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NEW OSHA RULES SPREAD THE PAIN

Recent changes to Virginia OSHA regulations could have a dramatic impact on the exposure of prime contractors on multi-employer construction sites. The new OSHA regulations extend exposure to safety violations beyond the general and subcontractors to the prime contractor who is often times the owner or developer. The new theory is that the prime contractor is ultimately responsible by contract for all safety and health conditions on a multi-employer site and has the final authority for ensuring that a hazardous site condition is corrected.

Previously, OSHA safety citations were normally issued to the employer whose employees were exposed to the hazardous condition, and sometimes to the next tier contractor whom it was assumed had control of that portion of the site where the violation occurred. This scenario normally involved citations issued to both the subcontractor whose worker was injured or exposed, and sometimes the general contractor on the project.

The new expansion of liability now includes the "prime contractor/controlling employer". The "controlling employer" is defined as "the employer who has general supervisory authority over the worksite." If your firm performs work in the capacity of the prime or "controlling employer", RAMCA urges that you have your attorney or safety consultant become more familiar with this new policy. Additional information is available through the RAMCA office.

USE A MEDIATOR TO RESOLVE DISPUTES

RAMCA has previously reported on our efforts to assist members in resolving disputes for damages to underground damage claims through the use of mediation. Your association believes that in many instances mediation will provide the most cost effective resolution option, and has worked diligently to bring about a program to do so. To learn more go to the RAMCA website homepage and click on the Miss Utility button. You will then be able to access both the guidelines for the new mediation process, as well as a list of approved mediators who have been trained in the laws and regulations dealing with Virginia's Underground Damage Prevention Act. RAMCA strongly encourages you to take advantage of this new tool for resolving your disputed underground utility damage claims.

VIRGINIA'S ROAD SYSTEM DECLINES

A recent study by the Reason Foundation ranked each state in cost effectiveness for its roadways. Virginia, according to the foundation, "has a good system condition managed on a thin budget."

Virginia was ranked 18th in overall performance, which is a drop from its previous 14th place ranking in the Reason Foundation's study in 2000. The current study indicates that more than 43 percent of the Commonwealth's urban interstates are congested, and more than 23 percent of Virginia's bridges are rated as deficient. Virginia scored lowest on narrow rural primary pavements (46th) and rural primary pavement condition (34th).

ABUSIVE DRIVERS FEE VS. GAS TAX INCREASE

It would be hard to pick up a newspaper over the past few weeks and not read about the uproar caused by the realization that one aspect of the new transportation funding program passed at this year's General Assembly session involved the rules of the road.

According to an editorial published in the Charlottesville Daily Progress, some state lawmakers are calling for the repeal of Virginia's new "abusive driver" fees after nearly 120,000 Virginians signed a petition requesting that action be taken to erase the fees.

Instead of increasing the state's gasoline tax to fund transportation projects – which RAMCA consistently supported - legislative leaders decided on the abusive driver fees. Members of both political parties and Governor Kaine worked to develop these fines that penalize habitually poor drivers, drunk drivers, and reckless drivers. However, none of these fees were made applicable to out-of-state drivers because collecting bad driver fees from non-Virginia residents would be hard to accomplish. The editorial calls this a "flawed policy" and argues that Virginia would have been better served if the General Assembly had just raised the gas tax to fund transportation improvements. An increase in the gas tax would be easier to administer and apply equally to both in-state and out-of-state drivers.

A one-cent increase in the gas tax would raise almost as much revenue as the "abusive driver" fees and only cost the average driver a mere \$6 a year. Also, it would be paid by both in-state and out-of-state drivers.

As a result of the controversy being generated by the application of these new penalties, a number of constitutional and legislative challenges to the new law are being considered. Certainly there will be much discussion about this aspect of the new transportation funding legislation both in the fall elections and at the 2008 session of the Virginia General Assembly. In the meantime, it would be wise to inform your employees about the seriousness of these new penalties and to urge that they pay extra attention to their driving habits in the coming months.

DIESEL FUEL UP A PENNY, VEHICLE REGISTRATION FEES INCREASE

Given the furor over the “abusive driver” fees, it is easy to overlook two other components that were part of the 2007 transportation funding package that passed the General Assembly, and have a direct impact on almost every RAMCA member.

The first is the cost of fuel. While many legislators professed their adamant opposition to raising any tax, including the gas tax, they did quietly increase the diesel fuel tax rate by 1.5 cents. This new rate was effective July 1st and will align the diesel fuel tax with the existing tax on gasoline of 17.5 cents per gallon. In addition, the annual registration fee for passenger vehicles will increase \$10 to \$39.50. Annual registration fees for trucks will also increase on a sliding scale but the average increase is around 15%.

CHESTERFIELD COUNTY ROAD NEEDS UNMET

While Chesterfield County adds more miles of road per year than any other locality in Virginia, local officials have said that the county's transportation funding needs are not being met by the state. Because of this, county officials have had to develop ways to pay for approximately \$300 million in road work during the next ten years, according to a recent article in the Richmond Times-Dispatch. Some recommendations to raise the necessary funding include issuing debt against real estate taxes collected each year or charging impact fees to homebuilders. According to the article, there have also been discussions of creating community development authorities or special tax districts where property owners would pay fees for road improvements. Implementing one or more of these methods could happen as early as this fall.

MINIMUM WAGE INCREASE

For the first time in a decade, Congress has passed, and the President has signed, legislation increasing the minimum wage 70 cents to \$5.85 effective July 24th of this year. A second 70 cent increase will go into effect 12 months later and the final increase to \$7.25 will take effect in July of 2009



DOMINION UPGRADES MAPPING

Many of Dominion's customers have a need for maps identifying the location of our electric facilities respective to parcels of land or job sites that are being evaluated for development or are in some phase of development. It is estimated that Dominion processes hundreds of requests annually from architects, engineers, developers, excavators, etc. Multiple departments within Dominion are involved in providing this service today.

In an effort to offer an improved and more consistent level of service to their customers, a new link has been established on www.dom.com to help facilitate the processing of these requests. In addition to the enhanced customer service for architect and engineering firms, excavators will be better equipped with more accurate and timely information. This information can be used in addition to facility locates through Miss Utility (call 811) and/or other 'marking' agencies to assist in efforts to protect their underground facilities from damage.

The paper request of today will be replaced with an electronic request form via email from the Internet. This change will improve Dominion's ability to not only manage the services provided but inform customers of the data requirements and format necessary to process requests in an efficient manner.

Effective immediately, all customers requesting facility location maps can access the web and submit requests electronically. All requests should be sent to mailbox facility.locate.request@dom.com. The mailbox will be monitored daily and the requests will be processed within 5 working days. Customers will receive an electronic reply with a .pdf attachment from Dominion identifying only the assets pertinent to the customer's project or site in question.

How it works:

- 1 Customers can access the Facility Location Mapping Request via dom.com
2. Easy to follow instructions and the form link appear.
3. Click download a template to access form. The email link automatically creates an email to Dominion.

If you have questions or desire further information contact:

Cathy Vick
Underground Damage Prevention Manager
Dominion Virginia Power
804-775-5306

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WELCOME NEW MEMBERS

RAMCA is proud to welcome the following new members:

Commercial Concrete Solutions – Mr. Carter Hall

Ferguson Waterworks – Mr. Doug Bright

Godwin Pumps – Mr. Russ Waymack

Please be sure and introduce yourself to our newest members at an upcoming RAMCA event.

NEXT UP – GOLF AT INDEPENDENCE

RAMCA members should have already received information for the always popular Jack Bargamin Memorial Golf Outing, which this year is being held at the home of the Virginia State Golf Association – Independence Golf Course. The date is September 13th and the foursomes are coming in quickly. Opportunities for hole and raffle sponsorships are available along with a number of other ways for your company to support this end-of-summer event. To ensure your space on the tee box, please respond early with your players and handicaps.

IN MEMORIAM

It is with great sadness that RAMCA mourns the passing of young Madison Annon Shelton, daughter of RAMCA Board member Chris Shelton (Shelton Construction). Our thoughts and prayers go out to Chris and his family. The RAMCA family will continue to offer our condolences, help and support during this difficult time.

RAMCA also notes the passing of former RAMCA President Charlie Garrett with Brookhill Construction. Charlie was President of RAMCA in 1976 and was extremely well liked and respected in the RAMCA community. His retirement was dedicated to helping others and his exemplary personal and professional life will always be remembered.