

## ALABAMA UTILITY CONTRACTORS ASSOCIATION

**TIM AYERS, EXECUTIVE DIRECTOR**  
**MAY 2023**

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



Last month, a Eutaw city worker tragically died following a trench collapse while working underground in a local Eutaw subdivision. The man was part of a crew working on sewer lines, when the dirt around them collapsed in on the workers.

Two other city employees were able to get themselves out, but the third man was unable to escape. Greene County Ambulance Service along with Eutaw Fire & Rescue began the task of trying to locate the missing worker. Once he was found it was determined that the hole the man was in was very unstable and continuing to collapse.

Tuscaloosa Fire and Rescue's Tactical Response Team and employees of the Tuscaloosa Water and Sewer Department were dispatched to the scene to help pump water out when the trench began filling with water and sewage. Crews spent approximately eight hours with rescue efforts before the body was recovered.

The work performed by those in our industry is critical, but also extremely dangerous. With workloads continuing to increase, safety should never be compromised. The National Utility Contractors Association (NUCA) officially recognizes June as Trench Safety Month. Trench Safety Stand Down (TSSD) Week will be observed from June 19-23 at jobsites across the country. TSSD Week is used by industry safety professionals to hold safety training, educational seminars, live demonstrations of trench rescues, and the other activities to reinforce the message of trench safety. We strongly encourage our members to participate.

AUCA has several member companies that specialize in offering safety training, and/or sell and rent safety equipment. Make sure that if you have inexperienced workers you give them the proper training. If you have experienced workers, never let them believe it's okay to cut corners on safety in order to get the job done. If so, it may just be a fatal mistake.

*Tim*

#### **Inside This Issue:**

Upcoming Events	2
News & Notes	3-5
Legislative News	6-7
CWCC Report	8-10
Fleet Safety	11-12

## Upcoming Meetings & Events:

### ***AUCA Board of Directors Meeting***

**Thursday, June 8, 2023  
Montgomery, AL**

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**50th Annual Summer Auction  
June 13 - 15, 2023  
Montgomery, AL**

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**September 19-21, 2023  
The Lodge at Gulf State Park, Gulf Shores**

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### ***AUCA 2023 Fall General Meeting & Sporting Clay Shoot***

**Thursday, October 12, 2023  
Lower Wetumpka Shotgun Sports Club  
Montgomery, AL**



***AUCA Industry Lunch Meetings*  
Dates and Locations To Be Announced**

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## News & Notes:

### **AUCA New Member Company:**

#### **Valiant Steel & Equipment, Inc.**

Gadsden, AL

Company Representative: Andy Berryhill

[www.valiantsteel.com](http://www.valiantsteel.com)

### **2023 AUCA Membership Dues Renewal**

We are grateful to the companies that have already paid their 2023 AUCA dues. For those that have not yet renewed, please make arrangements to submit your payment promptly to ensure no disruption in member benefits.

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.

### **AUCA 2023 Scholarship Program:**

AUCA received a record number of applications for our 2023 scholarship program. All information was provided at the March 9th AUCA Board of Directors Meeting in Montgomery. Due to the volume of applications, additional time was needed by the Board of Directors for review and to select the winning applicants.

The selection of applicants to receive scholarships will be finalized at the upcoming AUCA Board of Directors Meeting on June 8th.



## News & Notes:

### June is Trench Safety Month:

June 2023 has been declared "Trench Safety Month" by the National Utility Contractors Association. This declaration of safety further highlights the association's innovative educational and safety program, the "Trench Safety Stand Down" week, that will held June 19-23, 2023.

## 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



U.S. Department of Labor

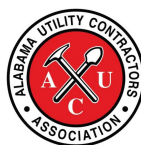


Occupational Safety  
and Health Administration



Photo: Ericson  
Production - NAXSA  
OSHA 3215-086 2018

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## 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)*



## *Alabama Legislative News:*

As of this writing, the Alabama Legislature has met in Montgomery for 27 of the possible 30 Legislative Meeting Days of the 2023 Regular Session. With only three Legislative Days remaining, there have been 523 bills introduced in the House and 352 in the Senate.

The legislature has given final passage to the 2024 Education Trust Fund (ETF) and General Fund Budget. Both budgets are the largest in the state's history. The ETF totals \$8.8 billion, with an additional supplemental appropriation to the fiscal year 2023 Education Budget of almost \$2.8 billion. The 2024 General Fund Budget totals \$3 billion, which is approximately \$159 million more than the previous year.

Lawmakers also gave final approval to a tax rebate for Alabama taxpayers fulfilling one of Governor Ivey's main priorities for this legislative session. The bill passed will provide \$150 for individuals and \$300 for couples who filed state income tax returns in 2021. The House and Senate concurred on the bill that was a compromise between earlier versions.

Sadly, it wouldn't be Alabama politics without an elected official doing something illegal. Representative Fred "Coach" Plump (D) has agreed to plead guilty to conspiracy and obstruction of justice charges and resign from the Alabama House of Representatives. This is related to his role in a scheme to siphon public money from the Birmingham area nonprofit sports organization he founded.

Lawmakers will return to work in Montgomery on Wednesday, May 31st for the 28th Legislative Day.

Bills of interest that have already been signed in to law in 2023:

***Act #2023-1 - Supplemental Appropriations from the ARPA State Fiscal Recovery Fund***  
*To make supplemental appropriations from the American Rescue Plan Act - Coronavirus State Fiscal Recovery Fund for the fiscal year ending September 30, 2023.*

***Act #2023-45 - State Board of Licensure for Professional Engineers and Land Surveyors Sunset Law***  
*Relating to the Alabama Sunset Law; to continue the existence and functioning of the State Board of Licensure for Professional Engineers and Land Surveyors until October 1, 2027.*

***Act #2023-50 - Alabama Construction Recruitment Institute Sunset Law***  
*Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alabama Construction Recruitment Institute until October 1, 2026.*

***Act #2023-83 - Alabama Onsite Wastewater Board Sunset Law***  
*Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alabama On-site Wastewater Board until October 1, 2024.*



## Alabama Legislative News:

(Continued from page 6)

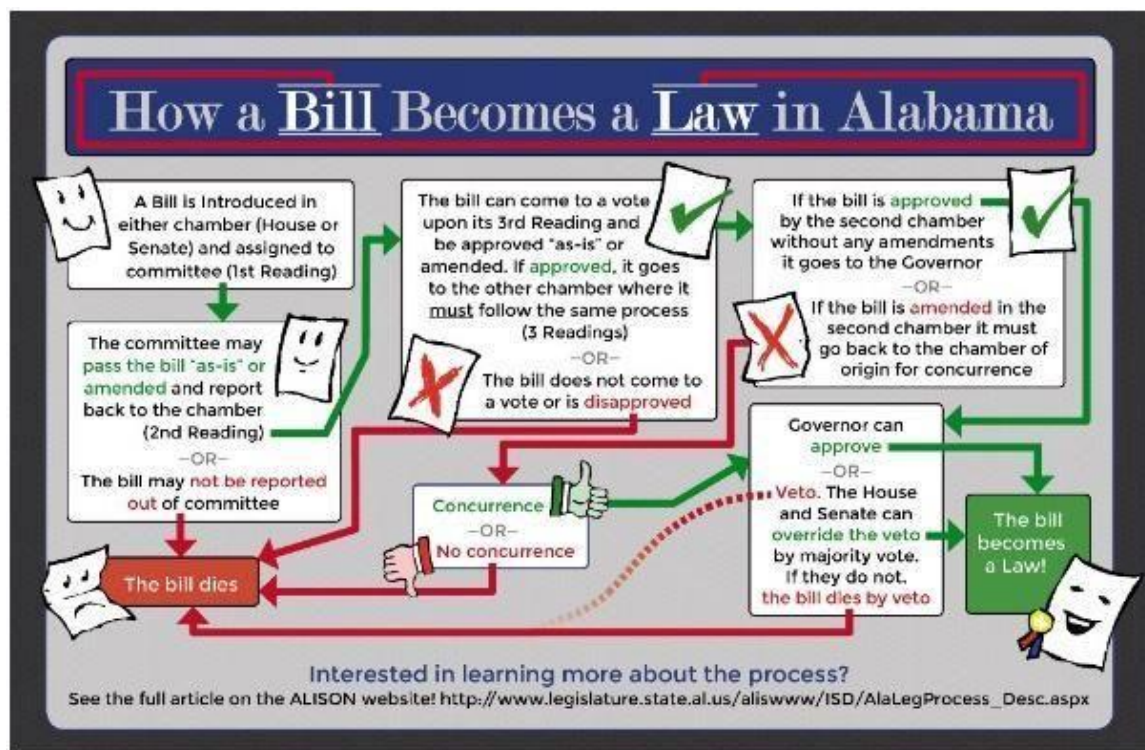
### **Act #2023-99 - State Licensing Board for General Contractors Sunset Law**

*Relating to the Alabama Sunset Law; to continue the existence and functioning of the State Licensing Board for General Contractors until October 1, 2024.*

### **Act #2023-180 - U.S. Produced Iron on Public Works Contracts**

*Relating to public contracts; to amend Section 39-3-4, Code of Alabama 1975, to provide requirements for the use of iron produced within the United States for certain public works projects under certain conditions.*

In addition to these bills that have passed, there have been many other bills introduced that we have identified as of interest. We will continue to keep a watchful eye on these, and update our members on their status throughout the remainder of the 2023 Legislative Session.



**Remember to check our weekly "Legislative Pipeline" email report for continuous Legislative updates**





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

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

## **May 2023 Insights**

### **Debt Ceiling Extension/FY24 Appropriations: Summary Update**

The purpose of this memo is to summarize the current situation regarding both the debt limit extension and the FY24 appropriations process.

As you know, the debt ceiling controversy is taking center stage in DC not just because of the implications of default but also because there could be lasting impacts on programs like the Clean Water and Safe Drinking Water SRF's. The vote to increase the debt limit may ultimately be a clean one without any spending cuts attached. However, there is a real possibility the Biden Administration will commit to some level of fiscal restraints as part of the overall deliberations. The debt limit and the FY24 appropriations process are likely to be linked in the end. This summary will give you some context for the challenges programs may face now and potentially years into the future.

### **The Debt Ceiling**

The Nation's public debt has grown markedly in the past couple decades as the Federal government has spent heavily to wage two prolonged wars (Iraq and Afghanistan), provide relief and recovery from severe economic shocks (the 2008 financial crisis and the 2020 COVID-19 pandemic), and enact major new policies (including the 2010 health care overhaul) while also passing major tax cuts that reduced revenue. As a result, the government's public debt has risen from about \$6.3 trillion in 2002 to \$14.8 trillion in 2011, \$22.7 trillion in 2019, and now \$31.4 trillion. The amount of debt the country has accumulated is hard to comprehend. It's also difficult to say exactly when the Treasury will run out of money. On Monday, Treasury Secretary Yellen said the debt limit could be hit as early as June 1st - less than a month away. The ultimate deadline depends on the amount of tax receipts coming in versus Federal expenditures, but Yellen's announcement has spurred a frenzy of activity and anxiety in DC and on Wall Street.

The last major political standoff involving the debt limit occurred in 2011 when a new House GOP majority sought to use the issue as leverage against then President Obama to cut spending. That standoff pushed the Nation to the brink of default and resulted in the first ever downgrading of the U.S. government's credit rating. The discussions also led to spending reductions with ten years of budget caps called sequestration (although Congress eventually found ways around the caps, most notably during the Trump years). Democrats do not want to replay the battle of 2011 and are demanding a clean vote to increase the debt limit. Democrats would prefer to link budget negotiations with the FY24 appropriations process (currently underway) and not hold the debt limit hostage. Republicans point to the \$31.4 trillion debt and suggest now is the time to act.

House Republicans were able to pass their debt limit bill, the "Limit, Save, Grow Act" on a thin 217-215 majority vote. The "Limit, Save, Grow Act" would cut the deficit by \$4.8 trillion over 10 years by capping discretionary spending to FY22 levels for the upcoming fiscal year (FY24) and caps spend-



## *Clean Water Construction Coalition Report*

*(Continued from page 8)*

ing moving forward at 1% per year. This provision in particular could have lasting impacts on SRF funding. While the Bipartisan Infrastructure Law significantly increased funding in FY22 and also included “advanced appropriations” for programs like the SRF’s from FY23 through FY26 that could be impacted if a 1% spending cap is implemented. In addition to the spending caps, the bill rescinds all unobligated COVID-19 funding and eliminates many Inflation Reduction Act programs. The House-passed bill also blocks President Biden’s student loan debt forgiveness proposal and imposes new or tougher work requirements on Medicaid and the food stamp program (SNAP). However, the bill only increases the debt limit until March of 2024, and thus sets up another possible debt limit showdown during a presidential election year. Senate Majority Leader Chuck Schumer has said he will seek to pass a clean debt limit vote in the Senate. However, Schumer needs 60 votes to pass any bill and thus needs at least nine Senate Republicans to join him (and possibly ten if Sen. Feinstein is not able to return to DC because of health issues). We don’t anticipate a clean debt limit vote could get the support of many, if any, Senate Republican in the near term, but the dynamics are sure to change as we get closer to the “x” date of default.

After Yellen’s somewhat unexpected announcement about the short timeline (most projections suggested we had until July before running out of money), President Biden promptly invited Speaker McCarthy, Majority Leader Schumer and Minority Leader McConnell to the White House for a debt limit huddle on Tuesday, May 9th. At the forefront of all of this is the fact that Speaker McCarthy has a tenuous hold on his Speaker post. At any point, it only takes one Republican House Member to make a motion to “vacate the chair” and force a vote to remove the Speaker. So McCarthy really doesn’t have much latitude to work on a bipartisan agreement if he doesn’t have the lock step support of some of the most conservative members of the Freedom Caucus, a group of about 40 Republicans..

### **FY24 Appropriations**

Every year, Congress has one main funding job to accomplish – pass twelve annual spending bills that fund the Federal government. However, when there is divided government, this job isn’t easy. While the House and Senate Appropriations Committees are both promising “regular order,” it’s clear that the two sides are positioning themselves for a major budget clash this fall. As part of their debt limit and appropriations strategy, House Republicans have promised to cut funding to FY22 levels, a \$131 billion cut from FY23 or roughly 8%. While this doesn’t sound overly alarming, it is more consequential when you factor in the fact that Republicans are likely to protect funding for defense spending. When factoring this, non-defense programs could see historic cuts of 20% or more in various programs. Democrats say this is a non-starter.

Over the last two months, the House and Senate Appropriations Committees have been holding hearings and collecting Member requests for funding provisions, including earmarks (Congressionally Directed Spending/Community Projects). We anticipate the House will start “marking up” their ap-



## *Clean Water Construction Coalition Report*

*(Continued from page 9)*

appropriations bills this month and in June and the Senate should follow suit. However, because of the strict spending caps to be included in the House spending bills, there is likely to be a significant delta between the House and Senate funding levels, especially in non-defense bills. This could lead to challenges in the fall and ultimately a full or partial government shutdown. The resolution on the debt limit will likely play a major factor in whatever spending levels are ultimately agreed upon for FY24.

There is also a relatively new ingredient in the mix that could help remove roadblocks from some of the bills being enacted – Republicans and Democrats are both heavily participating in the earmark process. House members asked for about 5,000 earmarks, a nearly 7 percent increase over last year, for a total of \$19.4 billion. In addition, 70% of GOP members are participating in the earmarking process this year compared to 50 percent just two years ago. Senate earmark numbers are still being tabulated, but there is heavy participation from both Democrats and Republicans. This provides some incentive to compromise and it's possible some of the appropriations bills with a heavy dose of earmarks could pass into law while others languish. This could bode well for the Interior appropriations bills which fund the SRF's.

We will continue to advocate on behalf of the Coalition's interests, monitor developments and keep you posted.

The logo for KeyAdvocates features a stylized grey key icon on the left, with the word "Key" in grey and "Advocates" in blue to its right.



[cleanwaterconstructioncoalition.org](http://cleanwaterconstructioncoalition.org)

## **Fleet Safety:**

*Provided by Marsh McLennan Agency - Southeast Risk Control Services*

### **Positive Drug Tests Increase for CDL Drivers**

The number of times a Commercial Vehicle Driver tested positive for drugs increased in 2022, with positive marijuana tests making up the bulk of the increase, according to a recent Federal Transportation survey.

#### **Total Drug Violations**

Total drug violations reported in 2022, including positive tests and refusals to take a drug test, increased 18% to 69,668 compared with 2021's 59,011, according to the most recent statistics released by the Federal Motor Carrier Safety Administration (FMCSA). That rate almost doubled the 9.2% annual increase in drug violations reported in 2021.

Much of the increase can be attributed to violations related to marijuana, the substance identified most in positive tests. Marijuana violations increased 31.6% in 2022 compared with 2021, to 40,916. That compares to a 5.3% increase between 2020 and 2021.



Commercial drivers tested positive for delta-9 THC, the ingredient in cannabis that causes a psycho-tropic 'high,' 40,916 times in 2022, up from 29,511 in 2020 and 31,085 in 2021, according to the FMCSA.

There's been speculation that increasingly liberal State marijuana laws could be a factor — even though federal law preempts state law regarding the use of both medicinal and recreational marijuana by Commercial Drivers.

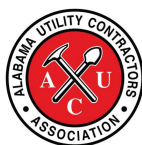
#### **Other Illicit Drugs**

Commercial Drivers tested positive for cocaine 10,953 times in 2022 and methamphetamine 5,569 times, according to the report.

Illicit drugs were not the only identifiable substances leading to positive drug test outcomes according to the report; commercial drivers also tested positive for prescription medications such as oxycodone, hydrocodone and morphine.

The most positive drug results came from Texas, with California and Florida rounding out the top three States.

Drivers with violations must be removed from "safety-sensitive" functions, which include operating a commercial vehicle. Drivers are permitted to return to work after completing a return-to-duty process. As of January 1, 2023 - 120,345 Commercial Drivers were in a "prohibited" status, preventing them from driving.



*(Continued on page 12)*

## *Fleet Safety:*

(Continued from page 11)

Substance	2020	2021	2022	# Tests Identified*
Marijuana Metabolite ( $\Delta$ 9-THCA)	29,511	31,085	40,916	101,512
Cocaine Metabolite (BZE)	7,940	8,765	10,953	27,658
Methamphetamine (MET/MAMP)	5,187	5,082	5,569	15,838
Amphetamine (AMP)	4,953	4,904	5,349	15,206
Oxymorphone (OXYM)	1,372	1,276	1,398	4,046
Oxycodone (OXYC)	1,106	1,049	1,130	3,285
Hydrocodone (HYC)	1,082	1,048	1,042	3,172
Hydromorphone (HYM)	1,000	930	965	2,895
Morphine (MOP)	443	353	445	1,241
Codeine (COD)	386	329	444	1,159
6-Acetylmorphine (6-AM)	302	191	177	670
Phencyclidine (PCP)	137	118	138	393
Ecstasy (MDMA)	65	60	68	193
Methylenedioxyamphetamine (MDA)	30	33	45	108
<b>All substances</b>	<b>53,514</b>	<b>55,223</b>	<b>68,639</b>	<b>177,376</b>

**Substances identified in positive drug tests reported as of January 4, 2023.**  
**Source: FMCSA**





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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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