

ALABAMA UTILITY CONTRACTORS ASSOCIATION

TIM AYERS, EXECUTIVE DIRECTOR
JANUARY 2021

Director's Comments:



Like many, I hoped that by simply turning the page of the calendar to a new year, it would bring much better days than what we saw for most of 2020. However, we are certainly off to an auspicious beginning in 2021.

Despite the rollout of a vaccine, COVID-19 is still hindering our world with the U.S. daily death rate hitting record high levels this month. Politically, we saw an insurrection at the U.S. Capitol, and a Senate election in Georgia that once again had controversy regarding the validity of the voting process. The end result was that the two Democratic candidates were ultimately declared the winners in both races. This now gives the Democratic party control of the United States Senate, the Presidency, and the House of Representatives.

Joe Biden was sworn in on January 20th and has already signed a record number of Executive Orders during his first week as President. Many of these have resulted in job losses and more stringent regulations that will impact businesses and individuals. Reports indicate that the Biden Administration plan to start pushing an infrastructure bill in February, so we will keep a keen eye on those developments.

Closer to home, we sadly had an EF-3 tornado that impacted many in the greater Birmingham area. One 14-year old lost his life, and numerous others were hospitalized, and/or had their homes or businesses destroyed. A valuable member of the AUCA Board of Directors had his office/shop building hit, and it may be a total loss.

Please keep these individuals, as well as the rest of our nation in your thoughts and prayers.

Tim

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Upcoming Meetings & Events:

2021 Alabama Legislative Session Begins

Tuesday, February 2, 2021

State House Building - Montgomery, AL

Alabama Damage Prevention Alliance Virtual Meeting

February 10, 2021

10:00 a.m. - 12:00 p.m.

<https://v.ringcentral.com/join/719208400>

Meeting ID: 719208400

Smartphone Connect: +16504191505,,719208400#

Dial In: 1-650-419-1505

Access Code/Mtg ID: 719208400

AUCA Board of Directors Meeting

Wednesday, March 10, 2021

***AUCA 2021 Spring General Meeting,
Golf Tournament and Shrimp & Crawfish Boil***

Thursday, April 22, 2021

Arrowhead Country Club - Montgomery, AL

***AUCA 2021 Fall General Meeting
& Sporting Clay Shoot***

Thursday, October 14, 2021

Lower Wetumpka Shotgun Sports Club - Montgomery, AL



News & Notes:

**ALABAMA UTILITY CONTRACTORS ASSOCIATION
2021 LEADERSHIP TEAM**

The list of Officers and Directors below reflects the members elected to serve on the 2021 Leadership Team at the October 15, 2020 General Meeting in Montgomery.

OFFICERS

PRESIDENT: TIM GILLIAM, *JOHN PLOTT COMPANY*

1ST VICE PRESIDENT: ANDRU BRAMBLETT, *PRAUS MANAGEMENT GROUP, LLC*

2ND VICE PRESIDENT: DOUG BLANKENSHIP, *BLANKENSHIP CONTRACTING, INC.*

SECRETARY/TREASURER: ROBBIE BUTLER, *CLEARY CONSTRUCTION, INC.*

BOARD MEMBERS

BILL McGOUGH, *W.R. MITCHELL CONTRACTOR, INC.**

RANDY BISHOP, *CONSTRUCTION LABOR SERVICES, INC.*

BILL CARTER, *BILL CARTER CONSULTING, LLC*

RONNIE GOLDEN, *GOLDEN CONSTRUCTION COMPANY*

SHAUN GONZALES, *WEAVER ENVIRONMENTAL SERVICES COMPANY, INC.*

ERIC HUDGENS, *RUSSO CORPORATION*

GAVIN JONES, *BAMA UTILITY CONTRACTORS, INC.*

LARRY LOGSDON, WALLACE, *JORDAN, RATLIFF, & BRANDT, LLC*

MARK MAYFIELD, *MILLER PIPELINE, LLC*

RYAN McCLENDON, *J. SMITH LANIER & COMPANY*

RICHARD MURPHREE, *EMPIRE PIPE & SUPPLY*

AARON SCHMIDT, *SCHMIDT ENVIRONMENTAL CONSTRUCTION, INC.*

CHARLES SMITH, *VULCAN MATERIALS COMPANY*

STEVE WALKER, *JOHNSON & ASSOCIATES, INC.*

* IMMEDIATE PAST PRESIDENT



News & Notes:

2021 AUCA Membership Dues Renewal:

AUCA 2021 Membership Dues Notices are being distributed. Please be on the lookout for the notice. We appreciate your past support of AUCA, and hope that your company will renew your membership with our group and help us continue to work towards our goals in 2021.

We ask that you please return your dues promptly to ensure no disruption in member benefits.

AUCA 2021 Scholarship Program:

- AUCA has budgeted to award six (6) Scholarships worth \$1,500 each.
- Money will be paid directly to the College or Trade School of the applicant's choice.



Application Criteria:

- Must be a resident of Alabama.
- Must be enrolling in, or attending a community college, technical school, or university in Alabama.
- Open to any field of study, but preference may be given to applicants enrolled/enrolling in a construction-related curriculum.
- Must be either employed by, or have a parent or grandparent employed by a current AUCA member company.
- Application must be received by April 30, 2021.
- Applications are available on the AUCA website:

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

Alabama 2021 Legislative Session Begins February 2nd:

The Alabama Legislative Session will start in Montgomery on Tuesday, February 2nd. Things will look a little different due to COVID-19 restrictions. But rest assured that AUCA, and our Lobbyist B.T. Crowe, will still be tracking all legislation introduced that could be of interest to our members throughout the session. If you have any questions or concerns involving any specific legislation, please contact us and let us know how we can help.



News & Notes:

U.S. Department of Labor Announces Annual Adjustments to OSHA Civil Penalties:

The U.S. Department of Labor has announced adjustments to Occupational Safety and Health Administration (OSHA) civil penalty amounts based on cost-of-living adjustments for 2021.

In 2015, Congress passed the Federal Civil Penalties Inflation Adjustment Act Improvements Act to advance the effectiveness of civil monetary penalties and to maintain their deterrent effect. Under the Act, agencies are required to publish "catch-up" rules that adjust the level of civil monetary penalties, and make subsequent annual adjustments for inflation no later than January 15 of each year.

OSHA's maximum penalties for serious and other-than-serious violations will increase from \$13,494 per violation to \$13,653 per violation. The maximum penalty for willful or repeated violations will increase from \$134,937 per violation to \$136,532 per violation.

Huntsville Trench Collapse Fatality:

Sadly, a 56 year old man was killed this month in a trench collapse while working on a construction site in Huntsville. Workers were in an 8'x6' wide trench when the walls of the trench collapsed according to a report by Fire Marshal Dan Wilkerson of Huntsville Fire & Rescue.

Madison County coroner Dr. Tyler Berryhill indicated that the cause of death was due to traumatic asphyxiation as the result of compression from the substantial weight of the sidewall that collapsed. The worker was pronounced dead on the scene, and an investigation is ongoing at this time.

As an industry, we must be proactive to ensure that these sort of preventable incidents do not continue to occur. AUCA has several member companies that specialize in offering safety training, and/or sell and rent safety equipment. It is absolutely imperative that you always give your workers access to the required training and equipment.

PROTECT WORKERS IN TRENCHES

Prevent trench collapses and save lives:

- SLOPE** or bench trench walls,
- SHORE** trench walls with supports, or
- SHIELD** trench walls with trench boxes






WWW.OSHA.GOV/TRENCHING • 800-321-OSHA (6742) • TTY 877-889-5627



TRENCHING SAFETY

5 Things You Should Know to Stay Safe



1 Ensure there's a safe way to enter and exit.
See 1926.651(c)



2 Trenches must have cave-in protection.
See 1926.652(a)



3 Keep materials away from the edge of the trench.
See 1926.651(j)



4 Look for standing water or other hazards.
See 1926.651(h)



5 Never enter a trench unless it has been properly inspected.
See 1926.651(k)



News & Notes:

Alabama Damage Prevention Alliance (ADPA):

The Alabama Damage Prevention Alliance (ADPA) was established to promote public safety and prevention of damages to utility infrastructure through education, co-operation and communication efforts among all stakeholders.



The next ADPA meeting will take place virtually on February 10th. AUCA members, especially Contractors, are strongly encouraged to get involved with the ADPA and participate in the upcoming call.

Birmingham Water Works Board Awarded \$147 Million EPA Loan:

The Birmingham Water Works Board (BWVB) received official notification this month that they were approved to receive credit assistance of up to \$147,147,000 from the United States Environmental Protection Agency (EPA).

The Water Infrastructure Finance and Innovation Act (WIFIA) program, highly sought after by organizations across the nation, awarded BWVB the first loan in the state of Alabama to supplement funding for rehabilitating the system's intricate infrastructure.

Overall, the EPA announced that 55 new projects in 20 states are being invited to apply for approximately \$5.1 billion in WIFIA loans. This funding will help finance over \$12 billion in clean water and drinking water infrastructure projects to protect public health and improve water quality in communities across the United States.

Governor Ivey Announces ATRIP-II Projects for 2021:

Governor Kay Ivey and the Alabama Department of Transportation announced that more than \$45 million in funding is being awarded to cities and counties for 27 various road and bridge projects.

The funding is made available through the Alabama Transportation Rehabilitation and Improvement Program-II (ATRIP-II), a program created under the Rebuild Alabama Act. The Rebuild Alabama Act requires ATRIP-II to be an annual program setting aside a minimum of \$30 million off the top of ALDOT's share of new gas tax revenue for projects of local interest on the state highway system.



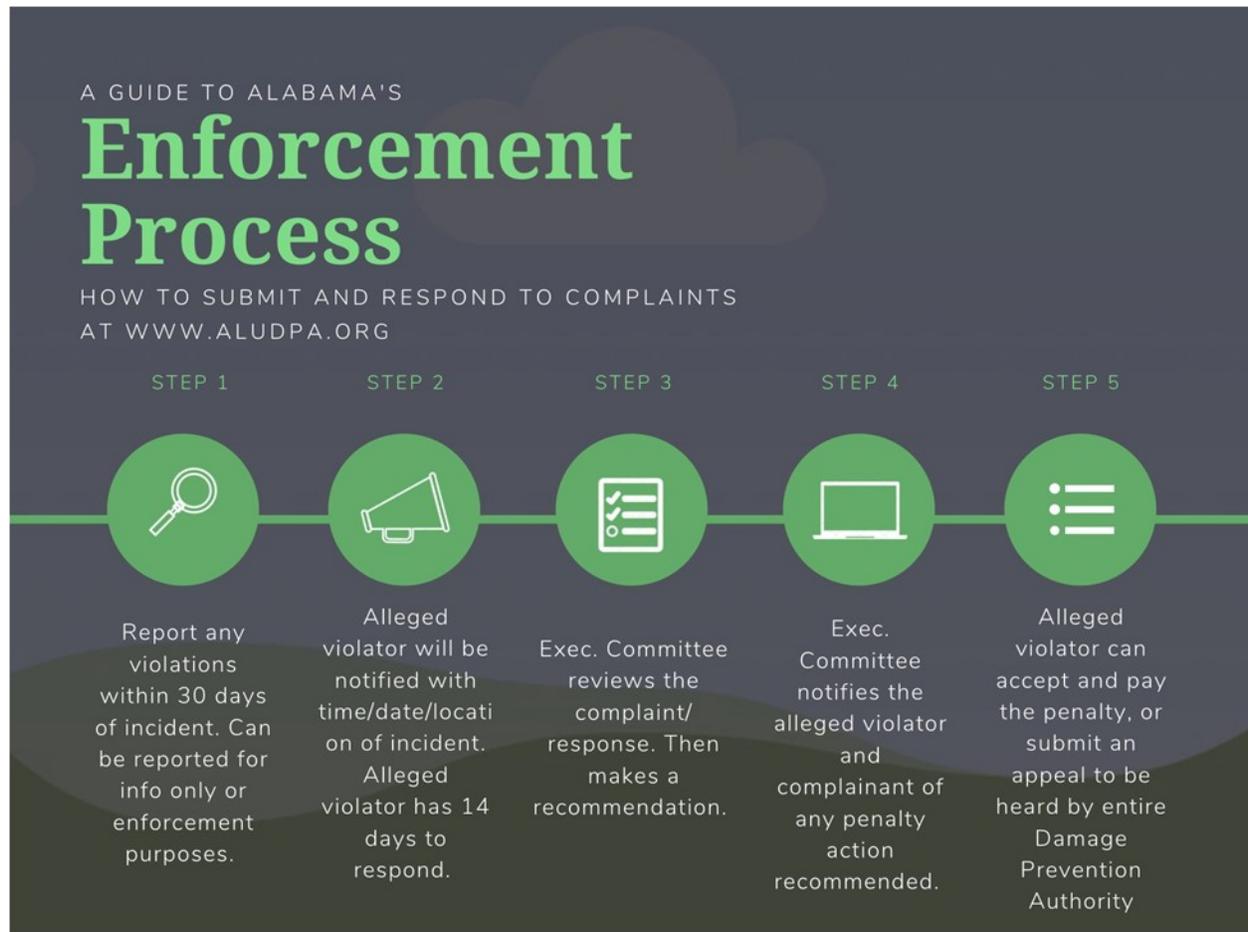
News & Notes:

Alabama Underground Damage Prevention Authority (ALUDPA)

The Alabama Underground Damage Prevention Authority (ALUDPA) was established for the purpose of enforcing the Alabama Underground Damage Prevention State Law, for reviewing penalty provisions, and for reviewing the adequacy of the Alabama State Law Enforcement Program.

The Enforcement Program is a complaint-driven process where a complaint may be submitted against an entity for violation of the Alabama Underground Damage Prevention State Law. A complaint may be submitted as information only and not designated for enforcement penalties.

A complaint may be submitted using the Complaint Form [at this Website](#) no later than 30 days after the occurrence of an alleged violation. The submitted Complaint Form is reviewed by the ALUDPA for determination of an alleged violation and for penalty provisions that may apply. The reported violator is then notified by the ALUDPA that a response may be submitted using the Response Form at this Website no later than 14 days after the ALUDPA notification.



Proceeding With Caution

UPDATED STATEWIDE COVID-19 HEALTH ORDER FOR ALABAMA

EXTENDED SAFER AT HOME

The Safer at Home order extends until March 5 at 5 p.m.



WHAT'S STAYING THE SAME: EVERYTHING

MASKS

Masks required in public when interacting within 6 feet with people of another household, subject to certain exceptions. Masks required in schools and colleges, where possible, for employees and students in second grade and above.

ENTERTAINMENT VENUES (SUCH AS ARCADES, THEATERS, BOWLING ALLEYS)

May open subject to social-distancing and sanitation rules and guidelines

ATHLETIC ACTIVITIES

Allowed subject to social-distancing and sanitation rules and guidelines

EDUCATIONAL INSTITUTIONS

May open subject to social-distancing and sanitation rules and guidelines

CHILD DAY CARE FACILITIES

May open subject to social-distancing and sanitation rules and guidelines

SUMMER CAMP

May open subject to social-distancing and sanitation rules and guidelines

INDIVIDUALS

Encouraged to stay home and follow good sanitation practices

EMPLOYERS

Businesses may open subject to sanitation and social-distancing guidelines

RETAIL STORES

Subject to social-distancing and sanitation rules

MEDICAL PROCEDURES

Allowed unless prohibited in the future by the State Health Officer to preserve resources necessary to diagnose and treat COVID-19; providers must follow COVID-19-related rules and guidance from state regulatory boards or public health authorities

HOSPITALS AND NURSING HOMES

Subject to restrictions, patients and residents will be allowed visits from one caregiver or one visitor at a time

SENIOR CITIZEN CENTERS

Regular programming still suspended except meals still available through curbside pick-up or delivery

NON-WORK GATHERINGS

Still required to maintain 6 feet of distance between persons not from same household

RESTAURANTS, BARS AND BREWERIES

May open with limited table seating, partitions or 6 feet between tables, and subject to additional sanitation rules and guidelines.

ATHLETIC FACILITIES (SUCH AS FITNESS CENTERS AND COMMERCIAL GYMS)

Athletic facilities may open subject to social-distancing and sanitation rules and guidelines. Partitions allowed.

CLOSE-CONTACT SERVICE PROVIDERS

Close-contact service providers (such as barber shops, hair salons, nail salons, tattoo services) may open subject to social-distancing and sanitation rules and guidelines. Partitions allowed.

BEACHES

Open with no limit on gatherings. Must maintain 6 feet of separation.

Clean Water Construction Coalition Report

From Dan Kennedy - Chairman CWCC & Sante Esposito - Key Advocates

January 5, 2021

UPDATE ON WATER INFRASTRUCTURE FUNDING / NEW CONGRESS & ADMINISTRATION

According to intel from Key Advocates, the incoming Biden Administration has said it wants to start pushing an infrastructure bill in February. Practically-speaking what that means is an open question, but the important thing to remember is that the existing surface transportation law, which is operating on a one-year extension, will expire at the end of September of this year. That means what to do in fall will almost certainly be the center of infrastructure talks on the Hill. The real question is whether lawmakers end up passing a bill that keeps the same types of existing funding or takes a more revolutionary route.

Key Advocates includes a full run down of the various vehicles for funding increases to support water infrastructure investment, some measures that may be considered during the next session of Congress. The run-off elections for the two Georgia Senate seats will dictate the balance of the Senate and greatly impact progress of priorities of the incoming Biden Administration.

"Water items of interest" included:

- Alternative Water Source Program - \$600M - see p. 49 of the Section-by-Section and pp.1122-1124 of the Bill Text;
- Clean Water SRF -\$40B (\$8B annually for 5 years) - see p.50 of the Section-by-Section and pp.1132-1133 of the Bill Text;
- Safe Drinking Water SRF - \$4.140B for FY22; \$4.8B for FY23; and \$5.5B for FY 24 and 25 - see p.61 of the Section-by-Section and p.1463 of the Bill Text; and,
- Title 16 WIIN Grants - \$500M - see p.78 of the Section-by-Section and pp.1781-1783 of the Bill Text; and,
- Rewrite of the Huffman omnibus bill including a process to de-authorize inactive USBR water projects

The three bills of greatest importance are the WRDA reauthorization bills, "America's Water Infrastructure Act of 2020" (AWIA) and the "Drinking Water Infrastructure Act of 2020"). These include funding levels that are supported by the CWCC.



Fleet Safety:

Provided by J. Smith Lanier & Co., a Marsh & McLennan Agency LLC company

License and Medical Card Renewal Waiver

On December 15, the FMCSA issued a new waiver to provide relief for commercial driver's license (CDL) and commercial learner's permit (CLP) holders whose licenses expired after March 1, 2020 and those whose medical cards expired on or after September 1, 2020.

The waiver extension is effective through February 28, 2021, giving drivers a few extra months to renew expired licenses, permits, or medical certificates.

Not Buckled? What Holding You Back?

In 2019, 9,466 unbuckled passenger vehicle occupants were killed in crashes in the United States. While that was a decrease from 2018, an early study for 2020 suggests that during the COVID-19 public health emergency, driving patterns and behaviors changed significantly. Of those drivers who remained on the roads, there was more risky behavior, including people not wearing seat belts.

The benefits of buckling up are clear:

If you buckle up in the front seat of a passenger car, you can reduce your risk of:

- Fatal injury by 45%
- Moderate to critical injury by 50%

If you buckle up in a light truck, you can reduce your risk of:

- Fatal injury by 60%
- Moderate to critical injury by 65%

DOT Clearinghouse Penalty Amounts

Drivers, carriers and medical review officers (MROs) could be fined up to \$5,833 for each violation of any provisions within the Drug & Alcohol Clearinghouse, according to the latest directive from the U.S. Department of Transportation (DOT). The FMCSA also updated other penalties:

- A Commercial Driver's License (CDL) holder who is convicted of violating an out-of-service order is subject to a civil penalty of at least \$3,230 for a first conviction and at least \$6,460 for a second or subsequent conviction.
- An employer of a CDL holder who knowingly allows or requires an employee to operate a com-



Fleet Safety:

(Continued from page 11)

mercial motor vehicle during any period in which the CDL holder is subject to an out-of-service order is subject to a civil penalty of \$5,833 to \$32,297.

Drowsy Driving is a Major Hazard

The NHSTA estimates that 7 percent of all crashes and 16.5 percent of fatal crashes involved a drowsy driver. This estimate suggests a low estimate of more than 5,000 people die in drowsy-driving-related motor vehicle crashes across the United States each year.

Surveys show that 4% of people admit to falling asleep at least once behind the wheel in 30 days. These numbers increased for people who snored or slept less than 6 hours per day.

Prevent drowsy driving before taking the wheel and get enough sleep! Most adults need at least 7-9 hours of sleep a day.

The graphic features the Alabama State Seal at the top center. Below it, the words "PRESS RELEASE" are written in large, bold, white capital letters on a blue background. Underneath, the name "Governor Kay Ivey" is written in a white, italicized serif font. The main text of the release, "COVID-19 Vaccination Available for Alabamians 75 Years Old and Older, First Responders, and Law Enforcement Effective January 18", is also in white, italicized serif font. A signature of Kay Ivey is visible in the bottom right corner of the graphic.



A Solution For Employers

Contractors Retirement Plan *Features:*

Employer

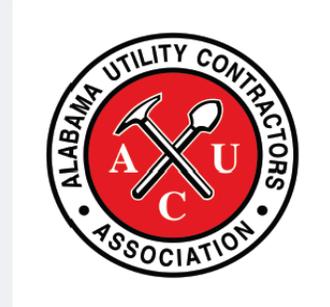
- No cost to employer, no TPA or audit fees
- Fiduciary relief from most 401k liabilities
- Powerful recruiting and retention tool
- Association leadership oversees the plan operation

Employee

- Reduced "group" costs on investments
- High focus on *Retirement Readiness*
- Easy enrolling, daily investment changes
- Call center is both live and 24/7 voice response
- Brand name, diverse investment options

Plan administrator

- We track eligibility and mail enrollment kits to home address
- Participants call vendor for all issues
- New compliance process eliminates costly errors
- Arduous paper notices mailed by vendor
- Loans, hardship, etc., all handled by vendor!



For more information please contact
**Linda Smith and Jodi McMahon at
205-536-9204**

Linda Smith and Jodi McMahon are registered Investment Advisors Representative, with Cambridge Investment Research Advisors, Inc., A broker dealer, member FINRA/SPIC. Cambridge, BenSource Employee Benefits, and AUCA are not affiliates.



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**AUCA IS A MEMBER-DRIVEN, NEEDS
FOCUSED TRADE ASSOCIATION CREATED
SOLELY TO PROMOTE AND ADVANCE THE
UTILITY INDUSTRY IN THE STATE OF
ALABAMA.**

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