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Inside**



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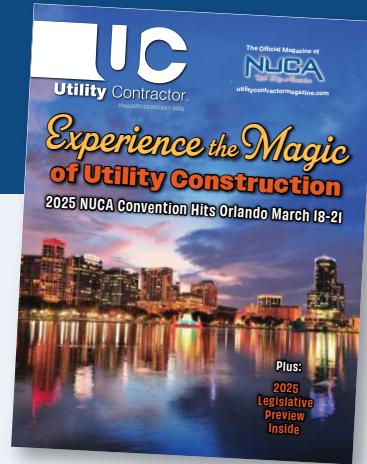
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NUCA's 2025 Convention & Exhibit will take place March 18-21 at the Hyatt Regency Grand Cypress Resort & Spa in Orlando, Florida. Don't miss this great opportunity to learn and network with peers from across the country!



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NUCA

Chairman's Message



Strong Leaders Build Strong Organizations

Another year begins, which means those of us who have served as Chairman of NUCA begin taking stock of what they have achieved over the past year as the volunteer top executive leader of America's utility contractor association.

Good leaders organize and align people around the tasks and teams needed to achieve an objective. But great leaders motivate and inspire people with why they're doing it.

Over the last year, I've been motivated by listening to our membership and the endless spirit and diverse skills they bring to our industry and our association. At the end of the day, NUCA exists for you, the contractor and supplier member, and what you say is important to me.

Each of us has a part to play in NUCA. And NUCA's leadership over the last year has listened to you and your thoughts about how to make your contributions help us achieve even greater successes.

I've been to Chapter meetings in Oklahoma, Kansas City, Washington State, South Florida, North Texas, Florida State, Tennessee, Kentucky, Austin, and Arizona, talking to Chapter leaders and members about every subject affecting our industry. And over the last year, I've taken those discussions and turned them into action items.

We've embarked upon delivering our industry the next generation of leaders and employees through NUCA's acquisition of Dozer Day, our exciting workforce development program for young men and women. We've continued our work on Capitol Hill, reminding our national leaders of the importance of federal resources to build better infrastructure in hundreds of American communities. In 2025, we will be working with a new Administration and Congress to deliver more of these resources and more reforms to our members. And we've continued our programs to build NUCA's membership base in new regions and states, and grow it in established Chapters.

Looking back, I think I've made a difference through my leadership, but I depend upon listening to all of you and your ideas to help me lead our association to an even stronger position. And I know I've left our incoming Chairman an association and a membership eager to continue building upon our successes.

Serving on the NUCA Executive Committee and as Chairman has been a positive experience for me, and I encourage other industry leaders to consider this honor. I have met hundreds of NUCA members over the last year, and have learned so much from them and our discussions about NUCA and what their membership means to them. Finally, I'm thankful for NUCA's hard-working staff and their support over the last several years to prepare me for this job and its many challenges.

Thank you for the opportunity and the honor to serve as NUCA's Chairman. I wish each of you much success in 2025 as together we will build the essential underground infrastructure for our magnificent nation.

Sincerely yours,
Tony Privitera
NUCA Chairman of the Board / Mark One Electric Co.

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House Transportation & Infrastructure Chairman Graves Retains Leadership Position in 119th Congress

The National Utility Contractors Association (NUCA) congratulates U.S. House Transportation and Infrastructure Committee Chairman Sam Graves on the Republican Steering Committee's (RSC) recommendation for him to continue serving as committee chairman in the new 119th Congress. Our overall success in this election through NUCA's campaign involvement helped House leadership recognize NUCA's influence on water infrastructure issues and the need to continue with existing House leaders.

"Chairman Graves is the right man for the job," said NUCA CEO Doug Carlson. "His leadership has been instrumental in the passage of the Water Resources Development Act and the Federal Aviation Administration reauthorization this session, and has made strong contributions to several other historic infrastructure laws since he joined the House's influential infrastructure committee. NUCA has been proud to support Chairman Graves over the years, and continue our strong support for him as the best Chairman to lead this legislative body in the new Congress."

Under House Republican Conference rules, a waiver was needed to serve beyond a combined six years as Committee Chair or Ranking Member. Chairman Graves only served as Chairman for two years out of the six, and his leadership during that time has been exemplary. NUCA was pleased that the RSC voted to issue Chairman Graves a waiver, and strongly supports Chairman Graves continuing as this committee's chairman.

With NUCA's help, Chairman Graves's leadership continues to be recognized by the RSC as extremely influential on underground infrastructure issues. Chairman Graves helped to pass key infrastructure legislation in a divided government. Now, working in tandem with the White House and a Senate majority, NUCA looks forward to the chance for him to implement a broader agenda that helps America's underground infrastructure industry members.

NUCA has strongly supported Chairman Graves across his time as committee chairman, awarding him our prestigious "We Dig America" award in May 2023. NUCA also endorsed and strongly supported him in his 2024 reelection campaign.

"Under Chairman Graves, Transportation & Infrastructure was one of the most productive committees of the 118th Congress. We look forward to working with him and his team to tackle the challenges ahead, including unfinished business from the 118th,



the next major Surface Transportation reauthorization in 2025, and the future reauthorization of the two critical water infrastructure State Revolving Funds in 2026," concluded Carlson.

NUCA's influence and standing with Congress continues to grow, as we work to advance the interests of the builders of America's underground infrastructure. Our members will always seek to support lawmakers who know the benefits of infrastructure projects on their state's economy, and who recognize the importance of delivering clean water, natural gas, broadband services, and electric power to their constituent's homes and businesses. Working with Congressional resources, NUCA member's skilled employees are able to build and maintain this subsurface infrastructure for our nation's benefit and success.

NUCA and our members look forward to the House Republican Conference vote to approve Chairman's Graves new term in the 119th Congress. NUCA is confident Chairman Graves will lead his House committee to even greater successes in 2025 and beyond.

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Vermeer Southeast Earns Pinnacle Award

Vermeer Southeast was again awarded the Vermeer Pinnacle designation in recognition of providing a superior experience for customers. Winners were announced on Dec. 12 at the Dealer Year End banquet in Pella, Iowa. The Pinnacle Award is earned for performance in sales and marketing, providing excellent after-market support, as well as for training employees. The Pinnacle Awards are presented annually by Vermeer Corporation.

“As a Vermeer dealer, to win the Pinnacle award truly means that you are among the best of what’s an already fantastic network of global dealers,” said Nathan Guess, Vermeer vice president of global distribution. “Providing an exceptional customer experience business are hallmarks achieved by Pinnacle award-winning dealers.”



“I have never been prouder of our employee-owners,” says Scott Coley, President & CEO. “Just like the machines we sell and service, where every part is essential to a successful operation, every department, position, and individual within VSE plays a critical role, and success can only be achieved when we work together.”

Vermeer Southeast brings industrial equipment solutions to ALABAMA, FLORIDA, AND GEORGIA.

NUCA Statement on President Carter's Passing, WRDA Passage

The chief executive officer of the National Utility Contractors Association (NUCA), Doug Carlson, issued the following statement former President Jimmy Carter, who passed away Dec. 29 at the age of 100:

“It is with sorrow that the National Utility Contractors Association recognizes the passing of President Jimmy Carter. President Carter was not only a statesman but also a man of profound integrity, devotion, and service. His commitment to humanitarian efforts, particularly through his work with Habitat for Humanity, underscored his recognition of the vital role the construction industry plays in enhancing the quality of life for communities around the globe. During his term in office he signed the Clean Water Act of 1977, another strong step forward by our nation’s government to help deliver clean water to Americans.

“President Carter’s efforts to fight the spread of water-borne diseases through initiatives like his Carter Center’s program to improve access to clean water also helped the lives of millions worldwide. We extend our heartfelt condolences to his family, friends, and all those whose lives he touched both during and after his presidency.”



Earlier in December, Carlson issued a statement on the U.S. House passage of the Water Resources Development Act of 2024, specifically the House Amendment to S. 4367, the Thomas R. Carper Water Resources Development Act of 2024:

“This bipartisan bill will deliver water infrastructure resources to many critical projects around the nation. In a time where fiscal austerity is being discussed, it is important for both House and Senate lawmakers to remember that thousands of American communities depend on federal resources that NUCA members use to build modern subsurface infrastructure systems that deliver clean water and sewer services to tens of millions of Americans.

“Without federal investment in WRDA and many other infrastructure programs, this nation’s economy would come to an abrupt and unnecessary halt. The passage of WRDA 2024 should be seen as an important first step towards next year’s Congressional and Trump Administration support for American water infrastructure projects.”



HCSS Announces Partnership with Propeller

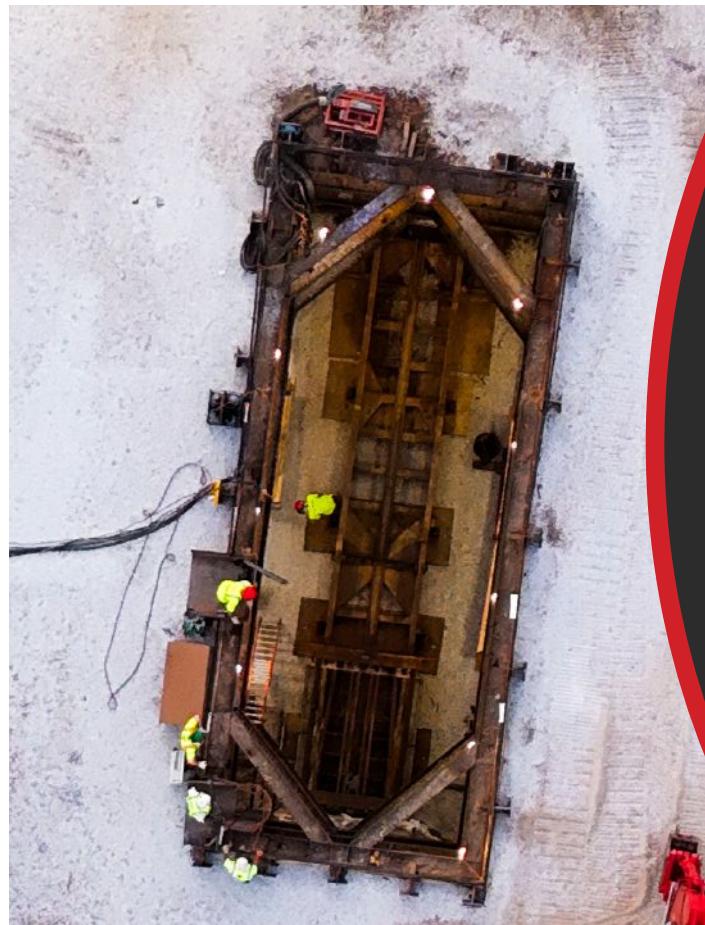
HCSS, a leading provider of construction management software designed to connect the office to the field across the lifecycle of heavy civil and infrastructure projects, has announced a strategic partnership with Propeller, a global leader in geospatial solutions. This partnership will integrate Propeller's powerful mapping and data visualization capabilities with HCSS's suite, including HeavyBid, HeavyJob, HCSS Plans, and HCSS Cloud, creating a seamless experience for joint users.

For over a decade, HCSS and Propeller have been at the forefront of construction technology, each focusing on improving efficiency and collaboration for contractors and construction teams. "Propeller and HCSS are strongly aligned in our vision and commitment to serving our customers" says Rory San Miguel, CEO and Co-Founder of Propeller. "This partnership gives teams the tools they need to map, measure, and manage projects more easily and accurately, making worksite management smoother and more efficient."

When Propeller's realistic 3D mapping capabilities are accessible via HCSS software, construction teams will gain enhanced access to critical data insights and more streamlined data-sharing processes. The collaboration will allow project managers, surveyors, and estimators to harness a one-stop digital hub where team members can effortlessly share, analyze, and act on geospatial data.

"We're thrilled to partner with Propeller to offer our customers innovative, data-driven solutions that improve the way they work," said Chris Martinez, Vice President of Strategy and Corporate Development at HCSS. "The integration with Propeller will help our customers streamline how they track job progress, enhancing both production accuracy and project productivity."

As part of the partnership's first-year goals, both companies will focus on customer satisfaction, aiming to create a cohesive user experience across platforms. Being able to integrate the tools will empower users to access crucial project data at a glance and drive actionable insights, supporting successful project outcomes from start to finish.



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DeNeale Named NUCA Safety Director

DeNeale Named NUCA Safety Director

The National Utility Contractors Association (NUCA) announced Dec. 12 that Edward DeNeale, CHST, has joined NUCA's staff to lead the association's safety programs.

"Safety for our industry's employees is a core value at NUCA," said NUCA CEO Doug Carlson. "Ed's extensive background in industry safety programs will allow NUCA to take our existing safety and training programs and expand them for our membership. Ed has the industry experience, leadership, and conviction needed to maintain our industry's extremely high standards for safety."

DeNeale can bring on-the-job industry safety experience to the job. He has a 20-year track record of safe project management with zero lost time incidents. For the last two years he has been director of safety at W.A. Chester in Lanham, Maryland. The company is the leading U.S. electrical contractor for installation and repair of underground high voltage cable transmission and distribution systems. DeNeale was responsible for providing leadership and technical experience for the company's safety program across the nation. He worked with his company leadership to develop all aspect of Electrical High-Voltage Safety (EHS) programs, as well as provided training to ensure employees were qualified and properly trained to safely perform their jobs.

Prior to his work for W.A. Chester, DeNeale worked from 2015 to 2022 as the safety program manager, Amazon AWS critical projects engineer, AWS regional safety manager, and director of safety for RB Hinkle Construction in Sterling, Virginia. Between 2009 and 2015 DeNeale worked for The Matthews Group in Purcellville, Virginia, as their director of corporate safety. He has also worked for CH2M Hill as a safety manager.

DeNeale's higher education includes fire service training at the University of Maryland and acquiring a AAS in Occupational Health and Safety from San Juan Community College in San Juan, New Mexico. He has extensive certification in project management, OSHA 30-Hour construction safety awareness, OSHA 500, OSHA 502, and OSHA 510 construction outreach training, USACE EM-385-1-1 construction safety hazard awareness training, OSHA construction supervisor training, CHST certification, and American Red Cross instructor credentials. He also was a founding member and served as the vice-chairman of the National Safety Council Young Professional's Division.

DeNeale takes over the NUCA safety and education department from Mike Flowers, who left earlier this summer. He can be reached via email at edward@nuca.com, and through NUCA's main membership phone number at 703-358-9300.



Petticoat-Schmitt Completes Upgrades at TP Smith Wastewater Treatment Plant

Petticoat-Schmitt Civil Contractors, a construction firm specializing in water resources, public works, and site development projects, has completed major upgrades to the TP Smith Wastewater Treatment Plant (WWTP) located in Tallahassee, Florida, an area experiencing significant growth.

The aging facility was no longer able to keep pace with demand, necessitating upgrades to the facility's headworks to enhance screening capabilities and increase the plant's overall processing capacity. Petticoat-Schmitt provided added value to the project by suggesting alternative pumping equipment that saved the City of

Tallahassee significant funds on the facility upgrades as well as future operations, staffing, and maintenance costs.

"We suggested electrical pumps instead of the specified diesel-driven bypass pumps, eliminating the need to constantly monitor and replenish fuel, which saved the City money," said Petticoat-Schmitt's president and COO, Lauren Atwell.

Additionally, the upgrades extended the useful life of the headworks and made infrastructure improvements to keep the TP Smith Wastewater Treatment Plant operational and efficient for years to come.

Sunbelt Rentals Expands Bobcat T7X All-Electric Fleet Offering



Sunbelt Rentals, a global leader in the equipment rental industry, announced it has expanded its fleet of Bobcat T7X all-electric compact track loaders to support its customers' carbon reduction efforts. The company delivered its first Bobcat T7X in October 2022 to Sacramento, Calif., and now has 106 of the compact track loaders available in the California market.

Sunbelt Rentals holds the largest fleet of Bobcat T7X and plans to continue expanding the availability of this equipment.

"Sunbelt Rentals recognizes that our customers need equipment that provides powerful, reliable performance and expanded applications," said Brad Coverdale, VP of Fleet and Procurement at Sunbelt Rentals. "The Bobcat T7X is an innovative piece of equipment that our customers can depend on to get the job done, while also reducing noise pollution and carbon emissions."

Karen Beadle, senior VP, Sustainability at Sunbelt Rentals adds, "Investing in innovative equipment like the Bobcat T7X demonstrates our commitment to making sustainable alternatives accessible, empowering our customers to confidently pursue their own sustainability goals."

The Bobcat T7X is the world's first all-electric compact track loader and is powered by a 72.6- kWh lithium-ion battery. This machine provides power that exceeds that of diesel-powered compact track loaders. Along with offering zero-operational emissions, the Bobcat T7X is nearly silent when operating, allowing contractors to use it for indoor or outdoor applications, any time of day. That includes urban areas with noise restrictions that can impact working hours. The Bobcat T7X is among many all-electric equipment offered by Sunbelt Rentals as a part of its strategy toward increased sustainability. Other options include all-electric scissor lifts, compact excavators, battery energy storage systems (BESS) and its on-road fleet of Ford F-150 Lightning trucks.



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Caterpillar Launches Third Global Operator Challenge

Caterpillar Inc. (NYSE: CAT) on Dec. 9 launched its third Global Operator Challenge, inviting thousands of machine operators worldwide to put their agility, resilience and versatility to the test on a wide range of construction equipment and technology.

"For nearly 100 years, our customers have been pushing the limits with our machines," said Caterpillar Construction Industries Group President Tony Fassino. "This challenge helps showcase and celebrate the exceptional skills of the expert men and women in this important profession as they forge their legacies of being the best operators in the world."

More than 140 Cat dealer competitions were held during the 2022-2023 challenge, which attracted more than 10,000 operators from 32 countries. The 2025-2026 challenge aims to include more events, countries and operators than previous programs.

Operators are invited to compete in local challenges facilitated by Cat dealers around the globe during the first round, being held from January – September 2025. The competitions will feature at least three different challenges on at least three separate pieces of equipment. Scoring is based on the operator's skills, safety, efficiency and competence in using integrated technology such as payload, grade control and operator ease-of-use features to enhance the machine's performance.

Winners from local dealer events will advance to regional semifinal competitions during the fall of 2025. Nine finalists



will emerge from the regional semifinals and participate in the final competition in March 2026 at Caterpillar's outdoor Festival Grounds exhibit during CONEXPO-CON/AGG in Las Vegas. The winner receives either a \$10,000 cash prize or an equal value trip for two where Caterpillar has a location worldwide.

For more information and official rules about the Global Operator Challenge, including how to participate, visit www.cat.com/operatorchallenge.

Core & Main Achieves NUCA Gold Level National Partner Status

NUCA announced that Core & Main, Inc. has achieved Gold Level status as a NUCA National Partner in 2025. This partner level underscores the company's significant contributions to the American utility construction industry, highlighting its commitment to safety, education and the broader goal of enhancing public health through robust water infrastructure.

"We are incredibly thankful for Core & Main's commitment as a Gold Level National Partner," said NUCA Chief Executive Officer Doug Carlson. "Their support not only elevates our association but also enhances the capabilities of all of our members, promoting safer job sites and more resilient subsurface infrastructure. This partnership is a testament to their dedication to this critical American industry and our nation's public health, and we look forward in 2025 to achieving together even greater outcomes."

As a Gold Level National Partner, Core & Main plays a pivotal role in advancing NUCA's mission to promote safe, efficient, and high-quality utility construction practices across the United States. Headquartered in St. Louis, Missouri, Core & Main is a

leading U.S. distributor of water, sewer, and fire protection products for the American underground utility construction industry.

Their participation extends beyond providing financial support for NUCA. It includes active involvement in developing and implementing industry-leading safety programs that aim to reduce workplace accidents and promote best practices in trenching, excavation, and other utility construction activities.

This partnership also significantly bolsters NUCA's educational initiatives. Core & Main supports a range of programs that provide training, certifications, and continuing education opportunities for utility contractors. Our joint promotion of workforce development programs is helping to foster the next generation of industry employees.

Core & Main achieving Gold Level status in 2025 is a milestone that promises to continue driving innovation, safety, and sustainability in the utility construction industry. Their choice to become one of NUCA's National Partners is a significant milestone to highlight their leadership and dedication to the vital American utility construction industry.

United Rentals to Acquire H&E Equipment Services Inc.

United Rentals Inc. and H&E Equipment Services Inc. (d/b/a H&E Rentals) on Jan. 14 announced their entry into a definitive agreement under which United Rentals will acquire H&E for \$92 per share in cash, reflecting a total enterprise value of approximately \$4.8 billion, including approximately \$1.4 billion of net debt.

Founded in 1961, H&E provides its customers with a comprehensive mix of high-quality general rental fleet including aerial work platforms, earthmoving equipment, material handling equipment, and other general and specialty lines of equipment. With approximately 2,900 employees and \$2.9 billion of rental fleet at original cost, the company serves a diverse mix of customers across both construction and industrial markets through its network of approximately 160 branches in over 30 U.S. states.

On a trailing 12-month basis through Sept. 30, 2024, H&E generated \$696 million of adjusted EBITDA on total revenues of \$1,518 million, translating to an adjusted EBITDA margin of approximately 45.8%.

The transaction is consistent with United Rentals' "grow the core" strategy, and legacy H&E customers will benefit from one-stop access to United Rentals' specialty rental offerings across Fluid Solutions, Matting Solutions, Onsite Services, Portable Storage & Modular Space, Power & HVAC, Tool Solutions, and Trench Safety.

H&E's fleet, experienced employees and customer service footprint of branches across over 30 strategic U.S. states are complementary with United Rentals' existing network. Importantly, the combination will increase capacity for United Rentals in key U.S. geographies.

The combination will expand United Rentals' rental fleet by almost 64,000 units with an original cost of over \$2.9 billion and an average age of under 41 months, as well as roughly \$230 million of non-rental fleet.

United Rentals and H&E share many cultural attributes, including a strong focus on safety, a customer-first business

philosophy, and best practices for talent development and retention. Critically, H&E employees will bring a wealth of experience to United Rentals, and will have greater opportunities for career development within the combined organization.

Matthew Flannery, CEO of United Rentals, said, "In H&E we're acquiring a well-run operation that's primed to benefit from our technology, operations and broad value proposition. Most importantly, we're gaining a great team that shares our intense focus on safety and customer service. We'll be working side-by-side throughout the integration to capitalize on best-in-class expertise from both sides. We will use our well-honed integration playbook as we prepare the acquired branches to take full

advantage of our systems and operational capabilities, and gain from our employee and customer-centric culture. I look forward to welcoming our new team members upon the closing of the acquisition."

Bradley W. Barber, CEO of H&E, said, "I'm extremely proud of what we've built at H&E over the last 60 years and am confident that our combination with United Rentals will take the business to new heights going forward."

John M. Engquist, Executive Chairman of H&E, added, "I couldn't be more pleased with this win-win outcome for both organizations, our customers and our shareholders. Importantly, I want to thank our employees for driving the results that made this transaction possible."

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NUCA's 2025 National Convention

March 18-21, 2025 | Orlando, Florida

By NUCA Staff



NUCA's 2025 National Convention will be the big show this year for in-the-know utility contractors. This year's signature event will be an exciting experience for every industry professional and their guest, featuring a schedule of great speaker events, a wealth of networking opportunities, and a brand-new format and events designed specifically with you in mind. Our Convention Committee hopes you make it a priority to come and experience this event in Orlando with the intent of getting ready the upcoming busy season and recharging after a long winter.

The 2025 Convention is being held at the beautiful Hyatt Regency Grand Cypress Resort & Spa. This family-friendly Orlando golf resort has everything you'd come to expect from a NUCA event. With complimentary shuttle service to Walt Disney

World® Resort and Universal Orlando Resort™, the hotel is one of the best resorts to experience an Orlando adventure in your down time. A variety of world-class activities await you at this luxury resort.

On top of the stunning location, NUCA continues to be dedicated to promoting, educating, and investing in our industry's most precious resource: our people. Whether you are a 30-year business owner, or just starting out in this vital American industry, you face a complex business environment every day. We aim to bring you valuable content at this year's event that delivers innovative and thought-provoking ideas you can take back to your company, ready to conquer the year ahead and all the upcoming opportunities and challenges that you will encounter.



KEYNOTE SPEAKER: Jason Redman

Retired Navy SEAL Lieutenant Jason Redman electrifies audiences with his high-energy presentations on leadership, failure, redemption, catastrophic injury and his breathtaking journey to "overcome all" in the aftermath of wartime enemy ambush and in the face of what he calls life ambushes during the years that followed. During his 21-year Navy career, Jason spent 11 years as

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an enlisted SEAL and 10 years as a SEAL officer leading teams in combat operations in Iraq and Afghanistan. Today he puts his vast experience and expertise to work as speaker, coach, author and trainer, helping individuals, teams and organizations of all types and sizes to define and implement lasting change, even in the wake or face of failure, crisis and adversity. Open to all members.

ON TAP THIS YEAR:

- First-ever National Equipment Operators Championship
- Several profit pipeline roundtables
- Informative sessions and speakers selected to develop your competitive edge in business
- Cutting-edge technologies, products, and services

- Fun-filled events sponsored by our National Partners including our keynote speaker, welcome reception, team building and a redesigned exciting Closing Celebration
- Endless opportunities to network with industry peers
- A beautiful resort experience.

Learn more about the convention and property at NUCA's brand new convention website: NUCAdigs.com
...And stay tuned for NUCA's brand new Convention App!



WELCOME RECEPTION

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Finish off the Convention's first day by catching up with colleagues. Appetizers will be served, and you can visit the bar to grab a refreshing beverage. Our National Partner United Rentals happily welcomes all NUCA members to another great NUCA Convention!



NATIONAL EQUIPMENT OPERATORS CHAMPIONSHIP

New this year, NUCA is bringing you the opportunity to showcase your best operators in our first-ever Equipment Operator Championship. Challenges include bucket slide, basketball bucket challenge, football placement, bean bag figure eight challenge and hard hat transfer. The grand prize for the winner of the National Equipment Operator Championship is \$5,000, 2nd place will receive \$ 2,500.00 and 3rd place will receive \$1,000.00. Sign up today at NUCAdigs.com!

TEAM BUILDING - THE GREAT RACE

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This year's exciting event is sure to be a lot of fun! Rest assured, NUCA and our friends at Caterpillar will be bringing all the fun you've come to expect and love out of our signature team building event. This year's Team Building Event will feature multi-team challenges over multiple events, excitement, and of course a few refreshments. And new this year, we are inviting all our exhibitors to be partners in our team building event. Attendees will work with National Partners on to win a scavenger hunt inspired by television's Amazing Race. In this event, teams explore the event area as they solve clues to reveal which team photos to take, complete roadblock challenges on video, fast forward tasks, and more!

NUCA's 2025 National *Convention* Orlando, Florida



AWARDS BANQUET

This year's Awards Banquet will feature our Awards of Excellence presentations and transition of leadership ceremony. Our event's formal dinner will feature delicious food, good friends, great speeches, and conclude with plenty of fun. Open to all members.



WILD WILD WEST CLOSING CEREMONY

Enjoy the last night of Convention at the Wild Wild West Closing Celebration. We'll gather at The Wilderness for a great meal, drinks and dancing, games and mostly importantly, our live auction! The auction features a wide range of exciting items donated by many of NUCA's National Partners, with exciting items and unique experiences long time members have come to demand. And what's better than the excitement of bidding in a live auction? All proceeds go to the NUCA Foundation, so your bids are money well spent! Please dress for the theme. Open to all members.



ECONOMIC OUTLOOK Featuring Anirban Basu

Anirban Basu returns to NUCA in 2024. Anirban is the Chairman & CEO of Sage Policy Group, Inc., a Baltimore-based economic and policy consultancy he founded in 2004. His presentation will supply in-depth analysis of factors that will shape economic outcomes, including interest rates, global conflict, wage dynamics, business confidence, demographics, and public policy. It will conclude with the economic forecast for the coming year. Open to all members.



PROFIT PIPELINE ROUNDTABLES

Let's face it, one of the most valuable resources out there for your business is the incredible knowledge base of your fellow NUCA contractors, and one of the best ways to leverage this knowledge and share your own is to sit down face-to-face with industry professionals and discuss challenges and successes, strategies, what works and what doesn't, especially around the key issues everyone faces daily. Open to all members.



**March 18-21, 2025
Hyatt Regency Grand Cypress Resort & Spa
Orlando, Florida**

Registration deadline is March 17, 2025.
<https://nucadigs.com/registration>

INDUSTRY HOT TOPIC SESSIONS

This year we have a series of sessions featuring hot topics, covering a variety of subjects of high importance to our industry and association. These topics include A.I. for Construction, Mastering Supply Chain Solutions, Contract Essentials and Utility Locates Challenges and Solutions. Open to all members.

NETWORKING WITH NUCA'S NATIONAL PARTNERS

We wouldn't be here without the generous support of NUCA's National Partners! And more, the dedicated members of the have a wealth of knowledge, products, and services that help make your business more successful. World-class contractors know that leveraging relationships with the best vendors in the industry are one of the keys to success. We've ensured ample opportunities at the 2025 National Convention for you to build or grow your existing relationships.

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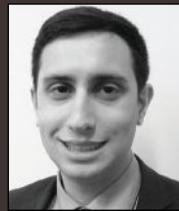


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Introduction to the New 119th Congress

Trump Administration Issues Numerous Executive Orders



Zack Perconti



The first excavator bucket into this year's fertile legislative ground for NUCA began with the opening of the new 119th Congress on Jan. 3, launching what is sure to be a busy sprint through an aggressive 2025 advocacy agenda on behalf of our members.

Amid a host of other issues, this session NUCA will be emphasizing four key areas: 1) defending and strengthening federal investment in water and other underground infrastructure, 2) fighting for sensible permitting reforms and damage prevention legislation, 3) working with Congress to advance critical workforce development legislation, and as always 4) pursuing a pro-infrastructure and pro-business agenda.

2025 will be building off our successes in 2024, which notably includes a year-end passage of the Water Resources Development Act (WRDA), which funds U.S. Army Corps of Engineers projects nationwide for the next two years.

First, NUCA will continue in 2025 to actively fight to preserve and increase funding for critical water infrastructure programs, such as our two critical State Revolving Funds, managed by the EPA. At press time, Congress has still yet to pass most of the FY2025 appropriations bills, but an agreement on topline spending numbers between House Republican leadership and Democrats seems to be holding – paving the way for flat spending on water infrastructure between 2023 and 2025.

While our infrastructure desperately needs a funding increase – especially with federal demands to accelerate lead service line replacement and other regulatory burdens – with the 119th Congress, avoiding a proposed cut is a massive victory. At this stage and with a debt ceiling fight looming over the first hundred days of the Trump Administration, it is likely that Congress may close out most of the remaining time in FY2025 on a continuing resolution and focus their work on FY2026.

Right away, NUCA is setting to work making your voice heard in Congress on significant infrastructure and business legislation, such as:

- **Highway Bill.** The 2025 Congressional calendar includes major surface transportation legislation that, aside from certain elements of the Inflation Reduction Act, is likely to be the largest infrastructure legislation since the passage of the 2021 Infrastructure Investment and Jobs Act.
- **Tax Reform Package.** NUCA will be working with other business and trade associations to advance pro-business, pro-construction language in the upcoming expected reconciliation package. Many elements of the 2017 Tax Cuts and Jobs Act (TCJA) have already or will soon expire, giving the new GOP Congress an opportunity to reform and reauthorize the language, and ensure a healthy tax policy that supports both our supplier members and enables the infrastructure buildup. We are expecting tax reforms to include the R&D tax credit, bonus depreciation, and interest deductibility, and may include other long-sought tax reform proposals to boost the national economy.

Other unfinished business from the last Congressional session still awaits action. The Pipeline Safety and Hazardous Materials Administration (PHMSA) re-authorization under the PIPES Act - and its associated NUCA-supported damage prevention language – is now far beyond its previous expiration date of Sept. 30, 2023. This critical piece of legislation, if passed along the lines of the legislation we supported in the last Congress, will support our advocacy efforts to improve dig law and damage prevention at the state level--and is a major priority for NUCA National in early 2025.

NUCA is also looking ahead in 2025 to major workforce development legislation, including the Workforce Innovation and Opportunity Act (WIOA), various bills pertaining to the expansion of Pell Grant eligibility to short term vocational training programs, and the potential reauthorization of the Carl D. Perkins Career and Technical Education Act supporting our nation's trade schools.

At the other end of Pennsylvania Avenue, since taking office on Jan. 20 the new Trump Administration has released a flurry of Executive Orders (EO), some affecting our industry and projects underway.

In the Administration's first week, NUCA closely monitored a potential pause of funds appropriated under the NUCA-supported 2021 Infrastructure Investment and Jobs Act (IIJA) or the 2022 Inflation Reduction Act. The White House swiftly issued a memo which we distributed to all NUCA members clarifying that Section 7 of the "Unleashing American Energy" EO does not apply to water infrastructure, road, or broadband funding. Certain energy and electric related projects mentioned in the EO, including electric vehicle charging stations that our industry could have contributed to their construction, remain paused pending review.

Other notable industry EO's signed on his first day in office include, but are not limited to:

- **"Regulatory Freeze Pending Review:"** States all rules unpublished in the Federal Register have been withdrawn, and all published rules are postponed for 60 days pending review.
- **"Unleashing American Energy:"** Opens up new possibilities for new energy infrastructure such as pipelines, and promises further regulatory review to remove "undue burdens" on developing domestic energy resources.

- **"Temporary Withdrawal of All Areas on The Outer Continental Shelf From Offshore Wind Leasing..."** NUCA has concerns with this EO, as it conflicts with this industry's advocacy for developing all resources for generating electric power, including wind and solar. There are many solutions available to achieve U.S. energy independence, and all must be explored and utilized. Our industry has adopted an "All of the Above" energy policy, and continues to advocate for policies that encourage production of all forms of American energy.

Legal challenges are expected on many of these executive orders, in several instances setting up a fight over the constitutionality of "impounding" funds appropriated by Congress. This was an issue last explored in the 1980s by the Reagan Administration, but it appears the Trump White House is seeking to reopen this Watergate-era constitutional battle in a new decade and with a new conservative

U.S. Supreme Court.

NUCA's government affairs staff and committee are reviewing these EOs and the many others issued or in the process of being issued by the White House. We will release more information in the months ahead about them to our members, including our interpretation of possible impacts upon our industry.

Some of these appear to be immediate positive changes for the general American business environment, whereas others may pose challenges to some of our members and their work. Many will affect how we do business over the next several years, and we want to ensure all our members' questions about their impact are answered. These have the potential to be monumental changes to our nation, and we will interpret them for you to help in the success of your business.

NUCA is also shaking things up in 2025, thanks to the hard work and valuable input from our members and our Government Affairs Committee. Our newly formed Government Affairs Committee Working

Group has helped us make great strides already overhauling our advocacy program to better represent the interests of our members.

We are also looking forward to hosting some of those committee members in D.C. in late February, when we have meetings planned with key federal agencies in the new Trump Administration and with Congressional leaders in D.C. Those meetings will help pave the way for our upcoming May 13-14 Washington Summit, which we encourage you to attend with your Chapter delegation. (Registration is now open at WeDigAmerica.org.)

As always, if you are interested about the work of the NUCA Government Affairs program, the National Government Affairs Committee, or our National Government Affairs events, please feel free to reach out to me on email at zackp@nuca.com. I hope to see you in Washington D.C. later this spring!

Zack Perconti is the Vice President of NUCA Government Affairs.

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ATTENDING FUN NUCA EVENTS. Attend our annual NUCA Convention & Exhibit. Meet top industry people in a relaxed setting & make new friends.

LOCAL OPPORTUNITIES IN YOUR NUCA CHAPTER. Network with other local members, discover project opportunities, and attend local safety and training programs.

JOINING OUR STRONG FEDERAL ADVOCACY PROGRAM. Our legislative office keeps an eye on Congressional action, and our annual Washington Summit puts you face-to-face with your lawmakers.

ADDRESSING YOUR BUSINESS ISSUES. Discuss damage prevention, trenchless technology, construction law and HR issues, jobsite health and safety in our NUCA committees.

Make more industry connections with a NUCA membership. Start by visiting online www.nuca.com/membership or call NUCA Membership at 703-358-9300.

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INSIDE LOOK:

New Subsite UtiliView Locating and Mapping App



In today's digital world, data is key. Collecting accurate information is a crucial first step, but increasingly, the ability to share, analyze and manage data is leading to optimized efficiency, productivity and profitability.

This is especially true in utility locating, where accurate locate information is only valuable if it is in the hands of the people who need it. Having information that is accessible and up-to-date is critical for safe and seamless work on jobsites with existing utilities.

Now, contractors can locate and map utilities more quickly and with fewer steps using the new Subsite UtiliView utility mapping app. The free app allows users of Subsite's UtiliGuard® 2 RTK locator to send utility data directly to an Esri map without needing to transfer data or convert files – steps that until now have been required to map utilities.

"The UtiliView app was developed to enhance the locate experience for technicians when they need to document and record buried assets," said Rodolfo Cabello, product manager for Subsite. "Our goal is to make sure that the process is simple, easy to use and less cumbersome. Previously, locators would need to transfer information collected in the receiver from each locate before uploading to the cloud."

"The UtiliView app makes locate jobs easier and simpler to complete than ever, allowing users to now add utility data to maps with one push of a button. Using the app, the receiver communicates via Bluetooth directly to a web-enabled

phone or tablet, eliminating much of the hassle that can come with locating and mapping utilities. It requires fewer steps than any other solution on the market, so both administrators and those on the jobsite can work more efficiently."

The UtiliGuard 2 RTK locator uses electromagnetic technology to detect and locate utilities such as pipes, cables, and other buried infrastructure. There is a range of product options available from basic to advanced, depending on the need and the experience level of the operator. The locator verifies the path of utilities by applying a signal directly to the utility (assuming it is conductive or has a tracer wire) and tracking it with a handheld locator. In the cases of non-conductive utilities with no tracer wire, there are available beacons or sondes that can be inserted through the pipes, allowing the handheld receiver to track its location. All of the information collected by the receiver, including the settings used to collect the data, can be saved and managed by administrators.

Once utility data is collected, it can be accessed from anywhere – like by a locate technician in the field or a GIS administrator in a back office – all while being securely stored in a private environment. Photos can also be added to log points in the UtiliView app for visual documentation and to create clearer, more complete records. And instant distance measurements can be generated to save time and improve record accuracy.



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One unique feature included in the UtiliView app is Subsite's patent-pending Point Navigation feature. This allows UtiliView app users to easily access and navigate to previously located positions – for example, finding out-of-the-way points of interest in wooded or rural areas. This reduces guesswork and improves field efficiency. Historically, users have been required to connect their locate equipment to a PC and then manually find historical points and load them into the receiver.

GIS administrators can set up the UtiliView app with a one-time process. They can also add layers for gas, water, electric utilities and more. And they can make

maps accessible with QR codes to promote uniformity across devices. Additionally, while some utility locators must be connected to a PC to be set up, the UtiliGuard 2 RTK locator can be ready to use as soon as the UtiliView app is downloaded on a mobile device. In areas with limited cell connectivity, information can still be stored on the device and manually transferred as before.

The UtiliView app is free and available for Apple and Android devices. For more information on the UtiliView app, visit the Subsite website or contact a local Ditch Witch dealer.

Pro Tip: Selecting the Right Locating Frequency

Rodolfo Cabello, Product Manager for Subsite, says that getting the right frequency is the first step in successful locating. “Some contractors get into the habit of using a ‘favorite’ frequency, but we recommend using the Subsite patented AIM feature that scans the jobsite and informs the user which

frequency has the least amount of interference. This allows the user to start off on the right foot with the best frequency to locate the utilities on the onsite. Also we recommend our users starting at the lowest possible frequency and then working your way up. By doing this you increase your ability to locate accurately

and decrease the likelihood that the signal will ‘bleed off’ onto a utility that might not be your target. This becomes more important when working in a congested corridor.”

Using this and other best practices will help ensure that you get the most out of your locating equipment and achieve accurate results.



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Bay Park Conveyance Project

Innovative Design-Build Project to Improve Water Quality on Long Island

The Bay Park Conveyance Project is a partnership between the New York State Department of Environmental Conservation and the Nassau County Department of Public Works to improve water quality and spur ecological recovery in Long Island's Western Bays.

Currently, excessive nitrogen and poor overall water quality are negatively impacting the environmental and economic vitality of the region, as well as the quality of life for residents. The poor water has led to algal blooms and decreased aquatic life, notably shellfish, further impacting the local economy. Additionally, the poor water quality can lead to degradation of plant life and the coastal marsh islands, which serve as a natural barrier to storm surge and waves.

To combat this, the Bay Park Conveyance Project was conceived to reduce nitrogen pollution into the Western Bays by redirecting treated water from the South Shore Water Reclamation Facility to the Cedar Creek Water Pollution Control Plant. There, the treated effluent can be released 3 miles offshore via an existing ocean outfall diffusion pipe system.

The Bay Park Conveyance Project comprises 3.6 miles of new forcemain built by microtunneling, as well as the slipline rehabilitation of 7.2 miles of existing 100-year-old forcemain under Sunrise Highway. The slipline portion of the project is repurposing an abandoned aqueduct, not used since the 1960s, that was originally used to convey drinking water from Nassau County to New York City.

Related work includes the construction of 14 microtunneling shafts using secant piles, soil mixing and jet grouting, and a new 75-mgd effluent diversion pump station. The entire 11-mile pipeline is 20 to 60 ft deep.

Project elements include:

- A new pump station at the existing South Shore Water Reclamation Facility
- New Force Main:

- Segment 1: Bay Park to Sunrise Highway Microtunnel - 2 miles
- Segment 2: Sunrise Highway Aqueduct Sliplining - 7.2 miles
- Segment 3: Sunrise Highway to Cedar Creek Microtunnel - 1.6 miles
- New pumps and a standpipe receiving tank at the Cedar Creek WPCP
- Connection to the existing Cedar Creek WPCP ocean outfall

AECOM was hired as the owner's representative to oversee procurement. WSP was hired to provide preliminary design and a joint venture of Hazen & Sawyer and Arcadis was hired to provide program management services.

In April 2020, the Department of Environmental Conservation (DEC) and Nassau County issued a request for proposals for the design and construction of the project. Western Bays Constructors (WBC) – consisting of John P. Picone Inc., Northeast Remsco Inc., Delve Underground, and Greeley and Hanson – was selected as the design-build contractor from a pool of three pre-qualified bidders.

The team was chosen based on its best value technical solution, which included the concept of using single-pass fiberglass lined concrete jacking pipe, and the elimination of a shaft location by combining two microtunneling drives into a single, longer curved drive.

Notice to Proceed was issued in February 2021.

Microtunneling

The microtunneling portion of the project was split into two segments: the Bay Park alignment and the Cedar Creek alignment. Over 18,000 ft of 72-in. Flow-Crete pipe from Thompson Pipe was microtunneled between the two locations. This marked the first use of Flow-Crete pipe in the United States, having previously been used in North America on a project in Canada. Flow-Crete is a composite pipe incorporating an outer load-bearing wall of reinforced concrete and an inner fiberglass reinforced liner pipe.



PROJECT DETAILS

Project:	Bay Park Conveyance Project
Location:	Long Island, New York
Length:	~11 miles (3.6 miles of microtunneling, 7.2 miles of sliplining)
Depth:	20 to 60 ft
Owner:	New York State Department of Environmental Conservation, Nassau County Department of Public Works
Contractor:	Western Bays Constructors JV (John P. Picone Inc., Northeast Remsco Inc., Delve Underground (lead design), Greeley and Hanson)
Consultants:	WSP (preliminary design for the owner); AECOM (owner's representative)
Suppliers/Subcontractors:	Thompson Pipe (microtunneling and sliplining pipe); Rain for Rent (bypass); Herrenknecht (MTBM)

The Bay Park alignment consisted of seven drives, totaling 9,810 ft, and eight shafts. The Cedar Creek alignment consisted of five drives, totaling 8,210 ft, and six shafts. The longest drive on the Bay Park alignment was 2,285 ft, which included a 4,800-ft radius curve. The longest drive on the Cedar Creek alignment was 1,936 ft.

Nine of the 12 drives exceeded 1,300 ft in length, leading to the decision to use Intermediate Jacking Stations (IJSs). On long drives, the theoretical jacking loads could exceed the allowable jacking loads of the pipe. The decision to use IJSs overcame this hurdle and mitigated the risk of the pipe getting stuck. At least one IJS was used on each drive and three IJSs were used on the longest drive.

The selection of Flow-Crete pipe was based on performance and installation capabilities. Because Flow-Crete combines the compressive strength of reinforced concrete with the corrosion resistance of fiberglass pipe, it allowed a single pass installation method that meets the stipulated 100-year design life.

Work took place in an active wastewater treatment plant, along the shoulders of busy commercial and residential roads, and adjacent to an offramp of the Sunrise Highway. Considering the busy area and 24-hour-a-day operations, community relations were paramount to success. WBC worked with the community and provided ample notice on schedule, which kept the residents and businesses in the area abreast of the impacts the project would have on the area. Additionally, noise mitigation techniques were used on equipment to reduce impacts.

There was also a requirement on the project that all of the Flow-Crete needed to be on site for the drive before WBC could launch. This created a major challenge in finding storage for the pipe. There was barely enough room for the microtunnel equipment, so the storage of 2,000 plus ft of pipe became a major undertaking. WBC was able to store pipe at dormant shaft locations, along the side of roads, and in rental properties.

The last tunneling drive was finished in November 2023.

Sliplining

To connect the Bay Park Conveyance Project between the two microtunneled portions, an existing approximately 7-mile section of

72-in. abandoned steel aqueduct was rehabilitated and sliplined with 66-in. Thompson Flowtite fiberglass pipe.

Unlike the microtunnel operation, WBC was constrained on the working hours for the slipline operation. The majority of the work took place in pits along the Sunrise Highway, requiring lane closures and traffic detours. As a result, WBC was only allowed to perform sliplining during night hours.

Each evening, WBC was required to set up, mobilize light towers, modify the traffic pattern, remove the precast planks to expose the pit, all before any production work could start. At the end of the shift, the planks were required to be placed back over the pits, and traffic needed to be restored to normal. All of this preparation work resulted in about five hours of production during a 12-hour shift.

For construction, 24 pits were installed throughout the alignment in order to access the aqueduct and install the fiberglass slipline pressure pipe. The aqueduct had various changes in grade and elevation, therefore, two different methods were used to install the FRP pipe.

On straight runs, a jacking frame was used to push the pipe to station. To assist with installation and protection of the FRP joint during the installation of the pipe, TPG provided prefabricated FRP pipe skids on the pipe.

On curves, a carry cart was used to walk the pipe to station. The pits were strategically placed in locations in order to maximize the length of segments that could be jacked. The longest segment of pipe pushed at one time was 2,873 ft. The longest segment of pipe carried in was 1,669 ft.

Conclusion

The \$439 million Bay Park Conveyance Project represents one of the largest current trenchless projects in the United States. Its use of alternative delivery methods allowed a flexible work environment for the contractor and engineering teams to realize the end goals, achieve cost savings through alternative technical proposals, and introduce new products that helped increase efficiency.

The new conveyance system is anticipated to be fully operational in 2025, helping improve water quality and storm resiliency in Long Island's Western Bays.



Tips & Considerations for **JOBSITE SAFETY**

With the New Year upon us, we decided it would be a good time to review some jobsite best practices. We reached out to Core & Main for some tips and reminders when it comes to keeping jobsites and equipment safe and secure, training programs offered by Core & Main, and the role of technology and analytics in jobsite safety.

Utility Contractor: What are some of Core & Main's primary offerings when it comes to products for jobsite safety, particularly as it relates to underground utility jobs?

Core & Main: Safety and compliance are paramount across all our industries. As an industry leader, Core & Main strives to ensure that all our customers have access to the safety products that

they need, whether that's online via our Supply team or at our conveniently located branches.

UC: What are some best practices contractors can follow when it comes to keeping their jobsite safe and secure?

CM: Jobsite safety requires following best practices. This begins with conducting hazard and risk assessments before work begins, ensuring all employees understand the hazards of the jobsite and the tasks they are assigned. Communicate the details of the jobsite such as site location, safety hazards, names of those working onsite, specific hazards such as confined space work, working at heights, etc. Contractors should ensure compliance with all environmental, health and safety regulations and stay up to date on

“Software allows for the creation of 3D models of a jobsite to better evaluate and understand the conditions and hazards.”

regulatory changes. They should also identify the PPE required for those working onsite and ensure an adequate supply is available. Replace PPE as needed. Contractors should also establish a routine for safety check-ins when workers are in multiple locations on a jobsite.

UC: What about safe practices for tools and equipment?

CM: Workers should ensure all tools and equipment are properly maintained and in good condition. Secure them in a job box or other designated location when they are not in use. Ensure everyone is trained to safely use the equipment and tools required for their job. Make sure Safety Data Sheets are on hand for any chemicals required on the jobsite and secure the chemicals when they are not in use. If you have lone workers or workers in remote areas, develop a safe workplace specifically designed to ensure their safety and establish routine check-ins and communication methods. Plan for extreme hot or cold conditions and establish designated spaces for warming or cooling down with plenty of clean water to drink. Maintain a clean work area by establishing a routine of cleaning up trash and debris at the end of each day. This prevents accumulation of trip hazards or potentially combustible materials.

UC: Does Core & Main offer any equipment for confined space safety? What are some considerations for purchasing equipment for confined space safety?

CM: Core & Main Supply is our online distributor for confined space safety equipment, and their centrally located warehouse ensures orders are filled quickly to keep jobs on schedule. Considerations when purchasing such equipment would include:

- The type of space (manhole, vault, tank, etc.).
- Vertical or horizontal entry.
- Load requirements (how much weight must the system be able to safely lower and/or retrieve from the space).
- Compatibility with other safety equipment; the environment where it will be used.
- The need for self-retracting lifelines if fall protection is a consideration.
- Properly sized harnesses to fit the users.
- Application of the equipment and suitability for both entry and rescue purposes

UC: What does Core & Main offer in terms of safety or training programs for the utility construction market?

CM: Core & Main offers high-density polyethylene (HDPE) pipe fusion training. If a customer needs other specific training, Core & Main will collaborate with our vendors that provide certified safety training. An example of this is our partnership with AZUCA for the quarterly CPR & Stop the Bleed Training Sessions.

UC: What role does technology play in enhancing safety management in construction?

CM: Technology has the potential to enhance safety in construction. Emerging technology for construction jobsites includes devices that can be worn by workers (smart helmets, wristbands with sensors to detect vital signs or hazardous substances/atmospheres, sensors to track movements, etc.), as well as drones and AI-powered analytics to improve an employer's ability to detect hazards and prevent incidents or injuries before they occur.

UC: What about software and mobile devices?

CM: Software allows for the creation of 3D models of a jobsite to better evaluate and understand the conditions and hazards, and plan accordingly before beginning work.

Internally, Core & Main is building its own app called Core-Safe, which users access from a mobile device to complete their routine daily equipment inspections and other EHS compliance-related tasks. This allows users to complete the required compliance inspections without having to maintain a file of paper forms and checklists.





Contractors Should Be Able to Rely Upon Soil Borings Notwithstanding Contact Disclaimers

By Thomas R. Olson & Rielly Lund

To successfully build underground utilities, understanding the soil conditions is paramount. For deeper installations, it is common to use soil borings to characterize the ground. However, some contracts contain stipulations that may limit a contractor's ability to rely on information obtained from the borings. How does this impact the contractor? Can a contractor rely on the information obtained from the borings? What are the legal implications? Let's explore:

1. It is customary practice for contractors, like engineers, to rely upon soil borings.

The most important information for a utility project is the soil borings. That is because all decisions for the utility work are dependent on the subgrade conditions. In order to properly design the utility work, engineers rely on the borings to determine the pipe size, type, and length, whether to case it, where to place it, how to perform the work, and how much it should cost. In order to properly bid the utility work, contractors rely on the same

borings just as engineers do to determine how to perform the work and how much it should cost.

- “The resulting design implies, and the subsurface data describes, the conditions on which the bidding and construction will be based.”⁽¹⁾
- “The usual and customary practice in the industry is bidder reliance upon owner or design professional subsurface investigations.”⁽²⁾

In summary, it is both appropriate and customary practice for contractors to rely upon soil borings to bid the utility work just as engineers do to design the work.

2. Notwithstanding that contractor reliance upon borings is customary, engineers include contract disclaimers that attempt to limit or bar such reliance so owners don't have to pay for differing site conditions.

Notwithstanding that it is standard practice for contractors, like engineers,

to rely upon soil borings, engineers regularly include contract ‘disclaimers’ which purport to limit or bar a contractor’s ‘right to rely upon soil borings.’ Engineers include such disclaimers in an attempt to help project owners avoid paying for the extra costs incurred when a contractor encounters subgrade conditions different than indicated in the borings. The legal question is if it is both appropriate and customary practice for contractors to rely upon soil borings, should such disclaimers be legally enforceable?

3. Contractors should be able to rely upon soil borings notwithstanding disclaimers: such disclaimers should not be legally enforceable.

Many courts around the country that have addressed this issue have held that such disclaimers are not enforceable. As a consequence, if a contractor encounters subgrade conditions different than the borings indicate, a contractor should still be able to successfully assert and be paid when it encounters ‘differing site conditions’ notwithstanding contract disclaimers to the contrary.

Courts and construction boards have refused to enforce broad disclaimers.

When contract representations are in the form of soil logs or borings, the Government is assumed to have provided the information to assist prospective bidders in preparing their bids. Broad exculpatory provisions . . . will not defeat an otherwise valid differing site conditions claim.⁽³⁾

Courts and construction boards have also refused to enforce more specific disclaimers. This has included disclaimers such as:

- “Soils Data is for Information Only;”
- “The Owner Does Not Warrant or Guarantee the Accuracy of the Soils Data;”
- “Site Conditions May Vary;” and
- “The Contractor is Responsible for Conclusions to be Drawn from the Soils Data.”

In addition to utilizing the above standard disclaimers, I have had experienced engineers argue that the contractor should not be able to rely upon the soil borings because of the standard contract ‘site investigation’ clause. Engineers have argued that the contractor should have discovered any and all subgrade conditions during this investigation. Luckily, the courts do not agree with the engineers. The contractual requirement for a contractor to perform a site investigation should not, in fact, shift subsurface risks to the contractor.⁽⁴⁾

As a starting point, the phrase “site investigation” is properly interpreted to only mean “sight” investigation: it “does not require prospective bidders to make independent subsurface explorations.”⁽⁵⁾

We are not aware of any case where the Changed Conditions clause has been interpreted as charging a contractor with knowledge of the conditions at the site that could not be discovered by a visual examination of the site.⁽⁶⁾

The policy reason behind this is simple: a contractor should not be required “prior to submitting a bid and entering into the contract, to conduct its own investigation in order to ascertain the truth or falsity of the defendant’s positive assertions regarding subsurface conditions encountered in drilling.”⁽⁷⁾ As a consequence:

We agree where the Government makes a positive assertion as to subsurface conditions, it is not relieved of liability by general contractual provisions requiring the bidder to investigate the site.⁽⁸⁾

4. Important policy reasons support non-enforcement of disclaimers.

Courts and construction boards, as well as the U. S. Department of Transportation, have enunciated important policy reasons why disclaimers should not be enforced.

- Boring logs are “considered the most reliable reflection of subsurface conditions.”⁽⁹⁾
- Site data disclaimers should not

¹ U.S. Department of Transportation, “Geotechnical Engineering Notebook Geotechnical Guideline No. 15, Geotechnical Differing Site Conditions” (1996) at 10.

² *Affholder, Inc. v. North American Drillers, Inc.*, 2006 WL 3192537 at 10.

³ *One Way Construction, Inc.*, 1994 WL 612249 (1994).

⁴ *I. A. Constr. Corp. v. Department of Transportation*, 139 Pa. Commw. 509, 591 A.2d 1146, 148 (1991).

⁵ *Currie, “Changed Conditions,” Construction Briefings No. 84-12 at 9* (1984).

⁶ *Appeal of Lee R. Smith*, 1999 WL 498 (1966).

⁷ *Morrison-Knudsen Co., Inc. v. U.S.*, 345 F.2d 535, 539 (Ct. Cl. 1965).

⁸ *Appeal of Herman H. Neumann*, 1969 WL 959 (1969).

⁹ *United Contractors v. U.S.*, 368 F.2d 585, 597 (Ct. Cl. 1966).

¹⁰ *Asphalt Roads & Materials Co., Inc. v. Virginia Department of Transportation*, 257 Va. 452, 512 S.E.2d 804, 807 (1999).

¹¹ U.S. Department of Transportation, “Geotechnical Engineering Notebook Geotechnical Guideline No. 15, Geotechnical Differing Site Conditions” (1996) at 4.

¹² *PT & L Const. v. Department of Transportation*, 108 N.J. 539, 531 A.2d 1330 (1987).

be enforced because to do so “would render meaningless the language of sections like [the differing site conditions clause] and negate their salutary purpose.”⁽¹⁰⁾

- “The inclusion of geotechnical information in the contract provides both the Agency and the contractor a consistent geotechnical baseline for what constitutes a differing site condition.”⁽¹¹⁾

To be clear, project owners save money from contractors’ reliance on soil borings.

Reliance is affirmatively desired by the Government. . . . The Government benefits from more accurate bidding, without inflation for risks which may not eventuate. It pays for difficult subsurface work only when it is encountered and was not indicated in the logs. All this is long-standing, deliberately designed procurement policy, expressed in the standard mandatory changed conditions clause and enforced by courts and the administrative authorities on many occasions.⁽¹²⁾

In summary, contractors should be able to rely upon soil borings notwithstanding disclaimers or related contract language. A contractor should be paid when it encounters subgrade conditions which differ from what the borings indicated.

Tom Olson is the founding partner of Olson Construction Law, based in St. Paul, Minnesota. Rielly Lund is an attorney with Olson Construction Law.



MICROTUNNELING

New Solutions for Utility Installations

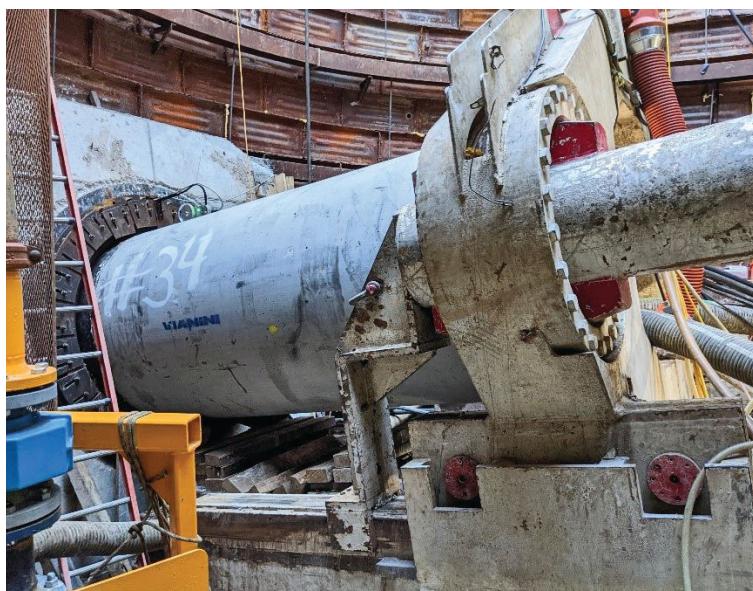
By Jordan Bradshaw

Vianini Pipe Inc. and hydraulic joints provided by JackControl AG out of Switzerland. This was the fifth curved alignment performed by Bradshaw, and all five were built in partnership with Vianini and JackControl. The hydraulic joints allow for appropriate load distribution through the RCP joints as they pass through the curve. The RCP was designed to allow for passage through the curve without joints opening beyond the needed bearing surface of the pipe gaskets. While a 620-ft radius curve was achievable, it should be noted that any significant steering deviations would have resulted in joints opening and seal challenges.

With careful attention to detail and constant effort, the tunnel was installed within the contract tolerances and without significant steering corrections. Bradshaw utilized the TUnIS Navigation MT Gyro system by VMT, a combined gyro/hydrostatic water level

guidance system. For all other curved drives previously installed, Bradshaw has utilized the VMT SLS Microtunneling LT system, a pipe mounted motorized theodolite system. However, given the tight radius of the curve and the vertical alignment, the positioning of the theodolite system within the 48-in. RCP would be challenging, located in the way of workers and requiring repeated updates. Ultimately, the selected guidance system aided the operator in successfully installing the tunnel to the project tolerances.

One of the more unique challenges was launching the tunnel on the -19.73 percent downslope from the launch shaft. Bradshaw originally considered pouring the slab to grade with over 5 ft of fall across the shaft. However, concerns over constructing a safe environment for the workforce with this much fall within the shaft led to exploring alternative solutions. Bradshaw instead constructed a steel wedge to be mounted below grade on a flat working slab,



Vertical curves are an important addition to the toolbox owners and engineers have available when designing projects.

VERTICAL CURVES:

against which the thrust block was poured and the jacking frame was set on grade for the launch and installation of the tunnel.

The tunnel was an immense success. Just over four weeks after launching, the MTBM broke through on the far side of the Guadalupe River. Rather than requiring a recovery shaft, installing the tunnel on the vertical curve allowed for retrieving the MTBM out of a 10 ft deep unsupported trench.

One of the few unexpected challenges of the tunnel was a pipe-jacking paradox. Typically, any pipe-jacking operation involves management and minimization of the required jacking forces to advance the pipe string. For this project, jacking forces were nearly non-existent for the first 360 ft all in claystone, with loads typically in the same 40 to 50 ton range as the contact force needed to excavate the face. The final 60 ft transitioned into alluvial gravel, seeing an increase to 100 tons by the end of the drive, indicating that the annulus within the claystone was being fully maintained and well lubricated. With the steep slope of the alignment and lack of any notable friction along the pipe string, the RCP unex-

pectedly moved while removing the intermediate jacking system cylinders, closing the IJS and opening joints higher in the curve. While the joints were closed and leaking annulus inflows were sealed, it was a unique issue worthy of future consideration. Immediately thereafter, the tunnel annulus was grouted, the HDPE was pulled through on casing spacers, and the tunnel was backfill grouted and completed.

Vertical curves are an important addition to the toolbox owners and engineers have available when designing projects. Microtunneling minimizes the construction footprint, equipment layout and surface disruption relative to other trenchless methods such as Direct Pipe. Unlike the HDD method, the borehole can be continuously supported with RCP during operations, and the required slurry volume is significantly minimized. Bradshaw Construction Corporation is proud of the successful installation of the vertical curve tunnel on this project and will continue to pursue innovative microtunneling methods to meet the utility needs of the future.

Jordan Bradshaw is project manager at Bradshaw Construction Corp.

Tips for Securing Equipment Financing

By Renee Lauzon-Martin

Every smart business owner knows the advantages of equipment financing. When done strategically, financing can help improve cash flow, build business credit, provide tax deduction benefits and help drive business goals. However, the myriad of finance options can be daunting and the process can be burdensome, especially for start-ups or small businesses applying for the first time. Here are five unbiased tips to help you navigate the equipment finance process, along with a few bonus tips you won't find on any lender's website.

1. Assess your Equipment and Budget Needs

Is this your first asset purchase? Are you adding to an existing inventory? Do you need a fleet management solution? Each of these will have different financing options and conditions.

New equipment will usually have more competitive interest rates and term lengths, however used equipment will have a lower price tag which can translate to lower monthly costs.

Each business circumstance is unique, but once you have analyzed your cash flow and selected the equipment, it's important to remain flexible until the qualification process is complete.

Bonus Tip: Some lenders put limits on the age or location of equipment so be sure to provide complete equipment details on the finance application.

2. Review your Lender Options

An array of lenders is available, and each will have different requirements, approval rates and flexibility. Don't assume the rates and monthly payments you find online will apply to you - your interest rate, repayment terms and loan conditions will vary depending on which lender you select, the asset value, and your business portfolio.

- Your local bank or credit union is usually a good place to start, especially if you already have an established relationship with them. Depending on how much capital you need, they may also offer alternative finance options such as a Line of Credit or credit cards.
- Equipment dealers can provide in-house financing options with competitive interest rates and fast approvals, though a good credit score and two to three years in business are usually prerequisites. They will also have options for businesses building a larger fleet.
- Finance companies specializing in equipment lending are abundant, offering varying rates and terms. They may have multiple funding sources and are willing to work with start-ups and businesses across a range of credit ratings. However, their



rates and down payments may be higher, reflecting the higher risk involved.

- Government-backed Small Business Loans are available, though the criteria to secure one can be restrictive, and the blanket liens they file are notoriously hard to terminate.
- "Bootstrapping" or borrowing money from friends and family can be viable but be sure to research the legal requirements and tax implications.

Regardless, it is best to partner with a skilled lender who understands your business and can offer tailored solutions.

Bonus Tip: Shopping lenders? Ensure they aren't doing "hard" credit inquiries which can impact your credit score.

3. Prepare Financial Statements

Unless you have a corporation with established business credit, both your personal and business finances will likely be used in assessing creditworthiness. The higher the value of the equipment loan and the higher the risk factors, the more information the lender will want to see. It will vary by lender, but a straightforward application typically requires:

- Completed Credit Application
- Vendor/Seller Information
- Detailed Equipment Invoice
- Bank Statements (3 months)
- Time in Business

A more detailed application may additionally require:

- Two to three years Business Tax Returns
- Two to three years Personal Tax Returns
- Balance Sheet, Profit and Loss Statements
- Current Interim Statement
- Personal Financial Statement

Financing transactions are most often delayed by a lack of communication or information. The faster you can get the information to the lender, the faster they can evaluate, underwrite and fund the loan.

Bonus Tip: No Social Security Number? Some lenders will accept an ITIN (Individual Taxpayer Identification Number) provided other eligibility requirements are met.

4. Beyond the Financials - "Tell Your Story"

If you are applying for your first business loan or if you fall into a higher risk category, you'll likely need to do a bit more leg work in

order to qualify for financing. Here are some additional considerations to help you prepare for a more rigorous application process.

- If you haven't already, register your business with the Secretary of State or County Clerk's office as a Corporation, LLC, or Sole Proprietorship.
- Review your personal credit score. Resolve any late payments on loans or credit cards. Don't panic if your credit score is less than ideal. Some lenders have more flexibility though they will often need a heftier downpayment and more information to support the application.
- Be prepared to build a solid business case for the lender - tell your story! Compile a resume showcasing your experience in the industry and gather supporting documentation like 1099's or Schedule C tax records if applicable. Secure work agreements, obtain letters of reference or signed contracts to support your application. Outline projected revenue and explain how the equipment will help grow your business.
- Demonstrate proof of funds for a downpayment by depositing money into a business bank account.

Didn't qualify for the equipment you initially wanted? Try applying for a lower dollar asset and build a relationship with the lender.

Bonus Tip: Help establish business credit by opening trade lines with businesses that report to credit reporting agencies.

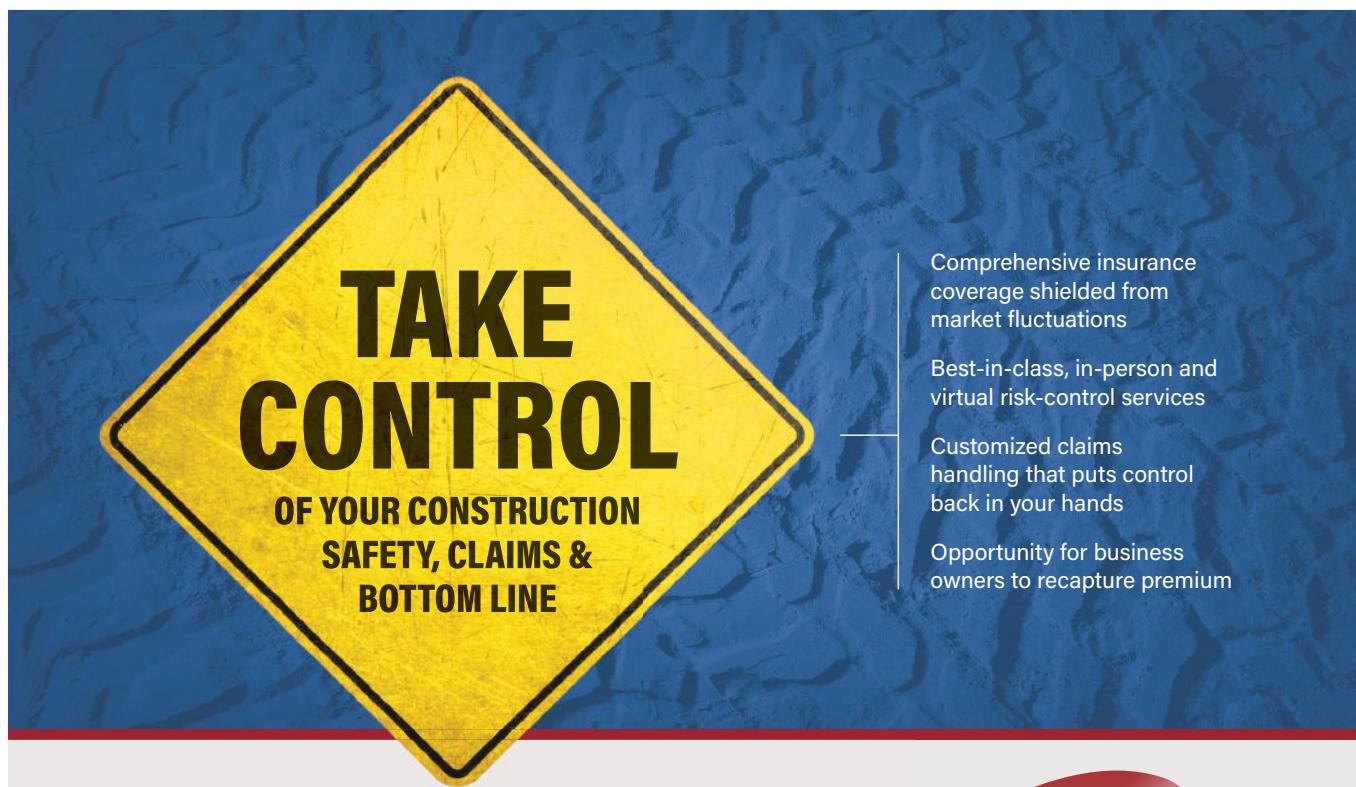
5. Post-Application Considerations

You've done the hard work of researching the equipment, partnered with a trusted lender, and applied for the loan. In an ideal scenario the approval occurs quickly, and the transaction is complete. However, depending on the lender and the individual circumstances, more steps may be needed. Prevent delays by speaking with your finance company about potential post-application requirements. Here are a few to consider:

- Proof of equipment insurance is usually required prior to approval
- Many lenders require GPS installation on the equipment
- Some finance companies will perform on-site inspections and serial number confirmations prior to funding
- In addition to a down payment, some lenders will also collect the first and last payment upfront so be sure to have sufficient cash flow prepared.

With some advanced preparation and research, equipment financing can be a simple – and even quick – process. Whether you're a seasoned entrepreneur or a small business owner exploring financing for the first time, effective equipment financing can unlock opportunities and become a powerful tool to drive your business forward.

Renée Lauzon-Martin is general manager with HDD Broker LLC. This article first appeared in the February issue of *Trenchless Technology*, a sister publication to *Utility Contractor*.



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ONE ROLL OF THE DICE COULD COST A WORKER'S LIFE

By NUCA Staff

The No. 1 rule of excavation safety is to use a trench protective system: sloping, shoring or shield (trench box).



Our industry is making progress, but workers are still being fatally injured by trench cave-ins. The No. 1 rule of excavation safety is to use a trench protective system: sloping, shoring or shield (trench box). We call them the "Three S's of Trench Safety."

When it comes to providing protective systems, OSHA is not pulling any punches. The violations are considered willful because OSHA officials believe that contractors who dig trenches know protective systems are required.

Though trenches and excavations on most jobs do not cave-in, there is no way of telling when it will happen. A cave-in may occur while your crew digs the trench, an hour or two after the trench is dug, the next day, or even a week later.

No worker should ever be permitted or expected to enter into a trench more than 5-ft deep that is not equipped with a protective system. Placing a worker in this type of situation, even for a minute, risks the worker's life and well-being because you cannot predict when a trench wall is going to fail.

Trenches 20 feet (6.1 meters) deep or greater require that the protective system be designed by a registered professional

engineer or be based on tabulated data prepared and/or approved by a registered professional engineer in accordance with 1926.652(b) and (c).

The threat of large penalties and criminal action should not be the only reason a contractor should comply with OSHA trenching rules. Workers' lives are on the line whenever they enter an unprotected trench, even for a moment. Working in a trench without a protective system is a crap shoot: one roll of the dice could cost a worker's life.

There are too many cave-ins that kill or seriously injure workers every year. Many of these workers are under the age of 30, not that it really matters how old a person is when buried alive in a trench. The only way this is going to stop is if contractors, municipalities and other employers whose workers must enter a trench provide and insist on the use of shoring, shields or sloping before workers enter into the trench.

As leaders in underground construction, NUCA members must recognize the importance of protecting workers in the trenches. Protective systems are readily available all over the country. They are available for purchase or rental, and OSHA knows it. Workers are still

being killed or seriously injured and the sad part is these accidents are preventable. However, some contractors, municipalities and other employers still fail to heed the warnings.

Manufacturers of trench shoring and shields have stepped-up and engineered protective systems to handle even the toughest trenching operations. The equipment is lightweight, easy to use, easy to transport, adaptable to different trench depths and widths, and budget friendly. There are systems for almost every situation, and if you don't need to purchase a system you can rent one. If you need help, contact the manufacturer or rental company and they will help you find what you need.

Statistics show that workers are killed more often on jobsites where there is no competent person (CP), which is an OSHA requirement for all trench jobs. The competent person must have the necessary training about the OSHA Excavation Standard – Subpart P and how to identify and control hazardous conditions. NUCA's competent person training program provides this information and a lot more. However, the competent person needs the right equipment to provide a safe place to work and must have

the authority to take immediate corrective action to make the job safe. Otherwise, OSHA will not consider him or her competent. Failure to take corrective action when a hazard exists can result in severe OSHA penalties. More importantly, when a hazardous situation exists, like an unprotected trench, workers are in danger and could be buried alive.

Don't just train the competent person(s), train workers too. Many NUCA members are not only sending their competent persons to NUCA's Excavation Safety and Competent Person training, they are sending all their workers. Why? Because they are supposed to provide trench safety training for workers too and they realize the benefits of workers knowing what the competent person knows. Sure, the average laborer or pipe layer may not need as much training as the CP but employers know that if a worker completes a NUCA course, he or she will walk away with a solid understanding of what OSHA requires employers to do and the CP's responsibility, in addition to the potential hazards and how to protect themselves and their co-

workers. Bottom line, everyone is reading from the same page.

From June 16-20, 2025, NUCA will be holding its 10th annual Trench Safety Stand Down. During this week we are asking all contractors and employers who have any involvement with digging trenches or excavations to hold a TSSD. During the stand-down we are asking employers to remind and educate their workers about the dangers of entering an unprotected trench. We are also asking NUCA members and their chapters to reach out to their friends, subcontractors, municipalities, other contractors who dig, and other associations asking them to hold a TSSD. Our goal is to educate workers and to save some lives.

OSHA will continue to show up at any trench or excavation job site at any time to conduct an evaluation. If OSHA shows up at your jobsite and sees an unprotected trench, there will be no excuses and very possibly willful citations.

Even more important, there is no reason workers should have to put their lives on the line by entering an unprotected trench.

NUCA and its members have been making progress in recent years. National reporting by federal and state OSHA programs show worker deaths in trench collapses declined nearly 70 percent since calendar year 2022. Fatalities decreased from 39 in 2022 to 15 in 2023 and, to date, 12 in calendar year 2024 through November.

Let's continue to take the lead and protect workers. Promote trench safety, pass the word to those who think that providing a protective system is not necessary or too expensive to protect the lives of workers. Let's continue to live up to our slogan: We Dig America Safely.

For more information on NUCA's Trench Safety Stand Down got to www.nuca.com/tssd. For information on NUCA's Competent Person Class, visit www.nuca.com/safety/training-programs.

This article was written by **George Kennedy**, formerly NUCA's vice president of safety, and originally appeared in the May-June 2018 issue of Utility Contractor. It has been updated with 2025 event dates and current OSHA statistics.

PROTECTIVE SYSTEMS

There are different types of protective systems, according to OSHA.

- **Benching** means a method of protecting workers from cave-ins by excavating the sides of an excavation to form one or a series of horizontal levels or steps, usually with vertical or near-vertical surfaces between levels. Benching cannot be done in Type C soil.
- **Sloping** involves cutting back the trench wall at an angle inclined away from the excavation.
- **Shoring** requires installing aluminum hydraulic or other types of supports to prevent soil movement and cave-ins.
- **Shielding** protects workers by using trench boxes or other types of supports to prevent soil cave-ins. Designing a protective system can be complex because you must consider many factors: soil classification, depth of cut, water content of soil, changes caused by weather or climate, surcharge loads (e.g., spoil, other materials to be used in the trench) and other operations in the vicinity.

More information is available on OSHA's website: www.osha.gov/trenching.



LBX Co. 220, 260, 370 X4S Long Front Excavators

LBX Co. introduced three new Long Front Excavators – the 220, 260, and 370 X4S. At the core of these powerful machines lies a sophisticated electronically controlled hydraulic pump system and the industry-recognized SSC (Spool Stroke Control) system. This innovative combination ensures precise control and optimal performance in various applications, from dredging and waterway work to road construction and site remediation.

All three machines demonstrate impressive reach capabilities. The 220 model extends to 50 ft, 10 in., while the 260 takes it to the next level, reaching 59 ft, 9 in. The 370 model boasts the longest reach, extending to 60 ft, 10 in.

Digging deeper isn't an issue with these machines, as the 220 model can dig up to 39 ft, 5 in., the 260 model can reach 47 ft, 9 in., and the 370 model can dig to a depth of 46 ft, 3 in.

The Isuzu Final Tier 4 engine, renowned for its exceptional fuel economy, powers the machines with optimized swing speed. The innovative design eliminates the need for a Diesel Particulate Filter (DPF), reducing maintenance costs and environmental impact.

Operators can choose from four power modes- Speed Priority, Eco, and Lift- to tailor performance to specific tasks, maximizing efficiency and minimizing fuel consumption.



Cat Command for Medium Wheel Loaders

Caterpillar announced Cat Command for Loading is expanding to all medium wheel loaders, excluding the GC models. Removing the operator from the machine, Command for Loading offers semiautonomous remote control of next generation Cat 950 – 982 wheel loaders designed to increase operating safety in hazardous environments.

By allowing the user to comfortably control the machine from a safe location, Command maintains high machine productivity in operating environments like demolition, environmental remediation, stevedoring and the handling of fertilizer, chips, and sawdust.

Remote operation options are available in both line-of-sight and non-line-of-sight configurations. Cat Command for Loading is integrated with the loader's electronic and hydraulic systems for quick response and smooth control, and allows easy switching between remote and manual in-cab operation.

Basic machine controls such as wheel loader startup/shutdown, bucket rack/dump and lift/lower are easily accessed through the ergonomic console control layout. Operator inputs are sent directly to the machine's electronics from the Command console. Integrated safety features are also included to enhance operator safety.

John Deere SmartDetect



Expanding its portfolio of jobsite safety solutions and technology offerings, John Deere announces SmartDetect for select utility-class and production-class loaders. Building upon the

jobsite-proven John Deere advanced object detection and vision solutions, utilizing a combination of cameras, radar and machine learning tools, SmartDetect technology is designed to enhance overall situational awareness, providing informed visibility to an operator's surroundings.

Prioritizing operator visibility, perception, and awareness, SmartDetect combines cameras and machine learning to help give operators a better view of their surroundings. SmartDetect utilizes the machine's integrated digital cameras and a dedicated rearview high-resolution monitor to supplement operator's jobsite visibility. The stereo camera on the rear of the machine enables depth perception to identify and classify known objects, further improving awareness.

The SmartDetect system alerts operators when an object enters the machine's projected travel path and provides unique detection alerts for the operator, as well as people in the camera's field of view. With this advanced perception system, visual cues and bounding boxes are shown to the operator, helping to distinguish and highlight any obstacle type. By identifying fixed or moving objects such as people, poles, structures or other machinery, vision technology provides critical information to the operator.

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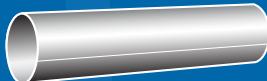
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