



ALABAMA UTILITY CONTRACTORS ASSOCIATION

TIM AYERS, EXECUTIVE DIRECTOR
JANUARY 2018

Director's Comments:



A lot has happened already in the new year. Among them have been the college football playoffs, a horrible flu epidemic, extreme winter weather conditions, the start of the 2018 Alabama Legislative Session in Montgomery, and even a Federal Government shutdown.

Another trend that has continued is the seemingly time honored tradition of shifting liability onto the shoulders of Contractors. Two of the more recent occurrences involve Utility Locating, and ALDOT Specifications pertaining to Stormwater Management Plans (SWMP).

A local Underground Utility Operator is contractually requiring that Contractors are responsible for locating all utilities on the project. Contractors do not have the expertise or the equipment to accurately do such, never mind the fact that the responsibility, and liability of this should be on the facility owner.

The new ALDOT specification requires that the Contractor shall prepare a Stormwater Management Plan (SWMP) for all projects. The SWMP is required regardless of the type of work, funding or regulatory permitting, and regardless of whether or not an "Erosion and Sediment Control Plan" is shown in the plans.

As a result, the Sediment Control Contractor will have to be involved in the project phasing from the award of the contract until the project closeout. This new requirement includes the design of erosion control that is usually the job of the Designer.

We will continue to work on these issues, as well as any others that put additional burden on our members.

Tim

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Upcoming AUCA Events:

AUCA Quarterly Lunch Meetings

We are finalizing the dates and details for the 1st Quarter local lunch meetings. The meetings will likely take place in late February and/or March. Be on the lookout for updates.

Charge the Hill - Legislative Awareness Day

Wednesday, March 7, 2018

2:00 p.m. (Following AUCA Board Meeting)

State House Building

11 South Union Street, Montgomery, AL 36130

April 19, 2018

Spring General Meeting, Golf Tournament

& Low Country Shrimp & Crawfish Boil

Arrowhead Country Club

Montgomery, AL

May 15-16, 2018

Washington, D.C. Infrastructure Fly-In

& Clean Water Construction Coalition Reception

Please contact AUCA Office for additional details



October 18, 2018

AUCA Fall General Meeting

& Sporting Clay Shoot

Lower Wetumpka Shotgun Sports Club

Montgomery, AL



News & Notes:

2018 AUCA Membership Dues Renewal

January kicked off the 2018 membership renewal period, and we are off to a good start. We appreciate the many companies that have already paid their 2018 AUCA dues, and to those that have made additional voluntary contributions to our Legislative PAC Fund.

For those that have not yet done so, please make arrangements to submit your membership dues as quickly as possible to guarantee no interruption in member services. Should you have any questions, need another copy of the invoice sent to you, or wish to pay by credit card, please contact the AUCA office at (205) 582-9436.

AUCA Newest Member Company:
Specification Rubber Products, Inc.
Alabaster, AL
Company Representative: Tony Carson

Alabama One-Call Notification System Study Commission Report:

The One-Call Study Commission Final Report is completed and the list of survey responses regarding the report's content have been compiled. For the survey, 25 of 28 members responded. 24 of the members answered "Yes" to the survey question that the report did accurately reflect the work of the Study Commission. This summary was incorporated into the Final Report to be submitted this month to the Governor, Speaker of the House, and President of the Senate.

The One-Call Commission was established in 2015 to develop a report on the expedience and validity of having a single One-Call notification system to serve the entire State of Alabama, including the appropriate governance, legislative oversight, and membership outreach practices of the organization; the adequacy of the enforcement provisions of current law; and other items related to the One-Call Law that may increase the level of safety of its citizens.

\$1.6B Toyota-Mazda Plant Coming to Alabama

The big economic development news of the month was the formal announcement that Alabama has been selected as the home for the new \$1.6 Billion Toyota-Mazda automotive plant to be built in Limestone County. This project should create some great opportunities for many AUCA member companies.



Legislative News:

Alabama Legislative Session Update:

The 2018 Alabama Legislative Session convened at noon on Tuesday, January 9th, and Governor Ivey delivered her first "State of the State" address that evening. Because 2018 is an election year for all 105 Alabama House and 35 Senate seats, indications are that this will be a quick Session, with as little controversy as possible. Leadership is intending to pass the General Fund and Education Budgets early, then adjourn the members to return home and campaign.

At the publishing of this Newsletter, 6 of the possible 30 Legislative Days have been used, and there have been 318 bills introduced in the House and 236 in the Senate.

Below you will find a list of bills that we have identified as of interest. We will continue to update our members on these, as well as any newly introduced bills, throughout the remainder of the Legislative Session.

House Bills:

HB25 - State Transportation Commission

HB35 - Sales Tax Exemption Certificates

HB43 - Minority Contracts on Competitive Bids

HB49 - Compensation on Separation of Employment

HB83 - Veterans Employment Act

HB101 - Agriculture Authorities Exempt from Competitive Bid Laws

HB159 - Certain Agency Appointments by the Governor Subject to Confirmation by Senate

HB165 - Alabama Equal Pay Commission

HB230 - Craft Training Board

HB243 - ALDOT Competitive Bidding

HB278 - Private Sewer Systems

HB304 - Municipal Water Boards

HB311 - Alabama Transportation Infrastructure Bank

HB313 - Jefferson County Stormwater Fee Increase & Sewer Maintenance

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Legislative News:

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Senate Bills:

SB71 - Sunset Law Review for Alabama Construction Recruitment Institute

SB86 - Alabama Road and Bridge Rehabilitation and Improvement Authority

SB89 - Gasoline and Motor Fuel Tax

SB91 - Workers' Compensation Fraud

SB92 - Unemployment Compensation

SB99 - Alabama Federal Fund Exchange Program

SB100 - Alabama Transportation Infrastructure Bank

SB145 - Cumberland Mountain Water and Fire Protection Authority

SB149 - Alabama Rural Broadband Act

SB184 - Contract Requirements for Public-Private Agreements

SB205 - Craft Training Board

***Remember to check our weekly
"Legislative Pipeline" email report
for continuous legislative updates***



Clean Water Construction Coalition Report

From Bob Briant, Jr. - Chairman CWCC & Sante Esposito - Key Advocates

CWCC Joins US Water Alliance

The CWCC has joined the US Water Alliance, a member-supported national nonprofit organization focused on educating the nation about the true value of water and pro-actively advances policies and programs that manage water resources. This includes strong advocacy for maintenance and investment in water infrastructure. The Alliance membership was lacking in representation from the construction industry and we fully expect by participating we will add value to the national discussion while directly benefiting CWCC membership.

CWCC staff is scheduling a membership onboarding call in the coming weeks so that we fully understand the best ways to engage with the Alliance network and take advantage of member benefits. We expect staff from the Alliance to participate at the DC Fly In in some capacity. In the meantime, more information on the US Water Alliance can be found at: www.uswateralliance.org

Administration Infrastructure Initiative

At the outset of his presidency, President Trump announced his top three legislative policies (in order of priority and timing): health care reform, tax reform and infrastructure. Health care reform was tried and is now on the back burner although indications are that there may be another run at it early next year but in a more behind the scenes manner to avoid another public debacle if it were to fail again. And, this month tax reform was enacted into law. Given that, the door has basically now been opened to address a mega infrastructure effort. In fact, it was reported recently that the White House plans to send to Congress "a detailed infrastructure principles document" (possibly a 70-page document) next month. The plan is expected to emphasize a greater role for states and localities in funding their infrastructure needs (with or without private sector involvement) and to promote that via four pots of money – repatriated funds, general revenues from budget cuts, tax incentives, and public-private partnership arrangements.

Lawmakers on the transportation policy committees in Congress have been anxiously awaiting the Trump administration plan, in large part because they don't want to get ahead of the White House on what has long been touted as the final part of a legislative priority trilogy with the potential to attract Democratic buy-in. But as always, the devil is in the details, and Members aren't likely to simply embrace budget cuts as one of the ways to raise the \$200 billion federal share of the \$1 trillion package, as the White House envisions. Even House Transportation Chairman Bill Shuster is cautious about embracing all aspects of the details that have emerged thus far. When asked about the White House's focus on incentivizing spending at the state and local levels, Shuster said he

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needs to "see exactly what they mean by it." "Some of it sounds a little bit like devolution, and I've not talked to a single governor that wants the federal government not to have a role," he added. "It's a national transportation system." Separately, Shuster said he huddled with Speaker Ryan to talk infrastructure, and met with President Trump in what both described as a productive session.

Senate Infrastructure Initiatives

Generally, given the "nearness" of the infrastructure issue, the recent focus on tax reform, and the upcoming recess, except for occasional movement regarding cosponsors on key infrastructure bills, both Houses have settled into a "wait and see" from the Administration.

In the Senate, the work that Senator Barasso, Chair of the Senate and Environment Committee (EPW), was doing regarding an infrastructure proposal focused solely on increased highway spending has come to a halt because of pushback from his own Committee members, including some senior key Republicans, who advocate a broader view of the scope of any infrastructure bill. The response to the Barasso effort by EPW Democrats (\$100B for roads and bridges, \$100B for local priorities, \$10B for TIGER, \$200B for major infrastructure projects, \$110B for drinking and wastewater needs, \$10B for ports, \$60B for Corps projects, \$25B for disasters and \$10B for leveraging projects) never went beyond a letter submission. The effort by Senator Carper, Ranking Member of EPW, regarding a GAO study on state funding via the Clean Water and Safe Drinking Water SRF's never materialized. And, the Senate Democratic leadership proposal (\$1 trillion, 10-year infrastructure plan - \$75 billion for schools, \$210 billion for roads and bridges, \$110 billion for aging water and sewer systems, \$180 billion for expanded rail and bus lines, \$70 billion for deeper ports and upgraded airports, \$100 billion for an updated electrical grid, \$10 billion for VA hospitals, \$20 billion for broadband installations; \$200 billion for unspecified "vital infrastructure projects" and \$10 billion for an infrastructure bank to "unlock" private capital by providing loan guarantees or low-cost loans) has not progressed, at least publicly, beyond their original January 2017 outline.

House Infrastructure Initiatives

We continue to monitor further developments regarding the Energy and Commerce Committee's bipartisan Safe Drinking Water SRF reauthorization bill which likely would seek inclusion in a mega infrastructure bill and "pull with it" reauthorization of the Clean Water SRF. We know that staff discussions continue in the Committee on Transportation and Infrastructure on an infrastructure bill. And we know that Congressman Peter DeFazio (D-OR-4), Ranking Member of the Committee, continues to tout his three major infrastructure bills - highways, aviation and water -with the White

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House. Also, we continue to await the promised report from the Pelosi appointed "Rebuild America" Task Force on general infrastructure.

Continue to reemphasize with Patrick Arness, LD, Congressman Jerry McNerney (D-CA-9), general support for the Congressman's "WEST" Act (H.R. 3275) but concern for \$375 million Alternate Water Source program included therein regarding project funding eligibility. The bill reauthorizes the Clean Water SRF at \$2 billion for FY18 and \$2.4 billion for FY19 and the Safe Drinking SRF at \$1.2 billion for FY18 and FY19.

Continue to monitor Congressman Earl Blumenauer's (D-OR-3) H.R. 1647, the "Water Infrastructure Trust Fund Act of 2017," The bill establishes a Water Infrastructure Investment Trust Fund and appropriates to it amounts equivalent to voluntary water products related labeling fees received in the Treasury before January 1, 2022, approximately \$7 billion. Enactment of this legislation would be a critical first step in establishing a self-financed national clean water and safe drinking water trust fund.

Continue to monitor to Congressman Jeff Denham's (R-CA-10) H.R. 434, the "New WATER Act." The bill is a loan and loan guarantee program with the following concerns that we raised in an email to his staffer, as requested - \$20M deminimus requirement, interest rate not less than the prevailing Treasury rate, and private investors not eligible for funding.

Continue to monitor Congressman John Delaney's (D-MD-6) H.R. 1669, "Partnership to Build American Act of 2017." In part, the bill provides a new loan and loan guarantee program to be administered by a board, not the Federal Government. The bill is silent as to certain specifics – interest rate, project funding size, and Federal share. In comments to the Congressman's staff, as requested, we made the point that we are fine with that so long as the final outcome would not include limitations that constrain the programs applicability and appeal. We did confirm with her that the definition of "private persons" eligible to apply for loans does include private investor owned utilities.

Most recently, have discussed infrastructure priorities with the Problem Solvers Caucus. The goal of the Caucus is to support bipartisan solutions to legislative and policy issues. It was created in January 2017, consists of approximately 40 members equally divided between Republicans and Democrats, and is co-chaired by Reps Tom Reed (R-NY) and Josh Gottheimer (D-NJ). They agree to vote for any proposal that garners the support of 75 percent of the Caucus as well as 51 percent of both the Republicans and Democrats in the Caucus. They were somewhat active during the health care

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reform effort. Most recently, they have created an infrastructure task force led by Congressman John Katko (R-NY)). The task force announced that it is preparing to issue a report soon with its proposals on infrastructure. According to Katko, they want to be ready to strike as soon as the tax debate concludes. "We're going to be loud about this," Katko was quoted as saying.

FY18 Appropriations Status

The President signed a short-term spending bill, which also provides a short-term extension of a children's health insurance program and federal surveillance powers, that will keep the government funded through Jan. 19 but an earlier White House meeting between Trump and congressional leadership produced no break-through on a two-year deal. Democrats want a DACA extension, Republicans want wall funding. Democrats want domestic spending parity for any military spending increase. Republicans don't. To review, regarding the regular appropriations process, no change since the last report - 8 bills have been reported by both House and Senate Appropriations Committees and 4 by the House Appropriations Committee only. No bills have seen Floor action in either House.

FY18 Interior Appropriations

To review, the House FY18 Interior and Environment Appropriations bill provides \$1,143,887,000 for the Clean Water SRF (compared to \$1,393,887,000 for FY17) and for the Safe Drinking Water SRF, \$863,233,000 (the same amount appropriated for FY17). Also included is \$25M for WIFIA. No action to date in the Senate.

Earmarks

No further developments. Still pressing for return of earmarks, at least with respect to the upcoming mega infrastructure bill.



Health & Safety:

Provided by OSHA

Cold Stress Guide

Anyone working in a cold environment may be at risk of cold stress. Some workers may be required to work outdoors in cold environments and for extended periods, for example, snow cleanup crews, sanitation workers, police officers and emergency response and recovery personnel, like firefighters, and emergency medical technicians. Cold stress can be encountered in these types of work environment. The following frequently asked questions will help workers understand what cold stress is, how it may affect their health and safety, and how it can be prevented.

How cold is too cold?

What constitutes extreme cold and its effects can vary across different areas of the country. In regions that are not used to winter weather, near freezing temperatures are considered "extreme cold." A cold environment forces the body to work harder to maintain its temperature. Whenever temperatures drop below normal and wind speed increases, heat can leave your body more rapidly.

Wind chill is the temperature your body feels when air temperature and wind speed are combined. For example, when the air temperature is 40°F, and the wind speed is 35 mph, the effect on the exposed skin is as if the air temperature was 28°F.

Cold stress occurs by driving down the skin temperature and eventually the internal body temperature (core temperature). This may lead to serious health problems, and may cause tissue damage, and possibly death.

What are the risk factors that contribute to cold stress?

Some of the risk factors that contribute to cold stress are:

- Wetness/dampness, dressing improperly, and exhaustion
- Predisposing health conditions such as hypertension, hypothyroidism, and diabetes
- Poor physical conditioning

How does the body react to cold conditions?

In a cold environment, most of the body's energy is used to keep the internal core temperature warm. Over time, the body will begin to shift blood flow from the extremities (hands, feet, arms, and legs) and outer skin to the core (chest and abdomen). This shift allows the exposed skin and the extremities to cool rapidly and increases the risk of frostbite and hypothermia. Combine this scenario with exposure to a wet environment, and trench foot may also be a problem.

What are the most common cold induced illnesses/injuries?

- Hypothermia

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- Frostbite
- Trench Foot

What is hypothermia?

Hypothermia occurs when body heat is lost faster than it can be replaced and the normal body temperature (98.6°F) drops to less than 95°F. Hypothermia is most likely at very cold temperatures, but it can occur even at cool temperatures (above 40°F), if a person becomes chilled from rain, sweat, or submersion in cold water.

What are the symptoms of hypothermia?

- Mild symptoms:
 - An exposed worker is alert.
 - He or she may begin to shiver and stomp the feet in order to generate heat.
- Moderate to Severe symptoms:
 - As the body temperature continues to fall, symptoms will worsen and shivering will stop.
 - The worker may lose coordination and fumble with items in the hand, become confused and disoriented
 - He or she may be unable to walk or stand, pupils become dilated, pulse and breathing become slowed, and loss of consciousness can occur. A person could die if help is not received immediately.

What can be done for a person suffering from hypothermia?

- Call 911 immediately in an emergency; otherwise seek medical assistance as soon as possible.
- Move the person to a warm, dry area.
- Remove wet clothes and replace with dry clothes, cover the body (including the head and neck) with layers of blankets; and with a vapor barrier (e.g. tarp, garbage bag). Do not cover the face.
- If medical help is more than 30 minutes away:
 - Give warm sweetened drinks if alert (no alcohol), to help increase the body temperature. Never try to give a drink to an unconscious person.
 - Place warm bottles or hot packs in armpits, sides of chest, and groin. Call 911 for additional rewarming instructions.
- If a person is not breathing or has no pulse:
 - Call 911 for emergency medical assistance immediately.
 - Treat the worker as per instructions for hypothermia, but be very careful and do not try to give an unconscious person fluids.



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- Check him/her for signs of breathing and for a pulse. Check for 60 seconds.
- If after 60 seconds the affected worker is not breathing and does not have a pulse, trained workers may start rescue breaths for 3 minutes.
- Recheck for breathing and pulse, check for 60 seconds.
- If the worker is still not breathing and has no pulse, continue rescue breathing.
- Only start chest compressions per the direction of the 911 operator or emergency medical services*
- Reassess patient's physical status periodically.

**Chest compression are recommended only if the patient will not receive medical care within 3 hours.*

What is frostbite?

Frostbite is an injury to the body that is caused by freezing of the skin and underlying tissues. The lower the temperature, the more quickly frostbite will occur. Frostbite typically affects the extremities, particularly the feet and hands. Amputation may be required in severe cases.

What are the symptoms of frostbite?

- Reddened skin develops gray/white patches.
- Numbness in the affected part.
- Feels firm or hard.
- Blisters may occur in the affected part, in severe cases.

What can be done for a person suffering from frostbite?

- Follow the recommendations described above for hypothermia.
- Do not rub the affected area to warm it because this action can cause more damage.
- Do not apply snow/water. Do not break blisters.
- Loosely cover and protect the area from contact.
- Do not try to rewarm the frostbitten area before getting medical help; for example, do not place in warm water. If a frostbitten area is rewarmed and gets frozen again, more tissue damage will occur. It is safer for the frostbitten area to be rewarmed by medical professionals.
- Give warm sweetened drinks, if the person is alert. Avoid drinks with alcohol.

What is immersion/trench foot?

Trench Foot or immersion foot is caused by prolonged exposure to wet and cold temperatures. It can occur at temperatures as high as 60°F if the feet are constantly wet. Non-freezing injury occurs because wet feet lose heat 25-times faster than dry feet. To prevent heat loss, the body constricts

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the blood vessels to shut down circulation in the feet. The skin tissue begins to die because of a lack of oxygen and nutrients and due to the buildup of toxic products.

What are the symptoms of trench foot?

- Redness of the skin, swelling, numbness, blisters

What can be done for a person suffering from immersion foot?

- Call 911 immediately in an emergency; otherwise seek medical assistance as soon as possible.
- Remove the shoes, or boots, and wet socks.
- Dry the feet.

How can cold stress be prevented?

Although OSHA does not have a specific standard that covers working in cold environments, employers have a responsibility to provide workers with employment and a place of employment which are free from recognized hazards, including cold stress, which are causing or are likely to cause death or serious physical harm to them (Section 5(a)(1) of the Occupational Safety and Health Act of 1970). Employers should, therefore, train workers on the hazards of the job and safety measures to use, such as engineering controls and safe work practices, that will protect workers' safety and health.

Employers should train workers on how to prevent and recognize cold stress illnesses and injuries and how to apply first aid treatment. Workers should be trained on the appropriate engineering controls, personal protective equipment and work practices to reduce the risk of cold stress.

Employers should provide engineering controls. For example, radiant heaters may be used to warm workers in outdoor security stations. If possible, shield work areas from drafts or wind to reduce wind chill.

Employers should use safe work practices. For example, it is easy to become dehydrated in cold weather. Employers therefore, can provide plenty of warm sweetened liquids to workers. Avoid alcoholic drinks. If possible, employers can schedule heavy work during the warmer part of the day. Employers can assign workers to tasks in pairs (buddy system), so that they can monitor each other for signs of cold stress. Workers can be allowed to interrupt their work, if they are extremely uncomfortable. Employers should give workers frequent breaks in warm areas. Acclimatize new workers and those returning after time away from work, by gradually increasing their workload, and al-

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Health & Safety:

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lowing more frequent breaks in warm areas, as they build up a tolerance for working in the cold environment. Safety measures, such as these, should be incorporated into the relevant health and safety plan for the workplace.

Dressing properly is extremely important to preventing cold stress. The type of fabric worn also makes a difference. Cotton loses its insulation value when it becomes wet. Wool, silk and most synthetics, on the other hand, retain their insulation even when wet. The following are recommendations for working in cold environments:

- Wear at least three layers of loose fitting clothing. Layering provides better insulation. Do not wear tight fitting clothing.
 - An inner layer of wool, silk or synthetic to keep moisture away from the body.
 - A middle layer of wool or synthetic to provide insulation even when wet.
 - An outer wind and rain protection layer that allows some ventilation to prevent overheating.
- Wear a hat or hood to help keep your whole body warmer. Hats reduce the amount of body heat that escapes from your head.
- Use a knit mask to cover the face and mouth (if needed).
- Use insulated gloves to protect the hands (water resistant if necessary).
- Wear insulated and waterproof boots (or other footwear).

Safety Tips for Workers

- Your employer should ensure that you know the symptoms of cold stress.
- Monitor your physical condition and that of your coworkers.
- Dress properly for the cold.
- Stay dry in the cold because moisture or dampness, e.g. from sweating, can increase the rate of heat loss from the body.
- Keep extra clothing (including underwear) handy in case you get wet and need to change.
- Drink warm sweetened fluids (no alcohol).
- Use proper engineering controls, safe work practices, and personal protective equipment (PPE) provided by your employer.



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