

IN THE PIPELINE

NUCA OF NM NEWS

APRIL 2007

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Featured Product



claims through negotiation with the utility company or in litigation, they need evidence to prove their case regarding utility mis-marking or failure to mark at all. Amateur photographs taken from

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President's Message



I'd like to take a moment to thank you all of you who participated in the 2007 Legislative Session by reviewing legislation, and calling and writing your representatives in Santa Fe. NUCA of NM's goal this year was to take a more proactive approach to proposed legislation, and thanks to Carla Sonntag, NUCA of NM Legislative Monitor, and you, we have been able to make a difference in Santa Fe this year. We're

not done yet! With the NUCA Washington Summit right around the corner, representatives for NUCA of NM will be visiting with New Mexico's delegation to discuss Clean Water/Infrastructure funding, Small Business Health Plans and tax repeal. You have made a difference here locally; now make a difference in the political process by bringing our industry's message to your representatives on Capitol Hill.

Utility Hit Kit

Utility contractors are constantly on the defensive when it comes to determining fault in cases of excavation damage. In many cases, contractors find themselves in court determining liability after underground facilities are hit. Contractors are often blamed for damages that are not their fault, and they often pay for damages that they are not responsible for. They also usually have to eat the down time incurred as a result of excavation damage. If contractors want to challenge damage

crew members that show mis-marked facilities are a great idea, but low-quality photographs sometimes don't hold up in negotiations or in a court of law. The NUCA Hit Kit will take major steps to help contractors level the playing field when litigating damage claims. The Hit Kit is a measuring device that can clearly indicate not only that a facility is mis-marked, but exactly how far the mark is from the actual location of the damaged facility. Over 6 feet in length and bright yellow in color, the Hit Kit provides even the most inexperienced photographer with detailed information that can support a contractor's defense when dealing with damage claims. The Hit Kit comes with a NUCA damaged facility form.

Only \$40 for NUCA Members

[Order Here](#)

2007 Membership Meeting

The March Membership Meeting was well attended by NUCA of NM members including a couple of new members. Bob Walton, Vice President, Business Development, Albuquerque Economic Development was the guest speaker for the meeting. Bob Walton knows first hand how important it is to communicate with local industry. He was the Albuquerque plant manager for Honeywell Power Systems before joining AED.

In 2002, AED started its Business Retention and Expansion (R&E) Program with Walton at the helm to connect existing industry with economic development incentives and other programs available to grow their business. (*Albuquerque Economic Development 2006*) Walton spoke about the incentives available for local companies and the expansion of business in the Albuquerque Metro area which includes Rio Rancho, Belen, and Los Lunas.

The Rankings:

- | January 2006 - Albuquerque named 13th fittest city in the Nation. - *Men's Fitness*
- | April 2006 - Albuquerque named #2 Arts Destination - *American Style Magazine*
- | **May 2006 Forbes ranks Albuquerque The Nation's Best City for Business and Careers**
- | May 2006 - Albuquerque ranked 3rd Smartest City to Live - *Kiplinger's Personal Finance*
- | June 2006 - Albuquerque Ranked Among Top 10 of America's Brainiest Cities - *BizJournals.com*
- | July 2006 - Albuquerque named one of the World's Five Best Vacations - *Orbitz*
- | September 2006 - Albuquerque Ranked 14th best mid-size City for Entrepreneurs - *Entrepreneur*
- | October 2006 - Albuquerque ranked 4th in Small Tech Industry - *Small Times Magazine*
- | Albuquerque named a smart city for singles, families and retirees - *Kiplinger's Personal Finance*

All NUCA of NM members and their guests are welcome to attend Membership Meetings. There is usually a good mix of contractor and associate members, and it is a great opportunity to get to know and network with others in the industry. The meetings usually start at 11:30 am and run through 1:00pm. Look for details on speakers and locations in your email box. The next meeting is scheduled for May 24th.

Register online for Membership Meeting May 24, 2007

Eye on New Mexico



By Carla J. Sonntag

The regular session ended as scheduled on 3/17/07, and a special session was called almost immediately. None of the issues that we followed were on the Governor's call list, but that can change at any time.

We are still waiting to hear which bills that passed will be signed into law.

The Governor has until 4/6/07 to sign or veto the bills. Anything left unsigned is "pocket vetoed". I have been contacted several times by advisors to the Governor seeking our position on legislation that has passed. And, to date, none of these bills have been signed.

Your involvement on the issues helped educate the legislators on how the proposed legislation could affect you or your business. As we discussed at the January Membership meeting, New Mexico is served by a citizen's legislature who enjoy hearing from their constituents. With 2,946 pieces of legislation (not counting capital outlay) and only 60 days to consider it, they cannot possibly take the time to fully understand every bill that is introduced.

As I visited legislative offices and negotiated with legislators and other lobbyists, it was abundantly clear that NUCANM is represented and its voice is being heard. We had many successes in stopping potentially detrimental legislation, amending bills that could be beneficial if properly worded and passing good bills, such as the New Mexico One-call legislation. Our biggest loss during the session was the five Workers' Compensation bills designed to fix issues that are hurting the WC system. After more than two years of serious work with the Business and Labor Coalition, we found that we really didn't have a chance of passing them because the trial attorneys opposed these bills.

Overall, it was a good session and you can feel proud of your accomplishments at the state legislature. We'll get you a final report following the signature deadline.

Safety Library

Did you know that NUCA of NM has a Safety Library where you can borrow materials including books, discs, dvds and videos? The Association is expanding and updating the library this year. If you would like to borrow an item, or would like to suggest a purchase for the library, please contact the Association office. You may borrow any item free of charge, just return in a timely manner for others to borrow.

Items in the Library:

Videos/DVDs

- | NEW! Hand Signals for Mobile Construction Equipment (Spanish Version)
- | Headaches for Vandals..Jobsite Vandalism and Tool Theft Prevention
- | Damage Prevention Awareness
- | Fall Protection
- | Confined Space in Construction
- | Construction Trenching and Shoring
- | NUCA Safety Zone

Books and Manuals

- | Excavation Best Practices and Liability Protection
- | Toolbox Talks (also on CD)
- | NUCA Safety Manual (for review)
- | Bob's Rigging and Crane Handbook
- | Drug/Alcohol Policy
- | OSHA Field Inspection Manual
- | ADA Manual
- | NEW! Construction Safety Management
- | NEW! Construction Contracting
- | NEW! Excavation Safety - Understanding and complying with OSHA Standards
- | NEW! Common Sense Construction Law
- | Operating Techniques for the Tractor-Loader- Backhoe
- | NEW! Trenchless Construction and Rehabilitation Methods (also comes with CD ROM)

You can also download the NUCA Excavation Safety Orientation DVD FREE!!
Visit the NUCA webpage to download your own copy -- [Click Here](#)

This interactive, pictorial-based training DVD teaches workers how to recognize safety and health hazards when working in and around excavations and trenches and how to protect themselves and others from hazards. This program is ideal for use by employers as an introduction to excavation and trench safety for new employees and for workers reassigned to excavation and trenching operations. Produced in English and Spanish for both audio track and visual text, it presents excavation safety in a manner that permits learning comprehension by workers with limited education or reading skills.

**** Viewing of training videos does not constitute certification. If you are interested in certified training, please contact the Association office at 505 888 0752*

Check out the NUCA online Store!

Member Benefits



For NUCA Members Only

The NUCA Damage Prevention and Claims Avoidance Program offers consultation on damage prevention and damage investigation FREE OF CHARGE to NUCA members. Further, NUCA members are provided one hour free of charge for claims evaluation per quarter or four hours per year.

Damage Prevention Consulting

Preventing damage to underground facilities starts at the very beginning of a job and does not end until the job is done. This program offers consultation on damage prevention best practices, as well as how contractors can protect themselves from liability claims even before excavation begins. This includes:

- | Best practices in damage prevention (design phase through backfill)
- | Pre-excavation documentation
- | Consultation on state one-call laws

Damage Investigation Consulting

Excavation hits often occur when underground facilities are either mismarked or not marked at all by the facility operator. Many times, however, contractors receive gratuitous claims despite the fact that they are not responsible for the damage. In these cases, contractors must have the tools to conduct a detailed damage investigation to make their case when challenging the claim. The NUCA program provides consultation on the elements of damage investigation, including:

- | Photography
- | Evidence gathering
- | Documentation
- | Liability determination
- | Negotiations

Claims Evaluation

No matter how prudently a contractor strives to prevent underground facility damage, he or she will inevitable have to evaluate whether a damage claim is worth challenging. If you hit a line that was mismarked by several feet, do you challenge the claim or cut your losses and pay the bill? Some claims are several hundred pages - do you have time to conduct a thorough evaluation? The Service Provider will evaluate damage claims for you and help you make key decision about how to respond.

As Easy as a Phone Call

To participate in the NUCA Damage Prevention and Claims Avoidance Program or for more information, call S.E.E. Underground Technologies and Consulting at (816) 231-5105 or NUCA at 1 800 662 6822.

[Click here to learn more about NUCA Member Benefits](#)

AUI 2007 Platinum Sponsor

Sponsorship.

2007 Sponsors

2007 Sponsors:

- | Cone Construction
- | Hydro-Systems Inc.
- | New Concepts
- | Tom Growney Equipment
- | Western Summit of NM
- | AMEC
- | Albuquerque Asphalt
- | HD Supply
- | PCL Construction of NM
- | Wagner Equipment

April Dates

- | 04/11/07 Safety Committee 8am
- | 04/12/07 Planning Committee 8am
- | 04/12/07 Last Ditch Open Committee 8:30am
- | 04/12/07 Education Committee 11:30
- | 04/13/07 New Mexico Regional Common Ground Alliance General Meeting 9am at 1717 Louisiana NE Suite 118
- | 04/17/07 Tax Day
- | 04/20/07 OSHA 10 in Spanish [Click to Register](#)
- | 04/20/07 Deadline to submit application for Scholarship

If you would like more information on the Committees please call the Association office at 505 888 0752 or email nucanm@nucanm.org

Visit the NUCA of NM Quick View Calendar

2007 Scholarships



NUCA FOUNDATION ANNOUNCES 2007 SCHOLARSHIP COMPETITION

The NUCA Foundation is pleased to announce the 2007 Scholarship competition. Up to \$17,500 will be awarded this year.

Any high school senior whose parent or legal guardian is employed by a NUCA member company in good standing at the time of the application deadline may apply. Student employees, including part-time employees, are also eligible, as are dependents of NUCA Chapter Executive Directors. The applicant must be enrolling full time in an academic institution for his or her freshman year beginning in 2007. Qualified academic institutions

include four-year and two-year colleges or universities.

The following NUCA Scholarships will be awarded in 2007:

- | D.A. Foster Memorial Scholarship \$8,000 award (\$2,000/year over four years)
- | Antonio M. Marinelli Founders Scholarship \$2,500 one-time award
- | NUCA \$4,000 Scholarship \$4,000 award (\$1,000/year over four years)
- | NUCA \$1,000 Scholarship \$1,000 award (\$500/year over two years for those enrolling in two-year programs)
- | William & Shirley Burgett Scholarship \$2,000 one-time award

The complete application and required supporting documentation must be received no later than **5:00 P.M. eastern time, April 20, 2007**. Supporting documentation may be sent separately. Incomplete and improper applications will not be considered.

Applicants should respond to the NUCA Foundation Scholarship Committee, 4301 North Fairfax Drive, Suite 360, Arlington, VA, 22203. Faxes will not be accepted. NUCA staff will confirm receipt. Questions may be directed to Bill Plenge, Executive Director, NUCA Foundation at (703) 358-0300 or plenge@nuca.com.

[Download the Application Form Here](#)

March Committees

NUCA of NM

March 2007 Committee Summary

Planning:

- | Last Ditch Open Committee set for April 12th at 8:30am
- | Reconfiguration of Call Tree
- | LDO Scheduled for 09/21/07 for Isleta Eagle
- | Check list for Events
- | May Membership Meeting – May 24th – Location still being discussed

Safety:

- | Discussion regarding Las Cruces meeting. Woody Norwood can help with contacts and facility.
- | Discussion regarding Cell Phone policies – Bill Devinney will email to office and it will be sent out to members.
- | Mentoring is the key to involvement – will work on list of members that have no involvement on the safety committee.
- | Discussion regarding GPS
- | Discussion regarding simulator
- | A survey will be sent out again on what safety library items should be purchased. Items purchased so far:
 - Headaches for vandals – video
 - Hand signals for construction equipment in Spanish
 - 5 inch NUCA bumper stickers
 - 3 inch NUCA hard hat stickers
- | OSHA 10 Training set for March 23, Spanish – April 20th.
- | Next Step – March 30th in Farmington
- | Next Step PowerPoint was finalized on March 5th.

Education:

- | No Report

Legislative:

- | The Legislative Committee met several times during March to review Legislation and confirm positions.
- | Last day of session – March 17th.

NMRCGA:

- | Attended Planning for NMRCGA Expo –May 3-4th.
- | Information will be at Membership Meeting - 3 fold brochure
- | NUCA of NM Safety will be presenting Next Step
- | Participation:
 - 26 Paid Exhibitors
 - 1 Platinum Sponsor
 - 3 Gold Sponsors

- 3 Silver Sponsors
- 16 verbally committed sponsors
- 78 registrants to date (March 2nd)
- | Would like strong showing of NUCA of NM Members this year to keep the momentum of the EXPO moving forward.
- | Working with Gary Sloman to establish NMRCGA as a corporation with bylaws and Articles of Incorporation.
- | Next Meeting April 13th – General meeting
- | Next NMRCGA EXPO Planning meeting – March 23rd
- | NUCA of NM has a booth and will allow NMOSHB to share booth space.

NMRCGA



The New Mexico Regional Common Ground Alliance was established in 2005 to promote public safety, environmental protection and the integrity of underground infrastructure and facilities by promoting effective damage prevention as a shared responsibility.

The 2nd Annual New Mexico Regional Common Ground Alliance EXPO is scheduled for May 3-4th at the Albuquerque Convention Center.

If you dig in New Mexico then you need to attend this event!

The Expo kicks off with a golf tournament at Isleta Eagle Golf Course on May 2nd from noon to 5pm.

Classes and scheduled events include:

- | Keynote speaker at breakfast on May 3 - Ben R. Lujan, Jr. Chairman, Public Regulation Commission
- | WMD Awareness
- | Master Meter
- | Pipeline Group Systems
- | NTSB Session
- | Keynote Speaker at lunch, Gary Tonjes, Albuquerque Economic Development
- | Marking Standards
- | DMP
- | Exhibit Hall activities
- | NUCA of NM's Next Step Program
- | Liability Insurance
- | Emergency Response Planning
- | CGA Best Practices
- | Excavation Law
- | Highway Watch

Follow these links for more information:

- [NMRCGA Home Page](#)
- [Conference Brochure](#)
- [Registration Form](#)
- [Exhibitor Registration](#)

Visit the NMRCGA Web Page for online Registration

Washington Summit



The NUCA Washington Summit will be held May 16- May 18, 2007 at the Westin Arlington Gateway Hotel in Arlington, VA.

Most NUCA Committees will be held on Wednesday, May 16th, as well

as the NUCA National Awards Dinner

On Thursday, May 17th, NUCA of NM Executive Director and several members of the Association will visit with New Mexico's Delegation to talk about issues which affect our industry right here in New Mexico.

You are invited to attend, even if you would just like to remain an observer. Meeting with your representatives in Washington D.C. is a rewarding experience even if you don't like politics, and Washington D.C. in May is beautiful.

There is no registration fee to attend and this is a great opportunity to meet with your industry colleagues that work across the United States.

Our Primary Focus for 2007

1) Clean Water/Water Infrastructure Funding – This is the number one legislative priority for NUCA and passed the House on March 9. The Water Quality Financing Act of 2007 (HR 720) would authorize \$14 billion for the Clean Water State Revolving Fund (CWSRF) over four years starting in 2008.

2) 3% withholding – Under Section 511 in the Tax Increase Prevention and Reconciliation Act of 2005 (TIPRA) starting in 2011, a provision will kick in to require 3 percent withholding on any payments made to businesses under a contract with a government entity that has a procurement budget of at least \$100 million per year – every branch or agency of the federal government, every state, most counties and cities, even most school districts! The \$100-million threshold refers to the entity's total annual procurement budget (not just the amount budgeted for construction contracting), and payments subject to withholding would be for any goods or services procured under any type of contract. There is a bill in the House (H.R. 1023) to repeal this provision and has been referred to the Committee on Ways and Means.

3) Small Business Health Plans – There are two bills with multiple committee jurisdictions that would allow for small business to purchase health care from a association health plans where that business is a member. The two bills are HR 324 and HR 1012. If this legislation were to pass a NUCA-member company could purchase health care from NUCA if NUCA established a health care plan for its members. The idea is to lower health care costs for small businesses.

Get more information here:



NUCA of NM
NUCA of NM

email: nucanm@nucanm.org

phone: 505 888 0752

web: <http://www.nucanm.org>

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