



## **FEBRUARY 2023**

February 6, 2023

February 13, 2023

February 21, 2023

February 27, 2023

February 6, 2023

The **VOICE** of Construction



## INDUSTRY NEWS

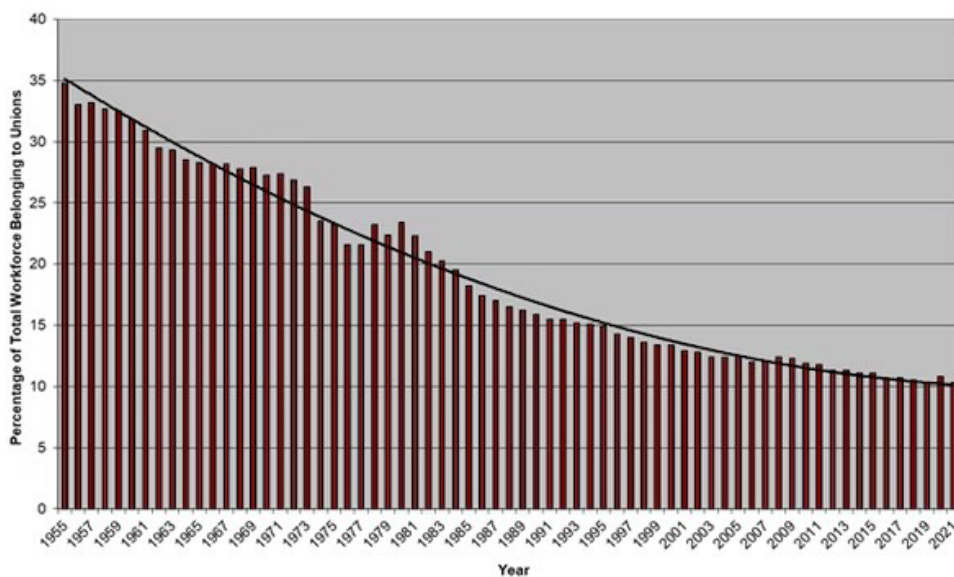
### Janus Fallout Continues

By Mike McManus, Director of Engineering Construction and Industry Relations

The U.S. Department of Labor's Bureau of Labor Statistics (BLS) in 2022, released its annual Union Membership Report for 2021. This report showed that union membership, as a percentage of the workforce, declined by half a percentage point from 10.8% to 10.3%.

The number of union members fell another roughly 230,000 across the nation. In fact, union membership has declined almost every year since 1955. In those days, 35% of all workers belonged to a union. These were all private sector workers, as public employee unions did not generally exist until the 1980's.

Union Membership Trend From 1955-2021



In 2021, the private sector lost about 50,000 union members, for a total loss of about 478,000 since 2019. Meanwhile, the private sector union membership rate itself dipped slightly from 6.3% to 6.1%, the lowest it has ever been.

As has been the case for some time, the percentage of union members in the public sector was more than five times higher than in the private sector. What is noteworthy, perhaps, this year there were slightly more private sector union members (7.03 million) than public sector (6.98 million).

This year's union membership report leaves much to be desired for organized labor leaders, to say the least. It seems the challenge for organized labor leaders is two-fold.

First, they need to reverse the Federal funding paradigm that shuffles five dollars to support college preparatory schooling while funding only one dollar for trades education. This seems like a place where manufacturing, the construction industry, and the unions can work together.

The second challenge is to figure out why workers, private and public, and company owners are pulling back from the unions. With the notable exception of agencies who are mandating union friendly labor agreements on public works projects. The question is, how do you get workers and companies to willingly join or partner with the unions, if it is not mandated by government? It is at this point not a product folks are willingly buying.

Meanwhile, here in California, the fallout continues to build from the U.S. Supreme Court's June 2018 ruling (Janus) that government unions cannot require their employees to pay unions anything – membership dues or fees – as a condition of employment. These dues and fees have long been a key to the balance of political power in California. Government union leaders almost always steer that cash to Democrats – politicians allied with unions and eager to back union causes and to fund ballot measures with a progressive agenda.

But, the Supreme Court agreed with the argument that mandatory dues violate the First Amendment rights of union members by using their money to advocate for positions in collective bargaining or political causes with which they don't agree.

The day the Janus ruling was issued, Gov. Jerry Brown signed Senate Bill 866, which created paperwork obstacles to workers withdrawing permission for union deductions. As the California Policy Center reported earlier this year, such maneuvering hasn't worked. At least 306,000 workers – about one-fifth of the Golden State's public workforce – have stopped paying fees and dues since the Janus decision. This has led to a power struggle in SEIU 1000, the state's largest government union, between the old guard and newly assertive members who want less politics and better member services.

The Janus ruling seems likely to diminish government union, political power in the Golden State for years to come. The opposite is true on the private sector side, at least in construction. The political power of the Building Trades seems to be growing.

Boosted by Covid emergency funding, California governments have gone on a hiring frenzy, but membership in California's government unions has hit a 20-year low, documents obtained by California Policy Center (CPC) show.

California state and local government payroll records, obtained by CPC under the state's Public Records Act, reveal that governments have added some 200,000 new employees after four years of declining employment. At the same time, government union membership

continued its decline. Since the Supreme Court's 2018 decision in Janus v AFSCME, the state's unions have lost a total of 378,000 potential members.

CPC's public record's review shows that the membership losses produced a decline in annual union dues income of just under \$337 million.

Some of the most notable declines took place in the California University system where almost 45% of faculty and staff are no longer paying into their unions. Internal records report 29,403 employees have decided union membership is no longer for them.

## MEMBER NEWS

### AGC Convention Hotel Update

Rooms at the Wynn are getting very limited, with some nights being sold out. The AGC has alternate hotels listed on their website here:

<https://convention.agc.org/travel-accommodations/>



### AGC Affiliate Mixer - Thursday, March 30, 2023

*By Pam Scholefield, AGC Affiliate Council  
Chairwoman*

The AGC Affiliate Council is pleased to welcome members to the first mixer of the year. **Join us on March 30, from 4:30 p.m. to 6:30 p.m., at Tom Ham's Lighthouse on Harbor Island for the Affiliate Mixer!**

Enjoy the view of the San Diego skyline at this free afternoon networking event. We encourage our member firms to stay connected, and invite their PM's, PE's, estimating and scheduling staff, and anyone else in their firm that would benefit from socializing with others in the industry. AGC San Diego networking events are a great way for you and your employees to meet the general contractors, superintendents and project managers working on San Diego's biggest construction projects.

**This is a member-only event and pre-registration is required! [CLICK HERE TO REGISTER ONLINE!](#)**

### SPONSORSHIP OPPORTUNITIES

All member companies are welcome to sponsor an exhibitor table at the event to reach out to the membership and grow their business. Yes, that means General Contractors, Subcontractors, and Affiliates can set up a table to promote and market your services to the membership.

Join our **Sponsors** below in supporting this event to ensure all AGC members are invited to attend at no charge.

**Platinum:**

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**Gold Sponsors:**

[Kelar Pacific](#)

**Silver Sponsors:**

[Coastal Sign Plus](#)

[Teague Insurance](#) (*New AGC Member*)

The **Affiliate Mixer** will have an EXPO type atmosphere with **sponsors** receiving a table to market your company and give out promotional materials.

- Exhibitors can display product samples, promotional materials, etc.
- Sponsoring company names will be prominently displayed on a sign in the room.
- **Platinum level sponsors** will be given choice placement by the entrance and bar areas.
- A running slide show will display AGC event photos and sponsor logos and ads depending on their level of sponsorship:
- **Silver sponsor's logos** will be displayed on the screen with other Silver Sponsors (6 companies per screen)
- **Gold sponsors** will share "screen time" with another Gold Sponsor (2 companies per screen)
- **Platinum sponsors receive "full screen" ads**

[Click here for the Sponsor Form!](#)

Contact Rae Krushensky at [raek@agcsd.org](mailto:raek@agcsd.org) with any questions.

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**"Call for Entries" for the 2023 AGC Build San Diego Awards**

*By Rae Krushensky, Director of Meetings & Events and Member Services*

It's time to start working on your entries for the prestigious **AGC Build San Diego Awards** Program. The awards recognize San Diego's most impressive construction projects, ranging across the building, highway & transportation, underground & utility infrastructure, and heavy division categories.

**The event is scheduled for November 14, 2023.**

We are very honored to have [Hawthorne Cat](#) and [Torrey Pines Bank](#), back as our Title Sponsors this year!

**HAWTHORNE**



**Hawthorne Cat** and **Torrey Pines Bank** have been supporting this vital construction industry event for many years. They make a great team and AGC San Diego partner.

Entries in the Build San Diego Awards program are open to all General Contractor, Contractor, and Specialty Contractor members who worked as the “**prime**” on the job they are submitting for, and who are in good standing with The Associated General Contractors of America, San Diego Chapter, Inc.

By entering the awards program, you are providing your project team with a fantastic opportunity to showcase their achievements to our panel of exceptional and influential judges, and to the industry.

Recipients of a coveted Build San Diego Award in the following categories will have demonstrated the very best when it comes to building a better San Diego:

- *Building Construction - Public Work*
- *Building Construction - Private Work*
- *Heavy / Highway*
- *Underground / Utilities*
- *Unique Small Project - Public Work, not to exceed \$6 million*
- *Unique Small Project - Private Work, not to exceed \$6 million*
- *Unique Special Project*
- *Sustainable Project*

To be eligible, projects must have been completed between September 1, 2021 and August 31, 2023.

**ENTRY DEADLINE: Any time before August 31, 2023 @ 12:00 NOON**

[AWARDS ENTRY FORM LINK](#)

[AWARDS INFO PDF](#)

[AGC BUILD SAN DIEGO WEBSITE PAGE](#)

Questions? Please contact [Rae Krushensky](#), (619) 592-4525.

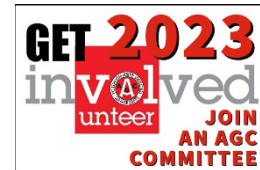


March 13-16, 2023 - [AGC ANNUAL CONVENTION](#) - Las Vegas @ Wynn  
March 30, 2023 - Affiliate Mixer - Tom Ham's Lighthouse

## COMMITTEE MEETINGS

### FEBRUARY MEETINGS

- Feb. 9 - 1:30 PM - **SDUSD Liaison** - Virtual
- Feb. 15 - 4:00 PM - **Construction Leadership Council (CLC)** @ Hazard Construction
- Feb. 16 - 12:00 PM - **Meetings & Events** - Lakeside
- Feb. 21 - 12:00 PM - **Affiliate Council** - Lakeside
- Feb. 23 - 11:00 AM - **Union Signatory Contractors Committee** - Lakeside



[Committee Meeting Calendar](#)

[Get Involved - Join a Committee](#)

## TRAINING CLASSES

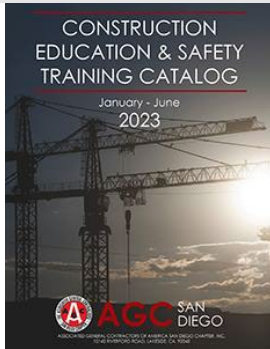
Classes are held either at our **Ferris Square** location in Sorrento Valley, or our **Lakeside** location, in addition to **online** or **offsite**, as noted below.

### FEBRUARY CLASSES

- Feb. 7 - Lakeside - **Stormwater Breakfast Forum** (in person)
- Feb. 7 - *offsite* - **Quickbooks for Beginners**
- Feb. 8-9 - *online* - **CQM (Limited Seating)**
- Feb. 9 - *offsite* - **Microsoft Excel Beginner**

- Feb. 13 - Ferris - Fall Protection Competent Person Retraining
- Feb. 14 - Ferris - Forklift Operator Certification
- Feb. 14 - offsite - Quickbooks for Intermediate/Advanced
- Feb. 14 - Ferris - Scaffold 8-Hour CPT Training
- Feb. 14-16 - Ferris - Scaffold 24-Hour CPT Training
- Feb. 15 - Lakeside - EM385 Refresher Training
- Feb. 16 - offsite - Microsoft Excel - Intermediate
- Feb. 21-23- Ferris - Fall Protection 24-Hour
- Feb. 21-24 - Lakeside - OSHA 30-Hour
- Feb. 21 - Lakeside - Traffic Control & Flagger Training
- Feb. 21-22 - Ferris - SWPPP Practitioner
- Feb. 21-23 - Ferris - SWPPP - Developer
- Feb. 22-23 - Lakeside - Blueprint Reading
- Feb. 22-23 - online - CQM
- Feb. 23 - offsite- Microsoft Excel - Advanced
- Feb. 27 - Ferris - Fall Protection 8-Hour CPT

2023 schedule for [AGC EDGE](#) Virtual Courses. Make sure to mark AGC San Diego for referral chapter.



## 2023 Training Calendar and Class Registration

**January 2023 - June 2023**  
Education & Safety Training Catalog

*If you do not see a class that your team needs, please contact the AGC San Diego Education Department to check upcoming schedule or to schedule a group training session.*  
[Becca Schaffer](#), 619-592-4533

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**AGC East County Facility & Apprenticeship Training Center**

10140 Riverford Road  
Lakeside, CA 92040  
(858) 558-7444

[DIRECTIONS](#)



**AGC Government Affairs Office & Fall Protection Training Campus**

6212 Ferris Square  
San Diego, CA 92121  
2nd floor

[DIRECTIONS](#)

**About Monday Morning Quarterback**

AGC San Diego Chapter's Monday Morning Quarterback is a "hot off the press" and to the point Monday morning briefing on the important issues facing San Diego's construction industry. It is prepared by AGC Chief Executive Officer, Eddie Sprecco, and Vice President Government & Industry Relations, Dustin Steiner.

Please contact [Eddie Sprecco](#) or [Dustin Steiner](#) with your comments, or with information that should be conveyed to the industry through this service. Well over 3,000 individuals employed by AGC member firms are part of this system.

[Visit agcsd.org](http://agcsd.org)

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**AGC San Diego Chapter, Inc.**

The **VOICE** of Construction  
(858) 558-7444  
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**Connect With Us**



**The Associated General Contractors, San Diego Chapter, Inc.**

10140 Riverford Road, Lakeside, CA 92040

**February 13, 2023**

The **VOICE** of Construction

*The AGC offices will be closed Monday, Feb. 20 in observance of Presidents' Day, which is a recognized prevailing wage holiday on SD projects.*



## INDUSTRY NEWS

### **PLAy It Again, Sam**

*By Dustin Steiner, Vice President Government & Industry Relations*

Another week, another Project Labor Agreement. This one is heading to the Port of San Diego and it's the standard fare, applying to projects over a million bucks and locking out open shop apprentices like the Black Contractors Association and AGC.

The meeting will be held at 1PM on Tuesday and here is how you can have your voice heard:

**MEMBERS OF THE PUBLIC MAY VIEW THIS MEETING VIA LIVESTREAM at:**

<https://www.portofsandiego.org/about-port-san-diego/board-meetings>

### **PROVIDING PUBLIC COMMENT**

Public comment is limited to 2 minutes per speaker on both agenda, and non-agenda items. The time allotted for speakers may be adjusted by the Board Chair at his or her discretion.

PUBLIC COMMENT IS AVAILABLE FOR THIS MEETING BY DOING ONE OF THE FOLLOWING NO LATER THAN THE TIME THE PUBLIC COMMENT PORTION FOR THE AGENDA ITEM IS CONCLUDED, HOWEVER THE PUBLIC IS STRONGLY ENCOURAGED TO DO SO PRIOR TO THE ITEM BEING CALLED.

### **In-Person Participation:**

Complete and submit a Speaker Slip and give to the District Clerk

### **Remote Participation:**

1. Call 619-736-2155 and leave a brief voicemail message that will be played during the meeting. A voicemail longer than the time allotted for public comment on that item will be stopped after that time has elapsed.

2. Email a request to provide live comment to [PublicRecords@portofsandiego.org](mailto:PublicRecords@portofsandiego.org) to receive a link to participate in the meeting to provide live comments.
3. Submit written comments to [PublicRecords@portofsandiego.org](mailto:PublicRecords@portofsandiego.org) which will be forwarded to the Board and included in the agenda-related materials record for the meeting.

**It is item #10.**

To read the draft, [click here to download PDF](#).

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## **Progressive Design Build Expanded to Local Water Projects**

*By Mike McManus, Director of Engineering Construction and Industry Relations*

California legislators have gradually expanded local agencies' authority to procure construction projects over the last couple of decades by using various alternatives to the design-bid-build delivery method, which requires that contracts are awarded to the lowest responsible bidder. Recently, California took another step forward in this regard.

Last Fall, Governor Newsom signed into law SB 991, which expands the use of progressive design-build (PDB) project delivery in the public sector for certain water projects. This process has proven to be well-regarded by the construction industry for its balanced risk allocation, while simultaneously providing municipalities more flexibility in addressing challenges in replacement of aging and failing underground pipes.

Existing law, until January 1, 2025, authorizes local agencies to use the traditional design-build procurement process for specified public works with prescribed cost thresholds. This new legislation, authorizes local agencies to use the PDB process until January 1, 2029, for up to 15 public works projects in excess of \$5 million for each project. The model in the legislation is a PDB process similar to the one in use by the California Department of General Services.

This new law applies to any city, county, city and county, or special district authorized by law to provide for the production, storage, supply, treatment or distribution of any water from any source. The bill requires a local agency that uses the PDB process to submit, no later than January 1, 2028, to the appropriate policy and fiscal committees of the Legislature, a report on the use of the PDB process containing specified information, including a description of the projects awarded using the PDB process.

The PDB process has become well known in recent years as a form of collaborative project development that can help the project stakeholders minimize some of the customary risks inherent in traditional design-build. This procurement method helps avoid unforeseen conditions and design changes by early collaboration between the contractor and the owner.

The PDB procurement model generally includes two phases. In the first phase, the awarding authority uses a "best value" process primarily focused on qualifications and experience to select a design-build entity. After selection of a design-build entity, the agency enters a contract for design and preconstruction services sufficient to establish a guaranteed maximum price. Notably, the overall project cost and schedule are not

established at the time of the selection. This mitigates the issue of a design-build entity bidding on a project with incomplete plans and specifications.

In phase one, the design-build entity completes preliminary plans and preconstruction services necessary to provide a cost estimate and final design proposal. During this phase, the design-build entity collaborates with the awarding authority and with its own consultants to develop the project's overall design and clearly define the programming and priorities. This process tends to be a collaborative work environment as opposed to the adversarial approach inherent in many traditional forms of contracting.

The project then progresses to the second phase where the awarding authority and design-build entity agree to a final design, cost, and schedule, with an open-book approach. At an agreed upon time, typically when the design is between 50 and 75 percent complete, the design-builder will present the awarding authority with a proposal to deliver the project in phase two, which is for the final design, construction, and commissioning.

The design-build entity would present a specific schedule along with a guaranteed maximum price (not to exceed). If the parties cannot agree on a fair value cost, then there is a contractual "off ramp" that the awarding authority can exercise in its discretion if it elects not to proceed. Even if the "off ramp" is used, the awarding authority still benefits from having the first phase work complete since it may then solicit competitive proposals to complete the project from other entities. This differs from traditional design-build project where the awarding authority contracts with a single entity to design and construct a project at a set price before design work begins in earnest and without a similar "off ramp."

Thus far, the PDB delivery method has been well-received by contractors because it appropriately and reasonably allocates the risk for each party involved in a project. Poor risk allocation has been a frequent criticism of the traditional design-build approach. PDB also gives the agency/owner a high level of input and control while allowing the design-builder to seek out innovative approaches to handling complex construction problems.

California is getting low grades for the state of its water infrastructure, SB 991 could provide an opportunity to assist local agencies in addressing the state's critical water infrastructure needs.

## COMMUNITY NEWS



### AGC Supported SDSU Teams Compete at ASC Region 6 & 7 Competition

*By Kellie Korhonen, Digital Communications and Technology Manager*

This past weekend, 217 teams from 57 schools descended in Reno, Nevada, for one of the largest student construction competitions in the nation and in the crowd were 29 students from San Diego State University (SDSU).

Let me set the scene, a buzz of excitement is in the air as a crowd of over 1600 college students wait to enter the kick-off student dinner of the ASC Region 6 & 7 Competition. While excitement might have turned to stress during the competition the camaraderie between teams and schools was one of support throughout. This two-day competition puts student teams of six through a real-world construction problem based on each competition category. San Diego State University (SDSU) sent teams in Commercial, Preconstruction, Visual Design and Construction (VDC), and Electrical.

The SDSU students prepared for months with the help of AGC San Diego Construction Leadership Council (CLC), team sponsors, SDSU faculty advisors, and industry coaches. **Thank you to our team sponsors!**

- Electrical - **Bergelectric Corporation**
- Commercial - **Clark Construction**
- Preconstruction - **Swinerton**
- Visual Design and Construction (VDC) – **Balfour Beatty**

For some teams, the competition started the week prior, when they had to complete pre-competition tasks, but the real work started in Reno early Thursday morning. The students got to work in their “work rooms” each student focused to complete needed tasks for their team and competition problem. The teams are challenged throughout the day with updates to the problem including “change orders” or notification of supply chain issues all to see how the students adapt to real world scenarios.

What comes next, the deadline to turn in their proposals - and I witnessed the mad dash of students running the halls to make it in time to turn in their proposals and the relief that “part one” is done. Day two is the presentation to the problem sponsor, so the work for some teams is not done as they must practice and perfect their presentations.

Time to watch the SDSU teams - first up was the Commercial team at 7am to start the 18 presentations in that Region 7 competition. Next up were the three teams in the open-competition categories of VDC, Preconstruction, and Electrical. Most of the SDSU teams were new to the competition this year, with only one returning member, but all teams did well during the presentations and learned a lot during the competition.

A big shot out to SDSU faculty advisors **Thais Alves** and **Nensi Lakrori** for attending and supporting the student teams. The SDSU AGC Student Chapter, along with AGC's support, organized the teams and coordinated the preparations for the competition. This year's student chapter Reno lead, **Jordan Farrell** had a big hand in collaborating with all teams and coordinating with AGC for a successful student experience.

Finally, you should also give yourself a pat on the back - if you are reading this, you may have been a team coach or were a "Mock Problem" spectator this year to challenge and provide feedback to the teams to help get them ready for the competition. Thank you for your involvement and helping prepare the students compete in this competition and to graduate excellent future leaders of the industry.



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## Trucks Needed For Touch-A-Truck Lakeside on February 26

**Calling all truck owners, businesses, & classic car owners!** Bring your vehicle to [Touch-A-Truck Lakeside Edition on Sunday, February 26](#) and share the love you have for your industry with the community. Kids will be thrilled to learn, feel, touch & experience a wide variety of trucks, equipment & cars to expose them to this fulfilling career.

**Entry to bring your vehicle is FREE!** [CLICK HERE TO REGISTER](#)

## MEMBER NEWS



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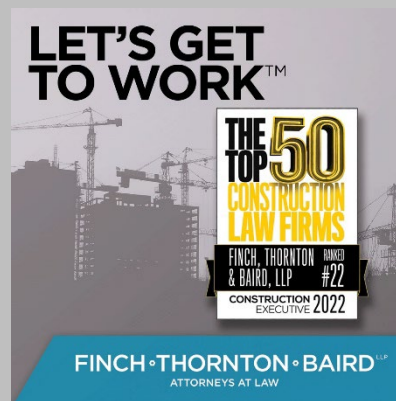
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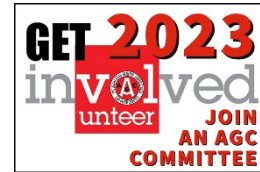


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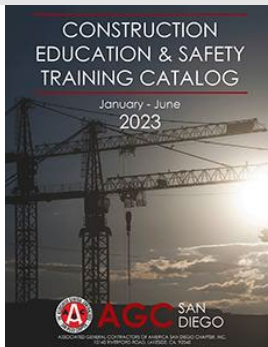
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- Feb. 23 - *offsite* - **Microsoft Excel - Advanced**
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2023 schedule for [AGC EDGE](#) Virtual Courses. Make sure to mark AGC San Diego for referral chapter.



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[Becca Schaffer](#), 619-592-4533

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Please contact [Eddie Sprecco](#) or [Dustin Steiner](#) with your comments, or with information that should be conveyed to the industry through this service. Well over 3,000 individuals employed by AGC member firms are part of this system.

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February 21, 2023

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## INDUSTRY NEWS

### Join Us in Sacramento!

*By Dustin Steiner, Vice President Government & Industry Relations*

Former Secretary of State George P. Shultz had a favorite tie with a favorite mantra “Democracy is not a spectator sport.” It is in that spirit that I invite you to our biannual **Joint AGC Legislative Committee** which finally returns *in-person* on **March 8 at Unger Construction in Sacramento from 10 a.m. – 2 p.m.** Lunch will be provided and the mid-day meeting will allow members the opportunity to fly in and out the same day, if needed. I just booked the 7:30 a. m. Southwest flight out of San Diego and will return later that afternoon myself.

As a bit of a refresher, the Joint Legislative Committee is a shared body between members of AGC California and AGC San Diego. Our two AGC chapters share the same voice in the Capital with the APEX Group, Felipe Fuentes and Paul Gladfelty, as our Legislative Advocates. We typically come together in early March to review legislation and take formal positions on bills as they begin to accelerate through the legislative process.

Please register here: <https://web.agc-ca.org/events/Joint-Legislative-Committee-Meeting-7495/details>

Additionally, if there is legislation that you are tracking, please let me know so I can share with the Sacramento team. Due to the breakout sessions and other constraints, there will not be a virtual option.

I look forward to seeing you there!

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### Déjà vu All Over Again

*By Mike McManus, Director of Engineering Construction and Industry Relations*

Last week, SANDAG started the regional plan process all over again. A public scoping meeting was held as the first step in the process to develop the 2025 Regional Plan. Incidentally, SANDAG is required to update the plan every four years.

The present plan, the 2021 Regional Plan, needed to be approved for conformance to state air quality goals by the California Air Resources Board (CARB). It was approved by CARB last summer, however the plan submitted to CARB by SANDAG staff, included the controversial road user charge. Interestingly, the SANDAG Board, while approving the 2021 Regional Plan in December 2021, with the road user charge (RUC) included in the plan, later voted to direct the staff to remove the RUC from the plan.

The controversial transportation plan, includes funding mechanisms, such as the road-user charge and three half-cent tax increases (one of which is only for residents of the city of San Diego). If SANDAG removes the road user charge, the plan could face a funding challenge. But that is not all.

There are several more funding challenges to the plan. According to the plan, the SANDAG board will allow Caltrans to assume ownership of state Route 125, forfeiting up to \$2 billion in toll revenue as a funding source for the transportation plan.

Last year, the SANDAG board majority supported “free transit for all.” If the board actually implements universal free transit, up to \$21 billion in potential revenue — passenger fares from North County Transit District and San Diego Metropolitan Transit System — would be eliminated.

Lastly, in June, *Let's Go, San Diego*, [a coalition of special interests, failed to obtain enough signatures](#) to get a half-cent tax measure on last November's ballot, a proposal estimated to raise \$10 billion for the plan. The group, comprised of labor unions, environmental groups and at least one paid consultant, recently announced it would bring back the tax initiative next year.

However, Reform California has qualified a ballot initiative for the 2024 ballot. If approved by voters, the measure would require a two-thirds vote of the people to approve any future state or local tax hikes — and would require accurate and fair ballot titles be used in elections. So, *Let's Go San Diego* may face the daunting task of having to get two-thirds of the voters to agree to tax themselves so that others may ride future mass transit systems.

But back to the RUC. How does this RUC actually work? Nobody knows. The first state to dip its toe in the pool was Oregon, which signed up about 700 people who tracked their mileage and then submitted the records to the state for reconciliation. Oregon declared the effort a success (though it should be noted the participants were highly motivated volunteers). For a statewide system to work, the State of California would have to actually finish a large technology project (first time in history), which is not likely to happen.

How any RUC would be actually charged—is not yet determined. As noted, the Oregon pilot program relied on highly-motivated volunteers self-reporting mileages. For any number of reasons, it is highly improbable that such a system could work on any large scale as it would rely solely on the memory and honesty of the average taxpayer.

Almost certainly the implementation would involve either a transponder in each vehicle or an app that drivers could download and sync to their car. Both the app and transponder solutions raise serious data privacy issues that even proponents admit is a major stumbling block to eventual implementation. The chances that a majority of the public will think that allowing the government to know exactly where they are at any given time is a good idea--is slim.

Then there is the income differential issue. Some concepts publicly envision a sliding scale component to the tax, meaning that lower-income residents would actually pay a smaller per mile fee. In other words, if a person receives Medi-Cal or SNAP, they could automatically qualify for smaller per mile charge, or the system could simply compare vehicle registration information to state and/or federal tax return data to determine who gets the discount, etc. (and, yes, that could mean the DMV and the IRS would have to closely "cooperate").

The county borders, including the one with Mexico, are another significant stumbling block to implementing a system of charging for road usage. How would SANDAG insure that people crossing the borders are paying their fair share?

Lastly, SANDAG has said that the RUC is crucial to changing the public's behavior, by forcing the public to abandon their cars in favor of riding on a future \$160 billion transit system.

We may not have to worry about the RUC.

## MEMBER NEWS



### **AGC Affiliate Mixer - Thursday, March 30, 2023**

*By Pam Scholefield, AGC Affiliate Council  
Chairwoman*

The AGC Affiliate Council is pleased to welcome members to the first mixer of the year. **Join us on March 30, from 4:30 p.m. to 6:30 p.m., at Tom Ham's Lighthouse on Harbor Island for the Affiliate Mixer!**

Enjoy the view of the San Diego skyline at this free afternoon networking event. We encourage our member firms to stay connected, and invite their PM's, PE's, estimating and scheduling staff, and anyone else in their firm that would benefit from socializing with others in the industry. AGC San Diego networking events are a great way for you and your employees to meet the general contractors, superintendents and project managers working on San Diego's biggest construction projects.

**This is a member-only event and pre-registration is required! [CLICK HERE TO REGISTER ONLINE!](#)**

### **SPONSORSHIP OPPORTUNITIES**

All member companies are welcome to sponsor an exhibitor table at the event to reach out to the membership and grow their business. Yes, that means General Contractors,

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Join our **Sponsors** below in supporting this event to ensure all AGC members are invited to attend at no charge.

**Platinum:**

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[Kelar Pacific](#)

[GoFormz](#) (New AGC member)

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[Scholefield Construction Law](#)

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[Click here for the Sponsor Form!](#)

Contact Rae Krushensky at [raek@agcsd.org](mailto:raek@agcsd.org) with any questions.

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## Welcome New Members

The AGC Board of Directors and the AGC staff welcome the following new members to AGC San Diego Chapter:

[GoFormz](#)  
[SiteRep Construction Services, Inc.](#)

*AGC's Motto: "It's Good Business to do Business with AGC Members."*

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## "Call for Entries" for the 2023 AGC Build San Diego Awards

*By Rae Krushensky, Director of Meetings & Events and Member Services*

It's time to start working on your entries for the prestigious **AGC Build San Diego Awards** Program. The awards recognize San Diego's most impressive construction projects, ranging across the building, highway & transportation, underground & utility infrastructure, and heavy division categories.

**The event is scheduled for November 14, 2023.**

We are very honored to have [Hawthorne Cat](#) and [Torrey Pines Bank](#), back as our Title Sponsors this year!



**Hawthorne Cat** and **Torrey Pines Bank** have been supporting this vital construction industry event for many years. They make a great team and AGC San Diego partner.

Entries in the Build San Diego Awards program are open to all General Contractor, Contractor, and Specialty Contractor members who worked as the "**prime**" on the job they are submitting for, and who are in good standing with The Associated General Contractors of America, San Diego Chapter, Inc.

By entering the awards program, you are providing your project team with a fantastic opportunity to showcase their achievements to our panel of exceptional and influential judges, and to the industry.

Recipients of a coveted Build San Diego Award in the following categories will have demonstrated the very best when it comes to building a better San Diego:

- *Building Construction - Public Work*
- *Building Construction - Private Work*
- *Heavy / Highway*
- *Underground / Utilities*



- *Unique Small Project - Public Work, not to exceed \$6 million*
- *Unique Small Project - Private Work, not to exceed \$6 million*
- *Unique Special Project*
- *Sustainable Project*

To be eligible, projects must have been completed between September 1, 2021 and August 31, 2023.

**ENTRY DEADLINE: Any time before August 31, 2023 @ 12:00 NOON**

[AWARDS ENTRY FORM LINK](#)

[AWARDS INFO PDF](#)

[AGC BUILD SAN DIEGO WEBSITE PAGE](#)

Questions? Please contact [Rae Krushensky](#), (619) 592-4525.



March 13-16, 2023 - [AGC ANNUAL CONVENTION](#) - Las Vegas @ Wynn  
March 30, 2023 - Affiliate Mixer - Tom Ham's Lighthouse

**COMMITTEE MEETINGS**

## FEBRUARY MEETINGS

Feb. 23 - 11:00 AM - Union Signatory Contractors Committee - Lakeside



[Committee Meeting Calendar](#)

[Get Involved - Join a Committee](#)

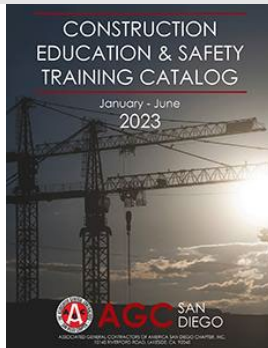
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February 27, 2023

The VOICE of Construction



## INDUSTRY NEWS

### Breaking Greenhouse Glasses

*By Dustin Steiner, Vice President Government & Industry Relations*

On January 1, 1970, former California Senator and current President of the United States, Richard Nixon signed into law the most sweeping environmental protection proposal the world had ever seen. The National Environmental Policy Act (NEPA) has served as a model to over 100 nations and numerous states. In fact, later that same year, California's Governor and future President Ronald Reagan signed the California Environmental Quality Act (CEQA) into law. Fifty-three years later, it's another California elected official who is making headlines about environmental policy. San Diego's own Congressman Scott Peters, who by trade is an environmental attorney, is speaking out about *possibly* amending NEPA.

Long considered a third rail, especially for modern Democrats, NEPA and CEQA have been largely sacrosanct despite being over 50 years old. In my own experience in local government, I've seen CEQA weaponized to delay or even shut down projects. There is a lot of money to be made on the periphery fighting lawsuits for decades. I've often thought a tort reform of sorts, where there were reasonable limits put on how CEQA lawsuits are litigated, would help to curb the lawsuit abuse and get us back to the foundation of the law. But, alas, I am not an elected official.

To give you an idea of how many things have changed even in the last 15 years, CEQA has a level of disclosure known as a Mitigated Negative Declaration (MND). Essentially, a MND allows a public agency to disclose environmental impacts of a project and, if *insignificant* enough, propose mitigation measures and move forward. It was fairly commonplace on projects in the early 2000s. But, the threshold is relatively minimal, and an opponent of a given project need only raise a "fair argument" that a MND is not adequate, and the applicant or agency is pushed to the much more intensive, expensive, and expansive Environmental Impact Report (EIR), which could delay a project for years. It's certainly part of the reason why housing and other projects are so expensive in California, as MNDs are almost non-existent and EIRs have become the norm, even on "small" projects.

Back to Congressman Peters...In a recent interview with Essential Energy and Environment News (E&E News), the Congressman said "The boogeyman we always heard about is, 'Oh you're trying to change NEPA.' And yeah, I'm trying to change

NEPA...If it keeps us from saving the planet? Yeah.” Peters, and other Democrat Party leaders, have started this difficult conversation by suggesting we need streamlining for solar and wind projects and have further pointed out that recent investments made by the Infrastructure Investment and Jobs Act (IIJA) and Inflation Reduction Act could use a little, shall we say, jumpstart. “If you’re a climate advocate, you really gotta start with how you build stuff faster,” Peters said. “And if you accept the challenge of climate change, and you accept how we have to follow the science, it is inevitable that you will accept the fact that we have to change these processes.”

Peters is in an interesting position. A moderate Democrat, he will likely find some common ground with Republicans anxious to streamline environmental policies, but it won’t come easily. He will just as likely find resistance from environmental interest groups, his colleagues, and even, perhaps, his own track record. There is no doubt Peters is an environmentalist - a badge he wears proudly. But, as he ended the interview, “I’m going to be more of the ‘breaking the glasses’ person,” it certainly appears he’s more interested in getting things done than hurting feelings. We applaud his gumption and stand by ready to assist.

To read the full E&E News interview, click [here](#).

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## **Federal Bureaucrats Backed Off by Congress**

*By Mike McManus, Director of Engineering Construction and Industry Relations*

There are many examples, lately, of different parts of the federal bureaucracy setting national policy by posting guidance memorandums and policy letters that go beyond the law that congress passed, and that the president signed. The recent decision by SCOTUS in the EPA vs. West Virginia case, based on the “major question doctrine,” struck down the EPA’s authority to require power plants to move away from the use of coal. The major question doctrine applies where a novel federal agency rule will have an expansive effect and significantly impact the nation’s economy.

This example of bureaucratic overreach in the federal bureaucracies is not, by any means, an isolated example. Here is another case the federal bureaucracy attempting to set national policy that not only did Congress not authorize, but they also actually rejected.

Recently, some high-profile national associations, like AGC, requested that the Federal Highway Administration rescind its December 2021 policy memorandum to the states on implementing the Infrastructure Investment and Jobs Act (IIJA).

AGC has supported the IIJA, because it is also a carefully negotiated and balanced package of policy reforms and targeted national investments that will make Americans’ lives better. However, the FHWA guidance memo to the states seemed to be intended to serve as an overarching policy framework that prioritizes IIJA resources towards certain projects, which was inconsistent with what was laid out under the legislation President Biden signed into law.

The two paragraphs of the FHWA policy statement that caused the most stir at the state level were these:

- *“Under this Policy, FHWA will work with recipients of any Federal funds made available under title 23, United States Code to encourage and prioritize the repair, rehabilitation, reconstruction, replacement, and maintenance of existing transportation infrastructure, especially the incorporation of safety, accessibility, multimodal, and resilience features.*

*Projects to be prioritized include those that maximize the existing right-of-way for accommodation of non-motorized modes and transit options that increase safety, accessibility, and/or connectivity.”*

- *“FHWA staff shall encourage metropolitan planning organizations, State transportation departments, FLMAs and other decisionmakers and recipients of Federal-aid highway and Federal Lands funding to consider the following factors before advancing projects that result in new capacity for single occupancy vehicles: progress in achieving a state of good repair consistent with the State’s asset management plan under 23 U.S.C 119(e); how the project will support the achievement of the State’s performance targets under 23 U.S.C 150 (including any new performance targets established by FHWA); and whether the project is more cost-effective than both operational improvements to the facility or corridor and transit projects eligible under chapter 53 of title 49.”*

The first one is unusual, as FHWA has generally deferred to states to select what kind of projects they want to fund, so long as they meet the statutory criteria. The second one is interesting in that it sounds a whole lot like the “fix it first” and transit cost comparison provisions that were in the House Democratic version of the surface transportation reauthorization bill, but were rejected for inclusion in the bipartisan bill that became law. In fact, there were repeated attempts to get that language included in the law, but, because it wasn’t bipartisan, it was rejected.

What the guidance says in plain English is that the states should prioritize:

- Transit and bike/ pedestrian projects
- Rehabilitation of existing roads and transit
- Pick projects that reduce greenhouse gas emissions.

Adding lanes to roads is eliminated as an option for the states in using IIJA funds under this policy guidance. In our opinion, that is a novel federal agency rule that will have an expansive effect and significantly impact the nation’s economy.

In December, the U.S. Government Accountability Office (GAO), slammed FHWA for this memo by making a determination that this memo is a rule under the Administrative Procedures Act (APA). In the determination, the GAO stated that formulation of the rule must comply with the APA, requiring public notice and comment which did not occur in this case. If FHWA wishes to prioritize certain types of projects over other types, then the agency should work with Congress to legislate such changes or follow the notice and comment rulemaking process as required under the APA. Here, FHWA did neither.

As I was finishing this article last week, U.S. Senator Shelley Moore Capito (R-WV), Ranking Member of the Senate Environment and Public Works (EPW) Committee, and U.S. Rep. Sam Graves (R-MO), Chairman of the House Transportation and Infrastructure (T&I) Committee, released the below joint statement after the Federal Highway Administration (FHWA) released a substantially revised replacement of its December 2021 policy memorandum, which attempted to enact a wish list of policies intentionally negotiated out of the bipartisan *Infrastructure Investment and Jobs Act*.

“Today is a win for states, communities, and millions of Americans who stand to benefit from the flexibility provided in the Infrastructure Investment and Jobs Act. By issuing a revised memorandum, FHWA admitted that it was wrong in their attempts to undo the flexibility provided to states in the law by establishing preferences for certain policies and projects. We’re pleased FHWA recognized that when it comes to legislation, of any kind, that is passed and signed into law, an administration cannot ignore the role and will of Congress.”

“We will continue to conduct rigorous oversight and ensure the infrastructure law is being implemented as Congress intended.”

Congress needs to get busy backing off the bureaucrats imbedded deep in the federal government.

## MEMBER NEWS

### Celebration of Life Announcement for Larry Cogdill

Venbrook Insurance Services would like to announce a Celebration of Life in honor of Larry Cogdill - Thursday, March 23 from 4:00 p.m. - 8:00 p.m. at Tom Ham's Lighthouse.

The family asks that you please bring your favorite stories and memories to share.

Any questions, please contact [Audrey Rodriguez](#) at Venbrook - (858) 764-7459



### AGC Affiliate Mixer - Thursday, March 30, 2023

*By Pam Scholefield, AGC Affiliate  
Council Chairwoman*

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## [INFORMATION](#)

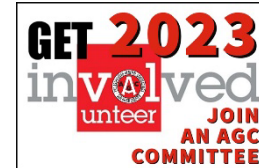


March 13-16, 2023 - [AGC ANNUAL CONVENTION](#) - Las Vegas @ Wynn  
March 30, 2023 - [Affiliate Mixer](#) - Tom Ham's Lighthouse

## COMMITTEE MEETINGS

### MARCH MEETINGS

March 1 - **Safety Committee** – 7:00 AM - Lakeside  
March 3 - **Caltrans/SANDAG** – 7:30 AM - Lakeside - changed to in-person  
March 8 - **Workforce Development Committee** – 11:30 AM Lakeside  
March 22 - **Build & Serve Charitable Alliance** - 7:30 AM @ Foley & Lardner  
March 22 - **County of San Diego** - 1:00 PM - Virtual  
March 24 - **Technology Committee** 11:00 AM – Lakeside  
March 30 - **Water Authority** 12:45 PM - Virtual



[Committee Meeting Calendar](#)

[Get Involved - Join a Committee](#)

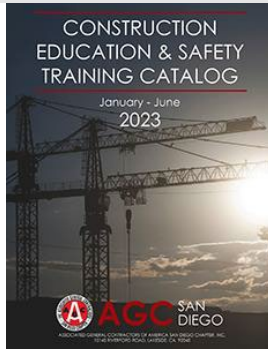
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### MARCH CLASSES

March 2 - **Bluebeam Basics** (Only 3 Seats Open) - Lakeside  
 March 2 - **CPR /First Aid Training** - Lakeside  
 March 6 - **Quickbooks for Beginners** - offsite  
 March 6-8 - **Fall Protection 24-Hour CPT** (Only 3 Seats Open) - Ferris  
 March 7- **Stormwater Seminar: Topic Ask a Regulator** - Virtual Training  
 March 8 - **MS Excel Beginner Training** - offsite  
 March 8-9 - **CQM-C Certification** (Class Closed / FULL)  
 March 9 - **MS Project Intermediate** - Virtual Training  
 March 9-10 - **OSHA 10-Hour for Construction** - Lakeside  
 March 10 - **Traffic Control Technician** - Lakeside  
 March 13 - **Fall Protection Competent Person Retraining/Refresher**- Ferris  
 March 13 - **Quickbooks Advanced**  
 March 15 - **MS Excel Intermediate** - offsite  
 March 15 - **Prevailing Wage Compliance Training** - Lakeside  
 March 16 - **Construction Law Lunch & Learn: Scheduling Impact Claims** - Lakeside  
 March 16 - **Effective Project Engineer 24-Hour Certificate Program**- Lakeside  
 March 20 - **Qualified Rigger and Signal Person Training** - Lakeside  
 March 20-22- **Fall Protection 24-Hour CPT** - Ferris  
 March 22 & 23- **USACE CQM-C Certification** - Virtual  
 March 22 - **MS Excel Advanced** - offsite  
 March 23 - **MS Project Advanced** - Virtual  
 March 27 - **Fall Protection 8-Hour CPT**- Ferris  
 March 28 - **Scaffold 8-Hour CPT Training** - Ferris  
 March 29 - **Project Management Bootcamp** - Lakeside

**2023 schedule for [AGC EDGE](#) Virtual Courses.** Make sure to mark AGC San Diego for referral chapter.



## 2023 Training Calendar and Class Registration

**January 2023 - June 2023**  
Education & Safety Training Catalog

*If you do not see a class that your team needs, please contact the AGC San Diego Education Department to check upcoming schedule or to schedule a group training session.*

[Becca Schaffer](#), 619-592-4533

# PLAN ROOM

# FIND US



**AGC East County Facility & Apprenticeship Training Center**  
10140 Riverford Road  
Lakeside, CA 92040  
(858) 558-7444  
[DIRECTIONS](#)



**AGC Government Affairs Office & Fall Protection Training Campus**  
6212 Ferris Square  
San Diego, CA 92121  
2nd floor  
[DIRECTIONS](#)

### About Monday Morning Quarterback

AGC San Diego Chapter's Monday Morning Quarterback is a "hot off the press" and to the point Monday morning briefing on the important issues facing San Diego's construction industry. It is prepared by AGC Chief Executive Officer, Eddie Sprecco, and Vice President Government & Industry Relations, Dustin Steiner.

Please contact [Eddie Sprecco](#) or [Dustin Steiner](#) with your comments, or with information that should be conveyed to the industry through this service. Well over 3,000 individuals employed by AGC member firms are part of this system.

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