

ALABAMA UTILITY CONTRACTORS ASSOCIATION

TIM AYERS, EXECUTIVE DIRECTOR
JANUARY 2022

Director's Comments:



On January 25th, my father passed away. His health had been waning, and really started to decline around Thanksgiving. In late December, we brought in hospice to help care for him. Even though we had begun to face the inevitability of his death, when I received the call early that Tuesday morning, it was still shocking.

With all that was going on with my father, I have unfortunately neglected some of my responsibilities with AUCA. There are some 2022 calendars that remain to be delivered, meetings that need to be scheduled, and a pile of membership renewal notices to be sent out. However, I knew those things could be done at a later date, and that it was far more important for me to spend whatever time I could with my father in the final stages of his life. Now that he's gone, I do not regret my decision one bit.



My father was a bold man, never afraid to take risks in life. He was always positive and had an incredible work ethic. He was an entrepreneur that started and ran two successful businesses during a career that amazingly spanned across seven decades in the commercial construction industry. He had a brilliant mechanical mind, always looking for ways to make things better, instead of keeping the status quo. He even invented and patented multiple products that remain in use on commercial building projects throughout the country.

In addition to being his son, I had the privilege to work for him for many years. This gave me a front-row seat to appreciate his brilliance from yet another perspective. He was truly my hero, but he was also one of my biggest fans. If I could ever count on just one person to read my AUCA Newsletters, it was him. So, I'm dedicating this issue to my father. Although he'll never get a chance to read this one, I find peace in knowing he's now in a better place, and that someday we'll meet again. I love you and miss you, PopPop!

2 Timothy 4:7 - I have fought the good fight, I have finished the race, I have kept the faith.

Tim

Inside This Issue:

News & Notes	2-6
Legislative News	7
Upcoming Events	8
CWCC Report	9
Fleet Safety	10-11

News & Notes:

AUCA 2022 Scholarship Program:

The application process for our 2022 Scholarship Program is now open. Up to six scholarships will be awarded to applicants that have not previously received an AUCA scholarship. Deadline for submissions will be February 28th, and winning applicants will be selected at the March 2022 AUCA Board of Directors Meeting.



- Scholarships awarded will be worth \$1,500 each.
- Money will be paid directly to the College or Trade School of the applicant's choice.
- Applications are available on the AUCA website:

<http://www.aluca.org/scholarship-program.html>

Application Criteria:

- Must be a resident of Alabama.
- Must be enrolling in, or attending a community college, technical school, or university in Alabama.
- Open to any field of study, but preference may be given to applicants enrolled/enrolling in a construction-related curriculum.
- Must be either employed by, or have a parent or grandparent employed by a current AUCA member company.
- Cannot have previously received an AUCA Scholarship.
- Application must be received by February 28, 2022.

AUCA Newest Member Companies:

Big Iron Auctions

Company Representative: Jody Lenderman

www.bigiron.com

AFL

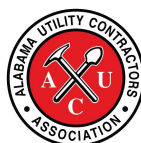
Company Representative: Andru Bramblett

www.aflglobal.com

Zurich Surety

Company Representatives: Sam Kent & Jerome Young

www.zurichna.com



News & Notes:

Biden Administration Withdraws Covid Vaccine Mandate:

The Biden administration is formally withdrawing its vaccine and testing mandate for businesses, after the Supreme Court blocked the requirements earlier this month in a 6-3 decision, ruling that the Occupational Safety and Health Administration had exceeded its authority. OSHA will pull the rule for businesses effective January 26, the agency said in a statement posted to its website.

Truitt Radio:

On January 15th, AUCA Director Tim Ayers was a guest on the Truitt Radio Network Show on Talk 99.5 in Birmingham. The show is co-hosted each Saturday morning by Tony Truitt, from AUCA member company Truitt Insurance & Bonding. A link to the show can be found here:

<https://omny.fm/shows/talk-99-5/01-15-22-truitt-news-radio>

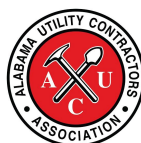
Alabama Damage Prevention Alliance (ADPA) - Large Project Committee:

The ADPA Large Project Committee held a virtual meeting on January 26th to resume discussions for developing a draft for a Large Project Process in Alabama.



The highlights of the process include the following:

- Define elements of a project relative to a linear large project and a site-specific large project.
- Establish a project locate requests option within Alabama 811 locate request options.
- A project locate request will establish a meeting time to review the planned project activity – it will not require physical marking. Should include the physical description that would cover the proposed project for the purpose of determining which members to be notified.
- A project locate request would have a minimum of a five working day notice, which is already allowable within the law.
- Facility owners will respond to the project request using the positive response codes. Options will be available to agree to meeting, unable to meet but responsible for obtaining information from excavator prior to meeting date, note that site is clear, note that no facilities in the area of the scope of work, or facility owner will mark their area within the 5 day notice.
- Positive response codes will have to be updated within the Alabama 811 system.
- At the project meeting an agreed upon marking schedule will be established and agreed upon by all those in attendance.
- All known sub-contractors will be noted on the working agreement
- Once an agreement has been finalized, locate requests will be placed within the normal 2-10 working day notice as outlined in the marking schedule.
- Any changes to the marking plan agreement must be agreed to by all parties involved.



News & Notes:

Alabama Underground Damage Prevention Authority (ALUDPA)

The Alabama Underground Damage Prevention Authority (ALUDPA) was established for the purpose of enforcing the Alabama Underground Damage Prevention State Law, for reviewing penalty provisions, and for reviewing the adequacy of the Alabama State Law Enforcement Program.



The Enforcement Program is a complaint-driven process where a complaint may be submitted against an entity for violation of the Alabama Underground Damage Prevention State Law. A complaint may be submitted as information only and not designated for enforcement penalties.

A complaint may be submitted using the Complaint Form [at this Website](#) no later than 30 days after the occurrence of an alleged violation. The submitted Complaint Form is reviewed by the ALUDPA for determination of an alleged violation and for penalty provisions that may apply. The reported violator is then notified by the ALUDPA that a response may be submitted using the Response Form at this Website no later than 14 days after the ALUDPA notification.

A GUIDE TO ALABAMA'S

Enforcement Process

HOW TO SUBMIT AND RESPOND TO COMPLAINTS
AT WWW.ALUDPA.ORG

STEP 1	STEP 2	STEP 3	STEP 4	STEP 5
Report any violations within 30 days of incident. Can be reported for info only or enforcement purposes.	Alleged violator will be notified with time/date/location of incident. Alleged violator has 14 days to respond.	Exec. Committee reviews the complaint/response. Then makes a recommendation.	Exec. Committee notifies the alleged violator and complainant of any penalty action recommended.	Alleged violator can accept and pay the penalty, or submit an appeal to be heard by entire Damage Prevention Authority

News & Notes:

***ALABAMA UTILITY CONTRACTORS ASSOCIATION
2022 LEADERSHIP TEAM***

The list of Officers and Directors below reflects the members elected to serve on the 2022 Leadership Team at the October 14, 2021 General Meeting in Montgomery.

OFFICERS

PRESIDENT: TIM GILLIAM, *JOHN PLOTT COMPANY*

1ST VICE PRESIDENT: ANDRU BRAMBLETT, *AFL*

2ND VICE PRESIDENT: DOUG BLANKENSHIP, *BLANKENSHIP CONTRACTING, INC.*

SECRETARY/TREASURER: ROBBIE BUTLER, *CLEARY CONSTRUCTION, INC.*

BOARD MEMBERS

RANDY BISHOP, *CONSTRUCTION LABOR SERVICES, INC.*

BILL CARTER, *BILL CARTER CONSULTING, LLC*

RONNIE GOLDEN, *GOLDEN CONSTRUCTION COMPANY*

SHAUN GONZALES, *WEAVER ENVIRONMENTAL SERVICES COMPANY, INC.*

JAY HOLCOMB, *LAMBERT, INC.*

GAVIN JONES, *BAMA UTILITY CONTRACTORS, INC.*

LARRY LOGSDON, WALLACE, *JORDAN, RATLIFF, & BRANDT, LLC*

MARK MAYFIELD, *MILLER PIPELINE, LLC*

RYAN McCLENDON, *J. SMITH LANIER & COMPANY*

BILL McGOUGH, *W.R. MITCHELL CONTRACTOR, INC.*

RICHARD MURPHREE, *EMPIRE PIPE & SUPPLY*

AARON SCHMIDT, *SCHMIDT ENVIRONMENTAL CONSTRUCTION, INC.*

CHARLES SMITH, *VULCAN MATERIALS COMPANY*

CHAD TUBBS, *FERGUSON WATERWORKS*

STEVE WALKER, *JOHNSON & ASSOCIATES, INC.*



News & Notes:

WE'VE MOVED

EFFECTIVE FEBRUARY 1, 2022

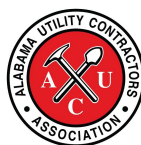
**ALABAMA LICENSING BOARD
FOR GENERAL CONTRACTORS**

445 Dexter Avenue, Suite 3060
Montgomery, AL 36104



OSHA:

On January 5th, OSHA issued a [press release](#) to remind employers that the agency began collecting calendar year 2021 Form 300A data on Jan. 2, 2022. Employers must submit the form electronically by March 2, 2022. Electronic submissions are required by establishments with 250 or more employees currently required to keep OSHA injury and illness records, and establishments with 20-249 employees classified in specific industries with historically high rates of occupational injuries and illnesses. Visit the [Injury Tracking Application Electronic Submission of Injury and Illness Records to OSHA](#) for more information and a link to the Injury Tracking Application.



Alabama Legislative News:

The 2022 Alabama Legislative Session convened in Montgomery at noon on Tuesday, January 11th. Governor Kay Ivey delivered her State of the State address that evening to a limited audience in the State Capitol. During the first week of the session, legislators met for 2 legislative meeting days.

Legislators reconvened the following week in Montgomery for the 3rd legislative day. However, as expected, Governor Kay Ivey called for special session solely to address how the state will use the \$772 million in federal pandemic relief funds from the American Rescue Plan Act (ARPA), passed by Congress in March 2021. The special session began on the morning of Wednesday, January 19th. This put the regular legislative session on hold until at least February 1st.

On the 1st day of the special session, identical bills were introduced in the House and Senate that would provide a total of \$277 million towards expanding broadband, with \$85 million available immediately and another \$192 million funded through capital projects. Water and sewer improvements would make up \$225 million of the appropriations with up to \$120 million designated for high-priority or emergency projects previously identified under the Clean Water State Revolving Fund or the Drinking Water State Revolving Fund. Another \$100 million is set out for matching grants for water or sewer infrastructure projects. As a result, our industry should see a quick influx of new infrastructure project opportunities. All of these projects funded with the ARPA money have to be finished by the end of 2026. With ongoing supply chain issues, material price volatility, and an extremely limited workforce, this will create its own set of challenges.

The special session concluded on Thursday, January 27th, after Alabama lawmakers gave final approval to a plan to use \$772 million in federal pandemic relief funds. The bill has now been sent to Governor Kay Ivey for her signature. The bill calls for \$277 million to go toward expanding broadband; \$225 million toward water and sewer improvements; and \$146.7 million, toward health care, to be split between hospitals and nursing homes. It also include \$79.5 million for the state's Unemployment Compensation Trust Fund, and \$11 million to reimburse the counties for the cost of housing state prisoners.

The regular session is expected to resume on Tuesday, February 1, on what will be the 4th legislative meeting day. To date, there have been a total of 174 bills introduced in the House, and 120 in the Senate. Since it is an election year, many are anticipating the regular session adjourning early to allow candidates time to campaign ahead of the May 24th primary elections.

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



Upcoming Meetings & Events:

AUCA "In-Person" Industry Lunch Meetings
Dates and Locations To Be Announced

Alabama Damage Prevention Alliance
Large Project Task Team Virtual Meeting
January 26, 2022
10:00 a.m. - 12:00 p.m.

AUCA Board of Directors Meeting
Wednesday, March 9, 2022

AUCA 2022 Spring General Meeting,
Golf Tournament and Shrimp & Crawfish Boil
Thursday, April 21, 2022
Arrowhead Country Club - Montgomery, AL



AUCA 2022 Fall General Meeting
& Sporting Clay Shoot
Thursday, October 13, 2022
Lower Wetumpka Shotgun Sports Club -
Montgomery, AL



Clean Water Construction Coalition Report

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

January 5, 2022

“Build Back Better Act” Stalls In Senate – Congress in Recess

As previously reported, in late November the House passed the \$1.9T Build Back Better (BBB) bill in partisan fashion. It was not acted on in the Senate by the end of the year and Congress is now in recess.

On Dec. 16, the Senate Environment and Public Works Committee released its title to the Senate’s version (whatever that becomes) of the BBB. In addition to the authorized funding from the Bipartisan Infrastructure Framework (BIF), this measure includes \$9B for SDWSRF-funded lead remediation projects, \$225M for rural and low-income water assistance grants, \$125M for Alternative Water Source Program grants, and \$500M for sewer overflow and storm water reuse municipal grants.

Highlights of the Senate Finance proposed tax title are enclosed in the attached report from Key Advocates. Although not “infrastructure” in nature, these proposed tax provisions may be of interest to your members from a corporate perspective.

Bipartisan Infrastructure Framework: Summary of 2022 Environmental Protection Agency State Revolving Funds (SRFs) by States, Tribes, and Territories

We reported last month that EPA Administrator Regan issued notice ([here](#)) to all states laying the groundwork for next steps with BIF funding for specific programs. National program guidance from the EPA’s Office of Water to state primacy agencies for the use of water infrastructure funding through the BIF is pending. We await this guidance and will report once available.

Included in this letter are estimated 2022 state allotments of BIF funds through the SRFs – significant resources that we know will go a long way toward achieving our shared goals. The enclosure summarizes the first-year allotment of nearly \$44 billion in total SRF funding that will be provided to states, tribes, and territories over the next five years through the BIF.

We recommend you review these estimates and begin engaging your partners in state government NOW to ensure that this funding is distributed in an efficient manner on behalf of your organizations. Capacity challenges to get this money spent are to be expected and can be mitigated with proactive engagement.



Fleet Safety:

Provided by Marsh McLennan Agency—Southeast Risk Control Services

2022 Price Increase Prediction Commercial Auto Insurance **Overall: +10% to +25%**

According to a recent report from AM Best, *commercial auto underwriters saw more than \$22 billion in underwriting losses between 2011 and 2020*. This is despite underwriters increasing commercial auto premium pricing for 41 consecutive quarters, dating back to Q3 of 2011. Insurance carriers have not returned an underwriting profit for commercial auto lines in over a decade.

Industry experts predict that this hard market will continue to be a concern in 2022 and beyond. The majority of businesses with commercial auto exposures—regardless of their industry or vehicle class—will have a more difficult renewal process by way of –

- greater premium rates,
- lowered capacity and
- more stringent policy requirements or restrictions.
- Further, insureds with larger fleets or a poor loss history may experience more significant rate increases.

Developments and Trends to Watch

Nuclear verdicts - These are jury awards in which the penalties exceed \$10 million—have become increasingly prevalent. ***These large losses accounted for 35% of all trucking losses over \$1 million from 2017 to 2021.***

Distracted driving issues - (NHTSA) indicates that, every year, up to 391,000 people are injured, and 3,450 people are killed in crashes involving distracted drivers. As a whole, distracted driving incidents account for nearly 10% of all fatal crashes on the road.

Marijuana legalization exposures—NHTSA data found that cannabinoid use among fatally injured drivers has more than doubled over the last decade. While all states have some form of legislation in place regarding marijuana-impaired driving, many enforcement limitations still exist due to minimal drug-detecting technology and the lack of a widely recognized impairment limit.

Crash severity concerns—Even though fewer drivers were on the road in 2020, the NHTSA reported that an estimated 38,680 individuals were killed in motor vehicle crashes throughout the year—representing a 7.2% increase from the previous year and the highest annual death toll since 2007. In the first six months of 2021, the country's fatal crash rate continued to climb—rising by an additional 3%.

Repair cost obstacles—Modern vehicle features including blind-spot cameras, backup alarms, GPS devices and telematics software repairs comes with a hefty price tag. In fact, according to a re-



Fleet Safety:

(Continued from page 10)

cent report from AAA, vehicles equipped with driver assistance systems often cost twice as much to repair as those that aren't.

You almost never win a court case once you get into court. (Been there done that!)

You win by what you put in place before the driver and the truck leave the yard.

What are those things? (We help you do these things)

- Compliance (FMCSA) (Others: EPA, OSHA, EEOC,)
 - ◊ DQ Files
 - ◊ Drug and Alcohol Testing
 - ◊ Vehicle Maintenance File
 - ◊ Driver Training
- Driver Coaching and Disciplinary Action (This the newest must do!)
- Drive Cams – ability to download footage to the Investigation Law Enforcement
- Telematics
- Collision Avoidance Systems
- Cell Phone Deactivation Software
- Rapid Response Team Including Legal Council (spoliation letters)
- WeGoLook (can be on site in less than 90 minutes anywhere in the county)
- Capture the ECM data from the truck and any other vehicle involved
- Crash/Incident Protocols that include getting on the phone with the driver and asking them the questions that you need for the insurance company and legal council
- Claims adjuster who understands large truck crashes (An adjuster offer to settle a claim for \$250,000. The medical bills exceeded \$1,000,000. What do you think happened?)
- Insurance broker who helps you navigate these waters. (MMA – Just let us know).



Alabama Utility Contractors Association
P.O. Box 383185
Birmingham, AL 35238-3185
Phone: 205-582-9436
Fax: 205-582-9155
E-mail: tim@aluca.org

***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.

**Let AUCA Be Your Source For All Your
Training Needs**

Contact the Association Office for more information

facebook



@AlabamaUCA

LinkedIn

