

BLUE TOP

VTCA

THE VIRGINIA TRANSPORTATION CONSTRUCTION ALLIANCE

January 2021

2021 General Assembly Session Begins

When you woke up on New Year's Day 2021, for a half second did you think the worst was behind us and now we can get back to "normal"? I did. Then reality set back in. But despite the continuing challenges we share, we have work to do, and there is opportunity in work!

The 2021 session of the Virginia General Assembly is going to be a session like no other. Instead of meeting at the State Capitol, the session will be conducted virtually and is set to last 30 days. This will make it the briefest regular legislative session in at least half a century. The leadership has capped the number of bills that can be introduced. House members may introduce 7 and Senate members may introduce 12.

Earlier this summer legislators reconvened for the start of a marathon 84-day Special Session in which House members met virtually, while the Senate continued meeting in person at the Science Museum of Virginia. During the Special Session, legislators focused on a revised state budget to account for recession-related shortfalls. VTCA worked closely with Secretary of Transportation Shannon Valentine to allow the Commonwealth Transportation Board to address an \$850 million transportation funding deficit due to low car sales and gas sales. The General Assembly also passed a full slate of policing and racial justice reforms in response to last summer's Black Lives Matter protests.

In this new environment, getting messages to legislators and their staffs is going to be more critical than ever. This will require more VTCA members to call and email their legislators multiple times on every issue we have. VTCA is going to need you and your co-workers to help "carry the water" this year like no time before.

Added to the difficulty of communicating with legislators is the mindset of progressive legislators from urban localities. The collective philosophy of the 2021 legislature has significantly changed from two years ago. Virginia has traditionally been ranked the number 1 state in the nation in which to operate a business. Time will tell if it can maintain that ranking or even wants to.

Despite the situation, VTCA has been and will continue to advocate on behalf of the transportation construction industry. That is our main focus – securing funding and ensuring a pro-business climate to help your company succeed and your employees thrive.

Our top legislative priority is Project Labor Agreements (PLAs). It's no secret that unions see Virginia as ground zero to grow their membership. Last year organized labor got a construction wage theft bill passed, prevailing wage rates on all public projects, and unrestricted Project Labor Agreements (PLAs) on public construction contracts.

What is a PLA? A Project Labor Agreement requires all contractors, whether they are unionized or not, to subject themselves and their employees to unionization in order to work on a government-funded construction project.

The VTCA Board of Directors has discussed the PLA issue extensively. The Board sees PLAs and the increasing influence of unions on our legislators as the top threat to our businesses and our ability to deliver transportation construction projects on time and on budget. After winning historic investments in transportation construction, we don't need anything that unnecessarily increases the cost and time to deliver promised projects to the public.

Responding to this threat, your Board created a task force to address the onslaught of labor-related regulations facing us. The group has been working with VTCA's Legislative Committee to develop a multi-prong strategy to fight this growing threat.

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2021 General Assembly, continued

As you will recall, in the 2020 regular session, the General Assembly passed legislation authorizing the use of Project Labor Agreements on public works projects. Currently six other states statutorily authorize the use of PLAs on public works projects. These are California, Connecticut, Illinois, New Jersey, New York and Maine. All of these have established criteria requiring the public body to first determine whether the PLA is in the public's interest on a project-by-project basis.

Courts across the nation have sided with business when public bodies implement a PLA without first establishing the criteria for when a PLA should be used. Virginia has just invested billions of dollars in transportation construction projects. To avoid costly lawsuits and delays, Virginia should follow established, national practices and develop the objective criteria necessary to effectively utilize PLAs for transportation projects.

Another critical initiative for VTCA is to work proactively with the Virginia Department of Environmental Quality on environmental impacts. Several of these issues address water permitting as well as construction debris on rural lands.

While it is still early, several anti-business bills have been introduced. Eliminating Virginia's right-to-work law has already been introduced. Another bill has been introduced to allow the Virginia Safety and Health Codes Board to establish standards to protect worker from heat; this is the same Board that plans to make the COVID workplace standards (Emergency Temporary Standard) permanent.

Other bills will be introduced. VTCA will update you regularly on the work of the legislature. Look for our Legislative Alerts to arrive in your in-box over the next few weeks. When we ask you to take action, please do so. VTCA staff and our lobbying team are always available to help you understand issues and our positions on them, to create talking points for you, and give you guidance on how to make meaningful connections with your elected officials.




Gordon Dixon
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VDOT Materials Division Memorandum on Geosynthetics

Revision to Chapter II of the MOI – Section 204.20(f) Geosynthetics **MD_439-20.**

pdf - This memorandum updates the approved list and outlines revisions to Section 204.20(f) clarifying geosynthetic materials acceptance procedures.

Revision to Approved List #63 **MD_441-20.pdf** - This memorandum revises Approved List 63 based on the recent changes to Section 245 of the Road and Bridge Specifications.

If you have any questions regarding these directives, please contact Wansoo Kim at wansoo.kim@vdot.virginia.gov.

VDOT Extends COVID Guidance On Weigh Tickets, Sampling Protocol

Virginia Department of Transportation has once again extended guidance regarding the handling of material delivery tickets as a result of the pandemic. The guidance, originally issued in early April, has been extended through March 31, 2021.

In early April VDOT's Materials Division issued guidance on the temporary elimination of paper weigh tickets and concrete shipping ticket forms (TL 28), as well as recommended safe sampling protocol when VDOT employees are sampling from production facilities, effective through June 10. See VTCA's April 3 Techlog - **VDOT Issues COVID-19 Asphalt and Other Materials Delivery Ticket Guidance**. The Department subsequently extended it until December 31.

Based on the continuing COVID 19 pandemic, the guidance referenced above will remain in effect through March 31, 2021.

As a reminder, this temporary guidance is intended to be a mitigation measure against the spread of the COVID 19 virus by eliminating hand-to-hand transfer of paper shipping tickets that accompany material delivery. The information required to be conveyed by shipping tickets is still required per the specifications, such as mix type, project identifiers, weights, etc., and should be conveyed at time of delivery electronically as best as practical.

Registration Coming Soon For Upcoming VTCA-VDOT District Dialogues

Even though the first rounds of vaccines are on the way, much of the industry will be working virtually over the coming months. Therefore, VTCA is preparing to offer the Spring 2021 District Dialogues virtually!

Plan now to join your industry peers, VDOT leaders and locality transportation professionals for an overview of programs in the Culpeper, Fredericksburg, Lynchburg, Salem, Bristol, and Richmond Districts. You will have a chance to hear a strategic overview from each District Engineer, and program support updates and project highlights from various VDOT leaders. VTCA's Executive Vice President Gordon Dixon will provide a recap of the Alliance's legislative efforts, as well as a status report on statewide funding initiatives. We will again offer the productive breakout rooms where industry and VDOT representatives will have ample opportunity for a two-way discussion on various topics of interest.

Dialogue with the Culpeper District: February 25, 8:30 a.m. – 12:00 p.m.

Dialogue with the Fredericksburg District: February 25, 1:30 p.m. – 5:00 p.m.

Dialogue with the Lynchburg District: March 10, 8:30 a.m. – 12:00 p.m.

Dialogue with the Salem District: March 10, 1:30 p.m. – 5:00 p.m.

Dialogue with the Bristol District: May 5, 8:30 a.m. – 12:00 p.m.

Dialogue with the Richmond District: May 5, 1:30 p.m. – 5:00 p.m.

Don't miss the opportunity for your company to sponsor all or any one of these events. All sponsors will be recognized in the Dialogue program, during the event, social media, and in the *Blue Top*.

- Commercial Sponsor: \$300.00 (limit of four each)
- Breakout Room Sponsor: \$200.00
- Dialogue Event Sponsor: \$125.00

Please register for your attendance at each Dialogue online at <https://www.vtca.org> or with a printable registration form. Locality representatives interested in attending should contact VTCA directly to obtain the appropriate locality registration materials. Please contact VTCA's Dana Morris (dana@vtca.org or 804-330-3312) with any questions.

VDOT Publishes Professional Services Procurement Manual

The engineering consultant community and VTCA's Engineering Consultant Leadership Committee (ECLC) have taken on many challenges in partnership with VDOT and localities in managing professional services contracts over the past years. Industry understands both VDOT and localities strive to control project costs and timelines, while protecting their programs and investments.

In efforts to compile and standardize the recent improvements to the Professional Service Program, VDOT has recently published an update to the July 1, 2017 "**Manual for the Procurement & Management of Professional Services**" effective January 1, 2021.

VDOT Publishes New Mileage Reimbursement Rates

Effective January 1, 2021, the mileage reimbursement rate (direct expense) for vehicles used on Construction Engineering Inspection Contracts will be \$0.56 per mile – "Standard Rate", and \$0.30 per mile – "Reduced Rate". These rates were derived from the Internal Revenue Service Notice 2021-02.

2021 VTCA-VDOT Consultant Forum

The 2021 VTCA-VDOT Consultant Forum will be held virtually on April 15! The annual conference brings transportation engineers and managers from the consultant community, VDOT and localities together to discuss specific issues surrounding VDOT's consultant design and inspection program.

Don't miss this unique opportunity to meet with your peers, VDOT, and locality officials, to discuss the latest issues and program updates. Since this will be in the virtual format, VTCA feels that we'll be able to offer greater opportunity to host a variety of breakout sessions, where Professional Development Hours will be available.

Mark your calendar and save the date! Registration and sponsorship opportunities will be online in February on VTCA's website.

Mining Issues Continue In Buckingham County

As VTCA reported last month, Buckingham County is addressing zoning ordinances that will impact the future of mining in the County. The County still has not finalized their language pertaining to the ability of landowners (or mining entities) to conduct geotechnical investigation on their property. The County has also not finalized language in the zoning ordinances that eliminates mining in agriculturally zoned regions of the County.

Recently the Planning Commission recommended that the Board of Supervisors not remove mining as a by-right (with special use permit) use in Agricultural-1 zoned (A-1) regions. However, the Planning Commission is considering recommending the Board list "Commercial Exploration" (geotechnical investigation) as a by-right use in A-1 zoning with registration. This means that any entity that wanted to conduct geotechnical investigation that could potentially lead to mining activities on property in A-1 zoned areas must register with the County's Planning and Zoning Office. These registrations would then be part of the public record.

VTCA, along with another industry group, contends that geotechnical investigation is not a land use but rather an investigation and is the right of the property owner to conduct, therefore not subject to any zoning ordinance.

Several VTCA members have provided testimony and have met with County officials conveying our position and opposing any amendment to the zoning ordinance language impeding geotechnical investigation and the ability to perform geotechnical investigation confidentially.

VTCA's concern is that if Buckingham County does consider geotechnical investigation a use and imposes restrictions, a precedent would be established and could be implemented by other localities.

A joint Planning Commission and Board of Supervisors public hearing is set for January 11. VTCA representatives will again be there to support our position and assist the County in this decision.

VTCA Aggregate Producer Lunchbox Seminar

Join VTCA for an informative Members Only Virtual Lunchbox Seminar on January 28 from 10:00 a.m. until 12:00 noon. This Seminar offers two presentations from industry leaders and centers around mobile equipment. The two topics will include:

- Pre-shift Exams for Mobile Equipment with Richard Church of **Carter Machinery**
- Tire Safety with Ben Taylor of **McCarthy Tire**



There will be no cost to attend the Members Only Virtual Lunchbox Seminar, however, registration will be required. Registration is now available online at <https://www.vtca.org/event/mobile-equipment-lunchbox2021/>.



Smoke Schools

VTCA is pleased to announce the schedule for the spring Smoke Schools.

- Richmond – March 16, 2021
- Roanoke – March 17, 2021
- Abingdon/Glade Springs – March 20, 2021

Stay tuned to your email and the *Blue Top* for registration information.

2020 Safety Seminar Concludes

In mid-December, the VTCA Aggregates Safety & Health Committee concluded the 2020 five-part Safety Seminar. As with most events in 2020, the Safety Seminar was virtual. The Seminar was conducted in one-hour sessions, once a week for five consecutive weeks. The intent of the format was to facilitate the ability of participants to digest imported material in manageable time periods. Although attendance was relatively low, reviews by participants were encouraging.

The program consisted of presentations from VTCA members, DMM, MSHA, NSSGA, and Malta Dynamics, a company that specializes in fall protection. Along with the fall protection presentation, other topics included updates from our regulatory partners, an industry update from the national level, communication skills and mine contractor training.

Thank you to our sponsors!

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VTCA Donates Rock Samples To Henrico County Public Schools

Following VTCA's virtual presence at the 2020 Virginia Association of Science Teachers (VAST) Conference, Eric Rhoades, Secondary Science Specialist with Henrico County Public Schools, contacted VTCA about obtaining Rock Kits. VTCA hands out Rock Kits at the in-person VAST Conference each year and they are a big hit with teachers and others in the education community.

Since this year's VAST Conference was virtual, VTCA did not procure and assemble the Rock Kits and did not have them available for distribution. After a few conversations with Henrico County, VTCA has figured out a way to help! VTCA provided aggregate samples from ten different VTCA Aggregate Producer Members. Henrico County's plan is to have science students and teachers assemble small samples of the aggregates and distribute them not only to classrooms but to the homes of earth science students for hands-on for virtual learning.

Additionally, stemming from our interest in working with Henrico County Public Schools, VTCA may be developing a relationship with the school system and may work with them in developing informational and safety videos along with connecting with their vocational program for workforce development.

Special thanks to the below Members for donating aggregates for this effort:

- **Luck Stone** – Culpeper Plant
- **Vulcan Material** – Royal Stone
- **Chaney Enterprises** – Stoney Creek-2
- **Walker Sand & Stone** – King George
- **Virginia Vermiculite**
- **Lehigh-Hanson** – Riverton Plant
- **Cedar Mountain Stone** – Mitchells Quarry
- **Martin Marietta** – Doswell Quarry

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Note: Companies listed in
bold italics in the *Blue Top* are
members of VTCA.

VTCA Office Closed

VTCA will be closed January 18 in
observance of Martin Luther King Jr
Day.

ESCCC Program Update

VTCA is pleased to offer the Erosion and Sediment Control Contractor Certification Course (ESCCC) virtually. The one-day class is offered on the Zoom platform. Participants must have a computer with a camera to attend. Virtual class size is extremely limited so don't delay in registering when classes are announced.

VTCA currently has one class scheduled for January 27, 2021. Additional classes will be added throughout the year.

Online registration and a downloadable form for each class can be found on our website at www.vtca.org. Questions? Contact Stephanie Rusnak at 804-330-3312 or stephanie@vtca.org.

Health Care Corner

The Virginia Health Benefit Exchange was created by the 2020 Virginia General Assembly. Subsequently, Virginia is now establishing a State Based Health Benefit Exchange on the federal platform for plan year 2021, before transitioning to a full State-Based Exchange by plan year 2023. It will be operated as a new division within the State Corporation Commission (SCC). Learn more at <https://www.scc.virginia.gov/pages/ExchangeAssisters>.

A 15-member advisory committee has been put in place to advise and provide recommendations to the SCC and the director in carrying out the purposes and duties of the exchange. Asset Protection Group and BeneFinder are proud that Lee Biedrycki, president of BeneFinder and partner of the VTCA Health Plan Consortium with AP Group, was appointed as one of the advisory committee members.

As a VTCA member, you will be in good hands with AP Group and BeneFinder as your endorsed health care representatives as they continue to stay on top of cutting edge healthcare initiatives.

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Congratulations To Ron White, Superior Paving, On His Retirement

In 1975, Ron White had the vision and courage to join Bob Surface to work for a new asphalt company with "no plant, no employees, no equipment, no customers." Forty-five years later, Ron is retiring after a distinguished career. Ron has served the transportation construction and asphalt industries in ways too numerous to list on one page. His service to VTCA and the National Asphalt Paving Association are just two examples of his selfless service.

Superior has always set the standard for performance, quality, personal service and innovation. Just one part of Ron's legacy are the company's values of Integrity, Commitment, Excellence and Partnership.



We wish Ron and Valerie the very, very best in the years ahead.