

# IN THE PIPELINE

## NUCA OF NM NEWS

### November 2007

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#### President's Message



Thank you to those who voted in the 2008 Board of Director's Election. I am pleased to announce and congratulate the newly elected Board Members for 2008: John Taylor, Triad Builders of New Mexico; Matt Lehman, TLC Plumbing & Utility; and Teresa Baker, HD Supply Waterworks (re-elected).

I would also like to thank the two Board members that will be leaving their board positions this year after many years of dedicated service: Ron Lucero, VisCom; and Jesse May III, PCL Construction of New Mexico. The 2008 officers will be determined and voted on during the November Board of Director's Meeting. The outgoing and incoming Board of Directors will be recognized at the upcoming Membership Meeting on December 7, 2007. We will also be giving out a few awards this year, and will have a more formal Awards program in 2008. Don't forget to register early!

NUCA of NM and NUCA are both looking for future Board members. You must be a member in good standing and be willing to attend regularly scheduled Board meetings throughout the year. NUCA Board Members currently meet three times a year, and NUCA of NM Board Members meet every month. Please call the Association office if you are interested in serving on either Board in 2009.

October was once again a packed month for Association activities, even DIGBY got out this month. The NUCA Fall Board and Committees meetings were held in Atlanta, GA, and NUCA of NM was well represented as usual. You can read about the NUCA of NM and NUCA Committees in this newsletter.

#### New Item in Safety Library



**This DVD is now available to borrow from the  
NUCA of NM Safety Library**

New federal regulations regarding tie-down devices and procedures adopted in June 2006 affect everyone transporting construction equipment whether it's across country or across town.

The Transporting Construction Equipment DVD visually illustrates the Department of Transportation's Federal Motor Carrier Safety Administration regulation 49CFR, Part 393 as it applies to the transport of construction equipment. The information has been segmented by major topic to facilitate review and/or clarification:

- | The Trailer Loading
- | Equipment Securement Points
- | Understanding Tie-down Equipment
- | Tie-down Procedures
- | On the Road
- | Conclusion

### Eye on New Mexico



#### **New Mexico's Health Care Initiative And How It Might Affect You By Carla J. Sonntag**

There are currently 405,000 individuals in our state that do not have health insurance. After five years of discussion and planning, it appears the state - or at least the governor - has a health care initiative to solve this crisis. But, before we plan the celebration, let's take a look at the highlights of the proposal.

Employers with six or more employees must provide health insurance for all employees or contribute to a state administered fund that would provide coverage to the uninsured.

- | Any insurance company providing health insurance in the state would be required to use at least 85% of collected premiums on actual health care.
- | Health insurance companies would have to guaranty coverage for any individual requesting it after 1/1/09. Currently, companies can reject individuals from coverage.
- | Health insurance providers would be required to accept Medicaid, State Children's Health Insurance Programs and State Coverage Insurance, all publicly funded or subsidized programs.
- | Insurance rate increases to small groups would be limited to 10 percent per year. Currently the rates are allowed to increase 20 percent, based on medical experience.
- | A Health Care Authority would be established to monitor the health care providers' rates and performance. It would set ranges for payments that providers could receive and establish programs that reward providers for improved performance.

Senator John Arthur Smith, Finance Committee Chairman, has raised concerns of the cost from the general fund and the thoroughness of the study. Mathematica Policy Research, Inc. is an independent economic policy research group hired to do the study. However, Governor Richardson changed several parameters of the program after the study was completed and these changes were never evaluated.

Other questions yet to be raised, let alone answered are: 1) What would this initiative cost the business owner who currently is not providing health insurance and has six or more employees? 2) Would the health insurance providers in the state be willing to accept the proposed requirements? 3) If the health providers would accept the requirements, how much would they increase rates before the program went into effect to cover the increased cost of doing business? (i.e. in not being allowed to deny coverage or to set rates, to operate with 15 percent or less of the premiums to cover their overhead and profit, etc.) 4) What is the cost to set up and maintain the

Health Care Authority and where will the money come from? 5) Isn't oversight of insurance companies the responsibility of the state insurance department, which is already funded by our tax dollars?

The Health Care initiative was to be one of the main issues on the agenda for the budgetary session in 2008. But with so many controversial issues, there is already talk of a special session just to handle this one topic.

### DIGBY Visits School



On October 22, 2007, DIGBY visited with grades Kindergarten through 5th at Sierra Vista Elementary School.

The school is undergoing some improvements and has a large fenced-in construction site right on its campus.

Bill Alexander, AMEC; Carlos Spiess, Sundance Mechanical and Utility; and Chris Nyguen, Highway Supply; explained the dangers of construction sites to the kids. The team was very interactive and the kids loved DIGBY. Students also received the DIGBY coloring book.

### October Membership Meeting

The October Membership Meeting held on October 18, 2007 was focused on member benefits for NUCA and NUCA of NM members. Lyle Schellenberg, NUCA Senior Vice-President, and Heather Caldwell, NUCA VP of Member and Chapter Relations flew in to attend this meeting. Here is a summarized list of some of the topics mentioned during the meeting.

### NUCA Benefits:

- | **Get clout.** NUCA is the driving force in Washington for positive legislative, judicial, and regulatory advocacy. NUCA lobbyists are working to increase funding for your customers. Join them by joining NUCA.
- | **Succession to success.** NUCA's Institute for Leadership Development offers classes for current and future utility construction executives including CEOs, project managers, estimators, and supervisors.
- | **Personal and professional development.** NUCA's Foundation for Education and Research provides training and educational seminars to provide your employees with the tools necessary to deliver profitability.
- | **There's safety in NUCA.** You'll have unlimited access to a safety professional who will develop a custom response to meet your safety needs.
- | **Keep current with the issues.** Gain a competitive advantage through NUCA publications, including our bi-weekly Washington Report, bi-monthly NUCA Safety News, and the e-publications of The NUCA Report.
- | **Save big with NUCA partners.** Take advantage of the members-only Damage Prevention and Claims Avoidance Program. Get discounts on a wide range of services including NUCA-sponsored employment recruitment, accounting software, and a host of other discount opportunities.
- | **Diversity talks.** NUCA translates. To address the needs of today's multilingual workforce, much of NUCA's safety and training materials are translated into Spanish.
- | **Savings on NUCA store items.** Receive significant discounts on NUCA's entire stock of trenchless manuals, safety videos, clothing items and other products.
- | **Significant Discounts** at NUCA's EXPO '08 in Hawaii. Receive the lowest rates available for attendee registration at NUCA's Annual Utility Construction EXPO. Mark your calendar now for the next year! EXPO '08 "The Executive Experience" will take place at the Grand Hyatt Kauai Resort and Spa in Hawaii from January 15-19, 2008.
- | **Listing in the Online Membership Directory.** Your company profile (contact information, available products and services) will be listed in the NUCA Online Membership Directory, which is accessed daily by NUCA members looking to work with other NUCA members!

## NUCA of NM Benefits:

- | **NUCA of NM Lobbyist.** Your business interests are being watched, and your industry is being protected right here in New Mexico by your Legislative Lobbyist. NUCA of NM is proactive in state legislative issues that the industry may face in the yearly legislative session, and special sessions. You receive weekly, and sometimes even more frequent, legislative updates during the session, and receive news on NM's Interim Committees.
- | **Representation at NUCA Meetings and Committees.** NUCA of NM is well represented at NUCA meetings. As members, you are welcome to attend NUCA Committee meetings throughout the year; meanwhile, NUCA of NM members are representing the Chapter on several committees, task forces, councils and Board of Directors.
- | **National Memberships.** NUCA of NM is a member of the Common Ground Alliance, the New Mexico Regional Common Ground Alliance, and the NUCA Safety Ambassadors. With membership, members of NUCA of NM are welcome to get involved and the chapter receives one free registration for the NUCA Safety Director's Forum every year through its membership in Safety Ambassadors.
- | **ZIA Alliance.** NUCA of NM and NM OSHB extended its Alliance three more years in September 07. Through the Alliance, members receive safety training for no-charge or at discounted rates. Courses include OSHA 10, The Next Step and more.
- | **Standing with the Industry.** With your membership, you are listed in the annual directory which is distributed to membership, city, state, and federal government officials; you are also listed on the online web directory. Through membership, you become part of a force that is dedicated to Promoting, Protecting, and Preserving the Utility Contracting Industry.
- | **Opportunities.** There are vast opportunities available for members: get involved in a Committee; network at membership meetings, sponsor events, meetings, and publications. Even if you don't get involved, know that NUCA of NM is dedicated to serving our members, protecting, promoting and preserving this industry.

For more information on membership, and membership benefits, please contact the Association Office at 505 888 0752.

[Read more about Membership here](#)

### AUI 2007 Platinum Sponsor



Thank you AUI Inc. for your 2007 Platinum Sponsorship.

### 2007 Sponsors

2007 Sponsors:

- | Cone Construction
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- | Western Summit of NM
- | HD Supply
- | Albuquerque Asphalt Inc.
- | AMEC
- | PCL of NM
- | Wagner Equipment
- | Vis-Com Inc.

### November Dates

- | 11/04/07 Don't forget to change your clocks!
- | 11/07/07 Membership Committee 8am

- | 11/08/07 Next Step Instructor Meeting 8am
- | 11/08/07 Planning Committee 8am
- | 11/08/07 Education Committee 11:30am
- | 11/11/08 Veteran's Day
- | 11/14/07 Safety Committee 8am
- | 11/16/07 Safety Committee in Las Cruces
- | 11/19/07 Board of Directors
- | 11/22/07 Thanksgiving
- | \*\*\* December 7th, Membership Meeting at 6pm. Register Online [Click Here](#)

If you would like more information on the Committees please call the Association office at 505 888 0752 or email [nucanm@nucanm.org](mailto:nucanm@nucanm.org)

**Visit the NUCA of NM Quick View Calendar**

### NUCA Legislative Update



#### **Construction Safety Coalition Reaches Out to Democratic Staff**

This week, NUCA and other construction organizations made a presentation to the Democratic staff of the House Education and Workforce Committee. The presenting organizations were select members of the Construction Industry Safety Work Group, which is collectively addressing several legislative and regulatory issues regarding pending OSHA legislation, current OSHA regulatory initiatives, and other safety-related activities on Capitol Hill and at the Department of Labor.

The goal of this week's event was to approach Democratic staff while the committee considers and develops legislation that might be harmful to construction employers. Each presenter outlined the safety program of his/her respective association, and made the common point that there is sufficient education and training being conducted to ensure that construction workers are safe on the job. While NUCA believes that the committee will inevitably introduce some bad OSHA "reform" bills, we are now in a position to point to a specific event that took place early in the process when certain committee members say publicly that they haven't heard from the "employer side" while legislation was being developed. NUCA was joined by other organizations representing the masonry, home building, and electrical construction industries, among others.

#### **WRDA Bill Faces White House Veto**

The Water Resources Development Act (WRDA) and its supporters in Congress will probably take on a White House veto very soon, possibly by the end of this week. NUCA and the Clean Water Council (CWC) have supported the legislation for years, and are now preparing to help override the president's veto should he decide to issue one. The \$23.2 billion WRDA measure authorizes more than 900 flood control, navigation, and environmental restoration projects overseen by the U.S. Army Corps of Engineers. Additionally, NUCA was able to secure \$2.4 billion in the final WRDA bill for approximately 200 water and wastewater projects. NUCA and WRDA supporters on the Hill are confident that an override would be successful. Sen. Jim Inhofe, Ranking Republican on the Senate Environment and Public Works Committee, and a leading conservative in Congress, has pledged to take the lead in an override attempt. "If he does veto it, there will be a lot of Republicans joining me in overriding the veto," Inhofe said recently. Both the Senate and House have passed the legislation by veto-proof votes of 81-12 and 381-40, respectively. If and when a veto override is on the table, NUCA will send out a legislative alert asking all NUCA members to call their lawmakers and strongly encourage them to support the override. We hope you'll do your part.

#### **Construction Industry Sits Down with House "Blue Dogs"**

NUCA and other members of the construction industry sat down for breakfast this week with members of the "Blue Dog" coalition. Blue Dog Democrats are a group of 47 moderate and conservative Democratic lawmakers in the House of Representatives. Known for promoting fiscally responsible budget reforms and accountability for taxpayer dollars, Blue Dogs can often be counted on by business associations to support initiatives that aim to reduce tax and regulatory burdens on small businesses. Along with several member organizations of the Clean Water Council (CWC), NUCA thanked the coalition for its support of the Water Quality Financing Act (HR 720), which all of the Blue Dogs voted for. With approximately 15 members of the Blue Dog

Coalition in attendance, discussion focused on long- and short-term funding solutions to the many challenges facing America's key infrastructure. Many Washington insiders agree that the influence of the Blue Dog Coalition has grown considerably since the Democratic takeover of Congress last year, and that it would behoove the Democratic leadership to listen very closely to what the Blue Dogs have to say, and the way they say it. NUCA appreciated the opportunity to present the underground utility construction industry's case to this increasingly important coalition.

### **Governors Asked to Support Repeal of Withholding Provision**

As reported previously, a lot of progress has been made on the issue of the contractor withholding provision (Sec. 511), which would require federal, state and local government entities to withhold three percent of payments to those providing them with products and services. Recent tax legislation that passed overwhelmingly included a one-year delay for implementation of Sec. 511, and the list of co-sponsors on legislation to repeal the provision (HR 1023) is currently at 229-a reflection of strong opposition to Sec. 511. The Government Withholding Relief Coalition (GWRC), of which NUCA is an active participant, continues to lead lobbying efforts to advance HR 1023 to the House floor for debate and a vote. The CWRC recently went to the nation's governors to make its case at the state level. In a letter to all governors, the coalition stated that the "provision will adversely impact many businesses and industries and will have numerous consequences not only for businesses within your state, but also for your public sector agencies," and asked them to contact their state's congressional delegation and encourage them to support HR 1023 and the companion legislation in the Senate (S 777). NUCA will continue to work with the GWRC to make the most of the momentum that has been gained over the past several months by efforts to get the legislation passed through the House as soon as possible. The fight will then focus on the Senate, where legislative progress is always more challenging.

### **Coalition Talks Damage Prevention with PHMSA**

NUCA continues to work as a Founding Member of the Excavation Damage Prevention Initiative (EDPI) to begin the implementation process of enforcement provisions included in last year's Pipeline Inspection, Protection, Enforcement, and Safety (PIPES) Act. The PIPES Act authorizes federal grants for states to help them improve their damage prevention laws and enforcement practices, and allows for a federal role in the enforcement of state damage prevention laws in situations where states are not enforcing them on their own. The EDPI, which is comprised of national associations representing excavators and gas and hazardous liquid pipeline operators, has been charged with producing a "white paper" to help guide states in addressing provisions in the PIPES Act and evaluating their current laws and enforcement practices. This week, NUCA and other EDPI "Founders" sat down with representatives of the Pipeline and Hazardous Materials Safety Administration (PHMSA) and National Association of Pipeline Safety Representatives to discuss the status of the white paper, which PHMSA has said will be used in describing the criteria that states must meet in order to be eligible for the new grant money. The EDPI will meet again in the near future to further develop the white paper before releasing it to other damage prevention stakeholder groups. This document will be posted on the NUCA website when the next draft has been approved by all EDPI organizations. For further information about the EDPI effort, contact Eben Wyman at (703) 358-9300.

The NUCA Washington Report is used with permission from the National Utility Contractors Association.

All articles provided by NUCA and  
**Eben Wyman**  
**Vice President, Government Relations**  
**Ben Gann**  
**Government Relations Coordinator**

Mark you calendars now for the 2008 NUCA Washington Summit, which will be held May 21-23, 2008 at the JW Marriott Hotel in Washington D.C.

**October Committees**

**NUCA of NM**  
October 2007 Committee Summary

## **Planning:**

- | October 18, 2007 - Membership Volunteers will assist with set-up for the meeting. -Initiate Call tree and remind attendees to bring a potential new member. Lyle Schellenberg, NUCA Senior Vice-President, and Heather Caldwell, Vice-President of Member and Chapter Relations will both be in attendance for the meeting. Pre-meeting on October 16th to cover agenda and go over logistics.
- | The Marriott Pyramid has been booked for December 7th for a membership meeting dinner. The outgoing Board members will be recognized and the incoming board members will be introduced; there will also be a few awards.
- | Committee reviewed several options for a spring and summer association event.

## **Last Ditch Open**

- | Committee has dissolved for now, watch the newsletter if you would like to work on this committee for the 2008 Last Ditch Open

## **Education:**

- | The Committee discussed the lube truck/fuel truck forum. Eddy Randall will talk to Del Caudle about the itinerary for the forum.
- | Committee members requested email reminders with required reply for meetings.
- | There was a discussion regarding labor shortages and some local programs that assist in providing laborers.
- | Chris Nguyen will be meeting with Janine Baca at CCNM and will report back to the committee.
- | Bill Alexander, Carlos Spiess, and Chris Nguyen will go to Sierra Vista for the DIGBY visit. Jane Jernigan will get dates and times available from Jesse May.

## **Membership:**

- | Discussed details of October 18 Membership meeting. One person from each committee will be able to present the highlights of the committee work. Kari Biernacki will give a State of the Association Address and touch on some plans for 2008.
- | Committee discussed retention campaign for renewals and will finalize in November.

## **Safety:**

- | Howard Gentry will provide a location for the November 16th visit to Las Cruces. Volunteers will be calling companies in Las Cruces after the meeting to invite them to the safety forum.
- | L.D. Alexander reported that contractors are not getting their voice heard when it comes to utility hits; contractors are not using the D.I.R.T system for reporting but the utility owners are. As a result the statistics are unfavorable to the contractors.
- | Committee discussed the NUCA Pipe Layer Training Chapter 2 DVD that will be available in a couple of months. Members were interested in the chapter purchasing the DVD and subsequent DVDs.
- | Bill Devinney explained the changes in requirements for the OSHA 10 and OSHA 30 training. L.D. Alexander also mention that the customized NUCA OSHA 10 training may be approved by Federal OSHA by the first quarter of 2008.
- | There was a discussion regarding the OSHA 500 training; there were not enough registrants to have an independent training, but Teeks will be offering the OSHA 500 training in Albuquerque in February but the cost will be around \$750 per person.

## National Committees

The NUCA Fall Board and Committee meetings were held in Atlanta, GA on October 3-5.

### Education Committee:

- | The pipe installation training series (Pipelayer) DVD Chapter 2 should be available in the next few weeks. The committee viewed a short demonstration of the program. The next chapter will be Job Site Layout (Chapter 1).
- | The Procedures Sharing web-page on NUCA's website is up and running. It has been somewhat slow but has been advertised in the weekly newsletter and will be in an article in the magazine. Chair Glen Ely encouraged members to use it. Jane Jernigan asked if there could be a similar procedure sharing folder on the web page specifically for Chapter Sharing; she will ask the other chapter EDs if they are interested and get back to Glen.
- | Committee discussed future projects: Hiring of Next Generation of Construction Workers; Apprenticeship Program; Utilization of on-line Training and/or Simulators.

### Safety & Risk Management Committee:

- | Greg Strudwick talked about the Fleet Awareness Manual, Alex Paris reported on the Equipment Maintenance Safety Manual, both of which are being reviewed.
- | The Safety Ambassadors forum is set and participants should register ASAP if they are interested in attending.
- | There is a campaign for membership in the Safety Ambassadors Club. Greg Strudwick encouraged all to join.
- | Tony James, CNA, reported on the NUCA 's partnership with the company. There is also a partnership for CNA policy holders to combat heavy equipment theft, if company is also registered with NER - National Equipment Register. The program gives a 20% discount on registration fees and may lower or eliminate certain deductibles with equipment theft.
- | George Kennedy introduced a Distinguished Safety Award that would be open to any member. The idea behind the new award is to have NUCA members submit a name for anyone who has helped make the industry a safer place to work; it can be from anything from tool invention to saving a life. The award application will be available at the same time as the Chapter Awards.
- | There will be three NUCA instructors recognized at the Board meeting. The three instructors have trained over 5000 people each. The instructors are: Greg Strudwick, Bruce Kershner, and David Dow. All in all, there have been over 200,000 trained nationwide in Competent Person and Confined Space.
- | The Confined Space and Competent Person tests have been re-written in Spanish and are now available.
- | There is a Safety Director Network now available on the NUCA web page.

### Damage Prevention

- | The Damage Prevention and Claims Avoidance Program has worked on 78 claims since its inception, and has an excellent success rate -(all but one and a few ongoing claims). It receives about 21-23 calls per month.
- | There are two aspects to look at concerning the D.I.R.T program: 1 - Website should have tools in place that make reporting easy and concise; 2 - overall statistics and how they are being used. It may be possible that NUCA members can log in as a NUCA member on the D.I.R.T site which would also give NUCA their own statistics. Bottom line is that contractors need to start reporting otherwise the data will always be one sided. Federal and State agency are currently using the data provided by D.I.R.T and using it when writing legislation.
- | The 5.0 version of the Common Ground Alliance best practices will be out in early 2008. The national best practices committee is still divided over lateral lines.
- | In PA, the CGA Best Practices are written into the one call law.
- | The Committee chair passed out two documents: Nine Elements of An Effective State Damage Prevention Law; and Goals of the Excavation Damage Prevention Initiative.

### **Member and Chapter Relations Committee:**

- | Currently, there are 1710 NUCA Members. There is a phone-a-thon at the fall meetings and so far callers have received 6 commitments.
- | The most recent Membership Recruitment campaign is "What has NUCA done for you lately?" that was sent out a few weeks ago. Also, starting October 1st, companies may join for the full one year rate and receive the rest of 2007 and the entire 2008 year.
- | There was a discussion regarding student chapters and how the students can become members of NUCA.

### **Chapter Executive Director's Council:**

- | There was an overview of the previous leadership conference hosted by Jim Lowry, North Carolina UCA. The even was a great success and was well organized and had an excellent mix of speakers. There were also a few break away sessions for chapter leaders, and the council would like to see those sessions expand. Chapter EDs were encouraged to invite their chapter leaders on Board of Directors and Committees. The next Leadership Conference will take place August 10 - August 13 (tentative) in St. Augustine, FL.
- | The Council discussed having a scholarship for one first time leadership conference attendee. One the application for the scholarship is reviewed, the request will be submitted to the NUCA Board of Directors.
- | There was a discussion regarding Web- based training. Several associations are already offering this type of training to its members.
- | There was a discussion regarding the use of the D.I.R.T program in this meeting as well. Same concerns arose as did in the Safety and Education Committees. The data actually shows 70% contractor error at this time.
- | Bill Hillman requested that Chapter executives submit nominations for the NUCA Board. They need both contractor and associate members.

**[Click Here To find out more about NUCA Committees](#)**

### **UTILITY CONSTRUCTION EXPO '08**



### **UTILITY CONSTRUCTION EXPO '08 JANUARY 15-19, 2008 KAUAI, HAWAII**

Utility construction professionals looking to escape the winter grind on the mainland next January will be heading for the sun and sand of the amazing Grand Hyatt Kauai Resort & Spa on the island of Kauai for Utility Construction EXPO '08.

Owned and operated by the National Utility Contractors Association, Utility Construction EXPO is where construction professionals convene each year for the industry's most valuable convention, and EXPO '08 promises to be no exception.

Aside from the beautiful surroundings, another draw of the 2008 event is the Executive Experience format, which is designed to facilitate the creation of real partnerships between utility contractors and the industry's manufacturers and suppliers. The EXPO '08 general education sessions, which everyone attends together, have been condensed to maximize the time spent outdoors and designed to address the needs of both groups. As always, the lineup of speakers is impressive: political pundit Norman Ornstein, best-selling author and television host Larry Winget, and Flags of Our Fathers author James Bradley.

Opportunities for networking abound: the Aloha NUCA Welcome Reception, Trade Winds Route Auction, NUCA Build-Your-Own- Race Car 500, and President's Luau. For the athletically competitive, there are both golf and tennis tournaments, and for the romantically inclined, an optional sunset cruise along the famous southern shore of the Napali Coast.

**\*\*Early Bird deadline ends October 31, 2007\*\***

**Click here for registration forms**



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