



Old Dominion Highway Contractors Association Newsletter

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Virginia House and Senate Races

Editorial on the Transportation Bill

600 Peter Jefferson Parkway, Suite 300, Charlottesville, Virginia 22911 ☐ 434.977.3716 ☐ 434.979.2439 (f) ☐ www.odhca.com

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Annual Meeting Set for October 26-27

ODHCA's 2007 Annual Meeting will be held at the Boars Head Inn in Charlottesville on October 26 and 27.

Following the board meeting, a panel of Virginia senators and delegates who serve in leadership positions will discuss the upcoming elections and the 2008 General Assembly session. Serving on the legislative panel are **Senators Emmet Hangar and Creigh Deeds and Delegates Steve Landes and Brian Moran. Senator William Wampler**, who holds a leadership position on the Senate Finance Committee, has been invited as keynote speaker.

Registration information has been mailed out and is available online at www.odhca.com. Please call Amy Shaw at 434.977.3716 or e-mail amy.shaw@easterassociates.com if you



The Boars Head Inn in Charlottesville will be the setting for ODHCA's Annual Meeting.

VDOT to Require Work Zone Certification

Contractors, designers and inspectors will all be affected by a VDOT initiative to require training and certification of personnel engaged in all aspects of the work zone environment. The program is in response to a FHWA mandate and includes three levels of training.

The amount of training required is dependent on the employee's responsibilities and involvement with the work zone. Contractors involved in short duration maintenance projects will be required to have at least one employee on the project site trained in the one day Basic Work Zone Training course. The two day Intermediate class will be required for those with supervisory or inspection duties on longer duration projects.

VDOT is expected to begin implementation this fall. Classes will be developed and offered by various providers to ensure all affected personnel can receive training. ☐

Highlights of Upcoming Legislative Races

With a total of 37 contested House Seats and 23 contested Senate seats, this year's legislative elections include a larger than normal number of open seats, with several close races being projected. Some of the more interesting races to pay attention to include:

House District 9 (open): With Allen Dudley retiring, Democrat Eric Ferguson is again challenging the Republican nominee, Charles Poindexter. In 2005, Ferguson presented a serious challenge with his folksy, populist campaign, which raised \$200,000 and captured 47% of the vote in a safe Republican district. Ferguson is a lawyer in Rocky Mount who is concerned that there needs to be sustainable funding for transportation and advocates repeal of abusive driver fees.

Poindexter, a native of Franklin County, spent much of his career as an engineer and site manager for Mitre Corp in Hampton. After retiring from Mitre, he has served two terms on the Franklin County Board of Supervisors. His ideas for funding are to look at a modest increase in gas tax and tolls on secondary and primary roads.

House District 13: Bruce Roemmelt is again challenging Republican Bob Marshall. Over the years, Marshall has fended off several challengers seeking to portray him as an extremist preoccupied with a right-wing social agenda. Roemmelt is taking a different tack, focusing instead on transportation. Marshall voted against the GOP-authored transportation plan in 2007, giving the opposition more fodder on the number one issue in Northern Virginia politics.

Roemmelt, a Navy veteran who served in Vietnam, holds a doctorate in education and is an adjunct assistant professor at George Washington University. This district includes

Prince William and eastern Loudoun counties and has experienced a huge influx of new voters, lending encouragement to Roemmelt who seeks to build a base among new residents with no loyalty to the veteran incumbent.

House District 16 (open): With Robert Hurt running for Senate, this strongly Republican district, which includes much of Pittsylvania County and most of Martinsville, is being sought by Republican Don Merricks, a small business owner. Merricks does not oppose a 5 cent gas tax to provide sustainable funding and said the idea of a statewide sales tax was a fair way to increase revenue.

Providing a stiff challenge is Democrat Andy Parker, who started a successful recruiting

firm after losing his job at Tultex in 1999 and has served on the Henry County Board of Supervisors since 2003. He does not want to see the General Fund used for transportation purposes and would be receptive to gas tax. He thinks it would be cheaper for the consumer to pay a few dollars more a year at the pump rather than go through the tolls.

House District 21: Incumbent John Welch is being challenged by Democrat Bobby Mathieson, who is a former Virginia Beach police

officer who recently retired from his appointed position as chief deputy of Criminal Justice Services in Richmond. He now works in business development for Rileon Innovative Technologies, a biometric security firm, and presents a formidable challenge to the six-year incumbent Republican. Welch first won the seat in a special election to replace Frank Wagner who moved to the State Senate. In 2005, weeks before tougher bankruptcy rules went into effect, Welch filed a bankruptcy petition that wiped away \$100,000 in credit card debt but

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Campaign Scorecard

Candidate	Cash Raised
Walter Stosch (R)	\$1,071,286
Ken Stolle (R)	\$813,101
Jeannemarie Devolites (R)	\$796,641
Tommy Norment (R)	\$709,857
Richard L Saslaw (D)	\$663,397
Jill Holtzman Vogel (R)	\$586,689
Marty Williams (R)	\$519,915
Brian Moran (D)	\$518,626
Ken Cuccinelli (R)	\$443,847
Frank Hall (D)	\$416,254

*by VAFREE; cash raised as of July 1, 2007

2007 Contested House Seats

WHILE ALL 100 House seats are up for election this November, only 37 seats are contested by two or more candidates. Of those, eight races are "open," with no incumbent running for office:

- H01 (*Lee, Scott, Wise counties*) *Terry Kilgore (R), Jerry Taylor (D)
 H05 (*Carroll, Grayson, Smythe and Wythe counties*) *Bill Carrico (R), Suzie Garner (D)
 H06 (*Bland, Giles, Pulaski, Tazewell, Wythe counties*) *Anne Crockett-Stark (R), Bill Thomas (D)
 H07 (*Montgomery and Pulaski counties*) *Dave Nutter (R), Peggy Frank (D)
 H09 (*Floyd, Franklin and Pittsylvania counties*) Charles Poindexter (R), Eric Ferguson (D), Jerry Booth (I)
 H11 (*Roanoke city and county*) *Onzlee Ware (D), Mac MacCadden (I)
 H13 (*Loudoun, Prince William counties*) *Bob Marshall (R), Bruce Roemmelt (D)
 H14 (*Henry and Pittsylvania counties, Danville*) *Danny Marshall (R), Adam Tomer (D)
 H16 (*Henry and Pittsylvania counties, Martinsville*) Donald Merriks (R), Andy Parker (D)
 H17 (*Botetourt and Henry counties, Roanoke*) *William H. Fralin, Jr. (R), Alexander Ballin (I)
 H19 (*Botetourt and Bedford counties*) *Lacey Putney (I), Lewis Medlin (D)
 H21 (*Virginia Beach*) *John Welch (R), Bobby Mathieson (D)
 H26 (*Rockingham County; Harrisonburg*) *Matthew Lohr (R), Carolyn Frank (I)
 H28 (*Stafford County; Fredericksburg*) *William Howell (R), Clyde Matthews (D), Craig Ennis (I)
 H31 (*Fauquier and Prince William counties*) *Scott Lingamfelter, Bill Day (D)
 H32 (*Loudoun County*) *David Poisson (D), Lynn Chapman (R)
 H34 (*Fairfax County*) Margie Vanderhye (D), Dave Hunt (R)
 H35 (*Fairfax County*) *Steve Shannon (D), Arthur Purves (R)
 H39 (*Fairfax County*) *Vivian Watts (D), Laura Clifton (IG)
 H40 (*Fairfax County*) *Tim Hugo (R), Rex Simmons (D)
 H50 (*Prince William County; Manassas, Manassas Park*) Jackson Hunter Miller (R), Jeanette Rishell (D)
 H51 (*Prince William County*) Faisal Gill (R), Paul Nichols (D)
 H52 (*Prince William County*) *Jeff Frederick (R), Chris Brown (D)
 H54 (*Caroline & Spotsylvania counties*) *R.D. "Bobby" Orrock (R), Kimbra Kincheloe (I)
 H56 (*Goochland, Henrico, Louisa counties*) *Bill Janis (R), Will Shaw (D)
 H59 (*Albemarle, Appomattox, Buckingham, Cumberland, Fluvanna, Nelson and Prince Edward counties*) *Watkins Abbott (I), Connie Brennan (D)
 H67 (*Fairfax, Loudoun counties*) *Chuck Caputo (D), Mark Cadin (R)
 H68 (*Chesterfield County; Richmond*) *Katherine Waddell (I), Bill Grogan (I), Manoli Loupassi (I)
 H69 (*Chesterfield County*) *Frank Hall (D), Ray Gargiulo (R)
 H72 (*Henrico County*) Jimmie Massie (R), Tom Herbert (D)
 H78 (*Chesapeake*) John A. Cosgrove, Jr. (R), Mick Meyer (D)
 H82 (*Virginia Beach*) *Harry R. Purkey (R), R.R. MacIver (D)
 H83 (*Virginia Beach*) Chris Stolle (R), Joe Bouchard (D)
 H86 (*Fairfax and Loudoun counties*) *Tom Rust (R), Jay Donahue (D)
 H87 (*Norfolk*) *Paula Miller (D), Hank Giffin (R)
 H88 (*Fauquier, Spotsylvania, Stafford counties*) *Mark Cole (R), Carlos Del Toro (D)
 H96 (*James City and York counties, Newport News*) Brenda Pogge (R), Troy Farlow (D), Pam Pouchot (I)
 *Incumbent; (D) Democrat, (I) Independent, (R) Republican

2007 Contested Senate Seats

WHILE ALL 40 seats are up for election this November, only 23 are contested by two or more candidates. There are only six open seats, with no incumbent, but some incumbents face stiff challenges in their district:

- S01 (*York County, cities of Hampton, Newport News and Poquoson*) Tricia Stall (R), John C. Miller (D)
 S06 (*Accomack, Northampton and Mathews counties, cities of Norfolk and Virginia Beach*) *Nick Rerras (R), Ralph Northam (D)
 S09 (*Charles City and Henrico counties, City of Richmond*) Don McEachin (R), Silver Persinger (I)
 S11 (*Chesterfield County and Colonial Heights*) *Steve Martin (R), Alex McMurthrie (D), Hank Cook (I), Roger Habeck (I)
 S13 (*Surry, Sussex, Prince George, Isle of Wight counties; cities of Chesapeake, Franklin, Hopwell, Suffolk and Portsmouth*) *Fred Quayle (R), Steve Heretick (D)
 S14 (*Chesapeake and Virginia Beach*) *Harry Blevins (R), Donald Tabor (D)
 S15 (*Amherst, Appomattox, Brunswick, Buckingham, Charlotte, Cumberland, Halifax, Lunenburg, Mecklenburg and Prince Edward counties*) *Frank Ruff (R), Bob Wilkerson (D)
 S16 (*Chesterfield, Dinwiddie, Prince George; cities of Hopewell Petersburg and Richmond*) *Henry Marsh, Robert Owens (I)
 S17 (*Culpeper, Louisa, Madison, Orange and Spotsylvania counties*) *Edd Houck (D), Chris Yakabouski (R)
 S19 (*Campbell, Franklin and Pittsylvania counties, Danville*) *Robert Hurt (R), Sherman Witcher (I)
 S20 (*Carroll, Floyd, Grayson, Patrick and Wythe counties*) *Roscoe Reynolds (D), Jeff Evans (R)
 S22 (*Botetourt, Roanoke and Montgomery counties*) Ralph Smith (R), Michale Breiner (D)
 S24 (*Albemarle, Augusta, Greene, Highland, Rockbridge counties*) *Emmett Hangar (R), David Cox (D), Arin Stine (L)
 S26 (*Page, Rappahannock, Rockingham, Shenandoah and Warren counties*) Mark Obenshain (R), Maxine Roles (D)
 S27 (*Clarke, Fauquier, Frederick, Loudoun counties*) Jill Holtzman Vogel (R), Karen Schultz (D), Donald Marro (I)
 S28 (*Fauquier, Fredericksburg, King George, Lancaster, Northumberland, Prince William, Stafford, Westmoreland counties*) Richard Stuart (R), Albert Pollard (D)
 S29 (*Manassas and Prince William counties*) *Charles Colgan (D), Robert FitzSimmonds (R)
 S31 (*Arlington and Fairfax counties*) *Mary Margaret Whipple (D), Samuel Burley (I)
 S33 (*Fairfax and Loudoun counties*) *Mark Herring (D), Patricia Phillips (R)
 S34 (*Fairfax*) *Jeannemarie Devolites Davis (R), Chap Petersen (D)
 S35 (*Alexandria, Fairfax*) *Dick Saslaw (D), Mario Palmiotto (I)
 S37 (*Fairfax County*) *Ken Cuccinelli (R), Janet Oleszek (D)
 S39 (*Fairfax, Prince William*) *Jay O'Brien (R), George Barker (D)
 *Incumbent; (D) Democrat, (I) Independent, (R) Republican



For election
 outcomes across
 the Commonwealth,
 visit www.sbe.virginia.gov

Legislative Races

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left him with \$15,000 in unpaid federal taxes. This race is expected to be close.

House District 34 (open): With the venerable Vince Callahan, House Appropriations Chairman, former House Minority Leader and the chamber's longest-serving Republican, stepping down after 30 years, this will be a attractive target for the Democrats.

Margi Vanderhuye defeated Richard "Rip" Sullivan in the June Democratic primary by just 148 votes. She's a graduate of the Sorensen Institute at UVA and was appointed by Governors Warner and Kaine to the Northern Virginia Transportation Authority.

Republican contender Dave Hunt ran for the senate against Janet Howell in 2003. He fell 5,000 votes short of a win, despite raising half a million dollars to keep pace with the incumbent. Hunt, a former aide to Callahan, works for Landon IP, an Alexandria firm specializing in professional patent and trademark services and business intelligence. He will be a strong contender in this district.

House District 51 (open): Michelle McQuigg's bid for Clerk of Circuit Court in Prince William County makes this an open seat in a very competitive district. Faisal Gill, an attorney, narrowly defeated popular school board member Julie Lucas in a June convention for the GOP nomination. Gill is allied with Prince William County chairman Corey Stewart, and also Steve Chapman, who challenged the late Delegate Harry Parrish in a 2005 GOP House primary. Paul Nichols is a principal in the firm of Nichols, Bergere, Zauzig & Sandler, with offices in Woodbridge and Tyson's Corner.

House District 68: Incumbent Katherine Waddell, who won a razor-thin margin in a long-shot bid as an Independent candidate in 2005 ousting conservative Republican Brad Marrs, faces a tough race against Manoli Loupassi, former president of Richmond City Council. Loupassi has the backing of US Rep Eric Cantor, Attorney General Bob McDonnell, and Lt. Gov. Bill Bolling, and he had raised \$140,000 for this bid as early as June 2006. His campaign treasurer is Rose Ann Janis, wife of Delegate Bill Janis. William K. "Bill" Grogan - an Independent with Democratic roots - is a late entry in the race.

House District 96 (open): Melanie Rapp is stepping down after three terms in the House.

Troy Farlow is a native of Virginia's Eastern Shore and a graduate of Elon College with a B.S. in Accounting. He worked for several years as a management consultant with Information Technology Solutions and Pricewaterhouse Coopers, before starting his own home improvement and painting company. He worked as a legislative assistant to Delegate Lynwood Lewis in 2004 and is a member of the Virginia Economic Developers Association and the

Greater Williamsburg Chamber & Tourism Alliance.

GOP activist Brenda Pogge won a 23-vote margin over York County Supervisor Sheila Noll in a June 9 firehouse primary. Noll contested the outcome, alleging violations of the election rules. Pogge is an experienced grassroots activist with a right-of-center background. She has harshly criticized Sen. Marty Williams, R-Newport News, for supporting the 2002 transportation referendum, and she worked in support of anti-tax activist Paul Jost's brutal campaign against Sen. Thomas K. Norment, R-James City.

Independent Pamela Pouchot is also in the race. Pouchot, a resident of Yorktown, is a lobbyist who has worked to tighten gun controls.

Senate District 01 (open): In the June primary, Patricia Stall upset Marty Williams, chair of the Senate Transportation Committee, by just 757 votes. Democrats scrambled to field a candidate following Stall's unexpected primary win and their nominee is John Miller, a former local television news anchor who works at Christopher Newport University. Democrats see an opening in this Republican-leaning district because Stall is aligned with a staunchly conservative GOP base, which could move independent voters and centrist Republicans to an alternate candidate. Miller has a bipartisan political background, having worked as press secretary and chief of staff for former Republican U.S. Sen. Paul Trible.

Senate District 13: Senator Fred Quayle faces a strong challenge from Democrat Steve Heretick, a city councilman and litigator in Portsmouth. Heretick is chairman of the Portsmouth Democratic committee and a 1982 graduate of William & Mary with a law degree from Villanova.

Senate District 19 (open): Robert Hurt, a lawyer with deep roots in the Southside tobacco belt, has represented the Pittsylvania County area in the House of Delegates since 2002. He resigned his House seat to enter this Senate race as the heavy favorite. Hurt is an energetic advocate for his native Southside region and its declining tobacco and textile industries. During the 2004 budget debate, he told constituents that he was wary of the proposed tax increases, saying they might do "much more harm than good" to the region. As the impasse dragged on, however, he joined those who broke from the House GOP anti-tax position.

Senate District 20: Senator Roscoe Reynolds, an attorney from Martinsville, is one of the General Assembly's most conservative Democrats. Republican challenger Jeff Evans is an Army veteran, a former state trooper and current vice chairman of the Carroll County Board of Supervisors. He plans to campaign on the issues of taxes, illegal immigration and moral values and has attacked Reynolds for supporting Governor Warner's tax reform package in 2004.

Senate District 22 (open): Former Roanoke mayor Ralph Smith mounted a winning challenge from the Republican right over incumbent Senator Brandon Bell. Smith is a strong conservative who was elected in Roanoke in 2000 with 35% in a three-way race. Democrats have a credible potential contender in Dr. Mike Breiner, a board-certified plastic surgeon who graduated from Hampden-Sydney magna cum laude and Phi Beta Kappa, and earned his MD at Eastern Virginia Medical School in Norfolk. Breiner is said to have strong backing from Dick Cranwell.

Senate District 27 (open): Jill Holtzman Vogel, an attorney in Warrenton, defeated Mark Tate in the June primary for this seat held by Russ Potts. Vogel is a Director of the Virginia Conservative Action PAC and a graduate of William & Mary with a law degree from DePaul University. She has held senior posts in the Republican Party and in the Bush administration, including Chief Counsel to the Republican National Committee and Deputy Counsel at the Department of Energy. Karen Shultz is an associate professor and instructional designer for Shenandoah University's pharmacy program. Independent Donald Marro, a third contender, is from The Plains and says his independent bid for the Senate is motivated by the departure of several Senate moderates - Russ Potts, John Chichester and Charles Hawkins.

Senate District 28 (open): John Chichester, the powerful Senate President and Finance Committee Chairman, is retiring after 30 years of service to the Commonwealth. Richard Stuart, who won the GOP nomination on the May 19 primary, was a late entry but had the backing of both Senator Chichester and House Speaker Bill Howell. Stuart, 43, is a former commonwealth's attorney and a lawyer in Westmoreland County in Virginia's Northern Neck. Albert Pollard served in the Virginia House of Delegates from 2000-2005 representing the 99th district in the Northern Neck and is expected to run strong in the areas he previously represented and will be challenged to outpace Republican opposition in the remaining jurisdictions of Fredericksburg and Stafford County. Senator Chichester has about \$335,000 in his campaign account that he is expected to use to make a difference in this race.

Senate District 34: Senator Jeannemarie Devolites Davis and former Delegate Chap Petersen have combined war chests of well over \$1 million to start with in a race that is certain to be a clash of Titans and one of the most interesting bouts in recent Virginia politics. Devolites Davis has come under heavy fire from anti-tax Republicans who have threatened to work against her re-election this year, and she is a prime target of Democrats in Fairfax County which, increasingly, has taken on distinct shades of blue. Peterson is popular in this swing Senate district that includes Fairfax City

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Abuser Fees are Just One Part of Transportation Bill

excerpted from an editorial by Delegate Harvey Morgan that appeared in the Newport News Daily Press

There has been much furor recently, as well as information taken out of context, surrounding the civil remediation fees commonly referred to as "abuser fees." The fees are one component of the Comprehensive Transportation Funding and Reform Act of 2007 (HB 3202), and it should be noted that the abusive driver fees are not the cornerstone for future transportation improvements. The landmark transportation plan was approved by overwhelming, bipartisan majorities in both bodies during the 2007 General Assembly.

The plan includes more than \$3 billion in new funding for roads, railways and mass transit, accountability and efficiency reforms for VDOT and empowers local government with more tools to combat sprawl and curtail runaway development. In addition to any revenue from the abuser fees, a \$10 increase in the vehicle registration fee, along with \$500 million of the state's past surplus revenues for transportation, will comprise the funding streams to fund improvements to Virginia's transportation network.

Initially proposed and debated by the General Assembly in 2005, abusive driver fees became an integral part of transportation proposals advocated by Governor Kaine, the House of Delegates and the state Senate this year. The revenues from these fees will be used to address safety and operational issues on our existing highway system — not to build new highways.

Although the transportation plan approved by the General Assembly in February subjected out-of-state drivers to these fees, Kaine's amendments removed this provision. As a consequence, these fees currently can only be assessed on Virginia residents. To rectify this, the Kaine administration has established a review team to determine a means of making the fees applicable to out-of-state drivers.

Abusive driver fees do not apply to typical traffic violations. As a rule, traffic infractions such as speeding, failure to use a turn signal or obey a highway sign, do not make one eligible for the fees. They apply only to felony and misdemeanor criminal convictions for driving under the influence, driving on a suspended or revoked license, reckless driving or other serious traffic offenses that occur after July 1, 2007, and can be paid in installments over a three-year period.

The fees can apply also to drivers who accumulate eight or more demerit points on their license. Drivers who accumulate and retain eight or more demerit points will be charged a \$100 fee; points in excess of eight will cost an additional \$75 each. No single traffic violation results in eight demerit points, and a point balance can be reduced and fees possibly eliminated altogether by participating in a driver improvement clinic.

The intent of the General Assembly was to apply the abusive fees only to drivers who demonstrate regular and repeated disregard for the rules and laws of our roads. While these motorists represent only 2 1/2 percent of Virginia's drivers, it is estimated that they are responsible for traffic incidents that lead to 25 percent of roadway congestion and the resulting injury, property damage and even loss of life.

According to statistics from the National Highway Traffic Safety Administration, states that have implemented higher monetary assessments on drivers — including Virginia — have seen a substantial reduction in traffic accidents. Law enforcement officials have testified to the real difference the abuser fees are having on Virginia's roadways — drivers are letting up on the accelerator.

It was announced recently that a Henrico County judge had declared the fees unconstitutional; however, that ruling is binding only in Henrico County (subsequently other district judges have ruled similarly). The ruling is being appealed to Circuit Court and could eventually reach the Virginia Supreme Court. The governor and attorney general have reaffirmed their belief that the abuser fees and other provisions of HB 3202 are constitutionally sound and ultimately will be upheld. (It should be noted that the defendant in the "test case" in Henrico County was found guilty of his fifth license violation.)

The implementation of the abusive driver fees is being closely monitored. In addition to Governor Kaine's review panel, many of my colleagues and I have pledged to support legislation to restore HB 3202 to its original intent by making the fees applicable to out-of-state drivers as well as offending Virginians.

I shall continue my support of legislation to ensure that these fees are limited to only the most flagrant and repeated abusers of Virginia's laws. □

Legislative Races

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-- the heart of his old House district and the epicenter of his political base. He finished third in an unsuccessful bid for Lt. Gov. in 2003 but carried Fairfax City with more than 80% of the vote.

Senate District 37: Senator Ken Cuccinelli is seeking his second full term after first winning a special election in 2002 to complete the unexpired term of Warren Barry. He is a leading spokesman for the conservative wing of his party and refuses to contribute money to the Senate Republican Caucus headed by moderates with whom he has clashed on tax issues. Janet Oleszek was elected to the Fairfax County School Board as an at-large member in 2003 and was a top vote getter. Democrats sense an opportunity in this southwestern Fairfax district that is home to AOL and other tech companies clustered around Dulles Airport and boasts one of the highest median income levels in the country. An interesting political dynamic is seen in the influx of immigrants, with Asians and Hispanics combining for nearly a fourth of the district's population. □

VDOT Publishes Revised Construction Manual

An updated guide to doing business with VDOT, "Competing in the Contracted Construction and Maintenance Program," is now available online at www.virginiadot.org/business/const/default.asp

