



## ALABAMA UTILITY CONTRACTORS ASSOCIATION

TIM AYERS, EXECUTIVE DIRECTOR  
JUNE 2017

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



AUCA works to ensure that a fair and level playing field exists for all companies bidding on Public Works projects. Therefore, whenever anything is introduced that changes policies or procedures, we look closely through the lens to determine the impact on our industry and our member companies.

Recently, the Mobile Area Water & Sewer System (MAWSS) began enforcing their Disadvantage Business Enterprise (DBE) Policy 16-01. This has already resulted in a few bids being rejected because of what was determined by MAWSS to be a lack of a "good faith effort" by bidding Contractors to comply with the Policy.

AUCA is not questioning the intent of the Policy, but rather the implementation of it. We have serious concerns that need to be addressed now in order to ensure that the Policy is successful moving forward. On June 5th, I had the opportunity to testify on this topic before the MAWSS Board of Directors, and participated in another meeting for MAWSS Contractors and Suppliers on June 16th.

AUCA will continue to work with MAWSS to find a solution that is fair to all Contractors and Vendors, regardless of race or gender. We are in the process of developing a "Lunch & Learn" program at the request of the MAWSS Supplier Diversity Program Manager, and look forward to sharing additional details soon.

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*Tim*



*Upcoming Events:*

**Mobile Area Damage Prevention Alliance Meeting**

**July 27, 2017**

**11:30 a.m. - 1:00 p.m.**

Mobile Gas Auditorium

2828 Dauphin St. Mobile, AL 36606

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*We are still finalizing the date and details for the next round of Birmingham, Tuscaloosa, Huntsville and Mobile Area Lunch Meetings. Be on the lookout for email updates.*

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PRESENTED BY **CompTRUSTAGC**

**August 22, 2017**  
**8:30 a.m. - 3:30 p.m.**  
**Alabama AGC Headquarters**  
**Birmingham**



**September 26 – 28, 2017**  
**Embassy Suites Montgomery**

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***AUCA Fall General Meeting & Sporting Clay Shoot***  
**October 19, 2017**  
**Lower Wetumpka Shotgun Sports Club - Montgomery**



## News & Notes:

### **Alabama One-Call Notification System Study Commission Update:**

A draft "Table of Contents" outline for the Alabama One-Call Study Commission Final Report was released in conjunction with a June 5th Conference Call. The next Commission meeting is scheduled for July 6th at the Alagasco Operations Center in Montgomery. A draft copy of the Final Report is expected to be presented.

Unfortunately, the work of the group has been unable to gain traction for a "Mandatory Membership" provision for a single statewide One-Call Program to be added to the current One-Call Law. From the professional excavators' perspective, Membership and Enforcement must go together to ensure a more successful damage prevention program. As such, AUCA will continue all efforts in order to bring forth this needed change. If you would like to attend the July 6th meeting, please contact the AUCA office.

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### **Alabama Workers' Compensation Law Nullified by Court Order:**

Last month, a Jefferson County Judge ruled two provisions of the Alabama Workers' Compensation Act to be unconstitutional. These were the \$220 weekly compensation cap for Permanent Partial Disability and the 15% cap on attorney fees. Because these provisions of the Act cannot be severed from the rest of the Workers' Compensation legislation, the Judge determined that the entire Act is unconstitutional.

This ruling could potentially impact many AUCA member companies. However, CompTrust AGC, AUCA's partner for the Workers' Compensation Program, will continue to operate "business as usual" under the provisions of the nullified statute until new provisions are dictated otherwise. We will continue to provide updates as this situation evolves.

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### **Former Legislator Charged in Bribery Scheme:**

Oliver Robinson, a former Alabama Legislator that represented House District 58 has entered into a plea agreement to Federal bribery, conspiracy, fraud, and tax evasion charges. Robinson has admitted to receiving bribes through his foundation from a coal company and law firm to advocate against EPA efforts to expand the number of polluted areas slated for cleanup in and around north Birmingham.

Robinson "retired" from office in November 2016, at the time indicating he did so his daughter could serve as House liaison for then Governor Bentley.





**AUCA MEMBER SPOTLIGHT:**  
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# *Clean Water Construction Coalition Report*

From Bob Briant, Jr. - Chairman CWCC

## **PRESIDENT'S INFRASTRUCTURE INITIATIVE ANNOUNCED ALONGSIDE PROPOSED FEDERAL FY 2018 BUDGET**

With his May 23rd FY 2018 Budget submission, President Trump unveiled the outline of his highly anticipated infrastructure plan. His intent is to leverage \$1 trillion worth of infrastructure projects from \$200 billion in direct federal spending, incentivized non-Federal funding, and newly prioritized and expedited projects.

The infrastructure initiative is framed by outlining several principles followed by directives meant to expand the spending power of federal dollars. Philosophically, the plan aims to reduce state dependence on federal funding, refocus federal funding toward high-impact projects, reconfigure the overall role of federal Government in financing infrastructure projects, and leverage private sector investment where appropriate. Legislatively, the plan suggests the following list of policy initiatives as top priority for the Administration: expand the Transportation Infrastructure Finance and Innovation Act (TIFIA) Program; lift the cap on Private Activity Bonds and expand eligibility to other non-federal public infrastructure; incentivize innovative approaches to congestion mitigation; liberalize tolling policy and allow private investment in rest areas; fund the Water Infrastructure Finance and Innovation Act program (WIFIA); and, encourage the use of Army Corps of Engineers (Corps) Contributed/Advanced Funding Authorities.

Even with some details released, it is anticipated that this fall will be the earliest that Congress pivots to infrastructure given the delays on health care and tax reform. Notwithstanding that, Senator John Barasso (R-WY), Chairman of the Environment and Public Works Committee, announced this month that the EPW Committee is proceeding to develop, on a bipartisan basis, its own infrastructure proposal. Coalition representatives have weighed in with the EPW staff and members relative to our goals and objectives for an infrastructure bill.

## **MORE DETAILS FROM PRESIDENT TRUMP'S FEDERAL FY 2018 BUDGET**

The programs that are taking the biggest hits in the Trump Federal FY 2018 budget are those in the domestic discretionary program category with the deepest cuts proposed for environment, labor, agriculture, and foreign aid programs.

For transportation, mandatory programs, such as the highway (formula funding, FAST-LANE grants, etc.) and transit programs funded through the Highway Trust Fund as well as the Airport Improve-

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## *Clean Water Construction Coalition Report*

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ment Program (AIP), are protected. In the transportation sector, the biggest cuts are proposed for those programs funded with general revenues such as Amtrak, FTA Capital Improvement Grants (CIG), and TIGER grants. CIG programs include New Starts, Small Starts and Core Capacity grants. The plan proposes to cut \$2.4B from DOT discretionary programs overall.

On the upside, water infrastructure investment fared well in the Administration's proposed budget, even if the agency that oversees it did not. Both water and drinking SRFs had a slight increase over federal FY 2017 levels, which is encouraging given the 31 percent overall reduction in the Environmental Protection Agency (EPA), the reduction of EPA staff by 3,200 positions, and the elimination of more than 50 Agency programs. The Clean Water SRF is up \$2.6 million over the federal FY17 annualized CR level with a line-item of \$1,393,887, the Safe Drinking Water SRF is up \$1.6 million over the federal FY17 annualized CR level at \$863,233,000 million, and WIFIA was recommended to receive \$20 million.

To round out federal FY17, Congress passed H.R. 244, the Consolidated Appropriations Act 2017 (P.L. 115-31) that kept funding level with federal FY16. The Clean Water SRF received \$1,393,887 and \$863,233,000 toward the Safe Drinking Water SRF. WIFIA was allocated \$10M with prior funds, now authorized to loan up to \$3B for various infrastructure projects.

### **CONGRESSIONAL HEARINGS**

On May 18, the Subcommittee on Water Resources and Environment of the House Transportation and Infrastructure Committee held a hearing entitled "Building a 21st Century Infrastructure for America: Improving Water Quality through Integrated Planning." The testimonies focused on the status of EPA's implementation of the integrated planning policy, and at ways to help EPA, States, and Municipalities in developing and implementing integrated plans that provide flexibility for municipal projects necessary to meet CWA regulatory obligations.

On May 19, the Subcommittee on Environment of the House Energy and Commerce Committee held a hearing entitled "Drinking Water System Improvement Act and related issues of funding, management, and compliance assistance under the Safe Drinking Water Act." The hearing focused on ways to increase funding for Drinking Water State Revolving Funds and public water system supervision grants, efforts to improve asset management by utilities, and potential partnership options that improve management of systems and the provision of safe drinking water.



## Health & Safety:

*Provided by the National Council on Fireworks Safety*



*The National Council on Fireworks Safety is a nonprofit organization dedicated to educating the public about the safe and responsible enjoyment of consumer fireworks. With Independence Day approaching, below are their recommended tips to have a safe and enjoyable holiday while using fireworks.*

### **Recommended Fireworks Safety Tips**

- Obey all local laws regarding the use of fireworks.
- Know your fireworks; read the cautionary labels and performance descriptions before igniting.
- A responsible adult SHOULD supervise all firework activities. Never give fireworks to children.
- Alcohol and fireworks do not mix. Save your alcohol for after the show.
- Wear safety glasses when shooting fireworks.
- Light one firework at a time and then quickly move away.
- Use fireworks OUTDOORS in a clear area; away from buildings and vehicles.
- Never relight a "dud" firework. Wait 20 minutes and then soak it in a bucket of water.
- Always have a bucket of water and charged water hose nearby.
- Never carry fireworks in your POCKET or shoot them into METAL or GLASS containers.
- Do not experiment with homemade fireworks.
- Dispose of spent fireworks by wetting them down and place in a metal trash can away from any building or combustible materials until the next day.
- FAA regulations PROHIBIT the possession and transportation of fireworks in your checked baggage or carry-on luggage.
- Report illegal explosives, like M-80s and quarter sticks, to the fire or police department.

And let's not forget the safety of our pets!

- Don't bring your pets to a fireworks display, even a small one.
- If fireworks are being used near your home, put your pet in a safe, interior room to avoid exposure to the sound.
- Make sure your pet has an identification tag, in case it runs off during a fireworks display.
- Never shoot fireworks of any kind (consumer fireworks, sparklers, fountains, etc.) near pets.



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