fairs were held in three locations; Mt Pleasant, Grand Rapids and Detroit. A total of 39 MITA member companies attended all three events and had the opportunity to speak with over 120 attendees. The amount of experience that the attendees ranged from 3 – 30 years! MITA is happy that the event brought out mostly people already well versed in the infrastructure construction industry.

Plans are already being made for the 2023 Infrastructure Hiring Event and sign-up links will be provided to MITA members at the 2023 Annual Convention at the Soaring Eagle Resort. **CS**

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# SAVE THE DATE

# GOVERNOR WHITMER ATTENDS APRIL MITA BOARD MEETING



MITA Board Member Kyle Brenner from Brenner Excavating, Inc., participated in the question-and-answer session during the governor's visit to MITA in April.

Governor Gretchen Whitmer spoke about fixing "the damn roads" and her re-election campaign during the MITA Board Meeting April 13.

In addition, the newly appointed Chief Infrastructure Officer, Zachary Kolodin, introduced himself and took questions from the board. He will direct the new Michigan Infrastructure Office, which was established this year to ensure resources sent to Michigan under the Bipartisan Infrastructure Plan, are used effectively to repair, replace and build infrastructure. Before joining the executive office, he was an associate at Patterson Belknap Webb & Tyler LLP and served as a law clerk for U.S. District Judge Edward R. Korman. He is a graduate of Wesleyan University and New York University School of Law. **CS**

*(Photos by Danielle Coppersmith.)*



MITA's Executive Vice President Rob Coppersmith (left) introduced Zachary Kolodin from Governor Whitmer's staff. The MITA Executive Board is seated at the front table, and the rest of the board are in the audience or on the screen via ZOOM.



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# MITA 2022 FUTURE LEADERS



The view from the balcony of the state Capitol building in Lansing.



MITA's VP of Government Affairs Lance Binoniemi (at podium) moderated a legislative panel discussion at the offices of Government Consultant Services, Inc., in Lansing on May 11. From left to right on the panel: State Representative Samantha Steckloff, Senator Wayne Schmidt and State Representative Jack O'Malley.

MITA's 2022 Future Leaders Class learned the legislative ropes May 11 in Lansing. Thanks to State Representative Jack O'Malley, State Representative Samantha Steckloff and Senator Wayne Schmidt for participating in a panel discussion, hosted by William Zaagman of Governmental Consultant Services Inc. - GCSI. Guided by MITA's EVP Robert Coppersmith and VP of Legislative Affairs Lance Binoniemi, the class learned how a bill becomes law, major public acts that affect the heavy construction industry and much more. **CS**



From left to right back row: Joe Rogers, Hardman Construction, Inc.; Jeff McConnell, Mid-Michigan Materials; Kelly Weber, Action Traffic Maintenance, Inc.; Joe Stutesman, M & M Excavating Company; Tyler Broad, Elmer's Crane & Dozer, Inc.; Jason McCauslin, MPM/Stoneco of Michigan; Mike Catanzaro, MacAllister Rentals; and Ellen Bentley, Brenner Excavating.

From left to right front row: Rob Coppersmith, MITA; Cassandra Champagne, G2 Consulting Group, LLC; Brienna Lawrence, Tri-City Groundbreakers, Inc.; Samantha McLeod, Kaltz Coulombe PLLC; Al Rhodes, Rieth-Riley Construction Co., Inc; Colton Oedy, Hutch Paving, Inc.; Jeff Lippert, Scodeller Construction, Inc.; Dylan Ammarman, Stoneco of Michigan; and Lance Binoniemi, MITA.



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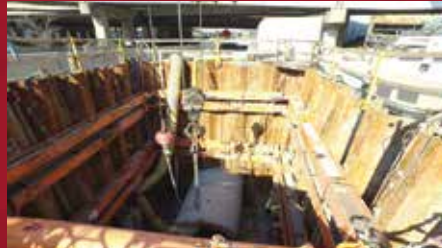
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# MITA MEMBER C.A. HULL, INC. HOSTS NWZAW PRESS CONFERENCE



MITA's EVP Robert Coppersmith kicked off the National Work Zone Awareness Week (NWZAW) Press Conference, which was hosted by MITA Member C.A. Hull, Inc., on April 11. Mike Aaron from the Michigan Laborers' spoke during the conference, along with Governor Gretchen Whitmer, MDOT Director Paul C. Ajegba, P.E., and others.



MDOT Director Paul C. Ajegba, P.E.



Mike Aaron, business manager for the Michigan Laborers' Local 1191.



Governor Gretchen Whitmer.

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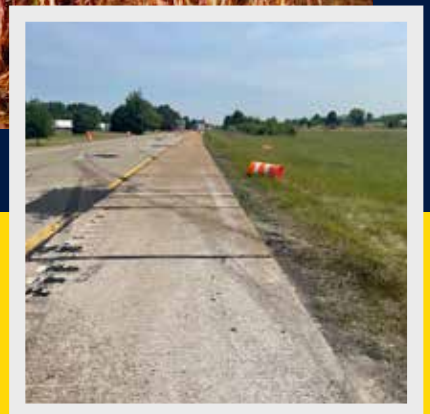
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Continued from page 13

keep them in good working condition.

Keeping the construction industry guessing on funding each year doesn't allow for them to make the necessary investments in equipment and forces them to continue scaling their workforces up and down with the unpredictability in infrastructure funding. This is expensive and only adds to the rising cost of fixing our failing infrastructure.

Funding infrastructure should be a non-partisan issue that all sides can agree on. At the end of the day, fixing our roads is a quality-of-life issue. Do we want to continue driving on awful roads that cost Michigan families thousands of dollars each year or do we want to invest in our roads and provide relief for Michigan families?

We know that infrastructure funding will only decrease over the next decade if we stay on the same path we're on. We have the opportunity now to address this crisis head on.

We need Michigan's leaders to put aside their differences and come together to develop a long-term, sustainable funding plan that will put Michigan drivers first and get our roads back on the right track. **CS**

Continued from page 20

a constant push to work better within this industry and some have voiced the desire to get back to normal and to some stability. The unfortunate truth is that technology is constantly evolving to try to fill voids and provide efficiencies, so there is likely not going to be a normal as the processes in this industry continue to progress.

MDOT's goals for this first project are to deliver a model centric bid package at a sufficient level of development to satisfy all project requirements, and to ensure that all project stakeholders adequately understand and can obtain all applicable information from the model data effectively and efficiently. This project will be closely monitored, and lessons learned will be strategically tracked and evaluated to serve as a springboard into MDOT's next BIM Pilot, which will likely include more disciplines. Over the long term, as workflows take shape and software capabilities progress based on experiences from pilots like this one, MDOT has voiced their desire for all aspects of project planning, development, construction, and asset management to be supported by a true BIM environment.

Ideally, a BIM environment allows an owner to deliver more information, including improved design intent, than the 2D PDF process permits. The information is delivered in a format that allows for it to be more readily consumed in construction, which should open doors to innovation and efficiencies that ultimately benefit the entire industry if BIM is truly embraced. **CS**

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Continued from page 25

sheet-metal, carpenters and millwrights, electricians and ironworkers.

MITA is proud to be on the Advisory Board that helps to organize, schedule, budget, as well as be one of the many sponsors for this program. You can imagine the coordination that it takes to ensure that enough activities, as well as equipment, materials and construction professionals are on hand to handle 3,000 students in a 2-day period. MICCD and all of the people that put this amazing program on were happy to have it live after a two-year hiatus due to COVID-19. Many member companies donated machinery, materials, as well as field personnel. It is very much appreciated, especially with all the jobs that are currently underway. If you and your company participated in MICCD, the advisory board thanks you for your effort.

We benefited by knowing at an early age how great this industry can be. Everything that we can do to instill what an amazing career and opportunity the infrastructure construction industry in all of Michigan's young people is time and money well spent! **CS**

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# MITA MANAGEMENT CONFERENCE 2022

MITA members and EVP Rob Coppersmith escaped winter and enjoyed networking at Punta Cana in the Dominican Republic during March. Stay tuned for details regarding the 2023 Conference, which is scheduled for February 18-25, 2023 in Koloa, Hawaii. [CS](#)



Brian Hoffman of Hoffman Bros., Inc., and his wife, Kellie.



Ann Pease, Alta Equipment Company, shows off the catch of the day.



The bus to the boat – all smiles!



Tom and Linda Wagenmaker of Anlaan Corporation enjoying the sun.



Doug Walls accepts his MITA Honorary Member Award at the Management Conference!



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## MITA STAFF LIST

### **ROB M. COPPERSMITH** **EXECUTIVE VICE PRESIDENT**

[roboppersmith@thinkmita.org](mailto:roboppersmith@thinkmita.org)

Rob oversees all operations, staff and services at MITA. In his role as Executive VP, he implements policy based on his interaction with the MITA Board of Directors and membership. He prudently manages the organization's resources within approved annual budget guidelines. Rob also oversees all of the services that are offered to MITA members.

### **LANCE T. BINONIEMI** **VP OF GOVERNMENT AFFAIRS**

[lancebinoniemi@thinkmita.org](mailto:lancebinoniemi@thinkmita.org)

Lance coordinates the political and legislative efforts for the association. Contact him regarding contributing to MITA's Political Action Committee, talking points to use when meeting with legislators, and questions regarding MITA's political strategy with federal, state and local officials, regulatory agencies and key policymakers.

### **RACHELLE VANDEVENTER** **P.E., VP OF ENGINEERING**

[rachellevandeventer@thinkmita.org](mailto:rachellevandeventer@thinkmita.org)

A licensed professional engineer, Rachelle provides professional expertise in many areas. Contact her regarding resolving construction issues related to publicly and privately funded projects, working with utility companies to minimize construction impacts and delays, advocating with other industry organizations, and issues related to MDOT, FHWA, USDOL, MDEQ and county/local agencies.

### **GLENN J. BUKOSKI** **P.E., ENGINEERING CONSULTANT**

[glennbukoski@thinkmita.org](mailto:glennbukoski@thinkmita.org)

A licensed professional engineer, Glenn brings to MITA over 49 years of transportation-related experience in the areas of construction, design, specifications, materials testing and research. Contact him with questions related to engineering, project administration, prevailing wage, competitive bidding or prompt pay, and issues regarding DBE's, MDOT, and bridge operations.

### **NANCY BROWN** **DIRECTOR OF COMMUNICATIONS**

[nancybrown@thinkmita.org](mailto:nancybrown@thinkmita.org)

Nancy brings to MITA over 30 years of experience in journalism, marketing and public relations. Contact her regarding articles/photos/ads in MITA's quarterly magazine, your free company listing/paid advertising in the annual membership directory, information/photos/videos for MITA's social media, and any issues related to media relations, marketing and public relations.

### **GREG BROOKS** **DIRECTOR OF SAFETY & COMPLIANCE**

[gregbrooks@thinkmita.org](mailto:gregbrooks@thinkmita.org)

Greg's certifications include Red Cross First Aid/CPR Trainer, and OSHA approved instructor for OSHA 10 and OSHA 30 courses. Contact him regarding job site inspections, safety training, MIOSHA appeals, compliance issues and utility locating issues.

### **DANIELLE R. COPPERSMITH** **EVENTS COORDINATOR**

[daniellecoppersmith@thinkmita.org](mailto:daniellecoppersmith@thinkmita.org)

Danielle's main responsibility is to manage and organize each of MITA's many social, leadership and educational events. Contact her regarding registration and questions about MITA events, MITA website technical issues, placing paid ads in the MITA weekly newsletter, and MIOSHA appeals submissions.

### **SARA J. SCHAIBLY** **MEMBERSHIP SERVICES COORDINATOR**

[saraschaibly@thinkmita.org](mailto:saraschaibly@thinkmita.org)

Sara handles new member processing. Contact her regarding Blue Book Rates and Stolen Equipment Notices, In Memoriams for the MITA Weekly Newsletter, the prospective MITA member application process, wage rate updates, labor meeting notices, and accounting issues.

### **MARY E. MOODY** **ACCOUNTING COORDINATOR**

[marymoody@thinkmita.org](mailto:marymoody@thinkmita.org)

Contact Mary regarding questions related to invoices from the association.



#### **MITA CONTACT INFORMATION**

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