



RIICA NEWS

“UNDERGROUND & IN THE TRENCHES”

VOLUME II ISSUE I

SPRING 2009

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NEWS ALERT !!!!.....

UNDERGROUND UTILITY CONTRACTOR LICENSE , DIG SAFE BILLS HEADED FOR COMMITTEE VOTES

PROVIDENCE, RI- As the Rhode Island General Assembly enters the final stretch in the 2009 legislative session, RIICA has been working hard to ensure passage of two important bills to the construction industry alongside the Utility Contractors Association of RI (UCARI) . After a number of hearings at the State House on both bills, RIICA and UCARI Legislative Committee members along with the associations' lobbyist Terry Martiesian are now in final discussions on what the final bills will look like. Representing RIICA and UCARI on the hill have been President Steve Gianlorenzo, Past President Dave Burnham, UCARI President Ron Nunes, UCARI/

RIICA Executive Director Bob Lafleur along with other members attending in support of the passage of both bills. Both associations have expressed that the **UUC License bill** should have an easier passage than the **Dig Safe bill**. Executive Director Bob Lafleur explained that the UUC License bill while has some opposition, is likely to head to the floor sometime in the next few weeks. He stressed however, that the Dig Safe bill is being discussed in stakeholder meetings guided by the Senate Corporations Committee. The Dig Safe bill is the most comprehensive overhaul of the law since its inception in 1984. “ Burnham and Nunes have provided great support for passage of this bill,” Lafleur

stressed. “There have been a lot of man hours expended over the course of the last few months to get these two bills to the point we are at,” exclaimed Lafleur. Both associations remained confident that both bills will pass this year. The fact that Senate Corporations Chairman Josh Miller has personally spearheaded the stakeholder meetings lends credence to the momentum for passage of these two extremely important bills. Lafleur asked that every member, family member, and friends of both associations call their legislators and tell them to support both bills. **YOUR CALLS ARE IMPORTANT..CALL TODAY!**

DIESEL EMISSIONS BILLS INVADE STATE HOUSE

See Legal Column by Martiesian & Associates- Page 5

PROVIDENCE, RI- Several bills have been submitted on how diesel pollution should be mitigated from public works projects across the state. While Rhode Island's legislature is not unique to special interest bills on a variety of issues, the diesel emission bills submitted have an air of Hollywood to them. Amy Costner, daughter of actor Kevin Costner, star of “Field of Dreams” and “The Bodyguard” has been spearheading the effort on passing an extremely narrow scope of a bill on how construction equipment can be used on

public works projects in the state. UCARI and RIICA representatives have worked with associations' lobbyist Terry Martiesian to ensure that the submitted bills be amended to diminish the costly effect retrofitting would have had on pre-1994 vehicles. While you would have been allowed to retrofit the equipment, you would have been only able to use them for a period of 5 years under these bills. Martiesian and UCARI's Ron Nunes both have reported that much of bills' constraints

have been either removed or amended, cost still remains a substantial issue. Under the bills, the cost for retrofitting would be part of the bid and paid for through stimulus funds. There lies the problem. In what was supposed to be money used to put people back to work would most certainly be used in as part of the retrofitting of equipment. These bills would apply to any and all vehicles of suppliers and vendors delivering to public works projects throughout the state. **CALL YOUR LEGISLATORS !!!**

RIICA TOURS MILTON CAT FACILITY

Milford, MA– More than 70 members, guests and friends of RIICA attended the free tour of Milton CAT’s expansive equipment facility recently. Milton CAT complete source for Caterpillar machines, power systems, parts and service in the Northeast. With 13 locations, from Bangor to Boston to Buffalo, we are committed to providing you with the products and support that have made our dealership the choice of contractors throughout the Northeast. In addition to representing the entire line of Caterpillar machinery, engines and power generation equipment, Milton CAT offers a complete line of crushing and screening equipment, Genie aerial lifts, Challenger agricultural and utility tractors, as well as implements and work tools ranging from shears, hammers, thumbs, forks and landscape rakes, to a full range of buckets. Members were provided group tours after a presentation by Milton CAT’s administrative team of managers and sales representatives. After the over 3 hour tour including demonstrations, Milton CAT provided the attendees with a great complimentary meal. Thanks to all at Milton CAT for a great event!

See additional photos on Page 4



“ As RIICA moves forward into a new era, we look to the support of our members and potential new members to help chart that new course”

Bob Lafleur

Executive Director



IN THESE ECONOMIC TIMES, SLIM DOWN OR BEEF UP?

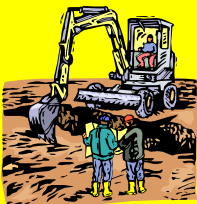
The tumultuous economic climate currently facing the nation is unprecedented . Not since the Great Depression have we experienced anything like this. The key to survival will be different for every contractor. If history is an accurate indicator, the companies most likely to survive will be those most willing to adapt– anxious to explore opportunities outside their comfort zone. Passage of the stimulus bill repre-

sents a huge opportunity for contractors, especially those who are used to completing public works projects.

Another important component of success will be to demonstrate value. The mindset that contractors must “do it cheaper” to secure the work is flawed. In reality, this approach lowers the perceived value, not the price, and sets a precedent for project owners as they review and award bids

that is unfair to other contractors.

When all is said and done, contractors who have established processes for tackling new types of projects, a well-trained workforce, the resources to invest in new equipment and set long-range objectives will emerge much stronger. For them, this may be a good time to beef up instead of slim down.



America's Drinking Water Not Getting Much Cleaner

Washington, DC— The U.S. Environmental Protection Agency (EPA) recently released its new *Drinking Water Infrastructure Needs Survey and Assessment* and the results hardly warrant a toast raising glass of tap water. The EPA's fourth national assessment of public water infrastructure needs show a 20-year capital improvement need of \$ 334.8 billion. **Rhode Island's needs alone are over \$ 1.5 billion while the state only receives nearly \$ 5 million per year.** Although the latest nationwide needs estimate is not overwhelmingly more than the 2003 estimate of \$ 331.4 billion, the \$ 334.8 billion needed today is considerably more than the \$ 198.2 billion needs estimate reported by the EPA in the 1999 needs survey. While the report will provide information about the significant challenges ahead as to the nation's needs, the survey will help the EPA determine the distribution formula for the Drinking Water State Revolving Fund (DWSRF) grants for the fiscal years 2010 through 2013. **The projected distribution of federal funds for the DWSRF for Rhode Island is expected to increase from the nearly \$ 5 million it receives now to over \$ 18 million each year for the next five years.** Although Rhode Island's needs pegged at \$ 1.5 billion, \$ 90 million will somehow begin to repair and or replace our aging underground infrastructure.

UPCOMING EVENTS.....

May 28, 2009...RIICA Annual Cook-out

Rocky Hill Grange Hall,
East Greenwich, RI

A separate reservation form will be mailed shortly!!

May 30& 31, 2009...Northeast

Rockbusters Antique Equipment Show

Washington County Fairgrounds,

Richmond, RI ...for information on this contact Dave Burnham at 401-294-9259

August 2, 2009...RIICA Annual Steak Fry

Fort Getty, Jamestown, RI

HIGH VISIBILITY SAFETY APPAREL REGULATION CORRECTED BY FEDERAL HIGHWAY ADMINISTRATION

Washington, DC— On November 24, 2008, the Federal Highway Administration (FHWA) addressed an oversight in the Manual on Uniform Traffic Control Devices Part 6 which provides guidelines for the design and setup of temporary traffic control plans for work zones, but did not address problems of workers being inside the work zone. The original section, 6E.02, covers only the need for flag persons and law enforcement personnel directing traffic

to wear high visibility clothing. The oversight now mandates that "all workers within the right-of-way of a federal-aid highway who are exposed to traffic (vehicles using the highway for purposes of travel) or to construction equipment within the work area shall wear high-visibility safety apparel." In so doing, the FHWA acknowledged that "the need to be seen using high visibility apparel is a critical issue for worker safety" and

therefore a key element in decreasing the likelihood of worker injuries and fatalities caused by motor vehicles and construction vehicles and equipment. The regulation defines the high-visibility apparel as that as providing conspicuity during both daytime and nighttime usage and must meet the performance of Class 2 or 3 requirements of the ANSI standards and all apparel will be marked as Class 2 or 3.



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**IT'S TIME TO PLACE YOUR BID ON RIICA'S ANNUAL GOLF FOURSOME
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COMPANY: _____ MY BID IS: \$ _____

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**Milton CAT
RIICA Membership
Meeting
March 26, 2009**



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and authorize your agreement to accept email from the RIICA Office.



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Legal Corner...

Terrance Martiesian, Esq., Martiesian & Associates, Inc.

Your Association, as previously reported, has been involved in a number of important issues. This includes legislation introduced at our request, namely, Underground Utility Contractor” legislation. The bills (H-5458 sponsored by Rep. Timothy Williamson and S-464 by Senator William Walaska) would create a comprehensive licensing structure for underground utility contractors with one license good statewide. The legislation also addresses licensing criteria; provides for a “grandfather” clause for those presently in the industry; bond requirements and enforcement provisions. We are still negotiating on this bill.

UCARI, partially out of frustration, in that no action had taken place for a number of years had a “Dig Safe” bill introduced. These bills are H-5602 sponsored by Rep. William SanBento and S-476 sponsored by Senator John Tassoni, Jr. They would make the first substantive amendments to the legislation that was first enacted into law in 1984. Many of the amendments proposed in our bill are in accordance with the “Common Ground Alliance Best Practices” based on a federal study sponsored by the United States Department of Transportation and the Office of Pipeline Safety. The bill addresses pre-marking to save time and avoid confusion; requires electric utilities to mark private property electric service; addresses locating and marking underground facilities; requires new independent utility installations to be marked immediately by the installer before leaving the site; provide depth information; substitute word “commenced” for word “performed” to address savings in manpower for re-marking requests; changes re-marking response time from 24 to 48 hours; maintains current marking notification of 48 hours; provides for improved response time and communication between excavators and utility providers in emergency situations, and increases penalties. Your Association contends these changes are long overdue and will make “Dig Safe” a more valuable tool for excavators, utility providers and the safety for all. Providence Water has also introduced a related bill. A Stakeholders meeting has been called at the request of the Senate and who co-initiated by your Association to hopefully resolve the differences that have breached much needed reform. Stakeholders include your Associations, PUC, Providence Water, National Grid, Construction Industry of Rhode Island, Narragansett Bay Commission, Dig Safe Systems, Municipal Water and Sewer Authorities and the Rhode Island League of Cities and Towns.

Lastly, we have been at the table for extensive negotiations on several bills pushed by the health and environmental advocates that originally proposed to establish certain draconian requirements on the construction and supply line industry relative to governments’ responsibility to protect the public health from diesel pollution. For example, the original bill mandated engine requirements for heavy construction vehicles and equipment to be used on state projects where the entire contract is \$2 million or more. It would have required such vehicle made between 1994 and 2006 to be retrofitted in order to work on the state job site; pre 1994 vehicles would not have been permitted on the job site as they could not be retrofitted. The legislation allowed contractors to bid on a contract but the winning bidder would have to submit a list of vehicles that must be retrofitted to meet the specifications of the bill. The Department of Transportation would pay out of federal funds the amount needed to retrofit the vehicle for the project. Your Association was concerned with the cost of retrofitting, what happens with pre 1994 vehicles and equipment; will its’ members be denied right to bid on state contracts if funding for retrofitting is exhausted and many other issues.

Negotiations have been ongoing and there appears to be substantive progress. For example, equipment will not apply to delivery vehicles; there will be no mandated registration of vehicle; no cut off date; will not prohibit use of vehicles on a project if retrofitting funds are not available and will not apply to pre-1994 vehicles and equipment. A Substitute “A” bill is being drafted. We are optimistic it will address our major concerns.

WELCOME NEW MEMBERS

- Ronald Ballou, Chepachet, RI
- Towle Bros. Landscaping, Cumberland, RI
- Michael Pino, Johnston, RI

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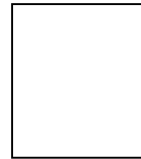
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SAFETY NEWS...Pneumatic Tools

Pneumatic tools are powered by compressed air at pressures up to 90 pounds per square inch (psi). Common examples of air-powered tools include jackhammers, grinders, chipping hammers, rock drills and impact wrenches. However, if it is not used safely, it can cause serious injuries to both operators and other workers in the area where it is used. The hazards associated with the use of pneumatic tools include, but are not limited to: flying objects; hearing damage; slips, trips and falls; cuts and abrasions; respiratory difficulties; and vibration-related health disorders.

The following safety precautions should be taken to control these hazards:

- ▲ Prior to using any pneumatic tool, workers must read and understand the manufacturer's operating and safety instructions.
- ▲ Eye protection, hardhats and safety boots/shoes should be worn at all times by the operator and anyone in the immediate vicinity.
- ▲ Impact resistant face protection is also recommended and should be worn over, not in place of, eye protection.
- ▲ Because prolonged exposure to noise caused by normal operation of pneumatic equipment may lead to hearing disorders, hearing protection should be used by anyone operating pneumatic equipment or anyone exposed to the noise.
- ▲ Prior to operation, all pneumatic tool components and attachments should be inspected to make sure that they are in good working order—e.g., no missing or damaged parts.
- ▲ Make sure that the tool is securely fastened to the air hose by some positive means to prevent the tool from accidentally disconnecting.
- ▲ Safety clips or retainers tools must be securely installed and maintained to keep attachments from being accidentally expelled.
- ▲ Never adjust, repair, or change tool steel or other accessories until the air-powered tool has been disconnected from the compressor or other air supply.
- ▲ Tools powered by compressed air should never be pointed toward anyone.
- ▲ Never use compressed air to clean dirt from skin or clothing because it can penetrate the body and enter into the blood stream, causing severe internal injury that may result in death.

Overall job safety and the safety of the crew depend a lot on the foremen. The attitude, behavior and commitment that you display to safety will make a difference. The crew will follow the foreman's lead, so if he/she places safety at the top of the list, they will too!