

HCCA Presents Safety Awards

Volume 14, Issue 4
April 2010

WE DIG IT!

THE NEWSLETTER OF THE
HEAVY CONSTRUCTION CONTRACTORS ASSOCIATION

The following organizations and individuals have been honored with HCCA Safety and Safe Employee Awards for 2010.

Category A: Highway Construction
Shirley Contracting Company

Category B: Excavation/Clearing/Grading
American Infrastructure
Goldin & Stafford, LLC
The Anderson Company

Category C: Paving Operations
Atlantic Contracting & Materials Co., Inc.
Virginia Concrete Company—Vulcan Materials

Category D: Blasting Operations
PRK Drilling & Blasting, Inc.

Category E: Plant Operations
Americast—Ashland
Americast—Harrisonburg
Americast—Waynesboro

Category F
Trucking Operations—Under 26,000
Duffield Hauling, Inc.
PRK Drilling & Blasting, Inc.
Shirley Contracting Company
S. W. Rodgers Company, Inc.
Superior Paving Corporation

Category F
Trucking Operations—Over 26,000
Columbia Gas
Duffield Hauling, Inc.
Shirley Contracting Company
S. W. Rodgers Company, Inc.
Superior Trucking

Safe Employees
Chris Griffith, Superior Paving
Cecil Summerfield, S. W. Rodgers
Frank Lam, Duffield Hauling



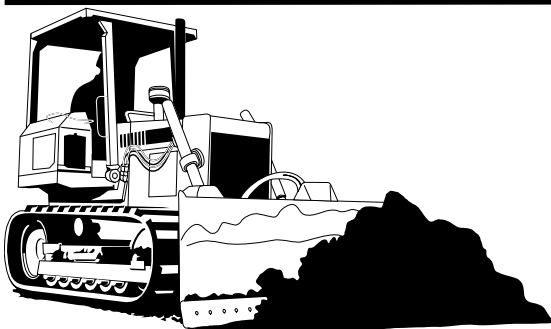
Category A, Highway Construction
Shirley Contracting Co., LLC
John Sewell, Senior Safety Manager



Category B Excavation/Clearing
The Anderson Company
Pat Doering, Safety Director



Category B Excavation/Clearing
American Infrastructure
Chris Shertzer, Safety Director



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HCCA Presents Safety Awards



Category B Excavation/Grading
Goldin & Stafford, LLC
Sid Chapman, VP



Category D Blasting Operations
PRK Drilling and Blasting, Inc.
Frank Klebieko, President



Category C Concrete Paving Operations
Atlantic Contracting & Materials Co., Inc.
Jarod Stevulak, Safety Director



Category E Plant Operations
Americast - Ashland
Anthony Gentile, HSE Manager



Category C Concrete Paving Operations
Virginia Concrete Company
Division of Vulcan Materials
Neil Logan, Safety & Health Representative



Category E Plant Operations
Americast-Harrisonburg and Waynesboro
Dennis Edwards, Safety Director

HCCA Presents Safety Awards



Category F Trucking Operations
Duffield Hauling, Inc.
Bryan Moody, General Manager



Trucking Operations Under 26,000 Pounds
S. W. Rodgers Co., Inc.
Tom Rodgers
VP of Field Operations



Trucking Operations Under 26,000 Pounds
PRK Drilling and Blasting, Inc.
Frank Klebieko, President



Trucking Operations Under 26,000 Pounds
Superior Paving Corp.
David White, Operations Manager



Trucking Operations Under 26,000 Pounds
Shirley Contracting Co. Inc.
John Sewell, Senior Safety Manager



Trucking Operations Over 26,000 Pounds
Columbia Gas
Andy Stone, Northeast Region
Operations Center Manager

HCCA Presents Safety Awards



Trucking Operations Over 26,000 Pounds
Duffield Hauling, Inc.
Greg Marcotte, Safety Director



Trucking Operations Over 26,000 Pounds
S. W. Rodgers Co., Inc.
Tom Rodgers, VP of Field Operations



**Congratulations to All
On Their Safety
Performance in 2009**



Trucking Operations Over 26,000 Pounds
Shirley Contracting Co., LLC
John Sewell, Senior Safety Manager



Trucking Operations Over 26,000 Pounds
Superior Trucking
David White, Operations Manager

HCCA Presents Safe Employee Awards



Safe Employee
Superior Paving Corporation
Chris Griffith, Shop Foreman



Safe Employee
S. W. Rodgers Co., Inc.
Cecil Summerfield, Foreman



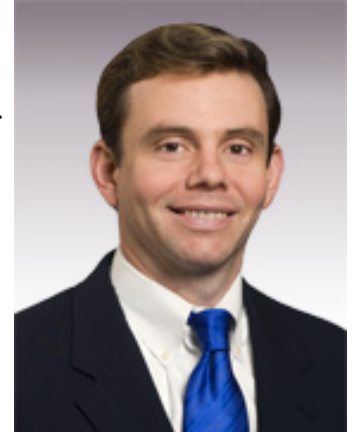
Safe Employee
Duffield Hauling
Frank Lam, Class A Driver
Accepting: Greg Marcotte, Safety Director

Final Report for the 2010 General Assembly Session

The following report is provided by **Mark Singer**, our representative to the Virginia Utility and Heavy Contractors Council (VUHCC) and through the efforts of **Myles Louria**, Director of Government Affairs Hunton & Williams LLP. This is a summary of the progress of bills impacting on our industry as they were addressed by the 2010 General Assembly Session.



Budget: During the 2010 General Assembly session, the budget negotiations disproportionately dominated the majority of the time and attention of both the General Assembly and Governor Bob McDonnell. In fact, the protracted negotiations over the budget forced the Assembly to extend the session by an extra day.



Due to declining revenues, the House and Senate were faced with closing a \$4.2 billion budget shortfall. Budget negotiators managed to bridge the gap between the Senate Budget, that relied heavily on the use of significant fee increases, and the House Budget, that included deep cuts in public education, to reach an agreement on the two year \$70 billion spending document. Both chambers approved the compromise overwhelmingly (73-23 in the House and 34-6 in the Senate).

The spending plan, which has no general tax increases, approaches the general fund levels from 2006, which illustrates the level of decline of general fund revenues over the past several budget cycles. Addressing the budget shortfall required reductions in almost every core service area, including \$253 million in cuts from public education and \$360 million in reductions in the health and human resources area (though a large portion of the health and human resources reductions may be mitigated as a result of the receipt of \$370 million in enhanced Federal Medical Assistance Percentage).

In addition to spending reductions, the General Assembly agreed to divert more than \$849 million over the biennium from the Virginia Retirement System and adopted new fees on a range of state services (including deed recordation, environmental fees, and court fees) totaling over \$95 million over the two year budget cycle. Governor McDonnell managed to win funding for a large portion of his economic development package (totaling approximately \$44 million of additional resources for increasing the Governor's Opportunity Fund, providing tax credits for movie productions, increasing tourism promotion, and lowering the threshold for businesses to qualify for tax breaks for creating jobs).

Legislation of Interest: While the state's budget shortfall garnered most of the attention during the 60 plus day session, the General Assembly did consider 2,964 bills and 1,597 of those passed. Below are some of the bills that may be of particular interest to the Council:

Final Report for the 2010 General Assembly Session Continued...

Transportation Funding: While several pieces of legislation were offered in both the House and the Senate that would have generated revenue for transportation infrastructure within the Commonwealth, all but one of those bills were defeated. The one piece of legislation that did manage to pass represents a limited opportunity for transportation revenues at some point in the future.

HB 756, sponsored by freshman Delegate Chris Stolle (R-Virginia Beach), will require 70% of all revenues and royalties paid to the Commonwealth as a result of offshore natural gas and oil drilling to be deposited into the Transportation Trust Fund. This measure was a central issue for Governor McDonnell during last year's campaign. The Governor wasted no time in signing the bill into law late last week.

More notable perhaps were the myriad of funding bills that were offered, and were promptly defeated. Several bills were offered related to increasing the gas tax and/or offering an indexing mechanism. These measures included HB 230 sponsored by Delegate Vivian Watts (D-Fairfax County), HB 269 sponsored by Delegate David Englin (D-Alexandria), HB 1153 sponsored by Delegate Jim Scott (D-Fairfax County), and SB 223 sponsored by Senator George Barker (D-Fairfax County). None of these bills received serious consideration.

It is worth highlighting one gas tax related bill that did manage to receive some significant bi-partisan support. SB 343 sponsored by Senator Emmett Hanger (R-Augusta County) would have indexed the gas tax every year to correspond with increases in the fuel efficiency of motor vehicles as determined by the Corporate Average Fuel Economy (CAFÉ) standards for fuel efficiency in cars. The proposal would have taken the percentage increase in the CAFÉ standard each year and multiply it by the 17.5 cents-per-gallon gas tax in Virginia. Assuming that fuel efficiency standards continue to go up each year, the tax paid on each gallon of gas would increase as well. The Department of Taxation estimated that the measure would have generated an additional \$11.6 million in 2011, increasing to \$85 million in 2012, and growing to \$198 million by 2014. The Senate endorsed the measure on a 31-9 vote, but a House Finance Subcommittee elected to carry the measure over for the year. Several members of the notoriously anti-tax House Finance Committee indicated that SB 343 had significant merit, but there was still not enough support among members of the committee to act on the bill at this point.

Another notable transportation funding bill that received little if any attention was HB 404, sponsored by Delegate Glen Oder (R-Newport News) which would have provided additional transportation funding linked to the growth in revenues attributable to certain existing transportation assets (these assets included the marine terminals in Hampton Roads and Richmond, the Inland Port, and the Elliston Intermodal rail facility). The measure did not get out of the House Appropriations Committee, which is somewhat of a surprise given the fact that a similar measure patroned by Delegate Oder passed the House and failed in the Senate last year.

HB 971 sponsored by Delegate Tom Rust (R-Fairfax County), Delegate Joe May (R-Loudoun County), and Delegate Vivian Watts (D-Fairfax County) would have provided additional funding for statewide maintenance by imposing a fee on motor fuels sold by a distributor to a retail

Final Report for the 2010 General Assembly Session Continued...

dealer. The bill would have also increased both the state sales tax and the recordation tax in Northern Virginia for transportation projects in that region. The measure was carried over for the year by a House Finance Subcommittee, which is notable given the fact that several anti-tax Republicans tried to have the bill killed instead of carried over, but a few conservative Republicans resisted those attempts, with one claiming that it was not in the best interest of his constituents to vote to simply kill a bill in light of the tremendous infrastructure needs in his district.

One of Governor McDonnell's signature proposals for transportation funding was the proposed privatization of the Commonwealth's ABC stores. Three members introduced bills on the subject that ranged from studying the issue of privatization (HJ 91 sponsored by Delegate Bob Purkey, R-Virginia Beach) to legislation that would have auctioned licenses to authorize the retail sale of alcohol (HB 342 sponsored by Delegate Bob Marshall, R-Prince William County and SB 443 sponsored by Senator Mark Obenshain, R-Harrisonburg). None of the bills were acted upon during the session, which was an acknowledgement by the patrons that more work needed to be done on the issue before a full debate on the merits of privatization could be held and subsequently voted on. Governor McDonnell has indicated his desire to hold special sessions on government reform (which is the rubric ABC privatization would likely fall under) and on transportation funding.

Governor McDonnell signaled his intention to issue approximately \$500 million in transportation bonds this May. The bond issue is authorized as a result of 2007's HB 3202, which authorized the issuance of \$3 billion in bonds over a ten year period. The bond issue had been delayed due in part to the Commonwealth's declining revenues and its limited debt capacity. The long-term revenue projections indicate enough debt capacity for the May bond issue, and perhaps, another \$300 million next year.

Overweight Trucks: Several bills sought to increase fees related to overloaded and overweight truck permits. These bills include HB 37 (Delegate Bob Marshall, R-Prince William County) and SB 212 (Senator George Barker, D-Fairfax County). These bills were both sent to the Transportation Accountability Commission (TAC) for further study. It is likely that TAC will be reviewing these bills over the next several months, and may be prepared to recommend legislation on this issue for consideration during the 2011 General Assembly Session.

Restriction on Cell Phones: Legislators on both sides of the aisle and in both chambers offered bills that would have prohibited the use of cell phones in motor vehicles unless the devices were configured for hands-free operation. This follows last year's ban on texting while operating a motor vehicle. The bills that were offered on this subject included: HB 58 (Delegate Roslyn Dance, D-Petersburg), HB 783 (Delegate Jim LeMunyon, R-Fairfax County), SB 10 (Senator Harry Blevins, R-Chesapeake), and SB 517 (Senator Tommy Norment, R-James City County). Senator Norment's bill passed the Senate, but was tabled in a House Militia, Police, and Public Safety Subcommittee (all of the cell phone bills sponsored by House patrons met the very same fate).

Sewer Laterals: The Council worked for over a year to bring all the stakeholder groups together to address the sewer lateral issue. The work paid off with both chambers' unanimous endorsement of HB 1230 sponsored by Delegate Lee Ware (R-Powhatan County). The bill establishes a set of requirements for the protection of sewer system laterals and private sewer laterals. The measure

Final Report for the 2010 General Assembly Session Continued...

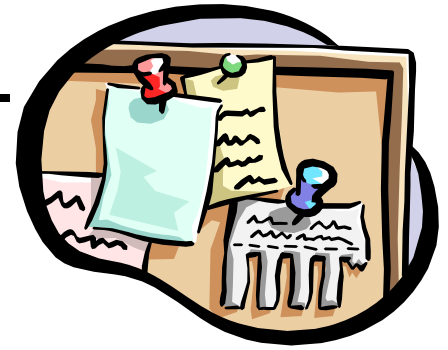
also establishes procedures to address recurring noncompliance with the provisions of the measure by localities. The bill is awaiting final consideration by Governor McDonnell.

Electronic Work Verification Program: The Council worked hard to stop two potentially destructive electronic verification bills that would have negatively impacted members. SB 225, sponsored by Senator George Barker (D-Fairfax County), would have required all public contractors or subcontractors to register and participate in the federal E-Verify program to determine that workers are legally eligible for employment. HB 737, sponsored by Delegate Dave Albo (R-Fairfax County), was even more sweeping. It would have required all employers with 15 or more employees to participate in the E-verify system. The Council helped to coordinate a broad coalition of business interests to oppose both measures. SB 225 was defeated in the Senate Commerce and Labor Committee. HB 737 was substantially amended. The bill now requires the use of E-verify only by the Commonwealth to check the employment status of its new employees. The state will be required to use E-verify starting December 1, 2012. The limited scope of the bill, and the delayed effective date of the measure (nearly three years), should give the contracting community several years before they will collectively have to worry about being required to use the E-verify system.

Possible Special Sessions: As referenced above, Governor McDonnell is contemplating calling the General Assembly into special session. One special session could focus on government reform (which would not necessarily be limited to transportation related issues, but would almost certainly include the issues related to privatization of the state run ABC operation). The second special session could focus on transportation funding issues. It is unclear at this point if the Governor will pursue two separate special sessions before the end of the year. Governor McDonnell has, however, made it clear both publically and privately that he would not call the General Assembly back into session unless there was a general agreement among the leadership of the House and the Senate that legislation could indeed succeed during the special session. The Governor and his advisors have said that they are not interested in repeating what they viewed as Governor Kaine's mistake of calling special sessions without the framework for an agreement among the members of the General Assembly.



Association Bulletin Board



More News You Can Use

Fredericksburg Chapter Meeting on April 7, 2010 at the FOP Hall. Guest Speaker: Wayne Davis whom will talk about the new DMV Automated Routing Solutions (ARS).

Blair Stewart of Virginia Utility Protection Services (VUPS) will present a training session on the Web Ticket Entry (WTE) at the HCCA office on April 13, 2010 1:00pm-3:00pm. This is a free event.

HCCA OPEN HOUSE at our new offices on Friday, April 16, 2010 from 2:00pm-5:00pm. Light refreshments will be served. Post cards will be sent out to all members inviting them to participate.

Lunch-and-Learn Session hosted by Ritchie Brothers Auctioneers on the subject of FLEET MANAGEMENT will be held at the HCCA office on April 20, 2010 from 11:00am-1:00pm. This is a free event.

Ritchie Brothers Auctioneers will also be presenting FLEET MANEGEMENT at the regular HCCA Membership Dinner Meeting on the evening of April 20, 2010 at Evergreen Country Club.

Ditch Diggers Open, Friday May 14, 2010 at Shenandoah Valley Golf Club, Front Royal, VA.

Pool Hustler's Holiday, May 26, 2010 at the Hard Times Café and Cue on Sudley Road, 6:00pm –9:00pm. Food and drinks served.

HCCA received the following note from Cathy Neitzey, Sales Manager for HCCA member firm **Payne's Parking Designs**:

"I wanted to thank you for the opportunity to participate in the table top display at the dinner meeting [March 16, 2010]. The evening was very successful for us in both meeting new contacts and being able to merchandise our products to those who were familiar with our business. The event was perfect for generating conversation about using our products and services. Thank you again, and I look forward to the next event.

We held a drawing from attendee that night for a NASCAR Road Safety Kit, the winner is Gregg Marcotte with Duffield Hauling, Inc."

We have been advised by HCCA member firm **Rutherford** that effectively immediately they have merged with Marsh & McLennan Agency, LLC.

According to Rutherford, "...MMA recognizes the distinct value of Rutherford's culture, our emphasis on putting the client's interest first, and our operating platform. These are among the reasons Rutherford has been asked to lead the Mid-Atlantic region, including Washington, DC."

For this reason Rutherford has further advised us that there will be no changes in the manner in which you do business with their firm

In Memoriam

The HCCA was saddened to learn of the untimely death of **Garrett Howard**, an employee of member firm E. E. Lyons Construction. Mr. Howard was killed in an unfortunate equipment accident while on the job. He is the first fatality that E. E. Lyons Construction has sustained since its formation in 1930. Our condolences and our thoughts are with Mr. Howard's family at this difficult time.

HCCA Board of Directors Approved New Categories for Membership

At the March 16th, 2010 meeting of the Board Directors, upon the recommendation of the Executive Director, the Association's membership categories have been changed to reflect the following. With the exception of the new Transportation members all other category changes are effective January 1, 2011.

Contractor Members will have the right to Vote, hold Executive Office, be on the Board of Directors and serve on any Committee.

Service/Product Members – will have the right to Vote, be on the Board of Directors and serve on any Committee.

Transportation Members – will have the right to Vote and serve on any Committee.

Business/Utility Members may serve on any Committee.

Government Members – will not have a vote, however, while they may not serve the HCCA in any capacity, their input will be greatly appreciated.

The fee schedule for the aforementioned Membership categories will be disclosed in the fall of 2010.

Transportation Membership (a new category) shall be limited to individuals and organizations involved **exclusively** in the hauling and relocation of people and materials. This category of members will involve themselves with dump trucks, low-boys, buses, flat trailers, roll-backs, roll-offs, dump trailers, log haulers, dry vans or refrigerated trailer operations.

The Contractors who engage in Federal or State subsidized projects are required to contract with DBE, LDBE and SWAM certified companies. By adding the transportation members to our Association, the certified companies will benefit by our member-to-member services, and the Contractors will benefit by hiring reliable member firms from our own directory.

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**HCCA Participates in Career Day
Caroline High School
March 26, 2010**

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

April

- 4/7—Fredericksburg Chapter Dinner Meeting, FOP Lodge
- 4/13—VUPS WTE Presentation, HCCA Office
- 4/16—Open House at New HCCA Office
- 4/20—Lunch-and-Learn Fleet Management, HCCA Office
- 4/20—ARS Training, VA Paving, Fredericksburg
- 4/20—Northern Virginia Chapter Dinner Meeting, Evergreen Country Club
- 4/21—ARS Training, HCCA Office, Manassas

May

- 5/12—Case Studies in Workers Compensation, HCCA Office, Manassas
- 5/14—Ditch Diggers Open, Shenandoah Golf Club, Front Royal, VA
- 5/19—Immigration Seminar, HCCA Office, Manassas
- 5/26—Pool Hustler's Holiday, Hard Times Café and Cue 6:00pm-9:00pm

June

- 6/26—6th Annual Bike Rally



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