



## ALABAMA UTILITY CONTRACTORS ASSOCIATION

TIM AYERS, EXECUTIVE DIRECTOR  
DECEMBER 2019

### Director's Comments:



2019 was a significant year for our industry in Alabama. The Rebuild Alabama Act passed, and is anticipated to bring over \$300 Million of additional annual revenue for Infrastructure projects in our state. Also, many years of effort saw the passage of an improved Underground Damage Prevention Law that will begin to take effect in January 2020. Legislation also passed for Rural Broadband expansion that will enhance many areas currently underserved in our state, and lead to more construction job opportunities in helping develop this network.

As an association, AUCA awarded three scholarships in 2019 worth \$1,500 each. We were also fortunate to have two of the top U.S. Senate Candidates, Congressman Bradley Byrne and Tommy Tuberville, speak at our Spring and Fall General Meetings. We hope to keep the momentum going in 2020, and that everyone has a safe and Happy New Year!

*Tim*

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# News & Notes:

## **AUCA Holiday Lunch Meetings**

During December, AUCA members had an opportunity to fellowship at lunch meetings held throughout the state.



## **AUCA 2020 Wall Calendars**

We have a few 2020 AUCA Calendars still available. If you would like to receive one, please contact the AUCA office.



## News & Notes:

### **2020 AUCA Membership Dues Renewal**

AUCA 2020 Membership Dues Notices will go out in January. 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 reach our goals in 2020.

We ask that you please return your dues promptly to ensure your listing in the upcoming Membership Directory, and to guarantee no disruption in member benefits.

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### **AUCA Membership "Affinity" Programs:**

#### **Workers Compensation Insurance:**

Before you renew your worker's compensation policy, ask your insurance agent to get a quote from CompTrust. Make sure the agent mentions that you are an AUCA member. If you have questions, you or your agent may contact Terry Young from Millennium Risk Managers at (256) 504-3288. MRM is the Third Party Administrator (TPA) for the CompTrust fund, and a valuable member of AUCA.

#### **Group Retirement Planning:**

BenSource Employee Benefits, also an AUCA member company, is staffed to take your call with any questions you may have about starting a retirement plan, or to compare your current plan with the ***Contractor's Retirement Plan***. BenSource can be reached at (205) 536-9204.

Here are just few of the unique benefits of this plan:

- Eliminates all TPA costs, all audit costs, 5500 costs and document costs
- Greatly reduces employee investment costs - the *power* of group buying
- Eliminates nearly all of the HR tasks typically associated with 401k
- Diverts the significant fiduciary liability away from the business owner

#### **AUCA Scholarship Program:**

AUCA plans to once again award two (2) scholarships worth \$1,500 each in the Spring of 2020. Priority will be given for children/family members of AUCA members in good standing that are studying for a career in the construction industry at either a local trade school, or four-year university.



## News & Notes:

### **USDOT FMCSA Drug and Alcohol Clearinghouse**

Starting January 6, 2020 all employers of CDL drivers will need to be registered on the U.S. Department of Transportation Federal Motor Carrier Safety Administration (FMCSA) Drug & Alcohol Clearinghouse.

A company must be registered before it can hire any CDL driver after January 6, 2020. In addition to new hires, all current CDL drivers must have their information submitted through the FMCSA Clearinghouse. Failing to comply with the new regulations may result in fines and penalties.

Additional information can be found at the following link: <https://clearinghouse.fmcsa.dot.gov/Resource/Index/Factsheet>

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### **Alabama 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.



## News & Notes:

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### 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.

### 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](http://www.al811.com)



*Upcoming Events:*

***Charge the Hill - Legislative Awareness Day***

**March 11, 2020**

**State House Building**

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

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

**May 7, 2020**

**Arrowhead Country Club - Montgomery, AL**

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***AUCA 2020 Fall General Meeting  
& Sporting Clay Shoot***

**October 15, 2020**

**Lower Wetumpka Shotgun Sports Club - Montgomery, AL**

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***AUCA Local Lunch Meetings***

We are finalizing the dates and details for the next round of local lunch meetings. Be on the lookout for updates.



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

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

### **FY20 Appropriations Bills Include Key Funding for EPA's SRF Programs**

As reported in the December 6, 2019 CWCC Report, the FY20 Continuing Resolution to fund the federal government was to expire Dec. 20th. Last week, the House and Senate passed two bills that will allocate \$1.4 T to fund the federal government nearly three months after FY 2020 began. The measure was sent to President Trump for his signature, thus avoiding a post-Dec. 20th shutdown. These bills fund operations of the federal government for the remainder of the FY that ends September 30, 2020 after months of negotiations and two continuing resolutions.

Included in this funding breakthrough is substantial EPA funding for a variety of CWCC program priorities. Notably, FY20 Water Appropriations highlights include:

- Clean Water SRF - \$1,639 billion (versus \$1,394 billion enacted in FY19);
- Safe Drinking Water SRF - \$1,126 billion (versus \$864 million enacted in FY19);
- WIFIA - \$60 million;
- \$28 million for Sewer Overflow and Stormwater Control Grants; and
- \$1 million for the Water Workforce and Infrastructure and Utility Development Grants; as well as language to ensure timely implementation of the Integrated Planning Clean Water Act Amendment that passed in January.

In June and September, the House and Senate passed different FY20 Interior Appropriations bills that were ultimately merged into the final bill reported above. Initially for the Clean Water SRF, the House called for \$1.81B, compared to the Senate's \$1.638B. For the Safe Drinking Water SRF, the House called for \$1.3B whereas the Senate appropriated \$1.13B, and for WIFIA, the House allocated just \$50M compared to the Senate's \$65 M.

Also included in the FY 20 Appropriations bills is funding for the Reclamation Program Funding (AKA "Title XVI") of which \$20M is for the Title XVI WIIN grant program and \$43.6M for Title XVI (WaterSMART) grants and \$134 for Water Storage Projects. For more information on these programs please see <https://www.usbr.gov/main/programs/>

FY20 Transportation Appropriations highlights include:

- BUILD Grants – \$1 billion
- Highways – \$46.3 billion, \$781 million for the Surface Transportation Block Grant funds and infrastructure along alternative fuel corridors, \$1.15 billion for bridge repair and rehabilitation, \$100 million for the Appalachian Development Highway System, \$70 million for the Nationally



## *Clean Water Construction Coalition Report*

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Significant Federal Lands and Tribal Projects grant program, and \$50 million for highway-rail grade crossing grants.

- Aviation – \$17.6 billion for the FAA and full funding for the Essential Air Service program.
- Rail – \$2 billion for Amtrak, \$255 million for Consolidated Rail Infrastructure and Safety Improvement grants, \$300 million for State of Good Repair grants, and \$2 million each for MagLev grants and Restoration and Enhancement grants.
- Transit – Transit formula grants total \$10.1 billion, \$510 million for transit infrastructure grants and \$1.978 billion for Capital Investment Grants, fully funding all current “Full Funding Grant Agreement” transit projects as well as new projects that have met the program criteria.
- Maritime – \$1 billion for the Maritime Administration to increase the productivity, efficiency, and safety of the nation’s ports and intermodal water and land transportation.
- Safety – \$989 million for the NHTSA, \$679 million for the Federal Motor Carrier Safety Administration, and \$281 million for the Pipeline and Hazardous Materials Safety Administration to help address safety concerns related to recent pipeline and rail accidents.

### **Infrastructure**

At this time, however, a mega infrastructure bill, like so many other major policy initiatives, has been pushed aside because of all the attention given to the impeachment issue. The legislative process has basically come to a grinding halt – not only regarding authorizing bills but appropriations bills as well. No substantive activities on infrastructure other than for a few meetings DOT had with OMB on its proposed outline of principals.

A mega infrastructure bill requires the involvement of both the White House and the Congress. The relationship between the two has deteriorated because of the impeachment issue. House Democrats blame the President for backing away from his \$2B infrastructure suggestion for which subsequent meetings were to be held. None have. The irony of the whole situation is that in checking with the White House, both parties in the House and Senate, and the House and Senate committees of jurisdiction, all still want to do an infrastructure bill.



## Fleet Safety:

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

### **100% CHANCE OF WINTER – ARE YOU READY?**

Now is the time to prepare yourself and your vehicle for a safe winter driving season. Don't put it off until frigid temperatures, freezing rains, icy roads, and snow put you at risk. Get an early start and take some extra time to check equipment and supplies to make sure you are ready when the cold weather arrives. Preparing ahead of time will help to keep you safe on the road and help you keep your vehicle rolling and productive. Here are some tips for safe winter driving.

- **Vehicle Maintenance** - Inspect your vehicle thoroughly when conducting your Pre-Trip/Post-Trip Inspections, and pay particular attention during the winter months to your tire condition, tire air pressures, brake performance, windshield wipers, fluid levels, and lights. Make sure you keep your windshield washer reservoir full of a fluid that will de-ice your windshield in freezing temperatures. Don't let time pressures convince you to delay necessary maintenance that might affect your safety, or lead to much more significant down time on the road.
- **Slow Down** – most winter accidents occur because drivers are going too fast for road conditions. As weather conditions change – rain, freezing rain, snow – slowing down will give you more time to react if other drivers make a mistake.
- **Allow more space between vehicles** – it can take us twice the distance to stop our vehicle on a wet road, and if ice is forming on the roads we will obviously travel even further before we can stop. Be aware of this as the temperature drops and try to leave yourself enough room to stop or maneuver in an emergency situation.
- **Watch for clues of black ice** – if you are driving in rain in the winter and see ice building up on your side view mirrors or at the corners of your windshields, it may also mean that ice is starting to form on the roads. Another thing to look for is tire spray coming off vehicles tires in front and around you. If you see a lot of tire spray you know that the road is still wet, but if you begin to observe less tire spray it could mean that the roadway is starting to freeze and you should adjust your speed accordingly. Remember that water on bridges and overpasses will usually freeze first, so be very cautious upon approach during wet and freezing temperatures.
- **Pack some Emergency Supplies** – Depending on length of your trip and the environment you could be driving in, consider keeping some of the following in your vehicle: Raingear, change of clothes, extra socks and shoes, gloves, flashlight, reflective safety vest, blanket, non-perishable food and water. Monitor the weather, and if a possibility for freezing rain is included in the fore-



## *Fleet Safety:*

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cast, carry an extra gallon or two of de-icing fluid with you.

- **When in Doubt, get off the Road** – No matter how important you think it is to complete your trip in the planned time frame, it is better to get off the road during bad weather to evaluate conditions and safest options.



HAPPY NEW YEAR



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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](http://www.aluca.org)**

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Training Needs**

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