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SPECIAL SESSION ON TRANSPORTATION GOES NOWHERE

The Virginia General Assembly met in Special Session the week of June 23rd, in an effort to resolve the three year debate on whether, and how, to fund the state's transportation needs. The session, called by Governor, became necessary after the Virginia Supreme Court basically gutted legislation passed at the 2007 regular session (HB 3202) creating special transportation authorities to both raise and disburse dollars for transportation purposes. Rarely have state legislators been so fragmented on such an important issue, and rarely have emotions run so high on how to deal with an essential core service of the state.

As a back drop to the session, VDOT recently announced that due to the slowing economy and the removal of some of HB 3202's funding mechanisms, it has had to cut its transportation funding budget by \$1.1 billion. This massive cut will hit Virginia's localities the hardest with a 40 percent reduction in local road funding. This means that many of Virginia's much needed local transportation projects and road improvements will be removed from VDOT's Six-Year Improvement Plan (SYIP) if additional funding solutions are not produced by state legislators.

What does this mean to RAMCA members? The following is a list of projects VDOT will have to cut from its FY 09-FY14 SYIP in the Richmond District:

- Interstate 64 - Add loop at Ashland Road interchange
Interstate 64 - Widening
Interstate 64 - Major rehabilitation over the Shockoe Valley
Interstate 64 - Construct new loop to southbound Oilville Rd
Interstate 64 - Construct new loop to eastbound Route 249
Interstate 64 - Major pavement rehabilitation and overlay
Interstate 64/95 -Acceleration lane extension
Interstate 95 - Improve Belvidere Street Interchange
Interstate 95 - Lewistown Road bridge Widening
Interstate 95 - Install a system to detect and provide an early warning for over-height vehicles

As the session began, House and Senate Democrats could neither agree with each other and in some instances, with the democratic Governor, regarding the correct legislative course of action. Republicans in the House and Senate were less divided, but certainly not in concert with each other on their stance for dealing with the problem. And the Governor staked out his own position, which no one wholeheartedly endorsed.

(Cont.)

## Transportation Special Session (Cont.)

To fix the growing shortfall in the state's maintenance budget, his proposal called for increasing the state's sales tax on autos from three to four percent, increasing the annual vehicle registration by ten dollars to \$49 a year. By 2014 it is projected that these changes will produce about \$517 million a year, all of which is to be used for maintenance.

To provide regional transportation funding so desperately needed by the Tidewater and Hampton Roads regions, the Governor proposed increasing the retail sales tax in Northern Virginia and Hampton Roads by 1% (excluding food and drugs) for targeted projects, dedicating the funds to the Northern Virginia Transportation Authority, consistent with current law, and to seven regional projects in Hampton Roads, including the Hampton Roads Bridge Tunnel and abolishing the Hampton Roads Transportation Authority. For northern Virginia this proposal would generate \$414 million by 2014, and for Tidewater the 2014 projection is \$227 million.

Finally, the Governor's proposal creates a Transportation ChangeFund, to be used to increase mass transit usage, and promote other traffic saving ideas such as teleworking and ridesharing. Funding would come from bumping up the current grantor's tax, currently at ten cents per hundred dollars to thirty five cents per hundred. This tax, paid by the seller of real estate, would generate about \$155 million a year by 2014.

The republican response was released by the state's probable nominee for Governor in next year's race, Attorney General Bob McDonnell. McDonnell pointed out that there are very tough economic times for all Virginians so before any new fees or taxes are levied, a full external performance audit of the Virginia Department of Transportation must be undertaken, in two phases.

The first phase would be an evaluation of the agency's maintenance operations to determine the actual size of the maintenance shortfall, and ensure that "maintenance" is narrowly defined and specifically relates to construction-related maintenance. Any documented shortfall that exists after this evaluation should be fixed by the 2009 session of the General Assembly.

The second phase would consist of evaluating just how the VDOT of the future should be configured, and what investments and projects will best lead to congestion relief. In addition, the audit should evaluate the future of transportation in Virginia, more utilization of public/private partnerships, better use of technology, and a thorough review of best practices from other states.

These two proposals created the landscape legislators found when they arrived in Richmond on June 23<sup>rd</sup>. Numerous bills and resolutions were introduced on the first day of the session, but the key players at the Assembly, namely the Senate Majority Leader, and the Speaker of the House, were in firm control of the process from the opening bell.

The end result – a week-long day session that produced lots of acrimony, few new approaches and no tangible results. That means no new dollars for any kind of transportation projects new or old., Legislators have agreed to reconvene July 9th to determine if any progress can be made to break the logjam. If no, the next time legislators will gather will be in the 2009 Regular Session scheduled to convene next January . That session will precede next November's statewide elections for all 100 members of the House of Delegates, and the state's three statewide office holders (Governor, Lt. Governor, and Attorney General). Legislators are loathe to raise taxes right before they run and for office, possibly pushing any real work on a solution to the 2010 session! Virginia's transportation funding situation could be a real crisis by then.

A list of all bills considered at the Special Session is included with this newsletter.

## **OVERWEIGHT TRUCK FEES COULD JUMP**

House Bill 1551 passed the 2008 session of the Virginia General Assembly over our objections, and we knew it was trouble back then. The legislation, which is now law and is included in this newsletter, calls for VDOT and DMV to review the current fee structure for oversize and overweight trucks using Virginia highways to determine "what, if any, additional fees should be associated with damage and additional maintenance costs caused by such vehicles .

The legislation requires that this study be undertaken in consultation with a group of industry stakeholders (language which we insisted be included in the bill). By December 1<sup>st</sup> legislative recommendations are to be sent to the members of the General Assembly and the Governor for consideration at the 2009 session.

The first meeting of the study group was held in Charlottesville last month and your Executive Director attended and explained to the state agency representatives the unique and difficult problem many of our contractors have meeting axle weight limits in various construction field operations. Scientists and researchers from the Virginia Transportation Research Council described the methodology they will be using to determine damage caused by heavy trucks.

RAMCA believes the outcome of this effort is going to be a proposal to increase fees on overweight and oversized vehicles, perhaps to significantly increase these fees and/or to charge more for the current 5% overage allowance. Because the legislation is supported by the Governor, there is a good chance that any proposed legislation will be taken seriously by the 09 General Assembly, particularly if no other new transportation funding streams have been approved. We will be working on, and watching this issue closely, and will keep you informed of the direction this study takes.

## **LEGISLATOR'S NIGHT**

RAMCA was honored to have the state's second highest office holder, Lt. Governor Bill Bolling, join members and their guests for dinner at the beautiful Jefferson Hotel on May 30<sup>th</sup>. A crowd of over 80 attendees got to chat with the Lt. Governor and his wife Jean Ann, up close and personal and enjoyed a very interesting speech after dinner about the future of Virginia, and the upcoming session on transportation funding. Thanks to the many RAMCA members who supported this event, and to event sponsors – Blakemore Construction, Lee Hy Paving, and J.H. Martin & Sons Contractors, Inc.

## RAMCA GOLF OUTING CHALLENGING BUT ENJOYABLE

RAMCA's annual spring ritual, the George Bickerstaff Memorial Golf Outing was held on May 22<sup>nd</sup> at the always challenging Royal New Kent Golf Course on a beautiful day. Considered one of the most difficult public courses in the country, Royal New Kent took a bit longer to play, but RAMCA members were up to the challenge, and some posted some outstanding scores. The flight, longest drive and closest to the pin winners are:

### First Flight

First Place	Sovereign Paving K. Tyree D. Boyd M. Gatewood R. Gardner
Second Place	Slurry Pavers D. Weiderman E. Cifers R. Anderson C. Dabney
Longest Drive	Paul Tarsovich
Closest to the Pin	Don Boyd

### Third Flight

First Place	Luck Stone B Duty K. Morgan M. Collins J. Ashley
Second Place	McClung Logan J. Logan M. Smith P. Parish J Jones
Longest Drive	Phil Parish
Closest to the Pin	Phil Parish

### Second Flight

First Place	Rish Equipment R. Woodfin C. Mayer J. Jones R. Johnson
Second Place	Ferguson Waterworks T. Wagner C. Bookman K. Shivley D. Burgess
Longest Drive	Jay Jones
Closest to the Pin	Thomas Eide

### Fourth Flight

First Place	Americast A. Hardin S. Jones T. Rigney B. Farrer
Second Place	Southers Concrete F. Southers T. Southers K. Pruitt D. Wetsel
Longest Drive	Tim Rigney
Closest to the Pin	Robert Martin

## **DIG WITH CARE PRESENTATION IN SPANISH OFFERED**

RAMCA members who excavate and employ Spanish-speaking workers need to be sure that those employees clearly understand the law and regulations contained in Virginia's Underground Damage Prevention Act, or the Miss Utility Law as it has come to be known. Enforced by the State Corporation Commission which can levy heavy fines for non-compliance, an understanding of the state's Miss Utility Law must be an essential part of your employee education and safety program. This issue becomes all the more critical when digging around buried electrical or gas lines.

RAMCA member VUPS (Virginia Utility Protection Service), which operates the One Call Center in Virginia, recognizes the need to train Hispanic workers and desires to improve the services they offer stakeholders, including contractors utilizing the One Call system. In that vein VUPS has scheduled their first DIG WITH CARE presentation in Spanish and will be holding it in Richmond, on July 21<sup>st</sup> at 10 a.m. The program will run approximately one and a half hours and participants will receive training materials in Spanish to take home.

There is limited seating for this important opportunity and RAMCA urges that, if applicable, you take advantage of it. A meeting notice is enclosed with this newsletter. RAMCA would also like to recognize and thank VUPS for creating and offering this important program to RAMCA members.

## **CONTRACTORS CITED CRIMINALLY FOR LINE CUTS**

The list of localities where fire marshals are citing excavators criminally for cutting gas lines is growing - the equipment operator for a northern Virginia excavator was recently charged with a misdemeanor and had to appear in court. As reported in last month's newsletter, RAMCA is closely monitoring this situation, which we believe oversteps the provisions of the state fire code language allowing these criminal citations to be issued against someone who releases hazardous material into the atmosphere.

RAMCA was awaiting the outcome of an excavator-initiated lawsuit in the Tidewater area, hoping that the judge's ruling in that case would shed some legal light on this matter. Unfortunately, the contractor has decided to drop his case. As a result RAMCA is now consulting with legislators to determine if this situation requires a statutory solution. RAMCA believes it might, as the fire marshals we have spoken with show no signs of abating this practice. RAMCA will keep you posted on our efforts in this area.

## **SCC ADOPTS NEW POLICY**

The State Corporation Commission Advisory Committee recently adopted the following new policy regarding enforcement of the underground damage prevention laws in Virginia.

*If an excavator has a demonstrated history of failing to adequately respond to the Commission Staff's Notice of Investigation and Notice of Probable Violation letters or the Commission's Orders including a Rule to Show Cause Order, the Staff may report to the Board for Contractors such excavator and request an investigation and appropriate enforcement actions.*

RAMCA supported the adoption of this new language.

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**MISS UTILITY MESSAGES TO CHANGE**

On Thursday, July 19, the Miss Utility of Virginia telephone message that you hear when you call 811 or 800-552-7001 will change. Please listen carefully to the new choices.

When your call is connected, you will hear new information. Misdialed 911 calls, Spanish language callers, and callers inquiring about utility bills will hear important information designed to assist them. First time callers can listen to information about Miss Utility services by pressing number five (5) on the telephone keypad.

Callers who are familiar with the current system, should press number six (6) to be connected with the regular familiar options (1), (2) and (3). For more information contact Dave Price at (540) 985-9355 Extension 2006 or go to [www.missutilityofvirginia.com](http://www.missutilityofvirginia.com)

**DIRECTORIES MAILED**

Each RAMCA member should have recently received two copies of the just-revised RAMCA Membership Directory and Buyers' Guide. The booklet contains current contact information on all RAMCA members, along with a listing of the products and services each provides. RAMCA committees, the board of directors, the association's by-laws and a host of other valuable information is also included.

Members who desire additional copies of the directory need only contact the RAMCA office. A SPECIAL THANKS TO OUR DIRECTORY ADVERTISERS. THEIR SUPPORT HELPED MAKE THE 2008-09 DIRECTORY POSSIBLE.

**DATES TO REMEMBER**

BOARD OF DIRECTORS MEETING - JULY 24<sup>TH</sup>

JACK BARGAMIN MEMORIAL GOLF OUTING - SEPTEMBER 11<sup>TH</sup>

EQUIPMENT RODEO - SEPTEMBER 13<sup>TH</sup> AND 20<sup>TH</sup>