

THE FIRST WORD

March , 2011

On March 16, 1911, the Oklahoma Legislature approved House Bill 318, establishing a State Department of Highways

Since 1911, Oklahoma Department of Transportation employees have worked to provide a safe, economical and effective transportation network for the people, commerce and communities of Oklahoma. Beginning with four employees to a workforce of 2,400 we have always had one thing in mind: Oklahoma. Together we've built and continue to maintain enough miles of highway to drive from Oklahoma City to Los Angeles 22 times. Join in celebrating a century of transportation accomplishments from Rt. 66 to the Heartland Flyer, from navigable waterways to the interstate system and so much more.

On Wednesday, March 16th, ACEC OKLAHOMA will host a celebration of ODOT's 100th Anniversary at the Oklahoma History Center in Oklahoma City beginning at 5:00pm. Governor Fallin, Legislative leaders including the Speaker and President Pro-Tem and members of the Legislature, the

Transportation Commission, and a host of other dignitaries will attend this celebration, which will feature the unveiling of a special exhibit at the History Center tracing the history of modern transportation in Oklahoma.



The 1,800 square-foot exhibit will feature the time period from 1899 to 1929 and trace the rise of automobile design, car culture, and the birth of ODOT and the need for better roads and bridges. There will be seven classic cars in the exhibit, numerous cases with artifacts, and about 25 interpretive panels.

ACEC OKLAHOMA is honored to sponsor this special event, and we thank ODOT for the opportunity to kick-off their year-long celebration. A special invitation is being mailed to each ACEC OKLAHOMA member firm. Please plan on sending a representative of your firm to this special event to help ACEC OKLAHOMA celebrate ODOT's 100th Anniversary!

Oklahoma City Congressional Hearing On Transportation Issues

The U.S. House Committee on Transportation and Infrastructure, chaired by Congressman John Mica (R-FL) held a field hearing in Oklahoma City on Thursday, February 24th. Oklahoma Congressman James Lankford, a member of the Committee, hosted the hearing.

Governor Mary Fallin, who was a member of the Committee during her years in Congress, Secretary of Transportation Gary Ridley, and former Secretary of Transportation Neal McCaleb addressed the Committee, along with representatives of the construction industry. All discussed the importance of a long-term, stable federal funding program, as well as specific issues which will allow project delivery to be faster and more efficient.

Following the formal hearing, Congressman Lankford met privately with ACEC OKLAHOMA Chairman Jim Benson, Chair-Elect Stacy Loeffler, Vice Chairs Alan Soltani & Joe Davis, Treasurer Chuck Mitchell, and President Jim Sullins.

During the 20-minute meeting, ACEC OKLAHOMA presented written testimony to the Congressman for inclusion in the formal record of the hearing. Additionally, the Congressman was briefed on what was included in the testimony, as well as other issues important to the consulting engineering community in Oklahoma and nationwide.

A copy of ACEC OKLAHOMA's testimony can be found on our website at www.acecok.org

Oklahoma Legislative Session Well Underway

The 53rd Session of the Oklahoma Legislature is now finishing up its fourth week, and has reached the first major deadline of the session. As of Thursday, March 2nd, bills not heard or passed by the Committee to which they were originally assigned are "dormant" for the remainder of the session.

Some 2247 bills and resolutions were introduced for the session, and even prior to the Thursday deadline, 490 had already been either "killed" or gone "dormant." Once the deadline passes, probably an equal or larger number of bills will fall to the wayside.

To date, Committees have been dealing with bills, and there has been relatively little floor action in both the House and Senate. That is not to say that some bills aren't on more of a "fast track," but the majority of the work has been going on in Committee. That will change Monday, March 7th when both the House and Senate will be on a two-week deadline to get bills out of their "House of Origin" (i.e., Senate bills to the House and vice versa). After that, it's back to Committee work with another deadline coming in mid-April.

ACEC OKLAHOMA has been following numerous bills early in the session, and we want to give you an update on a handful which have garnered most of our interest:

JOINT & SEVERAL LIABILITY - Senate Bill 862. One of the linchpins of the Tort Reform efforts over the years has been the doctrine of Joint & Several Liability. A few years ago a compromise was struck which limited the liability of a defendant in a multi-defendant case to only that actual "allocated" percentage of the defendant unless the defendant was more than 50% at fault. In that case, the 50%+ defendant could be held liable for 100% of the award.

SB 862 deletes the 50%+ caveat, which means that any defendant is **ONLY** responsible for their own liability judgment.....i.e, 5% fault equates to only 5% of the judgment, not 5% fault equating to 100% of the judgment if the other parties were unable to pay.

SB 862 has passed the full Senate on vote of 32-15, and now goes to the House for consideration.

CONSOLIDATION OF BOARDS/COMMISSIONS - Senate Bill 772.

One of the major talking points of the last election was "make government smaller." Over and over, candidates said that government was too big, that there were too many agencies, boards, and commissions, and that government needed to be "downsized" to save the taxpayer money.

SB 772 would "consolidate" the Engineers & Land Surveyors Board, Architects Board, and Construction Industries Board (Plumbing, Electrical, Mechanical, Roofing, and Inspectors) into a new "**Office of Business and Professional Oversight**" within the Department of Commerce, and would transfer "**...all authority, powers, duties, and responsibilities...**" as well as the "**....transfer of all unexpended funds, property, furnishings, equipment, supplies, records....**" to the new entity within Commerce.

As written, **THIS IS A VERY BAD BILL** for all concerned!

First, the Engineering & Land Surveying Board would be "consolidated" into a new entity which would take over the functions of the Board staff and possibly the appointed Board itself, and control of the engineering/land surveying professions could be taken out of the hands of the professional licensees serving on the Board.

Secondly, contrary to popular rhetoric, **THERE WOULD BE NO SAVINGS TO THE TAXPAYER** since all of these Boards are "**non-appropriated**" agencies. These Boards currently receive **NO TAXPAYER DOLLARS**, but rather operate solely on the fees collected from the licensees for their professional licenses.

Thirdly, it is possible that this new entity would become an "appropriated" body, which would mean that license fees would go to the state general fund, and then it would be up to the Legislature to decide how much is "given back" to the entity to cover operations, making the entity and the professions it regulates subject to the whims of the Legislature.

ACEC OKLAHOMA is a member of a coalition of construction-related organizations...the Construction Industries Council...which is keeping a close watch on this issue as well as working with the Legislature to address our concerns with the proposal.

At this time, the bill is still a "work in progress" and is a long way from the Governor's Desk. We are currently working within the system, but be watchful for future "**CALLS TO ACTION**" which might be necessary if agreements/compromises are not reached.

That's it for now, and we will know much more once the mid-March "House of Origin" deadline passes.

If you have any questions about these or any other bills, please don't hesitate to contact ACEC OKLAHOMA. And, be sure to keep an eye out for "**CALL TO ACTION**." We don't ask often, but when we do, it's serious, and we appreciate your support and assistance!!!!

ACEC Calls for Changes to SEC's New "Municipal Advisor" Rule

To protect and broaden the engineering exemption in the Dodd-Frank Wall Street Reform and Consumer Protection Act, ACEC is urging the Securities and Exchange Commission (SEC) to modify a proposed rule that would force many engineering firms to incur the significant cost and legal burdens of registering with the agency as "municipal advisors."

The SEC has proposed a narrow interpretation of the engineering exemption so that cash-flow modeling and certain feasibility studies would not be exempt. ACEC's comments show that these activities are integral to engineering work and different from advice on municipal securities and other financial products. ACEC has requested a meeting with the SEC to further discuss its interpretation of the "engineering exemption" found in the Act

ACEC's comment letter can be found here: http://www.acec.org/advocacy/committees/pdf/acec_comments_sec_S7-45-10.pdf

Join an ACEC Committee

ACEC encourages members to serve on ACEC National committees. Participation on ACEC committees brings vitality to the Council and ensures that member issues and interests remain central to Council operations and public policy. ACEC committee membership is open to all employees of ACEC Member Firms.

Most of ACEC's committees are "open" (i.e., sign up and you're on!). Here's a list of "open" committees:

- Contract Documents Committee
- Environment & Energy Committee
- Federal Agencies & Procurement Advocacy Committee
- Institute for Business Management Committee
- International Committee
- Management Practices Committee
- Membership Committee
- Public Relations Committee
- Risk Management Committee
- Tax and Regulatory Affairs Committee
- Transportation Committee

If you wish to join a Committee or want to know more about ACEC committees, contact Mary Ann Emely, ACEC vice president of operations & membership, memely@acec.org, 202-682-4300.

2011 Transportation Day at the Capitol and Transportation Innovation Banquet

TRUST will hold its annual Transportation Day activities on Tuesday, March 15th in Oklahoma City.

The day will begin with Transportation Day at the Capitol, where transportation advocates will have the opportunity to discuss pressing issues with their Senators and Representatives.

Following an afternoon of lobbying, the annual Transportation Innovation Banquet will be held at the Skirvin Hotel. Former Pennsylvania Governor Ed Rendell will be the featured speaker.

ACEC OKLAHOMA members are encouraged to attend both of these events. Registration information is below, or, you can visit their website at www.restoretrust.org



Please join fellow TRUST members for

2011 Transportation Day at the Capitol and Transportation Innovation Banquet

Tuesday, March 15, 2011

Transportation Day at the Capitol begins at 11:30am

State Capitol Building
2300 N. Lincoln Blvd.

Sponsorship \$1,000 Individual admission \$50

Transportation Innovation Banquet reception begins at 5:30pm

Skirvin-Hilton Hotel, Grand Ballroom Foyer
1 Park Ave. Oklahoma City

Transportation Innovation Banquet dinner begins at 7:00pm

Grand Ballroom

Sponsorship \$2,500 Table Host \$1,250
Individual admission \$175

Transportation Innovation Banquet special guest

Ed Rendell
former Pennsylvania governor
co-founder, Building America's Future

RSVP with Helra

helrahan@gmail.com or (405) 802-8184

PRESIDENT'S MONTHLY UPDATE

David Raymond, ACEC President & CEO

March 1, 2011

As I write this, we are facing exceptional challenges in Congress. As the federal budget is put on the chopping block, we are seeking to convince new members of Congress the importance of federal infrastructure programs to our economic recovery and competitiveness. We made progress today – thanks to your help – in persuading a majority in the House to pass critical legislation that will prevent the cut-off of federal transportation funds to the states. But this is only the first of many fights ahead as we seek to secure passage of longer term infrastructure programs and regulatory reforms. Our upcoming Annual Convention in Washington, D.C., March 30-April 2, will bolster our overall lobbying efforts. We're going to have strong attendance and I look forward to seeing you there.

General

- * Won a \$500 million funding increase for airport improvement projects in Senate-passed FAA reauthorization bill; and in the House committee action on the same bill, secured language to promote the use of QBS on airport projects funded by Passenger Facility Charges (PFCs).
- * Secured language in same FAA bill to kill the new IRS Form 1099 mandate that was originally passed in the health care bill.
- * The first board meeting of the new Institute for Sustainable Infrastructure (ISI), a collaboration of ACEC, ASCE and APWA, elected former ACEC chair Tim Psomas as chair; its new infrastructure rating system will be released this summer.
- * The *Transportation Research Board* and eight other education providers joined RCEP.net, which now has 63 providers (including ACEC, ACEC/Colorado, ACEC/Virginia and ACEC/Wisconsin) and holds PDH records for more than 13,000 professionals.
- * Hosted senior House and Senate water infrastructure committee staff, EPA officials, and head of the U.S. Energy Association to advocate ACEC positions on environment and energy issues.

Institute for Business Management

- * Hosted four “blockbuster” webinars: *Getting Inside Your Customers' Minds For Success in Business Development*; *BIM for Bosses*; *An Inside View of Rural Development Programs and Funding of the U.S. Department of Agriculture*; and *The Perfect Storm—A Bad Lawsuit, A Bad Contract, Indemnification and the Duty to Defend*.
- * Sold-out *Green Infrastructure and Sustainable Communities* course examined the interdisciplinary challenges of sustainability and infrastructure sustainability rating tools.
- * Added a new member discount partner – Medjet Assist, which provides medical evacuation from anywhere in the world to the hospital of your choice.
- * EJCDC released two newly revised documents: *Engineer/Architect Agreement* and *Engineer/Consultant Agreement*, both available in the ACEC Bookstore.

Government Affairs

- * Lobbied for SAFETEA-LU extension legislation to avoid shut-down of federal transportation programs and preserve the stability of funding to states through the end of the fiscal year.
- * Participated in field hearings on transportation reauthorization held by the House Transportation and Infrastructure Committee in various locations across the country.
- * Lobbied the SEC to broaden its interpretation of the engineering exemption in its municipal advisor registration rules.

ACEC ANNUAL CONVENTION and LEGISLATIVE SUMMIT

March 30 - April 2, 2011
Grand Hyatt Hotel
Washington, DC

For More Information Visit: www.acec.org