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W D I G I T A L

THE NEWSLETTER OF THE
HEAVY CONSTRUCTION CONTRACTORS ASSOCIATION

General Assembly Fails Again On Transportation Funding Bill

Note: The following article was taken from **The Washington Post** on Thursday, July 10th. It was written by **Post** staff writers Anita Kumar and Tim Craig. JMS

The General Assembly's special session on transportation...ended at two in the morning on Wednesday, July 9th as state legislators left town...with no agreement on how to pay for millions of dollars of road and transit projects across the state including the most congested area of Northern Virginia.

Frustrated legislators spent the day embroiled in name-calling and parliamentary maneuvers as Republicans and Democrats tried to blame each other for the session's failures.

"We should be ashamed of ourselves," House Minority Leader Ward L. Armstrong (D-Henry) said on

the House floor. "Are we proud of what we are doing? . . . This is silly. This is gamesmanship."

The failed special session, the second on transportation since 2006, caps an effort to address one of the state's most pressing issues.

Officials estimate that the state will face about a \$3 billion shortfall over the next six years in the part of the budget used to maintain highways and bridges and that most of that money would have to come from road-building.

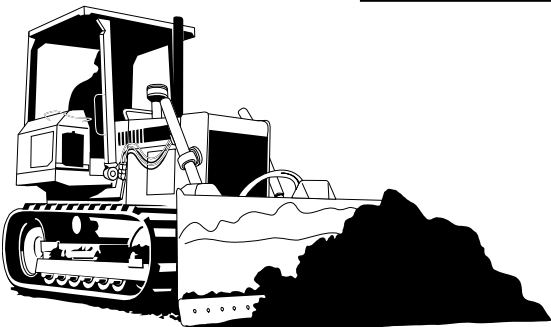


Partisan Politics Yield No Results In Richmond
"We are not down here in a special session to play games to the tune of the puppet-master Kaine," said House Majority Leader H. Morgan Griffith (R-Salem). (Photo by Steve Helber – Associated Press)

It appears unlikely that an agreement will be reached until leadership changes in the

Governor's Mansion or General Assembly. The issue might dominate the 2009 election campaign, when Virginians will select a governor and all 100 members of the House of Delegates.

In all, three separate tax bills were considered (continued on page 2)



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General Assembly Fails Again On Transportation Funding Bill

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during the session. The House of Delegates revived a proposal by [Gov. Timothy M. Kaine \(D\)](#) to raise \$1.1 billion a year in taxes and fees, but this time his fellow Democrats helped kill it in the hopes that they could amend and pass another tax bill they preferred.

After rejecting Kaine's bill, however, the House then defeated the Democratic-preferred Senate bill that would have raised additional taxes. Before killing the Senate bill, the House stripped out a provision to raise the gasoline tax. Only one Republican, [Thomas Davis Rust](#) of Fairfax, voted for the bill.

The GOP-controlled House and Democrat-controlled Senate are expected to consider a proposal late Wednesday that would force localities to impose taxes for road and transit projects in Northern Virginia.

"The House and Senate Democrats rose to the challenge and came together to move Virginia closer to a meaningful transportation solution," Kaine said in a statement. "But [House Republican](#) leadership, once again, stood in the way, rejecting legislation that originated in the Senate. The citizens of Virginia deserved better."

Kaine could call legislators back to Richmond again to consider transportation funding, but House Republican leaders hope the governor would not do so unless he forged a compromise first.

"A governor ought to have his plan laid out in advance. A governor ought to have support of his own party from both houses," House Majority Leader H. [Morgan Griffith](#) (R-Salem) said. "We are not down here in a special session to play games to the tune of the puppet-master Kaine."

There was little negotiating behind the scenes before the session – or during the two weeks since the session began. [Speaker William J. Howell \(R-Stafford\)](#) and Senate [Majority Leader Richard L. Saslaw \(D-Fairfax\)](#) spoke by phone Wednesday morning but the two decided that they were too far apart to reach an agreement.

"It just went nowhere," Saslaw said of the meeting. "There's not a whole lot of common ground," Howell said. "He's got his ideas and I have mine."

Howell said again Wednesday that he had not spoken to Kaine. "I'm always available. . . . Did he call?" Howell said before pulling his phone out of his pocket. "Look, no calls."

The impasse over transportation funding stems from stark philosophical rifts between the House and Senate, between Republicans and Democrats and even within chambers and parties. The issue also highlights divisions between Northern Virginia and the rest of the state.

Democrats want to boost taxes statewide, saying Virginia's future depends on solving gridlock. House Republicans oppose statewide tax increases, saying Virginians cannot afford to pay more during an economic downturn. Instead, they prefer to find cost savings through an audit of the [Virginia Department of Transportation](#) and encourage public-private partnerships, in which companies would pay for some projects in return for the right to collect tolls.

"I get the impression that some here think their citizens are bottomless ATM machines who can be pumped any time we need money," Del. [Robert G. Marshall](#) (R-Prince William) said.

House Republicans favor a plan to provide millions of dollars for projects in Northern Virginia and Hampton Roads, but in vastly different ways. The plan for Northern Virginia would bring in \$156 million in new revenue a year through a \$100 license fee for new adult drivers, an increase in the tax on home sales of 40 cents per \$100 of assessed value and a 2 percent tax increase on rental cars and hotel rooms.

Some parts of last year's regional plan for Northern Virginia remain intact, including a commercial real estate tax that would bring in an additional \$208 million.

General Assembly Fails Again On Transportation Funding Bill

(continued from page 2)

But local officials, who would have to vote to impose many of the new taxes before they could take effect, came to Richmond on Wednesday to argue that they should not be expected to assume responsibility for what they view as the state's duty. The General Assembly passed a landmark package last year to add \$1.1 billion annually for transportation needs across Virginia.

Regional authorities were set to collect \$400 million a year in Northern Virginia and \$200 million in Hampton Roads, but the state Supreme Court ruled that the authorities could not constitutionally levy taxes and fees.

Instead of addressing the state's road problems,

much of the two-week special session centered on politics and the issues Republicans and Democrats plan to use in the 2009 elections. After five full days of meetings, the session has cost taxpayers more than \$80,000.

[Sen. Kenneth W. Stolle \(R-Virginia Beach\)](#) predicted Wednesday evening that the issue will continue to be a major factor next year if lawmakers go home now.

"I think it will be revisited in every political speech until 2009, so I think we will be forced to address it," Stolle said. "It will be the dominant issue in the 2009 session. It's an issue that won't go away."

VDOT and DMV Study Overweight Truck Fee Increases

Editor's Note: The following article and information was taken from the RAMCA newsletter. JMS

House Bill 1551 passed the 2008 session of the Virginia General Assembly over industry objections.

The legislation (which is now law) 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 industry insisted be included in the bill). By December 1st 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 in June by HCCA and was attended by VUHCC lobbyist Mark Singer. Mark spent much time explaining 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.

Unfortunately and in spite of our efforts, it appears that VDOT and DMV are going to propose to the Virginia General Assembly that the fees on overweight and oversized vehicles be increased, 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.

The HCCA will continue to work on, and watch this issue closely. We will keep the membership informed of the direction this study takes as we move closer to next year's session in January, 2009.

Industry Succeeds In Favorable “Re-write Of Reverse Signal Rules For Construction Vehicles

The HCCA participated with other concerned construction industry associations to help steer a satisfactory “re-write” of the VOSH regulations governing reverse signal alarms for construction vehicles.

The Virginia Department of Labor and Industry (VDOLI) were concerned with increased fatalities and accidents related to construction vehicles moving in reverse using audible signals.

The VDOLI original draft re-write determined that in order to decrease accidents that the existing rules should be changed to mandate BOTH an audible, working reverse alarm AND an employee to serve as a spotter each time a construction vehicle reverses. This strengthened the original rules that allowed a vehicle to employ either an audible alarm OR a spotter.

The original draft also mandated that the spotter be positioned on the driver’s side of the vehicle in order to guide it in reverse.

Finally, the draft rule made a blanket prohibition on employees crossing the path of a construction vehicle that was in reverse.

The HCCA , through our lobbying organization, the VUHCC, responded with a letter to VDOLI questioning the practical ability of the draft.

HCCA Executive Director Jim Stepahin explained the industry objections. “To try and insist that each and every construction vehicle employ an audible alarm and a spotter is impractical and impossible.”

“The re-write requiring the spotter to always be on the driver’s side of the vehicle is also impractical. Picture a dump truck wanting to reverse on a busy interstate with the driver facing the lanes of the interstate. The spotter would be placing his life in danger by having to direct the dump truck near the moving vehicles in the road.”

“Finally, the mandatory restriction on employees walking across the path of a reversing construction vehicle needed to be reconsidered. There are certain applications such as in a paving train, when compliance under this proposed language simply is unrealistic. Consideration needs to be given to the

distance between the employee moving across the path of the reversing vehicle, the speed of the vehicle, etc.”

In response to industry concerns, the VDOLI held a meeting on April 16, 2008, with interested parties representing employer and employee interests from the construction and general industries. The HCCA and the VUHCC were in attendance at this meeting and the discussion in response to the previously mentioned concerns resulted in the VDOLI revising the draft rules in favor of a more practical alternative.

Instead of requiring both an audible alarm and a spotter, the VDOLI draft rule was changed to allow the use an audible alarm and a spotter OR the driver of the vehicle can use an audible alarm and look behind the vehicle to determine if it is safe to proceed in reverse In lieu of a spotter.

The clause mandating the position of the operator on the driver’s side of the vehicle was changed to mandate that the spotter maintain visual contact with the driver at all times during reverse operation.

Finally, the draft clause that prohibited employees crossing behind reversing vehicles was changed to say that employees could not cross “in close proximity” to a reversing vehicle.

The Virginia Safety and Health Codes Board adopted the Revised Proposed Reverse Signal Alarm Regulation on Thursday, July 10th with an additional 30 day comment period, since significant substantive changes had been made to the original proposed regulation. The next step is for the revised proposed regulation to be published in the Virginia Register with a final 30 day comment period.

Thanks to the input of the HCCA and many other concerned construction industry associations, the reverse signal re-write saved many headaches and extra efforts in fulfilling the requirements of having to have both an audible alarm and a spotter every time a vehicle reversed on a construction job-site.

The HCCA will continue to monitor this issue and other similar regulatory issue to ensure that our members continue to operate safely, efficiently and profitably in an unrestricted business environment.

Fredericksburg Meeting Examines The Issue of Contractors Criminally Cited For Hazardous Material Release Due To Underground Damages

Members of the Fredericksburg Chapter were “front and center” for a lively industry discussion at the quarterly chapter lunch meeting on June 25th. The meeting was held at the Fraternal Order of Police Lodge in Spotsylvania, Virginia.

The topic of discussion was the recent practice of fire marshals in select municipalities criminally citing excavation contractors for damage of underground gas lines.

Some fire departments in Virginia, particularly in the Tidewater region, are using the recently amended Code of Virginia to classify an accidental underground gas line hit as an environmental crime. The release of gas due to the hit is considered a hazardous material. The new law, known as the Virginia Statewide Fire Prevention Code or (SFPC), now sets this act as a class one misdemeanor which is punishable by a maximum penalty of \$2,500 and a maximum jail term of 12 months (1 year).

The association was interested in interacting with local Fredericksburg area fire departments to determine their interest in pursuing a similar interpretation of the SFPC and if they had or were considering the citation of excavators for release of hazardous materials due to line hits.

In attendance at the meeting were representatives of the Fire Departments of The City of Fredericksburg, Spotsylvania County, and Stafford County.

Phil Sullivan of the Spotsylvania Fire Department started the discussion by saying that the Department is very serious about hazardous release of materials in the environment. The Spotsylvania Fire Department has not yet cited any excavators for underground damage to gas lines.

Mr. Jay Babcock, Fire Chief of the City of Fredericksburg voiced similar comments to Mr. Sullivan. He has said that his department is more sensitive to fuel spills into environmentally sensitive areas or other similar incidents.

Jason Smith of the Stafford Fire Department said his department is a member of the Northern Virginia Environmental Crimes Task Force. This group of local, state, and Federal fire agencies, law enforcement agencies, and environmental regulatory agencies has members who have cited excavators for hazardous release of gas after an underground gas damage (City of Alexandria and Arlington County are two). Jason said that Stafford County would consider citing anyone who exhibits gross negligence in releasing hazardous materials into the environment but to date has not pursued any cases in their County.

Mr. Bob Innes, Communications Manager of Columbia Gas of Virginia participated in the panel to represent the gas utility operators. He commended the Fredericksburg Excavator members of the HCCA for their responsible digging and said that the Fredericksburg area had the least line hits of any area in their companies operating area. This is quite significant when you consider that the firm operates in over five states and operates multi-state transmission lines in many areas throughout the East Coast of the nation. Bob also emphasized that Virginia has an excellent Miss Utility Law and that Columbia Gas feels that the Virginia State Corporation Commission does an excellent job of investigating and punishing those who damage underground gas lines.

Based on the conversation at the meeting it was apparent that none of the three local Fredericksburg Fire Departments were pursuing the Virginia Code on hazardous release of gas from underground line hits as diligently as those from Tidewater, Roanoke, or Northern Virginia.

The association will continue to monitor this situation and will pursue avenues that will amend the Code of Virginia to prevent field personnel from being criminally charged for accidental gas line damages.

Miss Utility Message 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 Mr. Blair Stewart at (571) 431-7535 Extension 2006 or bstewart@vups.org.

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.

The HCCA supported the adoption of this new language. All contractor members are urged to respond to official notices of the SCC Advisory Committee. If you need help responding to a notice please contact the HCCA office.

August SCC Advisory Committee Meeting In NVA

The State Corporation Commission’s Miss Utility Advisory Committee will hold its August monthly meeting in the Town of Herndon Town Council Chambers in Herndon, Virginia on Tuesday, August fifth.

Contractor member’s are urged to take advantage of this monthly meeting’s move to Northern Virginia to go and listen to some of the cases that will be presented at that meeting. Company manager’s, safety directors, and even field personnel can benefit from seeing other firm’s counterparts representing themselves before the Advisory Committee.

The meeting typically starts at 8:30 AM in the

morning with a SCC staff member showing the attendees examples of various utility damages across the country.

The Advisory Committee official meeting is typically called to order at 9:00 AM. New information about damage prevention is heard at the beginning of the meeting and the cases to be heard generally start around 9:30 AM and run until the docket is completed. Some meetings last only an hour or two depending on the docket and some will go on for the entire day.

Don’t miss a valuable learning experience; plan on attending the August meeting.

Association Bulletin Board



All HCCA member firms are reminded to register for the upcoming **HCCA September Membership Dinner Meeting**. The meeting will be held at the **Evergreen Country Club on Tuesday, September 16th**. The meeting will examine how HCCA member firms can qualify for small business, minority, or women owned status. Many contractor and associate members don't know that they could qualify as a small business for the Mega Projects or the Federal Base Realignment Projects and have a chance to bid on multi-million dollars that are "set-aside" projects for these concerns. In addition, several large general contractors who have been chosen to build these projects will be on hand to talk about their needs. You won't want to miss this valuable meeting.

All HCCA member firms are reminded to stretch out and polish up your clubs as the HCCA prepares to hosts its annual **Fall "President's Cup" Golf Tournament**. This year's event will be held once again at two local courses: Evergreen Country Club and Dominion Valley Golf Club. The tournament will be held on Monday, September 8th. Grab 3 of your industry friends, fellow employees, or customers and spend a day on the links with the association.

The HCCA is happy to announce that **the speaker for the HCCA October Membership Dinner**

Meeting will be former Shell Oil USA President John Hofmeister who is currently the director of the oil industry advocacy group "**Citizens for Affordable Energy.**" John has appeared on national programs such as The Charlie Rose Show and is very knowledgeable in world oil markets. The meeting will be held at the Evergreen Country Club on Tuesday, October 21st. Flyers for this event will soon be released. Don't miss the opportunity to hear what the future hold's for global oil production, oil refineries, and the oil cartels.

Longtime industry pipe salesman **Dennis (Denny) W. McLaughlin** died on July 16th at his home in Manassas, Virginia. Denny has been an integral part of the plumbing and waterworks industry for almost 40 years. He was the manager of Thos. Somerville in Fairfax for a number of years and has been a salesman for The Joyce Agency calling on accounts in Northern Virginia since June of 1983. Denny was known for his devotion to his customers, his keen sense of humor and integrity. He will be sorely missed by the members of his family, his loyal customers and his many friends.

HCCA member firms are reminded about the upcoming **VDOT/Wilson Bridge Construction Career Fair**. The Fair will be held at the Prince William County Fairgrounds on

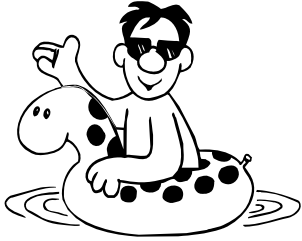
Thursday, October 2nd. This fair allows local high school students to "check out" the many opportunities that exist in our industry. Please contact the HCCA office to learn how your firm can participate.

Longtime HCCA member firm **William A. Hazel, Inc.** has announced that effective June 1st, **Mr. William A. Hazel** is officially retiring from the firm. Mr. Hazel will remain Chairman of the Board but has relinquished all day to day duties to Chief Executive Officer (CEO) **Jay Keyser**. **David Hazel** will serve as the Chief Operating Officer (COO) of the firm. David tells "Dig It" that his father will spend more time "bailing hay and farming." The HCCA salutes the accomplishments of Mr. Hazel and the association is thankful for the continued support of the firm. Congratulations are also extended to Mr. Hazel's assistant **Cindy Franklin** on her official retirement from the Hazel organization. Cindy will be relocating to the Northern Neck of Virginia.

Calendar of Events (Dates, Locations, & Times Subject To Change)

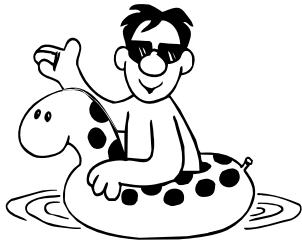
July

NO Events



August

NO Events



September

Monday, September 8th

HCCA "Presidents Cup"
Golf Tournament
Evergreen Country Club
Dominion Valley Country Club

Tuesday, September 16th

HCCA Dinner Meeting
Evergreen Country Club
Haymarket, Virginia

Saturday, September 27th

HCCA Broken Pigeon Clay Shoot
Shady Grove Shooting Facility
Remington, Virginia
TBA in September
HCCA Fredericksburg Dinner Meeting

October

Tuesday, October 21
HCCA Dinner Meeting
Evergreen Country Club
Haymarket, Virginia

November

TBA in November
HCCA Fredericksburg Dinner Meeting

Tuesday, November 18th

HCCA Dinner Meeting
Evergreen Country Club
Haymarket, Virginia

December

Friday, December 5th
HCCA Holiday Party, Silent Auction,
and Johnston Trust Raffle
Washington Dulles Hilton Hotel
Chantilly, Virginia



**10756-B Ambassador Drive,
Suite 201,
Manassas, Virginia 20109
Telephone: (703) 392-7410
Fax:: (703) 392-7249**