

THE FLOW

MAY 2024

Upcoming Events

May 16th
Night at Jacksonville
Jumbo Shrimp
6:00 Buffet
7:05 Game



May 30th
Trench Safety Stand
Down Kick-off
Northeast Florida Safety
Council
8:00 am

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PRESIDENT'S MESSAGE

Dear Friends and NUCA members,

This April has seemed drier than years past. I hope that it has been productive weather for everyone as we move towards summer. We have been a Chapter of NUCA for 35 years now and I'd like to thank all the members for your support and exceptional work advancing the utility construction and excavation industry in our North Florida region. Your unwavering support has allowed us to persevere through the lows and enjoy the highs and is noticed.

In April we held our annual golf tournament at St. Johns Golf & Country club. Thank you to all the event sponsors and the teams for the fellowship. Also, thank you Kathy, golf committee, and event volunteers for your diligent work and planning to make this event a success.

We have more opportunities to fellowship in May with the Jumbo Shrimp Night May 16th, and SDF Trench safety stand down kick-off May 30th. As the summer months approach let's keep our tradition of working safely. This chapter has now had members awarded the "William H. Feather award" two years in a row. Congratulations to Petticoat-Schmitt Civil Contractors for being awarded this year for your excellence and execution of safe work.

We are watching the political races, and bills proposed to ensure our industry is secure. If you have any concerns, please contact Kathy or me so that we act and ensure our best interests are accommodated.

Best regards,

Caleb

Caleb Hurlbert

Project Manager

A.J. Johns, Inc.

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churlbert@ajjohns.com

2024 NUCA of North Florida

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Fortiline Waterworks
Linder Industrial Machinery
Nimnicht Chevrolet
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Ring Power Corp.
Synergy Equipment

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Petticoat-Schmitt Civil Contractors
Rinker Materials

CALENDAR OF EVENTS

Upcoming Events

May 14th

Executive Committee &
Board of Directors
Meetings

May 16th

Jacksonville Jumbo Shrimp

May 22nd to 24th

NUCA Washington Summit
Washington, D.C.

May 30th

SDF Trench Safety Stand
Down Kick-off
NEFSC
8:00 AM

June 17th to 21st

Trench Safety Stand
Down Week

June 18th

Executive Committee
Meeting

July 11th to 13th

NUCA of Florida Conference
Hyatt Regency Coconut Point
Bonita Springs

The Law and Your Business

The Law and Your Business – Inadequate Safety Equipment

Tony Zebouni, Lindell, Farson & Zebouni, P.A.

Directing a worker to perform potentially dangerous work without adequate safety equipment may result in individual liability to the officer directing that work.

In a recently reported case, a worker fell while securing a tarp on the roof of a two-story residence in preparation for an insurance inspection. He subsequently filed suit against the president of his corporate employer, contending the president breached a duty to furnish adequate safety equipment. Borges was the president of the company, and he “controlled and “oversaw all aspects” of the construction projects.

Previously, Borges dispatched the worker to place a tarp on the roof of another residence damaged during Hurricane Irma. Although Worker was not provided with any safety equipment, the tarp was installed without incident.

The worker was at another construction site when he learned of a problem that had arisen with a tarp allowing a water intrusion. Borges “had given the order” to take corrective action. Ostensibly sensing some urgency, the worker went to the site with the other men the following morning. The worker mounted the roof without any safety equipment and fell and sustained significant bodily injuries. The worker then filed suit against Borges and the company. Borges argued that he had no duty to provide safety equipment and he enjoyed the “corporate shield”.

A contractor has the duty to provide a safe work site. A person or entity that controls and supervises the job site has a duty to provide workers on the job with a safe place to work. Consequently, the contractor can be held liable for a dangerous condition it “negligently created or approved.”

Individual officers and agents of a corporation are personally liable where they have committed a tort even if such acts are performed within the scope of their employment or as corporate officers or agents. Borges engaged in misfeasance, rather than mere nonfeasance.

Needless to say, all officers and supervisors should never instruct or direct their workers to engage in a potentially dangerous action without proper safety equipment.

CLAUDIO WORKER, et al., Appellants, v. ALFREDO L. BORGES, et al.

GOLF TOURNAMENT RESULTS

We had a picture perfect day on April 23rd for our annual golf tournament. This year, our tournament was sold out in less than 24 hours! Thank you to everyone who sponsored or played in the tournament. A special thank you to our registration helpers Valinda Krynicki, Molly Berry, and Kim Bryan . If you have any feedback about our event, please email Kathy at nucanf@gmail.com.

**1st Place Team:
Core & Main
Score: 45**



**2nd Place Team:
Acme Barricades
Score: 47**



See our sponsor list on page 11 and photos on page 12 & 13.

Contest Winners

Longest Drive #2

Closest to the Pin #5

Longest Putt

Skirts for Steak

Liquor Raffle

Matt Dupuis

Robert Metcalf

Jim Zenone

Kyle Davenport

John Woody, Inc.

WELCOME NEW MEMBERS

Please join me in welcoming the following company who recently joined our association.

Equipment Share Advanced Solutions

Contact: Adam Beasley

6575 Blanding Blvd

Jacksonville, FL 32244

Cell: (904-562-8751

Email: adam.beasley@equipmentshare.com

Website: www.equipmentshare.com





State Revolving Funds Restored To FY2023 Levels

To a heavy sigh of relief, President Biden signed the FY2024 appropriations package restoring billions to the federal programs providing this industry's resources for new water and sewer infrastructure. NUCA's lobbying and grassroots efforts since last summer directed at restoring this funding after House Republican appropriators cut almost \$2 billion ultimately delivered real, tangible results for the American utility construction industry.

"The nation averted almost \$2 billion in cuts to two critical water and wastewater infrastructure programs with the passage of this Fiscal Year 2024 appropriations bill," said Doug Carlson, NUCA chief executive officer. "Clean water should never again be a political football tossed between political parties."

In the appropriations package signed into law by President Biden on March 8, EPA's State Revolving Fund programs were funded at FY 2023 levels, with the Clean Water State Revolving Fund (SRF) receiving \$1.639 billion, and the Drinking Water State Revolving Fund receiving \$1.126 billion. The bill funds the EPA and a number of agencies through Sept. 30, 2024.

Worker Walkaround Rule Goes Into Effect May 31

USDOL through OSHA published a final rule April 1 to change the way in which an employee representative can be selected to accompany the Compliance Safety and Health Officer during a workplace inspection. The final rule clarifies that the representative(s) authorized by employees may be an employee of the employer or a third party.

NUCA and other trade associations are very critical of this misuse of OSHA's safety authority, with NUCA CEO Doug Carlson stating in our [media release](#), "The flawed new rule does nothing to advance safety on a construction jobsite. This rule forces construction businesses to oblige third parties who do not possess safety expertise to disrupt a jobsite."

NUCA and our CISC construction coalition partners submitted comments earlier arguing against the rule's adoption, citing several concerns with the policy changes when they were first proposed. The rule will go into effect on May 31, with OSHA publishing [its list of FAQs](#) on the day of rule's public release. CISC is exploring litigation to challenge the rule with a focus on the construction industry.

2024: NUCA's 60th Anniversary!

NUCA turns 60 years old in 2024, and we'll be celebrating throughout the year this important association milestone. We'll be recognizing the association's numerous contributions to the construction industry since our incorporation on April 11, 1964. Since the beginning, our association has been instrumental in promoting the interests of the underground utility and excavation contracting industry before legislators and regulators, and has worked tirelessly to secure more funding for America's aging underground infrastructure. Over the past 60 years NUCA has been the strongest force in improving safety and business conditions throughout the \$152 billion American utility construction industry. We know you'll want to join us throughout this year in celebrating this shared achievement.

SAFETY NEWS

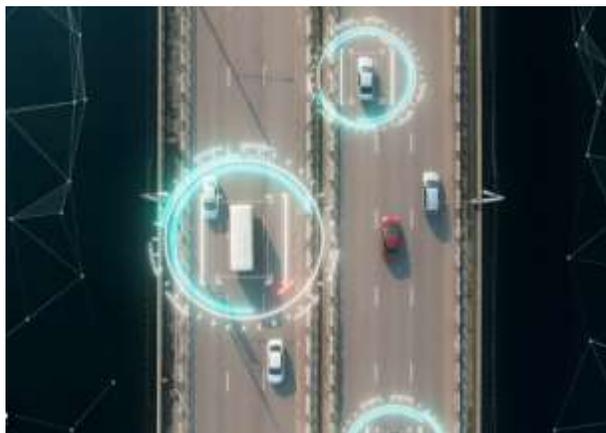
By Jeff Blomgren
Safety Director at Petticoat-Schmitt Civil Contractors

Telemetry-Is It Worth It?

What is telemetry? Telemetry is the automated collection of information about objects that are far away and the transmission of that data to a central location. Anyone that has had to wear a heart monitor can understand the benefits of that device in collecting and relaying information to health care professionals. In much the same way, telemetry for vehicles is relaying beneficial information to the fleet management system on the health and efficient operation of the vehicle.

While GPS supports fleet operations by telling you where your vehicles are, a full rounded telematics program can translate data related to optimizing safety, security, fuel efficiency, vehicle health and many other fleet management aspects. This information can be used to coach drivers on the safe and efficient operation of the vehicle and by detecting abnormal behavior or defective mechanical issues that could result in a significant negative impact in terms of exposure and efficiency. An unsafe driver is a liability. With your name and logo emblazoned on the side of your vehicles, you are a target for opportunists to take advantage of abnormal operating behavior and capitalize on the legal action process resulting in increased liability costs and an impact to the bottom line of the company. Telemetry systems can expose unsafe drivers and the company is better able to handle the situation by providing driver education and vehicle adaptation such as speed limiters to minimize the maximum speed allowed. Other driving habits can be monitored such as quick starts, excessive braking and behaviors that affect efficiency and fuel consumption.

Other benefits of telemetry are used to track location and plan routes, and track deviations in routes that affect delivery and fuel use. Telemetry can also report crash data and support the company in minimizing claims. It can improve sustainability by exposing mechanical issues before they become a significant disabling factor. Telemetry is a significant deterrent to theft and can assist in quick recovery. In short, the investment in telemetry is just another tool that can make the efficient and responsible operation of the fleet operations and could provide a significant return on investment for the company.



JUNE IS TRENCH SAFETY MONTH!

Safety Training and Protective Systems Save Lives



Trench Safety Stand Down Week | June 17–21, 2024

Make plans for your company to participate in the 2024 NUCA Trench Safety Stand Down (TSSD) Week. Being a part of our popular 8th annual TSSD Week will help educate your employees on trenching hazards at the jobsite.

OSHA's National Emphasis Program on Trenching and Excavation is a high agency priority. Sponsored this year by NUCA National Partners United Rentals and Sunstate Equipment Co., NUCA and OSHA have teamed up for our annual trench safety program. More than 25,800 employees on 2,487 jobsites from 455 companies participated in the 2023 TSSD.

Every company or organization that holds a TSSD will receive a certificate of participation, as well as hard-hat stickers for every employee who participated. Recognition will also be given in NUCA publications. Please plan for your company to be a part of this vital industry safety event this year.

2024 TSSD Sponsored By



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L.G. Roloff Construction
National Trench Safety
Petticoat-Schmitt Civil Contractors
Team Fishel
United Rentals

Also Sponsored by NUCA's Safety Ambassadors Club

For more details and TSSD materials: nuca.com/tssd #TSSD24 #TrenchSafetyMonth

HITTING PAYDIRT



Digger Day transforms the simple act of playing in the dirt into a powerful gesture of hope and support for young cancer warriors. From bulldozers to mazes to giant sand piles, Digger Day gives a whole new meaning to getting your hands dirty for a wonderful cause. The annual event centers on heightening awareness of child cancer, raising funds for the Child Cancer Fund (CCF), and giving children — from tots to teenagers — one special day to celebrate them.

The second weekend in April, Petticoat-Schmitt Civil Contractors and Beard Equipment partnered with 59 sponsors for the third annual Digger Day 2024, together raising over \$66,000 for the children's charity and hosting over 180 children from the organization participating. These resilient children, along with their families, hit the dirt playing in a giant sand pile, racing through a specially constructed maze, navigating a pipe crawl, creating sand art, ziplining, and jumping around a bounce house.

"The excitement of driving these larger-than life machines and all the activities gives them a chance to forget about cancer for a while and just enjoy being a kid. We hear from so many families about how it is their favorite event, and that's all because of the kindness, compassion, and faith in the CCF mission shown by Petticoat-Schmitt and their partners."

Carta Montgomery, Executive Director
Child Cancer Fund

Perhaps the biggest draw, however, was the chance to operate heavy machinery. After donning safety glasses, vests, and hard hats provided in goody bags, and participating in a hands-on demonstration of proper bulldozing techniques, eager kids climbed aboard a bulldozer and moved some dirt, all under the expert supervision of Petticoat-Schmitt volunteers. "It was a day filled with laughter, joy, and, most importantly, love for the kids and families of the Child Cancer Fund. It's moments like these that truly define us as a team and as a company," said Lauren Atwell, President and COO, of Petticoat-Schmitt.



The morning was dedicated to the children from CCF, and the afternoon was opened to the children, and children at heart, from Petticoat-Schmitt, Beard, and the supporting sponsors who made the event extraordinary. "From our first year, we knew that we had to make this an annual event. It's been a very rewarding experience to be part of Digger Day and work with the Child Cancer Fund," said Brandi Manning, Director of Team Development at Petticoat-Schmitt. Since its inception in 2022, Digger Day has donated over \$100,000 to CCF assisting them in their efforts to help local families in Northeast Florida and Southeast Georgia through the challenges of childhood cancer.





2024 NUCANF GOLF TOURNAMENT



Platinum Sponsor—Beard Equipment Company

Golf Cart Sponsor—Alta Equipment Company

Vendor Showcase Participants

Advanced Drainage Systems	Linder Industrial Machinery
Beard Equipment Company	MWI Pump Rental
Case Power & Equipment	Oldcastle Infrastructure
Cecil W. Powell & Company	Port Consolidated
Company Wrench, LTD	Rinker Materials
Custom Pump & Controls, Inc.	Sunstate Equipment Co. LLC
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Florida Pumping Solutions, Inc.	United Rentals Trench Safety
Fortiline Waterworks	Walthall Oil Company
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Event Sponsors

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Vallencourt Construction Co., Inc.	Lunch Sponsor

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Core & Main	Sunstate Equipment Co. LLC
ECS Florida, LLC	Synergy Equipment
Gate Fuel Service, Inc.	United Rentals Trench Safety
J.B. Coxwell Contracting, Inc.	Vermeer Southeast

GOLF TOURNAMENT PHOTOS



THANK YOU VENDOR SHOWCASE SPONSORS!

MORE GOLF TOURNAMENT PHOTOS



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Introducing Damage Prevention Councils!!

By Brad Martin
811 Safety Education Rep – North Florida

As many are aware, Sunshine 811 is designated by the Florida Statute 556 as Florida's 811 notification center, or "811 Before You Dig". Many believe Sunshine 811 is in place to regulate or enforce the law, but that is simply not the case. We educate stakeholders on requirements and facilitate connections among them, aiming for mutually agreed resolutions and their successful implementation. Our primary objective is to foster communication, ensuring safety and minimizing damage in excavation projects.

To better help reach the goal of increased communication, we are introducing Damage Prevention Councils in Florida, which will be the state's only collaborative forum discussing damage prevention. The purpose is to regularly gather excavators, underground facility owners, line locators, enforcement entities and other stakeholders to share ideas and discuss solutions, specifically focusing on ways to improve the 811 process, increase safety and reduce damages.

The planning is still in the early stages, but we look to hold statewide meetings virtually, with regional meetings in-person, hybrid, or virtually, depending on how the regional members feel best suits their needs. We want as many stakeholders as possible to participate so that we can get a full picture of the needs and issues, learning each other's perspectives, helping us better understand how to improve each role. We simply encourage that everyone treats all participants with respect, regardless of their role or opinion, approach challenges with a problem-solving mindset, and be open to doing things a different way, accepting constructive feedback and willing to adjust your approach.

Your voice and perspective will help all parties improve the process, help each other, and ensure public safety while reducing damages to underground facilities, and make Florida – which is experiencing unprecedented growth and construction activity – the safest place to dig. You'll also be part of a national initiative launched by Common Ground Alliance to work to reduce damages by 50% in 5 years.

Visit our website for more info: <https://sunshine811.com/dpc>

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CONTRACTOR

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A.J. Johns, Inc. is a Jacksonville based complete site development contractor. We began in the local industry in April of 1970. In the beginning we only provided utility needs to our clients, but in 1983 we expanded our services to include all scopes of a complete site development contractor to better serve our clients, both public and private.

Our company founder, Mr. AJ Johns is a long-time respected leader in the Jacksonville business community. Our goals and mission at A.J. Johns, Inc. have remained consistent over the past 50 years. We strive to provide a turnkey approach to many types of developments.

A.J. Johns, Inc. has the leadership, trained and dedicated staff who continue to evolve in order to meet the needs of our clients. We strive to create strong and understanding relationships with our clients, engineers, vendors, and subcontractors through communication, teamwork and most importantly, a positive attitude. We have a reputation for delivering quality and cost-effective services and we are fully committed to exceeding the expectations of our clients. Building new relationships and strengthening long term acquaintances is key to both past and future success.

At A.J. Johns, Inc. our employees receive continuous training to keep them abreast of our ever-changing industry. Internal job training and employee development brings an added plus to the efficiency of our organization.

Our industry has faced many ups and downs over the years, but the most important assets to any company is its employees. We continue to invest in the future of our industry by creating new avenues to increase employment in our industry. All of our futures dwell in the minds of the coming generations. We must show them through example that the construction industry provides a pathway to a successful and a fulfilling future. We must invest in the future of our industry by instilling the morals and knowledge of what made us who we are today.