

The

READY-MIXER



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newsletter

February 2007

The New Year Brings a New Schedule and Instructor for VRMCA's ACI Concrete Field Testing Classes

by Keith Beazley and Bob Nablo, Directors of Industry Services

The VRMCA Concrete Field Testing Certification schedule of classes started in January with classes in Warrenton and Roanoke. The first class was held in Warrenton with the written examination at the Warrenton Armory and the practical examination with equipment in the Cardinal Concrete Sanders Quarry plant. This was the last class instructed by Richard Steele and the new VRMCAACI Instructor/Examiner, George Boykin, will serve as instructor for the courses for the remainder of the year. Boykin retired in 2006 as the Hampton Roads VDOT District Materials Engineer and his relationship with the VDOT Districts will be very beneficial to the VRMCA program.

The first class of the year was very successful with a warm and comfortable building for the testing on a very cold morning of 10 degrees and the help of a number of dedicated individuals who served as Supplemental Examiners. The VRMCA would like to thank Horace Culpepper, Kerry Jorgenson and Ronnie Smith of VDOT, Allison Carrigan of Lafarge, Jesse Clarke and Jamey Zink of Titan America, Hank Keiper of The SEFA Group, Tony Thompson of Cardinal Concrete and Bob Nablo and Keith Beazley of VRMCA for serving as proctors for the event. Tony Thompson was a great help in providing the site, faux concrete and heat for the examination.



Students line up to be examined.

The first of the large 2007 ACI Grade 1 classes for Southwest Virginia gathered at Chandler Concrete's Roanoke facilities on February 2 for the written and practical exams that concluded their certification process. 45 students—18 of them from various VDOT district offices—completed the examination day in bitter cold, but protected somewhat by the maintenance bay provided by Chandler Concrete.



Steve Bernard and Dave Wynn supervise Roanoke tests.

Nine VRMCA members shared the long, cold day as supplemental examiners, testing students one-by-one for almost seven hours without a break. Hank Keiper of The SEFA Group stepped in to act as the required Professional Engineer/Examiner, while Dave Wynn and Steve Bernard of Chandler, Larry Johnson and Laura Layne of VDOT Lynchburg/Materials, Larry Necessary of Roanoke Cement, Phillip Arnold of Marshall Concrete and Keith Beazley and Bob Nablo of VRMCA monitored the test stations. Chip Scruggs of Chandler supervised the waiting students and assigned each to an open testing station as it became available. This was George Boykin's first class as VRMCA's primary ACI Instructor/Examiner, and both he and Keiper assisted with the practical testing after the written exam was completed.

Thanks to everyone who helped during this difficult day. Our volunteer members are invaluable and VRMCA could not offer this important service without them! Thanks also to Chandler Concrete for the donated concrete sample and the use of their facilities. ❖

2007 General Assembly Update

VRMCA lobbyists are monitoring the following legislation currently before the 2007 Virginia General Assembly, which convened January 10.

HB 1645 Overweight permits for underground pipe cleaning, hydroexcavating, and water blasting machinery. Provides for special overweight permits to be issued by the Commissioner of the Department of Motor Vehicles for the operation of underground pipe cleaning, hydroexcavating, and water blasting machinery on the highway. Patron: Cole; Passed House 1/22 (95-Y 0-N), now before Senate.

HB 1695 Business, professional, occupational license tax; motor fuels tax exemption. Clarifies that the motor fuels tax is exempt from gross receipts for purposes of the BPOL tax. Patron: Purkey; Passed House 94-0, now before Senate.

HB 1742 Secondary system highways. Prohibits taking additional streets into the state secondary highway system on or after January 1, 2008, unless they are within an area subject to control by a homeowners

association. Patron: Marshall, R.G.; Incorporated into HB2227.

HB 1778 Traffic signal enforcement programs; civil penalty. Grants localities the authority to operate traffic signal enforcement systems. Localities may install photo-monitoring systems at no more than one intersection for every 10,000 residents at one time. Provisions within the bill limit the use and retention of images recorded and provide other parameters and limitations for localities. Localities are also required to designate at least 50% of fines collected for transportation purposes. Patron: Cosgrove; Passed with amendments 63-35, now before Senate.

HB1847 Waste load allocations. Allows the State Water Control Board to grant waste load allocations for the Chesapeake Bay watershed nutrient credit exchange program to facilities operating under a Virginia Pollu-

tion Abatement Permit under limited conditions. Patron: Saxman; Passed both House and Senate, awaiting Governor's signature.

HB 1886 Streets; prohibits taking additional into state secondary highway system. Prohibits taking additional streets into the state secondary highway system on or after July 1, 2007, unless they are within an area subject to control by a homeowners' association. Patron: Marshall, R.G.; Incorporated into HB2227.

HB 1937 Machinery and tools tax; idle machinery and tools. Provides a uniform statewide statutory classification and taxation for idle machinery and tools on a prospective basis by allowing such machinery and tools to be taxed as capital as long as they have not been used for at least one year prior to tax day and they have been

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Employee Travel and the FLSA

by John G. Kruchko and Jay R. Fries

When a non-exempt employee is assigned to work "off-site," or away from the employee's normal work location, confusion arises regarding the calculation of hours worked for the traveling employee under the Fair Labor Standards Act ("FLSA"). Although this area of the law is replete with gray areas and applying the law to a situation is dependent on the specific facts involved, the general outline of the rules governing travel time are clear.

Normally, time spent commuting from home to work and back is not counted as hours worked under the FLSA. This is true whether the employee works at a fixed location or at different job sites.

If, however, an employee who has returned home after completing a day's work is contacted by the employer and asked to travel a substantial distance to perform an emergency job for one of the employer's customers, all time spent on travel is working time. The U.S. Department of Labor has taken no position on whether travel back to the employee's regular place of business to perform emergency work for the employer itself is working time.

Travel from job site to job site during a work day, as opposed to commuting time, must be counted as hours worked. If an employee is required to report to a central meeting place to receive instructions or to perform other work there, or to pick up and carry tools, the travel from the designated meeting place to the worksite must be counted as hours worked. In an informal opinion letter applying these regulations, the Department of Labor stated that in a situation where an employer provides transportation solely for the convenience of employees from the employer's office, warehouse, or yard to the job site, the "driver of the company furnished transportation was working while traveling and his time spent in traveling must be counted as hours worked and the payment he receives for the travel time must be counted in his regular rate for overtime purposes. The other employees who ride along as passengers in the vehicle would not be considered working while traveling."

If an employee who regularly works at a fixed location in one city is given a special one-day assignment in another city, travel time to the special assignment is considered hours worked. However, the employer may deduct for travel between the employee's home and a railroad depot or airport since, except for the special assignment, the employee would have had to commute to his regular work site in any case.

If the employee travels on an overnight trip, special rules apply. The travel time that occurs during the employee's normal working hours is considered hours worked for wage and hour purposes. This rule applies not only to normal working days but also to corresponding hours on days that would be normally non-working. Thus, if an employee regularly works from 9 a.m. to 5 p.m. from Monday through Friday, travel time during those hours is working time on Saturday and Sunday as well. Of course, if an employee is required to perform actual work while traveling, those hours must be considered as hours worked.

Treating travel time as hours worked affects not only the actual compensation received by the traveling employee, but also the employee's entitlement to overtime compensation for working more than 40 hours in a work week. In addition, all compensation received for travel time must be factored into the computation of the employee's regular rate of pay used to compute the overtime rate.

Wage and hour issues tend to be very fact specific, and the regulations issued by the Department of Labor are voluminous and complex. Employers who face unusual wage and hour issues, such as those involving travel time, are well-advised to consult with experienced labor counsel in order to avoid costly mistakes.

©2007 Kruchko & Fries—John G. Kruchko is a partner with the Management Labor & Employment Law Firm of Kruchko & Fries in McLean, Virginia, Jay Fries is a partner with the Firm. For more information, please contact Mr. Kruchko at (703) 734-0554 or Mr. Fries at (410) 321-7310 or jkruchko@kruchkoandfries.com, or jfries@kruchkoandfries.com. This article is published for general information purposes, and does not constitute legal advice. ❖

General Assembly Update

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identified in writing by the taxpayer to the commissioner of the revenue as such. Patron: Purkey; Passed House 81-16, now before Senate.

HB 1940 Designation of budget surplus for new highway construction. Requires any budget surplus remaining at the end of every two-year budget cycle to be designated for new highway construction by the Comptroller after certain other reserves and designations have been made. Patron: Purkey; Passed House 96-2, now before Senate.

HB 2257 Assessment of fees by Department of Motor Vehicles (DMV) on certain drivers; use of fees collected for transportation. Requires the DMV Commissioner to impose and collect fees on drivers who have accumulated more than four net driver demerit points or have been convicted of driving on a suspended or revoked license, reckless or aggressive driving, DUI, or any other misdemeanor or felony involving operation of a motor vehicle. Annually, the first \$35 million of these fees, minus cost of collection, will be directed to the special matching fund established by § 33.1-23.05; the next \$25 million will be directed to the Transportation Partnership Opportunity Fund; and the remainder will be directed to the Local Congestion Mitigation Incentive Fund. Patron: Rust; Incorporated into HB 2376.

HB 2579 Mechanic's lien; required statements. Adds a certification of mailing to § 43-5, the statutory form for a memorandum for mechanic's lien claimed by a general contractor. This bill also adds a statement to the statutory mechanic's lien forms for general contractors, subcontractors (§ 43-8), and sub-subcontractors (§ 43-10) that provides that it is the intent of the claimant submitting the form to claim the benefit of a lien. These statements and the certification are required to be in a mechanic's lien memorandum under § 43-4. Patron: Janis; Passed House 95-7, now before Senate.

HB 2580 Mechanic's liens; certification of mailing. Clarifies that subcontractors and sub-subcontractors are not subject to the same requirement as are general contractors to file along with a memorandum of lien a certification of mailing of a copy of the memorandum of lien on the owner of the property at the owner's last known address. Patron: Janis; Passed House 99-0, now before Senate.

HB 2618 Classification of real property; energy-efficient buildings. Permits localities to tax certain energy-efficient buildings, not including the land on which they are located, at a lower tax rate than that imposed on the general class of real property by creating a separate classification for taxation purposes. An energy-efficient building is any building that has received a rating of "certified" or better by the U.S. Green Building Council pursuant to the Leadership in Energy and Environmental Design

Green Building Rating System. Patron: Fralin; Passed House with Amendment, now before Senate.

HB 2656 Department of General Services; capital outlay projects; green buildings. Requires all departments, agencies, and institutions of the Commonwealth to ensure that the design and construction of state-owned buildings comply with the LEED Silver standard established by the United States Green Building Council unless an exemption is granted by the Division of Engineering and Buildings of the Department of General Services. Patron: Marsden; Incorporated into HB 2555.

HB 2785 Allocation of highway funds; additional allocation to certain port cities. Provides that the Commonwealth Transportation Board, from funds appropriated for such purpose in the general appropriation act, is to allocate additional funds to the Cities of Newport News, Norfolk, and Portsmouth for use in addressing highway maintenance and repair needs created by or associated with port operations in those cities. Patron: Joannou; Passed House, now before Senate.

HB 2813 Transportation Trust Fund; dedication of certain surplus revenue. Dedicates to the Transportation Trust Fund 50% of any annual general fund surplus revenues remaining after any required deposits to the Revenue Stabilization Fund and to the Water Quality Improvement Fund. Patron: Sickles; Incorporated into HB 3202.

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by Becky Meade, Virginia Ready-Mixed Human Resource Consortium

Who would choose a high deductible health plan in your company? For a relatively healthy person, the monthly premium for a single person could be very low. The trade-off is that if that employee gets sick, he or she may face a \$1,250.00 deductible. An employee with family coverage could also have a very low monthly premium with a \$2,500.00 deductible.

The deductibles are far higher than those charged by a traditional PPO (Preferred Provider Organization). That is the risk offered by high deductible health plans. If the employees play and win, they will pay smaller premiums and keep more money in their pockets.

Getting employees to pay more attention to the money they spend on health care is the goal of high deductible plans and with health savings accounts. If a patient is charged a \$15.00 co-pay for a prescription drug, he or she may never know the true cost of the medicine. A patient who pays out of pocket, or uses the pre-tax money set aside in a health savings account, will be more likely to ask whether there is a cheaper generic substitute.

High deductible health plans are designed to provide protection against catastrophic medical bills—not routine medical costs. Health savings accounts must be combined with high deductible health plans with prescribed minimum deductibles and caps on total annual out of pocket expense. The contributions are tax deductible and can then be used to pay medical expenses without incurring any taxes or penalties. An HSA account belongs to the individual and is portable with no 'use it or lose it' stipulation.

Early enrollees in high deductible health plans tend to be healthier people. They are buying a lower cost product and putting some money away in a tax advantaged account. There is some evidence that consumer-driven health plans encourage people to be more involved in the financial side of their care.

Health savings account benefits:

- **Affordable:** Employees should be able to lower health insurance premiums by switching to coverage with higher deductibles.
- **Flexible:** Money in the accounts can be used to pay for current medical expenses or can be saved for future needs.
- **Portable:** Employees can keep their HSAs even if they change jobs, switch medical coverage, become unemployed or change marital status.
- **Ownership:** Money remains in the accounts from year to year. There are no 'use it or lose it' rules.
- **Tax Savings:** HSAs offer tax deductions on money contributed to the accounts, tax-free earnings through investment and tax-free withdrawals for qualified medical expenses. ❖

General Assembly Update

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HB 2881 Insurance license tax revenue; dedication to Priority Transportation Fund. Dedicates the revenues from the motor vehicle insurance license tax in each fiscal year to the Priority Transportation Fund. Patron: Phillips; Incorporated into HB 3202.

HB 3028 CDL examination fees. Provides for a fee of \$50 to be charged by DMV every time an applicant for a commercial driver's license (CDL) fails to attend a scheduled skills test appointment, unless such applicant cancels his appointment at least 24 hours in advance. Patron: May; Passed House, now before Senate.

HB 3067 Bonds for highway construction and mass transit. Authorizes the Commonwealth Transportation Board to issue bonds in an aggregate principal amount not to exceed \$2 billion (with no more than \$325 million to be issued in any one fiscal year), with 84.3% of the proceeds to be used for highway construction in each highway construction district on a pro rata basis according to population, and the remaining proceeds to be used for mass transit. Patron: Callahan; Incorporated into HB 3202.

HB 3113 Department of Environmental Quality. Consolidates the State Air Pollution Control Board, the State Water Control Board, and the Waste Management Board into one eleven-member citizen board%97the Virginia Board of Environmental Quality%97with the authority to adopt regulations. All other responsibilities of the existing boards shall be transferred to DEQ. Patron: Landes; Passed House 67-30, now before Senate.

HB 3202 Transportation funding and reform. Provides (i) statewide funding of transportation projects through current funds and additional funds, (ii) authority

to localities in Northern Virginia and Hampton Roads to impose additional fees for transportation, and (iii) several administrative and efficiency reforms impacting transportation. The bill also authorizes the Commonwealth Transportation Board to issue bonds in an aggregate amount not to exceed \$2 billion for statewide transportation funding. Patron: Howell; Passed House 61-37, now before Senate.

SB 756 Public-Private Partnership Advisory Commission. Establishes the Public-Private Partnership Advisory Commission to review and advise responsible public entities that are agencies or institutions of the Commonwealth on (i) interim and comprehensive agreements for qualifying transportation facilities under the Public-Private Transportation Act of 1995 (§ 56-556 et seq.) and (ii) detailed proposals for qualifying projects under the Public-Private Education Facilities and Infrastructure Act of 2002 (§ 56-5575.1 et seq.). The bill also requires all responsible public entities to adopt guidelines to guide the selection of projects under the Public-Private Education Facilities and Infrastructure Act containing certain specified provisions. Patron: Stosch; Passed Senate 40-0 with Amended Substitute, now before House.

SB 772 Business, professional, occupational license (BPOL) tax; motor fuels tax exemption. Clarifies that the motor fuels tax is exempt from gross receipts for purposes of the BPOL tax. Patron: Watkins; Passed Senate with Substitute 38-0, now before House.

SB 1051 Classification of real property; energy-efficient buildings. Permits localities to tax certain energy-efficient buildings, not including the land on which they are located, at a lower tax rate than that imposed on the general class of real property by creating a separate classification for taxation purposes. Patron: Edwards; Passed Senate 40-0, now before House.

SB 1128 Biennial report by VDOT on maintaining and operating existing transportation infrastructure. Requires VDOT, no later than September 15 of each odd-numbered year, to submit to the Governor, the Joint Legislative Audit and Review Commission, and the CTB a report on the condition and needs for maintaining and operating the existing transportation infrastructure in the Commonwealth for all asset management and maintenance, based on an asset management methodology. Patron: Norment; Passed Senate 40-0 with Substitute, now before House.

SB 1151 Machinery and tools tax; idle machinery and tools; emergency clause. Provides a uniform statewide statutory classification and taxation for idle machinery and tools on a prospective basis by allowing such machinery and tools to be taxed as capital as long as they have not been used for at least one year prior to tax day and they have been identified in writing by the taxpayer to the commissioner of the revenue as such. The bill has an emergency clause. Patron: Wagner; Passed Senate 40-0 with amendment, now before House.

SB 1181 Taking subdivision streets into state secondary highway system. Allows local governing bodies of any counties that have not withdrawn from the state secondary highway system to request the Commonwealth Transportation Board, by resolution, to take any new subdivision street into the state secondary highway system for maintenance if such subdivision street has been developed and constructed in accordance with the Board's subdivision street requirements. Only those subdivision streets constructed in compliance with the Board's subdivision street requirements are to be taken into the state secondary highway system for maintenance. The Board is further required to promulgate regulations establishing

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General Assembly Update

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such subdivision street requirements. Patrons: Williams, Deeds, Herring, Houck, Norment and Watkins; Passed Senate 40-0 with Substitute, now before House.

SB 1254 Denying or modifying an application for rezoning when transportation network is inadequate. Allows a locality to provide in its zoning ordinance for the denial or modification of an application for rezoning when the existing and future transportation network is inadequate to handle the anticipated transportation impact of the proposed development. Patron: Herring; Incorporated into SB 817.

SB 1277 Minimum wage. Increases the minimum wage from its current federally mandated level of \$5.15 per hour to \$6.15 per hour effective July 1, 2007, and to \$7.25 per hour effective July 1, 2008, unless a higher minimum wage is required by the federal Fair Labor Standards Act. Patron: Whipple; Incorporated into SB 1327.

SB 1321 Overweight permits for vehicles transporting petroleum products for residential or commercial heating. Authorizes issuance of overweight permits for vehicles transporting petroleum products for residential or commercial heating. Patron: Houck; Passed Senate 39-0, now before House.

SB 1327 Minimum wage. Increases the minimum wage from its current federally mandated level of \$5.15 per hour to \$6.50 per hour effective July 1, 2007, unless a higher minimum wage is required by the federal Fair Labor Standards Act. Patrons: Colgan, Potts and Quayle; Passed Senate 31-8, now before House.

SJ 373 Constitutional amendment (first resolution); Transportation Funds. Requires the General Assembly to maintain permanent and separate Transportation Funds to include the Commonwealth Transportation Fund, Transportation Trust Fund, and Highway Maintenance and Operating Fund. All revenues dedicated to Transportation Funds on January 1, 2007, by general law, other than a general appropriation law, shall be deposited to the Transportation Funds, unless the General Assembly by general law, other than a general appropriation law, alters the revenues dedicated to the Funds. The amendment limits the use of Funds moneys to transportation and related purposes. The General Assembly may borrow from the Funds for other purposes only by a vote of two-thirds plus one of the members voting in each house, and the loan or reduction must be repaid with reasonable interest within four years. Patron: Norment; Passed Senate 35-4, now before House.

SJ 376 Constitutional amendment (first resolution) Transportation Funds. Requires the General Assembly to maintain permanent and separate Transportation Funds to include the Commonwealth Transportation Fund, Transportation Trust Fund, Highway Maintenance and Operating Fund, Priority Transportation Fund, and other funds dedicated to transportation by general law. All revenues dedicated to Transportation Funds on January 1, 2007, by general law, other than a general appropriation law, shall be deposited to the Transportation Funds, unless the General Assembly by general law, other than a

by Bob Nablo, Director of Industry Services, Western Region

Mark your calendar for the evening of March 8 if you would like to attend the 2007 version of the annual concrete engineering seminar at the Virginia Military Institute in Lexington. This popular event normally attracts 30-35 civil engineering students, some faculty, several industry-related attendees and a dozen or so VRMCA members. This year's seminar will feature several speakers and cover four major topics: Self-Consolidating Concrete, Pervious Concrete, Fibers in Ready Mixed Concrete and New Admixtures for Ready Mixed Concrete. These subjects have been discussed in earlier events, but because the students are new every three to four years, it has been decided to update the material and make new presentations. There are also many questions from the audience that can be answered by ready mix producers or suppliers to the industry, and your input would be helpful.

This is an excellent opportunity to meet students who may be working in the construction industry after graduation. These students always have questions about the various occupations available to them, and industry contacts are invaluable. It is also an opportunity for VRMCA members to contact potential employees or draw these students and their new employers toward Association membership in the future.

The Blue Ridge and Southwest Virginia Advisory Councils will sponsor this seminar. Contact any member for information, or contact Bob Nablo for reservations. The dinner is buffet-style and there is no charge, but reservations are appreciated. ❖

general appropriation law, alters the revenues dedicated to the Funds. The amendment limits the use of Fund moneys to transportation and related purposes. Patron: O'Brien; incorporated into SJ 373.

SJ 385 Constitutional amendment (first resolution); Transportation Funds. Requires the General Assembly to maintain permanent and separate Transportation Funds to include the Commonwealth Transportation Fund, Transportation Trust Fund, Highway Maintenance and Operating Fund, Priority Transportation Fund, and other funds dedicated to transportation by general law. All revenues dedicated to Transportation Funds on January 1, 2007, by general law, other than a general appropriation law, shall be deposited to the Transportation Funds, unless the General Assembly by general law, other than a general appropriation law, alters the revenues dedicated to the Funds. The amendment limits the use of Fund moneys to transportation and related purposes. Patron: Wagner; Passed Senate 39-0 with Substitute.

Failed Legislation:

HB-1616 Income tax, state; tax credit for health insurance premiums paid by small business employers. Provides a tax credit for taxable years beginning on or after January 1, 2007, to employers who pay at least one-half of the annual health insurance premium per employee. Patron: Frederick; Left in Finance.

HB-1620 Retail Sales and Use Tax; exemptions include certain contractors. Exempts from paying the sales and use tax any person who contracts on or after July 1, 2006, to perform services for and provide tangible personal property for consumption or use by the Commonwealth or any political subdivision. Patron: Frederick; Left in Finance.

HB-1638 Transportation Trust Fund; sales and use tax revenue dedicated thereto. Increases the amount of sales and use tax revenue dedicated to the Transportation Trust Fund from an amount generated by a one-half percent sales and use tax (under current law), (i) to an amount generated by a three-quarters percent sales and use tax beginning July 1, 2007, and ending

June 30, 2008, and (ii) to an amount generated by a 1% sales and use tax beginning July 1, 2008. Patron: Cole; Left in Appropriations.

HB-1648 Motor fuels sales tax. Makes the imposition of the 2% sales tax on motor vehicle fuels optional for the localities in certain Northern Virginia transportation districts. Under current law, the tax is imposed automatically in those districts. Patron: Cole; Left in Finance.

HB-1666 Statewide transportation impact fees. Provides that the CTB shall assess and impose reasonable impact fees to be collected by VDOT on new development or new subdivisions that are situated on an access road which has become, or which is to become, part of the primary system of state highway. Such impact fees shall be used to pay all or a part of the cost of reasonable road improvements that are (i) attributable in substantial part to the new development or new subdivision and (ii) necessary to render that access road which has become, or which is to become, part of the primary system of state highway operable at the Level of Service.. Patron: Marshall; Left in Transportation .

HB-1667 Impact fees for Loudoun County. Provides that the CTB shall assess and impose reasonable impact fees to be collected by VDOT on new development or new subdivisions that abut, are adjacent to, or are alongside U.S. Route 50 in Loudoun County between U.S. Route 15 and the Fairfax County line. Such impact fees shall be used to pay all or a part of the cost of reasonable road improvements that are (i) attributable in substantial part to the new development or new subdivision and (ii) necessary to render such portion of U.S. Route 50 operable at the Level of Service, as that term is described in the Highway Capacity Manual, that existed as of January 1, 2007. No impact fees shall be assessed or imposed upon a development or subdivision if (i) the subdivider or developer has proffered conditions for off-site road improvements and the proffered conditions have been accepted by the local government. Patron: Marshall; Left in Transportation.

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Why Not Pervious Concrete?

by Hessam Nabavi, R.A., Director of Industry Services, Northern Virginia

Fairfax County is taking action to bring Low Impact Development (LID) practices into the mainstream by proposing six LID practices to be added to its Public Facilities Manual (PFM). The primary goal of LID design is to maintain or restore a development site's natural hydrological function. LID design attempts to replicate predevelopment peak rates of runoff, runoff volumes, and the frequency of runoff events to the maximum extent possible. This is an environmentally sensitive approach to land development and stormwater management design. The proposed PFM amendment consists of six LID practices:

1. Pervious Pavement
2. Bioretention Facilities
3. Vegetated Swales
4. Tree Box Filters
5. Vegetated Roof
6. Reforestation

The first practice talks about pervious pavement systems and allows porous asphalt and open jointed concrete blocks (porous pavers), but not pervious concrete. So the question is: "Why Not Pervious Concrete?". On Thursday, February 1, 2007, Fairfax County Planning Commission had scheduled a public hearing at the Fairfax County Government Center at 8:15 pm to discuss several topics including LID practices and the proposed PFM amendments. Michael Rolband, President of Wetland Studies and Solutions, Inc., Hessam Nabavi, Director of Industry Services of VRMCA and Mike Newman, Promotional Director of Cardinal Virginia Concrete were scheduled as speakers.

Michael Rolband talked about location restrictions for LID Practices, pervious pavement (emphasis on pervious concrete) and some other topics.

Following Michael Rolband, Hessam Nabavi talked about the following three reasons that pervious concrete should be considered in the proposed PFM amendment:

1. The use of pervious concrete is recognized by the EPA as a Best Management Practice (BMP) for stormwater management.
2. Pervious Concrete Stormwater Management Systems has become a part of sustainable development by offering protection to the environment, while helping to sustain development.
3. Pervious concrete helps the projects to be more economical by reducing the need for stormwater retention ponds and allows for the use of smaller capacity storm sewers. This allows developers to develop a larger area of land at lower costs. It is needless to say that pervious concrete offers a lot more durability and much lower maintenance compared to asphalt pervious.

The third speaker was Mike Newman. He also talked about the benefits of pervious concrete and presented NRMCA's video of the Atlanta Library pervious project.

The speakers answered several questions regarding pervious concrete and LID and provided the board members with brochures, CDs and additional information. The talk created a certain level of curiosity. Interestingly enough, one of the board members took a provided sample of pervious concrete and experimented with its porosity. With enthusiasm, she shared her findings with other members. She said: "Water is really going through this thing." However, the question still remains, "Why Not Pervious Concrete?". ♦

The VRMCA Technical Committee is developing a series of Technical Bulletins in order to address various issues of interest to the ready-mixed concrete industry.

Technical Bulletins 1-4 are now available and posted on the website. Please visit the VRMCA website at www.vrmca.com to download electronic versions. You may also contact the Association Headquarters at 434.977.3716 for printed copies.

Please make every effort to distribute these to contractors, engineers, and testing labs in your area.

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Virginia NRMCA Pervious Concrete Certification Course Establishes a National Record

by J. Keith Beazley, Director of Industry Services, Central Virginia and Hampton Roads

The Pervious Concrete Contractor Certification Course, held on January 31, 2007 at the Kiln Creek Golf Club and Resort in Newport News, established a new NRMCA record for participation, with 120 people in attendance. The one-day course event, with individuals from all areas of Virginia, attracted concrete contractors, municipal engineers, public works departments and inspectors, concrete industry management and sales personnel, architects, and civil engineers.

The course was sponsored by the Central Virginia and Hampton Roads Concrete Advisory Councils as a joint venture and was the second phase of the Pervious Concrete Symposium that was held at the Kingsmill Conference in Williamsburg, during the Fall of 2006. Over 100 individuals attended the Kingsmill Conference.

The Pervious Concrete Contractor Certification course provided information on what a concrete craftsman needs to know about pervious concrete. Topics included: Fundamentals of Pervious Concrete, Concrete Mixtures and Production, Tools and Equipment, General Design Principles of Pervious Pavements, Concrete Construction and Maintenance and Troubleshooting.

Phil Kresge, of NRMCA, was the instructor for the course and presented the textbook to the group. Phil is the National Resource Director for the National Ready Mixed Concrete Association and his duties include promotion and development of markets in National Accounts located in the Northeast United States. Phil acts as NRMCA's liaison to the various state and local concrete associations in the thirteen-state region. He is very knowledgeable about pervious concrete and provided a solid understanding about the product and placement. In addition, he has been very helpful by participating in both phases of the symposium and is marketing pervious pavements to accounts in Virginia.

An examination was held upon the completion of the course material, and individuals successfully passing the 50-question examination will be issued a five-year pervious certification. Steve Kerr, P.E., of Solite, conducted the testing period, as NRMCA requires an engineer to administer the examination. Each exam was signed and numbered by the individual taking the exam and a picture I.D. was required. NRMCA is very serious about the importance and significance of the examination and certification. Steve conducted the examination according to established procedures so that each individual will receive accreditation.



Finishing and edging the new panel with the previously poured sample.

Following the examination, a demonstration of placing pervious was held on the grounds of Kiln Creek. The contractor for this event was Denton Concrete, and the company provided a very useful demonstration of the power roller method of placing the concrete. One section was poured and cured a week before the event, so that the two sections could be viewed as a finished piece and a newly poured piece of pavement. Titan America donated the concrete for this phase of the seminar.

The response to the two phases of the symposium was outstanding and the impact of the events will have an effect on the market in Virginia. Interest in pervious concrete for projects was generated from engineers who attended the conference in Williamsburg. The Advisory Councils were very pleased with the statewide response and participation for both events, as well as having the opportunity to jointly sponsor the promotion and training of this very special and unique concrete product.

As a result of the conference, VRMCA is an approved local sponsor for the NRMCA Pervious Concrete Certification course and will be listed on the national website. ❖



Students taking 50-question examination.

General Assembly Update

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HB-1668 Impact fees in Loudoun County. Provides that the CTB shall assess and impose reasonable impact fees, to be collected by VDOT on new development or new subdivisions that abut, are adjacent to, or are alongside U.S. Route 50 in Loudoun County between U.S. Route 15 and the Fairfax County line. Patron: Marshall; Left in Transportation.

HB-1669 Residential development impact fees. Allows localities to adopt provisions in subdivision ordinances for the assessment of impact fees when existing public safety facilities are inadequate to support a proposed residential development. Such fees shall be a pro rata share of the costs of reasonable and necessary capital improvements attributable to the proposed development. Patron: Marshall; Left in Counties, Cities and Towns.

HB-1670 Residential development impact fees. Allows localities to adopt provisions in subdivision ordi-

nances for the assessment of impact fees when existing facilities for schools are inadequate to support a proposed residential development. Such fees shall be a pro rata share of the costs of reasonable and necessary capital improvements attributable to the proposed development. Patron: Marshall; Left in Counties, Cities and Towns.

HB-1671 Development impact fees. Allows localities to adopt provisions in subdivision ordinances for the assessment of impact fees when existing parks, playgrounds, and recreational facilities are inadequate to support a proposed development. Such fees shall be a pro rata share of the costs of reasonable and necessary capital improvements attributable to the proposed development. Patron: Marshall; Left in Counties, Cities and Towns.

HB-1675 Revenue-sharing funds for certain counties, cities, and towns. Provides that revenue-sharing funds may be used to construct, maintain, or improve a highway system located between two or more localities. Patron: Scott; Left in Appropriations.

HB-1685 Primary system highway construction

funds. Allows the Commonwealth Transportation Board to allocate primary system highway construction funds to highway construction projects maintained or to be maintained by municipalities. Patron: Toscano; Passed by for the day for the third time on 1/23.

HB-1701 Primary and secondary highway construction funds allocations. Revises the formulas used to allocate primary and secondary highway construction funds so that such funds are allocated on the basis of population. Patron: Lingamfelter; Left in Transportation.

HB-1703 Sales and use tax revenue dedicated to the Transportation Trust Fund. Increases the amount of sales and use tax revenue dedicated to the Transportation Trust Fund from an amount generated by a 0.50 percent sales and use tax, to an amount generated by a 0.75 percent sales and use tax. Patron: Lingamfelter; Left in Transportation.

HB-1716 Fees on trucks. Requires the Commonwealth Transportation Board to impose a fee on trucks and combination vehicles for use in maintaining state highways. The Board is to calculate, impose, and collect a

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Testing Lab Roundtable in Roanoke

by Bob Nablo, Director of Industry Services, Western Region

The Testing Laboratory - Ready Mixed Producer Roundtable format will be revived in Roanoke on February 20th as the Southwest Virginia Council hosts a discussion on construction site problems with area laboratory personnel. The event will be held as a luncheon at the Holiday Inn – Roanoke Airport.

Seven local concrete testing laboratories have been invited to participate, including VRMCA members: Froehling & Robertson and Prinzbach Consulting, Schnabel, CTI, ETS, Hurt & Proffitt and Geotechnics. It has been a few years since an event of this type has been held in the region, and some of the major players on both sides have changed, making it a good reason to renew the discussions. It is also hoped that the roundtable will lead to a future strength-testing comparison.

Buck Hamil of BASF Admixtures and Horace Thomas of Salem Ready Mix are organizing the roundtable, with significant help from J.T. McGinnis of F & R Labs. As always, we hope to have frank, open discussions about common problems and avoid future confrontations about testing results. Interested VRMCA members are welcome. ♦

General Assembly Update

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fee for damage done to highways by certain vehicles. The amount of the fee is to be based on the difference between the amount received annually by the Commonwealth from the federal government for highway maintenance and the annual cost to the Commonwealth of repairing damage done to the highways of the Commonwealth by vehicles subject to the fee. The amount of the fee and the method of payment are to be determined by the Board. The fee is to be imposed on a vehicle-by-vehicle basis, and no vehicle upon which a fee is assessed is to be operated on any highway of the Commonwealth if the fee is not paid in full on or before the date upon which payment of the fee is due. Patron: Marshall; Left in Transportation.

HB-4747 Recordation tax; distribution for transportation. Provides for the distribution of excess recordation tax revenues to the Commonwealth Transportation Board for use throughout the Commonwealth for projects that will (i) reduce poor air quality, (ii) reduce traffic congestion, and (iii) aid the safety of motorists or pedestrians. Patron: Marshall; Left in Appropriations.

HB-4748 Transportation Trust Fund; funding in connection with rezoning application; road capacity. Allows a locality to deny or modify a request for rezoning when the existing and future transportation network that will serve the proposed development is inadequate to handle the anticipated transportation impact of the proposed development. The bill also provides that the Department of Transportation shall collect cash payments, in lieu of cash payments or proffers accepted by a locality, in an amount equal to that which a locality could accept pursuant to its ability to accept proffers if the inadequacy of the existing and future transportation network that would serve the proposed development, as determined by such locality, gives rise to the need for such cash payments or proffers. Patron: Marshall; Left in Transportation.

HB-4724 Statewide transportation impact fees. Imposes a fee for the issuance of a certificate of occupancy for every building or structure that is neither exempt from taxation by law nor actually valued at more than \$100,000 at the time such final certificate of occupancy is issued. The fee is due within 90 days in an amount is equal to

five percent of the actual value of such building or structure, exclusive of the first \$100,000 of such actual value. Patron: Cole; Left in Counties, Cities and Towns.

HB-4725 Transportation; bonds for specific project. Authorizes the CTB to issue bonds in the principal amount of \$550 million to finance the cost of adding an additional lane on both the northbound and southbound lanes of Interstate 95 from Dumfries to Massaponax to expand the regular travel lanes (not the HOV lanes). Patron: Cole; Left in Appropriations.

HB-4744 Construction and improvement of primary or secondary highways by counties. Eliminates the requirement that primary and secondary highway improvement projects undertaken by counties be subject to approval of project plans and specifications by VDOT, provided that the county warrants and certifies that the projects were built in conformity with state standards and specifications. Patron: Fralin; ; Left in Transportation.

HB-1749 Dulles Toll Road; tolls. Imposes certain conditions on the increase and use of tolls on the Dulles Toll Road. Patron: Marshall, R.G. Tabled in Transportation on 1/16.

HB-4745 Residential development impact fee assessments; adequate public facilities. Allows localities to adopt ordinances for the assessment of impact fees and acceptance of cash proffers when certain public facilities are inadequate to support a proposed residential development. Patron: Marshall, R.G.; Left in Committee.

HB-1754 Publication of transportation funds. Requires VDOT to publish annually in hard copy and in electronic format on its website a list of all funds used in the Commonwealth for transportation purposes and the source of such funds, including federal, state, and local sources. Patron: Marshall, R.G. Tabled in Transportation.

HB-4760 Consolidation of VDOT maintenance facilities. Requires the Commonwealth Transportation Board, Commonwealth Transportation Commissioner, and VDOT forthwith to suspend any and all activities and plans relating in any way to consolidation of the Department's maintenance facilities and their personnel and equipment. Patron: Kilgore; Tabled in Transportation on 1/16.

HB-1763 Tangible personal property tax; waste haulers. Creates a separate classification for personal

property tax purposes for motor vehicles designed and primarily used for hauling waste. The revenues collected from such motor vehicles are to be used for transportation purposes by the locality collecting the tax. Patron: Purkey; Left in Finance.

HB-1783 Traffic warning systems. Requires VDOT, as quickly as practicable, to implement traffic warning systems, operated by private sector businesses, that will provide subscribers, via personal digital assistant devices and other wireless telecommunications technologies, with real-time information concerning traffic congestion, incidents, and other information necessary or convenient to users of the highways of the Commonwealth. Patron: Cosgrove; Tabled in Science and Technology.

HB-1803 Income tax; toll payment tax credit. Provides a tax credit against income tax for taxpayers making electronic toll collection payments, such as Smart Tag, in an amount equal to 10% of the total amount paid annually for tolls on Virginia highways, for taxable years beginning on and after January 1, 2007. Patron: Poisson; Left in Finance.

HB-1807 Access to certain highways. Prohibits the Virginia Department of Transportation from closing or otherwise impeding ingress to or egress from Cedar Green Road and Virginia Route 28 North in Loudoun County until all planned improvements on the Virginia Route 625 and Virginia Route 846 interchanges have been completed. Patron: Poisson; Tabled in Transportation.

HB-1858 Cash proffers; purchase of development rights programs. Provides that a locality that has established a purchase of development rights program may include in its zoning ordinance provisions for the voluntary proffering in writing, by the owner, of reasonable conditions, which shall include the payment of cash to the locality for local purchase of development rights that will be dedicated as easements for conservation, open space, or other purposes pursuant to the Open-Space Land Act. Patron: Wittman; Left in Counties, Cities and Towns.

HB-1893 Federal transportation enhancement grants; distribution of funds on basis of population. Provides that the Commonwealth Transportation Board shall allocate and apportion such funds among the nine construction districts on the basis of population. Patron: Albo; Left in Transportation.

HB-1994 Road impact fees. Adds Caroline, King George, Lancaster, Northumberland, Richmond, and Westmoreland Counties to those localities authorized to impose road impact fees. Patron: Wittman; Left in Counties, Cities and Towns.

HB-1999 Hampton Roads Bridge and Tunnel Authority. Establishes the Hampton Roads Bridge and Tunnel Authority and transfers from VDOT to the Authority control of and responsibility for the James River Bridge, the Monitor-Merrimac Memorial Bridge-Tunnel (Interstate Route 664 bridge-tunnel across/beneath Hampton Roads between Newport News and Suffolk), the Hampton Roads Bridge-Tunnel (Interstate Route 64 and U.S. Route 60 bridge-tunnel across/beneath Hampton Roads between Hampton and Norfolk), the Midtown Tunnel (U.S. Route 58 tunnel beneath the Elizabeth River between Norfolk and Portsmouth), the Downtown Tunnel (Interstate Route

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264 tunnel beneath the Elizabeth River between Norfolk and Portsmouth), I64 bridge over the Elizabeth River in Chesapeake, and the Chesapeake Bay Bridge-Tunnel. Patron: Suit; Left in Transportation.

HB-2498 Motor fuel tax; increase. Increases the tax on gasoline, diesel fuel, and alternative fuel by \$0.055 per gallon; increases the motor carrier road tax by an equivalent of \$0.055 per gallon of fuel used in the Commonwealth; and increases the alternative use fee for certain motor carriers from \$100 to \$150 (the fee is an alternative to paying the motor carrier road tax). The revenue generated is used for transportation purposes as required by existing law. Patron: Hull; Left in Finance.

HB-2296 State environmental review process. Shortens the times permitted state agencies to respond to requests for permits required for highway construction projects. The bill also corrects an error in existing law. Patron: Wardrup; Failed to Pass in House.

HB-2496 Transportation; supplemental funding for Northern Virginia. Permits any city or county that is within the Northern Virginia Transportation Authority ("Authority"), to impose two additional local fees and taxes to go to the Authority, and also have the Authority receive the revenue from three additional state taxes imposed in the region. Patron: Albo; Failed to Pass in House.

HB-2249 Workers' compensation; alternative dispute resolution. Authorizes an employer primarily engaged in the construction business and a collective bargaining representative of its employees, with which

the employer has a signatory agreement, to negotiate a dispute resolution system, which may include mediation and binding arbitration. Patron: Amundsen; Stricken from Docket.

HB-2340 State funding for portions of certain local transportation projects. Provides that the Commonwealth Transportation Board shall make an allocation to any locality, not to exceed the lesser of \$25 million or 33% of the cost of the project, to be used by the locality for a transportation project, provided that (i) the locality has issued or will issue bonds for transportation purposes in the fiscal year in which the allocation is sought in an amount that exceeds the amount of the state allocation; (ii) the locality has sufficient local funds, which, together with the state allocation, will complete the project; and (iii) the transportation project for which the allocation is sought is determined by the Commonwealth Transportation Board, compared with other requests for such allocations, to be more likely to relieve severe traffic congestion, according to criteria and procedures for making application for funds that shall be developed by the Commonwealth Transportation Board. Total state funds allocated by the Board for this program shall not exceed \$50 million in any one fiscal year. Patron: Lingamfelter; Left in Appropriations.

HB-2464 Motor fuels tax and road tax; rates and refunds. Increases the motor fuels tax rate by \$0.05 per gallon from \$0.175 to \$0.225 for gasoline and from \$0.16 to \$0.21 for diesel, effective January 1, 2008, and ending February 1, 2009. Patron: Marshall, D.; Left in Finance.

HB-2466 Motor vehicle sales and use tax; basis and rate. Reduces the sale price for determining motor vehicle sales and use tax by (i) the credit given by the seller for any motor vehicle taken as a trade-in, and (ii) the amount of cash discount or rebate given by the seller or the manufacturer. The bill also caps the sale price on which the tax is computed at \$70,000, and increases the motor vehicle sales and use tax rate from 3% to 3.5%. Patron: Marshall, D.; Left in Finance.

HB-2467 Motor vehicle sales and use tax; basis and rate. Reduces the sale price for determining motor vehicle sales and use tax by (i) the credit given by the seller for any motor vehicle taken as a trade-in, and (ii) the amount of cash discount or rebate given by the seller or the manufacturer. The bill also caps the sale price on which the tax is computed at \$70,000, and increases the motor vehicle sales and use tax rate from 3% to 4%. Patron: Marshall, D.; Left in Finance.

HB-2555 Department of General Services; Green Buildings Act. Requires all major facility projects of state agencies to be constructed to meet the United States Green Building Council Leadership in Energy and Environment Design (LEED) silver certification standard, unless granted an exemption by the Director of the Department of General Services. Such projects will not be required to obtain official LEED certification. Application of the requirement will be phased in over the next three years based on the square footage of the project. The provisions of the bill do not apply to construction projects of public school districts. Patron: Ebbin; PBI in General Laws.

HB-2597 Travel in the left lane by commercial motor vehicles. Prohibits drivers of commercial vehicles from travel in the left lane on Interstate Route 64 between the Hampton Roads Bridge Tunnel and the City of Richmond. Patron: Rapp; Stricken from docket in Transportation.

HB-2499 Transient occupancy tax; transportation needs. Grants authority to most counties to impose an extra two percent transient occupancy tax to be used solely for local transportation needs. Patron: Orrock; Left in Finance.

HB-2606 Motor fuel tax; rate increase. Increases the tax on gasoline, diesel fuel, and alternative fuel by \$0.10 per gallon; increases the motor carrier road tax by an equivalent of \$0.10 per gallon of fuel used in the Commonwealth; and increases the alternative use fee for certain motor carriers from \$100 to \$150 (the fee is an alternative to paying the motor carrier road tax) Patron: Watts; Left in Finance.

HB-2640 Vehicle registration fees. Increases fees for registration of vehicles not designed and used to transport passengers, and increases the minimum registration fee for farm vehicles. Patron: Watts; Left in Transportation.

HB-2703 Sales and use tax; portion dedicated for transportation. Dedicates the revenue generated by a 0.50 percent sales and use tax for transportation projects in each highway construction district throughout the Commonwealth on a pro rata basis pursuant to the percentage of the total state sales and use tax collected in the localities in each such district. Patron: Hugo; Stricken from docket in Appropriations.

HB-2704 Sales and use tax; portion dedicated for transportation. Dedicates the revenue generated by a 0.50 percent sales and use tax, all insurance license tax revenues, and state recordation tax revenues not already dedicated for transportation projects in each highway construction district throughout the Commonwealth on a pro rata basis pursuant to the percentage of the total state sales and use tax collected in the localities in each such district. Patron: Hugo; Stricken from docket in Appropriations.

HB-2705 Recordation tax; dedicated for transportation. Dedicates state recordation tax revenues not already dedicated for transportation projects in each highway construction district throughout the Commonwealth on a pro rata basis pursuant to the amount of the recordation tax collected in the localities in each such district. The bill also creates a transportation program for each highway construction district (similar to the Northern Virginia Transportation Program) as the means by which the revenues are distributed. Patron: Hugo; Stricken from docket in Appropriations.

HB-2706 Insurance license tax revenue; dedicated for transportation. Dedicates all state insurance license tax revenue for transportation projects in each highway construction district throughout the Commonwealth on a pro rata basis pursuant to the amount of the recordation tax attributable to the localities in each such district. The bill also creates a transportation program for each highway construction district (similar to the Northern Virginia Transportation Program) as the vehicle by which the

For safety related links,

please visit the safety committee section of the VRMCA website:

www.vrmca.com/about/



General Assembly Update

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revenues are distributed. In addition, the revenues may be used to issue bonds annually with a face value up to two-thirds of the amount of revenue estimated to be dedicated for each respective fiscal year, with the bond proceeds distributed to each transportation program on the same pro rata basis. Patron: Hugo; Stricken from docket in Appropriations.

HB-2666 Machinery and tools taxation. Exempts certified pollution control equipment and facilities, placed in service on or after January 1, 2009, from state and local taxation pursuant to subsection d of Section 6 of Article X of the Constitution of Virginia. The measure also provides that certain machinery and tools placed in service on or after January 1, 2009, are taxable as intangible personal property, thereby excluding such property from local taxation. Patron: Purkey; Left in Finance.

HB-2884 Overweight coal trucks. Provides that penalties for overweight coal trucks are imposed on the owners of the vehicles, and not on their drivers. Patron: Phillips; Left in Transportation.

HB-2997 Motor fuels tax. Modifies the rates of taxation on motor fuels to be the greater of (i) the current specific cents-per-gallon rates or (ii) percentage rates, 7.3% for gasoline and gasohol, and 6.5% for diesel. The percentage rates would be applied against the average price per gallon of the fuel, less federal and state taxes, as determined by the DMV Commissioner over rolling six-month periods. Patron: Scott; Left in Finance.

HB-3452 Vehicle registration fees. Increases vehicle registration fees, removes certain fees based on weight, and dedicates the proceeds to transportation purposes. Patrons: Callahan, Jones, D.C., McClellan, Melvin, Plum; Left in Transportation.

HJ-558 Constitutional amendment (first resolution); Highway Maintenance and Operating Fund and Transportation Trust Fund. Provides that the Highway Maintenance and Operating Fund and the Transportation Trust Fund shall be permanent funds. Starting with the Commonwealth's fiscal year beginning July 1, 2009, the General Assembly shall appropriate to each Fund an amount no less than the amount appropriated to the respective Fund in the immediately preceding fiscal year. The amendment limits the use of Trust Fund moneys to highway construction, maintenance, and improvements and to furthering the public interest in public transportation, railways, seaports, and airports. The General Assembly may use Fund proceeds for other purposes only by a four-fifths vote of the members in each house. However, Fund proceeds used for other purposes must be repaid to the Fund within four years. Patron: Frederick; Left in Privileges and Elections.

HJ-588 Constitutional amendment (first resolution); impact fees and proffers. Provides that any locality may adopt an ordinance providing for the assessment of impact fees or acceptance of proffers related to the impact of new development. Patron: Marshall, R.G.; Left in Privileges and Elections.

HJ-594 Study; costs of development. Establishes a joint committee to study the identifiable costs of new residential and commercial development in Virginia. Patron: Marshall, R.G.; Left in Rules.

HJ-607 State highway, passenger rail, and mass transit programs; joint subcommittee to study financing. Creates a 10-member joint subcommittee to study financing for state highway, passenger rail, and mass transit programs. Patron: Caputo; Left in Rules.

HJ-608 New residential and commercial development; joint subcommittee to study identifiable costs thereof. Establishes a joint subcommittee to study the identifiable costs of new residential and commercial development in Virginia and the manner in which those costs are currently borne or would likely be borne. Patron: Marshall, R.G.; Left in Rules.

HJ-720 Constitutional amendment (first resolution); Transportation Funds. Requires the General Assembly to maintain permanent and separate Transportation Funds to include the Commonwealth Transportation Fund, Transportation Trust Fund, Highway Maintenance and Operating Fund and Priority Transportation Fund. All revenues dedicated to transportation on January 1, 2007, by general law, other than a general appropriation law, shall be deposited to the Transportation Funds. The amendment limits the use of Fund moneys to transportation and related purposes. Patron: Moran; Left in Privileges and Elections.

HR-44 Memorialize the Governor of Maryland and the Mayor of the District of Columbia. Urges construc-

tion of Interstate Route 95 through the District of Columbia. Patron: Marshall, R.G.; Left in Rules.

SB-760 Use of year-end general fund balance. Provides that any fiscal year-end general fund balance that is not otherwise reserved or designated shall be designated by the Comptroller in the amount of 50% for nonrecurring, non-transportation expenditures and 50% for deposit into the Highway Maintenance and Operating Fund. The bill would provide that the Comptroller make such designation only after amounts have been reserved and set aside for the Revenue Stabilization Fund, the Virginia Water Quality Improvement Fund, and other required designations. Patron: Stosch; Left in Finance.

SB-768 Small business; change in definition. Requires a business to have both 250 or fewer employees and average annual gross receipts of \$10 million or less averaged over the previous three years to fit the definition of "small business." Currently a business must have either 250 or fewer employees or average annual gross receipts of \$10 million or less averaged over the previous three years to fit the definition. Patron: Locke; Stricken at request of Patron.

SB-782 Northern Virginia Transportation Authority; automated toll collections. Allows the Northern Virginia Transportation Authority to impose and collect tolls for use of newly constructed facilities and facilities that are reconstructed so as to increase their traffic capacity and allows the issuance of bonds supported by revenues generated by toll collections. Patron: Cuccinelli; Defeated in Finance.

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General Assembly Update

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SB-842 "Revenue-sharing" funds for highway systems in certain counties, cities, and towns. Reduces the \$1 million threshold for drawing down state matching funds to \$500,000. Patron: Ruff; Defeated in Finance.

SB-847 Zoning; road capacity. Allows a locality to deny or modify a request for rezoning when the existing and future transportation network that will serve the proposed development is inadequate to handle the anticipated transportation impact of the proposed development. Patron: Cuccinelli; Defeated in Local Government 6-9.

SB-830 Supplemental transportation funding for Northern Virginia. Permits the counties and cities that are members of the Northern Virginia Transportation Authority to impose additional local taxes and fees to be used by the Authority for transportation projects in the localities comprising the Authority. Patron: Devolites Davis; Stricken at Request of Patron.

SB-843 Supplemental transportation funding for Northern Virginia. Increases the state grantor's tax by \$0.40 per \$100 of value in the Counties of Arlington, Fairfax, Loudoun, and Prince William and the Cities of Alexandria, Fairfax, Falls Church and Manassas. Patron: Devolites Davis; Stricken at request of Patron.

SB-857 Commonwealth Transportation Board; bonds for Route 58 Corridor. Authorizes the Commonwealth Transportation Board to issue bonds in an additional amount not to exceed \$196 million to fund certain specified transportation projects in the Route 58 Corridor. Patron: Reynolds; PBI in Finance.

SB-990 Income tax credits; machinery and equipment used in recycling process. Extends the sunset date from January 1, 2007, to January 1, 2015, for the income tax credit for machinery and equipment used to produce goods from recyclable materials. Patron: Blevins; Left in Finance.

SB-4026 State secondary highway system; local-option retail sales taxes on motor fuels. Requires counties with populations of 50,000 or more, according to the last preceding U.S. census, to take over from VDOT responsibility for planning, construction, operation, and maintenance of state secondary highway system prior to July 1, 2012. Patron: O'Brien; Left in Finance.

SB-4422 Offshore oil and gas royalties. Obligates the state to distribute at least 50 percent of all royalty payments received from offshore oil and gas production equally among residents of the Commonwealth. The other 50 percent shall be credited to the Transportation Trust Fund. Patron: Cuccinelli; PBI in Finance.

SB-4455 Interstate 81 regional transportation authorities; transportation funding. Allows the governing bodies of two or more contiguous counties or cities along the Interstate 81 corridor or three or more counties or cities in the same construction district along the Interstate 81 corridor to form a regional transportation authority. Such an authority shall prepare a regional transportation plan and may construct or acquire transportation facilities specified in such a plan. An authority would also be responsible for long-range transportation planning for regional transportation projects. An authority may impose and collect tolls on facilities within its confines, subject

to the approval of the Commonwealth Transportation Board, and cities or counties within the authority may, by ordinance, levy and impose an additional local sales and use tax, provided that all cities or counties within the authority adopt by ordinance the additional tax. An authority shall report annually on the allocation and expenditure of funds, including the use of funds to reduce congestion and improve air quality within the confines of the authority. Patron: Potts; Stricken from docket in Finance.

SB-4463 Transportation Trust Fund; additional sources of revenues. Dedicates for transportation purposes all insurance license tax revenues relating to automobile insurance policies. The bill also creates a new source of revenue for the transportation. Upon conviction of certain dangerous driving offenses and traffic infractions for which the Department of Motor Vehicles assigns six demerit points, a court shall order the offender to make a payment into the Transportation Trust Fund. The court shall collect the payments on behalf of the Commonwealth and remit the payments to the Fund. Finally, the bill dedicates the unallocated funds in the first year of the 2006-2008 budget to the Transportation Trust Fund. Patron: Bell; Left in Finance.

SB-4496 Assessment of fees on certain drivers; use of fees collected. Requires the courts to impose, in addition to any other penalties imposed, an initial additional fee for certain motor vehicle law offenses. The bill also requires the Department of Motor Vehicles to assess certain fees on any person who has eight or more driver demerit points. These fees, minus cost of collection, will be deposited into the Highway Maintenance and Operating Fund for highway maintenance purposes. Patron: Reynolds; Referred to Transportation, Left in Finance.

SB-4204 Insurance license tax revenue; dedication to Priority Transportation Fund. Dedicates the revenues from the motor vehicle insurance license tax in each fiscal year to the Priority Transportation Fund and repeals the current dedication to the Fund of one-third of the revenues from all insurance license taxes. Patron: Houck; Left in Finance.

SB-4260 Urban and secondary highway system construction allocations. Revises the formulas for distribution of urban and secondary highway system construction funds. Patron: Herring; PBI in Transportation.

SB-4273 Department of General Services; Green Buildings Act. Requires all major facility projects of state agencies to be constructed to meet United States Green Building Council Leadership in Energy and Environment Design (LEED) certification standards, unless granted an exemption by the Director of the Department of General

Mark Your Calendar!

**2007 Spring Convention
May 20-22, The Homestead**

**2007 Fall Convention
September 9-11, Hilton
Virginia Beach Oceanfront**

Services. Patron: Whipple; Reported from General Laws 13-1 with amendments, Left in Finance.

SB-4379 Transportation Future Fund. Establishes the Transportation Future Fund (the Fund) to support the design and construction of surface transportation infrastructure of long-term statewide significance. Fund investments include: design and construction of the Third Crossing of Hampton Roads; construction of the Southeastern Parkway and improvements to U.S. Route 460 and Interstate Route 64 in Hampton Roads; expansion of Metrorail service to Tyson's Corner; completion of environmental impact studies associated with the Eastern and Western Bypasses in the Virginia suburbs of Washington, D.C.; completion of location studies and reservation of rights-of-way in connection with a Potomac River bridge between the American Legion Bridge (Interstate Route 495) and the U.S. Route 15 bridge; establishment of high-occupancy toll lanes on Interstate Routes 95, 395, and 495 in the Virginia suburbs of Washington, D.C., in the Fredericksburg-Washington corridor; expansion of Interstate Route 66 both within and outside the Capital Beltway; and completion of environmental impact studies associated with improvements to rail service, additional truck lanes, and improvements to choke points and dangerous locations in the Interstate Route 81 corridor. The Fund is to be financed through a 1cent increase in the sales and use tax and through establishment of toll roads. Patron: Potts; Recommitted to Finance Committee on 2/6. ❖

VRMCA SPRING MEETING ANNOUNCEMENT

Please make your reservations early for the Spring Meeting, May 20-22, at The Homestead. Last year, several folks had to stay elsewhere. The VRMCA rate is \$178/night/person based on double occupancy, \$288/night/person single occupancy. These rates are good until either April 19, 2007 or the room block is filled. Also, remember that, if you plan on having dinner in the Main Dining Room, Sam Snead's Tavern or the 1766 Grill, reservations must be made well in advance.

Call 800-838-1766 for reservations. Details on registration for the meeting will follow at a later date. Please see the insert enclosed.



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