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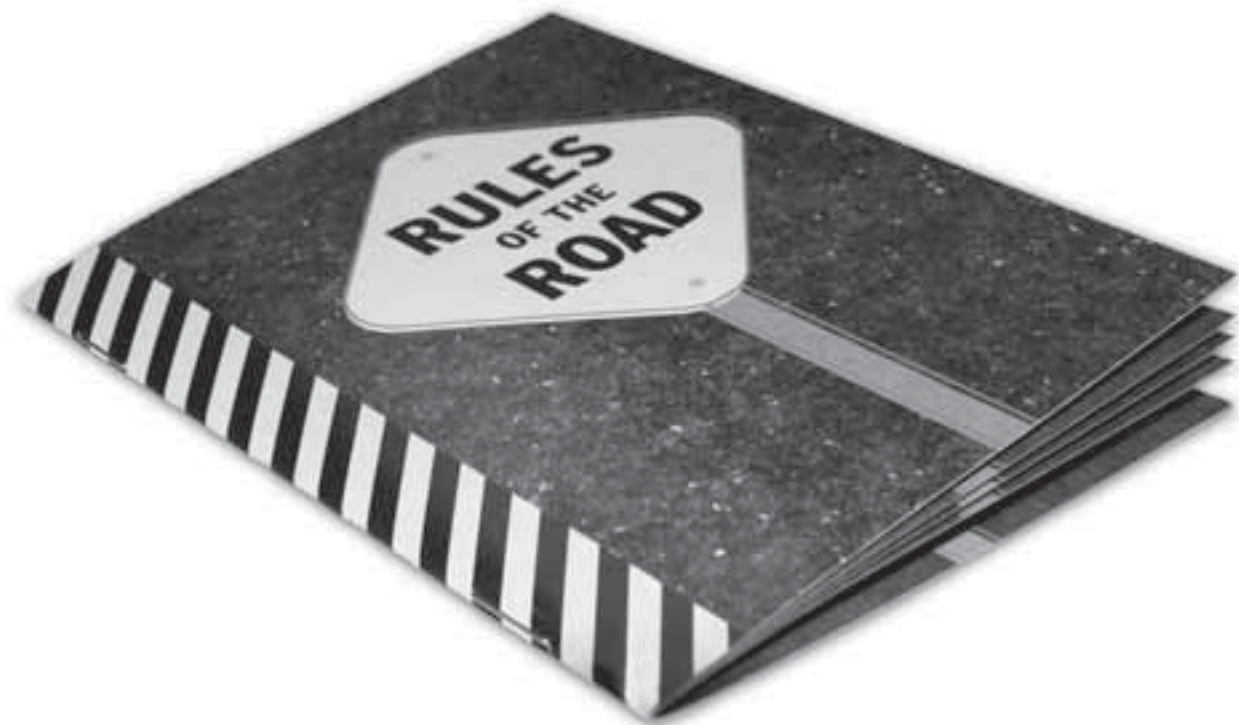
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EXECUTIVE DIRECTOR'S MESSAGE

THE TIME IS RIGHT FOR INCREASED USER FEES

BY BILLY NORRELL
ARBA EXECUTIVE DIRECTOR



ALABAMA'S ROADS AND BRIDGE SYSTEM

is woefully underfunded. A continued reluctance to adequately support it puts us in the precarious position of hoping we aren't the next state that makes the national headlines because of a tragedy on the highway.

Many bridges along I-65 are original from when the interstate was completed 50 years ago. Certain sections of the interstate system look exactly as they did the day they were opened. ALDOT is doing all it can with the resources it has, but it simply isn't enough.

Around the statehouse there seems to be a sincere interest to support enhancing the revenues for road and bridge construction and maintenance—but there's no desire to pay for the cost involved with such an effort. The recent discussion of borrowing money through a bond issue may be the industry's only hope of additional revenues in the short term. That effort recently failed to gain enough support in the statehouse and governor's office. And that borrowed money, however desperately needed and welcomed, won't last forever—and must be repaid.

Washington will begin work in 2009 on a new federal transportation bill to address the nation's infrastructure needs for the next six years. Among their challenges will be determining how to address this very issue of adequate road and bridge funding. Ideas that will be on the table include more toll roads and public-private partnerships, congestion pricing and user fees, where drivers pay a tax based on how many miles they drive.

The nonpartisan National Surface Transportation Policy and Revenue Study Commission concluded in a report this year that the U.S. needs to spend \$225 billion annually over the next 50 years to create a highway and transit system capable of sustaining strong economic growth. Current spending at federal, state and local levels is about \$90 billion a year. The commission also recommended gradually increasing the current federal fuel taxes to 40 cents a gallon.

The American Road & Transportation Builders Association is advocating a 10-cent-a-gallon raise and indexing the federal tax to inflation. With construction costs soaring, the tax rate would have to be about 29 cents a gallon to achieve the same purchasing power as the 18.4-cent rate imposed in 1993, the association says. Alabama's 18-cent-per-gallon rate is in the same predicament. Unchanged since 1992, it ranks among the 10 lowest in the nation. Including state and local levies, people in the U.S. pay about 47 cents on average in taxes for a gallon of gasoline. Alabamians pay 36.4 per gallon not including any local levies.

Costs of road building materials have been increasing at an alarming rate. Road building is a petroleum-based industry and therefore subject to the changes we see in oil prices throughout the world. Skyrocketing fuel prices impact the cost of asphalt needed for road resurfacing. County construction (more deaths occur on county roads than anywhere else) feels the pinch, as well. In a south-central Alabama county, it cost \$99,603 per mile to

Gasoline prices are the basis for all the dissension over any proposal to raise fuel taxes.



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resurface a road in 2005; \$116,362 per mile in 2006; and \$142,997 per mile in 2008. This means significantly fewer projects for roughly the same amount of money the counties receive.

Gasoline prices are the basis for all the dissension over any proposal to raise fuel taxes. But the price of gasoline has been dropping. Average Alabama prices have fallen well below \$2 per gallon, and many stations are approaching the \$1.75 per gallon mark.

Despite the irritation that such a suggestion brings to legislators and the public alike, Alabama's user fees should be increased. The gasoline tax—a proven system for funding the needs of our infrastructure—is the cornerstone for Alabama's road and bridge system, and nothing else will work without the underpinning of an increased user fee. At the very least, the gas tax should be indexed to construction cost inflation.

According to the Energy Information Administration, taxes account for around 15 percent of the cost of a gallon of gasoline, with the bulk of the expense determined by the price of crude oil. Every penny of gas tax in Alabama brings in roughly \$20 million according to ALDOT estimates.

Still, raising the gas tax will be politically difficult. The days of unlimited, inexpensive gasoline are over. But now is the time to put this system into place—while the price of gasoline is where it is today and continuing to fall. The byproduct of our short-term adjustment at the pump will be an improved transportation system for Alabama and a better quality of life.

We can all live with that. □

The Alabama Road Builders Association, founded in 1947 and based in Montgomery, is the only Alabama association that exclusively represents the collective interests of all sectors of Alabama's transportation construction industry. Alabama's transportation construction industry generates more than \$3.5 billion in economic activity annually and provides employment for more than 36,500 Alabamians.

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PRESIDENT'S MESSAGE

ARBA HOPEFUL FOR NEW DIRECTION IN FUNDING

BY S.T. (SONNY) BUNN, JR.
ARBA PRESIDENT



IT IS AN HONOR for me to be able to serve as president of the Alabama Road Builders' Association for the coming year. Challenges abound for ARBA in the coming year. The federal highway bill is set to be reauthorized in Congress, and this will set the framework for our program on the national and state level for the next six years. We will work actively with the American Road and Transportation Builders Association (ARTBA) and the Alabama Congressional Delegation to make certain that the best available legislation is crafted for the benefit of Alabama's transportation construction industry. ARTBA is a tremendous resource for our industry, and we are proud to have an active part in many areas of their policy and decision making.

With the election of a new president of our country, we are hopeful infrastructure will finally receive the attention it has long deserved as we prepare to address the needs of a transportation system that has gone underfunded for far too long. The new direction our nation will take can set a course for new economic growth and development that can impact Alabama and our future as well. The transportation construction industry puts people to work and puts money back into the local economy. With a vision for a new transportation program, our state and nation can become the economic engine that drives our financial future.

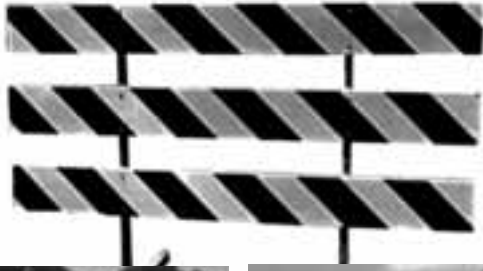
As Alabama continues to work with our industry to improve the infrastructure needs of this great state, your Alabama Road Builders Association will be there every step of the way—implementing changes in specifications, legislation and policy that influence the way we make our living. Our relationships with those leaders in the Legislature have never been stronger, and we intend to continue strengthening those ties for the future. In addition, ALDOT Director Joe McInnes and Chief Engineer Don Vaughn at the Alabama Department of Transportation have been extremely receptive to input from the industry, and we appreciate their willingness to allow our participation in discussions about certain changes that impact the industry in which we work.

Communication with ALDOT has always been a critical part of membership in the Alabama Road Builders Association. When you have an issue that needs addressing, please use the resources at ARBA that you have earned as a member. Call on us to assist you with any problem of any kind when it comes to you and your business. This is why we are here, and why you are a member.

You will have my undivided attention when it comes to matters that influence Alabama's transportation construction industry and your Alabama Road Builders Association. I look forward to another great year and welcome your thoughts and input as we continue forward into another new year. □

The new direction our nation will take can set a course for new economic growth and development that can impact Alabama and our future as well.

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FROM THE ALABAMA DEPARTMENT OF TRANSPORTATION

NEW FUNDS POSSIBLE?

CONGRESS MAY BOOST HIGHWAY FUNDING

BY JOE MCINNES
TRANSPORTATION DIRECTOR, ALDOT



TRANSPORTATION-RELATED ISSUES WILL take on a higher profile in the New Year, and much attention will be focused on the Legislature and Congress.

The 2008 legislative session ended without passage of several transportation-related bills. One bill would have created a Transportation Commission that would appoint the Transportation Director. Another bill that died would have given Alabama more options when considering toll-funded construction. Our position is that toll-funded construction is a tool we must consider. U.S. Transportation Secretary Mary Peters has said toll-funded construction and public-private partnerships are essential to meet future transportation needs.

Other failed bills would have created new state revenues for transportation infrastructure. The 2009 legislative session is likely to see a resurrection of many of those proposals, and all will bear watching closely.

Another issue that bears close watching is the potential for an economic stimulus package from Congress that would help states address major transportation infrastructure needs. Congress is beginning to discuss such a package, and President-elect Obama has said he wants to see a federal aid infusion to help states improve infrastructure and also protect and create jobs.

The economic stimulus package being crafted by Congress would include transportation funding to enable states to begin building “ready-to-go” projects. This is

something Transportation Secretary Peters urged during her visit to Alabama in early 2008. In Alabama, we submitted a list of 16 projects with an estimated price tag of \$877 million. We’ll now wait to see if Congress approves any new, dedicated transportation funding. We’re “ready to go” if that happens.

To help in this initiative, Gov. Bob Riley and other governors have met with President-elect Obama to seek his support for Congressional funding that could be used in Alabama for highway projects and other critical needs. The President-elect has previously said he wants a major economic stimulus package to be one of the first Congressional initiatives he signs into law, so we’re cautiously optimistic that Gov. Riley’s leadership will help bring Alabama a new stream of federal funding for transportation projects.

Meanwhile, we continue to focus on closing gaps in our transportation network, and we achieved a significant milestone in November when we dedicated two new lanes that upgraded State Highway 113 to a four-lane highway connecting the Florida Gulf Coast and Flomaton to Interstate 65. This new hurricane evacuation route—13.5 miles long—was completed in just over a year by Grady Ralls and Sons Inc. of Evergreen. The project represents a growing trend across the nation of local and state governments partnering to build roads and bridges faster. This project was unique in that Florida contributed \$4 million toward the total cost, with another \$1 million from Flomaton and Escambia County, Ala.

The authorization of a new surface transportation funding act is due in 2009 to replace SAFETEA-LU when it expires Sept. 30. I’m hopeful that transportation funding will remain a major public policy issue and that Congress will provide a new six-year funding plan that allocates and spends taxpayer dollars wisely and based on need.

ALDOT’s statewide program allocates limited state and federal funds across a transportation network consisting of 11,000 miles of highway and more than 5,600 bridges. The only way to make this statewide transportation network operate safely and efficiently is to base project decisions on safety and needs vs. wants, always factoring in the potential economic development impact of infrastructure projects.

The last major infusion of federal funding for highway projects helped build America’s interstate system. Since then, our transportation needs have grown to far exceed existing funds. Now though, we have a chance to invest significantly in major highway projects with a one-time stimulus package and a new funding bill next year. The stimulus package and next year’s debate over future transportation funding are the most important public policy issues our industry has seen since Eisenhower signed the legislation creating our interstate system.

We’re at a crossroads. The potential for a new era in transportation infrastructure development is down one road; more struggles are down the other. By this time next year, our path will be clear. □

When prices are volatile, what's the best way to get some control on costs?

BY JIM ROSS

As the prices of road construction materials increase, overall project costs are shooting up beyond previously set budget estimates. One way contractors can make this situation easier to handle is to lock in material prices—and sometimes actually pay the price—early on in the project cycle. After all, the prices probably will only go up, and maybe even to a significant degree.



But making the strategy work can be a challenge. Suppliers can hold a price for only so long, since their costs vary widely; thus, suppliers and contractors must work out an arrangement that benefits them both in terms of time and price. It's also important to note that some contractors can be limited in their ability to pay in January for supplies that they won't actually need until October.

The road construction industry is based largely on relationships, and contractors often work with the same suppliers for years. This is mutually beneficial, and the advantages of trust and honor in business cannot be overstated.

But even though long-time partners will help each other out, there is only so much a supplier can do when his costs jump so unpredictably. Nationwide, the cost of road building materials has soared 76 percent in the past five years, according to the American Road & Transportation Builders Association. The August 2008 price index for asphalt paving mixture manufacturing was up 36.4 percent compared to August 2007.

Many construction supplies—including, obviously, fuel—are petroleum-based, and a chart tracking the price of oil in 2008 looks like a roller coaster ride. The price crept toward \$100 a barrel in the early part of the year, peaking at \$145 in July, according to news accounts. By late October, the price had plunged all the way back to \$64 a barrel.

That's a fun ride at the amusement park, but not so fun when it involves real dollars and cents. Hence the attractiveness of a deal to lock in fuel prices, since fuel is a constant material need no matter what kind of project a contractor is handling.

"The uncertainty of fuel prices is what breaks a lot of contractors" who don't make the proper arrangements early on, said Charles McPherson from McPherson Oil. His company encourages clients to lock in their price and is happy to work with clients to sketch out a reasonable plan: how much fuel, for how many months, and so on.

He said education is the key. "A lot of guys just won't do it," he said.

They cross their fingers and hope fuel prices will plunge, thus allowing them to come out ahead. But every minute spent worrying about that is a minute that isn't spent working on the project. And the worrying can be unbearable in this volatile market. "We've had swings of 20 cents a day on diesel," McPherson noted.

Locking in a price early is, in his view, a safer play. "It's a commitment. It's a great insurance policy for you. (But) it has to be a relationship," McPherson said. In other words, the contractor must have faith in the fuel supplier, and the fuel supplier must be able to count on the contractor to honor the contractual commitment.

Adam O'Ferrel at O'Ferrell Rebar is no stranger to this real-life roller coaster. The price of reinforcing steel has been wildly volatile in the past four or five years. It's extremely difficult to quote prices to contractors in the first place. It's even more difficult to go back, long after he has quoted a price, and entertain a requested price

adjustment. These requests come in sometimes when the price the contractor figured on during the bidding process is way out of line with the price he finds when he's ready to actually buy the materials.

The safest bet, he said, is for contractors to order their steel in January, when the project starts, even though they might not need it until June.

"There is (a) trust issue there. You have to be working with someone you trust," O'Ferrell said. It helps if the supplier has ample space for storage.

Back in 2004, when steel prices doubled in a year, O'Ferrell met with state officials to work out a better way for contractors to handle the volatile market. But he said contractors who wanted to buy their material early had to pay out of pocket and had trouble getting state money to pay early for supplies.

O'Ferrell said that, not too long ago, 70 percent to 80 percent of his business involved state DOT contracts. This year, that figure probably will drop to less than 10 percent. The reason: The state isn't letting nearly as many jobs as it once did. Indeed, the number of lettings has diminished this year, in large part because of funding problems at the federal level. A significant decline in federal gas tax revenue so far this year has caused a funding shortfall for the National Highway Trust Fund, which provides about 80 percent of the cost for Alabama's federal-aid highway projects, according to Alabama DOT.

Skip Ragsdale at Sunshine Supplies said Alabama and the federal government have provisions to pay for stored materials. "That's probably the best way to lock in your price," said Ragsdale, whose company provides erosion control products.

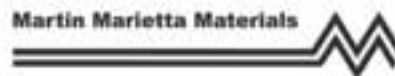
There are many rules that apply to these situations. There must be a proper storage area established, and it will be checked by DOT to make sure the products are, in fact, being stored as promised.

But it's worth all the effort. With stored materials, "at least everybody knows what their cost is," Ragsdale said. □

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ARBA Installs Officers for 2008-2009

The 2008 Annual Luncheon was a special event when friends and guests gathered on September 26 in Montgomery. The seated luncheon was held this year at the new Montgomery Renaissance Hotel and Spa, complete with an address from ALDOT Director Joe McInnes and Senator Lowell Barron. It attracted more than 200 guests and dignitaries from all over the state. ARBA invited many special guests as well as ALDOT friends to join them in the luxurious ballroom for the luncheon. The tremendous crowd was a shining example of the hard work and respect that is shared by those in transportation construction and those that are responsible for the daily operations of the department of transportation (DOT). We are thankful and appreciate the participation and dedication that is shown by all.

The master of ceremonies, Greg Abramson, ran the show as outgoing ARBA president. He introduced the guests from the DOT as well as past ARBA presidents and special invited guests. Lastly, Abramson announced the new officers and members of the board of directors for the Alabama Road Builders Association.

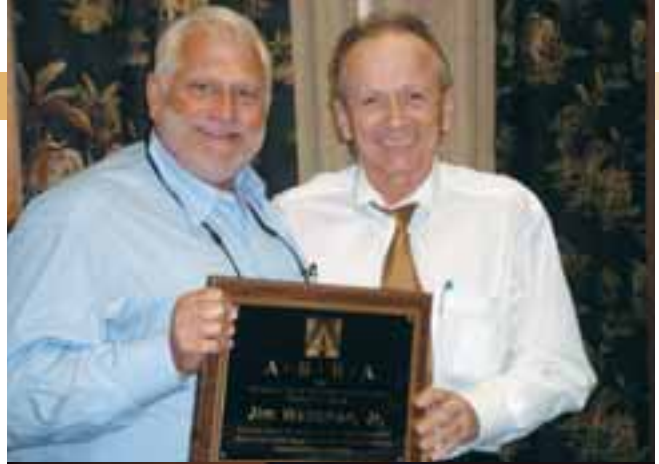
Incoming President Sonny Bunn was the next to speak. Following his acceptance of the position, he wrapped things up by presenting Abramson with a plaque of appreciation from his fellow members and directors.

The officers for the association for the coming 2008-2009 year are as follows:

PRESIDENT – S.T. (SONNY) BUNN, JR.

Mr. Bunn was born on April 18, 1948, in Tuscaloosa, Ala. He attended Holt High School and graduated with a B.S. in civil engineering from the University of Alabama.

Mr. Bunn and his brother, who had been working for their father from as early age, purchased the business from S.T. Bunn, Sr., in 1981. He has held positions from equipment



operator to paving superintendent. Mr. Bunn serves as president of ST Bunn Construction Co., Inc., in Tuscaloosa, Ala.

Sonny also serves on the board of directors of AmSouth Bank, the leadership board for the College of Engineering at the University of Alabama, and is a past president of the Alabama Asphalt Pavement Association. He has two children.

VICE PRESIDENT – SHERMAN SUITTS

Mr. Suitts was born July 15, 1951, in Haleyville, Ala. After majoring in political science at the University of Alabama and earning a J.D. degree from Birmingham School of Law, Sherman was admitted into the Alabama State Bar in 1977.

Sherman is vice president of sales and business development in the Southern and Gulf Coast Division of Vulcan Materials Company. Vulcan has employed him for 27 years. His responsibilities at Vulcan have included that of labor attorney, human resources director and general manager of sales, operations and highway construction.

Sherman has served on several nonprofit and industry related boards of directors, on the Vestavia Hills Board of Education and City Council, and has been appointed by four Alabama governors to education and business related councils.

Sherman and his wife, Donna Kay, have two daughters (Jill and Julie), a son (Justin) and a granddaughter (Claire).

TREASURER – MICHAEL H. MCCARTNEY, II

Mr. McCartney is vice president of operations, McCartney Construction Company, Inc., and Calhoun Asphalt Company, Inc., in Gadsden, Ala. Born September 27, 1956, in Lee



County, Ala., he attended Baylor High School in Chattanooga, Tenn., and graduated in 1979 with a B.S. in business administration from Auburn University.

Mr. McCartney has worked for McCartney Construction Company, Inc., since 1970 and has served the company in every capacity from laborer to his present position.

Mr. McCartney is a member of the Rainbow Presbyterian Church of Gadsden. He is a member of the Gadsden Quarterback Club and the Etowah County Auburn Club. Mr. McCartney has served on the Alabama Road Builders Board of Directors since 2000 and served as president of the Alabama Asphalt Pavement Association in 1999 and is currently serving on their board of directors. He serves as a director of the TRIP board and is a member of the NCAT Applications Steering Committee. He is the father of two daughters, Frances and Natalie, and one son, Bailey.

SECRETARY – KEITH ANDREWS

Mr. Andrews was born in Montgomery, Ala. Since 1981, he has been vice president of RaCON, Inc. in Tuscaloosa, Ala. Keith is married to Carol and has three children: Miller, Olivia and Benton (Ben). □

ARBA OFFICERS AND DIRECTORS FOR 2008-2009

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David Reed, Whitaker Construction Company, Inc.

Derek Roberts, Rogers Group, Inc., Tuscumbia

Larry Tomlin, Tomlin Construction, LLC, Gordo

The Role of Associations in Election Years

In an election year, associations face an array of interesting issues, including pressure to endorse presidential, congressional and state candidates, provide financial support for their campaigns, or support their public policy proposals. ARTBA continues its nonpartisan policy, but we do protect our industry's market position.

In early 2008, most of you know ARTBA was confronted with a proposal by Republican presidential nominee Sen. John McCain (Ariz.) to temporarily suspend the 18.4-cents-per-gallon federal gasoline tax from Memorial Day to Labor Day.

It was no coincidence he announced the plan on "tax day" in April, when politicians traditionally offer tax cut proposals aimed at garnering public support.

GOOD POLITICS, BAD POLICY

It's easy to see how McCain's proposal was good politics; high gas prices were hurting the quality of life for many Americans. But the proposal wasn't good public policy.

Suspension of the tax would only have saved the average motorist \$30 over the three-month period, assuming prices didn't continue to increase. It wasn't just a partisan initiative, either. Sen. Hillary Clinton (N.Y.) endorsed the suspension and tried to use it against Sen. Barack Obama (Ill.) in the Democratic presidential primary battle. Senator Obama opposed it.

For ARTBA's members—comprised of leaders who designed, built and continue to maintain and upgrade the nation's transportation network—McCain's plan was a direct assault on our livelihoods.

The gasoline tax is the source of nearly 50 percent of all public capital investment in highway, bridge and transit improvements. It represents a huge financing source for the transportation construction market. We at ARTBA had to act.

RAPID RESPONSE

As an advocacy association, ARTBA operates much like a political campaign. Rapid response after an attack is critical. In a matter of hours, ARTBA's top lobbyists, economists and communications staff helped unleash an "information carpet bombing."

First, we distributed to national and local media a "top 10" list of reasons why suspending the gas tax would be bad public policy. It highlighted how much the \$9 billion of foregone gas tax revenues to the Highway Trust Fund would cost each state's highway funding and safety programs, and included a state-by-state breakdown of the 300,000 jobs that were at risk.

Second, we blanketed all 535 congressional offices with fax and e-mail information showing the negative funding and job loss impacts on their states.

Third, we utilized technology to activate ARTBA's "grassroots action network," which resulted in member firms, transportation officials and state contractor chapters flooding Capitol Hill with e-mails and phone calls.

Fourth, we shared our state-by-state charts with key staff on the McCain, Clinton and Obama campaigns.

A STEADY DRUMBEAT

Media opposition to a suspension of the gas tax was widespread. As *The Wall Street Journal* wrote, "there are few tax cuts we don't like, but this one smacks of poll-driven gimmickry."

And *The New York Times* labeled it a "new way to pander to American voters."

ARTBA was quoted in scores of newspapers across the country, including *USA Today* and *Los Angeles Times*, and its fact sheets were cited in numerous editorials against the plan.

Throughout a several-week period, ARTBA continued sending regular e-mails containing excerpts of opposition from newspapers and leading national economists to congressional offices. By early May, top congressional leaders from both political parties were voicing their skepticism that the plan would achieve its intended result.

AGGRESSIVE ADVOCACY

But, we didn't relent. In May, more than 400 industry executives from our sister construction and transportation associations participated in the Transportation Construction Coalition Fly-In and stormed Capitol Hill to reiterate the industry's opposition to any efforts to suspend the gas tax.

Finally, at a June 3 National Press Club appearance in Washington, D.C., Vice President Dick Cheney killed any remaining momentum, signaling the administration's opposition. He said suspending the federal gas tax would provide "minimal" relief to consumers while avoiding the "main issue" of supply and demand.

ARTBA's aggressive advocacy and communications outreach didn't help us win any friends in the McCain or Clinton campaigns, but our policy arguments were intellectually honest, supported by empirical research and in the best interests of our 5,000 public- and private-sector members.

I am proud of the role ARTBA played in defeating a well-intentioned, but misguided proposal. In an election year—or any year for that matter—ARTBA members expect this "market protection" action when they make their dues investment in the association. □

30 Years Young

After three decades, I-65/Corridor X Interchange finally reaching completion

BY PHIL LOHR, P.E., PTOE, AND WM. CAREY KELLY, P.E.

Some 30 years after the Appalachian Regional Commission approved the designation of Corridor X from Fulton, Miss., to Birmingham, Ala., the project is finally nearing completion. There are good reasons why it has taken this long to complete the final segment connecting Corridor X to I-65 in Birmingham. The challenges were enormous: The interchange is geometrically complex, the environmental context is sensitive, I-65 currently carries 85,000 vehicles per day through the project area and several major utility lines run right through the interchange area.

To complete this massive undertaking, the Alabama Department of Transportation (ALDOT) enlisted the services of Volkert and Associates Inc. headquartered in Mobile, Ala., and with offices throughout the Southeast. The Corridor X portion of the interchange area begins 1.4 miles northwest of I-65 and extends 2,000 feet southeast of I-65 to U.S. 31. The I-65 portion begins at 16th Street, just north of I-59/I-20, and extends 5.4 miles north to Walkers Chapel Road. Faced with an estimated construction cost approaching \$300 million, ALDOT and Volkert realized that it would be cost-prohibitive to design and construct the project as a single entity. Thus they divided the project into six plan sets.

SENSITIVE ANGLE

The first challenge of the I-65/Corridor X interchange area is the shear geometric complexity. The main interchange will be four levels and fully directional. To accommodate the projected traffic, the interchange requires

collector-distributor roads paralleling I-65 northbound and southbound. Just northwest of the interchange, Corridor X is shoehorned in between an established residential neighborhood and a Norfolk Southern railroad line.

The second challenge of the I-65/Corridor X interchange area is the sensitive environmental context. The New Georgia Landfill (an active city-of-Birmingham facility) is located in the northern quadrant of the interchange while the T.M. Burgin Landfill (a closed construction-debris facility) is located in the eastern quadrant. An abandoned firing range is located in the vicinity of the I-65 southbound to Corridor X westbound ramp. In order to minimize the risk of disturbing lead or other potential contaminants, ALDOT and Volkert agreed early in the design process that there would be no excavation in the northern quadrant—all roadways and ditches would be constructed entirely with fill.

The T.M. Burgin Landfill in the east posed a different challenge. While the

goal was to minimize disturbance of this landfill, the area could not be completely avoided, since a major drainage system flowing northwest from U.S. 31 toward I-65 is routed under the middle of this landfill. The outlet of this system, located just east of existing I-65, is a 1/4-inch-thick, 5-foot by 5-foot steel box culvert with diagonal bracing conveniently placed inside to catch trash and reduce flow capacity. Excavating and replacing this system was not an option—ALDOT had no desire to acquire and disturb a closed landfill.

Volkert was understandably reluctant to connect to this system at the upstream end west of Lewisburg Road. The solution? Most of the flow entering this system is diverted into a new system running northwest along Corridor X from the U.S. 31 interchange area to the west side of I-65.

Two major creeks, Village Creek and Five Mile Creek, passing under I-65 also were areas of environmental concern. One of the biggest concerns at Five Mile Creek is an in-place 10-foot by 6-foot box culvert that empties into a 460-foot-long concrete channel that subsequently empties into Five Mile Creek on the east side of I-65. This culvert collects storm-water runoff from under almost a mile of I-65 and has a design flow of approximately 700 cu feet per second (cfs). Because of right-of-way constraints, detention is difficult, but Volkert designed two ponds within the infield areas of the I-65/U.S. 31 interchange. This reduces the design flow in the culvert by over 100 cfs. Being concrete and steep, the in-place outfall channel flows fast, and scour is evident where the channel empties into Five Mile Creek. To alleviate this area, Volkert designed a riprap energy basin and outfall channel to replace the existing concrete channel.

HEAVY SHEET TRAFFIC

The third challenge of the I-65/Corridor X interchange area is maintenance of traffic, primarily vehicular on I-65 and its ramps but also rail traffic on the six active lines passing under I-65. The design goal for the traffic-control plan was to keep all ramps and six lanes



on I-65 open at all times. During development of the traffic-control plans, it became apparent that some ramps would have to be closed temporarily and detours provided. But the goal of keeping six lanes open on I-65 was attained, aside from brief temporary closures for setting bridge girders and for blasting. For Plan Set 2, covering the heart of the interchange, more than 150 plan sheets representing about 10 percent of the entire plan assembly are devoted to the traffic-control plan.

LINES START HERE

The fourth challenge of the I-65/Corridor X interchange area is the presence of several major utility lines, most notably those of the Alabama Gas Corp. (AGC), Southern Natural Gas Co. (SNGC) and the Alabama Power Co. (APC). AGC has 4-inch and 12-inch high-pressure lines running adjacent to the Norfolk Southern railroad line on the west side of I-65 through the Corridor X interchange. SNGC has a 24-inch high-pressure gas line crossing Corridor X

about one mile west of I-65, passing north of the New Georgia Landfill and crossing under I-65 at Five Mile Creek.

SNGC had 20- and 22-inch high-pressure gas lines passing right through the I-65/Corridor X interchange. After extensive deliberations and negotiations, ALDOT and SNGC agreed that the best course of action would be to relocate the 20- and 22-inch lines within the same easement as the 24-inch line. This project has now been completed, clearing the way for construction of the interchange.

Construction is already under way on Plan Set 1. The R.R. Dawson Bridge Co. was awarded the construction contract in September 2007. New bents on the west side of I-65 for widening the bridge over Daniel Payne Drive and the newly graded northbound off-ramp from I-65 to Daniel Payne Drive need to be completed early for coordination with the construction efforts on Plan Set 2, which is scheduled for letting later this year.

Extensive erosion-control netting to protect the cut slope until vegetation is established also will be used, as well as the use of riprap on the widening of the I-65 bridge over Village Creek to protect the creek banks during construction. ALDOT intends to use similar erosion- and sediment-control measures during construction in the vicinity of Five Mile Creek on Plan Set 2.

Most of the other plan sets also are nearing completion. Plan Set 3 is scheduled for letting soon. Plan Set 4 is scheduled for letting in 2009. Design of Plan Set 6 is approximately 70 percent complete, with letting scheduled for 2010. West of Fulton, Miss., U.S. 78 is already a controlled-access facility to the Tennessee state line southeast of Memphis, Tenn. It is expected that eventually this controlled-access facility will be connected to one of the interstates near Memphis, thus completing the I-22 link all the way from Memphis to Birmingham. □

Lohr is a project manager with Volkert & Associates Inc., Chattanooga, Tenn. Kelly is with the Alabama DOT.

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Challenge on the Course

Fall Golf Tournament 2008

On a beautiful October Columbus Day, the Alabama Road Builders Association gathered at The Arrowhead Golf and Country Club to host its annual fall golf tournament for its members and guests. Another tremendous crowd played the challenging course in the afternoon and followed the day up with a great turnout at the awards ceremony and dinner that evening. Guests and Alabama Department of Transportation friends were everywhere and proved to make this tournament another tremendously successful event. The day began with golfers preparing for their 12:30 p.m. tee time by warming up on the range and then having a lunch at the clubhouse.

Upon completion of the day's rounds, everyone gathered back at the clubhouse for a steak dinner and awarding of the golf prizes.

Six flights competed for prizes with three places in each flight receiving a gift certificate to the Arrowhead pro shop for each team member. The first flight overall tournament low score team winners were Mark Waites, Bo Gross, Lee Gross and Jim Nebhut. Congratulations to this great team and all the others for their participation.

Awards were also presented to the closest-to-the-pin winners on the par threes, as well as two longest drive contests.

Everyone stayed late into the evening as the Arrowhead staff and tournament team members entertained the ALDOT and ARBA guests with libations and appetizers. The event was one that will not soon be forgotten and one that will be tough to duplicate.

We plan to have another great event this spring, so make your plans now to join us in early May 2009 for the Spring Fling Golf and Fishing Rodeo as we return to the Gulf Coast.

Special thanks go out to Shirley McGowen Banks and Terri Mitchell. Thank you for all your help throughout the day! □





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ABC Cutting Contractors

An idea seldom comes from a single source. In Paul Allen's experience it came with a background of highway and bridge construction and a desire to put his education to work. ABC Cutting Contractors opened its first Alabama office in 1986 as a two-truck operation. Today, ABC employs 60 men and women statewide in its four branches: Bessemer, Huntsville (1990), Montgomery (1993) and Mobile (2002). The bridge grooving division began in 1987, grooving the Highway 10 bridge over the Tombigbee River at Nanafalia in Marengo County.



Dawson Bridge rail removal in Montgomery

Using the philosophy that the five basic tools of concrete cutting are limited only by the imagination, ABC has taken on small to very complex jobs. Core drilling, wire sawing, wall sawing, hand sawing and slab sawing have been used on various bridges and highway renovation projects in Alabama. With 40 service trucks in Alabama, ABC has cut head-wall pipes, cored holes for sign panels, sawed road patches and bridge decks. ABC also services Mississippi, Georgia and the Florida Panhandle. Working to make the sawing and drilling industry a career choice, ABC has a dozen men and women with more than 10 years of experience.

Safety is a top priority; employees are required to attend weekly meetings, and employees are trained in plant/project specific requirements. Each employee has or is working on obtaining their OSHA 10-hour Safety Card.

ABC strives to honor all commitments to their customers, employees and suppliers. With this in mind, ABC Cutting Contractors of Alabama will join with the Cutting & Coring Group in January 2009. The Cutting and Coring

Group has 15 offices in Oklahoma, Tennessee, Arkansas, Kansas, Iowa, Nebraska, Maryland and Missouri. The Cutting & Coring Group has an excellent safety record, an efficient and productive work force and a comprehensive benefits package for their employees. They offer centralized accounting to assist owners in banking, accounts payable, billing, payroll and insurance needs so offices can concentrate on projects and day-to-day business. The group shares information, equipment and employees to increase productivity and profitability. □

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WAITZMAN HONORED FOR ARBA BOARD SERVICE

Jim Waitzman, Jr. was recently honored for more than 20 years of service to the Alabama Road Builders Association and the transportation construction industry at his final ARBA Board meeting in September 2008. President Greg Abramson and his fellow board of director members presented him with a plaque as a show of appreciation for all he has done throughout his stellar career in our industry. Many thanks, Jim, and good luck in your retirement.

DIRECTORIES TO ARRIVE BY EARLY DECEMBER

Your 2008-2009 ARBA Membership Directory & Buyers' Guide should be arriving any day now. For those who would like to purchase additional directories, please call Terri Mitchell in the ARBA office at 800-239-5828. They may be purchased by ARBA members for \$10 each. Thank you to all the advertising sponsors who help make this directory the industry standard for transportation construction in Alabama.

ARBA SPRING FLING
 > **MAY 7-8, 2009**
 > **ORANGE BEACH, ALABAMA**

The Annual Spring Fling golf and fishing tournament is set once again for May 2009. Make your plans today to be a part of this exciting activity. Join ARBA friends and ALDOT guests as we participate in a two-day event consisting of a fishing rodeo and a golf tournament. Watch your mailings for registration forms that will be coming soon!



HALL OF FAME - 2009 CLASS

You should have already received your Hall of Fame application packets for the 2009 class. Please take the time to review the information and determine if you know anyone worthy of being included in our next class. The industry pioneers who are included in this exclusive fraternity are unique individuals who have dedicated their lives to the transportation construction industry. We hope to continue this new ARBA tradition by preparing a class of special individuals and creating a foundation that this program can thrive on for many years to come. Please call the ARBA office if you need any information on this program or if you have questions.



GINN COLLEGE OF ENGINEERING

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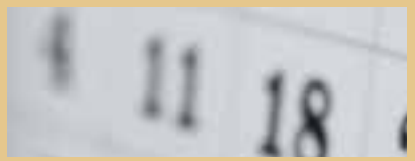
The Alabama Department of Transportation Annual Engineering Conference, returns to Montgomery at the Renaissance Hotel on February 2-3, 2009. Your Alabama Road Builders Association will be part of the events greeting conference participants on both days, as well as the entire planning of the conference. Please join the staff of Auburn University and the Samuel Ginn College of Engineering and the Auburn University Engineering Extension Service as they put together another quality event for Alabama's transportation construction industry.

ALABAMA DEPARTMENT OF TRANSPORTATION TENTATIVE LETTING SCHEDULE 2009



Highway Construction Lettings are normally held on the second Friday of January, the last Friday of the months from February through September and on the first Fridays of November and December, with no letting scheduled in the month of October. Listed below are the tentative Letting dates for 2009. These letting dates are subject to change, but will be confirmed approximately four (4) weeks prior to these dates:

2009
January 16, 2009
February 27, 2009
March 27, 2009
April 24, 2009
May 29, 2009
June 26, 2009
July 31, 2009
August 28, 2009
September 25, 2009
November 6, 2009
December 4, 2009



THE NEW GENETIC INFORMATION NONDISCRIMINATION ACT

BY MAC B. GREAVES AND AUSTIN E. SMITH
BURR & FORMAN LLP

THE RECENTLY ENACTED GENETIC Information Nondiscrimination Act (“GINA”) was drafted to prohibit the improper use of genetic information by both health insurers and employers. In summary, the act prohibits employers from using genetic information to make decisions regarding hiring, firing, job placement and promotions. GINA was an uncharacteristically proactive move by Congress to “prohibit future discrimination as advances in genetics open major new opportunities for medical progress ...that will allow for earlier detection of illnesses, often before symptoms have begun.” Because “these advances give rise to the potential misuse of genetic information to discriminate in...employment,” Congress determined that it has “a compelling public interest in relieving the fear of discrimination and prohibiting its actual practice in employment.”

Because GINA’s employment discrimination provisions do not become effective until 18 months after the date of enactment (President Bush signed the Act on May 21, 2008) to give time for regulations to be promulgated, it is difficult to define what is and is not actually prohibited or allowed by the act. Therefore, the following attempts to delineate what is and is not acceptable under GINA based on legislative commentary, comments from www.genome.gov, and other available resources.

EMPLOYERS & INSURERS MAY NOT:

Request or Require “Genetic Testing” of an Individual or His/Her Family

Most importantly, employers and insurers may neither request nor require “genetic testing” of an individual or his/her family. Genetic tests include those tests that assess genotypes, mutations or chromosomal changes, such as:

1. tests for BRCA1/BRCA2 (breast cancer) mutations
2. tests for HNPCC (colon cancer) mutations
3. classifications of genetic properties of an existing tumor to help determine therapy
4. tests for Huntington’s disease mutations
5. carrier screening for disorders such as cystic fibrosis, sickle cell anemia, spinal muscular atrophy, and the fragile X syndrome

Routine tests such as blood counts (CBC or blood panel), cholesterol tests and liver-function tests are not protected under GINA. Also excluded from protection are analyses, including DNA analyses, of infectious agents such as bacteria, viruses and fungi. For example, an HIV test is not covered because although a retrovirus inserts itself into human DNA, HIV is not itself human DNA and measuring its presence does not constitute a genetic test under GINA’s definition.

USE “GENETIC INFORMATION” FOR IMPROPER PURPOSES

Employers and insurers may not use an individual’s “genetic information” for certain proscribed purposes. For instance, an insurer may not base insurance determinations or eligibility on



genetic information. This leads to the obvious question: what is considered genetic information under GINA? Genetic information includes information about:

1. a person’s “genetic tests”
2. “genetic tests” of a person’s family members (up to and including fourth-degree relatives)
3. any manifestation of a disease or disorder in a family member
4. participation of a person or family member in research that includes genetic testing, counseling or education

Importantly, genetic information does not include information about sex or age—both of which constitute independently protected statuses.

Under GINA, employers may not use genetic information to fail to hire, discharge or discriminate against an individual in any manner with respect to terms and conditions of employment. Similarly, employers may not use genetic information to determine eligibility for employer-sponsored training programs. While there is currently no guidance on this prohibition, it is clear that Congress’ aim was to prohibit any form of discrimination as it relates to employment based on genetic information which would have the effect of limiting, segregating or classifying an employee in any manner that would deprive him/her of an employment opportunity.

REQUEST OR REQUIRE “GENETIC INFORMATION” ABOUT AN EMPLOYEE

An employer is prohibited from either requesting or requiring genetic information about its employees or applicants (or their family members). Even though there are currently no regulations defining the scope of this prohibition, the act includes certain exceptions which allow an employer to possess otherwise prohibited information:

1. where the request was inadvertent,
2. where health or genetic services are offered by the employer under a bona fide employee wellness program and: (a) the employee provides voluntary written consent, (b) only the employee and the licensed health care professional receive the information, and (c) information is not disclosed to the employer in a way that would identify any specific employee,
3. where required by the certification provision of FMLA or corresponding state medical leave laws,
4. where the employees family medical history is available through commercially and publicly available documents, such as magazines and newspapers, or
5. where information is to be used to monitor the effect of hazardous substances in the workplace, but only if: (a) the employer

provides advance written notice to the employee, (b) the employee consents, (c) the monitoring is required by law, (d) the employee is informed of the specific results, and (e) the employer receives the information in any way that does not disclose the identity of the specific employee.

At this point, many employers will wonder what GINA means by an “inadvertent disclosure.” Currently, there is no guidance on inadvertent disclosures, but if an employer comes into possession of genetic information about an employee through no fault of its own, GINA mandates that:

- the information must be maintained in separate files
- the information must be treated as a confidential medical record
- the information must not be disclosed, unless it is made:
 1. to the employee on his/her request,
 2. to an occupational or other health researcher,
 3. upon court order,
 4. to a government official investigating compliance with GINA, or
 5. in connection with the employee’s compliance with the certification provisions of FMLA

EMPLOYERS & INSURERS MAY:

GINA’s purpose is to prohibit employers and insurers from discriminating against employees and insureds based on their genetic information. But the drafters realized that certain testing and information is either necessary to comply with other employee protection laws or is a “necessary evil” that should not be subject to the same level of scrutiny as intentional discrimination. For example, employers and insurers may request, but not require, an individual to undergo “genetic testing” for research purposes. Without the guidance of regulations on this topic, employers would be cautioned not to “test” the bounds of the research exception. Also, employers may request genetic information insofar as it is necessary to comply with the certification provisions of the Family and Medical Leave Act or other such requirements under state and family and medical leave laws. Interestingly, there is no similar exception for the interactive process associated with requests

for accommodations under the Americans with Disabilities Act (ADA).

WHAT DOES THIS MEAN TO EMPLOYERS?

Enforcement and damages provisions under GINA’s employment title are taken directly from Title VII of the Civil Rights Act of 1991 and other current federal employment discrimination laws. Individuals asserting employment discrimination based on their genetic information will be required to first file an EEOC charge prior to filing suit. However, unlike Title VII, GINA specifically states that “disparate impact” claims are not recognized in genetic discrimination cases. To prepare for GINA, employers should consider the following:

- Review and revise applicable handbook policies and procedures to make it clear that genetic discrimination is prohibited by GINA and that genetic information should neither be requested nor collected
- Train employees who typically collect information about co-workers, applicants, and plan participants about the act’s restrictions
- Review and revise application procedures to avoid inquiring into applicants’ genetic information or genetic information of applicants’ family members
- Develop a plan for storing any genetic information an employer may receive about an employee
- Develop policies to ensure that genetic information is kept separate from other accessible records and periodically review the following to ensure compliance:
 - drug test forms
 - workers’ compensation medical records
 - information sought on leave forms
 - Ensure that benefit plan companies comply with GINA because both sponsors and issuers of plans are liable for penalties for any violations
 - make sure benefit plan companies have adequate insurance to cover GINA violations
 - include indemnity provisions in agreements with benefit plan companies which cover GINA violations



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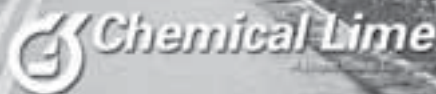
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