

RAMCA NEWSLETTER

Richmond Area Municipal Contractors Association

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RAMCA SUCCESSFUL IN AMENDING CHESTERFIELD COUNTY SUBDIVISION ORDINANCE TO REQUIRE SPLIT PAVING

After nearly a year of work, RAMCA has succeeded in amending the Sections 17-73 and 17-76 of the Chesterfield County Subdivision Ordinance relating to the Standards for Paving Streets and Acceptance into the State System.

The current subdivision ordinance calls for a developer to pave the roads in any recorded section of a single-family residential or residential townhouse subdivision in order to obtain more than 50% of the building permits. In order to obtain more than 80% of the permits, the subdivision roads must be accepted into the state system of secondary roads. The paving requirement at 50% is two inches of SM 9.5A and a prime coat.

Last year a number of RAMCA members raised concerns that these paving requirements were antiquated, and resulted in numerous problems for contractors, developers, the County and VDOT. The biggest of these was a final road product that was far less than desirable due to the heavy construction loads (related to the build-out of the remaining 50% of the subdivision) traveling on the surface. Disputes between paving, utility, and site contractors and developers about the cost of repairs due to this traffic were growing. In addition, citizens of the County were often receiving a final road product that although new, contained patches and repairs normally seen on older roads. Finally, VDOT was inheriting these bandaged subdivision roads. That agency has very limited funds to maintain roads in the Commonwealth. Turning a new road over to them that will require higher maintenance costs from the get go was clearly not in the state's best interest.

Last summer RAMCA requested a meeting with representatives of Chesterfield County, VDOT, homebuilders and developers in an effort to improve upon this situation. The RAMCA proposal called for a three-tier paving schedule. Rock until 50% of the permits were issued, then two inches of IM 19.0, and finally the laying of an additional one and a half inches of SM 9.5A and acceptance by VDOT into the state system to obtain building permits for the final 10% of the subdivision. The use of the prime coat would be eliminated.

RAMCA has since participated in numerous meetings of the stakeholders, and two meetings of the County Planning Committee, in order to maintain our position on the need to revise the ordinance per our recommendations. While there was general acceptance of this approach, the homebuilder's association argued late in the process for the ability to completely build-out the subdivision without having completed the final asphalt work, nor obtaining VDOT acceptance, if the developer agreed to waive his right to reduce his bond for the project.

At the County Board of Supervisor's meeting on March 9th, this matter came up for final action. Again, RAMCA spoke in favor of our proposal, and did not take any position regarding the homebuilders' suggested amendment to our proposal. After considerable discus-

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sion and some debate as to whether to defer this matter, the Board voted to adopt the RAMCA proposal with one modification. The first two inches of asphalt will not be required until 60% of the building permits have been issued. The additional inch and a half of asphalt and state acceptance will still be required to obtain building permits in excess of 90%. Finally the Board also agreed to have staff and the Planning Committee look into the ramifications of further amending the ordinance per the suggestions of the homebuilders. This substantive change is effective immediately. Affected contractors negotiating with developers need to be aware of the additional asphalt requirements contained in this amendment to the subdivision ordinance, and build those costs into your contracts. For more information contact Dick McElfish at Chesterfield County (748-1035) or call the RAMCA office.

This action represents a **major victory** for RAMCA, and greatly improves the work environment associated with residential subdivision development for our members. RAMCA wants to commend the Chairman of the RAMCA Technical Cooperative Committee, Monty Gatewood (Shoosmith Bros.), for his many hours of work on this subject. A number of other RAMCA members, including J. Alvin Collins, Jr. (McLane Construction), Liston Laine (J.H. Martin & Sons), and RAMCA President Jim Patterson, F.G. Pruitt, also participated in this one-year effort.



GENERAL ASSEMBLY ADJOURNS WITHOUT A REAL TRANSPORTATION FIX

As opposed to last year's ugly marathon session, which ended a month after the scheduled adjournment date, the 2005 session of the Virginia General Assembly concluded just one day late on Sunday, February 27th, after considering 2931 bills and resolutions. In contrast to last year, there were really no big battles to cause a standoff between the conservative House Republicans and the more moderate Senate Republicans. While there is always a bit of showmanship involved every year as House and Senate Budget negotiators strike their final deal, this year was pretty much of a yawn, as there were no budget surprises.

RAMCA, lobbying under the banner of the Virginia Utility & Heavy Contractors Council (VUHCC - representing RAMCA and the other three regional utility and heavy contractor associations in Virginia), had determined that resolving Virginia's transportation funding crisis was our number one priority at the 05 session. We were successful in the short term, as the Assembly approved an \$847million dollar, two-year transportation budget. But the long-term problem - creating a reliable, adequate, and sustainable revenue stream to meet Virginia's well-documented transportation needs - remains unfixed.

The \$847 million represents mostly one-time spending for all modes of transportation in Virginia. The chief funding source of this one-time money is a good economy. About \$500 million of the \$847 million would have flowed to Virginia's transportation budget from state and federal sources if nothing had happened at the session, just based on growth in federal and state transportation revenues. Over \$131 million one-time dollars came out of state General Fund revenues (monies normally not spent on transportation) based on the very good tax year (creating a surplus of funds) Virginia enjoyed in 2004. And only \$216 million (over two years) represents potentially re-occurring dollars generated from shifting general fund revenue coming from a portion of the state's insurance premium taxes, to transportation projects. (It is worth noting that legislation requiring the transfer of this auto insurance premium money has been on the books since 2000. But in each legislative session since that date, due to lean economic times, legislators have chosen to re-direct these dollars back to the General Fund.)

When the 2005 session began, virtually every legislator in both the House and Senate said that this was "the year for transportation". Many lobbyists took those comments with a large grain of salt, especially given the fact that 2005 is an election year for all three statewide office holders and all 100 members of the House of Delegates. In the end, transportation only received a two-year fix!

That leaves legislators with yet another year to discuss what's broken, how badly it is broken, how much money is required to fix it, and what political road to travel to finally resolve the state's transportation funding crisis. We already know the answers to many of these questions. What's broken is that Virginia has severely under funded its transportation needs for nearly 20 years. How badly is it broken? Our primary source of transportation funding, the state gas tax, is the lowest in all of the surrounding states, and has not been increased, or even adjusted for inflation, since 1986. We will soon be unable to build any new roads or even match federal dollars, both factors only serving to exacerbate the crisis. How much money is needed to fix it? Lots of money, somewhere in the neighborhood of a billion dollars a year, the equivalent of adding 12 to 15 cents to the gas tax! And despite the political rhetoric espoused by many conservative delegates and senators, no amount of tolls, PPTA projects, VDOT restructuring, or creative transportation jiggering is going to get us anywhere near a solution. We are talking about a required infusion of big money here, not folding cash,

In the final analysis, who is elected Virginia's next Governor in November will determine, to a large degree, if Virginia's transportation problems get addressed in the next four years. Listen carefully to what both candidates for Governor say on this issue. For without the weight of new Governor, the bold solutions required cannot be easily achieved.

Aside from the transportation-related issues, VUHCC did lobby a number of other issues.

HB 2020/Steel Plates - VUHCC fought off this legislation for the last two years. During the fall of this year we provided a test area for a special task force called for in the 04 session to evaluate options regarding the temporary use of steel plates in road construction. After numerous hours of discussion and day and evening field tests, the task force agreed to require white tape marking on steel plates and special road signage. HB 2020 requires that, after July 1st, steel plates used for temporary road construction must be used in conformance with VDOT standards, which will be modified to incorporate the new marking and signage standards. VUHCC did have some concerns about any increased liability these requirements may place on contractors. But after consulting a number of legal sources, no case could be made to kill or further delay passage of this bill. Given that fact, VUHCC did not oppose this legislation at the 05 session. And without our opposition, the bill easily passed.

HB 2053/Abandoned Lines - This legislation flowed from the 2004 State Corporation Commission Task Force looking into changes to the Designer Ticket and the abandoned line process. In terms of accomplishments, the Task Force could agree on very little. But consensus was reached on one issue - changing "may" to "shall" in the current law regarding abandoned underground utility lines. Currently utilities may notify the excavator when they have knowledge of abandoned lines in a dig zone. HB 2053 makes that notification mandatory, albeit the language further exempts utilities from any liability if the information they provide is inaccurate! Still, VUHCC and the SCC believe that the change to "shall" is a positive step forward. During the session, the City of Richmond unexpectedly showed up to object to the bill, saying the change would cost them hundreds of thousands of dollars in added manpower. As is usually the case when Richmond shows up late, armed with weak arguments, and seeking an exemption, nobody listened and the bill sailed through the session.

SB 825/Truck Scales - This legislation sought to increase the number of localities who currently have authority to weigh trucks and assess overweight fines. Present law limits this authority to cities. This bill would have made two important changes. First, it would have let any locality (all counties and towns in addition to cities) assess overweight fines. Second, it would have allowed the liquidated damages portion of those fines, which is most of the money, to be used to pay for enforcement of overweight truck laws. Current law requires these funds to be used solely and specifically for highway maintenance. We therefore had big problems with the bill, as did VDOT, and the big truck lobby. With that much opposition, the bill died at its first committee hearing.

Members who desire a more detailed analysis of the 2005 session are urged to visit the VUHCC website at www.vuhcc.org. The password for access to the reports contained on the site is: politics. Once logged onto the site click on Final 2005 Legislative Report for greater detail on all legislation tracked by the VUHCC. All 2005 Legislative Reports also include an interactive matrix allowing you to click on any bill of interest and pull up the actual text of that bill. You may also review how legislators voted on any legislation contained in the report. RAMCA members who have questions on any matter discussed at the 2005 session of the Virginia General Assembly are urged to call the RAMCA office for more information.

SOVEREIGN PAVING AND JAMES RIVER EQUIPMENT HONORED AT ANNUAL BANQUET.



RAMCA's Annual Installation of Officers Banquet was held on January 13th at the Marriott West Hotel. Over 150 RAMCA members, spouses, and guests enjoyed a great meal, live comedy entertainment, and a very hot dance band. But the highlight of the evening was the presentation of the 2004 Contractor and Associate Member of the Year Awards.

The 2004 Contractor of the Year was awarded to Sovereign Paving Inc. in recognition of that firm's longstanding commitment to RAMCA and its many activities. The award was accepted by RAMCA board member David Cosby on behalf of the company. Mr. Mark Romer, President of James River Equipment Virginia LLC, accepted the award for 2004 Associate Member of the Year. James River was noted for its renewed support and participation at RAMCA events, and for its continuing commitment of service and products to RAMCA contractor members. Congrats to both companies for this well-deserved recognition.

DAMAGE PREVENTION CONFERENCE COMING UP

The 2005 Virginia Damage Prevention Conference will be held on April 5th and 6th at the Virginia Beach Hilton Hotel. This annual meeting will feature a day and a half of information-packed sessions focused on Virginia's damage prevention laws, best practices, marking standards, and new initiatives in the area of underground damage prevention. If you dig in the ground this meeting will prove invaluable. RAMCA contractor members are urged to attend. For more information and a registration packet contact Ms. Renee Salmon at the State Corporation Commission at 804.371.9947 or by email at renee.salmon@scc.virginia.gov.

IMPORTANT REMINDER

In case you have not already done so, be reminded that federal OSHA requires all employers to post the summary (OSHA Form 300 A) of the total number of job-related injuries and illnesses that occurred the previous year. The report must be posted from February 1st to April 30th, 2005. In addition to the total numbers, employment information about your average number of employees and total hours worked is required in order to calculate the accident incidence rate. Companies with no recordable injuries or illnesses during 2004 must still post the form with zeros in the Total line. All summaries must be certified by a company executive.

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OSHA OFFERS POCKET GUIDE FOR EXCAVATION AND TRENCHING

Federal OSHA is now offering a new safety information card highlighting safe trenching and excavating techniques. The guide, which fits in your workers pocket, offers practical information that can help save lives by stressing that excavations five feet deep or greater require a protective system. The guides are printed in English on one side and Spanish on the other. There is no charge for the card, which can be downloaded by going to: http://www.osha.gov/Publications/trench/trench_safety_tips_card.pdf

RAMCA SAFETY SEMINARS A SELL-OUT

RAMCA sponsored two safety programs earlier this year as a service to our members, and the response was overwhelmingly positive. Both the January Competent Person seminar and the February CPR/First Aid session were complete sell-outs, with nearly 120 employees of RAMCA member firms taking advantage of these essential training opportunities. RAMCA would like to recognize Jamie Accashian, President of Safety Consultants of Virginia (a RAMCA member firm) for serving as the trainer at both sessions.

ATTACHMENTS



Attached please find a recent OSHA bulletin dealing with the Release of Buckets from Quick Couplers on Hydraulic Excavators. Please share this information with your Safety Director.

DATES TO REMEMBER

March 17th - General Membership Meeting –
Sheraton South

March 29- April 2nd - Management Confer-
ence, Phoenix, AZ

May 19th - George Bickerstaff Memorial Golf
Outing – Royal New Kent