

CALENDAR
OF
EVENTS:

- September 12th—Jack Bargamin Memorial Golf Event at Mataponi Springs Golf Course.
- October 10th—General Membership Dinner Meeting at the Short Pump Hilton.
- November 14th—Annual Meeting at the Short Pump Hilton.

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RAMCA Newsletter

VOLUME XXIV

AUGUST 2013

Contractor of the Year!

In early May RAMCA hosted its most prestigious event of the year, the annual Installation of Officers Reception and Legislator's Night. A large contingent of RAMCA members and spouses attended the event on a beautiful Spring evening at the Virginia War Memorial, overlooking the skyline of Richmond and the James River. Numerous area legislators and state regulatory officials were also in attendance, and members had a chance to mingle informally with these important decision makers throughout the course of the evening.

A highlight of the evening was the presentation of RAMCA's highest honor, the 2012 Contractor of the Year Award.



This year's recipient is Mr. Mason Ayers. Chief Financial Officer with J.E. Liesfeld Contractor, Inc. and Secretary/Treasurer of the association. Mason has been a one-man band for RAMCA over the last year, trumpeting the val-

ue of membership to prospects and renewing members alike. He has led efforts to re-evaluate how and what RAMCA finances, and his leadership is evident in so many recent RAMCA initiatives which have improved due to his direct involvement. Mason joins a small and elite list of RAMCA Contractor of the Year recipients. The board, membership and staff of RAMCA congratulate him on receiving this honor!

NEW OSHA DIRECTIVE FOR ROAD AND BRIDGE WORK

Patrick Kanipe, Area Trench Safety Manager with Neff Rental, recently brought to RAMCA's attention an OSHA directive issued late last year which provides OSHA Compliance Officers with instructions on inspection procedures for road and highway projects. The directive was ef-

fective October 2012. Being able to review this directive should be a great tool for company safety directors as they will be able to become familiar with the inspection procedures on road projects before a compliance officer is on their site. The following link will take you to the directive:

http://www.osha.gov/OshDoc/Directive_pdf/CPL_02-01-054.pdf

Special thanks to Patrick and Neff for sharing this important document which member firms performing road work should immediately pass on to their safety officers.

Members Celebrate Long-Awaited Legislative Achievement:



Northern Virginia's infamous "Mixing Bowl" interchange

"27 years is a long time to wait for relief! So celebrations were certainly in order!"

Congratulations to Mr. Trey Gibson!



RAMCA members and industry allies around the state are celebrating the long overdue passage of legislation creating adequate, sustainable and long-term funding for Virginia's aging transportation infrastructure system. As members learned at the last RAMCA General Membership Dinner Meeting from our lobbyist Whit Clement with Hunton & Williams, the new legislation is expected to produce more than \$3.4 billion in statewide transportation funding and an additional \$1.5 billion for Northern Virginia and \$1 billion for the Hampton Roads area over the next six years. Just the roadway portion of the legislation should produce over 10,000 jobs over the next ten years, while generating more than \$1.8 million for maintenance.

Under the proposed spending

plan, the 14-county, four-city Richmond district will receive \$774 million for highway work and more than \$148 million for major rail projects. The funding includes \$62 million for improvements to the heavily traveled Interstate 64-Interstate 95 overlap area in Richmond, and nearly \$80 million to improve railroad service between the Richmond-Petersburg area and Washington. There's also money to replace the Lewistown Road bridge over I-95 in Hanover County and widen I-64 between Williamsburg and Newport News.

The Transportation plan:

- Eliminates the state's current gas tax and replaces it with a 3.4 percent sales tax on the wholesale price of gas, and a 6 percent tax on

the wholesale price of diesel.

- Increases the state sales tax from 5 to 5.3 percent.
- Increases the car sales tax from 3 to 4.15 percent.
- Creates a \$64 annual fee for drivers of alternative fuel vehicles.
- In Northern Virginia, adds .7 percent local sales tax, 15 cents per hundred of assessed value of a home sale, and a 2 percent hotel tax.
- In Hampton Roads, adds .7 percent local sales tax and a 2.1 percent fuel sales tax

27 years is a long time to wait for relief! So celebrations were certainly in order!

RAMCA AWARDS 2013-14 SCHOLARSHIP

RAMCA mailed scholarship applications to all member firms in January and in March the Scholarship

Committee met prior to the board meeting to review nine applications. After careful consideration both the committee, and the full RAMCA Board of Di-

rectors, voted to award Mr. Trey Gibson, sponsored by Carter Machinery, a \$1000 scholarship. Mr. Gibson is majoring in engineering at Bridgewater College. (NOTE: The Scholarship Committee uses a blind evaluation procedure when making their recommendations. Committee members do not know the identity of the applicants being considered.)

Special thanks to the RAMCA Scholarship Committee consisting of : Sam Cox

(Rish Equipment Company), Mike Harcum (Carter Machinery) and Ken Creasy (Superior Excavating). After many years as Chairman Mr. Creasy has asked that another contractor serve in his place on this committee. We thank Ken for his service and ask any RAMCA contractor member who desires to serve on the Scholarship Committee to contact the RAMCA office.

RAMCA Spring Golf Events - One of the Best EVER!



On June 6th more than 100 RAMCA members gathered at one of the area's finest golf courses to compete in the annual George Bickerstaff Memorial Golf Outing, held at the exclusive and always popular Federal Club in Hanover County. Strong membership sponsorship support helped make this event a first-class

gathering, but let's not overlook the high level of completion. This year's winners were:

1st Place/First Flight-Neff Rental

- Patrick Handzel
- Peyton Martin
- Josh Homes
- Jeremy Harrison

1st Place/Second Flight-Fortiline

- Frank Fahrner
- Rick Stone
- Charlie Cathcart
- Patryk Pavodowski

1st Place/Third Flight-Eure Traffic Systems

- Stan Eure
- Jason McGee
- Jason Eure
- Asa Lowe

Longest Drive:

- Adam Martin

Closest to the Pin:

- Ben Steele

Longest Putt:

- Adam Martin

"Congrats to the winners and to everyone who made the day so special!"



Big THANK YOU to the SPONSORS!

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The Truth About Workers' Comp!

Let's clear up some confusion on Workers' Comp! The Workers Comp Commission Continues to receive a large volume of calls related to construction where there are 2 or less employees. As a result the Commission has drafted the article we share with you below. If you have two or less employees or more probably, if you employ a company that does, this information might be useful!

The Truth about Workers' Compensation Coverage Requirements for Contractors

By Laura Collins, Insurance Manager, Virginia Workers' Compensation Commission

Virginia has a law that specifically imposes workers' compensation coverage requirements on contractors and other businesses that subcontract out their work. The Statutory Employer law, 65.2-302, has been on the books since 1950, yet many agents and contractors do not fully understand the law.

For employers in Virginia generally, workers' compensation is mandatory for a business with more than two employees. The Statutory Employer law builds on that requirement. The law establishes two coverage requirement scenarios:

1. Same Trade

A contractor that hires a subcontractor or other business to perform the same trade, business or occupation, is performing their work through the benefit of a subcontractor and must count the subcontractors' employees as well as their own employees when assessing the total number of employees and determining coverage requirements. If more that two total, coverage is required.

2. Part of a Contract

A contractor that hires a subcontractor to perform a different trade is not off the hook. A contractor that contracts to perform work and subcontracts out any portion of that work is performing their work through the benefit of a subcontractor and must count the subcontractors' employees as well as their own employees when assessing the total number of employees and determining coverage requirements. If more than two total, coverage is required.

In second scenario, a contractor that does remodeling jobs and never does electrical, plumbing or tile work (not his trade) and takes a remodeling job hiring subcontractors with employees to do such work would need to count those employees to determine coverage requirements.

One common misconception is that if all subcontractors have their own policy the contractor is not required to obtain coverage. This is incorrect. If the contractor has met the legal requirement for coverage under the law that requirement cannot be avoided. The contractor should gather proof of coverage for all subcontractors that have coverage and should not be charged premium for those who have their own coverage, but is required to carry a policy, nonetheless. There may well be subcontractors with only one or two employees that are not required to carry coverage under the law.

For questions or for additional information please feel free to contact Laura Collins by email at: laura.collins@workcomp.virginia.gov or by phone at (804)482-5304

PETERSBURG RAISES PERMIT FEES!

The City of Petersburg recently established a permit fee procedure for performing work within their right-of-ways. Effective on May 1st, any work taking place in their ROWs must have a permit approved prior to work being performed. Any work performed without an approved permit will result in a stop work order.

RAMCA member Coleman Lyttle



Right of Way Permit fees—City of
Petersburg, VA

(Lyttle Utilities) closely monitored this situation for RAMCA to ensure that changes made were reasonable, and we thank him for his efforts. For a packet of information which includes permit forms, cutaway drawings, and the details and actions required to perform work in the City of Petersburg's ROWs, contact the Department of Public Works at:

(804)733-2355

RAMCA Working to Fix “Dig to China” Rule

RAMCA is working with our lobbying group, the VUHCC, and staff at the State Corporation commission in an effort to create a new rule or best practice that addresses the problem of what contractors are required to do when excavating across an existing underground utility that has been marked but not found. The procedure is extremely important when dealing with a potential gas or electric line.

In the past, currently the actions taken by the excavator are governed by interpretation of the law 56-265.24 (Duties of Excavator) which says that “For Excavations not parallel to an exiting underground utility line (crossing exiting utilities), such steps shall include, but may not be limited to: 1. Exposing the underground utility line to its extremities by hand digging.”

There are no exceptions to this rule regardless of how deep the existing utility is and regardless of how deep the excavator is digging. If you are excavating to a depth of five feet but crossing an existing utility 12 feet in the ground you have to dig down 12 feet to expose the line and then you can cross it (after you reburied it and took all precautions to protect it).

Aside from the totally unnecessary time and cost of hand digging well below the depth of the excavation, there is also the overriding safety concern of having to dig at depths well below what is needed to safely complete the installation.

We will be seeking a ruling from the SCC that will allow contractors to not have to expose the line when crossing it if we take all reasonable care and if we have hand dug down to the level of the excavation plus a two foot radius and do not see any utilities. This should be a big win for our members as the ruling will prevent our members from exposing deeply buried existing lines if they have hand dug down to the level that they are going to install their utility line, plus a two foot radius of safety, and do not find an existing utility.



We are hopeful that the SCC will address this issue at the August meeting of the Miss Utility Advisory Committee. RAMCA staff will be testifying at that time in support of this change. We will keep you posted on the outcome of these efforts which should result in a substantial time savings fro excavators working under these circumstances.

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Heavy fines by State Corporation Commission for USIC



Strong message sent by fines from the SCC.

Thanks to Jim Stepahin, Executive Director of HRUHCA, for providing the background for this article.

The Virginia State Corporation Commission (SCC) sent a strong message to utility contract locator USIC at the April 9th Virginia "Miss Utility" Advisory Committee meeting: Clean up your act or the consequences will be severe. The SCC Advisory Committee then handed USIC over \$150,000.00 in fines to emphasize the seriousness of their warning for the firm's many violations of the Virginia Miss Utility Law in multiple cases that were heard at the April Meeting.

In one single case alone, a Virginia Natural Gas (VNG) sub-contractor, Southeast Connections, LLC, turned in 96 Probable violations for a VNG gas rehabilitation and replacement project it was constructing at the city of Norfolk's Rosemont townhome subdivision. USIC's violations of the Miss Utility Law on this project included:

- USIC locators not marking job-sites by the prescribed deadlines set by law.
- USIC locators clearing tickets claiming that they had marked projects when there was no evidence of any marks on the job as witnessed by the sub-contractor and the SCC.
- USIC locators responding to Miss Utility tickets claiming there were no utilities when there was clear visible evidence of utilities as seen by the VNG sub-contractor.
- USIC locators claiming that they had agreed to delay in marking with the excavator when the excavator had not agreed to a delay.
- USIC locators claiming that they could not gain access to sections of the project when the project sections were clearly accessible.
- Many similar code section violations.

Two of USIC's largest Tidewater utility customers, Cox Communications and Dominion Virginia Power, were ordered by the SCC to work with VNG and VNG's subcontractor to develop a written plan to solve the Rosemont subdivision marking issues and report back to the commission in one weeks time with a solution.

The SCC Division of Utility and Railroad Safety have been receiving numerous complaints from private utility excavators in Northern Virginia, Tidewater, Richmond, and other parts of the state where USIC operates that they have been repeatedly falsifying Miss Utility tickets and not marking underground facilities properly for the utilities that they represent.

The complaints caused the SCC to mandate that the utilities conduct random field and office audits in the first few months of the year to monitor USIC's work. When the SCC received the utility audits they became suspicious because the contractor complaints continued but the utility audits reported that the USIC was operating at 96-98% efficiency.

In an effort to disprove the validity of the utility audits, the SCC staff investigators went to the various areas of the Commonwealth where the complaints were reported and conducted their own independent field audits of random USIC tickets. Their results were very different for the Cox Communication and Dominion field audits. Of the 116 SCC field audits, USIC failed 99 of them, an efficiency of 15%!

The SCC has the authority to force the firm to cease doing business in a "notice to show cause" order if the firm's behavior does not change by traditional fines and penalties. It is the hope of the SCC and other industry partners that the situation will not move in this direction.

Members in the News!

Please welcome the following new members to the RAMCA family!



Bruce Howard Contracting, Inc.

Bruce Howard Sr.
David Tiller

River City Recycling

Mathew Appelget