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There has been a growing concern among the excavating community regarding the recent practice of fire marshals in various jurisdictions around the state who have begun to cite contractors and/or their employees criminally (as a Class I Misdemeanor - up to 12 months in jail and up to \$2500 fine) for violating a provision of the Virginia Statewide Fire Prevention Code dealing with the release of hazardous materials. These citations occur when an excavator has cut a gas line, and only after an investigation by the local fire marshal determines if the criminal penalties should be assessed.

Fire marshals believe they are acting legally and appropriately when doing so, while excavators feel they are being subjected to double jeopardy, given their long-standing support of the Virginia Underground Damage Prevention Act (VUDPA) which provides for civil penalties for violations of the Act. There is also some question as to the application of the fire safety code as it relates to gas line damages associated with construction.

In an effort to provide a forum for an open discussion of this issue, and hopefully to find some middle ground acceptable to all stakeholders, the State Corporation Commission - which administers the VUDPA - kindly offered to serve as host and provide a venue for a small group of interested parties to meet and confer on this subject. The meeting was strongly suggested by RAMCA and our industry partners in the Virginia Utility and Heavy Contractors Council to allow all sides to clearly explain their positions in an informal atmosphere.

The meeting was held on September 30th and was well attended by local government attorneys, fire marshals from around the state, RAMCA's Vice President (Steve Rhyne) along with the RAMCA Executive Director, numerous other contractor representatives from the Tidewater and northern Virginia areas, and even one state legislator. After a very thorough and candid discussion the fire marshals agreed to impose a moratorium on the imposition of criminal citations for six months while a small work group will meet to try and find ways to resolve this matter to the satisfaction of all parties.

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CLARIFICATION OF OVERHEAD HIGH VOLTAGE LINE SAFETY ACT

Apparently confusion reigns supreme when it comes to the requirements of Virginia's Overhead High Voltage Line Safety Act. The RAMCA office has fielded numerous calls from contractors who are unclear as to the Act's requirements. More importantly, RAMCA has learned that there is apparent confusion among state health and safety inspectors regarding what the Act says, and as a result enforcement has been inconsistent around the state and some contractors may have been cited incorrectly for violations of the Act, when none occurred.

RAMCA has reviewed both the state statute and the regulations on this subject, and has spoken to senior state VOSHA officials in an effort to clarify the law and its requirements. The interpretation below is, we believe, an accurate summary of contractor responsibility in this area.

SUMMARY OF VOSHA INTERPRETATION OF VIRGINIA OVERHEAD HIGH VOLTAGE LINE SAFETY ACT

If contractor is going to actually have equipment operating within 10 feet of an overhead high voltage power line (600 volts or higher) he/she must make contact with the effected electric utility company and make arrangements to ensure the proposed work can be performed safely. The contractor will be responsible for the costs associated with these arrangements.

If the contractor is not going to actually have any equipment operating within the 10-foot zone, but is going to be working "in proximity to" an overhead high voltage line, he must have the required warning signage posted both inside and outside the equipment being used, and must be able to demonstrate that the equipment operator has received adequate employee safety training regarding operating equipment around overhead high voltage lines. If one or more of these three items is found lacking, the employer may be cited for a serious or other violation.

RAMCA MEETS WITH HANOVER COUNTY PUBLIC UTILITIES OFFICIALS

Recently RAMCA was made aware of changes being implemented to Hanover County's procedures associated with the flushing of new water lines. The newly enforced procedures required substantial increases in both the water volume, and velocity at which that water would need to be discharged, creating potential erosion and sediment control problems, and cost issues.

RAMCA expressed our concerns in a 9/22 letter to the Director of Public Utilities, which led to a meeting of County officials and representatives from RAMCA utility contractors G.L. Howard, McLane Construction, and Rhyne Contractors. As a result of that conversation the County agreed to consider some modifications to the new procedures. A copy of RAMCA's letter of concern is attached, along with the newly adopted Hanover County procedure detailing the Sequence of Construction, Testing, and Flushing of New Water Lines. The new procedures are effective 1/1/09.

In addition, RAMCA made the County aware of our desire to both be notified and have some opportunity for comment before such changes affecting many of our utility contractor members was made.

RAMCA ELECTS NEW BOARD OF DIRECTORS

At the November 13th Annual Meeting of the association, members elected one new member to the RAMCA Board of Directors, and reappointed three others. Stan Parcell (Blakemore Construction) was elected as an At-Large Contractor Director, replacing Mr. Wilson Whitehurst (Whitehurst Paving Co.), a Past President of RAMCA and winner of the Association's Contractor of the Year Award. Wilson's contributions will be sorely missed, and Stan's input welcomed as we approach 2009.

Contractor Directors Johnny Glazebrook (Branscome Richmond), Buddy Hummel (Henkels & McCoy) and Richard Smith (RJ Smith Construction) were all re-elected to a second term on the Board.

Congrats to RAMCA's leadership for the coming year. A complete listing of your 2009 RAMCA Board of Directors is attached. Feel free to contact any of these gentlemen should you want to discuss any item of interest or suggest an agenda item for a future RAMCA Board meeting.

DRAPER ADEN KILLS THE MOST PIGEONS!

RAMCA held its second annual "Broken Clay" Pigeon Shoot on October 13th at Old Forge Shooting Range in Providence Forge. A beautiful day and spirited competition followed by a good meal made for an enjoyable networking opportunity for the fifty RAMCA members that participated in the five-man team event. After all the smoke had cleared, the ear plugs taken out, and the protective eyewear removed, it was clear that this year's new champions were the team from Draper Aden consisting of Kevin Ritchie, Bebo Young, Donald Rice, Jay Cali, and Matt Overton. Second place went to the team of Luck Stone #1 consisting of Hardy Josephson, Harry Bryant, Kelby Morgan, and Brad Duty. Plans are underway for next year's event, which promises to be even more competitive, and more fun.

MEMBERS IN THE NEWS

RAMCA is proud to welcome Corman Construction Company as the newest member of the RAMCA family. When you see Kevin Kern, Ryan Gorman, Tony Raphael or Blake Rabel at a future RAMCA event, be sure and make them feel welcome.

RAMCA joins a large contingent of area contractors and suppliers in celebrating the 35th Anniversary of longtime member firm Louis Smith Construction Company. You don't exhibit that kind of staying power in such a competitive business unless you are doing lots of things right. Congratulations from everyone at RAMCA for reaching this milestone.

IN MEMORIAM—DAVID A. WARD

RAMCA and the central Virginia construction industry lost a giant when Mr. David A. Ward, President of Ward and Stancil Inc., passed away last month after struggling with ill health for a number of months. Ward and Stancil was a Charter Member of RAMCA and David served as our President in 1973, 1996, and 1997. Last year David was awarded RAMCA's highest honor – The RAMCA Lifetime Achievement Award - for his forty years of leadership and contributions to our sector.

Mr. Ward was a key member of the Damage Prevention Advisory Committee of the State Corporation Commission where he was also recognized with their highest honor for his contributions. In addition, he was a gubernatorial appointee to the State Board for Contractors, and a founding member and former chairman of Virginia's One Call Center. He also ran a number of other successful businesses and was involved in various charities and civic associations.

Most of all, David's warmth, smile, wisdom and his friendship will be sorely missed by those who knew him. Our deepest condolences go out to his wife Debbie, and to the rest of his family and friends who benefited so very much by knowing him.

RAMCA Officers

President
James H. Martin, Jr.
J.H. Martin & Sons Contractors

Vice President
Steve Rhyne
Rhyne Contractors, Inc

Secretary/Treasurer
J. Michael Todd
Keiter, Stephens, Hurst, Gary & Shreaves

Immediate Past President
Dave Cosby
Sovereign Paving, Inc.

RAMCA Directors

Contractors

J. Alvin Collins, Jr.
McLane Construction Company

Johnny Glazebrook
Branscome Richmond.

Buddy Hummel
Henkels & McCoy

Richard E. Smith
RJ Smith Construction

Associates

Ken Powell
James River Equipment VA, LLC

Hardy Josephson
Luck Stone Corporation

At Large Directors

Lee White
Draper Aden Associates

Stan Parcell
Blakemore Construction Corp.

Staff

Executive Director
Mark I. Singer

Office Manager
Judy Frederick

MEDIATION WORKS, GIVE IT A TRY

For many months RAMCA has been urging members involved in disputes with utilities over damages to underground utility lines to take advantage of a pilot project involving mediation of such disputes which RAMCA and other parties negotiated last year. Unfortunately, very few have and instead have needlessly settled, had their insurance company pay, or gone to court for a time-consuming and expensive judicial disposition of the case.

Recently, one of the state largest contractors, the William A. Hazel Company in Chantilly, Virginia gave mediation a try. Attached with this newsletter is their letter of endorsement of this process. Hopefully your review of these comments will encourage you to similarly try the mediation process to resolve a damage claim. When the pilot project period expires next year the program will be discontinued if not enough contractors have taken advantage of it. That would be a mistake in that we will forever lose mediation as an option. Don't let that happen.

ANNUAL DUES, PAC INVOICES –E- MAILED

The holiday season reminds us all of how fortunate we all are, even despite the very difficult economic times may in the country are facing. It is both a time to say thanks and a time to renew. RAMCA would like to say thanks to each and every member for your support during the past year. Your Board of Directors has worked hard to keep RAMCA engaged in matters that impact our members in positive ways. They now ask that you continue to place value on your affiliation with RAMCA by renewing your membership for the coming year.

Invoices for dues and voluntary contributions to the always important RAMCA Political Action Committee will shortly be upon your desk. Your Board has not instituted a dues increase but by not doing so is banking on strong membership renewal to sustain the association in the coming year. Please respond positively and lend your company to the many others that give meaning to the RAMCA motto – "One Strong Voice".

HAPPY HOLIDAYS FROM RAMCA