



LEED V4 Materials & Resources Credits (MR) Creating a New Way of Shopping Building Materials

By Hessam Nabavi,
Director of Industry Services

“LEED v4, at its core, provides insight into the synergies within the building system, providing solutions for optimizing performance, and ultimately achieving better environmental, economic and social outcomes in our buildings. It is the LEED of the future, where we challenge the marketplace to go further, to make the next great leap toward better, cleaner, healthier buildings where people live and work.” said Scot Horst, senior vice president of LEED, USGBC.

The USGBC Unveiled LEED V4 at the 2013 Greenbuild International Conference and Expo this past November in Philadelphia. LEED V4 offers more

transparency in the rating system by focusing on Life Cycle Assessment (LCA), Environmental Product Declarations (EPDs) and product ingredients.

Buildings are the major source of global demand for energy and materials that produce by-product greenhouse gases (GHG).

The raw resource extraction, manufacturing, transportation, construction, usage, and end-of-life stages of building products each generate significant GHG emissions.

The newly overhauled Materials & Resources credits in LEED V4, forces the building product manufacturers, suppliers, decision makers and designers to change their paradigm about how they think about building materials.

U.S. EPA defines, LCA as a technique to assess the environmental aspects and potential impacts associated with a product, process, or service, by:

- Compiling an inventory of relevant energy and material inputs and environmental releases
- Evaluating the potential environmental impacts associated with identified inputs and releases
- Interpreting the results to help you make a more informed decision

LEED V4 now gives credit to building projects using products that have Environmental Product Declarations (EPDs). LEED V4-compliant EPDs summarize potential environmental impacts

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Virginia Beach	April 22, 23, 24
Warrenton	April 29, 30, May 1
Richmond	May 27, 28, 29

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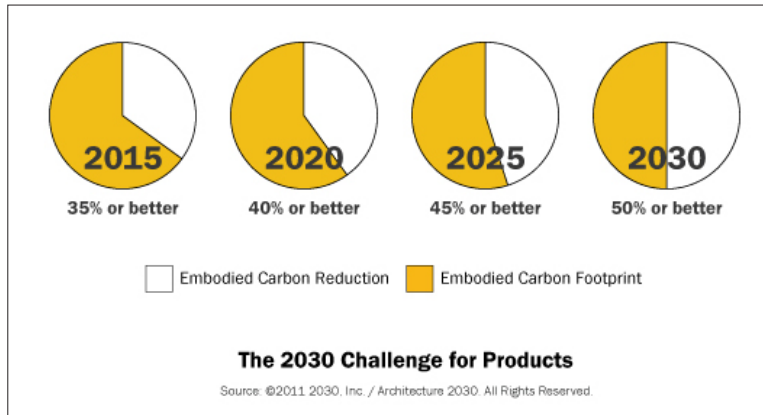
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Building Materials *continued from page 1*

of materials for selected impact categories across the product’s life cycle. They are based on ISO 14025, the international standard for Type III environmental declarations. EPDs are third party certified reports by manufacturers providing information about the environmental impact and performance of their products.

In Philadelphia, Scott Horst also said, “in previous versions of LEED’s MR credits we focused on recycled contents, but in LEED V4 we want designers to approach their material selections (specifying) like if they are shopping. Similar to food nutrition labels which allows shoppers to make more informed decisions.”

This approach offers a much more comprehensive picture of products and materials which in turn helps the project team to make a more informed decision. LEED V4 believes that this data driven decision making process based on total transparency will have a tremendous effect on building performance, environment and human health. Needless to say, LEED V4 MR credits will also bring a very complex and demanding



form of transparency to material and product suppliers.

As you may know, last April U.S. Concrete Inc. announced that its San Francisco based operating company Central Concrete Supply Co. has become the first Ready Mix Supplier in the United States to adopt the 2030 Challenge for Products and initiated Environmental Products Declarations (EPDs).

The goal of the 2030 Challenge for Products is to slow the growth rate of GHG emissions, and then reversing it is the key to addressing climate change and keeping global average temperature below 2°C above pre-industrial levels.

Central Concrete has already achieved the first challenge target set for 2014, delivering low CO2 concrete

mixes that reduce the overall carbon footprint, on average by more than 30% as compared to traditional concrete.

The 2030 Challenge for Products is asking the global architecture, planning, design, and building community to adopt the following targets:

Products for new buildings, developments, and renovations shall immediately be specified to

meet a maximum carbon-equivalent footprint of 30% below the product category average.

The embodied carbon-equivalent footprint reduction shall be increased to:

- ▶ 35% or better in 2015
- ▶ 40% or better in 2020
- ▶ 45% or better in 2025
- ▶ 50% or better in 2030

U.S. concrete is also the first ready mix supplier in the United States to offer concrete EPDs and first to receive external verifications for the EPDs in accordance with ISO 14025 and ISO 21930.

This makes their concrete EPD’s qualified for LEED V4 MR credits and for consideration in future contracts. 🚚

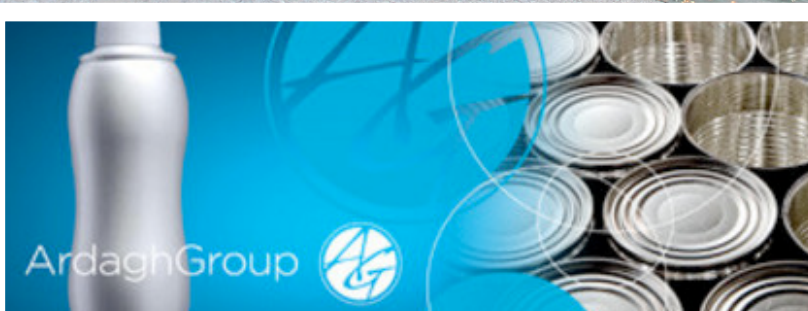
F&R Wins ACEC-VA Grand Award

F&R is thrilled to be the recipient of an Engineering Excellence Grand Award and a finalist for the Pinnacle Award which will be given in February by the Virginia Chapter of the American Council of Engineering Companies. The award is in recognition of our firm’s work on the new Tidewater Community College Student Center in Virginia Beach, a challenging project requiring innovative techniques and sound engineering principles to make a seemingly impossible idea a reality.

When TCC set out to plan the location and design of the new student center, campus leadership sought a concept that would serve as a structural and metaphorical bond for the college community. Initial designs required the potential costly mitigation of wetlands; elimination of low-cost surface parking; and rerouting of existing subsurface utilities. Furthermore, the best site for the structure was occupied by a five acre stormwater management pond. TCC leadership noted, jokingly, that the perfect location for the student center would be in the middle of the pond, but when the design team heard this they responded, “we can do that”, and work began on this ambitious effort. 🚚



Luxembourg Company Builds in Southwest Virginia



By Bob Nablo, Director of Industry Services

The former Hanover Direct distribution center in Roanoke County is being renovated by new owner Ardagh Group, a Luxembourg-based global leader in metal and glass containers for the food and beverage industry. The 525,000 sq. ft. facility was selected over possible locations in Kentucky, West Virginia, Maryland, Pennsylvania, Tennessee and North Carolina after Ardagh considered factors such as business tax structure, the cost of living, infrastructure, the proximity to a major customer and the availability of skilled labor. Ardagh will invest a total of \$93.5 million,

making the project the largest single manufacturing investment in Roanoke County history according to Michael Altizer, chairman of the Roanoke County Board of Supervisors. After renovation, the facility will accommodate the manufacture of 4.5 million cans per day and will create 96 new jobs in skilled labor and management.

General Contractor Blaine Construction of Knoxville, TN is overseeing the removal and re-pouring of parts of the original floor slab, using more than 4,800 cu. yds. of concrete supplied by VRMCA member Boxley. Tracy Russell of Boxley

notes that portions of the concrete were placed by FACT Inc. and Lloyd Concrete, and that the job has been free of major complications.

Ardagh Group has more than 100 facilities in 25 countries, producing more than 26.6 billion containers each year. The Roanoke County plant will account for about 5 percent of the total US food can market.

The company, originally founded in 1932 as the Irish Glass Bottle Company, employs about 18,000 people and generates more than 4.1 billion Euros in annual revenue. The Roanoke County facility anticipates beginning operations in the 3rd quarter of 2014. 🏗️

VRMCA 2014

Convention & Event Sponsorship



In 2014 we are once again offering a Meeting Sponsorship Package. For \$1,200 your company can sponsor all three VRMCA membership events including the VRMCA Mixer-Truck Roadeo, the Spring Convention and the Fall Convention.

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2014 Virginia General Assembly Session

(as of January 27, 2014)

HB 2 Commonwealth Transportation Board; allocations within highway construction districts.

- ▶ *Chief patron:* Stolle
- ▶ *Summary as introduced: Allocations within highway construction districts.* Provides that funding allocations for the Northern Virginia highway construction district and the Hampton Roads highway construction district be made by giving priority to the projects expected to provide the greatest congestion reduction relative to the cost of the project and that funding allocations for the seven other highway construction districts be made by giving priority to either (i) the projects expected to provide the greatest congestion reduction relative to the cost of the project or (ii) the projects that promote economic development and promote commerce and trade. The bill provides for the choice to be made by each locality within the seven highway construction districts and for each highway construction district to determine the majority choice and submit it to the Commonwealth Transportation Board. Allocations by the Board using the priorities in the bill will begin July 1, 2015.
- ▶ 01/21/14 House: Assigned Transportation sub: Subcommittee #4

HB 3 Transportation funding; all provisions of 2013 Session omnibus bill to expire on July 1, 2014.

- ▶ *Chief patron:* Cline
- ▶ *Summary as introduced: 2013 Session omnibus transportation bill (HB 2313); expiration date.* Provides that all provisions of the 2013 Session omnibus transportation bill (HB 2313), which established state taxes and fees and regional taxes and fees in Hampton Roads and Northern Virginia, expire on July 1, 2014. HB 2313 provided for the revenues from such taxes and fees to be used primarily for transportation funding in the Commonwealth.
- ▶ 01/17/14 House: Subcommittee recommends laying on the table

HB 27 Vehicle weight limits; extensions apply also to interstates designated as state primary highways.

- ▶ *Chief patron:* Cole
- ▶ *Summary as introduced: Vehicle weight limit extensions.* Provides that vehicle weight limit extensions apply also to interstate highways that are simultaneously designated as state primary or secondary highways.
- ▶ 01/27/14 House: Subcommittee recommends laying on the table

HB 32 Minimum wage; increases wage from its current federally mandated level.

- ▶ *Chief patron:* Morrissey
- ▶ *Summary as introduced: Minimum wage.* Increases the minimum wage from its current federally mandated level of \$7.25 per hour to \$8.50 per hour effective July 1, 2014, unless a higher minimum wage is required by the federal Fair Labor Standards Act. The act will expire at such time as the federal minimum wage equals or exceeds \$8.50 per hour.
- ▶ 12/02/13 House: Referred to Committee on Commerce and Labor

HB 40 Motor fuels tax rates; repeals provision that will increase tax, etc.

- ▶ *Chief patron:* Marshall, R.G.
- ▶ *Summary as introduced: Motor fuels tax rates.* Repeals the provision in the 2013 transportation funding bill (HB 2013) that will increase the motor fuels tax if the United States Congress has not enacted legislation granting the Commonwealth the authority to compel remote sellers to collect state and local retail sales and use tax for sales made in the Commonwealth by January 1, 2015.
- ▶ 01/17/14 House: Subcommittee recommends laying on the table

HB 52 Workers' compensation insurance; use of experience rating, loss limitation not-at-fault accidents.

- ▶ *Chief patron:* Webert

▶ *Summary as introduced: Workers' compensation insurance; use of experience rating; loss limitation for not-at-fault motor vehicle accidents.*

- Directs the State Corporation Commission (SCC) to adopt regulations that establish standards for determining a loss limitation to be included in the calculation of workers' compensation insurance experience modifications when a motor vehicle accident is a not-at-fault motor vehicle accident. The bill requires the SCC to establish how any loss remaining after such deduction of the loss limitation should be distributed among workers' compensation classifications. The SCC is also required to ensure that the amount, if any, by which an employer's experience rating would otherwise be modified as the result of a motor vehicle accident in which an employee is injured or killed shall be reduced if the accident was a not-at-fault motor vehicle accident.
- ▶ 01/15/14 House: Assigned C & L sub: Special Workers Comp

HB 68 Transportation funding; date change on certain scheduled increases in sales and use tax revenue.

- ▶ *Chief patron:* Marshall, D.W.
- ▶ *Summary as introduced: Transportation funding.* Changes the dates on which certain scheduled increases in sales and use tax revenue to the Highway Maintenance and Operating Fund would not take place if Congress does not enact a law permitting states to require certain out-of-state retailers to collect and remit state sales and use tax from fiscal years 2016 and 2017. Under current law, scheduled increases for fiscal years 2016 and 2017 would not occur if Congress does not enact such law by January 1, 2015. The bill would halt the increase for only fiscal year 2017 if Congress does not act by January 1, 2016.
- ▶ 01/16/14 House: Assigned Finance sub: Subcommittee #3

HB 70 Transportation Accountability, Joint Commission on; power and duties.

- ▶ *Chief patron:* Marshall, D.W.
- ▶ *Summary as introduced:* **Joint Commission on Transportation Accountability.** Vests the Joint Commission on Transportation Accountability with the power and duty to make performance reviews of state agencies with transportation responsibilities to ensure that funds appropriated to those agencies are being used for their intended purposes and in accord with legislative intent. The bill also directs the Commission, prior to the 2015 Session, to study the costs and benefits of coordinating traffic light signals.
- ▶ 12/06/13 House: Referred to Committee on Rules

HB 145 Commonwealth Transportation Board; removal of members by Governor.

- ▶ *Chief patron:* Hugo
- ▶ *Summary as introduced:* **Commonwealth Transportation Board.** Provides for removal of members of the Commonwealth Transportation Board by the Governor for malfeasance, misfeasance, incompetence, or gross neglect of duty.
- ▶ 12/20/13 House: Referred to Committee on Transportation

HB 146 Commonwealth Transportation Board; increases membership.

- ▶ *Chief patron:* Hugo
- ▶ *Summary as introduced:* **Commonwealth Transportation Board; composition.** Increases the size of the Commonwealth Transportation Board by six members (from 18 to 24). Three of the new members are to be members of the House of Delegates: two from the majority party and one from the minority party. The three other new members are to be members of the Virginia Senate: two from the majority party and one from the minority party.
- ▶ 12/20/13 House: Referred to Committee on Transportation

HB 213 Salem Highway Construction District; additional transportation funding, report.

- ▶ *Chief patron:* Marshall, D.W.
- ▶ *Summary as introduced:* **Transportation funding in Salem Highway Construction District.** Provides additional funds for transportation in the Salem Highway Construction District by allocating revenue attributable to a portion of economic growth due to or facilitated by the Inland Port in Montgomery County.
- ▶ 01/20/14 House: Subcommittee recommends laying on the table

HB 289 Virginia Public Procurement Act; cooperative procurement.

- ▶ *Chief patron:* Albo
- ▶ *Summary as introduced:* **Virginia Public Procurement Act; cooperative procurement.** Eliminates the limitation for cooperative procurement for construction in excess of \$200,000 by a local public body from the contract of another local public body that is more than a straight line distance of 75 miles from the territorial limits of the local public body procuring the construction.
- ▶ 01/10/14 House: Assigned GL sub: Subcommittee #2

HB 296 Comprehensive plans; alignment of transportation infrastructure and facilities.

- ▶ *Chief patron:* Villanueva
- ▶ *Summary as introduced:* **Comprehensive plans; alignment of transportation services with accessible housing and other community services.** Requires localities to take steps to align transportation infrastructure and facilities with affordable, accessible housing and community services when developing the transportation component of the comprehensive plan for the physical development of the territory. The bill is a recommendation of the Virginia Disability Commission.
- ▶ 01/22/14 House: VOTE: BLOCK VOTE PASSAGE (97-Y 0-N)

- ▶ 01/23/14 Senate: Referred to Committee on Local Government

HB 297 Mechanics' liens; good faith performance by unlicensed contractors.

- ▶ *Chief patron:* Loupassi
- ▶ *Summary as introduced:* **Mechanics' liens; unlicensed contractors; good faith performance.** Provides that an unlicensed contractor who performs labor for another is entitled to a mechanics' lien if the labor was performed in good faith and without actual knowledge of any licensure requirements for the performance of such labor. Currently, a person who performs labor without a valid license or certificate issued by the Board for Contractors or the proper class of license is not entitled to a mechanics' lien.
- ▶ 01/13/14 House: Subcommittee recommends passing by indefinitely

HB 393 Judgment; payment required to be noted by creditor, penalty.

- ▶ *Chief patron:* Chafin
- ▶ *Summary as introduced:* **Judgment payment required to be noted by creditor; penalty.** Provides that payment by a debtor shall be entered by the creditor within 90 days of payment of a judgment, or within 10 days of being notified, of satisfaction. The bill also provides that the judgment creditor shall be liable to a fine of \$100 as well as the cost of releasing the judgment when the judgment creditor fails to enter such payment under such terms. Under current law, the judgment creditor is only subject to a \$50 fine for failure to enter judgment within 10 days after receiving notice of satisfaction.
- ▶ 01/24/14 House: VOTE: BLOCK VOTE PASSAGE (95-Y 0-N)

General Assembly *continued from page 7*

HB 442 Income tax, corporate; market-based sourcing.

- ▶ *Chief patron:* Davis
- ▶ *Summary as introduced:* **Corporate income tax; market-based sourcing.** Changes the way the sales factor is determined, for purposes of the corporate income tax, so that it will be market-based sourcing rather than costs of performance, which is the current method used. The provisions of the bill would become effective beginning on January 1st of the year following the calendar year in which the Department of Taxation publishes guidelines to implement market-based sourcing, but in no event later than January 1, 2016.
- ▶ 01/24/14 House: Subcommittee recommends laying on the table

HB 549 Virginia Public Procurement Act; transportation construction services.

- ▶ *Chief patron:* Filler-Corn
- ▶ *Summary as introduced:* **Virginia Public Procurement Act; transportation construction services.** Provides that for the award of transportation construction projects, certain specified factors other than price may be considered.
- ▶ 01/23/14 House: Subcommittee recommends laying on the table

HB 626 Highways systems; allocation of funds.

- ▶ *Chief patron:* Watts
- ▶ *Summary as introduced:* **Allocation of funds among highways systems.** Eliminates required allocations of up to \$500 million per year for bridge reconstruction and rehabilitation, high priority projects, and smart roadway technology projects.
- ▶ 01/10/14 House: Assigned App. sub: Transportation

HB 662 Commercial driver's licenses, etc.; compliance with federal requirements.

- ▶ *Chief patron:* Brink
- ▶ *Summary as introduced:* **Commercial driver's licenses, etc.; compliance**

with federal requirements. Amends several sections relating to commercial driver's licenses to comply with new Federal Motor Carrier Safety Administration requirements relating to commercial motor vehicles and prohibited use of handheld mobile telephones in commercial motor vehicles. The bill also requires distracted driving to be included as a part of the driver's license knowledge examination to comply with MAP-21 (Moving Ahead for Progress in the 21st Century Act, P.L. 112-141). In addition, the bill provides that DMV may continue to disclose personal information from crash reports, but only if otherwise authorized by law in order to comply with federal law.

- ▶ 01/27/14 House: Read second time and engrossed

HB 729 Tax restructuring; modifies individual income and retail sales and use taxes.

- ▶ *Chief patron:* Lingamfelter
- ▶ *Summary as introduced:* **Tax restructuring.** Modifies the individual income and retail sales and use taxes by lowering the top three individual income marginal tax rates, increasing the individual income tax filing thresholds, repealing the retail sales and use tax on food, increasing the state retail sales and use tax from 4.3 percent to 5.0 percent except in the counties and cities located in the Hampton Roads and Northern Virginia Planning Districts, extending the retail sales and use tax to certain personal services that are currently exempt from the tax, and eliminating the retail sales and use tax exemption for nonprofit entities with at least \$1 million in gross revenue.

The bill lowers the tax on individual income (i) in excess of \$17,000 from 5.75 percent to 5.5 percent, (ii) between \$5,000 and \$17,000 from 5.0 percent to 4.9 percent, and (iii) between \$3,000 and \$5,000 from 3.0 percent to 2.95 percent. The bill increases the income threshold at which an individual income tax return must be filed from \$11,950 to \$15,000 for single

persons and from \$23,900 to \$30,000 for married persons.

The bill increases the state retail sales and use tax from 4.3 percent to 5.0 percent throughout Virginia except in Hampton Roads and Northern Virginia. The end result would be a 5.0 percent state retail sales and use tax in all regions of the Commonwealth beginning in 2015. An amount equal to the revenues generated by the increase would be distributed from the Transportation Trust Fund to each planning district in the Commonwealth in which the revenue was generated to be used solely in the planning district for new construction projects on new or existing roads, bridges, and tunnels or mass transit.

The retail sales and use tax increase would become effective on January 1, 2015, and the individual income tax changes would become effective for taxable years beginning on and after January 1, 2015.

- ▶ 01/27/14 House: Continued to 2015 in Finance

HB 975 Hybrid electric motor vehicles; repeals annual license tax.

- ▶ *Chief patron:* Rust
- ▶ *Summary as introduced:* **Annual license tax on hybrid electric motor vehicles.** Repeals the \$64 annual license tax on hybrid electric motor vehicles that was first imposed beginning July 1, 2013.
- ▶ 01/23/14 House: VOTE: PASSAGE (89-Y 9-N)
- ▶ 01/24/14 Senate: Referred to Committee on Finance

HB 1048 Highway systems; funding.

- ▶ *Chief patron:* Rust
- ▶ *Summary as introduced:* **Funding among highway systems.** Includes primary state highway system extensions, the part of the primary highway that runs through a city or town, in the list of highways that receive the 25 percent for reconstruction of deteriorated highways of the amount allocated each

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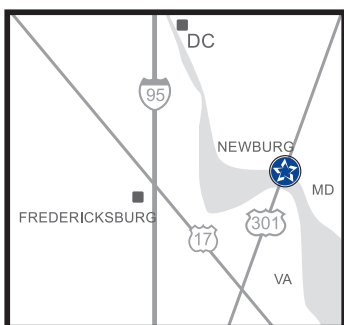
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General Assembly *continued from page 8*

- year by the Commonwealth Transportation Board.
- ▶ 01/23/14 House: Subcommittee recommends reporting with amendment(s) (6-Y 0-N)
- HB 1173 Stormwater management programs; optional for some localities.**
- ▶ *Chief patron:* Hodges
 - ▶ *Summary as introduced:* **Stormwater management programs; optional for some localities.** Allows any locality that does not operate a municipal separate storm sewer system (MS4) to opt out of establishing Virginia Stormwater Management Programs. Localities that notify the Department of Environmental Quality of their decision to opt out shall have their stormwater programs managed by the Department.
 - ▶ 01/23/14 House: Subcommittee recommends reporting with amendment(s) (7-Y 0-N)
- HB 1183 Virginia Transportation Solutions Working Group; name change.**
- ▶ *Chief patron:* Comstock
 - ▶ *Summary as introduced:* **Virginia Transportation Solutions Working Group.** Changes the name of the Joint Commission on Transportation Accountability to the Virginia Transportation Solutions Working Group and authorizes it to advise the Commonwealth Transportation Board on matters pertaining to transportation policy, transportation innovation and technologies, and traffic congestion relief strategies.
 - ▶ 01/16/14 House: Referred to Committee on Transportation
- HJ 42 Transportation; Joint Legislative Audit and Review Commission to study equity of funding.**
- ▶ *Chief patron:* Villanueva
 - ▶ *Summary as introduced:* **Study; Joint Legislative Audit and Review Commission to study equity of transportation funding; report.** Directs JLARC to review the equity of transportation funding in light of new revenues and because such a study has not been conducted in 30 years.
 - ▶ 12/31/13 House: Referred to Committee on Rules
- HJ 45 BPOL; joint subcommittee to study local tax.**
- ▶ *Chief patron:* DeSteph
 - ▶ *Summary as introduced:* **Study; local business license (BPOL) tax; report.** Establishes a joint subcommittee to study the local business license (BPOL) tax.
 - ▶ 01/03/14 House: Referred to Committee on Rules
- SB 25 Offshore natural gas & oil royalties; establishment of Va. Offshore Energy Emergency Response Fund.**
- ▶ *Chief patron:* Reeves
 - ▶ *Summary as introduced:* **Offshore natural gas and oil royalties; establishment of Virginia Offshore Energy Emergency Response Fund and Community College Energy Exploration and Development Fund.** Sets out the recipients, proportions, and payment order for the distribution of royalties received by the Commonwealth as a result of offshore natural gas and oil drilling and exploration. The bill establishes the Virginia Offshore Energy Emergency Response Fund and directs to it the first \$50 million in royalties, requiring that additional royalties maintain the fund at \$50 million if moneys are withdrawn from it. Of the subsequent royalties, the bill directs 20 percent to the Transportation Trust Fund; 10 percent to the Virginia Coastal Energy Research Consortium; 10 percent to the Community College Energy Exploration and Development Fund, a fund established by the bill; 20 percent to the Department of Environmental Quality; and 40 percent to the general fund, with an amount to be determined applied toward commerce and infrastructure in the Port of Virginia Economic and Infrastructure Development Zone.
 - ▶ 01/16/14 Senate: Rereferred to Finance
- SB 237 Optional provisions in subdivision ordinances; sidewalk improvements.**
- ▶ *Chief patron:* Petersen
 - ▶ *Summary as introduced:* **Optional provisions in subdivision ordinances; sidewalk improvements.** Adds to the list of optional provisions in local subdivision ordinances a provision allowing any town in the Northern Virginia Transportation District to require the dedication of land for sidewalk improvements where the property being developed is designated for such improvements on the locality's pedestrian plan.
 - ▶ 01/03/14 Senate: Referred to Committee on Local Government
- SB 423 Stormwater management program; regulations, single-family residence.**
- ▶ *Chief patron:* Hanger
 - ▶ *Summary as introduced:* **Stormwater management program; regulations; single-family residence.** Authorizes the State Water Control Board to adopt regulations that create a procedure for approving permits for individual parcels in a common plan of development, provide a General Permit for Discharges of Stormwater from Construction Activities that omits unneeded information on post-construction water quality standards, and provide reciprocity with other states regarding certification of best management practices. The bill also allows the submission of an agreement in lieu of a permit where land-disturbing activity results from the construction of a single-family residence.
 - ▶ 01/07/14 Senate: Referred to Committee on Agriculture, Conservation and Natural Resources
- SB 425 Stormwater management programs; clarifies appeals process for persons subject to permit requirement.**
- ▶ *Chief patron:* Hanger
 - ▶ *Summary as introduced:* **Stormwater management programs; appeals.** Clarifies the appeals process for persons subject to state permit

requirements under the Stormwater Management Act. The bill removes Virginia Stormwater Management Program (VSMP) authorities from the list of bodies whose actions may be appealed. For appeals of actions of the Department of Environmental Quality (the Department) or the State Water Control Board (the Board), the bill refers to applicable hearing procedures and provides that appeals include an opportunity with judicial review in accordance with certain standards.

- ▶ 01/07/14 Senate: Referred to Committee on Agriculture, Conservation and Natural Resources

SB 469 Stormwater Management Program; localities with minimal Chesapeake Bay watershed.

- ▶ *Chief patron:* Smith
- ▶ *Summary as introduced:* **Stormwater Management Program; localities with minimal Chesapeake Bay watershed.** Delays the date on which local governments are required to assume responsibility for administering the Stormwater Management Program from July 1, 2014, to July 1, 2015, in those localities in which less than 11 percent of the land area drains to the Chesapeake Bay.
- ▶ 01/08/14 Senate: Referred to Committee on Agriculture, Conservation and Natural Resources

SB 513 Hampton Roads Transportation Authority; created.

- ▶ *Chief patron:* Wagner
- ▶ *Summary as introduced:* **Hampton Roads Transportation Authority created.** Creates the Hampton Roads Transportation Authority to manage regional transportation planning in Planning District 23. The bill also moves the responsibility for approval of projects and the priority of such projects pursuant to the Hampton Roads Transportation Fund from the Hampton Roads Planning Organization to the Hampton Roads Transportation Authority effective July 1, 2015.
- ▶ 01/27/14 Senate: Engrossed by Senate - committee substitute SB513S1

SB 518 Highway systems; funding.

- ▶ *Chief patron:* Wagner
- ▶ *Summary as introduced:* **Funding among highway systems.** Includes primary state highway system extensions, the part of the primary highway that runs through a city or town, in the list of highways that receive the 25 percent for reconstruction of deteriorated highways of the amount allocated each year by the Commonwealth Transportation Board.
- ▶ 01/21/14 Senate: Read third time and passed Senate (36-Y 1-N)
- ▶ 01/24/14 House: Referred to Committee on Transportation

SB 530 Stormwater Management Program; delays implementation by local governments.

- ▶ *Chief patron:* Hanger
- ▶ *Summary as introduced:* **Local implementation of Stormwater Management Program.** Delays the date that local governments will have to assume responsibility for administering the Stormwater Management Program from July 1, 2014, to July 1, 2015.
- ▶ 01/08/14 Senate: Referred to Committee on Agriculture, Conservation and Natural Resources

SB 565 Commercial driver's licenses, etc.; compliance with federal requirements.

- ▶ *Chief patron:* Cosgrove
- ▶ *Summary as introduced:* **Commercial driver's licenses, etc.; compliance with federal requirements.** Amends several sections relating to commercial driver's licenses to comply with new Federal Motor Carrier Safety Administration requirements relating to commercial motor vehicles and prohibited use of handheld mobile telephones in commercial motor vehicles. The bill also requires distracted driving to be included as a part of the driver's license knowledge examination to comply with MAP-21 (Moving Ahead for Progress in the 21st Century Act, P.L. 112-141). In addition, the bill provides that DMV may continue to disclose personal information from crash reports, but

only if otherwise authorized by law in order to comply with federal law.

- ▶ 01/24/14 Senate: Constitutional reading dispensed (34-Y 0-N)

SB 606 Secondary highway system; withdrawal of county from system.

- ▶ *Chief patron:* Watkins
- ▶ *Summary as introduced:* **Withdrawal from secondary highway system.** Allows lane-mile payments of \$12,529 for a county with a charter that borders four cities, which elects to withdraw from the secondary system after June 30, 2014. The bill also allows the Commissioner of Highways to enter into agreements with such counties that withdraw for traffic control.
- ▶ 01/22/14 Senate: Rereferred to Finance

SB 615 Carbon dioxide; regulating emissions.

- ▶ *Chief patron:* Carrico
- ▶ *Summary as introduced:* **Regulating carbon dioxide emissions.** Establishes the process for adopting state carbon dioxide (CO2) requirements consistent with the emission guidelines the U.S. Environmental Protection Agency (EPA) intends to propose under §111d of the Clean Air Act for regulating CO2 emissions from existing fossil fuel-fired electric generating units in June 2014. The bill requires the State Air Pollution Control Board to establish separate CO2 performance standards for coal-fired and gas-fired electric generating units on a case-by-case basis, and based on the best system of emission reduction that has been adequately demonstrated and can be reasonably achieved through measures undertaken at each unit, without requiring the unit to switch fuel. The bill requires the Board to consider on a case-by-case basis whether less stringent performance standards than those required by EPA's Emission Guidelines are warranted, taking into account seven enumerated criteria. Once the Board determines

continued on page 12

General Assembly *continued from page 11*

appropriate performance standards, the Board, to the “maximum extent permissible,” is to implement the performance standards through flexible regulatory mechanisms, including emissions averaging or emissions trading. Finally, the bill prohibits the state from submitting any §111d plan to EPA inconsistent with the bill, except as is necessary to comply with federal regulations.

- ▶ 01/15/14 Senate: Referred to Committee on Agriculture, Conservation and Natural Resources

SJ 65 Constitutional amendment; Transportation Funds.

- ▶ *Chief patron:* Obenshain
- ▶ *Summary as introduced:* **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 other funds established by general law for transportation. All revenues dedicated to Transportation Funds on January 1, 2014, 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. 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 must be repaid with reasonable interest within four years.

- ▶ 01/14/14 Senate: Continued to 2015 in Privileges and Elections (14-Y 0-N)

SJ 72 Transportation; Joint Legislative Audit and Review Commission to study equity of funding.

- ▶ *Chief patron:* Wagner
- ▶ *Summary as introduced:* **Study; Joint Legislative Audit and Review Commission to study equity of transportation funding; report.** Directs JLARC to review the equity of transportation funding in light of new revenues and because such a study has not been conducted in 30 years.
- ▶ 01/17/14 Senate: Continued to 2015 in Rules. 🚚

VRMCA Winter Board Meeting and Visits with Legislators

VRMCA members gathered on the morning of January 16th at the Omni Richmond Hotel for breakfast and a legislative briefing. Doug Easter, VRMCA Executive Director gave the attendees an overview of state legislative issues and discussed the talking points that our group would present to the Delegates and Senators while at the Capitol. Our position paper is included (*see page 13*), our members discussed both alternative bid and life cycle costs. A suggested letter to the new Secretary of Transportation was prepared as an example of what the industry wanted the legislators to convey to the department. More than 20 participants proceeded to Capitol Hill to visit with their policymakers. Everyone who attended felt like the morning went well and that the response from legislators was positive.

The afternoon continued with a luncheon and Board of Directors meeting. Thursday evening the Board was invited to attend the Annual Titan America/VRMCA/ACPA Legislative Dinner at Morton's which was very well attended by legislators.

VRMCA would like to thank all of those who participated in this important industry event. 🚚

THE CONCRETE ADVANTAGE



It is essential that the Commonwealth of Virginia provide long term sustainable funding for transportation construction and maintenance.

With the high cost of crude oil and its direct impact on asphalt paving, concrete paving for parking lots, city streets, subdivision streets, and highways is now cost competitive on initial construction as well as lifecycle costs.

Accordingly, the Virginia Ready-Mixed Concrete Association requests two initiatives to give ready mixed concrete producers and contractors a fair opportunity to compete for this business. Ready-mixed concrete companies are local operations that pay taxes to the Commonwealth and localities and hire Virginia employees.

1. Require alternate specs/bids on all new paving construction projects.
2. Require VDOT, in addition to localities, to abide by life cycle cost requirements of current Virginia law (15.2-2239).

In addition to competitive construction costs and much

longer life, concrete is not subject to the major price swings of the oil industry that can make asphalt prices climb drastically during bid to final construction, necessitating VDOT to pay substantial escalation charges.

However, the greatest advantage of concrete paving is its longer life and minimal maintenance costs during this longer life.

1. This will reduce the maintenance expenses, which will allow more construction funding.
2. It does not appear to be sound financing to issue 20-30 year bonds on roads that will only last 8-12 years.

In summary, the ready mixed concrete industry of Virginia requests that the Commonwealth change its paving requirements in two ways:

- **Require alternative bids on all city street, subdivision street, and highway projects.**
- **Require VDOT and localities to consider life cycle costs when soliciting and awarding paving bids.**

CONCRETE SOLUTIONS TODAY FOR A SOLID TOMORROW!



VIRGINIA READY-MIXED
CONCRETE ASSOCIATION

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Unions Won the Majority of Representation Elections in 2013

By Paul M. Lusky
and John G. Kruchko

Lost in all the noise and hubbub regarding the NLRB's abortive proposal to create a comprehensive "quickie" election rule is the fact that unions have for years enjoyed a sizeable winning percentage in representation elections before the Board. This trend continued in 2013. The NLRB's election reports for the first eleven months of 2013 show that unions won 64% of the RC elections conducted by the Board. As a result, more than 32,000 employees are newly represented by unions.

Almost no industry was untouched by union activity in 2013. Predictably, unions were very successful in organizing guards and security personnel and employees in the gaming industry (e.g., Las Vegas casinos). It also appears that health care industry employers were particularly vulnerable to union organizing. Of the RC elections won by unions during the first eleven months of 2013, almost 14% involved health care employees.

Health care industry representation elections also produced some of the biggest victories for unions. For example, in April, 2013, the California Nurses Association was certified as the bargaining representative of over 430 nurses at the Queen of the Valley Medical Center in Napa, California.

In October, 2013, the Service Employees International Union (SEIU 1199NW) was certified as the representative of over 650 medical technologists, dietary aides, housekeeping staff, nursing assistants and other laboratory staff at PeaceHealth St. Joseph Medical Center in Bellingham, Washington. More recently, on December 10, 2013, over 230 RNs at Providence Hospital in Washington, D.C. voted for representation by National Nurses United (NNU).

Of course, unions scored significant victories in other industries. In November, 2013, the Machinists Union was victorious in an election involving over 1700 employees at the Alliant Techsys-

tems plant in Independence, Missouri. In September, 2013, Paperworkers Union Local 675 won the right to represent over 800 employees at the MeadWestvaco plant in Covington, Virginia. In June, 2013, the Teamsters Union was certified as the bargaining representative of more than 370 bus drivers working for First Student, Inc. in Seattle, Washington. The Transport Workers Union won the right to represent over 300 gaming employees at Bally's in Las Vegas on June 1, 2013 when casino dealers voted overwhelmingly for the union. A few months later, in November, 2013, dealers at the Flamingo Hotel casino in Las Vegas voted to join the UAW.

Increased organizing activity by unions can be industry-specific or it can be driven by employee discontent within a particular plant or company. Employers should be proactive in communicating to employees the advantages of remaining non-union. Nothing invites organizing quicker than employer complacency regarding the need for an effective union avoidance program. As demonstrated by the election results at the NLRB during 2013, an employer who waits until it receives a representation election petition before it communicates its position on unions to employees will probably lose the election. Then, the law requires the employer to bargain with the union about wages, hours and other terms and conditions of employment for its employees.

Employers should also not be too encouraged by the defeat of the Board's "quickie" election rule in the courts. President Obama's nomination of labor-friendly members to the NLRB created an agency eager to issue a revised election rule that will pass legal muster or make other changes to its procedures so as to

Increased organizing activity by unions can be industry-specific or it can be driven by employee discontent within a particular plant or company.

make it easier for unions to win representation elections. Indeed, it appears the Board is still fixated on creating of a new version of the "quickie" election rule. The NLRB's semiannual regulatory agenda, issued on November 26, 2013, focused on only one issue--proposed changes to the Board's rules that will speed up union representation elections.

Given the Board's apparent goal of continuing to shorten the time period between a union's petition for a representation election and the election itself, it would seem prudent for every employer that wants to remain nonunion to adopt a comprehensive union avoidance program. Here are some steps employers can take now to reduce their vulnerability to union organizing:

- Supervisors should receive regular training on the signs of union organizing and how to respond if they see union activity. If supervisors are not provided with information about unions or are not trained in proper communication skills, an employer's attempt to counteract a union organizing drive is doomed to failure.
- Develop a company policy statement on unions that emphasizes the positives of open and direct communication between employees and supervisors and the fact that labor unions are not in the best interests of employees. Given the covert nature of union organizing and the Board's desire for speedy elections, employers must be more aggressive in communicating their position about unions to employees.
- Use enhanced orientation of new


employees to explain the company's position on unions and the dangers of signing union authorization cards before learning all the facts about union representation. Experience tells us that when an employer fails to communicate its position on unionization, employees believe the employer does not care whether they join a union.

- Schedule regular meetings with current employees to survey attitudes and communicate information about the company to employees. Employees should be encouraged to communicate their concerns and suggestions to management.
- Audit your employee relations program to ensure its effectiveness. Do supervisors treat employees fairly and without favoritism, discrimination or harassment? Is the grievance procedure effective in resolving complaints quickly and fairly?
- Are the wages and benefits provided by the company competitive with those of other businesses in its in-

dustry? Wages and benefits should not be so far below the norm so as to provide organizing issues for the union.

- Ensure that policies are in place to legally restrict organizing activity by employees and outside union organizers. Review your no solicitation/ no distribution policy to ensure its legality. Implement a policy restricting trespassing by non-employees on company property.

Year after year, the NLRB's elections reports show that unions win most of the representation elections conducted by the Board. Nevertheless, the NLRB cannot even conduct an election until a union demonstrates that it has the support of at least 30% of the employees in a potential bargaining unit. Employers can legally prevent a union from gaining such support.

Ninety-three percent of employees working in private industry are non-union. There are many reasons why these employees feel they don't need a union. 

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John G. Kruchko is a Partner with the Management Labor & Employment Law Firm of Kruchko & Fries in Tysons Corner, Virginia, Paul Lusky is a Partner with the Firm. For more information, please contact Mr. Kruchko at (703) 734-0554 or Mr. Lusky at (410) 321-7310 or JKruchko@KruchkoandFries.com, or PLusky@KruchkoandFries.com. This article is published for general information purposes, and does not constitute legal advice.

2014
Virginia Ready-Mixed Concrete Association
**SPRING
CONVENTION**
May 18-20, 2014
The Greenbrier
White Sulphur Springs, West Virginia



www.vrmca.com



On the Horizon Calendar of Upcoming Events

FEBRUARY 12, 2014

BRCAC Business Meeting

12:00 PM - 2:00 PM

Rowe's Family Restaurant
Staunton, VA

FEBRUARY 13, 2014

NVCAC Business Meeting

11:30 AM - 2:00 PM

TBD-Contact Hessam Nabavi for
more info at (703) 966-6743

FEBRUARY 18, 2014

CVCAC Business Meeting

11:30 AM - 1:00 PM

Meadowbrook Country Club
Richmond, VA

FEBRUARY 19, 2014

SWCAC Business Meeting

8:00 AM - 9:30 AM

The Roanoker Restaurant
Roanoke, VA

MARCH 1-3, 2014

NRMCA 2014

Annual Convention

Las Vegas, NV

MARCH 6-7, 2014

Annual Virginia

Concrete Conference

Richmond, VA

APRIL 23, 2014

Technical Committee Meeting

The Place at Innsbrook
Glen Allen, VA

MAY 5, 2014

VRMCA Mixer Truck Rodeo

The Meadow Event Park
Doswell, WV

MAY 18-20, 2014

VRMCA Spring Convention

The Greenbrier Hotel
White Sulphur Springs, WV

Please visit the online calendar
for an up-to-date list of events.
www.VRMCA.com/calendar



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The Smart Road bridge, at 175 feet tall, is Virginia's tallest bridge. Approximately 9,647 cubic yards of high-strength concrete were used to construct the 2,000-foot long bridge.

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