



AGC of Texas  
Highway, Heavy, Utilities & Industrial Branch

## E-BULLETIN

### QUICK LINKS:

[November 2009 CD Request Form](#)

October 30, 2009

### OSHA's New Letter of Interpretation Requires Construction Workers to Wear High-Visibility Warning Garments

High-visibility warning garments are required safety attire for highway and road construction workers according to a new letter of interpretation recently released by the Occupational Safety and Health Administration (OSHA).

In 2004, OSHA issued a letter of interpretation about the use of high-visibility apparel in highway construction. The letter emphasized that section 5(a)(1) of the OSHA Act requires workers in highway work zones to wear high-visibility apparel. However, the Occupational Safety and Health Review Commission ruled that OSHA's letter indicated a more limited position: high-visibility garments are only required where the Federal Highway Administration's Manual on Uniform Traffic Control Devices (MUTCD) mandates their use.

OSHA is therefore issuing a new letter stating that all highway and road construction workers must wear high-visibility apparel regardless of whether the MUTCD requires them. The Bureau of Labor Statistics reinforced the need for using safety apparel when data from 2003 to 2007 showed 425 road construction work zone fatalities. Use Link below for the OSHA Letter of Interpretation:  
[http://www.osha.gov/pls/oshaweb/owadisp.show\\_document?p\\_table=INTERPRETATIONS&p\\_id=27155](http://www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=INTERPRETATIONS&p_id=27155)

### 2010 Committee Recommendation Forms Now Online

[Associate Committee Application](#)

[General Committee Application](#)

If you or one of your employees would like to join a committee or task force for the 2010 year, please use one of the General or Associate forms linked above. Membership on a committee is one of the best ways to get the most from your association, and to ensure your company's issues are heard. Fax or mail your requests according to the directions on the form. We hope to count on your participation for this important transportation industry year.

### IRS Issues Memo Regarding ARRA

#### Tax Deductions for 2009, 2010

[IRS Deductions](#)

[IRS Flyer](#)

The IRS requested that we distribute this notice regarding the tax deductions available for 2009 and some for 2010 as a result of the ARRA bill. Though these deductions are not business related, they do provide a good overview of eligibility for some of the more common deductions. Please distribute as you see fit. If you have any questions, please contact Kristen Ogden at [kogden@agctx.org](mailto:kogden@agctx.org).

### National AGC Safety Awards Program (NASA)

[NASA Program Notice](#)

Please review program notice from AGC of America regarding the National AGC Safety Awards Program. In order to be eligible for this award you must have participated in the National AGC Safety Awards Program for three consecutive years. This means a member must have participate in the program for the

years 2007, 2008, 2009 in order to be eligible to receive an award in 2010. NASA provides a great opportunity for contractor members who have excellent safety records to compete for nationally recognized awards. If you are interested, fill out the attached form and fax it back to Paul Causey at 972/753-1044 by **Friday, January 29, 2010**.

## OCTOBER LETTING RESULTS

[October 20 Low Bids](#)

[October 21 Low Bids](#)

October 20 & 21, 2009	Highway Jobs	Maintenance Jobs
Total Low Bids	\$ 213,850,772.32	\$ 12,134,605.84
Total Second Low Bids	\$ 223,321,528.62	\$ 13,113,288.95
Amount Left on the Table	\$ 9,470,756.30	\$ 978,683.11
% of Low Bids Left on the Table	4.43	8.06
Average Number of Bidders per Job	8.19	5.19
Total of the Engineer's Estimate	\$ 240,906,300.00	\$ 13,810,500.00
Difference between Estimate & Low	\$ 27,055,527.68	\$ 1,675,894.16
% Below Engineer's Estimate	11.23	12.13
Total Number of Projects	72	16

## Transportation Commission Results

Below are the results of the Highway Maintenance and Department Building Construction and Highway and Transportation Enhancement Building Construction contracts from the October 29, 2009 Texas Transportation Commission meeting held in Fort Worth, Texas.

Highway Maintenance and Department Building Construction: Of the 16 state let highway maintenance and department building construction contracts, all were awarded.

Highway and Transportation Enhancement Building Construction: Of the 61 highway and transportation enhancement building construction contracts, all were awarded except 1, which was deferred. Of the 12 ARRA projects, all were awarded.

<b>District</b>	<b>County</b>	<b>Controlling Project</b>
Austin	Travis	NH 2010(122)

## November, December Letting Estimates

The November letting schedule has been approved and is estimated at 287.61 million for 60 projects statewide and 200.50 million for 9 projects local let. (See following bulletin item for specific local project information). The letting dates are November 5 and 6. The monthly luncheon, held November 5 at the Four Seasons Hotel, will feature Texas Attorney General Candidate Ted Cruz as our guest speaker.

The December letting schedule has been approved and is estimated at \$349.55 million statewide and \$23.44 million locally let. The monthly luncheon will be held at the Four Seasons Hotel, December 8, at 12:30 pm. To view the approved letting schedule, go to <http://www.dot.state.tx.us/insdot/orgchart/cmd/cserve/let/2010/letdec.htm>.

## November LOCAL Letting Project Information

[November 2009](#)

For the past several months, AGC and TxDOT have worked to devise a better way to get local letting information to contractors in a timely manner. TxDOT has been hard at work revising its database to accommodate this new information. Until such time as this info is viewable online, the department will email us local letting information-including which local entity to contact along with name and phone number-which we will include in the E-Bulletin. To view the local letting data for November, please click on the link above. If you have any questions, please contact Kristen Ogden at [kogden@agctx.org](mailto:kogden@agctx.org).

## In Memoriam

**William James "Bill" Foran** left this world to join his beloved wife Roberne of sixty-one years, October 10, 2009, just a few days short of his 90th birthday. His quick wit, keen mind, deep loyalty, work ethic, sense of duty and strong leadership will be missed by his family and many, many friends.

Bill was born in Rock Valley, Iowa, October 28, 1919, to James and Inez Foran. Upon graduating from Amarillo High School in 1937, Bill attended Texas A&M, Class of 1942, studying for a civil engineering degree while in the Corps of Cadets and Fightin' Texas Aggie Band. When World War II broke out, Bill and several classmates, who became his lifelong friends, were activated and commissioned in the army on May 15, 1942. Bill was assigned to the 47th Field Artillery Battalion, 5th Armored Division and saw action in the European Theater, including the Battle of the Bulge and Huertgen Forest. His unit was the lead division in the breakout at St. Lo by General George Patton's Third Army on the Normandy beachhead; Bill himself fired the first artillery rounds across the Rhine River on March 3, 1945 near Krefelt, Germany and on V-E Day his division was at the Elbe River, the closest Allied division to Berlin. Bill's decorations included the Bronze Star, the Luxembourg Croix de Guerre, all five battle stars for the Northern European Campaign, Croix due Combattant Voluntaire, and the Korean Service Medal.

With WWII over, Bill returned to Texas to marry his high school sweetheart, Roberne Wilson, and completed his degree at Texas A&M in 1947. He and his bride returned to Amarillo to grow a family and business. The Foran brothers refounded Foran Construction Company, but the growth of this business was soon interrupted by the Korean War. Bill was called up from the Army Reserves into active duty in the Corps of Engineers, 950th Engineer Aviation Group, for two years during which time his brother Don kept the business going at home.

With his second war service over, Bill and Roberne were able to put down lasting roots in Amarillo and return to his duties at Foran Construction. The Foran brothers built the pipeline company into a thriving partnership, working in eight states and over 116 communities. The business was successful because of the brothers' hard work, their dedication to running a company on the basis of Rotarian 4-Point Test, and the fact that they could count many of their employees, competitors, and clients as enduring friends. In 1986, he and his brother sold Foran Construction, and yet, both stayed quite busy together in the retirement years carrying on their sixty-year family partnership with their remaining business interests and various civic activities.

Bill and Roberne's family eventually grew to include five children many grandchildren. Bill was proud of his Irish roots and held his Irish citizenship. He was proud to administer the military oath of office to two grandchildren who are active duty commissioned officers today.

Bill was a faithful Rotarian, joining the Amarillo Downtown club in 1957 and named a Paul Harris Fellow. As a fifty-plus year member of the Westminster Presbyterian Church, he served as Deacon, Trustee and Superintendent of the Sunday School. Bill was a committed citizen, believing in sharing his time and talents with others. He served as Chairman of the State Board of Health and Chairman of the Regional Board of Health; State President of the Associated General Contractors of America; one of the founders of the Texas Health Foundation, the West Texas A&M Foundation and the Jim Foran Memorial Fund for Youth. He served as President of Amarillo Rotary Club, Amarillo YMCA, Llano Cemetery Board, Amarillo Club, Goodwill Industries, the International Club, the Westerners, and the Panhandle Plains Museum. Bill was named a Texas Admiral and a Kentucky Colonel. He served as the Panhandle Chair of the Dolph Briscoe for Governor Campaign and was a founding shareholder of both Matador Petroleum Corporation and Matador Resources Company.

Bill and Roberne established Presidential Scholarships at Texas A&M University and West Texas A&M University. Bill served on the boards of the Amarillo Chamber of Commerce, Amarillo Economic Development Commission, Matador Petroleum Corporation and the State Joint Senate-House Committee on Hazardous Waste as a Public Member. He also served three terms as Foreman of the Potter County Grand Jury and was a lifetime board member of The Amarillo Tri-State Exposition. Bill leaves a brother and his wife; four children, 11 grandchildren and 3 great-grandchildren. His wife and one son, predeceased him.

Deepest sympathy is extended to the families on behalf of the entire membership.

If you are an AGC of Texas member not currently receiving bulletins and want to join our mailing list [CLICK HERE](#)