

State of Illinois)
) ss.
County of St. Clair)

Affidavit

I James R. Andrews , being of sound mind and legal age do hereby depose and state as follows:

I retired as Assistant Vice President Safety and Health of Fred Weber , Inc., owner of sixteen high-reach units comprised of cranes , boom trucks and concrete pumpers on which proximity warning devices were installed. It is my opinion to a reasonable degree of scientific certainty as follows:

1. Sigalarm proximity warning devices make such high-reach equipment as cranes, boom trucks and concrete pumpers safer to use when in the proximity of electrical power lines.
2. Sigalarm proximity warning devices do not create a false sense of security upon which properly trained operators of cranes might rely to their detriment and/or the detriment of bystanders.
3. Sigalarm proximity warning devices are reasonably reliable warning devices which assist in alerting operators of cranes in the proximity of energized electrical power lines so that contact may be avoided.
4. Adding a proximity warning device to a crane is technologically and economically feasible and is highly recommended as a safety device for the protection of crane operators and bystanders to prevent electrical shock and death due to contact by cranes with energized electrical power lines.
5. Proximity warning devices have been used by Fred Weber , Inc. since the summer of 1990. To the best of my knowledge , they continue to be safely and effectively used for their intended purpose.
6. The operation of cranes without proximity warning devices in areas where energized electrical power lines are located involves a high degree of risk and is potentially very dangerous to operators and bystanders. Cranes , in my opinion , that do not have proximity warning devices which are likely to be used in an area where power lines exist , are more dangerous than many users of such high-reach

contact power lines .

8. The benefits of Sigalarm proximity warning devices far outweigh any suggested risks associated with their use.

9. If cranes which are likely to be used in an area where power lines exist are sold without proximity warning devices , then in my opinion warnings and instructions should be furnished with the crane advising purchasers of the dangers of not using a proximity warning device and advising purchasers as to how proximity warning devices can be obtained.

10. A second generation Fred Weber , Inc. employee was fatally injured as a result of a boom contact with a power line in 1990. Prior to that time Fred Weber , Inc. was not aware that such proximity warning devices were available. Had Fred Weber , Inc. previously received information as to the value and availability of proximity warning devices , this accident would surely have been avoided.

11. OSHA recommended in May of 1990 that Fred Weber , Inc. evaluate proximity warning devices and consider installing them to aid in avoidance of future power line contacts.

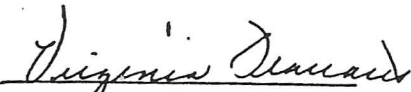
12. It is neither feasible nor customary for electric power utilities to be notified each time a mobile crane will be working for short periods of time in every area where power lines exist. The costs of having an electric power utility boot (insulate) their lines each time a mobile crane were to be in an area of power lines for short periods of time would be prohibitive. Deenergizing power lines under such circumstances is frequently not feasible as in many cases electricity to entire communities , including hospitals and homes where persons may be on life supports could be negatively impacted.

Further affiant saith not.


James R. Andrews , CSP

Subscribed and sworn to before me , the undersigned notary , this 29th day
of December , 1999 .

My commission expires: 3/22/01


NOTARY

AFFIDAVIT of JAMES R. ANDREWS, CSP Dec. 24, 2005

Upon hearing of an unconfirmed report of a statement by an alleged expert witness, Dr. Morgan, asserting that " the Sigalarm proximity warning systems on numerous Fred Weber, Inc. cranes and similar high-reach pieces of construction equipment were installed fifteen years ago and no longer in service", prompted contact with Mr. Jason Bish, Vice President Safety for Fred Weber, Inc(FWI). During that conversation I firmly asserted my disbelief that there was even the slightest validity in the comment attributed to Dr. Morgan, and was pleased with Mr. Bish's unhesitating affirmation that **Sigalarm systems remain a vitally important safety tool utilized in the avoidance of power line contact type accidents. He revealed that every crane(lattice boom and hydraulic boom type), boom truck and concrete pump in the FWI equipment fleet, total number of units currently being sixteen, continues to be equipped with the Sigalarm system. Also that a formal procedure exists, including periodic refresher training for appropriate personnel and a clear plastic encased instructional sheet maintained on each piece of equipment on which that system is installed.**

Mr. Bish, acknowledging his awareness of my personal sincerity regarding such matters, invited me to visit any of the units so equipped on the projects in the field, to personally check the operational status of the Sigalarm systems.

Therefore, without prior notification, I discovered that a major MoDot project near the intersection of highways 367 and I-270 was utilizing two lattice boom cranes and one hydraulic boom crane and proceeded to that site on the afternoon of Dec. 14,2005.

Upon arrival I found that the Fred Weber, Inc. mechanic specifically designated "Sigalarm" Technician Robert Stankey was present, particularly engaged in responding to a series of problems resulting from loss of fuel prime after changing fuel filters that morning on one of the two cranes utilized in pile driving. We eventually accomplished testing of the proper functioning of the Sigalarm systems on all three units there. Mr. Stankey expressed confidence that, to his knowledge, the FWI Sigalarm Procedure was functioning reliably on each of the sixteen high-reach pieces of equipment on which that system is installed.

I then traveled to the main maintenance facility of FWI where another hydraulic boom crane was undergoing a major engine overhaul. Although batteries were disconnected I checked the Sigalarm system component installations, including the apparent antennae undamaged continuity.

Perhaps prompted by my concerned interest, Mr. Michael Harman, President and COO, Construction Services, instructed that Mr. Stankey or Mr. Charles Kramer, Operations Superintendent, undertake similar follow-up to fully assure full inspection coverage of all units on which the Sigalarm systems are mounted. Their completion of that assignment further substantiated that all such Sigalarm installations are functioning normally.

As a logical result of the above events and observations, I hereby conclude that the Fred Weber, Inc. Sigalarm Procedure is fully functioning and effective as an additional tool used in a continuing and uninterrupted effort to avoid power line contacts.

My name is James R. Andrews. I am over the age of twenty-one, am of sound mind, have never been convicted of a felony, and am in all respects competent to make this affidavit. I have personal knowledge of all the facts stated herein, and they are true and correct.

FURTHER THE AFFIANT SAYETH NAUGHT


James R. Andrews, CSP

Sworn and subscribed before me, the undersigned authority, on this 24th day of
December, 2005.




NOTARY PUBLIC