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#### PHILADELPHIA SECTION AMERICAN SOCIETY OF CIVIL ENGINEERS

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The Sidney Robin Memorial Newsletter of the Philadelphia Section ASCE

Our 90th Year

April/May 2004

## Vol. 76-6

#### APRIL JOINT DINNER MEETING

Philadelphia Section, American Society of Civil Engineers, Women's Transportation Seminar, Philadelphia, PA and Institute of Transportation Engineers, Mid-Atlantic Section

## WEDNESDAY, APRIL14, 2004

THE UNION LEAGUE • 140 South Broad Street, Center City Philadelphia Cocktails – 5:30 p.m. • Dinner – 6:30 p.m. • Meeting – 7:30 p.m.

SUBJECT: Transportation Legislation and Funding: An Update for 2004

SPEAKER. The Honorable Richard A. Geist, House of Representatives, Majority Chairman, House Transportation Committee

SPECIAL FEATURE: PAST PRESIDENTS NIGHT. Past Section Presidents will be honored as guests of the Section.

RESERVATIONS MUST BE SUBMITTED BY FRIDAY, APRIL 9, 2004. Please send your check for the number of attendees @ \$30.00 per member or guest, \$15.00 per ASCE Student Members, payable to the Phila. Section, ASCE, P.O. Box 58186, Phila., PA 19102-8186; or call the Electronic Message Center: 1-800-461-4190 (Open 24 hours/day) or e-mail the Section at info@ascephilly.org.



Rep. Richard A. Geist R-79th Blair County

As the 2003-2004 legislative session of the Pennsylvania General Assembly begins, **Rick Geist** marks his 25th year as a member of the House of Representatives. Geist is now in his fifth term serving as Majority Chairman of the House Transportation Committee, which makes him the longest-serving Majority Transportation Chairman in House history. He has been a member of the House Transportation Committee since entering the House in 1979.

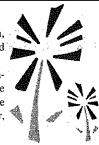
Under Geist's Chairmanship, the 2001-2002 legislative session was the most productive session for transportation legislation since the state Vehicle Code was re-codified in 1976.

As an avid cyclist and the driving force behind the annual Tour de 'Toona international cycling event, Geist received the 2001 Dr. Paul Dudley White Award from the League of American Bicyclists. He also received the 1995 State Legislator of the Year award, and the 1996 Best Friend in Public Office award by Bicycling Magazine, in recognition of his long-standing promotion and advocacy of cycling.

#### ENJOY YOUR SUMMER...

The officers and Board of Directors of the ASCE, Philadelphia Section, along with the staff of THE NEWS, extend our wishes to you for a fruitful and enjoyable spring and summer.

As we go off to our well-deserved several months' off and summer hibernation, the staff of THE NEWS will obviously spend our copious free time in the pursuit of methods which will ensure even better quality in the future (e.g., we will learn that January only occurs once a year). So, until September or October, whichever comes first, enjoy!



## **TECHNICAL GROUP ACTIVITIES**

Engineering Management Group Joint Meeting with the Structural Group

SUBJECT: Management Challenges Surrounding the American Parkway Bridge Project

SPEAKER: George Horas, P.E., Structural Department Manager, HNTB Corporation

DATE: Wednesday, April 14, 2004 12:00 Noon to 1:30 PM

LOCATION: Municipal Services Building, 16th Floor, Conference Room E, 15th & JFK Blvd., Philadelphia, PA

PRICE: \$10; Students \$5 (Includes buffet lunch)

The American Parkway project consists of an almost one-mile long extension of a four lane, limited access urban arterial through the northeastern part of the City of Allentown, PA. Included are fully functional interchanges on either side of the Lehigh River and a desired distinctive river crossing. The interchanges are required to accommodate all movements while being significantly constrained by the presence of environmental obstacles. The project is being designed by a diverse team, assembled to provide expertise in a number of areas. The estimated construction cost of the project is in excess of \$70 million. When completed, it will have a dramatic impact on the regional mobility of the Lehigh Valley.

Reservations are required and seating is limited to 50 persons. Please contact **Dennis Mac Bride** at (215) 580-3404 or Bill Mulloy at (215) 656-6583.

## Delaware Valley GeoInstitute (DVGI) – Dinner Meeting

*DATE:* **April 20, 2004** – 5:30PM cocktails, 6:30PM dinner; \$30

LOCATION: Wyndham Valley Forge Hotel, Route 202 and Chesterbrook Blvd., Valley Forge SUBJECT: Revolutions in Drilling: New Ways to Build a Caisson

SPEAKER: Mike Pilkington, PKF Mark III, Inc. Drilled shaft foundations have been around for a long time. We are all familiar with the large auger

(Continued on Page 7)

## THE PRESIDENT'S MESSAGE



Dear ASCE Friends,

It is hard to believe I have already come to the end of my presidency. When I first took office last May, I remember everyone telling me this year would fly by... and so it has. As I reflect on the past year, what strikes me most is that it has been a year of change. These changes have occurred for me on both personal and professional levels. They have also occurred within our Section. We have lost two of our longstanding friends and board members in Sid Robin and Walt DeLury. We also had to remove our mural from 1-76 due to damage and weathering it had sus-

tained. Despite these losses, we also had many positive changes and achievements.

Under the supervision of Carol Martsolf, we updated and expanded our local website: www.ascephilly.org to make it more user-friendly and informative. We partnered with the Philadelphia International Airport to show a photo exhibit highlighting Civil Engineering Landmarks in and around the Philadelphia area as part of the Airport's Exhibitions Program. Drexel University hosted the 16th Annual National Concrete Canoe Competition last summer and will also host an Order of the Engineer Ring Ceremony with ASCE National President, Patricia Galloway, on June 11, 2004. We continued to nominate projects for ASCE National Historic Landmarks (Philadelphia City Hall and the Walnut Lane Bridge nominations are pending). We sponsored a scholarship in conjunction with the Delaware Valley Engineers Week Council. And our own Bob Wright has done an outstanding job as the interim editor of 'THE NEWS' which was dedicated as the Sidney Robin Memorial Newsletter of the Philadelphia Section, ASCE. All of these were in addition to the various outreach activities which our Section conducts or participates in each year — such as Engineers Week, Future Cities Competition, Delaware Valley Science Fair, Elementary School Build-a-Thons and other Public Service projects.

These various events as well as our regular dinner and technical group meetings do not just happen on their own. They are organized and supported by our dedicated board members and committees who take the time out of their busy schedules to make a difference by promoting our profession and increasing public awareness of Civil Engineering. For all of that, I have to offer my heartfelt thanks and gratilude to the Section Board, our Technical Group Chairpersons, our Younger Member Forum and all of the other members who make the choice to contribute. It is the combined effort of all these individuals that truly makes our Section great! In addition, I have to acknowledge all of our sponsors who support our activities and also, the area universities who work with us to bring the benefits of ASCE to the next generation of Engineers. In particular, I offer a personal note of thanks to Bob Wright for his insight and his help in keeping me in line and somewhat on schedule. I truly appreciate it.

In closing, I ask you all to remember — This is our Section! It thrives on our energy and participation. Get involved in the activities that promote our profession. Join a committee. Attend a meeting (and bring a colleague). Mentor a student. Support Engineering in your community by joining a neighborhood committee or participating in career day activities at your local school. These are small things we Can all do to advance our profession. Help shape the future of Civil Engineering in our community and

It has been my privilege to serve as the President of the Philadelphia Section, ASCE. I look forward to another new year filled with great expectations under the leadership of Brian Stover. I hope you all will join me in supporting Brian and the incoming officers of the Philadelphia Section, ASCE.

Sincerely, Allan F. Moore, Jr., P.E. President, Philadelphia Section, ASCE

## 2004 SECTION AWARDS TO BE PRESENTED AT SPRING SOCIAL

Section Awards for the year 2004 will be presenled to this year's recipients at the Annual Spring Social and Dinner Dance (particulars on the Social are given elsewhere in THE NEWS). The Section Award recipients are:

- John McElroy, Langan Engineering Philadelphia Civil Engineer of the Year
- Michael McAtee, Urban Engineers Philadelration Young Engineer of the Year
- George Koerner, Geosynthetic Research In-Geotechnical Engineer of the Year
- Gerald Donnelly, STV Engineers Engineer-Manager of the Year
- Walter Sawruk, ABSG Consulting Struc-Estal Pagineer of the Year

• Faruq Siddiqui, Swarthmore College - Educator of the Year

We hope you will join us at the Social to honor our Awardees for this year.

In the fall, THE NEWS will feature more information on the awardees as well as a synopsis of the Social's events.

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## SECTION WEB SITE!

Our Section's web site has taken on a new look! Check us out at www.asce-philly.org. Make sure you bookmark this site to check on our latest meetings and events, links and much more! Comments and/or suggestions? Please contact us either via our Electronic Message Hotline at 1-800-461-4190 (24 hours a day) or e-mail at info@asce-philly.org.

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## THE MOORE PRESIDENCY -DECISIVE, RESPONSIVE, ENER-**GETIC — EVERYTHING WE** HOPED FOR, AND "MOORE"

Editor's Note - One of the first things I thought about when I took this job late last summer was that I'd have to write the usual send-off for the outgoing President when the time came. I didn't think it would be all that hard. Following the methods used by our dear departed Editor, I would carefully follow the actions of the President throughout the year, highlight his accomplishments, and pull out the ol' thesaurus so I could use a bunch of big words that few engineers would understand. I did everything but the last part - at least I'll try to use words that I can spell without the aid of reference books or computer checkers. So here goes...

"President Moore"...has a nice ring to it, doesn't it? We all want more, and we got it - for the past year, Allan Moore has served the ASCE, Philadelphia Section well as our President. Not surprisingly, he's done a commendable job. Also not surprisingly, just like many of his predecessors, as soon as he's gotten into the swing of things, and he's reaching his maximum potential, his term runs out!

Allan started the Section year just as most Section Presidents have - the gavel was handed to him at the Spring Social, he got a handshake from the outgoing President and applause and well wishes from his "loyal subjects", and he was in charge. After two years of waiting in the proverbial wings, as Vice President and President Elect, he was going to get his chance to sit in the pilot's seat. [Editor's Note - this is only one of a number of puns which will be put to use in this article, so fasten your seat belts and prepare for takeoff!]

When he was sworn in last May, Allan was assuming the role left by the previous Section President, Ruben David. As many of you know,

(Continued on Page 5)



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Phila. Section ASCE Annual Spring Social Dinner Dance

## FRIDAY, MAY 7, 2004

## Sugarloaf Conference Center

9230 Germantown Avenue, Chestnut Hill, Philadelphia, PA

6:00 pm Cocktails & Hors d'Oeuvres (Cash Bar) 7:00 pm Dinner • \$40.00 per person

## Music for your listening & dancing pleasure til Midnight

For reservations and information, visit http://www.asce-philly.org

For Reservations, Please Complete This Form and Return Name/Company Reservation is to be held under: Address Phone: \_\_\_

Please reserve \_\_\_\_\_ seats @ \$40.00 per person

Tables(s) of ten can be reserved for your party or company.

Make checks payable to "Phila. Section ASCE Spring Social 2004 Mail check & reservation to: Phila. Section, ASCE P.O. Box 58186 • Philadelphia, PA 19102-8186



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## YOUNGER MEMBER FORUM NEWS

by Asha Maliakal Forum Editor

> Michael McAtee, PE 2003-2004 President Urban Engineers, Inc. 530 Walnut Street, 14th Floor Philadelphia, PA 19106 (215) 922-8081 mimcatee@urbanengineers.com

The Younger Member Forum (YMF) membership includes college students, recent graduates and young engineers, including Registered Professional Engineers, who are 35 years of age or younger. The objectives of the group are: 1) to provide networking opportunities, 2) to interact with schools and the general public to promote civil engineering and 3) to enhance career devel-

Young engineers or college students who would like to become part of the YMF and be added to the announcement list should contact James Markham of Pennoni Associates, at secretary@ymfphilly.com or at (215) 222-3000. There are no fees to join!

## Recent Accomplishments

April 24, 2004 will mean football for the 40 YMF members who attended the Philadelphia Soul game versus the New York Dragons down at the Wachovia Center. Philadelphia's newest sports team is causing quite a stir and attendees will be treated to great seats and an exciting game. A prize will be awarded to anyone seeing Bon Jovi in the stands (an autograph will be needed for verification!). Thanks to Kevin Aach for organizing the event.

On April 22, 2004, the YMF and the Structural Group will hold a joint meeting in the Municipal Services Building. The guest speaker, Allen Roth, P.E., Vice President of Joseph B. Callaghan, Inc., will cover a Forensic Engineering Case Study - World Trade Center Area. As the structural consultants for 90 West Street, an office building in close proximity to the World Trade Center Towers, Roth discussed how his firm investigated the structural integrity of the building following the events of September 11, 2001. The building, designed in 1907, suffered tremendous localized fire and impact damage, yet remained structurally sound. Thanks to Jeremy Colello of the YMF and Ali Khan of the Structural Group for organizing this meeting.

On April 3, 2004, some of the more athletic YMF members joined Chris Menna as he led a group on a bicycle excursion through Wissahickon Park. The group traveled from the Tree House along Lincoln Drive and the Forbidden Drive to Historic Rittenhousetown and back; a 15 mile round trip. At the end of the trip, the group enjoyed a picnic at the Treehouse hosted by ECP. The Friends of the Wissahickon were also invited to the picnic, giving the YMF participants a chance to learn more about the park, one of Philadelphia's greatest treasures. Thanks to Chris for organizing this event!

Seven YMF board members and two ASCE officers spent the weekend of March 6 and 7,

2004 at ASCE's Northeast Regional Young Member Council Meeting (NERYCM) in New York City. Participants attended speaker sessions and activities focused on strengthening and expanding the program and activities of ASCE's younger member groups. The participants look forward to putting all they learned to work to improve our YMF section. Thanks to all who attended.

#### Upcoming Events

Phillies Outing: The YMF will visit the brand new Citizens Bank Park to watch the Phillies take on the LA Dodgers on May 20, 2004! Don't miss out on this opportunity to catch MLB action from these great seats! Tickets are only \$16 each! Seating is limited, so RSVP early to secure your seat before they're all gone! For further information, or to RSVP, please contact Sean Skierski ät (215) 864.0640 or sskierski@Langan.com.

Waterworks Tour: Watch your inbox for emails on an upcoming tour of the Philadelphia Waterworks. This newly rehabilitated historic landmark has only recently opened to the public. Be one of the first to get a behind the scenes look at this notable attraction.

#### **Announcements**

College Outreach... The YMF is looking for volunteers to participate in discussion sessions with Civil Engineering students at local colleges. No preparation is required! Using personal experience, volunteers will help inform students of what to expect after graduation and will respond to questions and concerns from students. If you would like to volunteer as a speaker, please contact Joe Platt at JPlatt@trafficpd.com or (610) 326-3100.

YMF tee-shirts are now on sale! Last year we sold out of our ever popular YMF tee-shirts and had to order a batch of new ones to satisfy our fashion-hungry younger members. This year's designer YMF tee-shirt "line" includes the classic grey tee (\$9), a retro grey/navy ringer tee (\$10) and a sporty grey/navy baseball tee (\$12) --- all with the coveted YMF logo. Shirts are available in sizes Medium through 2XXL. Get one while supplies last! To place your order, contact Alyson Lester at arlester@urban engineers.com; (215) 922-8081 x1445. Thanks to our sponsors: DMJM+Harris, McCormick, Taylor & Associates, McMahon Associates, Michael Baker, Jr., Parsons Brinckerhoff, Pennoni & Associates, St. Lawrence Cement, Traffic Planning and Design, Urban Engineers, URS Corporation, and Vollmer Associates. Tee-shirt sales will fund YMF Awards for members who publish articles in engineering publications.

Attention PE Candidates! Are you preparing for the PE exam? Visit the new YMF Website to

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Dr. Michael Piasecki Graduate Advisor (215) 895-1721 michael.piasecki@drexel.edu take a look at the YMF's "PE Exam Study Guide": http://www.asce-philly.org/ymf/ articles.htm. While you are there, check out the rest of the YMF website as it goes through construction.



Member Spotlight Jeffrey Birks, EIT is a Civil Engineer with DMJM+HARRIS Philadelphia. Jeffrey has been with DMJM+ HARRIS since starting his career in July 2001. Several of his recent projects, including the

realignment of S.R. 0061 in Shamokin Pennsylvania, a clearance improvement project along the Trenton Line Subdivision for CSX Transportation, and a preventive maintenance projects for I-95 and I-476, have concentrated his work in highway and railroad infrastructure design.

Jeffrey is a 2001 graduate of Drexel University, where he earned a Bachelors of Science in Civil Engineering. Since graduation Jeffrey has continued at Drexel in pursuit of a Masters degree in geotechnical engineering. If all goes as planned, he anticipates completing his degree in the spring of 2005.

Jeffrey has been involved with ASCE ever since participating in the concrete canoe competition with the Drexel University team. Upon completion of his undergraduate degree, Jeffrey become more involved in the South Jersey YMF where he held his first position as treasurer. Currently, he serves as the vice president of the South Jersey YMF and will be taking over the responsibly of president in the upcoming year. As YMF president, Jeffrey hopes to increase younger member attendance at activities, as well as provide opportunities for younger members to give back to the local community through events such as Habitat for Humanity. In addition to being involved with the YMF, Jeffrey also attends South Jersey ASCE branch events, as well as American Society of Highway Engineers (ASHE) meetings.

Outside of work, Jeffrey enjoys fishing and spending time outdoors. Indoors, he participates in a local dart league. Jeffrey recently got engaged and is looking forward to his wedding this coming October. Congratulations Jeffrey!



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## 2004 Philadelphia Section ASCE - Salary and Benefits Survey

The Philadelphia Section, ASCE, is conducting its bi-annual Salary and Benefits Survey and is asking for your help so that we can better serve you. The Survey helps you gauge your career achievements among your peers and identifies trends that directly affect you and your future. It requires only about 10 minutes of your time to complete the enclosed questionnaire. Help yourself achieve your career goals and enhance the profession's image. Please complete this questionnaire, fold so that the return address is on the outside, tape and return by May 31, 2004. If you prefer, you can respond via e-mail. When the Section e-mails this survey to you, return your completed survey to dmmacbride@aol.com. The results will be published in the first issue of THE NEWS in the Fall. Thank you!

A.

B.

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1.	Age		☐ a Consultant		. Salary (include normal overtime)
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6.	Education (Check highest level)		e Other (explain)	7	. Sick Leave (number of days per
	□ a No Degree				year at full salary)
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	☐ c B.S. Degree+15 hours		☐ Yes ☐ No	8	. Insurance (Company Paid)
-	d Master's Degree	6.	Number of different employers since		For "a" thru "h" fill in:
	☐ e Doctorate Degree	0.	graduation (including current)		1. 100% company paid
7.	ASCE Membership Grade/# of Yrs.	7.	Do you have a second job?		2. Partially company paid
	□ a Student	<b>'</b> '	□ a Yes □ b No		3. Available, employee pays all
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1.	Income source	1	☐ b Mass Transit	1	2. Formal severance pay policy
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	☐ e Unemployed	11.	Approximate commuting time,		If yes, maximum %
	☐ f Student	l	minutes (one way)		J /



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1. Are you satisfied with your current employment situation?   a Unsatisfied   b Somewhat unsatisfied   c Responsibility   d Security   a Very satisfied   c Location   f Amount of travel   g Type of work   b No, primarily administration, you are performing true engineering work.   a Yes   b No, primarily administration, supervisory, business, promotion, etc.   c No, primarily technician/ draftsperson   d No, other functions   a Yes   b Wes, but could be better   c No   d Not applicable   d No other fexplain)   d Do you think you will be looking for a new job within the next 2 years?   Yes   No If Yes, why?   a Salary   much lower   lower   similar   ligher   much higher   much higher   12. If you had a second chance would you still become a Civil Engineerry as cliff and sevond a second chance would you still become a Civil Engineerry as 21. If you had a second chance would you still become a Civil Engineerry as 21. If you had a second chance would you still become a Civil Engineerry as 21. If you had a second chance would you still become a Civil Engineerry as 21. If you had a second chance would you still become a Civil Engineerry as 21. If you had a second chance would you still become a Civil Engineerry as 21. If you had a second chance would you still become a Civil Engineerry as 22. If you had a second chance would you still become a Civil Engineerry as 22. If you had a second chance would you still become a Civil Engineerry as 22. If you had a second chance would you still become a Civil Engineerry as 22. If you had a second chance would you still become a Civil Engineerry as 22. If you had a second chance would you still become a Civil Engineerry as 22. If you had a second chance would you still become a Civil Engineerry as 22. If you had a second chance would you still become a Civil Engineerry as 22. If you had a second chance would you still become a Civil Engineerry as 22. If you had a second chance would you still become a Civil Engineerry as 22. If you had a second chance would you still become a C			1 1 1 1	O. I. C. Sandahariadana
current employment situation, you are performing true engineering work.    a Yes   b No, primarily administration, supervisory, business, promotion, etc.   c No, primarily technician/ draftsperson   d No, other functions   d No, other functions   d No, other functions   d No a yes   b Easy   c Somewhat difficult   d Diffic		<ul> <li>1. Are you satisfied with your current employment situation?</li> <li>a Unsatisfied</li> <li>b Somewhat unsatisfied</li> <li>c Satisfied</li> <li>d Most satisfied</li> <li>e Very satisfied</li> </ul>	concern? Rank 1, 2, 3, etc.  a Pay and benefits  b Company reputation  c Responsibility  d Security  e Location  f Amount of travel  g Type of work  h Other (explain)  6. How easy do you believe it would be for you to find a new job?	you?  □ a Yes □ b No  10. Are you satisfied with your professional physical environment?  □ a Yes □ b No  11. Do you agree or disagree with the
promotion, etc.  c No, primarily technician/ draftsperson d No, other functions  3. Do you believe that your work is properly reviewed? a Yes b Yes, but could be better c No d Not applicable  4. Do you think you will be looking for a new job within the next 2 years? a Salary b Boss c Lack of responsibility d Other (Explain)  b Easy c Somewhat difficult c Somewhat difficult d Difficult  7. Do you believe your salary, considering your experience and ability, compared to other Civil Engineers, is: much lower		you are performing true engineer- ing work.  ☐ a Yes ☐ b No, primarily administra-		Agree Disag.  a. Registration should be required for all Engineers as a condition of continued
3. Do you believe that your work is properly reviewed?    a Yes   lower   lower   d Not applicable  4. Do you think you will be looking for a new job within the next 2 years?   Yes   No If Yes, why?   a Salary   much lower   m		promotion, etc.  C No, primarily technician/ draftsperson	<ul> <li>□ c Somewhat difficult</li> <li>□ d Difficult</li> <li>7. Do you believe your salary, consider-</li> </ul>	tion should be required to maintain
4. Do you think you will be looking for a new job within the next 2 years?    Yes   No   If Yes, why?   a Salary   b Boss   lower   lower   lower   Engineering Graduates   lower   lo		properly reviewed?  ☐ a Yes ☐ b Yes, but could be better ☐ c No	pared to other Civil Engineers, is:  ☐ much lower ☐ lower ☐ similar ☐ higher	should not be competitively bid $\square$ $\square$
☐ Yes       No       If Yes, why?       are:       a shortage in the number of Civil         ☐ b Boss       ☐ lower       Engineering Graduates         ☐ c Lack of responsibility       ☐ similar       uates       ☐         ☐ d Other (Explain)       ☐ higher       12. If you had a second chance would you still become a Civil Engineer?	4.	Do you think you will be looking for a	8. Do you believe your fringe benefits,	self-laudatory is
much higher 12. If you had a second chance would you still become a Civil Engineer?	пс	<ul> <li>☐ Yes ☐ No If Yes, why?</li> <li>☐ a Salary</li> <li>☐ b Boss</li> <li>☐ c Lack of responsibility</li> </ul>	are:  much lower  lower  similar	a shortage in the number of Civil Engineering Grad-
			· ·	12. If you had a second chance would you still become a Civil Engineer?  □ a Yes □ b No
Additional comments and suggestions for future questions: Why?	Add	itional comments and suggestions for fut	ure questions:	Why?

### The Moore Presidency

(Continued from Page 3)

Ruben has a lot of big ideas, a whole host of friends in various places, and the energy of a 5year-old. Even though Allan is closer to that age than Ruben is, Allan had his work cut out for him. Fortunately, Allan was certainly well-equipped to handle the task of Section President.

Not far into his year, Allan had to deal with an urgent and unfortunate situation with the unexpected loss of the Editor of THE NEWS, Sid Robin, in August. In his handling of this reality that had to be addressed, Allan ably and confidently navigated the Section Board through this crisis. Just over a month later, we learned of the sudden demise of Section Vice President Walt DeLury. Once again, Allan was tested, and, once again, he responded. If the Board learned nothing else in the first four months of his presidency, it found that Allan could deal with pressure! Where many would not be able to deal with the mounting problems, he came to the forefront and took charge. And this is no surprise, since we know Allan is a can-do kind of guy.

Allan was able to lead a body that, while it is always helpful, can be cantankerous in several issues. He's always open to suggestions, no matter how wacky they may be (our Board can be very creative sometimes!). He can keep things on the proverbial radar screen and safely guide issues through their final approaches to successful landings. (OK, enough airport puns!!)

Allan's friendly manner and fair treatment of everyone ensured that issues were addressed and all opinions were heard. You find that he's very easy to approach and, at the same time, he is a sparkplug who quietly and purposely gets things

None of this comes as any surprise to your Interim Editor. I first met Allan when he was a young and impressionable Drexel student who had just accepted a co-op position in our Highway Design Unit in 1985. Allan struck me as a very busy guy. He explained that this was perhaps his third or fourth job, not one after another, but simultaneously. He valet-parked cars, delivered piz-



Arın M. Tomalavage, P.E., PMP

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zas, worked at a catering hall, and then he usually started his day with us. And you'd think he'd be tuckered out by the time we saw him, but he was full of energy, just like a puppy - rarin' to go.

You had to like him. He was affable, pleasant, hard working, and never too busy to chat. He's a South Philly kid - need anything more be said? (I'm tempted to use that South Philly term I am sometimes accused of overusing - fuggedaboudit - but I won't apply it this time.) You could overlook the fact that he chose to leave the neighborhood to attend Central High (and this author overlooked his choice of colleges!). But what a guy!

In 1986, he returned for a second co-op assignment with us, and we thought we had a "keeper", since he liked what we did. During his third co-op, at Philadelphia International Airport, however, Allan found what he enjoyed even more than highway design - airport stuff.

After his graduation from Drexel in 1988, Allan sort of disappeared. When we saw him next, he had gone to work for a local consultant. Soon after, he showed up at the Airport. This author got the chance to work with him again, and, not surprisingly, it was a good experience. And then he was getting involved in the Section. (Ah, the brainwashing, subtle hints and subliminal messages were finally kicking in!)

As a result, we got to see him more. As busy as he was, moving critical Airport projects to reality (except the infamous "Can Not Go" effort (and I don't think CNG stands for that, but Allan made it work!)), he found time to show up at the occasional (!) golf outing and join us as we raided and pillaged whatever local establishment happened to be hosting the affair (and we do mean raided and pillaged - if you've seen us golf, you know this is true! Ask Allan about his monster chip onto the patio deck at Woodcrest a couple of years ago!).

Allan started to rise through the Section ranks, after becoming active in the Younger Member Forum, and we know most of the rest of the story. And, a little suddenly, during his term as President, we learned that Allan had left the Airport. He took off for a stint with a local consultant. And almost just as suddenly he landed back at the Air-

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port. But he didn't miss a beat.

On the personal side, the Moore family includes Allan's wife, Kim, another civil engineer (and a Drexel grad, whom Allan met at the Airport) and their 2-year-old son Nicholas. Will little Nicholas have a chance to be anything but a civil engineer when he grows up? (We have a feeling that he has already been exposed to the field, but time will tell...) While Allan says he's not influencing anything here, he secretly hopes that if Nicholas does choose engineering as a career, he does NOT go into electrical or mechanical!

Allan still finds time to follow auto racing. one of his hobbies. So if there is ever a NASCAR event on one of the Airport runways, you may know who had something to do with this!

With all of his other copious (?) free time already being spent on Section business, it isn't unusual to get e-mails from him time-stamped 2 AM. We can't tell whether he sets his clock to fool us or if he really is burning the midnight oil. Knowing Allan's ability to burn the candle at both ends and in the middle, we suspect the latter.

One thing that Allan and this author had much "back and forth" on over the past year was the dreaded President's Messages. Allan produced good ones each month, but I had to prod him a bit for these sometimes. Admittedly, with his family and occupational obligations, one would wonder when he would find time to do these at all. As he told me once, during the lulls in some snow removal operations at the Airport, which he directed, he would assemble some thoughts and then put them in writing in the wee hours at his computer. A bit of déjà vu occurred to this author - during my own Section Presidency 10 years ago, I had to write these and get them to Sid. Sid's usual reply was that mine were lengthy and had too many quotation marks. So I have a couple at the ready in case Allan couldn't find time to do. With a little prodding (or sometimes a little more than a little), he always came through.

We'll certainly miss Allan's cheerfulness, patience and easy-going manner at the far end of the table at Board meetings and at the podium at Section meetings. He has certainly steered the ship that we call the Philadelphia Section in the right direction in a year which had more than its share of ups, downs and headaches. (See - no more airport puns!)

And now, we move on to welcome Brian Stover as the Section's 92nd President. Brian is a classmate and good friend of this author, so I already have a good deal of dirt for when I have to do this again in a year! (Of course, since Brian is one of the few, the proud University of Pennsylvania graduates in this organization, we'll give him lots of slack.) We all wish Brian well as he accepts the gavel and takes on the duties at the helm of the ASCE, Philadelphia Section.

## DON'T MISS MARDI GRAS IN MAY – see Page 3 for details!

### MARCH JOINT DINNER MEETING

March 18, 2004

The Union League, Philadelphia, PA

"Green Concrete"

By Jim Markham, Staff Writer and Jamie Phillips

For the first "home game" of our 2004 "season" (the first two meetings of the year were "away" joint meetings in Valley Forge and New Jersey), the Philadelphia Section, ASCE joined with the Delaware Valley Chapter of the American Concrete Institute (ACI) for a dinner meeting on March 18, 2004 at the Union League. It was a particularly celebratory meeting as we were able to recognize the most experienced members of our community as well as some of the newest.

After brief welcoming remarks from Section President Allan Moore, and the President of the Delaware Valley Chapter of ACI, Vic Scotese, Section Membership Secretary Tom Brady recognized the 12 Section members who were eligible for Life Membership Status this year. The achievement of Life Membership requires a career of service to ASCE and the Civil Engineering Profession. To qualify for Life Membership, a member must:

- Have reached the age of 65
- · Have paid dues for a minimum of 20 years
- · Have paid dues in any membership grade for a number of years that when added to their age equals or exceeds 95

Incoming Life Members in 2004 are: Mohammad B. A. Khan; John Smyth, Sr.; Philip V. D. McLaughlin, Jr.; G. Lee Christensen; A. Carl Helwig; John E. Edinger; Alvin R. Zion; Thomas R. Babacz; Robert C. Peters; John E. Rigby; Robert H. Bryans; and Thomas R. Smith. ASCE appreciates the lifelong support of these members.

In addition to this recognition of these distinguished gentlemen, some of the newest members of our profession were also honored. The winners of ACI's Student Beam Competition were recognized for the successful efforts.

A team of students from Widener University designed the strongest beam using Fiber Rein-

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Phone: 610-667-3422 FAX: 610-667-3425 E-mail: andyharmelin@aol.com forced Polymer (FRP) reinforcing bars. The Swarthmore College student team was the most accurate at predicting the load that would break its beam, forecasting 3817 psi while the beam actually failed at 3815 psi. That's within 1%!

#### Congratulations to Widener and Swarthmore for the winning efforts!

It was a doubly-exciting night for Swarthmore, as they were not only winners in the Student Beam Competition, but they were the featured guests of ASCE. Dr. Faruq Siddiqui, the faculty advisor for the ASCE Chapter at Swarthmore introduced Mike Norieka, the President of the Swarthmore Student Chapter of ASCE. Mr. Norieka elaborated on the Swarthmore team's winning strategies and on some of their ASCE related activities on campus.

After the awards Vic Scotese introduced the featured speaker, Jamie Phillips. Miss Phillips has a Bachelor of Science in Civil Engineering from the University of Michigan. She has EIT certification and will be eligible for PE licensure later this year. She recently took a position with Master Builders after working on the technical side of cement and concrete for over four years with St Lawrence Cement.

#### Green Concrete

Building in an environmentally conscientious manner is now on the forefront of the minds of most engineers, architects, and especially owners. Selection of materials that have little or less of an impact on the environment is part of this effort. Concrete, the most widely utilized building material and second most consumed product in the world (after only water), is actually inherently environmentally friendly. Structures made with concrete are safer, more energy efficient, last longer, and are more reflective. There are ways however to make concrete more environmentally friendly and at the same time make it a stronger,

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more durable product.

Of all of the constituents of concrete the one that has the greatest environmental impact is the cementitious component. The production of cement not only requires the use of a great amount of raw materials but it also results in the production of CO2 (carbon dioxide), a greenhouse gas. Replacing a portion of the Portland cement with supplemental materials such as slag cement and/or fly ash results not only in lower CO2 emissions, limiting the use of the earth's raw materials, and use of a product that might otherwise be landfilled, but also in better, more durable concrete. Concrete using slag cement also produces a whiter finish, thus reducing the "heat island effect" associated with concrete surfaces.

Miss Phillips also noted that in today's environmentally aware times, the use of slag cement in concrete can also earn the owner LEED points The Leadership in Energy and Environmental Design (LEED) green building rating system recognizes buildings with lessened environmental impact using a point system. LEED is both a design guideline for sustainable construction and operation, and a standard for certification, and it is becoming an increasing factor in new construction of all types.

#### Conclusion

After a brief question and answer session, President Scotese and President Moore thanked Miss Phillips and gave her tokens on of our collective appreciation.

Many things are lost for the want of asking.

- English proverb



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## SECTION HISTORY

Here are some notable events in the history of the Section that have occurred in the months of April and May.

APRIL 1924 - Section members went on a field trip to examine and review foundation problems of the under-construction Delaware River Bridge. The bridge was renamed to honor Benjamin Franklin in the 1950's and it remains known as the Ben Franklin Bridge. (The bridge opened to traffic on July 1, 1926.)

APRIL 1959 - The Section held its first joint meeting with the Society of American Military Engineers. Philadelphia Post. This joint effort has continued to the present day. This season, the joint meeting was conducted in December.

APRIL 2004 - An inexperienced and naïve Interim Editor completed his rigorous first year of learning and training at the helm of THE NEWS. Amazingly, THE NEWS has managed not to collapse and continues in its 76th year of service to the Section's membership. (Which means the Interim Editor will be around for the 77th year...?)

MAY 1986 - The Section moved its Spring Social to a grand new venue, the Center Court of the Bourse Building. Despite several problems, the event is declared a success.

ALSO MAY 1986 - Section Past President John Durrant, with the assistance of Membership Secretary Dave Perri, produced a cutting-edge audiovisual presentation to highlight Section Award recipients, including a pre-recorded narration. In 1987 they managed to convince the Section's Board to do this again, and they talked Section Secretary Bob Wright into helping. To this day, the popularly-acclaimed Awards presentation continues this format to salute the Section's honorees.

From what we get, we can make a living. What we give, however, makes a life.

— Arthur Ashe



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### TECHNICAL GROUP ACTIVITIES

## **Delaware Valley Geolnstitute** (DVGI) - Dinner Meeting

(Continued from Page 1)

drill rigs, augers and core barrels used for rock sockets. This is a slow and tedious construction process, and access is often an issue, particularly in marine environments. Advances from around the world are gaining acceptance in the United States. These advances allow us to drill these high capacity foundations into some very difficult geologic conditions with comparative ease. As such, new and improved equipment and tooling are available to the geotechnical and structural engineering community. Mr. Pilkington will draw on his more than 25 years of experience in foundation construction around the world to provide the DVGI an insight into the available technology, and methods of completing drilled shaft construction in difficult ground conditions.

Born in the United Kingdom, Mike Pilkington spent his childhood and early career in South Africa, where he received his diploma in Civil engineering from the Natal College for Advanced Technical Education. He has been involved in foundation construction for more than 25 years in South Africa, Mauritius, Hong Kong, Australia, Canada, and the United States. He is currently employed by PKF-Mark III, Inc of Newtown, PA, developing a foundation group and engaged in projects in Upper Darby and New Jersey.

## **Engineering Management Group** and Construction Group

Luncheon Meeting

DATE: Wednesday, May 12, 2004, 12 noon to 1:30 PM

LOCATION: Municipal Services Building, 16th Floor, Conference Room E, 15th & JFK Boulevard, Philadelphia, PA

SUBJECT: Engineers and Lawyers

SPEAKER: Mark W.S. Young, JD, MBA, BSCE, EIT, The Young Law Firm, P.C.

PRICE: \$10; Students \$5 (Includes buffet lunch)

Mark Young, Attorney and Counselor at Law and Principal of The Young Law Firm, P.C, has both engineering and law experience. He has served as a survey crew member, field engineer, project engineer, and legal counsel at various firms throughout the US. His Bar admissions include the Supreme Courts of Pennsylvania and New Jersey; US District Court, District of New Jersey, US Patent & Trademark Office; and others. His publications include:

- · "Getting Sued: Steps To Take When You've Been Sued For Professional Malpractice," Design/Build Business, January 2004
- · "What Do You Do After You have been Sued For Professional Malpractice," THE NEWS -Philadelphia Section: American Society of Civil Engineers, March 2004
- "Preparing for Depositions," THE NEWS -Philadelphia Section: American Society of Civil Engineers, December 2003/January 2004.

Acknowledged in a popular engineering textbook: Hwang, Ned H. and Robert J. Houghtalen, Fundamentals of Hydraulic Engineering Systems, 3rd Ed. Prentice Hall: 1996.

Mr. Young received his BS in Civil Engineering from the Rose-Hulman Institute of Technology, his MBA from the University of Utah School of Business and his JD from the University of Utah College of Law.

His presentation will cover legal liability for engineers and the legal system.

For reservations, please contact Dennis Mac Bride at (215) 580-3404 or Bill Mulloy at (215) 656-6583.



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# In Loving Memory... Sid Robin

## SECTION MEMBERS' TRIBUTES TO SID

To honor the memory of **Sid Robin**, the Editor of THE NEWS for an unbelievable 61 years, we thought it only fitting that THE NEWS should be used as the vehicle for this duty. We also know that, after Sid's 61-year stint as Editor, and his long career as an engineer and developer, there had to be many stories out there that many of us probably have not heard. Thus, we thought that the proper honor to Sid, in the pages of his beloved THE NEWS, would be the publication of some of our favorite anecdotes and remembrances of Sid. Here is the second volume of "Sid Stories" for your enjoyment.

# SID STORIES SID THE FUGITIVE (?)

I remember my first meeting with Sid. It was in Chattanooga, Tennessee, where we both worked for the Tennessee Valley Authority during World War II. Sid had gotten himself into some sort of a jam with the police and he needed a lawyer to represent him in a Justice Court. I had recently completed night law school and had passed the Tennessee bar exams, thus I was a qualified attorney. Someone suggested to Sid that I might be available to help him, and Sid contacted me for my first case. I don't remember all the details of Sid's difficulties, but I do recall that we won and Sid went free. I think that Sid bought me an extra beer as my fee, but it did start a long friendship between us. Several years later, when I became the Section President, Sid wrote some nice things about me in THE NEWS, and we often talked about the "incident in Chattanooga".

- Alfred Quinn, Past President

## SID, THE MODERN MAN (?)

One member of the Section Board had to volunteer to ensure that e-mails and faxes got to Sid, since he didn't own (and didn't want!) a computer or a fax machine. He was proud that virtually all of the work he did on The News was done on his old typewriter.

- Bob Wright

Somewhere along the line, someone thought it would be useful to get Sid a fax machine. I think someone may have even hooked it up at one time, but it was rarely if ever used. Sid's direction to anyone who wanted to fax something to him was either (1) mail it or (2) fax it to the printer.

— Bob Wright

I called Sid once and got an answering machine. At first, I thought I misdialed, but as I heard the message, it was Sid. I was shocked that he had "given in" to a modern convenience. Of course, I took the opportunity to chide him about this when we spoke afterward. "Can you imagine?"

- Bob Wright

### SID, THE EPITOME OF CLASS

The Section dedicated its Mural at a ceremony in October 1999 held at the Water Works in Fairmount Park. Because of construction, attendees had to park on adjacent roads and walk to the site, about 1/2 mile walk. I was there, and once I got to the ceremony site, I realized I had

left my camera in the car. I rushed back to get it. On the way back I ran into Sid and his companion, Carolyn, walking to the site. He asked about the restrooms at the site. As luck would have it, we were right in front of the "porta-potties" that served this purpose. I pointed them out to Sid. He said something along the lines of "those things stink", then proceeded around the side of the four or so porta-potties to do his business with his back to us. My only lament was that I did not have the camera to record this obvious "Kodak moment" for the annals of THE NEWS.

- Bob Wright

You could always count on Sid to dance at the Spring Social, usually putting those half his age to shame (this writer included). He would chide many others that it was both the Spring Social and Dinner Dance, so they should be dancing (and we all know how engineers like to dance!). He also would find someone with the "hat du jour" (whatever the theme was, someone would have a sombrero, tam o'shanter, or whatever, and Sid would borrow it and pose for a photo that might appear in THE NEWS, depending on whether Sid liked the photo).

- Bob Wright

#### SID THE DICTATOR

Sid would often call to express his frustration with missing something that needed to go into THE NEWS, being asked to do the impossible, etc., especially at the last minute. He would usually start one of these phone calls not with "hello", "good morning", "how are you", etc, but with words along the lines of "I quit. I've had it. I'm not going to do this any more. I can't deal with this stuff. I'm done." Once he got this off his chest, then it was time to get down to business.

Joe Syrnick, Past President,
 Past District Director

Sid ran THE NEWS with an iron fist. He printed what he thought should be printed and that was that. When I became Section President, he asked for a photo to run with the President's Message. I politely declined. He printed the first edition of my term with the message and a block which said "photo to appear next month". I sent him the second message and asked him to take out the block. He responded that he had a photo someone had given him and he would use that photo unless I gave him another. He wouldn't tell me where he got the photo or how bad it was, but I blinked and sent him a photo. When it came to THE NEWS, Sid ruled, and there was no doubt about it.

--- Bob Wright

Sid always wanted maps for the meetings once they moved from the Engineers Club. I usually supplied them, and usually they were handdrawn. I later found out that he himself often used them to find his way to the meetings. (I learned this at one of the South Jersey joint meetings, when he asked why I described directions from all points except from South Jersey, since that was the way he was coming!)

- Bob Wright

## SID THE MAN WHO DOESN'T ASK FOR DIRECTIONS (JUST LIKE ALL OTHER MEN?)

Other than the above story, Sid and Frank Depman usually drove together to Section meetings. Once, they arrived very late for a Board meeting at Williamson's. No one asked why but it was obvious that some of us were getting worried when Sid hadn't shown. After the meeting, I asked if everything was OK. He replied that he and Frank had gotten into an involved discussion during the drive and, for some reason, drove to the Holiday Inn in King of Prussia, the location of the Section's joint meeting with ASHE. When they got there, they realized that the meeting was at Williamson's, so they got back into the car and drove there. I asked Sid why he didn't look at one of those 30 or 40 copies of THE NEWS in his briefcase. I won't repeat the reply.

- Bob Wright

#### **DVGI THANKS SPONSORS**

The Delaware Valley Geo-Institute (DVGI) Board of Directors would like to recognize and thank the many sponsors that have contributed their time and resources over this past year. The DVGI meetings of 2003-2004 have attracted large numbers of attendees, and have featured a wide range of presentations of interest to local geo-professionals. We know that the future success of our organization is not possible without the generous contributions of our sponsors. The following companies supported DVGI this year:

ACF Environmental; C.A.T. Construction; Compaction Grouting Services; ConeTec; Duffield Associates; Gannett Fleming; Geostructures; Geosystems Consultants; GRL Engineers; Hayward Baker; Moretrench Geotech; Nicholson Construction Company; NTH Consultants; Peirce Engineering; PKF Mark III; Quantum Geophysics; RocTest; Schnabel Engineering; Schnabel Foundation Company; Site-Blauvelt Engineers; URS Corporation.



### NOMINATIONS FOR OFFICE -PHILA. SECTION 2004-05

In accordance with the Constitution and Bylaws of the Section, the Nominating Committee, appointed by President Moore and chaired by Past President Ruben David, has submitted the following slate of nominees for elective office for the 2004-05 administrative year:

President - Brian Stover (moves from current President Elect position automatically)

President Elect – Christopher Menna (one year as President Elect followed by one year as President)

Vice President - Carol Martsolf Secretary - Kristen Bowman Membership Secretary - Thomas Brady Directors:

2-year terms – Anthony Kelly, Michael Petner, Mark Tiger

1-year term (finishing term of Carol Martsolf) – **James Markham** 

Non-voting assistant positions:
Assistant Secretary – Jennifer Walsh
Assistant Treasurer – Mark Washington

Officers in which incumbents have one remaining year to serve are:

Treasurer - David Hanly

Directors - Frank Falcone, Christopher Wright

Past Presidents to serve on the Board of Directors are:

Chris Rood - one year Ruben David - two years Allan Moore - three years

The above slate was proposed at the March 18, 2004 Board Meeting and was announced at the Section Meeting following the Board Meeting. If no additional nominations are received by the Section Secretary by Friday, April 16, 2004, the above slate shall be declared as elected at that time. The Officers will be officially installed at the Section's annual Spring Social and Dinner Dance on Friday, May 7, 2004 at Sugarloaf Conference Center.

The Section's appreciation is extended to the Nominating Committee, which consisted of Ruben David (Chair), Allan Moore, Tom Branigan, Chris Rood and Bob Wright.

#### The LawAce Says...

gaged in rendering legal or other professional services. If legal advice or other expert assistance is required, the services of a competent professional person should be sought.

EDITOR'S NOTE – Our LawAce, Mark Young, will be the featured speaker at a meeting sponsored jointly by the Engineering Management and Construction Technical Groups on May 12. Please consult the Technical Groups meeting announcements in this issue for more details.

If you can find a path with no obstacles, it probably doesn't lead anywhere.

- Frank A. Clark

## The LawAce Says...



# UNDERSTANDING "MALPRACTICE"

Prepared by Mark W.S. Young, Esq. myoung@LawAce.net

Design professionals dread the word "malpractice." But what exactly is it? It is worth understanding the concept and meaning of malpractice so that you can avoid committing it in your activities. Malpractice basically is a professional acting negligently in his or her trade. This article will focus on clarifying the meaning of negligence.

To treat all parties in a lawsuit equal, the courts create "tests" to determine who should win a lawsuit. If the plaintiff (person filing the lawsuit) satisfies all of the elements of the test, then the plaintiff wins. If the plaintiff fails to satisfy all of the elements, then defendant wins.

For a plaintiff to prevail in a negligence lawsuit, the plaintiff must prove these five things: 1) the design professional had a duty recognized by law, 2) the design professional breached that duty, 3) the design professional's breach of the duty was the proximate cause of harm, 4) the design professional's breach of the duty was the actual cause of harm, and 5) that there are damages.

First, the design professional must have a duty recognized by law. This element is typically satisfied with the engagement contract that the design professional uses to retain the design professionals services. The contract creates a legal duty for the design professional.

Second, the design professional must breach the professional duty. This professional duty is known as the "standard of care" used by reasonable, prudent design professionals in the area. Determining the standard of care can be based on guidelines by professional associations as well as building standards or simply what another design professional would do in similar circumstances. The parties often fight over determining what is the appropriate standard of care, which is what is accepted in the industry. The design professional's actions will be compared to a reasonable, prudent design professional in similar circumstances. In a lawsuit, both sides will often hire expert witnesses to testify that the conduct violated or did not violate the standard of care.

The standard of care can be a problem for design professionals using innovative designs. To gain a competitive advantage in the marketplace, some design professionals try to incorporate cutting-edge design features and materials in a building's design. However, this cutting edge design can create legal problems because the standard of care is set by what other design professionals are currently doing.

Third, the design professional's breach of the duty must be the proximate cause of harm. The proximate cause is also known as the "legal cause". The defendant must be the legal cause of

the harm. A simple test to determine the legal harm is the "but for" test. For example, the roof would not have blown off in the storm, but for the architect's failure to include hurricane straps. The proximate cause links the injury to the breach of the duty, to attach legal liability. The "but for" test does not apply in all circumstances, but provides basic guidance to proving breach of a duty is the proximate cause of the injury.

Fourth, the design professional's breach of the professional duty must be the actual cause of the injury. This is known as the "actual cause" element, which means that the defendant's actions or inactions must have actually caused the injury. To better understand actual cause, here is an example. An architect designs a house, but forgets to include hurricane straps. A low flying airplane crashes into the building causing the building to collapse. When the building collapses, the roof falls off. In these facts, the lack of hurricane straps no longer was the actual cause of the harm. Thus, the architect is no longer the actual cause of the injury and should defeat the malpractice claim.

Fifth, the plaintiff must show that he suffered actual harm. Of course plaintiff probably would not sue if there were no harm.

The plaintiff must establish all of the above elements to win a negligence lawsuit. However, construction professionals should understand the legislature may define the standard of care with building codes, ordinances and/or statutes. Violation of a building code, ordinance and/or statute can prove negligence. This is known as negligence per se. To determine whether a violating a code creates negligence per se, there is a three part test: (1) the code must be determined to be applicable, (2) the code was designed to protect the class of persons injured (the plaintiff), (3) against the risk of the type of harm that has in fact occurred as a result occurred as a result of violating the code.

Negligence Per Se makes the plaintiff's case much easier and almost an automatic loss for the defendant. To prevent this "automatic loss" in a lawsuit, the design professional must ensure that the design complies with all applicable laws.

The design professional can minimize malpractice legal liability by ensuring the design complies with the applicable standard of care in the industry. Lastly, the design professional should make sure that the design does not violate any building code, ordinance or applicable law.

For a free copy of Surviving Construction Lawsuits, go to www.LawAce.net or contact Mark W.S. Young (myoung@LawAce.net).

Prepared by Mark W.S. Young, JD, MBA, BSCE, EIT. Mr. Young is an attorney licensed in the US Patent and Trademark Office, Pennsylvania, New Jersey, and Texas. Mark Young has worked on a variety of construction law cases ranging from defective house construction to million dollar environmental contamination cases. From the engineering side, Mark Young has experience designing land development, municipal, DOT, and airport projects. Website: www.LawAce.net

Note: The article is designed to provide information regarding the subject matter covered. It is provided with the understanding that the publisher is not en-

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#### ORDER OF THE ENGINEER CEREMONY PLANNED AT DREXEL

The Drexel University Department of Civil, Architectural and Environmental Engineering and the Philadelphia Section, ASCE are proud to announce that Ms. Patricia Galloway, ASCE National President, will preside over the initiation ceremony of the Order of the Engineer on Friday, June 11, 2004. Ms. Galloway is the first woman to be elected President of the nation's oldest professional engineering society and an advocate of the Order of the Engineer.

The Order of the Engineer is a solemn obligation to uphold the standards and the dignity of the Engineering profession. It is an obligation to turn to practical use the principles of science and the means of technology... to serve humanity by making the best use of earth's precious wealth. The purpose is to stimulate formal public recognition by Engineers in the United States of two basic principles. These principles are that (1)the primary purpose of engineering is service to the public, and (2) all members of the engineering profession share a common bond. Those that have taken the pledge are identified by a stainless steel ring worn on the fifth finger of their working hand.

The Order of the Engineer members must be licensed engineers and/or graduates (this includes seniors about to graduate) from an ABET Engineering Accreditation Commission approved degree program.

For more information about the Order of the Engineer, please visit http://www.order-of-theengineer org

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Refreshments - 4:30 P.M. Ceremony - 5:30 P.M.

#### RESERVATIONS MUST BE SUBMITTED BY FRIDAY, MAY 14, 2004.

Please send the order form and a check for \$10.00, payable to the Drexel University ASCE Student Chapter, Department of Civil, Architectural, and Environmental Engineering Department, 3141 Chestnut Street, Philadelphia, PA 19104, Re: Order of the Engineer.

Please direct any questions to Michael Carnivale, III, P.E., Practitioner Advisor of the Drexel ASCE Student Chapter, at michael.s. carnivale@usace.army.mil or by phone at (215) 656-6667.

## YOU KNOW YOU ARE LIVING IN 2004 WHEN:

- 1. You accidentally enter your password on the microwave.
- You haven't played solitaire with real cards in years.
- You have a list of 15 phone numbers to reach your family of 3.
- You e-mail your friend who works at the desk next to you.
- Your reason for not staying in touch with friends is that they do not have e-mail addresses.



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