



ALABAMA UTILITY CONTRACTORS ASSOCIATION

TIM AYERS, EXECUTIVE DIRECTOR
NOVEMBER 2018

Director's Comments:



Alabamians went to the polls on November 6th. Kay Ivey was elected by an overwhelming margin to serve a full term as the first Female Republican Governor. The Republicans will continue their supermajority in Montgomery, after gaining additional seats in both the House and Senate.

At the federal level, the midterm elections saw Republicans pick up Senate seats to remain in majority, but the Democrats regained control of the House of Representatives. When the 116th U.S. Congress convenes in January, this split will make for an interesting next two years of the Trump Presidency.

Regardless of who is in office, the goals and objectives for AUCA and our industry remain the same. While we may have to take a different approach, rest assured we will still be working hard everyday on behalf of our many member companies.

AUCA also continues our affiliation with the Clean Water Construction Coalition (CWCC). This helps our voice be heard on federal legislation that improves water and wastewater infrastructure on a national level. In April, CWCC will serve as a sponsor for "Water Week" and the National Water Policy Fly-In in Washington D.C. As we draw towards the end of the year, and begin preparations for 2019, we are hopeful that some of our members may be able to attend the event and enjoy the unique opportunity to help promote our industry.

Tim

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Happy Holidays from AUCA

Upcoming Events:

AUCA Board of Directors Meeting

December 5, 2018 at 10:00 a.m.

Montgomery, AL

Dothan Area Lunch Meeting

December 6, 2018

Tuscaloosa Area Lunch Meeting

December 11, 2018

Mobile Area Lunch Meeting

December 12, 2018

Huntsville Area Lunch Meeting

December 18, 2018

Birmingham Area Lunch Meeting

December 20, 2018

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

April 18, 2019

Arrowhead Country Club

Montgomery, AL



Upcoming Events:

5th Annual "Construction Law Summit"

December 4, 2018

Hyatt Regency Wynfrey Hotel

Birmingham, AL

For questions regarding conference registration, contact

BEACON PROGRAMS

at (205) 887 - 3000 or beacon.programs@aol.com

Construction, Trucks and Forestry Equipment Auction



December 5-6, 2018

Montgomery, AL

For more information visit www.jmwood.com

Water Week

National Water Policy Fly-In

April 1-4, 2019

Washington D.C.

This year, the Clean Water Construction Coalition will be participating in Water Week as a "Sponsoring Organization" along with some of the other prominent industry groups. Additional event information can be found soon at the following link: www.waterweek.us.



News & Notes:

U.S. Department of Labor Updates National Emphasis Program on Trenching and Excavation Safety

The U.S. Department of Labor's Occupational Safety and Health Administration (OSHA) has updated the National Emphasis Program (NEP) on preventing trenching and excavation collapses in response to a recent spike in trenching fatalities.

OSHA's [NEP](#) will increase education and enforcement efforts while its inspectors will record trenching and excavation inspections in a national reporting system, and each area OSHA office will develop outreach programs.

"Removing workers from and helping workers identify trenching hazards is critical," said Deputy Assistant Secretary of Labor for Occupational Safety and Health Loren Sweatt. "OSHA will concentrate the full force of enforcement and compliance assistance resources to help ensure that employers are addressing these serious hazards."

The emphasis program began October 1, 2018, with a three-month period of education and prevention outreach. During this period, OSHA will continue to respond to complaints, referrals, hospitalizations, and fatalities. Enforcement activities will begin after the outreach period and remain in effect until canceled. OSHA-approved State Plans are expected to have enforcement procedures that are at least as effective as those in this instruction.

OSHA has developed a series of [compliance assistance resources](#) to help keep workers safe from trenching and excavation hazards. The [trenching and excavation webpage](#) provides information on trenching hazards and solutions.

U.S. DOT Announces Final Rule to Enhance Public Safety by Expanding Natural Gas Transportation in Plastic Pipelines

On November 19th, the U.S. Department of Transportation's Pipeline and Hazardous Materials Safety Administration (PHMSA) announced the issuance of a [Final Rule](#) that amends the Federal Pipeline Safety Regulations for plastic piping systems used in the transportation of natural or other gas. The updates in the final rule are intended to improve safety, allow for the expanded use of plastic pipe products in the transportation of natural or other gas, and allow or require the use of certain materials and practices.

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News & Notes:

“Advancements in plastic pipe design and manufacturing have resulted in products that are much safer today than they were 20 years ago,” said PHMSA Administrator Skip Elliott. “These regulatory updates will significantly contribute to advancing public safety.”

The updates which are on public display in the [Federal Register](#) take into consideration the changing technologies and issues affecting plastic pipe. They address concerns with installation and operational safety issues associated with plastic pipe, as observed by federal and state inspectors during routine field activities. Additionally, several industry petitions received by PHMSA requested that the agency consider regulatory updates for plastic pipe that align with new innovations in manufacturing and design, as well as current best practices in plastic pipe installation.

The Final Rule will only apply to new, repaired, and replaced pipelines. Regulatory updates include an increased design factor for polyethylene pipe; updated standards governing the use, maximum pressure limits, and diameters for pipelines made of polyamide 11 and 12 thermoplastics; new and expanded standards for the installation of plastic pipe to help mitigate contact with other underground utilities and structures; and several other installation and operational related provisions for plastic pipe and plastic pipe components.

As a result of the Final Rule’s updated design factor, the cost of materials to produce new pipe is estimated to be reduced by 10 percent, resulting in an annual material cost savings of approximately \$32 million for transmission, gathering, and distribution operators.

This final rule is effective 60 days after the date of publication in the Federal Register.

U.S. Department of Labor Issues Final Rule on Crane Operator Certification Requirements

On November 7th, OSHA published a final rule that clarifies certification requirements for crane operators, and maintains the employer’s duty to ensure that crane operators can safely operate the equipment. The final rule will maintain safety and health protections for workers while reducing compliance burdens.

Under the [final rule](#), employers are required to train operators as needed to perform assigned crane activities, evaluate them, and document successful completion of the evaluations. Employers who

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News & Notes:

have evaluated operators prior to December 9, 2018, will not have to conduct those evaluations again, but will only have to document when those evaluations were completed.

The rule also requires crane operators to be certified or licensed, and receive ongoing training as necessary to operate new equipment. Operators can be certified based on the crane's type and capacity, or type only, which ensures that more accredited testing organizations are eligible to meet OSHA's certification program requirements. The final rule revises a 2010 requirement that crane operator certification must specify the rated lifting capacity of cranes for which the operator is certified. Compliant certifications that were already issued by type and capacity are still acceptable under this final rule.

The final rule, with the exception of the evaluation and documentation requirements, will become effective on Dec. 9, 2018. The evaluation and documentation requirements will become effective on February 7, 2019.

AUCA Newest Member Company:

MMI, LLC

Huntsville, AL

Company Representative: Arthur Vaughn

Career Opportunities Ahead:

AUCA currently has member companies looking to hire employees in various roles. These positions range from office to field, and from beginner level to highly experienced.

Please contact the AUCA office for additional details if you know anyone looking for an excellent new career opportunity.



AUCA Association Health Plan (AHP):

AUCA continues work on the development of an Association Health Plan (AHP) option for our members. Please contact the AUCA office for more information on how to submit your census data for a quote.





AUCA MEMBER SPOTLIGHT: Millennium Risk Managers



A FULL SERVICE RISK MANAGEMENT COMPANY

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MRM is a worker's compensation claims administration company which provides claim services exclusively for worker's comp injuries, primarily within the state of Alabama. MRM serves over 625 municipal entities, 350 construction general contractors and 100+ nursing homes. MRM also administers worker's comp claims for multiple self-insured companies throughout the state. MRM has 45 employees at their corporate office in Birmingham.

We pride ourselves on working hand-in-hand with our client's in administering their workers compensation program. We are adept at setting up customer specific requirements on how to handle your claims, incorporate your rollover requirements of existing claims, and meet your excess carrier/re-insurance requirements. We assist our customers in establishing a medical protocol program consisting of management, emergency room, and employee procedures.

Our clients encompass a diverse base of employers including municipalities, government agencies, health care industry providers, manufacturing, retail and service industry entities. Our financial risk management programs have significantly enhanced our client's loss control and human resource managers' overall performance.

MRM also offers a variety of worker's comp medical cost containment programs to individual, internally administered and self insured employers.

Claims Administration

We specialize in the administration of worker's compensation claims and general liability claims for large self insured employers and state association general liability and workers compensation group pools.

Clean Water Construction Coalition Report

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

PRESIDENT SIGNS WRDA PACKAGE – BIG WIN FOR WATER INFRASTRUCTURE PROJECT FUNDING

As previously reported, the President signed into law (P.L. 115- 270) S.3021, "America's Water Infrastructure Act of 2018." which combines the biennial Water Resources Development Act (WRDA) that funds the Corps of Engineers along with the Safe Drinking Water Act, authorization of hydro-power projects, and reauthorization and expansion of WIFIA financing for storm water and wastewater infrastructure improvements, as follows:

- Nearly doubles grants to states for Drinking Water Revolving Loan Funds. This is the first reauthorization of the Drinking Water SRF in more than two decades. It authorizes \$1.17B for FY19; \$1.3B for FY20; and \$1.95B for FY21 for the Drinking Water SRF funds. This nearly doubles the current annual authorization.
- Authorizes the Corps of Engineers to undertake 15 major new construction projects that will cost a total of \$8.3B and feasibility studies for 65 new projects.
- Provides for a two-year \$100M reauthorization of the WIFIA program for large-scale water infrastructure projects loans at the Treasury Department's long-term interest rate.
- Includes S. 1137, the Clean, Safe, Reliable Water Infrastructure Act, to address the need to invest in the nation's drinking water, sewer and stormwater systems. It also provides for increased water efficiency, specifically by including \$450M to protect the sources of drinking water and funding to repair and eliminate combined sewer overflows (CSOs). And it formally authorizes the voluntary WaterSense program, which identifies and promotes water-efficient products through voluntary labeling.
- Creates Multiagency Federal Task Force on Stormwater Infrastructure. The task force will, with feedback from permittees, state and local governments and other stakeholders, provide in a report to Congress suggestions for improving the funding and financing of stormwater systems.
- Expands onsite wastewater treatment by addressing the need for information about onsite wastewater recycling as one alternative for communities who cannot afford the upfront costs or ongoing maintenance costs of traditional wastewater infrastructure.



Clean Water Construction Coalition Report

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- Includes S. 451, the Water Resources Research Amendments Act, for additional research into increasing the effectiveness and efficiency of new and existing water treatment works.
- Enhances drinking water infrastructure resiliency and sustainability by directing the EPA to establish a "Water Infrastructure Resiliency and Sustainability Program" to award grants in each of FY19 and FY20 to increase the resiliency or adaptability of drinking water systems to regional changes in hydrologic conditions like droughts, floods and sea level rise. This section authorizes \$4M to carry out this section for each of the two fiscal years.

Either through progress in the upcoming "lame duck" session or in the new, 116th Congress, discussion around a larger "mega" infrastructure package will continue. As reported from Key Advocates, there were no significant developments on a mega infrastructure initiative.

LAME DUCK SESSION OUTLOOK / MIDTERM ELECTION IMPACT

With the results of midterm Elections on the makeup of Congress still pending, it is unclear at this time how long the upcoming "lame duck" session will last and what, if any, legislation will get passed. Any pending legislation that is not passed and signed into law when Congress adjourns for the year - likely in mid-December - is officially dead and must be reintroduced again in the new, 116th Congress which begins in mid-January 2019.

FEDERAL FISCAL YEAR 2019 APPROPRIATIONS UPDATE

Congress passed a Continuing Resolution extending funding until Dec. 7 at FY18 levels for those appropriations bills not enacted by Oct. 1. That includes the Interior (SRF funding) and Transportation Appropriations Bills which are currently in conference and are expected to be finalized soon. It does not include the Energy and Water Appropriations Bill (Corps of Engineers) which was signed into law on Sept. 21 as discussed earlier in this report.

www.cleanwaterconstructioncoalition.org



Fleet Safety:

Provided by Josh Broaddus @ J. Smith Lanier & Company

Driving and Sleep Disorders

At least 100,000 crashes reported each year are directly related to driver fatigue, and about 15% of all heavy truck crashes cite fatigue as a factor.

Drowsy driving can be caused by many factors, such as not getting enough hours of sleep, the effects of drugs or alcohol, or shift work. Another possible cause of excessive fatigue could be a sleep disorder, such as sleep apnea, insomnia, or narcolepsy.

In the United States, it is estimated that 70 million people suffer from sleep disorders. Commercial motor vehicle (CMV) drivers have a higher-than-average risk.

Sleep Apnea

Sleep apnea is a condition caused by many short interruptions in breathing at night, preventing restorative sleep. It often goes undiagnosed. Sleep apnea is associated with conditions such as high blood pressure, obesity, and heart attack or stroke.

- People with untreated obstructive sleep apnea are up to 7 times more likely to fall asleep while driving and experience other fatigue symptoms, such as poor concentration, low alertness, and slow reaction speed.
- Almost 1/3 of CMV drivers have mild-to-severe sleep apnea.
- A person with sleep apnea can still operate a CMV if their sleep apnea is successfully treated and under control.

Insomnia

Insomnia is a condition where a person has problems falling asleep or staying asleep. Getting enough hours of sleep is important: the lack of sleep results in fatigue, low energy, and drowsiness, which can affect driving ability.

Warning: Certain over-the-counter and prescription drugs to treat insomnia can impair your alertness the next morning, so be cautious when using them.

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Fleet Safety:

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Narcolepsy

Narcolepsy is a condition that may cause irresistible and persistent tiredness during the day and difficulty maintaining and controlling their level of alertness. This is sometimes combined with “attacks” of sudden muscle weakness or unintentional periods of sleep.

- Severity of symptoms varies among individuals. People with mild symptoms may only experience mild sleepiness, usually relieved by a short nap.
- Overall, studies suggest that people with narcolepsy have 3 or 4 times the risk of being involved in a crash while driving.
- Driving long distances, especially on the highway, can be especially dangerous due to the increased difficulty of paying attention and maintaining alertness over long periods of time in these circumstances.
- If narcolepsy is well controlled by medication, many people can still drive safely, but a doctor’s letter may be required to get a driver’s license.
- The FMCSA recommends disqualifying a CMV driver with a diagnosis of narcolepsy, regardless of how well it is brought under control.

If You Think You Have a Sleep Disorder

- Consult your physician about diagnosis and treatment options.
- Check with your carrier or local DMV for more information: every state has its own medical standards and qualifications for certification to operate a commercial motor vehicle.



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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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