



Industry Coalition “deflects” Overweight Truck Fee Increases

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**THE NEWSLETTER OF THE
HEAVY CONSTRUCTION CONTRACTORS ASSOCIATION**

The HCCA, as a member of a lobbying coalition of industry trade associations, were able to postpone (at least for this year) a controversial truck overweight fee and permit increase bill at the 2009 Virginia General Assembly.

Senate Transportation Chair Yvonne Miller’s (D-Norfolk) SB 1048 was the Kaine Administration’s bill that offered large increases in overweight vehicle permitting fees. This legislation was recommended to the administration by VDOT based on a study that was conducted by the agency’s research arm, the Virginia Transportation Research Council (VTRC) at the University of Virginia.

The controversial study concluded that big trucks and trailers that haul overweight loads take a large bite out of Virginia’s highway maintenance budget.

According to the study, heavy loads hauled by trucks were responsible for more than \$211 million in damage to state roads in 2007. But companies paid only \$2.7 million in fees for permits to operate in excess of vehicle weight limits. The study’s conclusion was that truck-related road damage represents nearly one-fourth of the state’s annual highway maintenance bill.

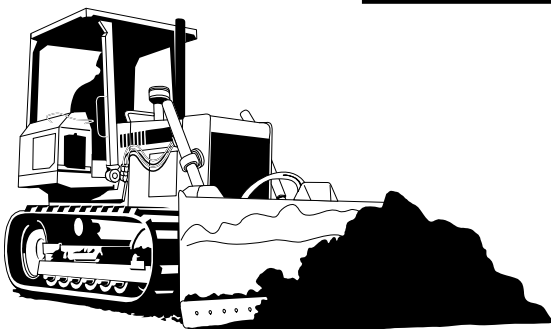
One member of the industry coalition, Mr. Dale Bennett of the Virginia

Trucking Association (VTA) points to flaws in the methodology of the conclusions that overweight haulers were “getting off light”:

“Their (VTRC) study did not account for any of the state or federal taxes and fees paid by trucks operating under permit and used to pay for maintenance in Virginia in their determination of the shortfall in revenue from these trucks in paying for their share of maintenance costs. In other words, their claim/inference of a \$210 million (\$212 million assigned maintenance costs - \$2.7 million permit fees = approx. \$210 million) does not include a credit for other taxes and fees paid and, apparently, they don’t have the capability to calculate it.”

After many discussions with legislators and administration transportation officials, the coalition were able to persuade members of the House to send Sen. Miller’s SB 1048 to the *Joint Commission on Transportation Accountability* and off of the docket for further study.

Although we believe that this issue will not permanently disappear, your industry lobbying group have convinced the administration and the Assembly that, at least for this year, the current economic situation is not the right time to consider expensive industry fee increases.



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HCCA Board Approves New Member Program

The cost of workers' compensation coverage represents a major expense for many HCCA contractor member firms. Many employers simply accept the high cost of premiums as a fact of business life. Thanks to a new program that has been approved by the HCCA Board of Directors, there may be a way to reduce this expense.

The HCCA has partnered with Mr. Don Gibson of Alliant Insurance and Nationwide Risk Consulting, Inc. to provide a program that will review a firm's workman's compensation history. This review may result in significant cost savings.

Nationwide Risk Consulting, Inc. is a leading national company whose personnel have a record of recovering millions of dollars in insurance overpayments. They are experts in the field of Worker's Compensation.

There are over 700 possible Workers' Compensation employee classifications that directly affect the price of a construction firms' premiums. There are also annual experience-modification calculations that could result in sizeable premium increases. Just one error in either area can be costly to an employer-and errors are common.

Under this new program, HCCA contractor member firms agree to allow Nationwide to review the firms' Workers' Compensation premiums. Nationwide utilizes an exclusive software program that analyzes payroll classifications, job functions, and the calculation of experience modification rates.

If reductions in premiums due to errors in calculation or classification errors result, Nationwide will assist the member firm in obtaining those reductions in premiums to which the firm is entitled.

Nationwide will prepare and submit a detailed report relating to the recovery of Workers' Compensation and Liability Insurance overpayments. Nationwide will also include the documentation necessary to support the requested credit or refund.

The program works strictly on a contingency basis; Nationwide only gets paid when the HCCA member firm receives a check or a credit. There is no obligation unless there is recovered money. The association will benefit by receiving a portion of the contingency fee from Nationwide.

HCCA member firm Alliant Insurance Services is the local representative for the Nationwide program. HCCA member firms can contact Alliant sales program coordinator Don Gibson at (703) 863-9088 to arrange a meeting to discuss the many benefits of the HCCA/Alliant/Nationwide partnership.

The HCCA Board of Director's is in the process of investigating many similar programs in an effort to provide valuable services to member firms and in the process realize non-dues revenues for the association.

The HCCA wants to assure its Associate member firms that the programs being considered are designed to not interfere with existing relationships that HCCA Insurance member firms now enjoy.

"We are very sensitive to the good business relationships that our contractor member firms now have with their existing insurance brokers, said HCCA Executive Director Jim Stepahin."

"The HCCA does not intend to offer any programs that interfere with these existing relationships." "We want our insurance member firms' to offer our programs as alternatives and/or additions to their current program offerings."

HCCA members will be hearing more information on the newly adopted HCCA/Alliant/Nationwide workman's comp audit program in the coming months. Member's are urged to consider participating in this program.

Please contact Mr. Don Gibson of Alliant Insurance to arrange a meeting to discuss a possible audit of your workman's compensation construction premiums. Don can be reached on his cell at (703) 863-9088. Don's email address is: dgibson@alliantinsurance.com.

OSHA Clarifies PPE Rule

Editors Note: The following article was taken from the February 2009 National Utility Contractors Association (NUCA) Magazine "*The Utility Contractor*". It was written by NUCA Safety Director George Kennedy. JMS

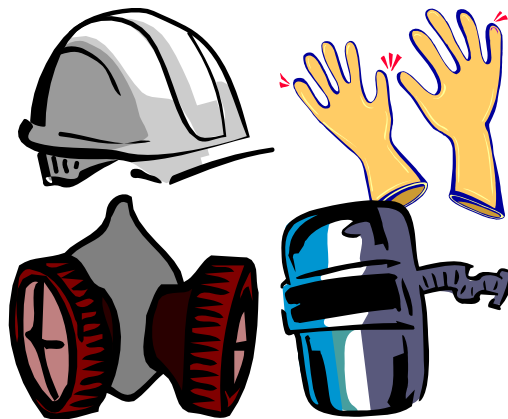
OSHA's final rule for personal protective equipment (PPE) became effective on May 15, 2008. With few exceptions, most underground utility contractors have not been affected by the changes because they were already providing employees with PPE. However, a recent clarification (final rule effective Jan. 12) allows OSHA to issue a separate violation for each failure to provide the required PPE to an employee. It is therefore more important than ever to ensure that your company is providing the proper PPE to all employees — including construction workers at jobsites, mechanics in the shop and supervisors and managers in the field (or whenever they are visiting work areas). The following information is designed to assist you in remaining in compliance with the final rule and its clarification.

Many OSHA standards require employers to provide their employees with PPE when such equipment is necessary to protect employees from job-related injuries, illnesses and fatalities. These requirements address PPE of many kinds: hard hats, gloves, goggles, safety shoes, safety glasses, welding helmets, face shields, chemical protective equipment, fall protection equipment, etc. The provisions in OSHA standards that require PPE generally state that the employer is to provide such PPE. However, some of these provisions did not require the employer to provide such PPE at no cost to the employee.

The new rule (and clarification) requires employers to pay for the PPE provided to employees, with exceptions for specific items such as certain safety-toe protective footwear and prescription safety eyewear. Additionally, the rule does not require employers to provide PPE where none has

been required before. Instead, the rule merely stipulates that the employer must pay for required PPE, except in the limited cases specified in the standard.

Items that were considered exempt from the rule such as safety-toe boots and prescription safety glasses were exempted because they are considered to be personal in nature. The final rule allows these specified exceptions as long as they meet the following conditions: 1) the employer permits such



footwear or eyewear to be worn off the jobsite; 2) the footwear or eyewear is not used at work in a manner that renders it unsafe for use off the jobsite; and 3) such footwear or eyewear is not designed for special use on the job such as a pair of knee-high, rubber, safety-toe boots. The exceptions do not apply to non-prescription safety glasses, gloves or other standard PPE that the employer may permit workers to use off the jobsite.

OSHA does not expect employers to pay for normal clothing or items not required by an OSHA standard. The final rule clarifies that an employer's obligation to pay for PPE is limited to PPE that is used to comply with an OSHA standard. For example, OSHA expects the employer to pay for hard hats, non-prescription eye protection, hearing protection, respirators, safety vests, work gloves, welder's leathers, welding helmets, chain-saw chaps, etc. PPE requirements may vary from one worker to another depending on their job responsibilities.

OSHA does not object to the employer providing allowances as a means of paying for PPE, as long as the allowance policy covers the cost of the equipment and ensures that employees receive replacement PPE required by a standard when needed at no cost to the employee. An employee should not have to work without PPE if the equipment is worn out, lost or damaged just because he/she used up the allowance. The final rule also makes it clear that employers may not require employees to provide or pay for their own PPE.

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OSHA Clarifies PPE Rule

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It is a common practice in the construction industry for an employer to permit an employee to use his or her own PPE when the employee may have been given the PPE by a previous employer or purchased the equipment because of personal preferences, comfort or some other reason.

The employer must first decide if employee-owned equipment is permitted; if it is, the employer is responsible for its condition and use and for providing an adequate replacement if the equipment is worn out, lost or damaged. In short, the employer is responsible for ensuring that the employee has and uses the proper type of PPE to meet the requirements of applicable OSHA standards.

If the employer owns the PPE, the employer may require the employee to return the PPE upon termination of employment. If the equipment is not returned, nothing in the rule prevents the employer from requiring the employee to pay for it. However, the employer cannot charge for wear and tear to the equipment related to work performed. It has been suggested that a written agreement between the employer and employee upon issuance of the PPE would be an effective way to ensure that the equipment will be returned. Another acceptable alternative is a reasonable deposit system that provides an incentive for employees to return the equipment.

The standard does not prohibit the use of shared PPE or the reuse of PPE by another employee. However, it does require that such PPE be properly sanitized before being used by or issued to another employee. Keep in mind that some PPE cannot be easily sanitized and that special provisions may have to be implemented.

Since it is the employer's responsibility to ensure that the PPE is properly suited to protect against the hazards of the workplace and fits the employee properly, it is considered a good practice to offer a

selection of PPE from which employees can choose. For example, one pair of safety glasses might be too tight or uncomfortable for one employee and still fit another worker perfectly. The important point here is that ill-fitting PPE may not serve its intended purpose and/or may not be used by the employee, thereby putting him or her at risk of injury, illness or death.

As noted above, OSHA has recently issued a clarification of the employer's responsibility to not only provide PPE, but also to train each employee to properly use the equipment.

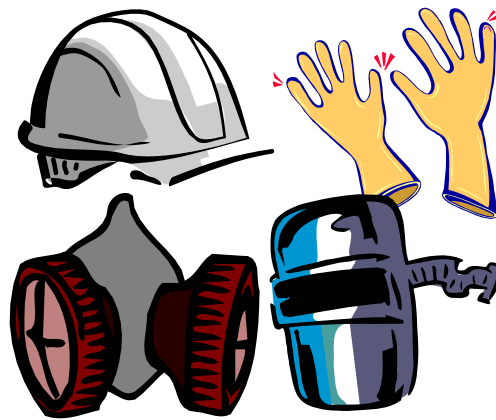
According to OSHA, the amendment does not add any new compliance obligations. Employers are not required to provide any new type of PPE or training, to provide PPE or training to any employee not already covered by the existing requirements, or to provide PPE or training in a manner different from what is already required.

However, the rule does make it very clear that the standards for PPE and training apply to each employee and that each failure to provide PPE or training will be considered a separate violation.

The clarification of these requirements is embodied in changes to the introductory sections of several parts of the OSHA standard, including 1926.20 — General Safety and Health Provisions of the construction standards. The specific changes to 1926.20(f)(1) & (2) are:(f) Compliance duties owed to each employee.

(1) Personal protective equipment. Standards in this part requiring the employer to provide personal protective equipment (PPE), including respirators and other types of PPE, because of hazards to employees impose a separate compliance duty with respect to each employee covered by the requirement. The employer must provide PPE to each employee required to use the PPE, and each failure to provide PPE to an employee may be considered a separate violation.

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OSHA Clarifies PPE Rule

(2) Training. Standards in this part requiring training on hazards and related matters, such as standards requiring that employees receive training or that the employer train employees, provide training to employees, or institute or implement a training program, impose a separate compliance duty with respect to each employee covered by the requirement. The employer must train each affected employee in the manner required by the standard, and each failure to train an employee may be considered a separate violation.

The final rule that became effective on Jan. 12

clarifies OSHA's intent to ensure that each employee is issued the appropriate PPE to perform his/her tasks safely. In addition, OSHA expects employers to train all employees when to use their PPE, how to use it correctly and how to maintain it in a safe and sanitary condition.

For more information about complying with the PPE changes and a sample PPE policy visit the Washington OSHA Web site at:

www.lni.wa.gov/wisha/publications/PPEGuide/Checklistforcomplying.doc

New Member Focus: CycleNet

CycleNet is headquartered in Winchester, Virginia. The firm is a leading Hewlett Packard Authorized Reseller and Warranty Service Provider in the Northern Virginia area.

CycleNet has been in business over 14 years and has a full and knowledgeable staff to support your IT

CycleNet is an Elite HP Office Printing Channel Partner. They are a small woman owned business that is VDOT "SWAM" certified and carry several GSA contracts.

For further information, please contact CycleNet's Northern Virginia representative :



business needs. CycleNet is "Your IT Solution Specialist" and has developed solutions for all types of businesses, industries, and government facilities.

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Blake Clayton at 804-381-8373 (cell)
e-mail: bclayton@cycle-net.com

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Association Bulletin Board



New Members

CycleNet, Inc.

180-3 Prosperity Drive
Winchester, VA 22602
Telephone: (540) 678-8639
Primary Member: Blake Clayton
E-mail:
bclayton@cycle-net.com
Alternate: Susan Saxion
E-mail:
ssaxion@cycle-net.com
Web: www.cycle-net.com
Service(s): Hewlette-Packard
plotters, computers, printers,
service, consulting, and
solutions
Category: Associate

Powerscreen Mid-Atlantic, Inc.

PO Box 2505
Kernersville, NC 27285-2505
(800) 797-7276
Fax: (336) 992-9757
Primary Member: Mark Keenan
Telephone: (540) 428-9067
E-mail: [mkeenan@
powerscreenmidatl.com](mailto:mkeenan@powerscreenmidatl.com)
Alternate: Ian Williamson
Telephone: (336) 382-4404
E-mail: [ian@
powerscreenmidatl.com](mailto:ian@powerscreenmidatl.com)
Website:
www.powerscreenmidatl.com

Virginia Location
10400 Sadisco Drive
Ashland, VA 23005
Telephone: (804) 798-1391

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SC. Mobile Crushing and
screening equipment for
aggregate and recycling
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etc). Mobile top soil, mulch &
compost screening equipment.
Mobile & stationary wash plants
for sand and gravel.

HCCA member firms are reminded that the next regular dinner meeting of the association will be held on **March 12th at the FOP Lodge in Spotsylvania, Virginia**. Our special guest speaker will be **Ms. Mary Lee Carter**, former member of the Spotsylvania County Board of Supervisors and the Fredericksburg representative of the Commonwealth Transportation Board. Mary Lee will update the membership on the status of the stimulus money as it affects the Fredericksburg region as well as projects that will be funded (or cut due to budgetary constraints). Don't miss what proves to be a very informative meeting, network with industry friends, and enjoy a cold beverage and a great buffet meal.

HCCA members are reminded that if you perform work in VDOT easements or you work on VDOT projects you are required by July 1st of this year to certify an individual or individuals in the new **VDOT WorkZone Traffic Control Program**. The HCCA has scheduled a number of basic and intermediate classes that will certify your worker's as work zone traffic control technicians (basic) and work zone design technicians (intermediate). The response to these classes has been overwhelming and we have had to schedule a number of extra classes to accommodate all of our member's needs. There are now only a small number of authorized trainers for this program so please do not wait until the last days to have your personnel trained. Contact Janice at the HCCA office and schedule your personnel now. A training schedule and registration flyer is included with this newsletter for your review. Don't delay. Sign up now.

HCCA member firms are reminded that the **HCCA Northern Virginia membership dinner meeting** has been changed from its normal date (third Tuesday, March 17th) to the following Tuesday, March 24th at the Evergreen Country Club in Haymarket, Virginia. The association will be presenting its annual **HCCA Safety Awards** for both individuals and firms who have exceptional safety records. Don't miss a great networking opportunity and help recognize and congratulate the best of the best in our industry. Flyers for this event can be downloaded from the HCCA website at: www.hcca.net.

The HCCA April membership dinner meeting will be held on Tuesday, April 28th at the Evergreen Country Club in Haymarket, Virginia. The special guest speaker for the event will be Mr. Whittington Clement, lobbyist for the association's lobbying coalition, the VUHCC. Whit is a former member of the Virginia House of Delegates, former Secretary of Transportation under the Warner Administration, and a true Richmond insider. He will be reviewing the results of the 2009 Virginia General Assembly session. You won't want to miss this very informative briefing. Come network with industry friends and enjoy a scrumptious buffet meal. Flyers for this meeting can be found on the HCCA website at www.hcca.net.

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

February

February 17th
HCCA Dinner Meeting
Evergreen Country Club
Haymarket, Virginia

February 25th
Fredericksburg Chapter
Dinner Meeting
Location: TBA

March

Tuesday, March 12th
HCCA Fredericksburg Dinner Meeting
FOP Lodge
Spotsylvania, Virginia

Tuesday, March 24th
HCCA Dinner Meeting
Evergreen Country Club
Haymarket, Virginia

April

Tuesday, April 28
HCCA Dinner Meeting
Evergreen Country Club
Haymarket, Virginia

May

Friday, May 8th
"Ditchdiggers Open" Golf Tournament
Shenandoah Valley Golf Club
Front Royal, Virginia

Tuesday, May 19th
HCCA Dinner Meeting
Evergreen Country Club
Haymarket, Virginia



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