

THE FIRST WORD

December, 2003

Bucher, Willis & Ratliff Awarded ACEC OKLAHOMA "Grand Conceptor" Award

ACEC OKLAHOMA is pleased to announce that Bucher, Willis & Ratliff has been awarded the "Grand Conceptor" Award for the 2003 Engineering Excellence Awards competition.

As part of the ODOT's five-year, \$1 billion capital improvement program, Bucher, Willis & Ratliff Corporation (BWR), Oklahoma City, OK was selected to provide engineering services for the upgrade of a seven-mile



corridor of State Highway 51 in Wagoner County.

B W R served as the primary engineering consultant providing overall project

management, all highway/bridge design and plan production services, and digital mapping from aerial photos. Huffman Surveying Co., Muskogee, OK, and Terracon, Tulsa, OK, served as subconsultants, providing surveying and geotechnical services, respectively.

This project was the first major construction project in Oklahoma over the McClellan-Kerr Arkansas River Navigation System (MCKARNS) since it was opened in 1971 and included 5.5 miles of four-lane divided highway, 1.5 miles of five-lane undivided highway, two span bridges and two box culvert bridges.

BWR provided engineering design and construction plans meeting the owner's accelerated schedule and provided an additional set of construction plans, for the Billy Creek Bridge portion of the project, 9 months ahead of the original schedule.

One of the challenges along the corridor was the presence of 3.5 acres of wetlands at seven different sites. As part of the U.S. Army Corps of Engineers Section 404 Permit, a 13-acre wetland mitigation site with earth islands and terraces, hydric soils and native seeding and planting was provided adjacent to the Verdigris River Bridge, also providing 120,000 cubic yards of earth fill for construction of the bridge approach. Included in this highway corridor was a bridge over the Verdigris River, part of the MCKARNS. The new parallel bridge was required by the United States Coast Guard to provide 192'-8" horizontal and 63'-9" vertical clearance for the MCKARNS, while also accommodating vessel collision protection to the existing and new bridge substructures.

Complicating the new structure were the existing 40' diameter pier protection cells located upstream and downstream of the main span piers. Ideally, the new bridge's river piers would be located outside of the pier protection cells. However, this would have unnecessarily lengthened the main span or shifted the entire horizontal roadway alignment an additional 35' upstream to avoid these cells.

BWR designed the new bridge with river piers that were constructed with one column inside the existing cells to maintain structure collision protection, utilize feasible span lengths and save \$1.3 million by avoiding the 35' roadway shift.

Congratulations to Bucher, Willis & Ratliff!!!!!!

Senator To Again Pursue Public Vote on Motor Fuel Tax Increase

Not deterred by a failed effort during the 2003 Legislative Session, Senator Robert Milacek (R-Enid) has announced that he will again attempt to put a motor fuel tax increase before the voters of Oklahoma, bringing in an additional \$145 million per year when fully implemented. Milacek's effort last year failed in the closing days of the session due, in part, to a last minute power play by the Oklahoma City and Tulsa Chamber's of Commerce. Since that time, the Chamber's have apparently determined that push for an "initiative petition" was not feasible, as the petition drive never materialized during the summer months.

It was widely held that Milacek's bill would have received legislative approval last year had the Chamber's not derailed the effort. Had that happened, supporters would have had some 16 months to gain public support for the motor fuel tax increase.

However, since the Milacek bill didn't pass last year, the Senator has decided to introduce new legislation this year which, if passed, will provide only a very short window of opportunity for supporters to convince the public that they should vote for the increase.

Milacek is proposing raising the motor fuel tax to 22¢ per gallon for both gasoline and diesel fuels. This would be a 5¢ increase in gasoline taxes and an 8¢ increase in diesel, and would bring Oklahoma close to the regional average. Last year's bill was "intermodal", i.e., had money for not only roads and bridges but also for other modes of transportation like rail, transit, and waterways along with cities and counties. Milacek said that this year, however, will be focus solely on maintenance funds for ODOT. He also said that there will be no "new" construction dollars, only dollars for maintaining the current system. "It takes trains and planes and boats out of it," Milacek said. "It's just for highways and bridges."

In what could be a major boost for supporters of an increase in motor fuel taxes, Governor Brad Henry has publicly stated that he supports Milacek's effort to put a fuel tax increase to a vote of the people. The December 2, 2003 edition of THE JOURNAL RECORD as saying, "I don't see how you can oppose letting the people decide that issue and I think that's what Senator Milacek has proposed in his legislation is to let the people vote on that issue," Henry said. "I've always come down on the side of letting the people vote and so I don't see how you could oppose that at all." He added, "We also, of course, are in dire need of additional new revenues for our roads and bridges all across Oklahoma."

Regardless of the Governor's support and the support of many transportation related organizations, two major hurdles will have to be overcome for the motor fuel tax increase to become a reality.

First, Legislative approval of the ballot issue must be secured, which will not be an easy task. While most legislators will agree that additional funds are necessary, the "no tax increase" members will be hesitant to vote for the measure even though it is just to let the people vote. While those members will not be able to offer an alternative solution to the funding crisis, they will believe that their "vote to let the people vote" will be seen as a vote to "increase taxes" which will hurt their reelection campaigns. 2004 is an election year for all members of the House and 50% of the Senate, and anything that could adversely impact their reelection hopes will not be looked upon favorably.

Second, if or when the Legislature approves the ballot measure, gaining sufficient public support to win the election battle will be very difficult. The "people" will have to be convinced that this is the only viable funding alternative and that the dollars generated will be used for the intended purpose, i.e., maintaining the states roads and bridges. The inherent distrust of government, in general, will have to be overcome to convince the "people" that the money will not be diverted to other government programs.

It will be a tough battle on both parts, and your assistance and participation in the political process will be very important. ACEC OKLAHOMA urges you to start talking with your legislators now, urging their support of "letting the people vote" on this critical issue. The roads and bridges will not fix themselves!!!! Only additional funding, at adequate levels, is the answer to the crisis which faces our transportation infrastructure.

ACEC Seeks Volunteers for National Committees

ACEC Chairman-Elect Bill Howard is seeking volunteers to serve on one of the many ACEC National Committees for the 2004-05 year.

As in 2003, ACEC's "market-oriented" committees (Transportation, International, Mechanical/Electrical, and Energy and Industrial Market Task Force) will have open membership; meetings and conference calls will be at the participants' expense. All other committees will continue to have regular appointed membership as in the past.

ACEC Committee service is a critical piece to the overall ACEC, and you will find committee service a very rewarding experience.

If you are interested in serving on an ACEC committee, you can get a list of committees on the ACEC website at http://www.acec.org/about/0304_committees.cfm.

To fill in and submit an application on-line, go to <http://www.acec.org/about/committeeform.cfm>. Completed applications returned to ACEC by December 23, 2003.

We urge you to strongly consider sharing your expertise by serving on one of ACEC's national committees. ACEC is your organization, and your voice is only heard through your participation!!!!

Welcome New Member

ACEC OKLAHOMA is excited to welcome another new member to ACEC OKLAHOMA and to ACEC.

KELLY ENGINEERING & ASSOCIATES, INC. of Tahlequah is our newest member. Michael Kelly is President/CEO of the 3 person civil engineering firm which provides road and bridge design and inspection services.

We welcome Mike and Kelly Engineering & Associates and look forward to having them as active members.

Leave Your Competition In The Dust!!!!

Are you happy with the results you're getting from the time and money you're spending on marketing? Chances are, there are more than a few ways your marketing program is falling short.

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As 2003 Comes To A Close, ACEC OKLAHOMA

Wishes Everyone A Blessed and Safe Holiday Season, and a Fruitful and Prosperous New Year!!!!



No Progress as Task Force Studies Architects vs. Non-Professional Designers

In the continuing saga of the Architects versus what seems to be "the world", the United Suburban Schools Association (USSA), the Oklahoma Interior Design Coalition (OIDC), and others opposed proposed restrictions in the Architectural Act at the mid-November meeting of the Task Force on the Architectural Act, chaired by Rep. Opio Toure (D-Oklahoma City).

As reported by the LEGISLATIVE INFORMATION NETWORK (LIN), Dr. Richard Dowell, a builder and developer and former professor of economics at the University of Oklahoma, said, the act "rubbed him the wrong way."

As an economist, he said, the act was troublesome because licensing is a form of monopolization. Competition, he said, is healthy and keeps those in the same area "in line." People, he said, should be able to use a service only when they feel they are benefited by the service. However, he said the act would require the use of architects when the choice to use another design professional, such as an engineer, contractor or builder, would be just as effective and less expensive.

Dr. Jeff Mills, superintendent of El Reno Schools and a representative for the USSA, said schools have become accustomed to working with the \$40,000 threshold for the employment of an architect; however, a 30-person occupancy threshold would cost schools more money. He said his organization "definitely opposes changing the current system of architectural use from a monetary level to an occupancy level."

Mills said he did not want anyone to accuse schools of wanting to cut corners at the expense of safety. However, he said safety can still be achieved without the use of an architect on each and every project, such as moving a wall.

"We believe that requiring an architect for all projects, no matter how small, is unnecessary," Mills said.

Representatives from the OIDC also spoke against the proposed act. Vickie VanStavern, of VanStavern Design Group, Inc., said the act could put a number of interior designers out of business.

She said, while she believes there is a need for architects, they should not be required for an interior non-load bearing structure, such as those designed by interior designers. She also said interior designers

have had special education in areas also conducive to safety. Interior designers, she said, have been trained in fire safety, accessibility, ergonomics and special needs of the elderly.

A Representative from OIDC commented architects are not the only profession qualified to ensure safety, and oftentimes those other professions' services are more affordable.

So, after four meetings, has any progress been made and where does that leave this issue? Well, "no" and "limbo" are the short answers.

The Architects have a compelling and valid argument, i.e, educationally trained and tested professionals charged by law to protect the public safety, health, and welfare. However, little or no progress seems to have been made in fending off the "you'll put me out of business", "they cost too much", and "we're just as good as they are" (even though we don't have the credentials to support the claim) cries of the opposition. It doesn't seem that anything said or done by either side of the issue has convinced the Task Force as a whole to offer any sweeping reforms or changes. So, no, little progress has been made.

Individual Task Force members have strong feelings regarding the issue, which probably favors the Architects' position. However, it is unlikely that a consensus could be reached by the entire Task Force which would satisfy both sides of the issue. There is little "grey" area in this issue, so there is little room for compromise.

That leaves the entire issue in "limbo" since little more than a "report" of the Task Force's activities will be presented to the Legislature. Architects were hopeful in getting the Task Force to recommend specific changes to the Architectural Act, while the building designers and others were focused solely on maintaining the status quo. And, it seems that the building designers will win out, at least for now.

The Task Force will meet again in January to review their "report" to the Legislature. If the report is approved, their work will be complete, and there is little or no reason to expect the Task Force to make any specific legislative recommendations.

ACEC OKLAHOMA will continue to monitor the issue, and will watch closely for any legislative action in 2004.