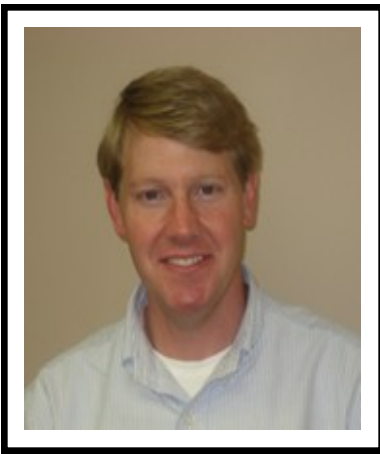


ALABAMA UTILITY CONTRACTORS ASSOCIATION

TIM AYERS, EXECUTIVE DIRECTOR
NOVEMBER 2019

Director's Comments:



We have recently received reports of Contractors in the state being cited for violations by the Alabama Onsite Wastewater Board (AOWB) for working on projects without proper AOWB licensing. However, in at least some of these instances, the scope of work performed falls into an area that could already be covered as a result of having a Municipal & Utility license classification as awarded by the Alabama Licensing Board for General Contractors.

We will be working to help clarify these issues on behalf of our industry. If you have received a notice of violation from the AOWB and not already contacted the AUCA office, please do so immediately.

As we celebrate Thanksgiving, AUCA would like to remind all of our members how grateful we are for your continued support. May God bless each and every one of you and your families!

Tim



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News & Notes:

AUCA 2020 Calendars

We have received a limited shipment of 2020 AUCA Calendars. We intend to distribute these calendars before the end of the year. Make plans to attend one of our upcoming lunch meetings and bring back a calendar to hang on your office wall.



Alabama Utility Contractors Association
We Dig Alabama
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JANUARY 2020

1 Total Days Elapsed in the Year
2 Total Days Remaining in the Year

3 Working Days Remaining in the Year (Excluding Saturday and Sunday)
4 Working Days Remaining in the Year (Including Sunday)

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
			1	2	3	4
			NEW YEAR'S DAY	FIRST QUARTER MOON		
5	6	7	8	9	10	11
					FULL MOON	
12	13	14	15	16	17	18
					THIRD QUARTER MOON	
19	20	21	22	23	24	25
	MARTIN LUTHER KING DAY				NEW MOON	
26	27	28	29	30	31	

2020	JANUARY	FEBRUARY	MARCH	APRIL	MAY	JUNE
	S M T W T F S S	S M T W T F S S	S M T W T F S S	S M T W T F S S	S M T W T F S S	S M T W T F S S
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	JANUARY	AUGUST	SEPTEMBER	OCTOBER	NOVEMBER	DECEMBER
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News & Notes:

One Call Law Changes - Effective January 1, 2020

On June 6, 2019, Governor Kay Ivey signed the Senate Bill 315, which updated the Alabama Underground Damage Prevention Law. The purpose of the Underground Damage Prevention Law is to safeguard against injury and loss of life due to excavation or demolition and to protect underground facilities from costly damage and the interruption of utility or other services to the general public. In order to more effectively achieve the purpose of this act, Senate Bill 315 was enacted to strengthen membership requirements in the state's One-Call Notification System and strengthen enforcement of and penalties for violations of the Underground Damage Prevention Act.



The following are the highlights of changes that went into effect with the passage of this bill.

Membership:

- This bill requires all underground utility owners to become a member of the state wide One-Call Notification System for receiving excavation and demolition notifications, and removes option for utility owner to operate their own in-house notification system. There is a seven-year sunset on the membership requirement.
- Increases Public Service Commission regulatory oversight of the One-Call Notification System through additional annual reporting requirements. Alabama 811 is currently certified by the PSC and serves as the One-Call Notification System.
- Provides for phased-in membership of new members over a two-year period based on their size.
- Grants relief to excavators for damages to underground facility should the owner of the underground facility failed to join the One-Call Notification System.

Enforcement:

- Creates the Underground Damage Prevention Authority, made up of stakeholders, which reviews violations and renders penalties and fines for violations of the act.
- Establishes and defines a tiered set of civil penalties and fines for violations of the act.
- Establishes an Underground Damage Prevention Fund funded by penalties recovered for violations of the act. Fund expenditures shall be at the discretion of the Authority to carry out its duties and excess funds shall be used to support public awareness, training and education related to Underground Damage Prevention.



News & Notes:

(Continued from page 3)

Other improvements:

- Limits the liability of an excavator for damages caused to underground facility if excavator has complied with act, if the facility owner received locate notification yet failed to mark their facilities in compliance with the act, and damage was a direct result of the failure to locate.
- Grants relief from physical marking of facilities, with conditions, if a member facility owner does not have accurate information regarding exact location of their facilities.
- Requires facility owner to provide a positive response to One-Call Notification System once they have determined the facility owner is not impacted at the excavation site or has marked the facility. (Requirement would take effect 12 months after law is enacted.)
- Extends life of locate request from 10 to 20 working days for excavation and from 20 to 30 days for blasting.
- Extends length of time a facility owner has to mark their facility at an excavation site to two full working days, not counting the day the notification is made.

The entire law can be downloaded by visiting Alabama 811's website at www.al811.com

NEW DAMAGE PREVENTION LEGISLATION UPDATES OVERVIEW

37-15-2 - DEFINITIONS

- Defined near miss.
- Defined positive response.
- Defined pre mark.
- Defined willful noncompliance.
- Revised working day to a 24 hour period commencing 'the beginning of the start of the next working day'.
- Defined working day hours as the time from 7AM to 5PM local time on working days.

37-15-4 - NOTICE OF INTENT TO EXCAVATE OR DEMOLISH

- Extends facility owner's length of time to mark their facility to 2 full working days, excluding the day of notification.
- Extends life of locate request from 10 to 20 working days, for excavation, and from 20 to 30 working days for demolition.
- Limits the liability of an excavator for damages caused to underground facilities if all of the following apply:

(Continued on page 5)



News & Notes:

(Continued from page 4)

- Excavator has complied with the Act.
- Owner received locate notification yet failed to locate.
- Damage was a direct result of failure to locate.

37-15-5 - UNDERGROUND DAMAGE PREVENTION PROGRAM

- Requires all underground utility owners to become a member of Alabama 811.
- Provides for phased in membership over a 2 year period, based on their size.
- Grants relief to excavators for damages to underground facilities should the owner of damaged facilities fail to join Alabama 811.
- Establishes a 7 year sunset on the membership requirement.
- Increases the Public Service Commission's regulatory oversight of Alabama 811 through additional annual reporting requirements.

37-15-6 - RESPONSE TO NOTICE OF INTENT TO EXCAVATE OR DEMOLISH

- Grants relief from physical markings of facilities, with conditions, if a member facility owner does not have accurate information regarding exact location of facilities.
- Requires facility owner to provide a positive response to Alabama 811 once the facility owner has determined that their facilities are not impacted or has marked their facilities at the proposed excavation site. This requirement will take effect January 1, 2021.
- Damages and near misses must be reported by the operator to Alabama 811 annually, no later than March 31 for the prior calendar year.

37-15-10 - CIVIL PENALTIES AND ENFORCEMENT

- Establishes and defines a tiered set of civil penalties and fines for violations of the Act.
- Establishes an Underground Damage Prevention Fund which will be funded by levied violation penalties.

37-15-10.1 - ENFORCEMENT AUTHORITY

- Creates the Underground Damage Prevention Authority, made up of stakeholders for the purpose of enforcing the law, and reviewing penalty provisions and the adequacy of the enforcement process.

37-15-10.2 - ENFORCEMENT PROCESS

- Allows the Underground Damage Prevention Authority to review violation complaints and render penalties and fines for violations of the Act.



News & Notes:

Jeff Sessions Enters U.S. Senate Race

Jeff Sessions announced his candidacy for the United States Senate earlier this month. The former United States Attorney General and U.S. Senator joins a crowded field on the Republican ballot in hopes of regaining the office he held representing Alabama in Washington D.C. from 1997-2017.

The primary will held on March 3, 2020, with a runoff if necessary. The victorious Republican nominee will go on to face Democratic incumbent Doug Jones in November.

Birmingham Water Works Board Corruption

Former Birmingham Water Works Board Chairwoman Sherry Lewis is facing imprisonment after having been found guilty on two counts of ethics charges. Jurors found Lewis guilty of using her position on the Birmingham Water Works Board for personal gain or for the gain of a family member and voting on matters in which she or her family members had financial interest. She was found not guilty on a third count of solicitation or receiving anything for the purpose of corruptly influencing official action.

Lewis will remain in jail until her sentencing on December 12th, and could serve two to 20 years in prison for each of the class B felonies for which she was convicted.

Construction Workers Most Likely of All Professions to Use Opioids and Cocaine

Construction workers are more likely to use drugs than workers in other professions, finds a study by the Center for Drug Use and HIV/HCV Research (CDUHR) at NYU College of Global Public Health. The study, published in the journal Drug and Alcohol Dependence, shows that construction workers are the most likely of all occupations to use cocaine and misuse prescription opioids (taking them for nonmedical purposes), and the second most likely to use marijuana.

To help combat the problem, companies should implement a pre-hire drug screening program to test employees before they are put to work. This will insure that new hires are not starting employment under the influence of drugs. Including random drug testing procedures in your organization to promote a drug-free company is also strongly recommended.



Upcoming Events:

Tuscaloosa Area Lunch Meeting

December 6, 2019

Dothan Area Lunch Meeting

December 12, 2019

Birmingham Area Lunch Meeting

December 13, 2019

Huntsville Area Lunch Meeting

December 17, 2019

Mobile Area Lunch Meeting

December 19, 2019



Upcoming Events:

6th Annual "Construction Law Summit"

December 5, 2019

Hyatt Regency Wynfrey Hotel

Birmingham, AL

For questions regarding conference registration, contact

BEACON PROGRAMS

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

AUCA Board of Directors Meeting

December 11, 2019 at 10:00 a.m.

Montgomery, AL

***AUCA 2020 Spring General Meeting,
Golf Tournament and Shrimp & Crawfish Boil***

May 7, 2020

Arrowhead Country Club - Montgomery, AL

AUCA 2020 Fall General Meeting & Sporting Clay Shoot

October 15, 2020

Lower Wetumpka Shotgun Sports Club - Montgomery, AL



Fleet Safety:

Provided by Josh Broaddus @ J. Smith Lanier & Company

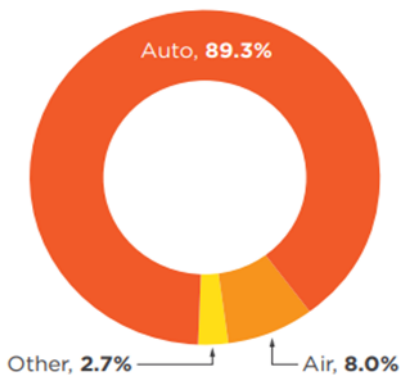
Thanksgiving Travel - 2019

The Thanksgiving holiday travel period for 2019 is defined as the five-day period from Wednesday, November 27th to Sunday, December 1st.

This will be the second-highest Thanksgiving travel volume since AAA began tracking in 2000, trailing only the record set in 2005. Overall, an additional 1.6 million more people will travel compared with last year, a 2.9% increase.

Auto – Almost 90% of all travel will be by car. This year will set records with 49.3 million travelers will hit the road this Thanksgiving. The most since 2005 and 2.8% more than last year.

Share of Travelers by Mode



The National Safety Council 2019 estimates state 417 people may be killed and another 47,500 may be seriously injured in automobile accidents. Seat belt use by vehicle occupants could save 165 lives during the 2019 holiday weekend. The facts don't lie: When you wear your seat belt as a front-seat occupant of a passenger car, your risk of fatal injury goes down by 45%. For light-truck occupants, that risk is reduced by 60%

Driving 41.9m drove to their Thanksgiving dinners

3-5pm the Wednesday before Thanksgiving is the worst time to drive

Traffic improves by 60% between the Saturday and Sunday after Thanksgiving

Be safe when traveling this Thanksgiving holiday. Plan your route carefully. Do not drive distracted. Give yourself an extra hour or two when deciding when to leave. If you are running late, you are less likely to drive responsibly. Don't use cruise control on slick roads, or if you are feeling sleepy. Check the weather forecast beforehand, and adjust your journey accordingly.

Be extra cautious due to the increased traffic, and distracted drivers on unfamiliar routes!



Clean Water Construction Coalition Report

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

HOUSE T&I COMMITTEE BILL ADVANCES 5 YEAR / \$16.8 BILLION CLEAN WATER SRF FUNDING PLAN

The CWCC worked with partners to help push a markup of H.R. 1497, the "Water Quality Protection and Job Creation Act of 2019" through the House Transportation & Infrastructure Committee last week. H.R. 1497, as amended, increases the Federal commitment to addressing our Nation's substantial needs for wastewater infrastructure by authorizing a total \$16.68 billion over five years in wastewater infrastructure through the Clean Water State Revolving Fund (SRF) and other programs to improve water quality relevant to issues faced in our state and region.

Using the baseline of FY 19 funding (\$1.7B/year) this bill commits the federal government to a significant increase in funding, essentially doubling the annual funding over the next five (5) years. Through Committee staff, the Chairs of the Full House Transportation & Infrastructure Committee and its Subcommittee on Water Resources and the Environment asked for and received CWCC support moving this bill.

This bill, if fully enacted, meets a major CWCC priority--doubling funding for water infrastructure projects through the Clean Water SRF. This comes at the heels of a similar win when Congress and the President worked together to double funding for the Drinking Water SRF by FY 21. These increases will have a meaningful impact on the backlog of funding needs in water infrastructure projects and begin to correct a situation where states and local governments are forced to pay on average 95 percent of the cost of water infrastructure projects.

Thanks to CWCC members who took the time to communicate with members on the House T&I Committee to secure their support. Now the work begins to see the same action in the Senate and then on the floor of Congress within the foreseeable future.

WINDOW CONTINUES TO NARROW FOR TRANSFORMATIVE INFRASTRUCTURE PACKAGE

The climate in DC is not positive for a major infrastructure package. Key Advocates, on behalf of the CWCC, is focusing on the following additional water bills that would address several Coalition priorities:

- H.R. 2741, "Leading Infrastructure for Tomorrow's America Act" (the "Lift America Act")



Clean Water Construction Coalition Report

(Continued from page 10)

- H.R. 1162, "Water Recycling Investment and Improvement Act"
- H.R. 2473, "Securing Access for the Central Valley and Enhancing (SAVE) Water Resources Act"
- S. 1932, "Drought Resiliency and Water Supply Infrastructure Act"
- H.R.2019 - Smart Energy and Water Efficiency Act of 2019 (the "West Act")

In addition, the Coalition is tracking and anticipating action in the Senate on the FY20 appropriation bills for the SRF / WIFIA programs. As previously reported, over the summer the House passed a "minibus" that includes the FY20 Interior Appropriations Bill providing \$1.81B (an increase from the \$1.7B appropriated in 2019) for the Clean Water SRF, \$1.3B (the amount authorized by the America's Water Infrastructure Act of 2018, an increase from the \$1.16 appropriated in FY19)) for the Drinking Water SRF, and \$50M for WIFIA. The hope is that this is the baseline and will be increased if HR 1497 is enacted.

Similarly, in June the House passed its version of the FY20 Energy and Water Appropriations bill as part of another "minibus" which provides \$63.617M for Title XVI (of which \$10M is for the Title XVI WIIN grant program) and \$60M for WaterSMART and lists the names of the FY18 USBR Title XVI grant awardees, as required by law. In addition, we can report that there has been action in the Senate on the transportation appropriations bills we have been tracking.



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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.***

**We're on the Web !
www.aluca.org**

Please print out this newsletter to share with others in your company. And, if you are receiving this for the company owner, please print out a copy for him/her.

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Training Needs**

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