Carpenter takes on North Carolina DOT

Joe Carpenter of Landmasters, Gastonia, N.C. has filed an appeal with the U.S. Court of Appeals in his case against the state and federal departments of transportation involving minority set-aside regulations.

The case involves the federal Disadvantage Business Enterprise (DBE) regulations, which mandate that at least 10 percent of funds for public works projects be awarded to minority firms. Carpenter is challenging their constitutionality on grounds that provisions of the Surface Transportation and Assistance Act create a system of racial preferences in awarding public contracts for highway construction projects.

Carpenter, former president of the Associated Landscape Contractors of America, believes that these programs result in a system of racial quotas which prime contractors must fulfill to avoid a risk of losing federally-funded state contracts.

More than 20 lawsuits have been filed challenging the constitutionality of the 10 percent quota requirement, which was originally implemented as part of the Public Works Employment Act of 1977. In 1982, the Surface Transportation Assistance Act was passed with such a quota.

RESEARCH

Thatch build-up is found in fescues

Researchers at the University of California/Riverside report more thatch build-up than expected in new turf-type tall fescue varieties included in the three-year-old National Variety Trial there.

Thatch was present in all 39 tall fescue varieties included in the trial, ranging in thickness from 0.64 to 1.14 inches.

"Generally, the pasture-type varieties developed the least thatch, while the newer turf types, including dwarf varieties, accumulated the most," reports Matt Leonard, Ph.D.

continued on page 14