

## ALABAMA UTILITY CONTRACTORS ASSOCIATION

**TIM AYERS, EXECUTIVE DIRECTOR**  
**JANUARY 2019**

### **Director's Comments:**



In 2015, I was appointed to serve on the Alabama One-Call Study Commission. The Commission's charge was to "study and make recommendations to the Legislature and Governor" regarding:

- The expedience and validity of only 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
- Other items related to the One-Call law that may increase the level of safety of its citizens

The Final Commission Report ending up taking 2-1/2 years to complete, and still did not yield the results we desired. However, some of the opposition to the Mandatory Membership provision have recently agreed that they would be willing to work towards a resolution. Their proposal involves lengthening the amount of time for the notification period for utility location to change from 2 working days to 4 working days, in exchange for Mandatory Membership.

The additional 2 day increase is not a reasonable request, but we believe the adoption of something similar to what is currently used in other states, such as Georgia, could potentially be acceptable. This would maintain the 2 working day notice we have now, but the working day calculation would begin at the start of the next business day.

If you have any feedback that you would like to provide on this topic, please contact us and let us know.

*Tim*

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**Upcoming AUCA Events:**

**Charge the Hill - Legislative Awareness Day**

**Wednesday, March 6, 2019**

**9:00 a.m. - 11:00 a.m.**

**State House Building**

**11 South Union Street, Montgomery, AL 36130**



***The 2019 Alabama Legislative Session kicks off on March 5th, and there are a large number of new Senators and Representatives.***

***This is your opportunity as AUCA members to join together in a unified voice to help educate these Legislators on the concerns of the workforce that supplies, installs, and rehabilitates the infrastructure of water, sewer, gas, electrical, telecommunications, and other underground utility systems throughout Alabama.***



**Upcoming AUCA Events:**

***AUCA Local Lunch Meetings***

We are finalizing the dates and details for the next round of local lunch meetings. The meetings will likely take place in February and/or March. Be on the lookout for updates.

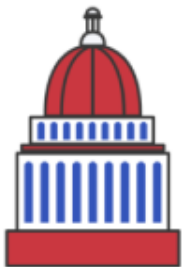
***AUCA Board of Directors Meeting***

**Wednesday, March 6, 2019**

**12:00 p.m.**

**Arrowhead Country Club**

**Montgomery, AL**



**NATIONAL WATER  
POLICY FLY-IN**

**APRIL 3 - 4, 2019  
WASHINGTON, DC**

<http://www.waterweek.us/agenda/>

***AUCA 2019 Spring General Meeting & Golf Tournament***

**April 18, 2019**

**Arrowhead Country Club**

**Montgomery, AL**

***AUCA 2019 Fall General Meeting & Sporting Clay Shoot***

**October 17, 2019**

**Lower Wetumpka Shotgun Sports Club**

**Montgomery, AL**



## News & Notes:

### **2019 AUCA Membership Dues Renewal**

January kicked off the 2019 membership renewal period, and we are off to a good start. We appreciate the many companies that have already paid their 2019 AUCA dues.

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.

### **OSHA Competent Person Excavation Safety Training Class Tuscaloosa, AL - January 11th**



### **AUCA Scholarship Program:**

- AUCA will be awarding two (2) Scholarships worth \$1,500 each.
- Money will be paid directly to the College or Trade School of the applicant's choice.
- The Scholarship Committee will select the two winners from AUCA member company employees, or family members that apply before the April 30th deadline.
- Applications are available on the AUCA website:

<http://www.aluca.org/scholarship-program.html>



## News & Notes:

### **President Trump Signs Bill Codifying Integrated Plans for Water Upgrades**

Legislation is now on the books to strengthen an Environmental Protection Agency program letting localities tailor their plans for complying with wastewater and sewer overflow permits under the Clean Water Act.

The measure, which President Trump signed on January 14, codifies a 2012 EPA framework for integrated planning, allowing local water agencies to develop plans to gain permits for activities such as combined sewer overflows, sewer collection systems' management, operations and maintenance and stormwater or wastewater discharges.

The integrated plans can include water reclamation, recycling, reuse or "green infrastructure." Final congressional approval of the legislation, the Water Infrastructure Improvement Act, came on December 22, when the Senate passed it after the House had cleared the legislation on December 19.

The new statute also establishes a "municipal ombudsman" within the EPA administrator's office to help municipalities with Clean Water Act compliance and to let them know about the integrated planning options they have.

In addition, the measure calls on the EPA administrator to "promote the use of green infrastructure" in various activities of the agency.

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### **U.S. Department of Labor Issues Final Rule to Protect Privacy of Workers**

To protect worker privacy, the U.S. Department of Labor's Occupational Safety and Health Administration (OSHA) has issued a final rule that eliminates the requirement for establishments with 250 or more employees to electronically submit information from OSHA Form 300 (Log of Work-Related Injuries and Illnesses) and OSHA Form 301 (Injury and Illness Incident Report) to OSHA each year. These establishments are still required to electronically submit information from OSHA Form 300A (Summary of Work-Related Injuries and Illnesses).

By preventing routine government collection of information that may be quite sensitive, including descriptions of workers' injuries and body parts affected, OSHA is avoiding the risk that such information might be publicly disclosed under the Freedom of Information Act (FOIA). This rule will better protect personally identifiable information or data that could be re-identified with a particular



## News & Notes:

worker by removing the requirement for covered employers to submit their information from Forms 300 and 301. The final rule does not alter an employer's duty to maintain OSHA Forms 300 and 301 on-site, and OSHA will continue to obtain these forms as needed through inspections and enforcement actions.

In addition, this rule will allow OSHA to focus its resources on initiatives that its past experience has shown to be useful—including continued use of information from severe injury reports that helps target areas of concern, and seeking to fully utilize a large volume of data from Form 300A—rather than on collecting and processing information from Forms 300 and 301 with uncertain value for OSHA enforcement and compliance assistance.

The agency is also amending the recordkeeping regulation to require covered employers to electronically submit their Employer Identification Number with their information from Form 300A. The final rule's requirement for employers to submit their EIN to OSHA electronically along with their information from OSHA Form 300A will make the data more useful for OSHA and BLS, and could reduce duplicative reporting burdens on employers in the future.

OSHA has determined that this final rule will allow OSHA to improve enforcement targeting and compliance assistance, protect worker privacy and safety, and decrease burden on employers.

Collection of Calendar Year 2018 information from the OSHA Form 300A began on January 2, 2019. The deadline for electronic submissions is March 2, 2019.

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## **Alabama 2019 Legislative Session Kicks Off March 5th**

The Alabama Legislative Session will begin in Montgomery on Tuesday, March 5th. Bills impacting Worker's Compensation and a Gasoline Tax for Infrastructure are ones in particular that we expect to be introduced and will be following closely.

There have already been a number of bills pre-filed in the House and Senate. As always, we will be tracking all legislation introduced that would be of interest to our members, and will have our Lobbyist, B.T. Crowe down in Montgomery to keep his finger on the pulse.

If you have any questions or concerns involving any proposed legislation, please contact us and let us know how we can help.



## ***Clean Water Construction Coalition Report***

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

### **January 2019 Insights**

#### **Infrastructure**

There is continued interest in an infrastructure bill. Key Advocates made the rounds with key committee staff this month and privately they are all saying that they expect something to happen next year. Publicly, all of the comments by various key principals support infrastructure as a priority. For example, the Department of Transportation, which has the lead on the infrastructure issue for the Administration, said that the President is prepared to spend "buckets of money" on an infrastructure plan and that there is "room for agreement with Democrats." On Nov. 28, the Senate Environment and Public Works Committee held a hearing on surface transportation needs that Chairman Barasso said "serves as a preview of debate on the mega infrastructure bill." Testifying were the American Association of State Highway and Transportation Officials, the Associated General Contractors of America, and the Sacramento Area Council of Governments. Also, there has been talk about the possibility of raising the gas tax to help fund infrastructure. The soon-to-be Senate Commerce Chairman Roger Wicker said that if President Trump goes public with what he has said privately and endorses an increase, "I would listen to the President and consider his point of view." Lastly in the Senate, we mentioned before that Majority Leader McConnell listed infrastructure as one of the Republican's top three priorities for the new Congress. Along those lines, Senator Schumer, the Minority Leader, said that "In the next Congress, Democrats have to force the infrastructure issue. An infrastructure bill in the new Congress could be one of the first opportunities we get. We intend to take it." On the House side, key stakeholders continue to weigh in on the issue. Most recently, the AFL-CIO came out in support of Congressman Earl Blumenauer's push to create an infrastructure subcommittee on Ways and Means. In its press release, the union wrote: "The House Transportation and Infrastructure Committee — the authorization committee for us policy geeks — has correctly focused its energies on how to spend existing resources. But expanding the pool of revenues that we know are needed will require Congressional tax writers to be focused on solving this problem as well."

#### **Earmarks**

There is also continued support for the return of earmarks. Recently, incoming T&I Chair, Congressman DeFazio, reiterated his disappointment with the Republicans' "nonsensical" ban on earmarks. "Do we think that all of the wisdom on how to better serve your district and your state comes from the DOT in D.C. or your state DOT? No," he said, pointing to his support to allow "congressionally directed spending in a fully transparent way." As previously reported, the House Republicans have



# *Clean Water Construction Coalition Report*

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decided punt on the question of whether to end the ban on earmarks, instead letting Democrats take the first step next year. Congressman Mike Rogers was expected to introduce a proposal to undo the earmark moratorium at a closed-door GOP meeting last month but restoring the practice of directing spending toward specific projects never came up.

It's not clear how Democrats will approach the issue come January. Incoming Majority Leader Hoyer has drafted an earmark proposal not yet public and recently Congressman David Price, who would take the Appropriations Transportation-HUD Subcommittee gavel next Congress, said that he would back the return of earmarks.

## **Other Bills**

For the current Congress there were a number of bills the Coalition has had either direct involvement in their formulation and/or have continued to monitor developments. These include bills authored by Members McNerney, DeFazio, Blumenauer, Boozman-Feinstein, Reed-Carbajal, Huffman, Ellison, etc. Whether or not these bills get introduced in the new Congress is not clear. Some may not, deferring to the Leadership and the key committees on the infrastructure issue. Some may, if Members want to "stake out" their position on an infrastructure plan.

## **FY 19 Federal Funding Generally**

Congress recessed without passing a Continuing Resolution to fund the government beyond Dec. 21, thereby causing a government shutdown. The lapse in appropriations affects 25 percent of the Federal government, including funding for the Departments of Agriculture, Commerce, Justice, Transportation, Housing and Urban Development, Interior, Treasury, State, and Homeland Security, as well as the Food and Drug Administration, the Environmental Protection Agency, the National Aeronautics and Space Administration, the federal judiciary, and other related government programs. That includes the Interior (SRF funding) and Transportation Appropriations Bills which are currently in conference. It does not include the Energy and Water Appropriations Bill (Corps of Engineers) which was signed into law on Sept. 21.

## **FY19 Interior Appropriations Bills**

The Senate version contains higher appropriations for CWSRF and WIFIA than the House version. Specifically, the House bill contains lower numbers (\$1.34 for the CWSRF and \$900M for the SDWSRF) than the Senate despite the FY19 raised budget caps. The Senate has the same numbers as for FY18, which are \$1.694B for the CWSRF and \$1.16B for the SDWSRF. The House provides \$75M for WIFIA and the Senate \$63M.





## *Fleet Safety:*

*Provided by Josh Broaddus @ J. Smith Lanier & Company*

### **It's Essential to Help Keep Your Car Clear of Snow and Ice**

We get it: Winter driving is the worst. You have to wake up earlier since driving anywhere takes so much longer, watch out for black ice, do battle against road salt, etc., etc., etc.

While you probably know the basics of winter driving, you might not always completely clear your windows and sweep the snow off your car. But you really should.

For starters, it helps keep you and every other driver safer on the road. If that's not enough of an incentive, in some states it's against the law to leave snow and ice on your car while driving.

### **Vehicle Snow Removal Laws**

Snow and ice flying from vehicles can endanger drivers and pedestrians. This has prompted several states to pass snow removal laws. Just a few include:

- Pennsylvania: Drivers can be fined up to \$1,000 when snow and ice flying off of their moving vehicle causes damage or injury to another vehicle or pedestrian.
- New York: It's illegal to drive with anything on your front windshield or window that may obstruct your view or impair the view of another driver.
- Wisconsin: Drivers can be fined if snow and/or ice falls from their moving vehicle and creates a hazard for other drivers.



### **It Can Be Expensive**

Not clearing snow and ice off our vehicles can result in expensive repair bills – and we're not just talking about body repairs from collisions.

When heavy snow and slush slides forward down the windshield during braking, it can mangle wiper blades, arms and damage the linkage and motor. The same can happen to the rear wiper.

Wiper systems can also be damaged when snow isn't cleared away from the bottom of the windshield. A pile-up here can prevent the wipers from completing their sweep-cycle, leading to over-

## *Fleet Safety:*

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heated motors, stripped arm fasteners and broken linkages.



Another area to consider is the vehicle HVAC system. Most vehicles' fresh-air intakes are located just below the front wipers. When loose snow isn't cleared off before starting the vehicle and turning on the heater, this snow can be drawn into the system, where it can waterlog a cabin air filter or cause problems with heater control doors and linkages.

### **Worthwhile Tips**

Here are some other tips worth remembering when it comes to getting the snow off your car:

- **Roof:** Snow and ice flying off your car's roof can cause accidents and even fatalities. Do yourself and other drivers a favor and take the extra minute to completely clear off the roof.
- **Windshield and Rear Window:** Clearing both (not just the windshield) increases your visibility. Be sure to break up snow and ice buildup around your windshield wipers and washer fluid nozzles, too.
- **Side Windows and Side View Mirrors:** Removing snow from these areas can be just as important as removing it from your windshields since this will enable you to have clear vision to traffic both from the side and rear.
- **Head and Taillights:** Uncovering your headlights and taillights will help other drivers see you—and that's especially important in poor winter weather conditions.
- **License Plate:** It's often against the law in many states to have your license plate obstructed in any way. (Plus, it literally takes just one swipe to clear it.)

### **AVOID Interior Window Fog Buildup**

Sometimes your visibility can be hampered from inside the car.

- Always keep the air vent set to 'fresh' rather than 're-circulate,' which can contribute to foggy windows.



## *Fleet Safety:*

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- Your vehicle's defroster can help reduce the problem, as can opening your windows slightly.
- For best results, use your air conditioner. Air conditioners are designed to remove moisture from the air, and they can do that job even when the heater is on.
- Finally, keep a clean microfiber cloth in the car to clear stubborn foggy spots.
- The driver and passengers should shake off as much snow and moisture from their clothes and shoes as possible before entering the car. This lessens the moisture level in the carpeting and upholstery and helps prevent fog buildup.
- Also, clean your interior windows at least once a week during the winter. Over time, film can build up on windows, increasing the potential for fogging. Your local automotive supply store also carries products that you can apply to reduce interior fogging.



### **By The Way . . .**

Never pour hot water on a car covered in ice. The rapid temperature change can cause glass to crack or shatter. And don't use a screwdriver, metal key or other sharp item to chip ice away. These can scratch or shatter the glass.



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