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RAMCA'S EFFORT TO REVISE VOSHA PROPOSAL SUCCESSFUL

Last month's RAMCA Newsletter detailed the proposal by Virginia OSHA officials to adopt more stringent regulations than mandated by federal OSHA by requiring most construction vehicles and trucks to have both a back-up spotter and a working back-up alarm. (Current state and federal safety requirements require one or the other.)

RAMCA had formally expressed our objections regarding this proposed change in writing to the Virginia Health and Safety Board and additionally appeared before the Board to further express our concerns, and to ask for additional time to comment before the state considered final adoption of these regulations. The Board approved our request, and a meeting of interested parties was held in April. A large number of RAMCA members were in attendance at that meeting.

There were a number of substantive changes that evolved from this meeting, the most important of which removed the requirement to utilize both a spotter and a back-up alarm and instead proposed that a driver must either utilize a back-up alarm and "visually determine that no employee is in the path of the covered vehicle" or utilize a back-up alarm and the spotter.

This change removed many of the major objections RAMCA had presented over the last three months. Additional minor changes are also being worked out and a final proposal will go before the Virginia Health and Safety Board for action probably by mid-summer. RAMCA will keep members informed of final action taken on this matter.

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LT. GOVERNOR BILL BOLLING TO ADDRESS RAMCA

Virginia's 40th Lieutenant Governor, William T. "Bill" Bolling, will address RAMCA members at the association's annual Legislator's Night event scheduled for May 30th at the beautiful Jefferson Hotel. Lt. Governor Bolling was first elected to the Senate from Hanover County in 1995 and ten years later won the statewide election to the state's number two slot of Lt. Governor. As such, Bill presides over the Senate but he has also taken a very active role in promoting healthcare and is considered one of Virginia's most effective conservative leaders. He has recently received high praise for launching a statewide initiative called *100 Ideas for the Future of Virginia* which has taken him all over the Commonwealth seeking to identify and find solutions to the major challenges facing the state.

This special evening will help you learn more about state government and the direction of Virginia's future. It is especially intended to be informative for spouses and/or significant others and RAMCA strongly encourages both to attend this very unique opportunity to hear from one of Virginia's highest office holders. Registration information has been mailed separately. For more information, call the RAMCA office.

RAMCA RODEO TAKING SHAPE

RAMCA is moving ahead with plans to support an equipment rodeo in conjunction with the annual Field Day of the Past event held every September in Rockville. Rodeo Committee Chairman Ken Powell (James River Equipment) and his committee continue to refine plans to conduct a rodeo competition that will include events featuring backhoes, excavators, and other types of heavy equipment. The primary goal of this effort is to generate publicity for RAMCA and the heavy equipment operator profession. Operators from any RAMCA member will be eligible to participate and recognition will be awarded to winners in each category. Mark your calendar for September 13th and 20th and make every effort to support the rodeo. Doing so will help recognize a very important component of our industry – the guys and gals who actually move the dirt!



TRANSPORTATION FUNDING STILL IN LIMBO

As of this writing there continues to be very little progress being made by legislators and the governor to resolve the state's transportation funding crisis. The good news is that this item is now on the agenda of all 140 members of the Virginia General Assembly who, over the last few months, have come to recognize that this issue cannot remain unresolved much longer without doing significant harm to the citizens and economic interests of the state. But recognizing the scope of a problem is far different from fashioning a compromise package among disagreeing groups that will actually fix it!

Thus far House republicans (that body's controlling party) and Senate Democrats (that body's controlling party) are not on the same page, or even on the same chapter! In fact, there is evidence that democrats in the House and Senate are not even in agreement regarding what actions to take. Nor has the governor, who has promised to bring legislators together sometime in the next three months specifically to address this issue, been able thus far to find a compromise legislative solution that will work.

RAMCA is urging legislators to not come up with another complicated "solution" that provides uncertainty regarding sustainable funding in the neighborhood of a billion dollars a year in new transportation revenues. RAMCA has, in conjunction with a long list of other business groups, endorsed new revenues sources that could include increases in the gas tax, sales tax, and numerous other new revenue streams (taxes and fees) that meet the sustainability test, produce the needed dollars, and capture out-of-state revenues from travelers passing through Virginia.

One thing is for sure, delay is costing the state millions of dollars a day and the lack of adequate funds to even meet the state's maintenance needs – currently approaching a \$400 million/year deficit, is impacting primary, secondary, and urban new construction plans as money is siphoned off to meet those maintenance needs. It really is time to "GET ER DONE" and RAMCA will keep you informed of any progress in this area.

NO SHOTS FIRED AT RAMCA CLAY PIGEON SHOOT!!

RAMCA's second annual clay pigeon shoot was scheduled for April 18th at Charity Hill Hunting Preserve in Ruther Glen, Virginia. Ten days before the event RAMCA received a call from the owner of the preserve indicting that Caroline County had pulled the preserve's special permit allowing for the shooting range. After numerous calls from RAMCA to the County and the owner's attorney, it became clear that the County had determined that the owners of the preserve had operated it in violation of their permit, much to the chagrin of surrounding neighbors. Bottom line, no more shooting events at the preserve, effective immediately! RAMCA argued for a special one-day permit to allow our planned event to go forward. That proposal was rejected by the County.

But shooters – don't give up. Instead mark October 7th on your calendars as the tentative re-scheduled date of the RAMCA Clay Pigeon Shoot. Members had way too much fun last year to let this event die, so RAMCA is working hard to make it happen this fall. Watch for more information in the coming months.

CHESTERFIELD MAKES NEW SPECS AVAILABLE

Six months ago RAMCA approached representatives of Chesterfield County to inquire as to why a hard copy of their Water and Sewer Specifications and Procedures Manual did not appear to be available for utility contractors and other affected parties. In addition, there was some confusion among spec users regarding whether all of the pages of the version they were using to design, bid, and install work were current.

RAMCA met with utility staff and reached an agreement that the County would ensure this document was current and readily available on line, along with any periodic updates. In addition, the County has agreed to provide those parties who do not have access to the internet with one hard copy of the document, and to provide any future updates by mail for non-internet users. A letter from the County on this subject, and the form to request a hard copy of the information, is enclosed with this newsletter. Special thanks to RAMCA Board member Steve Rhyne for his efforts in this area.

U.S. ATTORNEY GENERAL ANNOUNCES HIGHER CIVIL FINES AGAINST EMPLOYERS FOR IMMIGRATION VIOLATIONS

Under the Immigration and Nationality Act (INA), employers who violate employment eligibility requirements are subject to civil monetary penalties. Employers may be fined under the Act for knowingly employing unauthorized aliens or for other violations, including failure to comply with the requirements relating to employment eligibility verification forms (the I-9 form), wrongful discrimination against job applicants or employees on the basis of nationality or citizenship, and immigration-related document fraud.

Under the new rule and applicable law, civil penalties for violations of the INA are adjusted for inflation. Because these penalties were last adjusted in 1999, the average adjustment is approximately 25 percent. Under the specific rounding mechanism of the law, the minimum penalty for the knowledgeable employment of an unauthorized alien increases by \$100, from \$275 to \$375. Some of the higher civil penalties are increased by \$1,000; for example, the maximum penalty for a first violation increases from \$2,200 to \$3,200. The biggest increase under the rounding mechanism raises the maximum civil penalty for multiple violations from the current \$11,000 to \$16,000. These penalties are assessed on a per-alien basis; thus, if an employer knowingly employed, or continued to employ, five unauthorized aliens, that could result in five fines. Employers who follow the federal I-9 process should not face any new enforcement issues or be subject to increased fines.

MEMBERS IN THE NEWS

RAMCA is extremely proud to announce the birth of twin sisters Zoe and Simone to Chris and Rose Shelton (Shelton Construction). RAMCA celebrates their healthy birth and offers our congratulations to the growing Shelton family.

RAMCA announces that Mr. William C. "Buddy" Hummel (Henkels & McCoy) has been appointed by the RAMCA Board of Directors to fill an open contractor slot. Congrats to Buddy - he brings a lot of good experience to the board.

RAMCA Officers

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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

Wilson Whitehurst
Whitehurst Paving

Staff

Executive Director
Mark I. Singer

Office Manager
Judy Frederick

DAMAGE PREVENTION CONFERENCE TACKLES TOUGH ISSUES

The 2008 Damage Prevention Conference, hosted by the State Corporation Commission on April 8th-10th in Virginia Beach, featured a broad array of reports, presentations, and break-out sessions dealing with underground utility damage prevention issues. RAMCA's Executive Director served on a panel of particular interest to excavators dealing with the growing list of localities who have authorized their fire marshals' to cite excavators criminally for cutting a gas line. In these circumstances if the fire marshal determines that the excavator was at fault the equipment operator, field supervisor, or company owner or CEO may all be cited for a Class 1 misdemeanor.

Fire marshals in the Tidewater area and in some localities in southwest Virginia claim they have this authority under the state's fire code. RAMCA believes that the fire code is not applicable in these circumstances, nor was it ever intended to be used to criminally cite contractors for accidental line cuts of gas lines. One court case is currently pending on this matter. If this issue is not resolved in that case, RAMCA intends to request a meeting of all stakeholders to discuss other options that would cause this practice to end. If all else fails, RAMCA has already talked with a legislator about changing state law to eliminate this practice. In the meantime please contact the RAMCA office if you become aware of a similar action being taken in the greater Richmond area.

DATES TO REMEMBER

RAMCA Board of Directors Meeting – May 8th

RAMCA George Bickerstaff Memorial Golf Outing

Royal New Kent Golf Course – May 22nd

RAMCA Legislator's Night

Featuring Lt. Governor Bill Bolling – May 30th

RAMCA Board of Directors Meeting – July 24th