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2009 Virginia General Assembly

- House of Delegates
 - 2004
 - 61 Republicans, 37 Democrats, 2 Independents
 - 2007
 - 57 Republicans, 40 Democrats, 3 Independents
 - 2008 & 2009
 - 53 Republicans, 45 Democrats, 2 Independents

2009 Virginia General Assembly

- 2009 House Leadership
 - Speaker - Bill Howell (R-Fredericksburg)
 - Majority Leader - Morgan Griffith (R-Salem)
 - Majority Whip - Kirk Cox (R-Colonial Heights)
 - Rep. Caucus Chair - **Sam Nixon** (R-Chesterfield Co.)
(Replaces Terry Kilgore of Scott Co.)
 - Minority Leader - Ward Armstrong (D-Henry County)
 - Dem. Caucus Chair - Ken Plum (D-Fairfax)
(Replaces Brian Moran of Alexandria - running for Democratic nomination for Governor)

• House Transportation Committee

13 Republicans 9 Democrats

- Chair - Joe May (R-Loudoun)
- Vice Chair-Glenn Oder (R-N.News)
- **Chris Saxman (R-Staunton)**
- Bill Carrico (R-Grayson)
- John Cosgrove (R-Chesapeake)
- Tom Gear (R-Hampton)
- Thomas Davis Rust (R-Herndon)
- Tim Hugo (R-Fairfax)
- Ed Scott (R-Culpeper)
- **William Fralin (R-Roanoke)**
- Bob Tata (R-Va. Beach)
- **Barry Knight (R-Va. Beach)**
(Replaced Jeff Frederick of Prince William)
- Manoli Loupassi (R-Richmond)
- **Dolores McQuinn (D-Richmond City)**
(Replaced Dwight Jones now Mayor of Richmond)
- Jeion Ward (D-Hampton)
- Adam Ebbin (D-Arlington)
- Mayme BaCote (D-Newport News)
- David Marsden (D-Fairfax)
- Shannon Valentine (D-Lynchburg)
- Bob Brink (D-Arlington)
- David Toscano (D-Charlottesville)
- Paul Nichols (D-Prince William)

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Senate of Virginia

- 2004 - 24 Republicans, 16 Democrats
- 2007 - 23 Republicans, 17 Democrats
- 2008 & 2009 - 21 Democrats, 19 Republicans
- Senate Leadership
 - President pro tempore - Charles Colgan
 - Majority Leader - Dick Saslaw (D-Fairfax Co.)
 - Majority Caucus Chair - Mary Margaret Whipple (D-Arlington)
 - Minority Leader - Tommy Norment

Senate Transportation Committee

8 Democrats, 7 Republicans

- Chair - Yvonne Miller (D-Norfolk)
- Edd Houck (D-Spotsylvania)
- Henry Marsh (D-Richmond City)
- Philip Puckett (D-Tazewell)
- Creigh Deeds (D-Bath)
- Patsy Ticer (D-Alexandria)
- Chap Peterson (D-Fairfax)
- John C. Miller (D-Newport News)
- Steve Newman (R-Lynchburg)
- John Watkins (R-Chesterfield)
- Frank Wagner (R-Virginia Beach)
- Harry Blevins (R-Chesapeake)
- Ryan McDougale (R-Hanover)
- **Ken Cuccinelli (R-Fairfax)**
- Ralph Smith (R-Roanoke)

2009 Virginia General Assembly

– Retirements & Resignations

- Delegate Terrie Suit (R - Virginia Beach)
- Delegate Brian Moran (D - Alexandria)

– Open Seats in 2009 Elections -

- Delegate Steve Shannon (R - Fairfax Co.)
- Delegate Frank Hargrove (R - Hanover County)
- Delegate William Fralin (R - Roanoke)
- Delegate Jeff Frederick (R - Prince William Co.)
- Delegate Al Eisenberg (D - Arlington)
- Delegate Ken Melvin (D - Portsmouth)
- Delegate Frank Hall (D - Richmond City)
- Delegate Clarke Hogan (R - Halifax County)

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2009 Virginia General Assembly

– Open Seats in 2009 Elections –

- Delegate Chris Saxman (R - Augusta County)
- Delegate Bob Hull (D - Fairfax County)
- Delegate Kris Amundsen (D - Arlington County)

Good Bills Passed (Effective 7/1/09)

- *Weight Extension for APUs* (Del. Ed Scott Culpeper)
 - Extends gross, axle & bridge formula weight limits for motor vehicles using APU or other form of idle reduction technology by an additional 400 pounds.
 - To qualify, operator must be able to prove:
 - (1) by written certification, the weight of the auxiliary power unit or other idle reduction technology unit and
 - (2) by demonstration or written certification, that such idle reduction technology is fully functional at all times.
 - Additional weight allowed cannot exceed 400 pounds or the weight certified, whichever is less.

Good Bills Passed (Effective 7/1/09)

- *Weight Extension for APUs* (cont.)
 - “Auxiliary Power Unit” means a mechanical or electrical device affixed to a motor vehicle that is designed to be used to generate an alternative source of power for any of the motor vehicle's systems other than the primary propulsion engine
 - “Idle Reduction Technology” refers to a technology that allows engine operators to refrain from long-duration idling of the main propulsion engine by using an alternative technology.

Good Bills Passed (Effective 7/1/09)

- *Trailer Inspection Exemption*
(Sen. Hanger - Augusta Co. & Del Nichols - Prince William Co.)
 - Puts into the Code of Virginia provisions of the July 2006 Governor's Proclamation that exempts trailers and semitrailers in compliance with the federal annual inspection requirements from Virginia's annual inspection requirement.
 - Reduce erroneous citations

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Good Bills Passed (Effective 7/1/09)

- ***Overweight Permit Enforcement*** (Del. Scott-Culpeper)
 - Overweight Permit cannot be invalidated unless:
 - (i) *the permit vehicle is operating off the route listed on the permit,*
 - (ii) *the vehicle has fewer axles than required by the permit,*
 - (iii) *the vehicle has less axle spacing than required by the permit when measured longitudinally from the center of the axle to center axle with any fraction of a foot rounded to the next highest foot, or*
 - (iv) *the vehicle is transporting multiple items not allowed by the permit.*

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Other Bills Passed (Effective 7/1/09)

- *Interstate Public-Private Partnership Compact*
 - Repeals authority that allowed Virginia to join other states in a compact to impose tolls on interstate highways
- *Penalties for UCR Violations*
 - Makes owners of motor vehicles operated in Va. and not in compliance with the UCR guilty of a Class 4 misdemeanor
 - Va. shortfalls of \$2million in 2008 and \$2.7 million in 2009
- *Violation of HazMat Out-of-Service Orders*
 - Extends 2-year disqualification for violation of an out-of-service order to any person operating a commercial vehicle used to transport haz mat

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Other Bills Passed (Effective 7/1/09)

- *Towing & Recovery Operators*
 - Makes various changes in laws governing towing & recovery operators and changes composition of the Board of Towing & Recovery Operators
 - Superintendent of State Police is Chairman
 - Representative of the VTA on the Board
 - Towing & Recovery businesses must have licenses from the Board and tow truck drivers must have authorization documents issued by the Board by July 1, 2009.

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Other Bills Passed (Effective 7/1/09)

- *Text Messaging & E-mailing While Driving*
 - Prohibits operation of motor vehicle in Virginia while using any handheld personal communications device to manually enter multiple letters or text or to read a text message.
 - Does not apply to:
 1. *Any name or number stored in the device or any caller identification information;*
 2. *An operator who is lawfully parked or stopped;*

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Other Bills Passed (Effective 7/1/09)

- *Text Messaging & E-mailing While Driving*

- Does not apply to: (cont.)

3. *The use of factory-installed or aftermarket global positioning systems (GPS) or wireless communications devices used to transmit or receive data as part of a digital dispatch system;*

4. *Any person using a handheld personal communications device to report an emergency; or*

5. *The operator of any emergency vehicle*

- Violations are “secondary” offenses

- Traffic infractions - \$20 fine for first offense and \$50 fine for a second or subsequent offense.

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Bad Trucking Bills Defeated

- *Biodiesel Mandate*

- Require that all diesel fuel sold or offered for sale in Virginia after 1/1/11 contain 2% biodiesel. VTA concerned about:
 - Quality Issues
 - Impacts on Engines
 - Cost Increases for fuel, fuel filters, etc.
- Government-fleet mandate amendment failed
- Gov. Kaine issued Executive Order to require state fleets to use 2% biodiesel or green diesel beginning 7/1/10

Bad Trucking Bills Defeated

- *Oversize/Overweight Permit Fees*
 - 3 bills introduced to increase overweight permit fees by \$250 to potentially thousand of dollars per vehicle per year and impose a flat \$250 per year fee for Overload (5%) Permits.
 - Referred to Commission on Transportation Accountability for further study and assessment of the impact of VDOT's proposed fees on industry

Bad Trucking Bills Defeated

- *Truck Fees for I-81 Improvements Bonds*
 - Bond package of \$550 million for improvements on I-81 to be paid for by trucks that are required to stop at weigh stations.
- *Use of Wireless Communications Devices by CMV Drivers*
 - Prohibits the use of wireless telecommunications devices by drivers while operating commercial motor vehicles.

Bad Trucking Bills Defeated

- *Questioning Employees about Criminal Convictions*
 - Prohibit employers from asking an existing or prospective employee about the individual's record of arrests or convictions, unless the question refers to an arrest or conviction that occurred within the preceding 8 years or was for a violent felony. Employers may not take negative employment actions against an individual based on a response to a prohibited question. A violation is a Class 1 misdemeanor.

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2009 Elections

- 3 Statewide Offices
 - Governor
 - Lt. Governor
 - Attorney General
- All 100 Seats in House of Delegates up for Election to Determine if One Party Will Control Redistricting in 2010.
 - 71 of 100 seats being contested in primary or general election
 - 11 of 71 are open seats

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Regulatory Issues

- Reverse Signal Operations Regulations
 - Prior regulations required either use of a reverse signal alarm or a designated signaler/ground guide to back up vehicles or equipment.
 - Va. Dept. of Labor & Industry (DOLI) proposed changes to prohibit vehicles operating in off-road work zones or over the road transportation or hauling from being operated in reverse unless:

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Regulatory Issues

- Reverse Signal Operations Regulations (cont.)
 - the vehicle has a reverse signal alarm audible above the surrounding noise level and
 - the vehicle is backed up only when a designated observer or ground guide signals that it is safe to do so.

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Regulatory Issues

- Other proposed revisions provided that:
 - designated signalers/ground guides must have no other assigned duties.
 - drivers must maintain constant visual contact with the designated signaler/ground guide
 - designated signalers/ground guides and drivers must be provided training on the requirements of the proposed amendments
 - vehicles not manufactured or retrofitted with an alarm are exempt from having a reverse signal alarm audible above the surrounding noise level, but must comply with other requirements in the proposed regulation.

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Regulatory Issues

- VTA successful in getting changes adopted:
 - Final regulations effective September 18, 2009
 - Full enforcement beginning October 19, 2009.
 - Final regulations adopted require:
 - Vehicles may not be operated in reverse unless:
 1. The covered vehicle has a reverse signal alarm audible above the surrounding noise level, and

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Regulatory Issues

2.a. The covered vehicle is operated in reverse only when a designated observer or ground guide signals that it is safe to do so; or

2.b. Before operating the covered vehicle in reverse, the driver visually determines that no employee is in the path of the covered vehicle.

– Vehicles equipped with a reverse signal alarm that is not operational or not functioning properly shall be either:

1. operated in reverse only when a designated observer or ground guide signals that it is safe to do so; or

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Regulatory Issues

2. removed from service until the reverse signal alarm is repaired.
- Vehicles not equipped with a reverse-signal alarm upon manufacture or not later retrofitted with an alarm are exempt from the requirements above.
 - Exemption does not apply “if the manufacturer of the covered vehicle offered the employer a reverse signal alarm retrofit package at a reasonable and economically feasible cost and the employer did not have the retrofit package installed.”

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Regulatory Issues

- DOLI has stated in its published interpretations document that it will not use this provision to mandate retrofitting of all trucks with back-up alarms.
- To do so, DOLI have to prove that not only was there a retrofit package available from the specific manufacturer of the vehicle, but that it was specifically offered to the individual employer for the specific vehicle, and that the employer refused it. Very difficult legal standard of proof to meet.

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Regulatory Issues

- Vehicles equipped with a reverse signal alarm that is not operational or is not functioning properly shall be either:
 1. Operated in reverse only when a designated observer or ground guide signals that it is safe to do so; or
 2. Removed from service until the reverse signal alarm is repaired.
- Vehicles with operable video or technological capability to provide driver with a full view behind the vehicle are exempt from having to have a designated observer.

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Regulatory Issues

- Medical Services/First Aid Regulations
 - Current General Industry Regulation for Medical and First Aid provides that:
 - “In the absence of an infirmary, clinic, or hospital in near proximity to the workplace which is used for the treatment of all injured employees, a person or persons shall be adequately trained to render first aid....”
 - Federal OSHA has interpreted the phrase “near proximity” to mean that all general industry and construction employers must have:

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Regulatory Issues

- either an employee trained in first aid, or:
- their worksite must be located within a three to four minute response time of a hospital, clinic or infirmary if the worksite contains workplace hazards that could cause life threatening injuries; or
- their worksite must be located within a 15-minute response time of a hospital, clinic, or infirmary if the worksite does not contain workplace hazards that could cause life threatening injuries.

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Regulatory Issues

- Based on EMS data, the Board believes that the large majority of employers in Virginia fail to meet the 3 to 4 minute exemption
- The Board believes there is no clear guidance to employers of mobile work crews who are exposed to hazards that could cause death or serious physical harm.

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Regulatory Issues

- Final Regulations require:
 - Employer to select person (s) who is adequately trained to administer first aid and CPR during all workshifts on worksites containing serious workplace hazards that could potentially expose employees to serious physical harm or death.
 - Employers may make written arrangements with another contractor/employer on the same job site or establishment to provide selected employees to serve as first aid and CPR responders

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Regulatory Issues

- Employers of mobile work crews (crews that travel to more than one worksite per day) of 2 or more employees that assign employees to travel to worksites or engage in work activities that could potentially expose those employees to serious physical harm or death shall either:
 1. assure that at least one employee on the mobile crew is selected and adequately trained to administer first aid and CPR during all workshifts; or
 2. comply with section allowing written agreement with another employer/contractor at the worksite

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Regulatory Issues

- Employers of individual employees assigned to a permanent work location; or individual mobile employees (an employee who travels alone to more than one worksite per day) that assign employees to travel to worksites or whose work activities that could potentially expose those employees to serious physical harm or death shall either:

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Regulatory Issues

1. assure that the employee is adequately trained to self-administer first aid;
 2. comply with section allowing written agreement with another employer/contractor at the worksite; or
 3. assure that their employee has access to a communication system that will allow them to immediately request medical assistance through a 911 emergency call or comparable communication system.
- Above sections do not apply to worksites that do not contain serious workplace hazards that could potentially expose employees to serious physical harm or death.

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Regulatory Issues

- VTA submitted comments requesting an amendment to the proposed regulations that would allow use of the communication system option for mobile work crews that consist of two drivers of commercial motor vehicles (team driver operations)
- Unfortunately, the Board denied our request, but did offer the following guidance:



Regulatory Issues

1. For trucking operations consist of either a single driver or a two-person driving team, and all they do is over-the-road driving (i.e., the only serious hazard they are exposed to is a traffic accident), the final First Aid regulation will not apply, since VOSH does not investigate traffic accidents.
2. For trucking operations where there is a single driver, and the driver is potentially exposed to serious workplace hazards, the communication system option is available to the employer instead of having the employee trained in first aid.



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Regulatory Issues

3. For trucking operations where there are two drivers potentially exposed to serious workplace hazards (like, we assume, a loading dock), the regulation provides that at least one of the drivers must be trained in first aid/CPR or the employer must make written arrangements with contractor or employer on the same job site or establishment to provide first aid/CPR.
- Final Regulation being reviewed by Governor's office - effective date not set yet

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Regulatory Issues

- General Permit for Storm Water Discharges Associated with Industrial Activity
 - Retained No Exposure Certification
 - Added new requirement to conduct annual benchmark testing for Total Petroleum Hydrocarbons (TPH) and Total Suspended Solids (TSS)
 - Waiver of testing allowed if test below benchmark amount for 2 consecutive monitoring periods (years)

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Rest Area Closings

- Over \$2.6 billion shortfall in transportation budget over next 6 years. CTB cut
 - \$2 billion from construction program (\$1.1 billion in June 2008)
 - \$391 million from administration & support
 - \$348 million from maintenance & operations
 - Reduced mowing, litter and ditching services
 - Reduce safety service patrols
 - Reduce ferry services
 - Close 25 Safety Rest Areas (save \$12 million)
- VTA opposed loss of 225 truck parking spaces

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Rest Area Closings

- CTB Revised Original Proposal
 - Close 19 Rest Areas (Saves \$9 million in FY 2010)
 - Keep Truck-Only areas at Dumfries open
 - Add 229 truck parking spaces to offset loss of 225 at closed rest areas
 - Potential to add 137 additional spaces

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Federal Issues

- VTA Continues to work with ATA on:
 - Card Check
 - Cap and Trade
 - Health Care Reform
 - Federal Highway Reauthorization
 - Drug & Alcohol Clearinghouse
 - Idle Reduction Equipment Incentives
 - Anti-Toll/PPP Measures
 - UCR Fees

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2010

- Transportation Funding
 - Continue to fight tolls on existing highways
 - Work to ensure trucking industry is treated fairly in any tax/fee increase proposals
- Overweight Permit Fees
- Addressing Va. Budget Shortfall
- Any number of other crazy, anti-truck ideas

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VTA Services

- **VTA Online Training Institute - AdvanceOnline**
- **BESTPASS Toll Discount Program**
- **Heavy Duty Towing & Recovery Services**
- **Legal Services Benefit Through Franklin & Prokopik**
- **UPS Shipment Discounts**
- **Value-Added Insurance Benefits Through Anthem**
- **Serious Disability Coverage Through Assurant**
- **ATA Business Solutions**
- **Driver's Legal Plan?**
- **Ideas Welcomed**

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Conclusion

- **Contact Us With Your**
 - Ideas
 - Problems
 - Solutions
 - Concerns
- **Tell Us What We Do Well & What We Do Poorly so We Can Enhance the Value of Your Dues Dollar**
- **Tell Us What Keeps You Up At Night**

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