CONTENTS

04 National Response to Coronavirus
   a Work in Progress

10 DCA & COVID-19

12 DCA Mid-Fall Meeting

14 Safety News

16 DCA Annual Convention

18 Industry News

22 Insights

25 Calendar

26 Member News
Ever since COVID-19 swept across the country, resulting in lockdowns and a devastated economy, DCA and virtually every other construction association has worked hard on a variety of issues related to America’s pandemic response. Ensuring that the gas distribution construction industry is considered part of the essential workforce was DCA’s top priority. DCA continues to make sure our industry’s voice is heard by pushing lawmakers to provide small business loans, loan forgiveness for keeping workers on the payroll, expansion of unemployment benefits, and liability protections for employers.

Here’s a summary of how we got here and where we might be going.

Once it was clear that “shelter in place” policies implemented in several states would soon impact every facet of American business, national associations worked furiously to keep their members on the job, addressing new stay-at-home rules and policies spewing from federal government agencies and countless state entities. DCA focused on the Department of Homeland Security’s Cybersecurity and Infrastructure Security Agency (CISA), which released an initial list of Essential
Critical Infrastructure Workers to help state and local officials decide which industry sectors should continue normal operations during this crisis.

On March 21, DCA sent a letter to CISA encouraging them to include the gas distribution construction industry on the “essential” list and collaborated with other contractor associations in the natural gas, crude oil, broadband, and electric power and water and sewer construction industries to ensure that utility construction remains ‘essential’ in the eyes of federal policymakers. DCA was very pleased that not only is gas distribution work considered essential, but that CISA clarified soon after that references to “employee” or “contractors” were changed to “workers.” This was an important development because, from then on, the essential nature of our work was not dependent on whether workers are in-house or contract personnel.

Early Action Underestimates What’s to Come
In mid-March the Coronavirus Preparedness and Response Supplemental Appropriations Act authorized more than $8 billion to garner needed medical supplies, vaccines, and therapies. The bill also unlocked $7 billion in low-interest loans to small businesses affected by the coronavirus. While at this point it’s easy to criticize this initial legislation as inadequate, not many anticipated where this pandemic was headed and the overwhelming impacts that it would carry.

Two weeks later, the Families First Coronavirus Response Act was passed and quickly signed into law. The measure required private sector small business employers (those with fewer than 500 workers) and all government entities to provide as many as 12 weeks of

(continued on pg. 06)
leave for employees unable to work or telework because they have to care for a child without available day care or unable to work with paid sick time off in order to:

- Comply with a quarantine, isolation order, or self-quarantine
- Get tested for COVID-19
- Care for somebody already in quarantine or for a child whose school/day care had closed because of the coronavirus

Employers were also restricted from requiring workers to use other available paid leave before using sick leave or require them to find a replacement to cover their work.

The Coronavirus Aid, Relief, and Economic Security (CARES) Act was next. The CARES Act included:

- $350 billion in small business loans
- $150 billion for aid to state, local, and tribal governments
- $100 billion for hospitals and health care providers

CARES also provided direct payments to American taxpayers and created a temporary pandemic unemployment assistance program for independent contractors, freelance, and other gig economy workers who are not normally eligible for unemployment. This was considered an important lifeline for freelance workers, whose numbers have been increasing over the past several years.

Importantly, the small business loans provided through the new Paycheck Protection Program (PPP) provided that loans could be partially or even fully forgiven if idled workers remained on the payroll for the duration of this pandemic, and as long as they were shut down or partially suspended because of order from a government authority, or could show a 50% loss compared to the same quarter in the previous year.

While the CARES Act was unprecedented because of the $2 trillion price tag associated with it, there was little doubt that more would be needed in the near future.

Dispute Over Next Steps
Before the ink dried on the CARES Act, there was an immediate push for another stimulus package that would include significant investment in infrastructure. At a time of multiple unprecedented events in the nation’s capital, many jaws dropped when President Trump and House Speaker Nancy Pelosi (D-Ca.) claimed to be in lockstep in looking for another multi trillion-dollar stimulus package.

However, there was immediate (and strong) pushback
against even talking about another stimulus bill before it was confirmed that the provisions in the CARES Act were working. It was suggested that unemployment benefit checks were not getting out the door as quickly as promised, and that in some cases unemployment benefits provided more money than the existing salaries of some beneficiaries, which could provide a disincentive for some to return to work when employers’ doors started to reopen.

It was soon clear that Congress would take pause and evaluate the status of the provisions taken so far, which carried a staggering amount of taxpayer dollars, to see if they were actually working.

House Speaker Puts HEROES Act on Fast Track
In May, Speaker Pelosi pushed a new $3 trillion bill aimed at kick-starting the economy through the House at lightning speed. The HEROES Act would provide hundreds of billions of dollars to state and local governments, hospitals, and health care facilities and expand unemployment benefits as well as the timeframe to meet PPP loan forgiveness requirements. The act even earmarked several billion dollars for drinking water and broadband deployment.

Almost immediately the president declared the bill dead on arrival, although it was clear the measure would never reach the president’s desk. Senate Majority Leader Mitch McConnell (R-Ky.) called the bill “aspirational” said he would not entertain suggestions about a new COVID-19 legislation until June. He added that to get Republican support, the bill would need to include liability protections to protect employers from spurious litigation from workers who became infected. All of this meant that the HEROES Act as passed by the House wouldn’t even make it to the Senate floor for a vote.

Big Problems with SBA Stipulations for Small Business Loans
Although the establishment of the PPP and the significant resources associated with it offered initial promise, the dollars ran out in less than two weeks and more money was quickly provided for additional small businesses loans. However, a bigger problem for small businesses stemmed from the Small Business Administration’s (SBA) interim final rule (IFR) that set the ground rules for using PPP loans, loan forgiveness options, and payback terms. It wasn’t long before American small businesses were crying foul over SBA stipulations associated with PPP

(continued on pg. 08)
loans that conflicted with the legislation that originally established the program.

The CARES Act allowed small businesses to use PPP loans toward payroll costs, rent or mortgage interest payments, and utility costs. Although the act left decisions regarding what portions of a PPP loan would apply to which eligible costs, SBA’s IFR required that at least 75% of a loan must be used for payroll costs. Scores of associations labeled this requirement as arbitrary and pushed for its elimination from the PPP eligibility criteria.

SBA failed to realize that in order to keep workers paid and employed in the face of COVID-19, construction businesses with a PPP loan will have to pay key costs in addition to payroll, such as rent, mortgage interest, and utility payments, as specified in the CARES Act. A contractor or manufacturer that loses its brick and mortar facilities because of inability to pay rent, mortgage, or utility costs will not be able to continue its operations, making it impossible to pay its employees.

The timeframes for loan forgiveness and payback terms became problematic very quickly. When the CARES Act was signed into law in March, most policymakers generally anticipated that the economy would be up and running by the end of June. To the contrary, economic conditions went from bad to worse. Many states, towns, and municipalities extended stay-at-home and shutdown orders well beyond the June 30 deadline for PPP applications and for loan payback provisions.

DCA and many construction associations contacted SBA and lawmakers who serve on committees with SBA oversight jurisdiction to encourage policy that allows construction entities actively working on current projects, but who continue to face ongoing economic uncertainty, to be deemed to have certified in good faith that ongoing economic uncertainty makes their loan requests and forgiveness terms credible.

Enough pressure was applied and Congress actually moved to rectify these problems at record speed. On June 5 the Paycheck Protection Program Flexibility Act (PPP Flexibility Act) was enacted, and a collective sigh of relief was heard from American small businesses around the country. The act increased the spending period of PPP funding from eight to 24 weeks, meaning that unless employers elect to stick with the original eight-week time period, they are required to maintain their employee headcount for an additional 16 weeks, until either 24 weeks after the employer’s PPP loan originated or until Dec. 31, 2020, whichever date is earlier.

In addition, the measure confirmed that the “safe harbor” date for rehiring employees is extended from June 30 until the end of the year. The PPP Flexibility Act
also provided an exemption from employers who can show that they were unable to rehire individuals whom they employed as of Feb. 15, and that they were unable to hire similarly qualified employees for unfilled positions before the end of this year.

Other important provisions in the Act include:

• Requiring businesses to spend at least 60% of their PPP loans on payroll expenses to qualify for full loan forgiveness, down from 75% in the SBA’s interim rule.
• Allowing borrowers to defer principal and interest payments on PPP loans until the SBA compensates lenders for any forgiven amounts, instead of the current six-month deferral period. Borrowers that don’t apply for forgiveness would be given at least 10 months after the program expires to start making payments.
• Extending the minimum loan maturity period from two year to five years.

More Steps

The president indicated that he would ask Congress to pass more economic stimulus, including a payroll tax cut, even after the government reported an improvement in the unemployment rate in June that surprised everyone.

“We’ll be going for a payroll tax cut, we think that’ll be incredible in terms of what we’re doing because again we’re going to be bigger, stronger, better than we ever were,” Trump said in remarks at the White House to celebrate the jobs report.

A wide range of lawmakers, both Democrats and Republicans, are talking about another stimulus package, one that will likely address payroll taxes, infrastructure investment, and liability protections for employers as we continue to face the impacts of the COVID-19 pandemic. If and how much COVID-19 infection rates increase over the summer and into the fall will determine our response to the ongoing pandemic, on our economic recovery, and yes, on the November elections.

To say these times remain uncertain would be a huge understatement, but one thing is certain: DCA will continue to keep this industry included in the national conversation.
The COVID-19 pandemic and the turmoil of the first half of 2020 has impacted every industry in the country and the DCA is no exception. Due to continued travel restrictions and differing timelines from the states for reopening business, as well as DCA members’, both individual and corporate, decisions on personal safety and travel, the DCA Board of Directors has made the following adjustments to the operations of the association.

DCA Mid - Fall Meeting
Monday, October 5 – Thursday, October 8, 2020
Omni Grove Park Inn
Asheville, North Carolina

The July Mid Year Meeting in Asheville and the October Fall Meeting in Seattle have been canceled. In the place of these two major DCA events, a “Mid - Fall Meeting” has been scheduled for Monday, October 5 – Thursday, October 8, 2020 at the Grove Park Inn in Asheville, NC. This event will be a combination of the Mid Year and Fall Meetings and be held at the same hotel where Mid Year was planned to occur. The October dates will allow DCA to take advantage of the beautiful fall colors prominent in the hills of North Carolina and for the DCA family to come together for the first time since the convention. More details will be forthcoming and posted on the DCA website. Registration will open later this summer.

DCA 60th Annual Convention
Tuesday, March 2 – Sunday, March 7, 2021
Fairmont Scottsdale Princess
Scottsdale, Arizona

DCA has moved the 60th Anniversary “Diamond Jubilee” Convention to The Fairmont Scottsdale Princess in Scottsdale, Arizona, Tuesday March 2 – Sunday March 7, 2021. Registration will open in early November. DCA will return to the Fairmont Orchid on the Big Island of Hawaii in 2024.

The Five Diamond Fairmont Scottsdale Princess is surrounded by lagoons, fountains, fire pits, colorful desert plants and expansive green spaces – amid the sun-drenched Sonoran Desert and the majestic McDowell Mountains of Arizona. The Princess offers a long list of superb amenities expected from a world-class destination resort: Well & Being Spa, Two championship-level TPC golf course, sparkling pools, cabanas, and a 9,000 sq. ft. white sand beach. It’s not Hawaii, but it was decided that staying closer to home would be in the best interest of all our stakeholders.
Since the DCA 2020 convention in Boca Raton, the newly elected Board of Directors has not had an opportunity to serve the association or meet in person as a group other than by conference calls. The Executive/Finance Committee, the Past Presidents and the Board of Directors jointly agreed to have the 2020 Board of Directors extend their term office through 2021 and conclude at the 2022 convention. This will affect the programming of the 2021 Convention as there will be no elections and passing of the gavel.

Due to upcoming family commitments, DCA Vice President Ray Swerdfeger of K.R. Swerdfeger Construction and DCA Treasurer Kevin Parker of Mears Group will be switching officer positions. Effective immediately, Kevin Parker assumes the position of vice president and Ray Swerdfeger will become the association’s treasurer.
Save the Date for the DCA Mid Fall Meeting
October 5 - 8, 2020
Omni Grove Park Inn
Asheville, North Carolina

Registration will open late Summer
While the 2020 DCA Safety Congress had to take the year off due to the COVID-19 health crisis, the 2019 Safety Director and Safety Person of the Year awards were distributed to their respective recipients. Chris Moulden, corporate safety director for ARB in Lake Forest, California, was named 2019 Safety Director of the Year. Moulden has been with ARB for almost 5 years and in the safety industry for over 15 years. Chris has been described as a person who drives to develop the people around him to ensure success for the future to come. He believes in servant leadership and leading by example. His mission is to develop his people and help them achieve their professional goals. Moulden also received the 2016 DCA Safety Director of the Year award.

In addition to Moulden, Safety Director of the Year nominees were:
- Tony Hartman, Oz Directional Drilling, Scottsdale, Arizona
- Brad Over, Mears Group Inc., Houston, Texas
- Mike Villa, United Piping Inc., Duluth, Minnesota

The DCA Safety Director of the Year award began in 1998 to recognize the importance of the safety director’s role in today’s construction industry. The winning safety director must first be nominated by the management of their company. The finalists are selected by members of the DCA Safety Committee and then voted on by their DCA peers. The winner receives a $1,000 cash prize and plaque.

The Safety Person of the Year award, which recognizes an individual who has made a lasting impact on safety, was suggested at a Safety Congress a few years ago. Nominees can come from any department within a DCA member company.

The team of Phil Mauro, teamster and Kin Chan (George), welder/mechanic for The Hallen Construction
Co., Island Park, New York were named Safety Persons of the Year. Mauro has been with Hallen since 1988. He collaborated with Chan to develop a Control Retrieval Hook (CRH) tool. The CRH is a long fiberglass rod (approximately 7’ long) with a fabricated hook specifically designed for pushing, pulling, and maintaining control of steel plates. The CRH proved more effective compared to the Safe-T-Stick and utilization by the field workers increased. The utilization of the CRH will continue to curb a long-standing issue at Hallen Construction and throughout the industry. The CRH also has a significant cost savings versus the Safe-T-Stick.

Also nominated for the 2019 Safety Person of the Year were:

- Ken Crook of ARB Inc., Lake Forest, California
- Phil Helmer, Oz Directional Drilling, Scottsdale, Arizona
- Randy Lambert, Miller Pipeline, Indianapolis, Indiana

The 2020 DCA Safety Congress will be held March 29-31 at the Hyatt Regency Austin. Ken Crook of ARB Inc. and Caleb Scheve or Price Gregory will serve as co-chairmen of the event. ▲
Save the Date for the 2021 DCA Convention
March 2-7 2021
Fairmont Scottsdale Princess
Scottsdale, Arizona
Registration will open in late October
Save the Date for the 2021 DCA Convention
March 2-7 2021
Fairmont Scottsdale Princess
Scottsdale, Arizona

Registration will open in late October
Industry News

The OQIP Website is Now Live!
The website of the Operator Qualification Integrity Process or OQIP is now live at www.oqip.org. The site provides background and history on the process as well as resources and FAQs. Most importantly, it houses the OQIP guidance document, the road map to raising the bar on the integrity of the process.

**Structured Coalition of Industry Leaders**

In 2016, the Distribution Contractors Association created a task force to investigate whether and how the industry can improve the OQ process and provide more consistency in compliance with operator OQ programs. Recognizing pending adjustments by PHMSA to several provisions of the OQ rule, the task force believed a fresh look at and potential new approaches to OQ will benefit all stakeholders.

The work of the task force has evolved from a discussion of several OQ-related issues by an ad hoc group of interested stakeholders to a structured and chartered coalition consisting of DCA contractors, OQ service providers, Gas Operators, Regional and National Gas Associations, Industry consulting groups, & subject matter experts who represent various sectors of the Gas Industry from all areas of the nation. Staff from DCA and the American Gas Association also are supporting this effort. This group evolved and built a strong, Industry Coalition on OQ Integrity, establishing high expectations and placing validating measures in place to assure member organizations are performing with “the bar raised higher” than we have often seen in our industry.

The efforts of these members of the OQIP Coalition have created a fundamentally different, yet sound and robust process that creates a standardized approach to deploying all aspects of qualifying, training, testing, and auditing elements associated with OQ. The deliverables of this OQIP process lays out specific expectations and benchmarks for all who choose to strive for OQ excellence, and are willing to be audited and held accountable for operating at a higher level of OQ program effectiveness, auditing, and leading the American Gas Industry in safe, reliable, validating, and credible Pipeline Personnel Qualifications.

While the process is ongoing, the results of the work to date are now available to the industry through the new website of the Operator Qualification Integrity Process (OQIP) – www.oqip.org.

The OQ Integrity Process is not intended to be the basis of future regulation. While increasing consistency and standardization will result in “raising the bar” by going above and beyond current regulation, this will be achieved by voluntary actions overseen by Process participants.

For more information, please contact Rob Darden at rdarden@dcaweb.org.
The U.S. Department of Labor Occupational Safety and Health Administration (OSHA) has launched a coronavirus webpage that recommends how construction employers and workers can reduce the risk of exposure to the coronavirus.

Employers of workers engaged in construction should remain alert to changing outbreak conditions, including as they relate to community spread of the virus and testing availability.

In response to changing conditions, employers should implement coronavirus infection prevention measures accordingly.

The webpage includes information regarding:

• Using physical barriers, such as walls, closed doors, or plastic sheeting, to separate workers from individuals experiencing signs or symptoms consistent with the coronavirus.

• Keeping in-person meetings (including toolbox talks and safety meetings) as short as possible, limiting the number of workers in attendance, and using social distancing practices.

• Screening calls when scheduling indoor construction work to assess potential exposures and circumstances in the work environment before worker entry.

• Requesting that shared spaces in home environments where construction activities are being performed, or other construction areas in occupied buildings, have good air flow.

• Staggering work schedules, such as alternating workdays or extra shifts, to reduce the total number of employees on a job site at any given time and to ensure physical distancing.

For information visit: www.osha.gov/SLTC/covid-19.
Common Ground Alliance (CGA) has announced the findings from a new supplemental report examining near-miss data submitted to the Damage Information Reporting Tool (DIRT) from 2015-2018.

The report, which analyzes near-miss data separately from actual damage incident data, examines the characteristics that make near misses unique from damage events. Near misses to buried utilities are defined as events where a damage did not occur, but a clear potential for damage was identified.

This first-of-its-kind examination of the near-miss data set revealed several key takeaways and suggestions for new analysis. Primary among these findings was that the quality of near miss data submitted by excavators is higher than that of their damage reports, as these stakeholders appear to utilize DIRT to document locating issues and associated downtime. Near-miss data is analyzed separately from damage data.

Other key findings from the near-miss supplemental report include that reports submitted by natural gas and liquid pipeline stakeholders involve “transmission” as the facility affected and “no notification made to one call center/811” as the root cause in higher percentages than their damage reports. In addition, near-miss reports from locators are not significantly different from their damage reports in terms of root causes, facility operation or facility type affected.

“Damage prevention advocates have long recognized the value in collecting information not only about incidents that result in damage to our nation’s buried infrastructure, but also gathering data surrounding incidents which very nearly could have resulted in damage – those events that the damage prevention industry refers to as ‘near-misses,’” said Sarah K. Magruder Lyle, President and CEO of CGA. “Isolating and examining near-miss data helps us see what makes those situations unique for certain stakeholders, and has also illuminated paths for new data correlation and analysis, such as the potential for leveraging data from one call centers’ automated positive response (APR) systems to gauge the percentage of locate requests that are addressed late.”

“This analysis of near-miss data provides damage prevention advocates with new findings that we can use to gather additional and higher-quality information about breakdowns in the safe digging process, so that we can all work better together toward our goal of zero damages,” said Deanna Centurion, co-chair of CGA’s Data Reporting and Evaluation Committee and Principal at Cyera Strategies. “The near-miss supplemental report recommends that we promote greater usage and quality of these types of event reports to advance industry objectives.”

The complete DIRT Supplemental Report - Analysis of Near-Miss Events (2015-2018) is available for download at www.commongroundalliance.com, and stakeholders interested in submitting data to the 2020 report or establishing a Virtual Private Dirt account should visit the DIRT site at www.cga-dirt.com.

Established in 2000 to save lives and prevent damage to North American underground infrastructure by promoting effective practices, CGA is a member-driven association of nearly 1,700 individuals, organizations and sponsors representing every facet of the underground utility industry.
EPA Final Rule Confirms CWA 401 Authority

Earlier this month, the Environmental Protection Agency (EPA) issued a final rule that clarifies how states may implement Clean Water Act Section 401 (CWA 401) certifications required for pipeline project permits. The CWA of 1972 provided the foundation for regulating the discharge of pollutants in regulated waterways; CWA 401 allows states to determine whether any discharges from infrastructure projects are in compliance with water quality standards in that area.

While the intent is to ensure that states can more effectively regulate local land and infrastructure, in several states this has become a method to delay or create cost-prohibitive roadblocks to the development of interstate natural gas and oil pipelines.

After years of federal and state legislative combat, the Trump Administration’s EPA issued its final rule on the scope of CWA 401 authority. Importantly to the pipeline construction industry, the legislation:

- Requires states to act on pipeline permit applications within one year from the original submission by the developer
- Prevents states from rejecting project permit applications on grounds unrelated to water quality (such as climate change, air quality concerns, support for bike trails, etc.)

The final rule is in response to President Trump’s April 10, 2019, executive order (EO) that identified CWA 401 as “one source of confusion and uncertainty hindering the development of energy infrastructure” and directed EPA to update its regulations and guidance related to that provision.

The rule confirms the authority of entities with a role in the certification process in determining whether the discharge will comply with water quality requirements by limiting it to specific and enumerated sections of the CWA or state water quality requirements.

Specifically, the rule prohibits consideration of:
- Impacts from the activity as a whole
- State requirements unrelated to water quality
- Compliance with water quality requirements for waters that are not federally regulated
Importantly, the rule specifically restricts a certifying authority from delaying projects by requesting information on climate change, “air quality or transportation concerns, public access to waters, energy policy, or other multi-media or non-water quality impacts,” or to deny a certification based on these types of considerations.

The rule also clarifies appropriate actions in response to a certification request:

- Approve
- Approve with conditions necessary to meet water quality requirements
- Deny
- Waive the certification requirement

If a certification is denied, the authority must identify the specific water quality requirements with which the project would not comply, and explain why and what data or information would be needed to assure compliance.

Although this final rule is a big win for pro-pipeline advocates, it is fully expected to be challenged in federal court. Pipeline supporters are contacting state and local governmental entities and encouraging them to publicly support EPA’s final rule.

**Trump Executive Order Expedites Infrastructure Investment**

On June 4, President Trump issued an executive order (EO) to accelerate infrastructure investment as part of the nation’s response to ongoing economic damage resulting from the coronavirus pandemic. The EO directs federal agencies to take all reasonable measures to speed infrastructure investments and other actions to strengthen the economy and return Americans to work.

The EO also directs use of all relevant emergency and other authorities to expedite work on authorized and appropriated projects on:

- Highway and other infrastructure projects authorized by the Department of Transportation
- Civil works projects authorized by the Army Corps of Engineers
- All infrastructure, energy, environmental, and natural resources projects on federal lands authorized by the departments of Defense, Interior, and Agriculture

Permit reform is a longstanding DCA priority, especially since the permitting process for infrastructure has long delayed and even eliminated a wide range of important projects in a variety of markets. This EO instructs agencies to scale back environmental reviews in order to expedite approval of infrastructure projects such as pipelines, mines, and highways.

Since taking office, the president has moved to expedite oil and gas development, mining, and logging on federal lands by revising the rules that implement environmental law and reducing the number of projects that require a detailed environmental review under the law. The EO is consistent with the administration’s desire to provide infrastructure improvements that have been delayed for many years and are now heightened because of the economic and environmental impacts resulting from the current pandemic.

According to President Trump, “Unnecessary regulatory delays will deny our citizens opportunities for jobs and economic security, keeping millions of Americans out of work and hindering our economic recovery from the national emergency.”

The departments of Interior and Agriculture collectively oversee more than 600 million acres of federal lands, including national parks, forests, and other public lands. While there are sure to be jurisdictional fights and likely litigation, the White House isn’t showing any reluctance to push to take decisive actions to protect Americans and get the U.S. economy back on track.

The EO directs all agencies to identify planned or potential actions to facilitate the nation’s economic recovery that may be subject to the:

- National Environmental Policy Act (NEPA) emergency treatment, statutory exemptions, categorical exclusions, or already completed analyses that make new analyses unnecessary
- Endangered Species Act (ESA) emergency consultation regulations
- Clean Water Act (CWA) emergency treatment pursuant to regulations and nationwide permits
- Other statutes or regulations that may provide for emergency or expedited treatment of agency actions related to infrastructure, energy, environmental, or natural resources matters

**PHMSA Proposes Wide Range of Reforms in Pipeline Safety Regulations**

On May 28, the Pipeline and Hazardous Materials Safety Administration (PHMSA) released an early version of a Notice of Proposed Rulemaking (NPRM) that would amend the pipeline safety regulations in an attempt to ease regulatory burdens with respect to the construction, operation, and maintenance of gas transmission, distribution, and gathering pipeline systems.

Among the proposed regulatory adjustments are:

- Providing operators of farm taps that originate at regulated pipelines with options related to inspecting and maintaining pressure regulating equipment
- Exempting master meter operators from distribution integrity management program requirements
- Incorporating by reference several industry standards to increase the applicability of polyethylene plastic pipe, which is used in more than 95 percent of gas distribution systems
- Allowing pipeline operators to remotely monitor cathodic protection rectifiers and clarifying that inspections consist of recording both amperage and voltage measurements

Although the proposed revisions to pipeline regulations do not directly impact pipeline construction, DCA is encouraging members to provide input on these issues.

(continued on pg. 24)
CGA Technology Report Highlights Mapping, Cross Bores, and Locating Technology

Since 2012, DCA has been an active member of the Common Ground Alliance (CGA), the only national damage prevention organization dedicated to shared responsibility in underground damage prevention.

In 2018, CGA’s Technology Committee began issuing an annual technology report offered as a resource to help the industry identify existing technologies and the development of new technologies. In the 2020 report, CGA identifies gaps that might be filled by new or modified technologies, gaps that are in the process of being addressed by technology, and technologies currently in use. Many of these technologies have been used in other industries but may prove beneficial to the underground excavation industry. Efforts that improve existing technologies are also invited, and the potential for improved locating technologies is ever-increasing.

This year, the case studies in CGA’s Technology Report include:

- An integrated, multi-sensor, utility mapping system to real-world applications through data instead of human interpretation, helping determine the utility’s horizontal position and depth
- Technology to extract standing water within a sewer lateral, allowing optical cameras to obtain the imagery necessary to confirm the presence of a cross bore
- Detection technology that provides automated data processing and data collection so that users can locate underground utilities and visualize detected utilities

To access the 2020 CGA Technology Report, see www.commongroundalliance.com.

FMCSA Final Rule Includes Some Relief to Hours of Service (HOS) Regulations

Construction contractors maintain a range of different commercial motor vehicles (CMVs) subject to Federal Motor Carriers Safety Administration (FMCSA) regulations. These include flatbed trucks to carry heavy equipment, water trucks, dump trucks, and buses used to get workers to and from a given jobsite. Unlike long-haul interstate truck drivers who spend the vast majority of their on-duty time driving on public roads, drivers in our industry spend most of their time working on distribution systems, not driving on public highways or roads.

Drivers in the gas distribution construction industry are often exempt from FMCSA HOS regulations when they meet the criteria needed to fall under the Utility Service Vehicle (USV) exemption. However, the USV applies only when the driver is involved with operating, repairing, or maintaining the utility. Drivers working on new projects or build-outs on an existing distribution system that includes new construction are not exempt, so DCA has a vested interest in reforming HOS regulations to the extent possible.

Last August, FMCSA issued a Notice of Proposed Rulemaking (NPRM) that included several HOS adjustments, including:

- Changing the “short-haul exception” by extending the maximum number of hours a driver can remain on duty from 12 to 14 hours and adding two hours in adverse conditions
- Extending the distance limit within which the driver may operate from 100 air miles to 150 air miles under the short-haul exception
- Allowing drivers to be “on duty” during their required 30-minute break as long as they are not driving
- Allowing drivers to split their required 10 hours of off-duty time into two breaks (a seven-hour break for sleeping and another three-hour break when they choose)

In 2018, a coalition of excavation construction associations, including DCA, and organizations that comprise the “highway lobby” developed a set of comments to FMCSA’s NPRM. The comments supported the minor regulatory adjustments described above, but made it clear that the proposed rule didn’t go far enough to provide significant relief from HOS compliance.

In addition to suggesting a few additional minor reforms, the coalition recommended FMCSA to take a uniform and simple HOS exemption approach for drivers of vehicles in the utility, pipeline, and surface transportation sectors of the construction industry.

In mid-May, FMCSA issued the final rule on HOS, which included the provisions in the NPRM but little else. Achieving a uniform exemption for the three construction sectors described above will take legislative action. DCA is working with our coalition members to identify lawmakers who will take this issue on and sponsor language to provide a uniform exemption for drivers in the utility, pipeline, and transportation construction industries.

DCA and others fully support the HOS reforms offered in the final rule, but FMCSA received many comments from public safety watchdog groups and concerned citizens who didn’t want to see any reduction or mitigation of HOS regulations. This year’s surface transportation legislation – known as the INVEST Act – includes language by Houston Transportation and Infrastructure Committee Chair Rep. Peter DeFazio (D-Ore.) that would hold up implementation of the provisions included in the final rule while studies are conducted to further scrutinize the impacts of these provision. While this is little more than a stalling tactic, DCA will work with our allies to eliminate this language when the committee marks up the bill.
Calendar

DCA & Industry Events

2020

OCTOBER 5-8
DCA Mid-Fall Meeting
Grove Park Inn
Asheville, North Carolina
www.dcaweb.org

2021

JANUARY 26-28
Underground Construction Technology International Conference & Exhibition (UCT)
Music City Center
Nashville, Tennessee
www.uctonline.com

FEBRUARY 2-6
Pipe Line Contractors Association (PLCA) Annual Convention
Grand Hyatt Baha Mar
Nassau, New Providence
Bahamas
plca@plca.org

MARCH 2-7
DCA 60th Annual Convention
Fairmont Scottsdale Princess
Scottsdale, Arizona
www.dcaweb.org

MARCH 29-31
DCA Safety Congress
Hyatt Regency Austin
Austin, Texas
www.dcaweb.org

APRIL 5-7
DCA & AGA Utility Workshop
The Ritz-Carlton - Chicago
Chicago, Illinois
www.dcaweb.org

MAY 16-20
Pipe Line Contractors Association of Canada (PLCAC) 67th Annual Convention
Fairmont Empress
Victoria, British Columbia
Canada
www.pipeline.ca

JULY 21-24
DCA Mid Year Meeting
Fairmont Chateau Whistler
Whistler, British Columbia
Canada
www.dcaweb.org

SEPTEMBER 13-17
International Pipe Line & Offshore Contractors Association (IPLOCA) 2021 Convention
Prague
Czech Republic
www.iploca.com

ATTENTION ALL DCA MEMBERS!

So you do not miss out on future meeting and event notices, please have your company’s IT representative whitelist all emails from dcaweb.org. If you have any questions, please contact Teri Korson at tkorson@dcaweb.org.
Member News


“It was like a week of Mondays.”

That’s how Sharon McElroy summed up what it felt like to head into the office to tackle an ever-changing set of challenging circumstances in the first few days of the COVID-19 pandemic.

From responding to the latest news and addressing employee concerns to developing policies and communicating updated governmental guidelines, the vice president of marketing for Tulsa, Oklahoma-based McElroy Manufacturing, Inc., and her fellow company leaders found themselves in an unenviable position seemingly overnight.

The task was clear: provide stability in an increasingly uncertain situation. But how exactly? While the seriousness of COVID-19 was becoming readily apparent, information and guidelines related to the growing pandemic were changing daily by mid-March. Further complicating matters, a significant number of McElroy employees were coming off a successful trade show run at CONEXPO-CON/AGG in Las Vegas, and were in the process of returning to Tulsa right as elected officials began issuing their initial guidelines and mandates in response to COVID-19.

“It was like coming home to find out the world had changed,” said Sharon McElroy.

Fostering Stability In A Time Of Uncertainty

Three weeks later, everything has changed for McElroy, the company’s employees, and its customers.

“I feel like we are all living in some unreal Hollywood movie,” Chip McElroy, the company’s president and CEO wrote in a March 25 letter to staff. “From the chaos, the sensationalism, the ever-changing stream of directives, the loss of freedoms and the raw emotions we are all feeling, I have a deep appreciation for the stress and anxiety that all of us are living with as we work our way through this odyssey.”

Fostering organizational stability during a global pandemic has been a challenging and, at times, hectic undertaking for McElroy, and it’s not difficult to understand why. Every company – whether large or small – is comprised of a diverse set of employees, all of whom possess different personalities, backgrounds, and skill-sets. McElroy is no different. When COVID-19 began to upend the company’s day-to-day activities and processes, company leaders were quick to recognize that staff members would have a wide range of responses to the growing public health crisis.

Some employees are quite fearful, especially those with families while others are far less concerned. What’s universally consistent among McElroy employees, however, is a willingness to listen to what’s communicated by company leaders and – perhaps more importantly – comply with newly formed company policies to ensure the safety and well-being of everyone.

Accepting a “New Normal”

The “new normal” brought on by the spread of COVID-19 has required a shift in culture for McElroy. The company is proud of its tight-knit staff, but now everyone and everything feels much more spread out due to social distancing guidelines.

Employees who are able to telecommute alternate days spent in the office and at home to ensure the fewest possible number of people are in the same place at any given time. Conference rooms, once occupied by large groups engaging in regularly held meetings, now face strict occupancy limits. Video conferencing has become a primary mode of communication, much like
it has for other organizations and businesses around the country.

“As a manufacturing company, we don’t do a whole lot of remote work,” explained Sharon McElroy. “We’re family-oriented, and we’ve always embraced a philosophy of being ‘One team, one company.’”

Many within the organization can’t help but wonder when it will be safe or appropriate to conduct certain tasks and responsibilities again, when everyone can return to work at the same time, or when the company’s focus will fully return toward providing valuable products and services for customers. So much has changed in such a short time, leaving everyone to adjust accordingly as quickly as possible.

“I feel like we’re also just trying to communicate with customers that we’re still in business and we can help them,” said Sharon McElroy.

Lessons Learned
Times of crisis often lead to lessons learned in a matter of only a few days and weeks. McElroy Manufacturing’s leaders appreciate the importance of good communication and transparency now more than ever – both with their employees and with their customers.

“We’ve always had a culture of open communication, and this crisis brings the importance of that to a whole new level,” said Sharon McElroy. “It’s a lesson that we will remember.”

The company has also taken great care to ensure that employees know they will be taken care of during these unprecedented times. Whether it’s through providing additional sick time, adjustments to pay structure, or implementing safety precautions and procedures related to social distancing, hand-washing, limiting group sizes, or regular disinfecting, organizational leaders are doing whatever they can to provide as much stability as possible. Ultimately, the goal is to ensure that McElroy’s workforce knows it’s safe, secure, and valued when at work and on the job.

According to Sharon McElroy, the emphasis on communication and transparency has made navigating the current COVID-19 health crisis much easier for employees at the company, and it has certainly helped limit unnecessary panic or concern. However, despite the best efforts of everyone at McElroy, uncertainty regarding the future still remains.

“I think people feel pretty secure, but the uneasiness for me comes from ‘How long is it going to last?’” she said. “Sometimes you need that ending to look toward. And when you don’t have it, honestly, it’s tough.”

Doug Banning to Retire from Miller Pipeline and MVerge, Kevin Miller to Senior Advisor, Dale Anderson to serve as President and Chief Operating Officer
Miller Pipeline, LLC, one of the nation’s premier natural gas distribution and utility contractors, announced recently that Doug Banning, Chief Executive Officer of Miller Pipeline and Minnesota Limited (collectively MVerge), will retire on July 2, 2020 after 35 years of service. Additionally, current Miller Pipeline President Kevin Miller will transition to a new role as Senior Advisor, and Executive Vice President Dale Anderson will be appointed President and Chief Operating Officer of Miller Pipeline.

Banning joined Miller Pipeline in 1985 as a cost accountant and has served as CEO since 1998. Over the course of his 35-year tenure, Banning helped propel Miller Pipeline from a company of 350 employees with revenues of $40 million to over 5,000 employees with revenues exceeding $1.3 billion. Doug’s strong background in accounting and finance helped him champion innovations and improvements around productivity tracking and performance development, all while never losing focus on what matters most, the people.

Doug will remain involved with Miller Pipeline and Minnesota Limited at a strategic level by joining the PowerTeam Services Board of Directors effective July 3, 2020.

After 16 years as president of Miller Pipeline, Kevin Miller will be moving to a Senior Advisor role effective June 26, and will be supporting Miller Pipeline through the end of the year. Kevin started his career in 1973 and has worked in nearly every capacity at the company. He began as a general laborer in the field, advancing his career until he was named president in 2004. Kevin takes an active role in building relationships within the underground utilities construction industry, and he will continue to foster those relationships in his advisory role. In January 2021, Kevin will retire from Miller Pipeline and transition to
Senior Advisor for parent company PowerTeam Services.

“Kevin has contributed 47 years of experience to Miller Pipeline and his influence will continue in this new position,” Banning stated.

Executive Vice President Dale Anderson will succeed Kevin Miller, and starting June 26, 2020, will be President and Chief Operating Officer of Miller Pipeline. Anderson has over 34 years of experience in the natural gas industry and 11 years of commitment to Miller Pipeline.

“I look forward to continuing on with the impressive foundation that Doug and Kevin built and providing more opportunities for the company. Our culture and core values will continue, and our valued customers can continue to expect best-in-class service moving forward,” Anderson said.

Caterpillar Announces Acquisition of Robotic Expertise

Caterpillar Inc. announced they’ve acquired select assets and hired employees from San Francisco, Cal. based robot and autonomy technology solutions company Marble Robot, Inc.

The acquisition is part of Caterpillar’s automation and autonomy strategy and demonstrates its commitment to the next generation of jobsite solutions. Building on its leadership in autonomous mining, the company plans to leverage the deep expertise of the new team to bring
scalable solutions to meet the changing needs of construction, quarry, industrial and waste industries.

The new team is comprised of leading roboticists with a deep background in the robotics industry. Caterpillar intends to leverage the team’s fully integrated on-board autonomy technology – including perception, localization and planning – to continue delivering smart, safe, more productive and cost-effective solutions to customers.

“We’re excited to join the autonomy team at Caterpillar,” said Kevin Peterson, former Marble CEO, now Caterpillar technologist. “In many ways, this completes a full circle for me. I had the privilege of working with Caterpillar early in my career at Carnegie Mellon, where they sponsored the development of the first generation of self-driving vehicle software. Now, with the acquisition of the Marble team, together we will drive the next generation of autonomy solutions for Caterpillar customers in the construction, quarry, industrial and waste industries.”

Caterpillar is well-positioned to grow services based on its large installed base of connected equipment, outstanding field technology and decades of product, service and application expertise to turn that experience into useful insights for our customers. The company will continue to make investments in emerging technologies, like automation and autonomy, in order to bring innovative solutions to meet the industries’ challenges.

“Our customers need the best solutions for running an effective jobsite, with improved operator productivity, lower operating costs, and greater efficiency brought by autonomous solutions,” said Karl Weiss, Caterpillar Chief Technology Officer. “That’s why we’re continuing to invest in the areas of automation, remote control and autonomy.”

Next-Generation Ditch Witch RT80: Designed for Versatility
Underground construction in urban areas can be a constraining and uniquely challenging experience – especially without a versatile and maneuverable machine. Enabling contractors and operators to overcome these challenges inspired improvements to an already proven Ditch Witch ride-on trencher, the RT80.

The new, modern RT80 trencher brings a narrower, more modular design and added versatility to the
Ditch Witch family of trenchers. The slimmer model is ideal for heavy-duty trenching, vibratory plowing and microtrenching in confined urban and residential areas where larger machines cannot maneuver as freely.

With the typical residential street lane having a width of 11 feet, the RT80’s footprint of just over 6 1/2 feet gives operators plenty of room to work, without disrupting the surrounding area.

“The RT80 trencher was built to adapt,” said Chris Thompson, Ditch Witch product manager, heavy-duty trenchers. “Faced with tighter deadlines, smaller budgets and more congested underground networks, contractors need a utility trencher that can fit and function in any environment.

Moving between job sites is also simplified by a modular track-frame that allows tires and tracks to be easily interchanged in the field. And when it’s equipped with tracks, the trencher fits on a standard drop-deck trailer for easy transport.

The updated design improves the RT80 trencher’s versatility, but it still delivers the productivity and ease of use that the machine’s users expect. Built for heavy-duty work, RT80 is powered by a 74.5-horsepower Deutz, Tier 4 diesel engine. It delivers a best-in-class static load rating of 35,407 pounds and a wide-axle rating of 39,000 pounds.

Its three-speed, shift-on-the-fly ground drive system increases productivity by allowing operators to select the correct range without needing to stop work. And it can work in any terrain or weather condition. An advanced cruise-control system senses engine load and automatically adjusts ground drive speed to changing soil conditions for superior traction and maneuverability.

Komatsu Commits to Supporting Feeding America as National Partner in COVID-19 Response Efforts

More than 37 million Americans face hunger each year and as the COVID-19 pandemic pushes an additional 17 million Americans into food insecurity, Komatsu’s North American business units are partnering with Feeding America, the nation’s largest domestic hunger-relief organization, to donate up to $250,000 to support the organization’s work.

“The hunger crisis is growing quickly in the face of COVID-19,” said Rod Schrader, Chairman and CEO of Komatsu’s North American operations. “We are honored to partner with Feeding America to support their work to rapidly scale to meet the rising needs of our communities.”

The situation is changing rapidly, but Feeding America predicts its network of local food banks will need an additional $1.4 billion over the next six months to provide food assistance to people facing hunger — a 30 percent incremental increase to the nonprofit organization’s operating costs. The network of 200 food banks partner with more than 60,000 soup kitchens, food pantries, churches, and other community organizations to deliver food, even in the midst of a global pandemic.
American Augers was founded in 1970, focusing on the production of the auger boring machine. Today the product lines span Auger Boring, HDD, Trenchers, and Surface Miners. Their facilities are 241,000 square feet of building space located on just under 30 acres of land in West Salem, Ohio. In order to have the highest level of control over the manufacturing process, a large majority of the work is done in-house, including machining, electrical, and hydraulics.

Carson Corporation
www.carsoncorporation.net

Carson Corporation is located in Lafayette, NJ. Their offices, maintenance shop, equipment yard and material storage building are all conveniently together on a 25 acre facility. Having ample space affords them the ability to test the latest equipment, provide employees with hands-on training and investigate new technologies in a controlled environment.

American Augers
www.americanaugers.com

YAK ACCESS
www.yakaccess.com

YAK ACCESS is a complete access company providing matting solutions, installation and removal of temporary roads, construction of permanent access roads, civil services for various construction industries throughout North America. Through the experience of their combined teams YAK MAT, New South, and BluRoc, they bring expertise to the access sector that is unmatched in the industry.