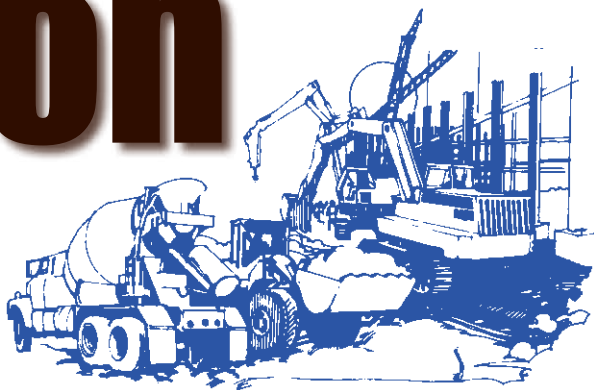




Construction NEWS



The prize-winning JW Marriott Beach Resort on Marco Island, FL will host more than 80 delegates and guests of the Hudson Valley Construction Industry Partnership (HVCIP) 12th Annual Mid-Winter Convention being held on March 2 through March 6. See agenda page 10.

Mid-Winter Meeting of Construction Leaders Convenes on Florida's Marco Island

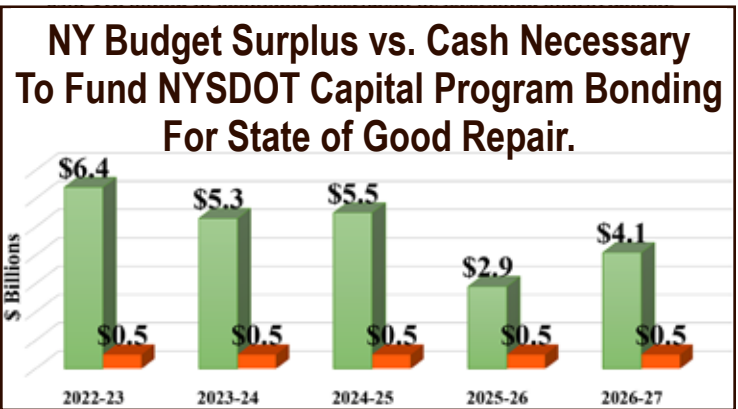
By **GEORGE DRAPEAU**
MARCO ISLAND, FL—As the new construction season approaches and warmer weather arrives, company executives and union officials from New York's downstate region will gather here at the JW Marriott Beach Resort next month to explore business opportunities and prepare for the challenges the contracting companies and labor faces in 2022.
Please turn to page 7

Gov. Hochul's Budget Shortchanges NY; Fails to Include \$5 Billion in Funding Feds Earmarked for Roads, Bridges

TARRYTOWN, NY —Hundreds of contracting company executives and organized-labor leaders from across New York State are rallying to urge Gov. Kathy Hochul and state legislators to seize a historic opportunity to fund and fix the state's failing roads and bridges.

Rebuild New York Now, a broad-based coalition, is calling on Gov. Hochul to "seize the day" and utilize the nearly \$5 billion available under the \$1.2 trillion bipartisan federal *Infrastructure Investment and Jobs Act (IIJA)* to repair deteriorating conditions of state bridges and highways over the next five years.

"If New York State makes the judicious deci-



New York can bring our roads and bridges into a state of good repair with \$10 billion in additional investment by leveraging \$2.5 billion cash over the course of the Five-Year Capital Program.

sion to harness this additional federal aid, it will result in the creation of thousands of jobs

Please turn to page 14

\$4B Environmental Bond Act This November Could Create 84,000 New Jobs, \$9B in Projects

By **JOHN JORDAN**

NEW YORK—An updated report on the economic impact of the proposed \$4-billion New York State environmental bond act that now goes by the name "The 2022 Clean Water, Clean Air, Green Jobs Bond Act" will reap the construction industry tens of thousands of jobs and an overall economic impact of \$8.7 billion in direct and indirect project spending if approved by voters this November.

Infrastructure consulting firm AECOM and Rebuild by Design, an advocate for resilient infrastructure, released a newly updated report on Feb. 11, which analyzed the long-term

economic benefits of investing \$4 billion in projects that would protect clean water, reduce pollution, conserve habitat and family farms, and reduce local climate risks. The report builds on previous research released in January 2021, with new updates to reflect the additional \$1 billion in funding proposed by Gov. Kathy Hochul this year.

According to the report, the 2022 Clean Water, Clean Air, Green Jobs Bond Act would be the largest bond measure in New York State history and provide life-changing investments for New York's communities and natural resources.

The study shows the eco-



The overall economic impact of "The 2022 Clean Water, Clean Air, Green Jobs Bond Act" is estimated at \$8.7 billion. The measure will be on the ballot this November for voter approval.

PHOTO: AECOM, Rebuild by Design.

conomic impacts of the 2022 Clean Water, Clean Air, Green Jobs Bond Act would be significant for the overall economy and for the construction industry.

Based on the updated economic impact analysis, the report found that the Environmental Bond Act could support 84,000 jobs in New York and result in an estimated \$8.7 billion in project spending, broken out into the following categories:

- An estimated \$4.1 billion to protect and repair natural areas to reduce harmful flooding, supporting 38,700 jobs in New York.
- An estimated \$1.9 billion

for clean water projects, supporting 20,800 jobs in New York.

- An estimated \$1.7 billion to mitigate climate change, supporting 18,100 jobs in New York.
- An estimated \$1.1 billion to preserve open space, supporting 6,300 jobs in New York.

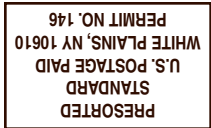
The 2020 AECOM study found that a \$3-billion environmental bond measure proposed by then Gov. Andrew Cuomo would have supported 65,000 local jobs and would generate \$6.7 billion in project spending across the state.

AECOM stated in the updated report that, based on its study,

"From improving resilience and avoiding future costs from
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Orange Re-Issues RFP for Sale of Camp LaGuardia

By JOHN JORDAN

GOSHEN—If at first you don't succeed, try, try again. Will the third time be the charm?

After a Request for Proposals in 2020 to sell the more than 258-acre Camp LaGuardia property located in the villages of Chester and Blooming Grove failed to find a viable buyer, Orange County officials said the property is once again on the market for sale, this time in the form of an RFP. This marks at least the third attempt by the county since it acquired Camp LaGuardia 15 years ago from New York City to find a buyer/developer for the property that sits adjacent to Route 17 in Southern Orange County.

The county announced on Feb. 14 that it is seeking proposals from developers on the former Camp LaGuardia complex that at one time served as a men's homeless shelter for New York City. The county has set a deadline of April 15, 2022 for receipt of any property purchase proposals. According to the RFP that was issued on Feb. 14, a site visit is planned for Mon., March 28, 2022 at 11 a.m. with a snow/rain date of March 31, 2022 at 11 a.m. According to the RFP, an interested party could seek to acquire the entire Camp LaGuardia property or a certain parcel or parcels.

"As the economy continues to recover and commercial interest in Orange County remains strong, we encourage potential investors to make offers which comply with local zoning and will create job opportunities," said Orange County Executive Steven M. Neuhaus.

The 258-plus acre Camp LaGuardia campus is adjacent to the Heritage Trail and is close to the Route 17 corridor. There is ample space for a variety of uses in addition to commercial development, county officials stated. In the previous RFP, the county and the villages of Chester and Blooming Grove were not receptive to new residential development on the property. Among the approved zoning designations for the property include commercial, industrial and agricultural uses.

"I'm pleased that the county is moving forward to put these properties back on the tax rolls," said Katie Bonelli, Chairwoman of the Orange County Legislature. "We anticipate proposals which will generate long term revenue for the county and are compatible with local land use requirements."

The County Legislature will ultimately select the developers who will buy some or all of Camp LaGuardia.

Back in 2020, the county marketed the property and extended the original RFP deadline from Aug. 7. to Sept. 10, and then again to Oct. 8. The marketing campaign to sell Camp LaGuardia included an ad in the *Wall Street Journal* with an "Escape from New York" theme. The Orange County Industrial Development Agency provided the county with \$25,000 for marketing and advertising the Camp LaGuardia site. However,

those efforts eventually failed to find a viable proposal.

Orange County Executive Neuhaus is confident that the Request for Proposals process will result in the county finding a suitable buyer for the Camp LaGuardia property.

In an interview with CONSTRUCTION NEWS, Mr. Neuhaus said that over the years the county has had approximately 10 interested parties that toured the property and each came up with different concepts on how to develop the site.

"The fairest and best way to do it is to put it out to an RFP so that everybody knows exactly what the deadline is to submit their best plan," he said.

County Executive Neuhaus noted that for the past several years the COVID pandemic had a negative impact on the economy as well as property values. In fact, he revealed that plans for a water park resort at Camp LaGuardia floundered as the pandemic dragged on. While



Orange County Executive Steven Neuhaus looks over a map of the Camp LaGuardia property during a tour of the nearly 260-acre complex in the spring of 2016. FILE PHOTO

stressing that there will not be any residential development on the property, proposals in the past have included warehouse, theme parks, etc.

He said the county felt that with property values now booming, this is the time to once again solicit proposals for the property and approve a plan that will meet with the approval of both

Blooming Grove and Chester.

"We will see some good proposals come out of this and we will see who is real and who is not," Mr. Neuhaus said.

He said that he personally would like to retain a portion of the property, specifically land by the Orange County Heritage Trail for public use.

The County Legislature

voted to acquire Camp LaGuardia, a homeless shelter for New York City residents, in 2007. The county attempted to have the Camp LaGuardia property redeveloped and retained Mountco Construction of Scarsdale, NY as the developer, but in 2016 spent approximately \$1.3 million to terminate the deal with Mountco, which had proposed a \$300-million mixed-use development on the property but failed to secure approvals from affected municipalities to allow the project to break ground.

The Camp LaGuardia property features four parcels totaling 258.3 acres including a 153.5-acre parcel in the Town of Chester; a 40.8-acre parcel in the Town of Chester; a 59.6-acre parcel in the Town of Blooming Grove and a 4.4-acre parcel in the Village of Chester.

Information on the current RFP can be found at: <https://www.orangecountygov.com/1968/2022-RFP-Sale-of-former-Camp-LaGuardia-P>.

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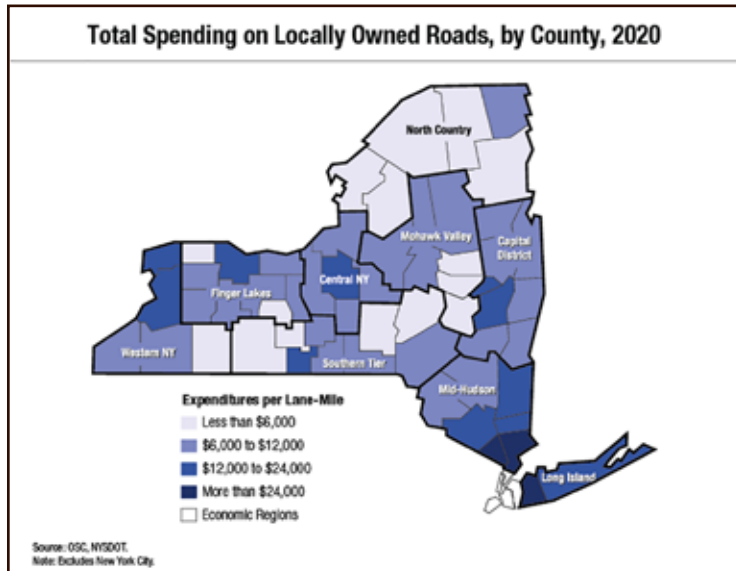
PERSPECTIVE

Billions in Federal Aid Give Locals Pathway to Upgrade Infrastructure

ALBANY—Local governments across New York State spent \$2 billion on road maintenance, repairs and upgrades in local fiscal year (FY) 2020, a decline of 7% since 2010 when adjusted for inflation, according to a report released on Jan. 28 by New York State Comptroller Thomas P. DiNapoli.

Some local communities put road projects on hold during the pandemic, but an influx of federal money is expected to jump start projects at the same time Gov. Kathy Hochul is proposing more funding for road repair and improvements.

Local governments own 85% of all roads in the state—from local streets to major county highways. The remaining 15% are mostly state and federal highways. The study focuses on areas outside New York City.



Mr. DiNapoli urged state and local officials to work together to prioritize projects and do a comprehensive assessment of local road conditions since the last study was from 2013.

“Local roads are the lifeblood of our communities, but when they are in poor condition, under construction, or being repaired they can limit our access to schools, businesses, and loved ones,” said Mr. DiNapoli. “The state is expected to receive \$13.5 billion over five years for highway and bridge programs through the federal Infrastructure Investment and Jobs Act. I’m pleased the Executive is taking advantage of this unprecedented influx of aid, which should allow us to make significant progress in prioritizing local road projects and modernizing the infrastructure in our communities.”

Spending Trends

Local spending, excluding New York City, for all road-related purposes increased by 11% between FY 2010 and FY

2020, an annual rate of 1%, lower than the average inflation rate of 1.7% over the same period. Adjusted for inflation, spending declined 7% over the ten-year period.

Road-related spending declined by 7% between FY 2019 and FY 2020, with spending down for all classes of government except villages. Health restrictions and budget effects due to the COVID-19 pandemic may have been a factor, as local governments reduced spending or limited operations. This followed an unusually large increase of 8% in FY 2019, over half of which took place in five municipalities: Erie and Nassau counties, the City of Port Jervis and the towns of Hempstead and Oyster Bay.

Regional Spending

Local governments outside of New York City spent \$2 billion in FY 2020 for road and highway maintenance and capital improvements, with towns leading the way at \$771 million, followed closely by counties (\$707 million). Villages spent the most per lane-mile of road at \$22,100. More densely populated suburban, downstate counties had the highest total road spending by all local governments when measured by per lane-mile, while more rural upstate counties had the lowest. Westchester County had the highest overall in FY 2020 at \$25,944, followed by Rockland County and Nassau County,

with each spending more than \$24,000 per lane-mile. Lewis County in the North Country spent the least at \$3,169.

Local government spending on roads also varied by region when considering measures of the tax capacity of local government and population. Downstate, where property values are generally higher, spending compared to full property value is lower, while upstate is higher. On Long Island, local road spending was \$0.75 per \$1,000 of the full value of property in 2020, while the Southern Tier ranked highest at \$3.85 per \$1,000. Per capita spending was the lowest on Long Island at \$151 and highest in the Southern Tier at \$257.

State and Federal Aid

Local governments receive transportation aid from the state and federal government for roads and certain other transportation infrastructure, and both can fluctuate. State aid is provided through several programs, most notably the Consolidated Local Street and Highway Improvement Program. In State Fiscal Year (SFY) 2021-22, CHIPS funding for local governments, including New York City, was increased from the annual amount of \$438 million, a level previously unchanged since 2013, to \$538 million.

Of the \$13.5 billion expected from the federal Infrastructure

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Construction NEWS

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OBITUARY

Ernest Pacchiana

Construction, Real Estate Executive

STORMVILLE, NY – Ernest Leonard Pacchiana, a member of a leading construction family in the region, who enjoyed a long career in both public works and private construction and real estate development, died peacefully at his home here on Jan. 18, 2022 with his family present. He was 84 years old.

Following military service, he began his career working in the family construction business, Thalle Construction, where he managed many municipal and university projects. In time he would embark on his own real estate and residential development career as a certified professional engineer.

“Ernie,” as he was known to friends and family, was born in Mount Vernon, NY on April 8, 1937 to parents Anselmo and Marie Pacchiana. He attended Iona Prep School in New Rochelle, NY, where his football exploits helped the team win the first-ever NYSCHSAA championship.

He then attended Union College in Schenectady, NY where he earned a bachelor’s degree in civil engineering. Ernie joined the U.S. Army and served during the Cold War of the late 1950s as an engineer.

He was a longtime Little League and CYO basketball coach and organizer. In his own



family he saw a need for kids who still wanted to play baseball after Little League, so he then created the Pony League middle distance baseball for his youngest son and friends. He also introduced paddle tennis to northern Westchester, and the sport’s courts located in Briarcliff, NY in Westchester were dedicated in his honor.

He was a founding member of the Briarcliff Rotary Club chapter with other local businessmen, and always in the spirit of creating new organiza-

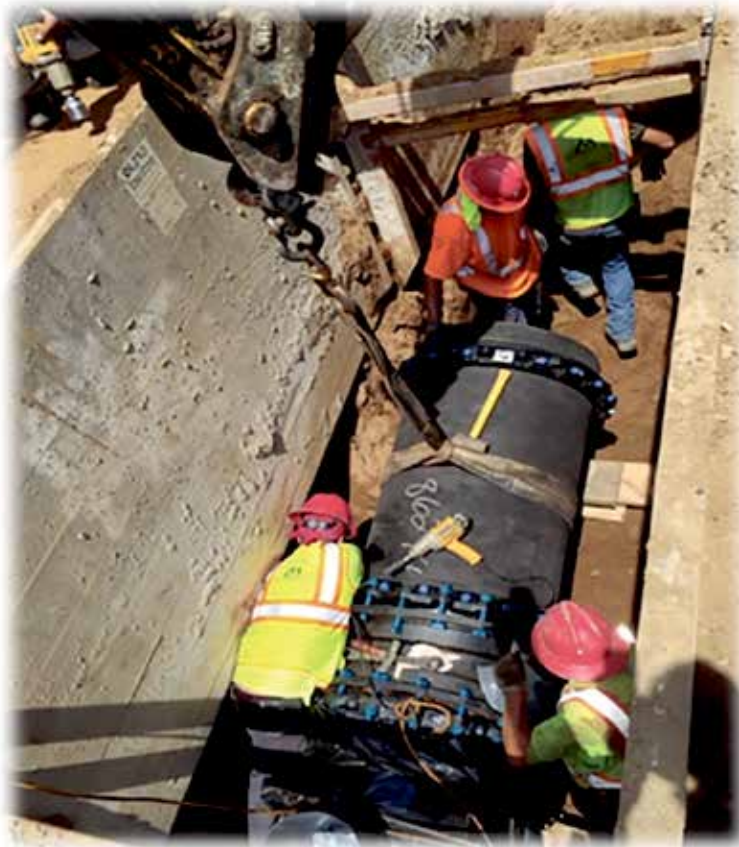
tions in his community when he saw the need.

Ernie is survived by his loving wife, Nannette Stone, his five children, Dean, Adam, Jennifer, Jean Marie and Joseph, whom the family said in a statement, “he loved slightly more than his dogs (too numerous to name),” and also his longtime first wife and devoted mother of his children, Kathryn Adams.

While there are no immediate plans for a funeral service due to changing pandemic conditions, a celebration-of-life gathering is planned for Father’s Day weekend. Family members may be contacted for details.

Donations in his memory are requested to be directed to the Briarcliff Rotary Club or the Westchester SPCA.

Laborers' International Union of North America, Local 60



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Attorney's Column

Oral Guarantee Claim Proceeds Despite Owner's Bankruptcy

By THOMAS H. WELBY, P.E., ESQ., and GREGORY J. SPAUN, ESQ.

It is not unusual that an owner or an upstream contractor encounters financial difficulties during a project that jeopardizes—or completely stops—the contractor's payments. However, in today's modern world, the owner may be but a cog in a larger wheel, with ramifications suffered by others who are somehow related to, or set to benefit from, the construction (such as lenders, parent entities, and others). In such instances, in order to salvage the benefits of the construction, those related to the owner may agree to pay the contractor to finish its work in place of the owner or even pay the contractor for the previous unpaid work.

In the recent case of *Villnave Construction Services, Inc. v Crossgates Mall General Company Newco, LLC*, an appellate court reminds us that such agreements must generally be in writing, and that the exceptions to that general rule are narrow.

Background

In 2016, defendant Albany



MIB+K, LLC leased a space at the Crossgates Mall with the intention to operate a franchise of Waxy's Modern Irish Bar and Kitchen. In March of 2017, defendant Waxy O'Connor's Management Company, the franchisor and representative of the Waxy's brand, worked with MIB+K to negotiate a construction agreement with defendant Trinity Building and Construction Management Corp. for the construction and to ensure that the buildout would be consistent with other Waxy's locations.

After construction commenced, MIB+K began to fall behind on payments. In order to have the construction continue, Waxy O'Connor's Management Co., and defendants Ashok Patel, Amisha II,

LLC, and Jasmine Hotel Management (the group of which were all somehow related to Waxy O'Connor's), and defendant Crossgates Mall Devco, LLC (the Mall), promised to pay Trinity if Trinity would continue the construction. Shortly thereafter, when

MIB+K filed a bankruptcy petition, Trinity's principal reached out to the Waxy's Group and the Mall to ascertain their intentions. The Waxy's Group and the Mall responded by orally committing to pay Trinity for its continued performance, so long as Trinity would not suspend its work under the contract (as was its contractual right) based on MIB+K's failure to pay. Based on these oral promises, Trinity continued to perform under the contract. However, Trinity only received a partial payment from one of the Waxy's Group.

Ultimately, when MIB+K's lease was terminated based on the non-payment of rent, one of Trinity's unpaid subcontractors filed, and sued to

It is always comforting for a contractor, when faced with financial difficulties of an owner or an upstream contractor, to find solace in another's promise to pay. However, such oral promises are generally unenforceable unless they fit into a narrow exception.

foreclose, a mechanic's lien. Trinity cross-claimed against the Waxy's Group and the Mall to recover on the oral promises of payment, specifically asserting claims for unjust enrichment, promissory estoppel, and breach of the guarantee. The Waxy's Group and Mall defendants moved to dismiss, arguing that the unjust enrichment claim failed in light of the express written contract between Trinity and MIB+K, and that the alleged guarantee promises were not enforceable as they were not in writing.

Decision

First, as to the unjust enrichment claim (and as this column has repeatedly noted), under controlling case law, such claims generally fail in the presence of an enforceable written contract covering the subject of the unjust enrichment claim. However, because of MIB+K's bankruptcy filing, the enforceability of that contract was called into legal question (since the bankruptcy court has the authority to discharge the contract). Accordingly, the court held that the unjust enrichment claim could be asserted as an alternate to what may be an unenforceable discharged contract.

Turning to the oral promises, the court also correctly noted (as similarly noted in this column in the October 2020 edition of CONSTRUCTION NEWS) that generally, such promises have to be in writing in order to be enforceable. However, here, unlike in the case referenced in the previous column, Trinity alleged that it entered into an agreement to not only perform under the old contract with MIB+K, but it also agreed to refrain from terminating its contract with MIB+K—even though it had the legal right to do so. This delay in terminating its performance under the contract benefitted the Waxy's Group and Mall defendants by permitting them time to avoid their own personal obligations under the defaulted MIB+K

lease. Given these allegations of new consideration—separate and apart from those obligations that Trinity was already under—and the new benefits to be realized by the promisors, the narrow exception to the Statute of Frauds (a law requiring certain agreements to be in writing) could apply, and the claim was permitted to proceed to discovery on this issue.

Comment

It is always comforting for a contractor, when faced with financial difficulties of an owner or an upstream contractor, to find solace in another's promise to pay. However, such oral promises are generally unenforceable unless they fit into a narrow exception. Accordingly, the gold standard of course is to get such promises in writing. Failing that, you should consult with experienced construction counsel so that you can take actions, similar to those referenced by the court here, which will permit you to allege, and ultimately show, that the promise to pay is supported by new, additional consideration (such as not exercising a right you would otherwise have exercised under the contract), and the new promise benefits the promisors directly in some way. Essentially, you are making a new contract, so be prepared to treat (and document) it as such. As we so often caution: *If it isn't in writing, it didn't happen!*

About the author: Thomas H. Welby, an attorney and licensed professional engineer, is General Counsel to the Construction Industry Council of Westchester & Hudson Valley, Inc., and is the Founder of and Senior Counsel to the law firm of Welby, Brady & Greenblatt, LLP, with offices located throughout the Tri-State/Greater Metropolitan Region. Gregory J. Spaun, General Counsel to the Queens and Bronx Building Association and an attorney and a partner with the firm, co-authors this series with Mr. Welby.

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Mid-Winter Meeting of Construction Leaders Convenes on Florida's Marco Island Continued from page 1

New York State's construction industry, united under the banner of the Hudson Valley Construction Industry Partnership (HVCIP) continues to witness a swell of important public-sector and private-development projects that provide employment throughout the building trades, according to industry officials and owners. Large infrastructure and mixed-use downtown redevelopment projects, along with other public works broke ground over the past several years, and these now promise to put crews to work, reported all sectors—ranging from government representatives, company executives and union officials in the New York Downstate and Mid-Hudson Valley region.

The contacting community will be joined by leaders of organized labor from the Northeast at the four-day 2022 Mid-Winter Meeting from Wed., March 2 through Sun., March 6. The seminars include presentations by both legal, legislative and labor/management specialists on topics that include business management and statewide and national industry affairs that are vital to the well-being of the construction industry.

Day I

The Welcoming Reception will be held on Wednesday evening, March 2, when delegates, spouses and guests are scheduled to gather at one of the resort's tropical sites, the Tiki Terrace.

Day II

The following morning, Thurs., March 3, the first of three sessions will begin with a "Round-Table" presentation by industry executives from organized labor and construction contracting associations. These include: L. Todd Diorio, business manager of

Laborers L.U. 17 and president of the Hudson Valley Building & Construction Trades Council, Inc.; Edward Doyle, Sr., president of the Building & Construction Trades Council of Westchester & Putnam Counties; John Maraia, president of the Rockland County Building & Construction Trades Council; Alan Seidman, executive director of the Construction Contractors Association, Inc.; and John T. Cooney, Jr., executive director of the Construction Industry Council of Westchester & Hudson Valley, Inc. Serving as moderator for the morning session will be CIC President Ross J. Pepe who also serves as president of the Building Contractors Association of Westchester & The Mid-Hudson Region, Inc.

The executives will update the delegates on public transportation and other construction projects as well as major private-sectors development projects throughout the Hudson Valley region. Among the campaigns uniting the industry's labor and management are efforts underway to increase the New York State's Five-Year Capital Plan for transportation infrastructure, which begins on April 1, 2022.

A second presentation, from 9:30 a.m. to 10:15 a.m., will feature Westchester County Commissioner of Public Works & Transportation Hugh J. Greechan, Jr., P.E., will present "Westchester County Capital Program: Where we were... Where we are... Where we're going."

"Westchester County's letting programs strive to balance public works needs with industry capacity to perform projects and construction procurements that serve the population and taxpayers," Commissioner Greechan told CONSTRUCTION NEWS. "Over the past several years, the department

has caught up with the sizeable backlog of projects the administration of County Executive George Latimer inherited from his predecessor, and we've advanced the lettings with a strong program going into 2022."

At 10:15 a.m., former New York State Senator David Carlucci who represented sections of Rockland and Westchester counties for two terms in Albany. David is now a consultant and political advisor and will present "Effectively Navigating State and Municipal Governments."

At 11:00 a.m., Alan Guarino who is vice chairman of Korn Ferry will discuss the dynamic subject, "Lessons Learned from Corporate America on Leadership and Employee Retention."

At 11:45 a.m., Don Chase, Jr., of Bluewater Property Group will present, "Overview of Key Northeast U.S. Industrial Market & Hudson Valley; Impacts on Construction Industry and Partnering with Developers."

The morning session is scheduled to conclude at 12:30 p.m., with the afternoon available to enjoy the resort facilities and social activities.

Day III

The morning session on Fri., March 4, will open at 8:30 a.m. with a presentation by Richard A. Juliano, Esq., who is General Counsel of the American Road & Transportation Builders in Washington, D.C. (CIC is a New York State Chapter member association.) Rich's presentation is "What Recent Federal Legislation and Regulations Mean for Contractors."

The second CIC/BCA morning session at 9:30 a.m. features Pat Purcell Jr., who serves as executive director of Greater New York Laborers-Employers Cooperation and Education Trust

(LECET) fund. The NYS labor-management fund is dedicated to helping more than 40,000 Laborers and their Union contractors secure projects and jobs, and increase Union market share, while holding non-union employers accountable for irresponsible business practices. Pat will provide an update on current projects, legislation, work-zone safety initiatives. Pat has successfully worked with LiUNA staff and leadership to pass New York City safety laws and reform the statewide 421-A tax program. His legislative priorities are continuing his work with stakeholders on the expansion of New York State Public Works.

Following Closing Remarks, scheduled at 10:30 a.m., a round of golf at the Rookery at Marco course is planned at noon. The course is a 15-minute drive from the JW Marriott Marco Island, and is located at 3433 Club Center Blvd. in Naples, FL. The phone at the golf club is 239-389-6600.

Each day of the four-day conference features component, divisional and committee meetings with informal displays by sponsoring companies, members and guests. Filling out the agenda are social functions, including an annual golf tournament award ceremony and other sports activities that are popular among delegate members and guests.

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International Brotherhood of Teamsters Local 456



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2022 Hudson Valley Construction Industry Partnership

12TH ANNUAL MID-WINTER MEETING

*JW Marriott
Marco Island Beach Resort
Marco Island, Florida*

Wednesday, March 2—Sunday, March 6, 2022



HUDSON VALLEY CONSTRUCTION INDUSTRY PARTNERSHIP

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Alan Seidman, Executive Director

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(914) 631-6070 • Fax: (914) 631-5172
John T. Cooney, Jr., Executive Director

***Building & Construction Trades Council
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(845) 634-4633 • Fax: (845) 634-4924
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Edward Doyle, President

***Hudson Valley Building
& Construction Trades Council***

451A Little Britain Road, Newburgh, NY 12550
(845) 565-2737 • Fax: (845) 565-3099
L. Todd Diorio, President

AGENDA



2022 Hudson Valley Construction Industry Partnership 12TH ANNUAL MID-WINTER MEETING

JW Marriott, Marco Island Beach Resort, Marco Island, Florida
Wednesday, March 2—Sunday, March 6, 2022
Spouses/Guests welcome to all events.

Wednesday, March 2

3:00 p.m. Arrival
6:00 p.m. – 8:30 p.m. **Welcoming Reception** Location
Cocktails & Hors d'Oeuvres Tiki Terrace
Dinner on own. Reservations recommended.

Thursday, March 3

8:30 a.m. – 11:30 a.m. **Business Meeting** Location
8:30 a.m. – 8:45 a.m. **Opening Remarks** Royal & Coconut
Palms Ballroom

8:45 a.m. – 9:30 a.m.
Topic: **Review of Capital and Private Funded Projects in Hudson Valley**
Moderator: **Ross J. Pepe, President**
Construction Industry Council of the Hudson Valley, Inc.
Building Contractors Association
Westchester and Mid-Hudson Valley, Inc.

Panelists:
L. Todd Diorio, President, Hudson Valley Building Trades
Edward Doyle, President, Building & Construction Trades Council of Westchester & Putnam Counties, Inc.
John Maraia, President, Building and Construction Trades Council of Rockland County
Alan Seidman, Executive Director, Construction Contractors Association Hudson Valley
John T. Cooney, Jr., Executive Director Construction Industry Council of Westchester & Hudson Valley, Inc.

9:30 a.m. – 10:15 a.m.
Speaker: **Hugh J. Greechan, Jr., P.E.** Commissioner
Westchester County Department of Public Works & Transportation
Topic: **Westchester County Capital Program: Where we were...Where we are Where we're going.**

10:15 a.m. – 11:00 a.m.
Speaker: **David Carlucci**
New York State Senator (retired), Consultant
Topic: **Effectively Navigating State and Municipal Governments**

11:00 a.m. – 11:45 a.m.
Speaker: **Alan Guarino**
Korn Ferry Vice Chairman, Board & CEO Services
Topic: **Lessons Learned from Corporate America on Leadership and Employee Retention**

11:45 a.m. – 12:30 p.m.
Speaker: **Don Chase, Jr.**
Bluewater Property Group
Topic: **Overview of Key Northeast U.S. Industrial Market & Hudson Valley. Impacts on Construction industry, Partnering with Developers**

12:30 p.m. **Closing Remarks**

Friday, March 4

8:30 a.m. – 12:30 p.m. **Business Meeting** Location:
Palms Ballroom Royal & Coconut

8:30 a.m. – 9:30 a.m.
Speaker: **Richard A. Juliano**
ARTBA General Counsel
Topic: **What Recent Federal Legislation and Regulations Mean for Contractors**

9:30 a.m. – 10:30 a.m.
Speaker: **Patrick Purcell**
Executive Director NYS LECET
Laborers-Employers Cooperation and Education Trust
Topic: **Protecting Workers, Expanding Employment Opportunities**

10:30 p.m. **Closing Remarks**

12:00 Noon **GOLF**
(Approximately 15-minute drive from JW Marriott Marco Island)
Golf Club: The Rookery at Marco
3433 Club Center Blvd.
Naples, FL 34114 Phone: 239-389-6600

12:00 p.m. **Golf Outing (Box Lunch on cart)**

5:00 p.m. - 5:30 p.m. **Return Transportation on your own.**
Dinner on own. Reservations recommended.

Saturday, March 5, 2022

No Scheduled Daytime Events
6:00 p.m – 9:00 p.m. Location
Calusa Terrace

Grand Reception Cocktails, Hors d'Oeuvres & Grande Buffet Music & Entertainment All Invited!

Sunday, March 6, 2022

11:00 a.m. **Check Out**

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Teamsters Local 456 • Transit Construction

Grand Reception

Building & Construction Trades Council of Westchester & Putnam Counties
Operating Engineers Local 15 • Tocqueville Asset Management

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LET'S GET TO WORK!

2022 Hudson Valley Construction Industry Partnership ANNUAL MID-WINTER MEETING



MEET OUR GUEST SPEAKERS

DAVID CARLUCCI

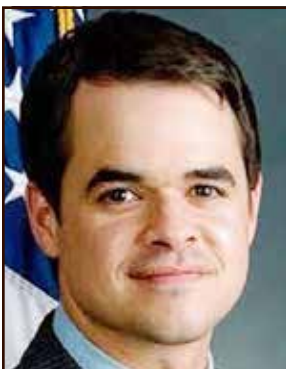
Retired New York State Senator

David Carlucci is a former New York State Senator who represented more than 300,000 residents in parts of Rockland, Westchester and Orange counties from 2011 to 2020.

During his two terms in office, Mr. Carlucci passed more than 160 bills into law and influenced significant regulatory changes at both the state and federal levels.

Prior to serving in Albany as an elected official from the Hudson Valley, David was also the elected Town Clerk in the Town of Clarkstown in Rockland County.

He currently teaches a course on Comparative Government at his *alma mater*, SUNY Rockland Community College



DON CHASE, JR.

Bluewater Property Group

Don Chase, Jr., is a founding partner of Bluewater Property Group, an independent industrial developer focused on logistics, supply chain and e-commerce in the Northeastern U.S.

Prior to establishing the enterprise, Don served as co-head of investments for KTR Capital Partners and was a member of the firm's investment committee. He oversaw KTR's speculative and build-to-suit development as well as the firm's alternative investment efforts across the country.

Don served as senior vice president of Investments at KTR's predecessor company, Keystone Property Trust. Throughout his career he has been focused exclusively on industrial property.

Prior to joining Keystone in 2002, he was the director of development at TIG Real Estate Services, Inc., in Dallas where he focused on industrial development.

Don received his A.B. in Business Economics and Operational Behavior and Management from Brown University.



HUGH J. GREECHAN, JR., P.E.

*Westchester County Commissioner
Public Works & Transportation*

Alife-long resident of Westchester, Hugh J. Greechan Jr., P.E. has enjoyed a 40-year career as a Licensed Professional Engineer in both the public and private sectors, acquiring a thorough knowledge of the county's infrastructure.

In February 2018, County Executive George Latimer appointed Hugh Commissioner of the Westchester County Public Works and Transportation Department to manage and maintain the county's extensive infrastructure, which includes 160 miles of county roads with 86 bridges and all county government buildings. Hugh oversees Westchester County Airport, the Bee-Line Bus System that services 27 million passengers annually, the county Facility and Fleet Operations and the Road Maintenance Divisions.

Hugh directs the short- and long-term planning efforts for all county engineering and building service functions and supervises the county's capital projects and works closely with federal, state, local and school officials to coordinate transportation and emergency response activities and to provide consulting and support services to Westchester's 44 municipalities.

A graduate of Clarkson University, Hugh began his career working for the county Department of Public Works. From 2004 to 2006, Hugh served as Town Engineer for Harrison, NY, overseeing its capital program.

In the private sector Hugh was Senior Client Manager VP at Woodard & Curran Consulting Engineers in White Plains prior to rejoining county government in 2018.

Hugh holds positions on several county boards and has served on The City of Rye Planning Commission, City of Rye Traffic Commission and was Director and Treasurer of the Westchester/Putnam Chapter of NYSSPE Society. He was named "Engineer of the Year" in 2019 by NYSSPE Westchester/Putnam Chapters and received the "William A. Welch" Award for Civil Engineering in Government by the Lower Hudson Section of ASCE in 2021.



ALAN GUARINO

*Korn Ferry Vice Chairman,
Board & CEO Services*

Alan Guarino graduated from the United States Military Academy at West Point and earned his master's degree in business administration from Embry Riddle University while on active duty in the United States Army. After commanding an Armor Troop as a Captain, Alan left the U.S. Army to pursue a career in financial markets.

Currently, as Vice Chairman in Korn Ferry's CEO and Board Services practice, he brings a unique perspective to the firm as a former chief executive officer and experienced consultant, working with corporate boards and executive teams to drive business and talent strategies.

In 2010 he co-founded Korn Ferry's CEO Succession Practice—an industry leading model that transformed the approach to CEO succession management. He also launched Korn Ferry's Execution Accelerator initiative, helping business leaders better execute



their strategies by optimizing talent. In 2020, Alan launched the firm's SPAC Solutions Center of Excellence.

He leads major consulting initiatives across industries with deep expertise in FinTech/ Payments, financial markets, digital assets, digital transformation, and disruptive technology. He also leads senior executive search and C-suite succession assignments for large Fortune 500 companies as well as smaller growth companies.

As a public company board member, he currently chairs the Compensation Committee of The Chef's Warehouse (NASDAQ: CHEF). He also Chairs the Saint Pio Foundation. He is an advisor to NYCA, Axoni, R4, Censia, Sustainable Holdings, FinTech TV, and FTV Capital. Alan was appointed by the Secretary of the Army to serve on the Army Science Board to advise on talent strategy for the U.S. Army.

Mr. Guarino has also served as founding chairman of the board of Boys and Girls Town of New York, president of the West Point Society of New York, and as finance chairman of the Capuchin Youth and Family Ministries.

RICHARD A. JULIANO

ARTBA General Counsel

Rich Juliano is one of the nation's leading advocates for transportation construction contractors and investment. As general counsel of the American Road & Transportation Builders Association, he oversees the national group's legal and regulatory activities, and works as a member of its government relations team. He also manages ARTBA's Contractors Division and serves as principal liaison to its affiliated state contractor organizations, as well as staffing ARTBA's Public Private Partnerships Division. He is a Certified Association Executive (CAE).

Prior to joining ARTBA in 2002, Rich served as the White House liaison at the United States Department of Transportation under then-Secretary Norman Y. Mineta. For his service during and after the events of Sept. 11, 2001, Rich was awarded the Transportation 9/11 Ribbon.

Rich is a native of the Cleveland, OH, suburbs. He earned bachelors and law degrees from the University of Chicago, and is licensed to practice in Illinois and the District of Columbia.



MARCUS MOLINARO

Dutchess County Executive

Alifelong public servant, Marcus was elected Dutchess County Executive in 2011, taking office at age 36—the youngest ever in the list of seven elected officials who have held that office. He was re-elected for a third term in 2019.

Marc entered politics as a teenager, and was first elected to public office at the age of 18 in 1994 when he served on the Board of Trustees of the Village of Tivoli. The following year, in 1995, he became the youngest mayor in the United States when he defeated the incumbent mayor, who was more than twice his age.

Marc was re-elected Mayor of Tivoli five times and elected four times to the Dutchess County Legislature.

In 2006 he brought his passion for public service to Albany when elected to represent the 103rd District in the New York State Assembly. As County Executive Mark serves as Second Vice President for the New York State Association of Counties.

He has been an innovator in public affairs—a hallmark of his career. Most recently he established a holistic approach for dealing with public health issues by combining the former departments of Health and Mental Hygiene into the Department of Behavioral and Community Health to improve health-care delivery services to the residents of Dutchess County.



PATRICK PURCELL

NYS LECET Executive Director

Patrick Purcell is the Executive Director of the New York State Laborers-Employers Cooperation and Education Trust (LECET) fund. The NYS labor-management fund is dedicated to helping more than 40,000 Laborers and their Union contractors secure projects and jobs, and increase Union market share, while holding non-union employers accountable for irresponsible business practices.

Pat has successfully worked with LiUNA staff and leadership to pass NYC safety laws, the statewide Public Works Bill, reform of the state wide 421-A tax program and photo enforcement to ticket those speeding in work zones.

His legislative priorities are continuing his work with stakeholders on the expansion of prevailing wage and currently proposed legislation that would expand prevailing wages to certain roadway excavation projects.

After graduating from the University of Maryland in 1988, Pat started his first job in the labor movement with the AFL-CIO and has also worked for United Food and Commercial Worker Union (UFCW) for more than 25 years.

At the UFCW, Pat held various positions including Director of Organizing, Director of Special Projects, Vice President of Political and Legislative Affairs and Assistant to the President.

Over the past three years, Pat was named to prominent political media outlet *City & State's* Albany Power 100, Labor Power 100 and 50 over 50 Most Distinguished Public Servants lists.

Pat is most proud of his two children, Brian (32) and Nicholas (29), and cherishes his time with them. He is also the proud grandfather of one beautiful granddaughter, Amelia. In his spare time, he advocates with groups helping to raise autism awareness, including the fight to find a cure and support those who live with and are affected by autism.





2022 Hudson Valley Construction Industry Partnership ANNUAL MID-WINTER MEETING

MEET OUR STRATEGIC PARTNERS

JOHN T. COONEY, JR.

CIC Executive Director



Though relatively new to the position as top manager of CIC—John T. Cooney, Jr., who was appointed its executive director in June 2019—is no stranger to the association. For more than 25 years, Mr. Cooney served on the CIC Board of Directors, and for much of his life has been mindful of CIC from its nascence in 1978 when it was established and first domiciled at his family's construction enterprise, County Asphalt, Inc., in Tarrytown, NY.

Following the pathway of his grandfather who founded County Asphalt in 1920, Mr. Cooney would eventually become its president, and following its sale, joined Tilcon New York Inc., an Oldcastle Materials Company, where he also served as president. Mr. Cooney was promoted to president of Oldcastle Materials New York Region where he was responsible for three operating companies that extended from Downstate through Albany to Rochester, NY.

Mr. Cooney is a graduate of Hartwick College with a B.A. in Economics. He resides in Tarrytown, NY with his wife, Susan, and their two children.

L. TODD DIORIO

Laborers L.U. 17, and

Hudson Valley Building & Construction Trades Council, Inc.



L. Todd Diorio is a third generation Business Manager with Laborers Local 17, based in Newburgh, NY. This is an elected position, previously held by his grandfather, Lorenzo, his father, Larry, and now Todd himself for a total of more than 50 years. Mr. Diorio has a rich tradition of pride, dedication and loyalty to his membership. Along with his labor relation business sense and his political acumen, his responsibilities include contract negotiations, pre-job conferences with owners and agencies, settling jurisdictional disputes, safeguarding the rights of workers and promoting the union labor movement.

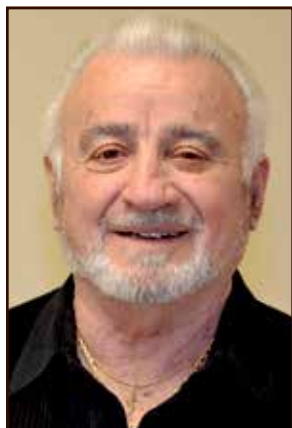
Mr. Diorio's dedication and commitment has made his local union one of the leading organizations of organized labor in the Hudson Valley. His membership includes construction workers, public sector employees, solid waste workers, recycling plants, construction material plants and quarries. Local 17 has approximately 1,200 members and mainly covers the counties of Orange, Ulster and Sullivan.

In addition to his position as Business Manager, Mr. Diorio serves as president of the Hudson Valley Building & Construction Trades Council, an organization that represents more than 28 trade locals and more than 10,000 members. He also serves as chairman of the Local 17 Trust Funds, as secretary treasurer of the Eastern New York Laborers District Council, as a board member with the Mid Hudson Pattern for Progress, as well as the Newburgh Stewart Empire Zone, the Port Authority Local Advisory Committee, and the Laborers Local 17 Training Fund. He was recently appointed to the New York State Laborers PAC Fund.

Mr. Diorio, a lifelong resident of Marlboro, NY, graduated from Marlboro High School in 1983 and attended Mansfield University and Marist College.

EDWARD DOYLE, SR.

*Building & Construction Trades Council
of Westchester & Putnam Counties, Inc.*



Longtime union labor leader Edward Doyle, Sr., is president of the Building & Construction Trades Council of Westchester & Putnam Counties, Inc., which is comprised of more than 17 locals representing heavy construction and building trade unions and more than 30,000 union members.

During his presidency, the use of Project Labor Agreements (PLAs), or prehire employment contracts, has increased to help secure both public works and major private commercial work in the region for union workers. More than \$4 billion of projects, ranging from commercial malls, the Federal Courthouse in White Plains, rehabilitation work on the Tappan Zee Bridge, construction of the new Tappan Zee Bridge (Gov. Mario M. Cuomo Bridge) and senior housing facilities, have been completed under the PLA format.

Throughout his long career, Mr. Doyle has negotiated contracts throughout Westchester and Putnam counties, with municipalities and hundreds of private employers. Given the many honors and awards he has received from business, civic and charitable organizations, including an Industry Lifetime Achievement Award from the Construction Industry Council of Westchester & Hudson Valley, Inc., he is recognized as one of the most influential and respected labor leaders in the region.

JOHN A. MARAIA

*President, Rockland County Building and
Construction Trades Council New City, N.Y.*



John A. Maraia is President of the Rockland County Building & Construction Trades Council, which is headquartered in New City, NY in Rockland County, a position he has held since 2010. Among his many responsibilities as President, John negotiates Project Labor Agreements on behalf of the Building Trades Council between private owners and government agencies. He also participates in grievances hearing between local unions and within the industry, and he serves as Chairman at all meetings of the Rockland Building Trades.

He joined the International Brotherhood of Electrical Workers Local Union No. 363 in 1990 and was appointed in 2005 Assistant Business Manager in Harriman, N.Y. He negotiates collective bargaining agreements between Labor and Management, represents the membership through the grievance and arbitration process, and strives to organize building and construction activities throughout the jurisdiction.

Active in public service throughout his career, John has served as the Rockland County Commissioner of Labor since 2013 and served on the Rockland Economic Development Board of Directors since 2007. He has been a delegate to the Rockland Building Trades since 2005.

He is the son of longtime union leader and member of the IBEW, John Maraia, Jr. John can be reached by phone at 1-845-323-0478 or by email at jmaraia2365@gmail.com.

ROSS J. PEPE

*Construction Industry Council
of Westchester & Hudson Valley, Inc.,
and Building Contractors Association of
Westchester & Mid-Hudson Region, Inc.*



Ross J. Pepe founded and serves as president & CEO of the Construction Industry Council of Westchester & Hudson Valley, Inc. (CIC), a 600-member construction trade group representing highway, utility, excavation, site preparation and concrete contractors, building contractors, concrete and asphalt producers, construction material suppliers and related industries.

Established in 1978, CIC serves as the New York State Chapter of the American Road and Transportation

Builders Association, Inc. (ARTBA)

Since 2001, Mr. Pepe has served as president of another companion trade association, the Building Contractors Association of Westchester and Mid-Hudson Region, Inc. (BCA), a 150-member building construction trade group founded in 1936.

As a representative of the construction industry, Mr. Pepe founded, and continues to serve as, executive secretary and chief administrator of the Construction Industry Joint Labor/Management Council of the Lower Hudson Valley and Catskill Region. This alliance represents more than 40,000 construction and related industry workers and employers in the Westchester/Hudson Valley/New York region.

In addition, among his many duties as an officer and board member, he sits as executive director of the Construction Advancement Institute of Westchester Mid-Hudson Region, Inc., as treasurer and regional vice president of the New York Roadway and Infrastructure Coalition, Inc., and as a trustee of the New York State Laborers Health and Safety Fund. Since 1982 he has served the interest of construction employers as a registered lobbyist in New York State.

ALAN SEIDMAN

*Construction Contractors Association
of the Hudson Valley, Inc.*



Alan Seidman is the executive director of the Construction Contractors Association of the Hudson Valley, Inc. The association has been dedicated to the advancement of the construction industry in the Hudson Valley region for more than 50 years. In working closely with owners, developers, local labor, municipalities and government agencies, the association seeks to promote the continued orderly development of the Hudson Valley.

In December of 2009 Mr. Seidman retired from the Orange County Legislature after 20 years of service. He has served as Chairman of the Orange County Partnership and as a board member of many community and business organizations, including Pattern for Progress, the New York State Association of Counties Transportation and Public Works Committee, and the Hudson Valley Regional Council.

Mr. Seidman serves as a trustee on the Benefit Funds of the Empire State Carpenters, Bricklayers and Allied Craftworkers and Laborers Local 754.

Before joining the Construction Contractors Association, Mr. Seidman was a principal and regional manager for Clough, Harbour and Associates, LLP.

International Union of Operating Engineers Local 137



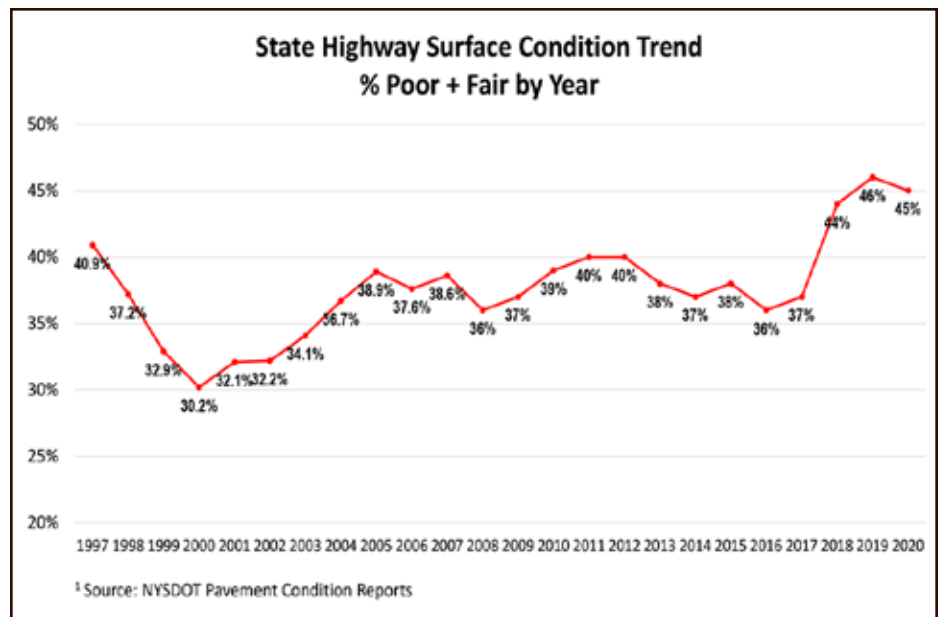
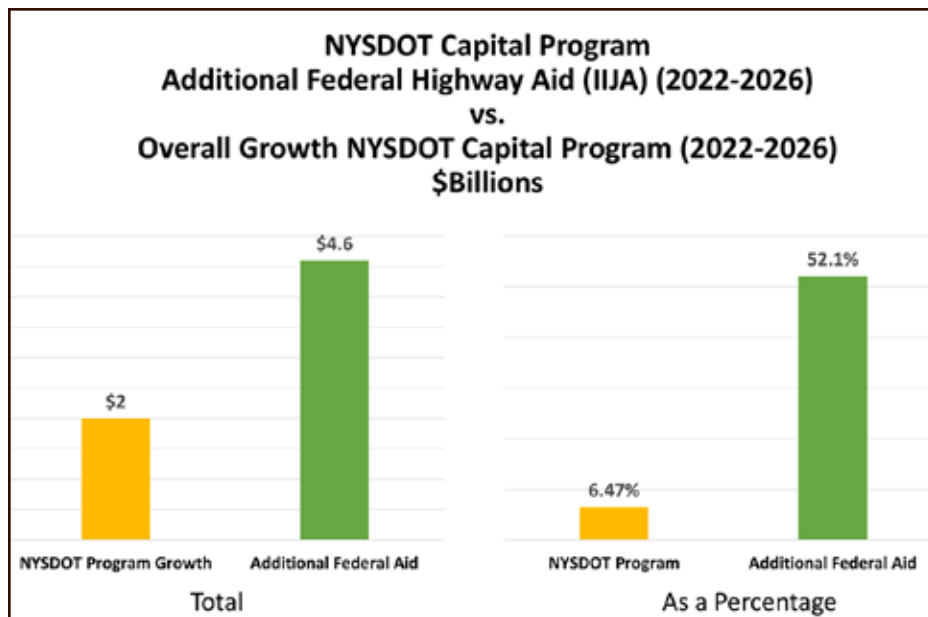
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Gov. Hochul's Budget Shortchanges NY

Continued from page 1

in the construction sector and hundreds of millions of dollars in new tax revenues and resources for local and county municipalities," said John Cooney, Jr., executive director of the Construction Industry Council of Westchester & Hudson Valley, Inc. (CIC).

CIC is spearheading the campaign, which is scheduled

to kick off on Monday, Feb. 28, at a press conference to be held at the Teamsters & Chauffeurs Local 456 in Elmsford, N.Y. The move follows a comprehensive analysis by CIC of the New York State Department of Transportation's (NYSDOT) proposed five-year Capital Plan, which was included in the governor's proposed FY 2022-23 budget.

Rebuild New York Now determined the governor's plan falls far short to adequately pay for state needs in general and particularly those in the Mid-Hudson Region where highways, bridges and local roads are the lifeblood of mobility for people, goods and services.

Mr. Cooney said the state's share of the IIJA totals \$13.4

billion, which is a 52% increase, or \$4.675 billion, in federal aid to NYSDOT. CIC noted that on paper, this is a historic increase of approximately \$1 billion a year in federal funding for New York roads and bridges. In addition, the state received in early 2021 a total of \$420 million that was directly paid to NYSDOT as part of one of the federal

COVID-relief programs.

However, the proposed five-year NYSDOT Capital Plan proposes annual spending levels of \$6.5 billion between 2023-2027—taking into account inflation—which actually represents a significant decrease from the \$12 billion budgeted between 2020 and 2022.

Testifying before the New York State Assembly Feb. 3 at a virtual Budget Forum, Mr. Cooney said, “New York State is clearly not taking advantage of a generational increase in federal funding, but rather is choosing to pocket the increased funding—at the same time the state is projected to have more than a \$6-billion surplus next fiscal year beginning April 1, 2022 with surpluses in the following four years averaging \$4 billion per year.”

Leaders of the **Rebuild New York Now** coalition said their goal is make the governor and state Legislature acknowledge the increased \$5 billion in federal transportation funding, and then match it dollar-for-dollar. "With the federal match, the governor's proposal can be increased by \$10 billion over the coming five years," Mr. Cooney said. "That's a lot of jobs to improve safety, reduce congestion, fix bad pavement and make our bridges and overpasses structurally safer."

Among the findings **Rebuild New York Now** reported to Albany lawmakers:

- NYSDOT Bridge and Highway Conditions Report showed state roads and bridges rated in “poor” or “fair” condition increased from 36% in 2016 to 45% in 2020.

- The report revealed the seven counties of the mid- and lower Hudson Valley (NYSDOT Region 8) posted the worst pavement and bridge conditions in the state.

- A review of the proposed five-year NYSDOT Capital Program shows a decrease in state and local road spending, and flat funding for CHIPS and PAVE New York programs.

“When you combine all the programs, it shows no increase in core and local funding,” Mr. Cooney informed lawmakers. “These programs affect 85% of the roads your constituents drive on. This makes no sense, especially when we are receiving \$5 billion in additional

Please turn to page 15

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AT A GLANCE

NYS Report Card

The **Rebuild New York Now** coalition reported key data points that reflect the urgent need for additional investment in the state’s roads and bridges. These include:

- New York State’s pavement has steadily deteriorated over the past 22 years, to the point that 45% of statewide pavement is now rated “fair + poor,” up from 30% in 2000.
- The Hudson Valley region has experienced the second-worst drop in pavement conditions statewide (behind Western New York) from 56.9% in 2017 to 41% rated in 2020 as “Good & Excellent,” a 15% decline in just three years.
- The average annual extra cost of car repair and lost productivity in the Hudson Valley is \$1,839. In the downstate New York City region, it’s \$3,192, according to the TRIP report released in January 2022.
- In a poll in January 2022, 66% of respondents said New York State spends “too little” on transportation infrastructure. More than 73% of respondents “favor increasing” state funding for road and bridges.

About Rebuild New York Now: Rebuild New York Now is a broad-based coalition comprised of members of the construction industry, organized labor and business enterprises, representing more than 30,000 workers and their families with the common goal of investing in infrastructure to ensure the safety and economic health of New York State. The campaign is being spearheaded by the Construction Industry Council of Westchester & Hudson Valley, Inc., the leading voice for transportation construction and environmental infrastructure, as well as utilities and commercial development in the Mid-Hudson region of New York State. The CIC is aligned with the Building Contractors Association of Westchester & The Mid-Hudson Region, Inc., and more than 30 labor unions of the Building & Construction Trades Councils in a nine-county region. For information, visit cicbca.org.

Gov. Hochul’s Budget Shortchanges NY

Continued from page 14

infrastructure,” Mr. Cooney federal aid.” added. “We are advocating as the CIC and NYRIC—a group of construction associations across New York State—a \$42.8-billion, five-year Capital Plan.”

WASHINGTON UPDATE

Pittsburgh Bridge Collapse Affirms Need For Fed. Funding

WASHINGTON—President Joe Biden scheduled visit to Pittsburgh to last month to promote his \$27-billion program to repair and replace deteriorating bridges came one day after the Frick Park Bridge collapse.

Thankfully, no one was hurt in the collapse of the span that had been listed as in poor condition for more than a decade. “The next time, we don’t need headlines saying someone was killed in a bridge collapse,” President Biden said at the event in Pennsylvania. “We’re going to rebuild that bridge, along with thousands of other bridges in Pennsylvania and across the country.”

According to a published report in *Politico*, Biden’s signature infrastructure legislation doesn’t require states to spend their share of the law’s \$550 billion in new federal money on the bridges that most need help; instead states are largely in the driver’s seat on how to spend the funds.

“Simply giving states more money is no guarantee it will be spent well, including on system repair,” said Kevin DeGood, director of infrastructure policy for the Center for American Progress. “Washington needs to hold states accountable for their investment decisions.”

On Feb. 4, Pittsburgh Mayor Ed Gainey and Pennsylvania Gov. Tom Wolf announced that up to \$25.3 million in federal funding had been made available for the repair of Fern Hollow Bridge. The federal funds are a direct result of the additional funds made available in Federal Fiscal Year (FFY) 2022 from the Bi-Partisan Infrastructure Law.

More WASHINGTON UPDATE on page 30

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\$4B Environmental Bond Act This November Could Create 84,000 New Jobs, \$9B in Projects

Continued from page 1
severe storms to creating social and public health benefits for New York residents, applicable research has found that projects associated with the four key categories of spending are shown to be fiscally smart and effective investments.” The four key categories of investment from the Bond Act would be: water quality improvement, climate change mitigation, open space land conservation and flood risk reduction.

The report further found: “The Environmental Bond Act gives New York an opportunity to address the current economic crisis and mitigate the future challenges posed by climate change, while providing a boost to the state’s economy, creating jobs, protecting the state’s drinking water and other essential natural resources and improving the lives of New York residents.”
The report also noted that the bond act’s enabling legislation requires that the state makes every effort to ensure that 35% of the Bond Act’s funds be targeted to benefit “environmental justice communities.” It is also assumed that the \$4-billion Bond Act would be a major boost to MWBE firms in New York State.
“We analyzed the economic impacts of the updated proposal and our findings remain clear—the Bond Act would be a useful stimulus, with the potential to support thousands of jobs in numerous sectors while spurring long-term eco-

	Authorized Bond Funds	With Leveraged Funds
Direct Spending	\$4,000,000,000	\$8,710,000,000
Direct Jobs	21,000	47,000
Indirect Jobs	5,000	10,000
Induced Jobs	12,000	26,000
Total Jobs	38,000	84,000
Jobs per \$1B in Direct Spending	9,400	9,600

Notes: Job counts include straight full time and part time counts. Job estimates are for jobs supported within New York State. Estimates are derived from Emsi multipliers for New York State from quarter 2 of 2019. Figures may not sum due to rounding. This analysis is based on the proposed New York State Environmental Bond Act of 2022. The legislation is expected to be passed in the future and may be subject to language and requirement alterations.

PHOTO: AECOM, Rebuild by Design.

mic growth and protecting New York’s environment for future generations,” said Anne deBoer, Manager of Sustainable Economics at AECOM. “Voters

State are already suffering from climate change. Recent disasters from Hurricane Ida to last summer’s severe heat waves, as well as the COVID-19 pandemic,

by Design. “We need to pass the Bond Act and give communities the resources they need to build infrastructure that will address climate change and put New

“We need to pass the Bond Act and give communities the resources they need to build infrastructure that will address climate change and put New York on a path to recovery.”

—Amy Chester, Rebuild by Design

have an opportunity this year to make investments in protecting the environment that will simultaneously benefit the economy.”
“Communities in New York

have revealed the stark reality that these events disproportionately hurt the most vulnerable populations,” said Amy Chester, managing director of Rebuild

York on a path to recovery.”
Recently, the New Yorkers for Clean Water and Jobs coalition expressed its strong support for Gov. Hochul’s proposed \$4-bil-

lion Environmental Bond Act.
“The proposed bond act is a win-win-win opportunity for all New Yorkers,” said John T. Cooney, Jr., executive director of the Construction Industry Council of Westchester & Hudson Valley, Inc. “Gov. Kathy Hochul’s call to action to create a \$4-billion green bond act to fund environmental infrastructure projects is unparalleled in the history of New York State. This referendum will further protect our communities from pollution and the ravages of climate change. The bond act will help protect our treasured waterways to ensure they serve as vital economic and recreational assets for both clean water and drinking water. Finally, this bond act will create meaningful employment for New Yorkers in tens of thousands of family-supporting jobs to stimulate and revitalize our state economy for everyone’s long-term benefit.”
If enacted by voters this November, the Clean Water, Clean Air, and Green Jobs Bond Act would safeguard clean drinking water, reduce air pollution, modernize infrastructure, improve parks, and reduce climate risks. In the face of rising seas, extreme heat, and frequent flooding, these historic investments are critical to New York’s health, safety, and prosperity, the New Yorkers for Clean Water and Jobs coalition, which consists of environmental, business and construction trade organizations, stated.

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Financial Management

New Wage Theft Law Brings Greater Risks for GCs

Know Your Subs, Beware of Liabilities, Avoid New Penalties

By PHILLIP ROSS, CPA, CGMA, PARTNER

The beginning of 2022 marked an important change in the construction tax, compliance and regulatory landscape. On Jan. 4, New York's amendments to the Wage Theft Protection Act went into effect, applying to contracts executed, modified, extended or renewed from the date enacted and after. Specifically, the law establishes greater liability risk for general contractors, construction managers and top-tier subcontractors that engage their own contractors and vendors, as well as institutes more stringent wage-reporting requirements for all subcontractors.

Liability Flows Up

Liability will now be the full responsibility of general contractors (or top-tier construction or managers; whichever reports directly to the owner/developer). If there are any discrepancies, errors or omissions of wages to employees, the liability flows all the way up the chain of payment. Regardless of the source of the wage theft claim, whether it be a third party, a union, attorneys or an individual employee, the top-line contractor on the project is responsible and liable for damages, lost and back wages, benefits, penalties incurred and any other payment issues that may arise as a result of nonpayment claims. Included in the liability for general contractors are health, welfare and retirement benefits, as well as vacation, separation and holiday pay, if left unpaid or payment can't be established. Basically, top-line contractors need to ensure every employee on a project is paid agreed-upon rates and benefits.

In effect, the legislation included in the Davis-Bacon Act of 1931, which places the onus on top-line contractors to ensure payment to all workers on federally funded or public projects, has now been expanded to encompass private projects as well. With these sweeping changes taking place, general contractors will need expertise on New York Labor Law requirements to ensure they are overseeing and maintaining payroll, wages and benefits for all employees on a construction site.

Here's what you need to know.

Penalties for Noncompliance

There can be significant penalties for noncompliance, whether intentional or not. The penalties can include 100% of unpaid wages plus prejudgment interest of 16% and attorneys' fees. In addition, contractors



may face Department of Labor penalties. All of this can equal approximately 200% of the unpaid wages. Depending on the extent of the transgression, this has the potential to be a substantial expense that eats into profit margins for general contractors.

But this isn't an uncontrollable risk. Here's how you can be proactive to avoid issues down the line.

Develop a Thorough Qualification Process

General contractors and those in similar positions should prepare thoroughly and be vigilant across the project lifecycle. Review all contracts (especially agreed wages and benefits), updates to language or change orders thoroughly. Clarify your subcontractors' audit rights and plan for potential alterations or change orders that may be needed down the line, especially now, when supply chain delays are the norm.

Similarly, detailed record-keeping needs to be instituted among all subcontractors. Increased oversight and scrutiny of wages by the state means that general contractors can be held responsible for subcontractors that keep incomplete records. For instance, a subcontractor that does pay its employees but pays in cash and doesn't keep payment receipts for each transaction can be the subject of a wage theft claim by a disgruntled worker. If that subcontractor doesn't or can't resolve the claim, that liability flows upward and stops at the general contractor. Regular reviews of subcontractor payroll reports are imperative to address issues early. Track the subcontractor's employees and hours worked at your jobsite and compare these to the actual hours as well as comparing their rates. Ensure you have the personnel to do this diligently and project executives should make sure this is happening regularly.

Know Your Subcontractor

Due diligence also starts with the hiring process. With labor shortages and a steeply increasing demand for workfol-

lowing a stark slowdown, general contractors on demanding projects may find themselves hiring subcontractors that they may not have considered before March 2020. For those subcontractors, the project demands may stretch their capabilities, resources and workforces in ways they're not accustomed to. This can result in cashflow problems and, consequently, payroll issues.

Exacerbating this, labor and material costs are rising—as are supply delays—and bids aren't keeping up with the costs, according to research. This puts strain on every stakeholder in every project. General contractors need to engage in thorough due diligence on every subcontractor or vendor they engage. These subs will need to demonstrate the appropriate capabilities and manpower as well as cash reserves and strong track records

of fiscal responsibility. Past payroll issues or insolvency in particular are a red flag.

Detailed record-keeping needs to be instituted among all subcontractors. Increased oversight and scrutiny of wages by the state means that general contractors can be held responsible for subcontractors that keep incomplete records.

Make Sure What's Good For the Industry Is Good for You

There are industry benefits to the WTPA. Contractors and subcontractors that are compliant and operate transparently will be able to level the playing field in the bidding process. This will also allow for greater MWBE participation in proj-

ects. The law will ostensibly reduce the number of bad actors in the market.

The other side of this is that general contractors are largely responsible for carrying out industry change. It's crucial that construction firms and project managers have the resources and expertise to carry out proper due diligence across all of their projects in New York state.

Consider utilizing experts to help guide planning and the execution of wage strategy that protects you and ensures a compliant, transparent construction project.

About the author: Phillip Ross, CPA, CGMA is an Accounting and Audit Partner and Chair of the Construction Industry Group at Anchin, Block & Anchin, LLP. For more construction industry thought leadership and content, log on to www.anchin.com.

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Billions in Federal Aid Give Locals Pathway to Upgrade Infrastructure

Continued from page 4

Investment and Jobs Act for formula-funded state and local highway and bridge programs (including New York City), \$4.1 billion represents new funding, including \$1.7 billion for existing highway programs and \$551 million for new highway programs. An additional \$1.9 billion is anticipated for bridges.

The SFY 2022-23 Executive Budget proposes a \$32.8 billion, five-year Transportation Capital Plan, which includes a new multiyear initiative designed to improve state, New York City and other localities' road conditions, as well as continued funding for CHIPS and the Marchiselli program, extreme winter recovery, the PAVE NY program, and the BRIDGE NY program.

Assessing Need

The most recent comprehensive assessment of New York's local funding needs for roads is a 2013 study from the New York State Association of Town Superintendents of Highways,

which found that locally owned roads would need around \$32 billion over 15 years. The state Department of Transportation maintains current data on state and federal highway conditions, as well as a relatively small subset of locally owned roads, but there is no comprehensive data on local road conditions. This information is critical to determine the level of local spending needed to maintain roads in safe and adequate condition.

Mr. DiNapoli said efforts by the state, working with local governments, to improve the availability and quality of data on local road conditions, maintenance needs, and associated costs, could improve the prioritization of projects and help ensure the best use of these critical resources. This would be especially beneficial with the state and its local governments set to receive several billions of dollars in additional resources for road and bridge maintenance and improvements in the years ahead.

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Construction NEWS



A Dubious Distinction

NY Metro Region Most Congested in U.S.

By JOHN JORDAN

ARLINGTON, VA— The American Transportation Research Institute released its annual list highlighting the most congested bottlenecks for trucks in America and roads in the New York metropolitan region ranked highest on the list.

For the fourth year in a row, the intersection of I-95 and SR 4 in Fort Lee, NJ is once again the Number One truck bottleneck in the country, according to the report released on Feb. 9. The average speed in Fort Lee adjacent to the George Washington Bridge is 30 miles per hour with a peak average speed of 22.4 miles per hour.

Others on the Top 10 list include: Cincinnati: I-71 at I-75; Houston: I-45 at I-69/US 59; Atlanta: I-285 at I-85 (North); Atlanta: I-20 at I-285 (West); Chicago: I-290 at I-90/I-94; Los Angeles: SR 60 at SR 57; Dallas: I-45 at I-30; San Bernardino, CA: I-10 at I-15 and Chattanooga, TN: I-75 at I-24.

A number of major roadways in the New York City metro region made the top 100 truck bottleneck list. They are:

- At #17 is the I-95/I-287 junction in Rye, NY in Westchester County, having an average speed of 46.6 miles per hour and a peak average speed of 44.5 miles per hour.
- At #20 is I-278 (Brooklyn-Queens Expressway) at the Belt Parkway in Brooklyn, which has an average speed of 34.9 miles per hour and a peak average speed of 29.5 miles per hour.
- A section of I-495 (Long Island Expressway) in Queens came in at #31 with an average speed of 24.9 miles per hour and a peak average speed of 17.2



The intersection of I-95 and State Route 4 off the George Washington Bridge for the fourth year in a row was ranked the top bottleneck for trucks in the United States.

miles per hour.

- A section of I-678 in the Bronx came in at #39 with an average speed of 32.2 miles per hour and a peak average speed of 28.1 miles per hour.
- A portion of the Long Island Expressway at Shelter Rock Road in Manhasset was #73 on the truck bottleneck list with an average speed of 44.2 miles per hour and a peak average speed of 36.3 miles per hour.
- A section of I-287 in Nyack near the

Mario M. Cuomo Bridge came in at #74 with an average speed of 48.7 miles per hour and a peak average speed of 41.8 miles per hour.

- In Connecticut, a section of I-95 in Stamford came in at #37 with an average speed of 43.9 miles per hour and a peak average speed of 34.5 miles per hour.

The 2022 Top Truck Bottleneck List measures the level of truck-involved congestion at over 300 locations on the national highway system. The analysis,

based on truck GPS data from more than 1 million freight trucks uses several customized software applications and analysis methods, along with terabytes of data from trucking operations to produce a congestion impact ranking for each location. ATRI's truck GPS data is also used to support the U.S. DOT's Freight Mobility Initiative. The bottleneck locations detailed in this latest ATRI list represent the top 100 congested locations, although ATRI continuously monitors more than 300 freight-critical locations.

"ATRI's bottleneck list is a roadmap for federal and state administrators responsible for prioritizing infrastructure investments throughout the country. Every year, ATRI's list highlights the dire needs for modernizing and improving our roads and bridges," said American Trucking Associations President and CEO Chris Spear. "We have seen, most recently in Pittsburgh, that the cost of doing nothing could also cost lives. It's time to fund these projects and get our supply chains moving again."

ATRI's analysis, which utilized data from 2021, found traffic levels rebounded across the country as more Americans returned to work and consumer demand for goods and services continued to grow. Consequently, supply chain bottlenecks occurred throughout the country. Average rush hour truck speeds were 38.6 miles per hour, down more than 11% from the previous year.

ATRI is the trucking industry's 501(c)(3) not-for-profit research organization. It is engaged in critical research relating to freight transportation's essential role in maintaining a safe, secure and efficient transportation system.

State Approves \$879M in Bonds for NYC; \$41 Million for Local Drinking Water Jobs

ALBANY—New York Gov. Kathy Hochul announced on Feb. 15 that the Environmental Facilities Corporation Board of Directors approved \$41 million in funding that includes low-cost loans and previously awarded grants, enabling the recipients to access these loan and grant funds and move their water and sewer infrastructure projects forward.

The board also approved an \$879-million leveraged bond financing to provide capital for various wastewater and drinking water projects for the New York City Municipal Water Finance Authority (NYCMWFA) and to refund certain prior bonds. Refunding bond sales deliver additional savings for EFC's municipal partners by refinancing the original bonds that funded their projects at

an even lower interest rate. The transaction is estimated to save \$18 million for New York City ratepayers over the next 10 years.

The board's approval includes financing through the Clean Water State Revolving Fund ("CWSRF") and Drinking Water State Revolving Fund ("DWSRF") and grants pursuant to the Water Infrastructure Improvement Act (WIIA). Municipal participation in the Environmental Protection Agency (EPA) Clean Watersheds Needs Survey (CWNS) starting in March is critical as it impacts how much federal CWSRF funding will be allocated to New York State to fund future clean water infrastructure projects. Municipalities will be asked to submit to EFC documentation of their community's waste-



Rendering of the Westchester Joint Water Works Ultraviolet (UV) Treatment Facility at Rye Lake. WJWW won a \$3.2 million grant through NYS Intermunicipal Water Infrastructure Grants Program to help pay for the \$8 million project that addresses public health risks.

water infrastructure needs for submittal to EPA.

Both Gov. Hochul and Environmental Facilities Cor-

poration President and CEO Maureen A. Coleman said the action maximizes the resources and stretches dollars for water

infrastructure investments. Refunding bonds helps make New York's State Revolving Funds some of the most efficient and effective in the nation, it was noted, because the deal will free up capital to support additional infrastructure projects while providing interest rate relief to the state's biggest borrowers.

Local Clean Water Project Funding Approved:

New York City Municipal Water Finance Authority—\$284,783,326 in long-term leveraged financing to design and construct various combined sewer overflow, wastewater collection system, and treatment plant improvement projects.

Suffolk County—\$4,644,642 WIIA grant and \$3,400,000 in short-term, market-rate financing to plan, design and manage

Please turn to page 27



Next Gen Leaders



Profiles of the Industry's New Generation



Mike Marciante

AGE

22

ACHIEVEMENT

Construction Advancement Institute Scholarship 2019

CURRENT EMPLOYMENT

Graduate Talent Program Analyst (Infrastructure Private Equity) UBS Asset Management.

ON THE JOB WHAT DO YOU LIKE ABOUT IT?

"The role allows me to rotate across varying divisions of UBS Asset Management. From macroeconomic to real asset roles, the program provides a great foundation, whichever route I decide to take."

ON THE CHOICE OF PROFESSION

"I have always enjoyed working with and analyzing numbers. My further passion for the valuation of companies and assets was built through various internships and clubs at university. I will further develop a skillset of working with companies to provide a management perspective and provide my analytical background."

EDUCATION

The University at Albany, SUNY – 2021 summa cum laude graduate with a dual B.S. in Business Administration with a concentration in Financial Analyst Honors and Accounting.

INSPIRATION

Dr. David Smith, Professor, Senior Associate Dean of School of Business. Very passionate professor who went above and beyond the role. Truly cared about students and went out of his way to help in any way.

WORDS OF WISDOM

"Someone's sitting in the shade today because someone planted a tree a long time ago."

—Warren Buffet (On Patience)

GREATEST ACCOMPLISHMENT

"Graduating from the University at Albany with summa cum laude honors."

GOALS

"Continue to challenge myself and never feel comfortable. Always advocate for my passions and create a more defined mentor system."

OUTSIDE INTERESTS

Basketball/NBA (Go Hawks!), aquariums and kayaking/fishing.

RELATIONSHIP TO CAI

Mike's father, Gus Marciante, is a member of Carpenters Union Local 279.

Researcher and Writer—Alan Kennedy

ABOUT THE BCA/CAI SCHOLARSHIP

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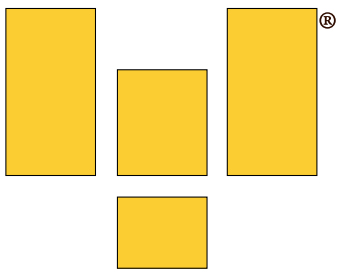
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Economic Outlook

New York Office Markets Gain Ground in Q4

By MICHAEL J. PATON

During the fourth quarter of 2021, according to JLL research, the U.S. office market registered positive net absorption for the first time since the beginning of the COVID-19 pandemic. Despite the Delta and Omicron COVID-19 variants disrupting daily life and return-to-office policies still uncertain, leasing velocity increased by 9.2% in Q3-Q4, lifting full-year leasing volume 14.6% above 2020 levels. At the same time sublease space stabilized and vacancy rates plateaued.

The broader macroeconomic recovery improved, with more than 6.1 million new jobs created over the course of 2021 along with record consumer spending and major legislation passed to boost infrastructure investment. Given widespread vaccine availability, the development of new therapeutic treatments and leisure travel trending toward pre-COVID levels, optimism is growing for a stronger economic performance in 2022.

Sun Belt markets such as Atlanta, Austin, Charlotte, Dallas, Miami, Nashville, Phoenix and Raleigh led leasing activity, with many of these markets approaching pre-pandemic levels of leasing volume. However, larger gateway cities such as San Francisco continued to lag somewhat. Across sectors, leases larger than 100,000 square feet grew significantly faster than the market as a whole, rising by 46.6% over the quarter and representing 43.6% of activity. Additionally, another increase in deals longer than 10 years is underlining growing momentum from major tenants, leading term lengths to rise for a fourth consecutive quarter to 7.8 years on average.

According to Cushman and Wakefield, the New York office market ended the year seeing a marked improvement in leasing fundamentals over 2020. Q4 leasing velocity reached record-high levels since the pandemic following strong momentum in Q3. The disconnect between corporate occupiers' return to office timelines and leasing



activity persisted with the Delta and Omicron variants, as many companies committed to new leases despite pushing back office re-entry. Approximately 5.7 million square feet of leases transacted in Q4, totaling 17.8 million square feet in 2021, which represented an increase of nearly 20% from 2020. According to Newmark research, the flight to quality has grown over the course of the pandemic, with leases signed in trophy product growing as a percentage of overall velocity from 7.7% in 2020 to 13.1% in 2021.

Class A product (top of the line) in Midtown led market recovery in Q4, as notable transactions closed at year-end including MSG Entertainment's 428,000-square-foot lease at PENN 2, Chubb Insurance's 240,000-square-foot lease at 550 Madison Ave, and Touro College's 243,000-square-foot lease at 3 Times Square. Many tenants opted for longer-term leases upon gaining greater clarity for space needs, raising the average term length to about nine years, which is in line with pre-pandemic levels. By the same token, some occupiers continued to withdraw their listed spaces from the market, which lowered overall vacancy for the first time since Q1 2019 to 14.6% in Q4 2021.

The Midtown market in particular, recorded a significant uptick in tenant demand as new leasing reached an eight-quarter high of 4.9 million square feet, driven by five new leases each greater than 100,000 square feet. At 12.1 million square feet, 2021 new leasing outpaced the 2020 volume by

about 36% with 31 leases greater than 50,000 square feet signed during the year—up from 21 transactions in 2020.

All the Midtown submarkets, with the exception of Penn Station, recorded a year-to-year uptick in leasing. Financial services dominated market activity during the year, accounting for 40% of new lease transactions of 10,000 square feet and greater. The improvement in leasing was offset by 10 blocks greater than 100,000 square feet entering the market, resulting in vacancy climbing by 100 basis points during the quarter to about 20%. The addition of 996,000 square feet of the former Ernst and Young space entering the market at Five Times Square fueled the uptick in vacancy.

The commercial office market outlook is still clouded. According to Cushman and Wakefield, the market in New

York City is still challenged with about 68 million square feet of vacant space, more than

with better air quality and more greenspace. The recovery therefore will continue to be uneven,

with the top-end of the market and new supply expected to see the greatest demand.

The competition for talent will shape leasing trends as employees seek greater flexibility, and the office workplace will play a key role in retaining and attracting top talent. Newly implemented hybrid work arrangements and occupancy strategies will become more unique and tailored to meet specific business needs and employee demands.

About the author: Michael J. Paton is a portfolio manager at Tocqueville Asset Management L.P. He joined Tocqueville in 2004. He manages balanced portfolios and is a member of the fixed-income team. He can be reached at (212) 698-0800 or by email at MPaton@tocqueville.com.

Many tenants opted for longer-term leases upon gaining greater clarity for space needs, raising the average term length to about nine years, which is in line with pre-pandemic levels. By the same token, some occupiers continued to withdraw their listed spaces from the market, which lowered overall vacancy for the first time since Q1 2019 to 14.6% in Q4.

two-thirds of which is product built before 1970. Buildings with attractive amenities and transit accessibility will be best positioned to meet shifting workplace preferences, along

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State Approves \$879M in Bonds for NYC

Continued from page 21

construction of the Suffolk County Coastal Resiliency Initiative sewer parcels currently using onsite systems in the Carlls River and Forge River watersheds.

Local Drinking Water Project Funding Approved:
Town of Cairo in Greene County—\$1,607,457 in long-term, interest-free financing to develop additional groundwater source capacity; improve the Park Well site and existing finished water storage tank, distribution system upgrades and installation of new water meters and meter reading equipment.

Town of Crawford in Orange County—\$2,311,680 WIIA grant, \$711,329 in short-term, interest-free financing and \$1,422,658 in short-term, market-rate financing for the construction of two production wells and a water treatment building, and installation of approximately 6,100 linear feet of water main to connect the treatment facility to the distribution system.

New York City Municipal Water Finance Authority—\$150,000,000 in long-term leveraged financing for the design and construction of the Croton Water Filtration Plant and associated facilities.

Village of Nyack in Rockland County—\$3,000,000 WIIA grant to replace approximately 13,000 linear feet of water main.

Oyster Bay Water District in Nassau County—\$286,000

Intermunicipal Grant (IMG) for an emergency interconnection between the Oyster Bay Water District and Locust Valley Water District.

Westchester Joint Water Works in Westchester County—\$3,200,000 IMG for the construction of a new ultraviolet light disinfection facility at the Rye Lake Pump Station.

Gov. Hochul's FY2023 Executive Budget proposes significant funding for clean water initiatives, including:

- \$500 million in clean water infrastructure funding, bringing the state's total clean water investment to \$4.5 billion since 2017

- \$400 million—a record level of funding for the Environmental Protection Fund (EPF)—to support critical projects that work to mitigate the effects of climate change, improve agricultural resources, protect water sources, advance conservation efforts and provide recreational opportunities.

- \$4 billion for the landmark Clean Water, Clean Air, and Green Jobs Environmental Bond Act. If approved by voters this fall, this historic initiative will provide the support New York State needs to restore critical environmental habitats; reduce flood risks; conserve additional lands and open spaces; protect and improve our water resources; and invest in climate change mitigation projects that will reduce pollution and lower carbon emissions.



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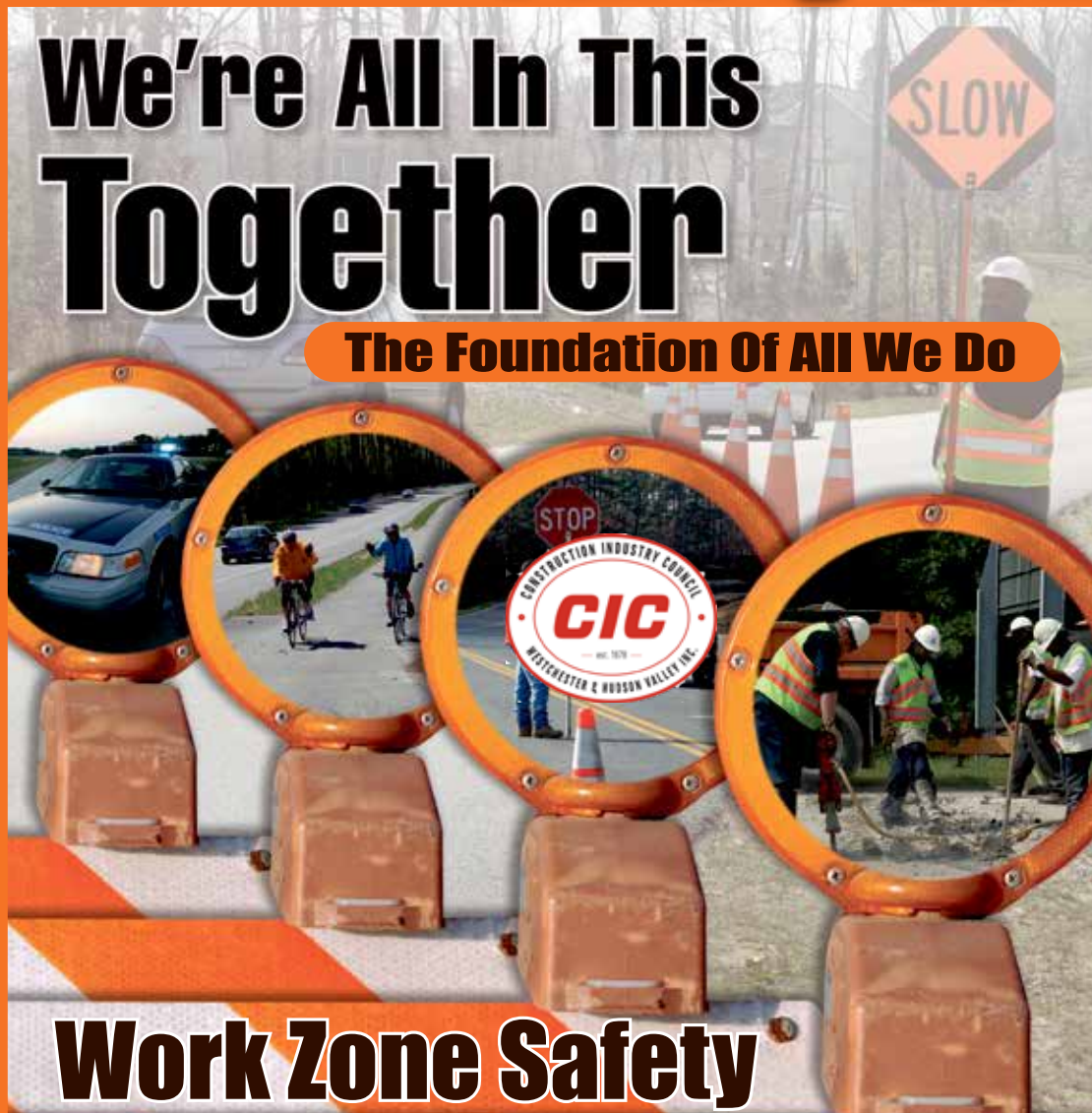
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NY-NJ Port Authority to Resume Cross Harbor Project Review

NEW YORK—State and federal officials announced on Feb. 3 the Port Authority of New York and New Jersey will resume preparation of a Tier 2 Environmental Impact Statement (EIS) on the Cross Harbor Freight Movement Program. As part of the review, the EIS will look at how the Cross Harbor Rail Freight project would work in concert with the Interborough Express transit line, which was announced by New York Gov. Kathy Hochul as part of her 2022 State of the State address.

With the help of U.S. Rep. Jerrold Nadler (D-NY), federal funds from the Federal Highway Administration have been repurposed to immediately resume the preparation of a Tier 2 EIS that will perform the legally required, more detailed analysis of the environmental effects. The EIS will also analyze potential mitigation measures for two preferred alternatives identified in the prior Tier 1 study to reduce the current dependence on trucks to move freight across New York Harbor.

“New York is committed to investing in a robust transit network that connects communities and includes cutting-edge projects for the movement of goods and cargo,” Gov. Hochul said. “We are aggressively moving forward with the next phase of development for the Cross Harbor Rail Freight project as we look to reimagine New York’s transportation infrastructure. I want to thank Congressman Nadler for championing a bold infrastructure agenda for New York and I look forward to working with him and our federal partners to bring this agenda to life.”

In 2018, the Port Authority commenced the second phase of an environmental review for the program with the selection of a consultant to conduct the detailed analysis. The financial impact of the COVID-19 pandemic forced a temporary suspension of the work in 2020. The repurposing of existing FHWA funds now restarts that work to generate a detailed analysis of the environmental effects and potential mitigation measures for the two preferred alternatives identified in 2014 in the prior Tier 1 study to move freight across New York Harbor. The analysis of these two options is required by the National Environmental Policy Act (NEPA) before any federal funds can be spent on advancing either of the two options.

The two preferred options being studied include the construction of a cross harbor freight tunnel and the expansion of the Port Authority’s existing railcar float operation. The rail tunnel alternative calls for construction of a freight tunnel under the New York Harbor that would run approximately



U.S. Rep. Jerrold Nadler (D-NY)

four miles from Jersey City to Brooklyn. The railcar float alternative would greatly expand the existing carfloat system, currently operated by New York New Jersey Rail, LLC, a wholly owned entity of the Port Author-

ity since 2008, and would include new transfer bridges, carfloats, locomotives and tracks.

Port Authority Chairman Kevin O’Toole said, “We need to continue exploring potential solutions to improve mobility and reduce the region’s reliance on trucks to move goods critical to regional economic growth. The resumption of this study will take a close look at alternatives that could help achieve that goal in the future.”

Port Authority Executive Director Rick Cotton said, “With major projected increases in freight movement over the next two decades, delays in goods movement will only worsen unless the shipping and distribution industry has attractive alternatives to shipping by truck. Our goal is to explore these alternatives and identify cost-effective approaches



Thanks to funding from the Federal Highway Administration, a more detailed environmental review of two preferred options of the Cross Harbor Rail Freight program has been resumed.

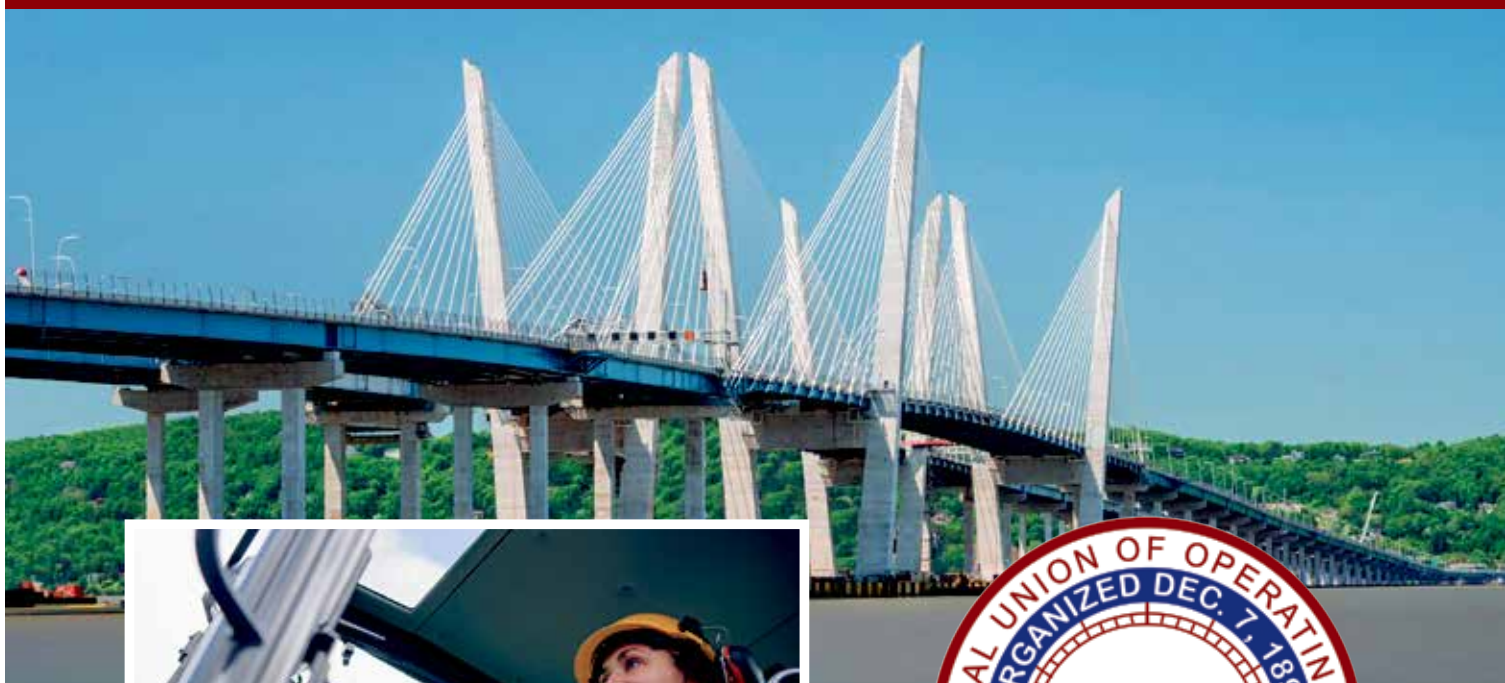
to future freight movement that can reduce the number of trucks on the region’s roads and highways.”

Representative Jerrold Nadler said, “I am thrilled that this critical transportation infrastructure project,

which I have supported for 30 years, is moving forward. The Cross-Harbor Rail Freight Tunnel would connect New York’s metropolitan region to the national rail freight grid by diverting trucks from our

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WASHINGTON UPDATE

Fed. Water Rule Withdrawal Threatens Administration's Infrastructure Agenda

WASHINGTON— The Biden administration’s withdrawal of the 2020 “Navigable Waters Protection Rule” jeopardizes its own infrastructure goals by increasing delays to important transportation projects, according to the American Road & Transportation Builders Association.

The administration’s move is the latest chapter in the multi-year dispute over what is considered a “water of the United States” (WOTUS) under the federal Clean Water Act (CWA).

The term WOTUS governs how the U.S. Environmental Protection Agency (EPA) and U.S. Army Corps of Engineers (Corps) decide which water bodies are subject to federal authority. Under the Trump Administration’s 2020 NWPR,

roadside ditches were not subject to federal oversight. Roadside ditches act as a conduit for draining water from roads under construction—an essential safety feature of road projects.

Withdrawing the NWPR will delay many infrastructure projects, running counter to the goals of last year’s bipartisan Infrastructure Investment and Jobs Act (IIJA), ARTBA stated on Feb. 8.

In Feb. 7 comments to the EPA, ARTBA said the proposal “will trigger additional CWA permitting requirements due to its expansion in jurisdiction, with associated time and costs. On the public agency side, an increase in individual permit applications could overwhelm staff, thus further

Please turn to page 33

More WASHINGTON UPDATE on page 35

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Regional Bid Alert

NYSDOT - Region 8

Bid Letting Date: March 10, 2022

New York State Department of Transportation
Contract Management
50 Wolf Road, 1st Floor, Suite 1CM
Albany, NY 12232

Contract# D264746
PIN# 881544

Project Description: Westchester Co., culvert replacements, Towns of New Castle, North Castle, North Salem & Yorktown.

Bid Deposit: 5% of Bid (~ \$200,000.00).

Goals: MBE: 9.00%, WBE: 13.00%, SDVOB: 6.00%

Bid Letting Date: March 10, 2022

New York State Department of Transportation
Contract Management
50 Wolf Road, 1st Floor, Suite 1CM
Albany, NY 12232

Contract# D264750
PIN# 812750
FA Proj.# Z0E1-8127-503

Project Description: Columbia Co., pmi paving - Taconic State Parkway, NY Route 217 to Interstate 90, Towns of Austerlitz, Chatham and Ghent.

Bid Deposit: 5% of Bid (~ \$375,000.00)

Goals: DBE: 2.00%

NYSDOT - Region 9

Bid Letting Date: March 10, 2022

New York State Department of Transportation
Contract Management
50 Wolf Road, 1st Floor, Suite 1CM
Albany, NY 12232

Contract# D264737
PIN# 9PM022
FA Proj.# Z24E-9PM0-223

Project Description: Broome, Chenango, Delaware, Otsego, Schoharie, Sullivan, Tioga Cos., PAVEMENT MARKING, Various Locations, No Plans.

Bid Deposit: 5% of Bid (~ \$125,000.00)

Goals: DBE: 0.00%

Bid Letting Date: March 10, 2022

New York State Department of Transportation
Contract Management
50 Wolf Road, 1st Floor, Suite 1CM
Albany, NY 12232

Contract# D264743
PIN# 930710

Project Description: Otsego Co., pavement reconstruction / rehabilitation, NY Route 7, Village of Otego.

Bid Deposit: 5% of Bid (~ \$375,000.00)

Goals: DBE: 8.00%

NYSDOT - Region 10

Bid Letting Date: March 3, 2022

New York State Department of Transportation
Contract Management
50 Wolf Road, 1st Floor, Suite 1CM
Albany, NY 12232

Contract# D264774
PIN# 022957
FA Proj.# Z0E1-0229-573

Project Description: Suffolk Co., priority surface treatment, Long Island Expressway (I-495, Exit 55 to Exit 64), Towns of Brookhaven & Islip., Priority Award Requirements, PLA Candidate.

Bid Deposit: 5% of Bid (~ \$2,750,000.00)

Goals: DBE: 10.00%

Bid Letting Date: March 3, 2022

New York State Department of Transportation
Contract Management
50 Wolf Road, 1st Floor, Suite 1CM
Albany, NY 12232

Contract# D264775
PIN# 022956
FA Proj.# Z0E1-0229-563

Project Description: Suffolk Co., priority surface treatment, Long Island Expressway (I-495, Nassau/Suffolk Line to Exit 55), Towns of Huntington, Islip & Smithtown., Priority Award Requirements, PLA Candidate.

Bid Deposit: 5% of Bid (~ \$2,750,000.00)

Goals: DBE: 10.00%

Bid Letting Date: March 10, 2022

New York State Department of Transportation
Contract Management
50 Wolf Road, 1st Floor, Suite 1CM
Albany, NY 12232

Contract# D264725
PIN# 081009
FA Proj.# ZS3E-0810-093

Project Description: Nassau, Suffolk Cos., safety enhancements, Various Locations, Night Time Work, Bid Deposit: 5% of Bid (~ \$375,000.00).

Goals: DBE: 10.00%

NYSDOT - Region 11

Bid Letting Date: March 2, 2022

New York State Department of Transportation
Contract Management
50 Wolf Road, 1st Floor, Suite 1CM
Albany, NY 12232

Contract# D264749
PIN# X73168
FA Proj.# Z23E-X731-683

Project Description: Richmond Co., bridge rehabilitation, Woolley Ave. & Bradley Ave. over Staten Island Expressway.

Bid Deposit: 5% of Bid (~ \$1,500,000.00)

Goals: DBE: 10.00%

Bid Letting Date: March 10, 2022

New York State Department of Transportation
Contract Management
50 Wolf Road, 1st Floor, Suite 1CM
Albany, NY 12232

Contract# D264717
PIN# XM2160
FA Proj.# Z23E-XM21-603

Project Description: Bronx, Kings, New York, Queens, Richmond Cos., inspection and corrective maintenance & repair of masonry retaining walls, Various Locations., Night Time Work.

Bid Deposit: 5% of Bid (~ \$750,000.00)

Goals: DBE: 10.00%

New York State Dormitory Authority

Bid Due Date: March 15, 2022

Title: City University of New York Brooklyn College, West Quad Pool Chemical Storage HVAC Upgrade

Contract: CR8 General Construction

Project# 3575409999

Sealed bids for the above Work located at Brooklyn College, West Quad Building, 2900 Bedford Avenue, Brooklyn NY 11210 will be received by DASNY at its office located at 515 Broadway, Albany, NY 12207. Each bid must be identified, on the outside of the envelope, with the name and address of the bidder and designated a bid for the Project titled above. When a sealed bid is placed inside another delivery jacket, the bid delivery jacket must be clearly marked on the outside "BID ENCLOSED" and "ATTENTION: CONSTRUCTION CONTRACTS – DOMINICK DONADIO." DASNY will not be responsible for receipt of bids which do not comply with these instructions.

All individuals who plan to attend pre-bid meetings or bid openings in person will be required to complete and present a DASNY Visitor Covid-19 Screening Questionnaire, present government-issued picture identification to building security officials and obtain a visitors pass prior to attending the bid opening. The questionnaire and all instructions are located after Section 19.0 of the Information for Bidders.

Individuals and entities submitting bids in

person or by private delivery services should allow sufficient time for processing through building security to assure that bids are received prior to the deadline for submitting bids.

All bid openings will be made available for viewing live via Zoom at www.zoom.us. To enter the meeting, select "Join a Meeting" then enter Meeting Id 353 471 6521, Password 351895. Individuals are strongly encouraged to utilize this public viewing option as an alternative to in person attendance at bid openings.

Only those bids in the hands of DASNY, available to be read at 2:00 PM local time on March 15, 2022 will be considered. Bids shall be publicly opened and read aloud. Bid results can be viewed at DASNY's website; <http://www.dasny.org>.

In accordance with State Finance Law § 139-j and § 139-k, this solicitation includes and imposes certain restrictions on communications between DASNY personnel and a prospective bidder during the procurement process. Designated staff for this solicitation is: Robert Thelian, Sr. Project Manager, 2900 Bedford Avenue, DASNY Field Office, Brooklyn, New York 11210, 718-421-2621, rthelian@dasny.org (the Owner's Representative) and DASNY at ccontracts@dasny.org. Contacts made to other DASNY personnel regarding this procurement may disqualify the prospective bidder and affect future procurements with governmental entities in the State of New York. For more information pursuant to this law, refer to DASNY's website; <http://www.dasny.org> or the OGS website; <http://www.ogs.state.ny.us>.

A Pre-Bid Meeting is scheduled on Wednesday, February 23, 2022, at 10:00 AM at Brooklyn College, DASNY Field Office, 2900 Bedford Avenue, Brooklyn, New York 11210. Contact Manuel Baltazar or Robert Thelian at 718-421-2621. All prospective bidders are strongly encouraged to attend.

Prospective bidders are advised that the Contract Documents for this Project contain new "GENERAL CONDITIONS for CONSTRUCTION" dated June 17, 2021 that contain significant revisions from those documents previously contained in DASNY's Contract Documents. Prospective bidders are further advised to review applicable sections of these General Conditions for any potential impact on their bid price prior to submittal of the bid.

A complete set of Contract Documents may be viewed and/or purchased online from Camelot Print and Copy Centers. Only those Contract Documents obtained in this manner will enable a prospective bidder to be identified as an official plan holder of record. DASNY takes no responsibility for the completeness of Contract Documents obtained from other sources. Contract Documents obtained from other sources may not be accurate or may not contain addenda that may have been issued. In addition, prospective bidders are advised that the Contract Documents for this Project contain new "GENERAL CONDITIONS for CONSTRUCTION" dated June 17, 2021 that contain significant revisions from those documents previously contained in DASNY's Contract Documents. Prospective bidders are further advised to review applicable sections of these General Conditions for any potential impact on their bid price prior to submittal of the bid. The plan holders list and a list of interested subcontractors and material suppliers may be viewed at DASNY's website: <http://www.dasny.org>. For Bid Opportunities and other DASNY related news, follow us on Twitter @NYS_DASNY and Facebook <https://www.facebook.com/pages/DASNY-Dormitor-Authority-of-the-State-of-New-York/307274192739368>.

Bid Due Date: March 17, 2022

Title: New York State Office of Mental Health Mohawk Valley Psychiatric Center, Building 64 Gymnasium & Expansion of Outdoor Recreational Area including Asbestos and Hazardous Materials Abatement

Contracts: CR15 General Construction, CR16 HVAC, CR17 Plumbing & Fire Protection and CR18 Electrical

Project # 3541409999

Sealed bids for the above Work located at Mohawk Valley Psychiatric Center, 1400 Noyes Street, Utica, NY 13502 will be received by DASNY at its office located at 515 Broadway, Albany, NY 12207. Each bid must be identified, on the outside of the envelope, with the name and address of the bidder and designated a bid for the Project titled above.

When a sealed bid is placed inside another delivery jacket, the bid delivery jacket must be clearly marked on the outside "BID ENCLOSED" and "ATTENTION: CONSTRUCTION CONTRACTS – JENNIFER BURTCH." DASNY will not be responsible for receipt of bids which do not comply with these instructions.

All individuals who plan to attend pre-bid meetings or bid openings in person will be required to complete and present a DASNY Visitor Covid-19 Screening Questionnaire, present government-issued picture identification to building security officials and obtain a visitors pass prior to attending the bid opening. The questionnaire and all instructions are located after Section 19.0 of the Information for Bidders.

Individuals and entities submitting bids in person or by private delivery services should allow sufficient time for processing through building security to assure that bids are received prior to the deadline for submitting bids.

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Only those bids in the hands of DASNY, available to be read at 2:00 PM local time on March 17, 2022 will be considered. Bids shall be publicly opened and read aloud. Bid results can be viewed at DASNY's website; <http://www.dasny.org>.

In accordance with State Finance Law § 139-j and § 139-k, this solicitation includes and imposes certain restrictions on communications between DASNY personnel and a prospective bidder during the procurement process. Designated staff for this solicitation is: Lemarr Young, Project Manager, DASNY, 515 Broadway, Albany, New York 12207 518-257-3288 lyoung@dasny.org (the Owner's Representative) and DASNY at ccontracts@dasny.org. Contacts made to other DASNY personnel regarding this procurement may disqualify the prospective bidder and affect future procurements with governmental entities in the State of New York. For more information pursuant to this law, refer to DASNY's website; <http://www.dasny.org> or the OGS website; <http://www.ogs.state.ny.us>.

A Pre-Bid Meeting is scheduled on Tuesday, February 22, 2022 at Mohawk Valley Psychiatric Center, Work Control Building, 1400 Noyes Street, Utica, New York 13502. Contact Joe Wilczynski at 315-952-5646. All prospective bidders are strongly encouraged to attend.

Prospective bidders are advised that the Contract Documents for this Project contain new "GENERAL CONDITIONS for CONSTRUCTION" dated June 17, 2021 that contain significant revisions from those documents previously contained in DASNY's Contract Documents. Prospective bidders are further advised to review applicable sections of these General Conditions for any potential impact on their bid price prior to submittal of the bid.

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Agency contact information may change without notice. Please check with the appropriate contracting agency for the most up-to-date contact information.

Construction NEWS

PHOTO GALLERY



Above, Taconic Parkway Southbound and I-84 Eastbound in Dutchess County.

Photo Credits: DAVID ROCCO

On left, Pine Hill Road/US I-87 overpass that is located in Highland Mills, NY Orange County, it is in poor condition, in need of extensive repairs.

Road & Bridge Relief Needed

The worst bridges in the Hudson Valley region—those rated in poor/structurally deficient condition—carry more than 2.6 million vehicles each day. Orange, Dutchess and Ulster counties are home to some two dozen of the region’s worst bridges with the highest average daily traffic.



Above, Southbound on Route 52 in Fishkill/Eastbound I-84



On right, Cross County Parkway viaduct over the Bronx River Parkway eastbound in Westchester County.



Above, Route 32 over the New York State Thruway in the Town of Rosendale in Ulster County.

On left, Meadow Hill Road over I-87/New York State Thruway in the Town of Newburgh.

Workforce Development

Laborers Local No. 17 Secures \$200K Grant for Job Training

WASHINGTON—Rep. Sean Patrick Maloney announced on Feb. 7 that a \$200,000 grant from the Bipartisan Infrastructure Law to fund training for 122 students and create at least 33 environmental jobs in the Hudson Valley had been awarded to Laborers Local No. 17 of Newburgh, NY.

The grant is going to the Laborers' Local 17 Training and Education Fund, based in Newburgh, which will target disadvantaged communities and provide opportunities for job training that will directly address local environmental issues. As a member of the Transportation & Infrastructure Committee, Rep. Maloney helped write the Bipartisan Infrastructure Investment and Jobs Act, which provided the funding for this grant and other critical investments in the Hudson Valley.

The grants for Laborers' 17

and other organizations are funded by the EPA's Brownfields Program, which received more than \$1.5 billion from the Infrastructure Investment & Jobs Act.

"I am proud to announce that Laborers' Local 17 will receive a grant from the EPA for \$200,000 for their job training program thanks to the Bipartisan Infrastructure Law. These funds will be used to create jobs, train unemployed and low-income students, and address local pollution," said Rep. Maloney. "The Infrastructure Law is putting Americans to work to rebuild our country in a sustainable way, starting right here in the Hudson Valley."

"This grant allows our members to continue to build their skills and opportunities, and impact their own communities through their work," said L. Todd Diorio, Business Manager of Laborers' Local 17. "The infrastructure act continues to

impact our members in the Hudson Valley."

The Laborers' Local 17 Training & Educational Fund plans to train 122 students in New York's Capital District and the Mohawk and Hudson Valley regions and place at least 33 in environmental jobs.

The training program includes 712 hours of instruction, including Federal Occupational Safety & Health Administration courses, asbestos, lead and hazardous waste trainings, and first aid and CPR classes.

Students who complete the training will earn up to three state certifications and nine federal certifications.

The Laborers' Local 17 Training & Educational Fund is targeting unemployed, underemployed, dislocated students and those that live in poverty, distressed communities, have

little or no advanced education, and minorities that live in communities affected by



environmental hazards.

Key partners include the Orange County Workforce Development Board, One Stops, Eastern NY Laborers' Local 190, Laborers' Local 157, Profes-

sional Abatement Contractors, Rural Ulster Preservation Company, Habitat for Humanity, the Department of Social Services, various local departments of public works, Orange County Partnership, SUNY Orange Community College, BOCES, Newburgh Enlarged City School District, the City of Newburgh, United Way, the Workforce Development Institute, Best Resource Center, Working Solutions, Nubian Directions II, Inc., BRC, Workforce Development Board/Working Solutions Herkimer, Madison & Oneida Counties, Inc., LIUNA Local 190, 157, 754, and 235, the New York State Department of Environmental Protection, Construction Contractors Association, the Capital Region Workforce Development Board, Holt Construction and Specialty Trades Contracting LLC.

Fed. Water Rule Withdrawal

Continued from page 30

exacerbating the delays in permitting. This is an unfortunate case of conflicting policy objectives, although largely avoidable by leaving the NWPR in place. ARTBA assumes that no federal agency would want its bureaucratic obstinance to be cited as a reason the IJA did not fulfill its promise."


ARTBA also urged the EPA and the Corps to pause their rulemaking because of the U.S. Supreme Court's recent decision to hear the case (*Sackett vs. EPA*). The court's decision in that case is expected towards the end of the year and will have a major impact on federal CWA jurisdiction. "By proceeding now," ARTBA noted, "the agencies risk promulgating a rule that will require an almost immediate rewrite, along with expenditure of additional resources to do so, and continued lack of clarity in the meantime."

Cross Harbor Project Review

Continued from page 29

streets to the underutilized rail network. It will change the way we move freight throughout our region, leading to economic, environmental, health, safety and cost-saving benefits for millions of people."

The review, which will also explore potential funding sources for the two options, will include extensive outreach to all stakeholders, including elected officials and the public, will provide the Port Authority and other regional agencies with cost and benefits of each alternative to help reduce roadway congestion attributed to goods movement across the New York/New Jersey Harbor.



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WHAT'S NEW & WHO'S NEWS



Catherine Rinaldi, Metro North President,
LIRR Interim President

Metro North's Rinaldi To Serve as Interim President of LIRR

NEW YORK—The Metropolitan Transportation Authority Chair and CEO Janno Lieber announced on Feb. 10 the appointment of Catherine Rinaldi to serve as interim president of MTA Long Island Rail Road. Ms. Rinaldi will concurrently serve as president of Metro-North Railroad, a role she has held since 2018. She will succeed Phillip Eng, who is retiring after nearly four years as LIRR president.

Ms. Rinaldi grew up in Huntington, L.I., and previously served as vice president and general counsel at the Long Island Rail Road from 2008 to 2011. In addition to her roles at both the Long Island Rail Road and Metro-North, she has served as MTA deputy executive director and general counsel, and chief of staff and counsel at MTA headquarters. Ms. Rinaldi's first day as interim LIRR president will be Sat., Feb. 26.

"Cathy Rinaldi is a proven leader with nearly 20 years of experience at the MTA, having served in leadership positions at headquarters and both commuter railroads," Mr. Lieber said. "At Metro-North, she has led efforts to improve system reliability, achieve excellent customer service, and continue the intensive infrastructure work essential to maintaining system safety. She has great relations with labor, has the respect of her staff and puts the customer first. Phil has done an incredible job as president of the LIRR, strengthening operations through the LIRR Forward Plan and overseeing historic infrastructure investments like East Side Access and Third Track—all the while navigating a once-in-a-century crisis with COVID."

"I want to thank Janno for the confidence that he's putting in me by giving me this unbelievable opportunity and this unbelievable challenge," Ms. Rinaldi said. "I'm very grateful for it. I'm very grateful to be able to serve in this way and excited for the challenges ahead."

As LIRR interim president, Ms. Rinaldi will oversee the expansion of LIRR service. Most critically, this includes the opening of LIRR service to Grand Central Terminal later this year, the culmination of the East Side Access project. This expansion also includes running new service made possible by the recent addition of a third track between Floral Park and Hicksville on the busy Main Line, increasing capacity to run trains in both directions throughout the day. Paired together, these investments enable more frequent service to more destinations, improving travel options for both Long Islanders and commuters throughout the region.

An engineer with deep background in infrastructure and construction, Mr. Eng joined the MTA in 2017 following a distinguished career at New York State Department of Trans-

Please turn to page 35

Diana Rojas-Hoyos Joins CIC/BCA To Expand Administrative Services

TARRYTOWN, NY—The Construction Industry Council of Westchester & Hudson Valley, Inc. has announced that Diana Rojas-Hoyos has joined the association in the newly created position of Member and Administrative Coordinator.

In this new position, Ms. Rojas-Hoyos is responsible for maintaining and ensuring the accuracy of member information and record-keeping at the 600-member trade group.

"Diana is a timely addition to the organization as the CIC ramps up for what could be a record-setting year for construction volume thanks to the passage of the federal bipartisan infrastructure act," said John T. Cooney, Jr., CIC's executive director. Among her responsibilities are to maintain the integrity of CIC and BCA management information systems with all its functions and data entry challenges.



Diana Rojas-Hoyos

She will also provide administrative support to CIC members and partner organizations for programs and special events.

Ms. Rojas-Hoyos joins the CIC organization with more than 13 years of managerial and administrative work experience in labor union and medical environments. Her prior employers included International Brotherhood of Teamsters Local 282 Building Material in Lake Success, NY from 2016 to 2021. Prior to that, from 2008 to 2015, she worked in medical records-keeping with a medical office in the Bronx and Westchester.

She is bilingual in Spanish and English, and she earned her Medical Billing & Coding Certificate in 2012 and in 2006 was a graduate of Saunders Trades & Technical High School in Yonkers, NY. She is the mother of two young children.

CIC Appoints Maria Donovan, Esq. To Lead Events & Communications

TARRYTOWN, NY—The Construction Industry Council of Westchester & Hudson Valley, Inc. has named public affairs specialist Maria Donovan, Esq., to the newly created position of Events & Communications Manager. The announcement was made by CIC Executive Director John T. Cooney, Jr., who heads the association, which serves as the leading advocate and thought leader for the region's construction and building industry sectors.

"As we enter 2022, I am delighted to have Maria join our team," Mr. Cooney said. "These are exciting and challenging times for our industry as infrastructure has suddenly become the No. 1 priority on federal, state, and local levels to help drive the economy. Maria has a strong background in public affairs, having worked in both the executive and legislative branches of government at both the municipal and state level, as well as serving as an advocate for industry affairs."

"I have been closely involved with building and construction for more than a decade and have witnessed first-hand the many benefits that improvements in public works and real estate development can bring to communities and municipalities," Ms. Donovan said. "It is a great privilege to join CIC and its powerful alliance that unites the contracting community with organized labor and the vast networks of



Maria Donovan, Esq.

service providers in the building and construction sectors in the Hudson Valley."

In her new role Ms. Donovan will spearhead CIC's relationship development and social media communications, developing new opportunities for members to be engaged with the association. She will also support the association's advocacy, strategic planning and public relations efforts.

Prior to joining CIC, she served as Strategic Director for the City of Mount Vernon

and Deputy Chief of Staff for a State Senator in Queens, with responsibilities that included the JFK Airport Redevelopment, MTA bridge replacements, sewer rehabilitation projects along with hundreds of miles of road resurfacing. In addition, Ms. Donovan has extensive private sector experience, including roles with Empire Government Strategies and the New York Affordable Reliance Electricity Alliance.

She earned a B.A. in English from New York University in 2006, and her J.D. from Hofstra University School of Law in 2014.

Ms. Donovan is an avid runner and reader and serves on the Putnam County Home Improvement Board. In her spare time, she loves to explore the Hudson Valley with her husband Chris and rescue dog Nova.

Ms. Donovan can be reached at 914-631-6070 or at maria@cicnys.org.

Suffolk's Esposito Named Chair of New York Building Congress

NEW YORK — The New York Building Congress announced on Feb. 10 that Ralph J. Esposito had been appointed as the new Chair of the organization.

Mr. Esposito is currently President of the Northeast and Mid-Atlantic region at Suffolk and previously worked at Lendlease for nearly 25 years. Throughout his tenure in the industry, Mr. Esposito has served as a key player in the construction of the September 11 Memorial and Museum at the World Trade Center and the expansion of the Columbia University Manhattanville Campus, among other iconic projects in New York City.

He replaces Elizabeth Velez, president of the Velez Organization, who has served as Chair since January 2020.

"To help address the numerous challenges facing our region, I will work diligently with the support of the Board of Directors, staff and members of the Building Congress, and all levels of government to institute our agenda to create a stronger, more united New York," said Mr. Esposito.

"We are thrilled to have Ralph Esposito at the helm of our organization, as he will no doubt advance our policy priorities in the years to come," said Carlo A. Scissura, President & CEO of the New York Building Congress. "As our 2022 Policy Agenda outlines, we will push all levels of government to invest in the next generation of New York for those who live here and all of those to come."



Ralph J. Esposito
Chair, New York Building Congress

I would also like to thank our outgoing Chair, Elizabeth Velez, for her exemplary leadership over the past two years."

Alongside this announcement at the Annual Membership Meeting and Construction Industry Luncheon, the Building Congress released its 2022 Policy Agenda, calling on all levels of government to increase funding to rebuild New York's aging infrastructure, as well as streamline processes that make building safer and more efficient. The policy agenda detail the Building Congress's priorities and recommendations to bolster New York's housing stock, workforce and economy.

The 2022 Policy Agenda highlights the New York Building Congress's focused efforts to improve New York through the building industry. Priorities from

Please turn to page 35

WASHINGTON UPDATE

Biden Administration Releases Infrastructure Law Guidebook

WASHINGTON—On Jan. 31, the White House released the first edition of its Bipartisan Infrastructure Law guidebook to help state, local, Tribal and territorial governments unlock the benefits from the historic investments in the nation’s infrastructure. The guidebook is a one-stop-shop on the law and contains the most comprehensive information to date on the more than 375 programs included in the Bipartisan Infrastructure Law.

“This resource is a critical part of our extensive outreach to state, local, tribal and territorial governments to ensure the people of America can benefit from this once-in-a-generation investment,” said Mitch Landrieu, senior advisor & infrastructure implementation coordinator. “Building a better America is a shared endeavor no one can do alone,

and investing infrastructure dollars will require significant coordination between the federal government, cities, states, Tribal governments, community members, and other key partners. Our primary goal is to empower people across the country with information, so they know what to apply for, who to contact, and how to get ready to rebuild.”

The guidebook is a roadmap to the funding available under the law, as well as an explanatory document that shows direct federal spending at the program level. To this end, the White House has also published an accompanying data file that allows users to quickly sort programs funded under the law by fields like agency, amount, recipient, or program name. The guidebook contains 12 chapters grouping

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Metro North’s Rinaldi

Continued from page 34

portation where he rose to the rank of executive deputy commissioner. At MTA, he served as COO and then concurrently as acting president for New York City Transit, before being named LIRR president in 2018.

“I can retire knowing that I leave the LIRR well positioned for continued success with a dedicated management team and a tenacious workforce who are delivering the best train performance in LIRR history while fulfilling our commitments on a historic capital program,” Mr. Eng said. “I will always fondly look back on my time working with the MTA family as one of the highlights of my career. The MTA is the backbone of New York—and I will always cherish the opportunity I had working alongside our hardworking, dedicated workforce.”

Suffolk’s Esposito Named Chair of New York Building Congress

Continued from page 34

the report include:

Infrastructure Agenda

Through federal funding, New York State and local agencies will receive more than \$20 billion to improve their physical infrastructure. This money should be dedicated to initiatives and entities such as the Gateway Program, the Metropolitan Transportation Authority, the New York City Housing Authority and the Port Authority of New York and New Jersey.

Utilizing the funds from the \$311-billion New York State infrastructure plan, the Building Congress will focus on advancing the reconstruction of Penn Station, expanding the Long Island and Metro-North railroads, reimagining the Brooklyn-Queens Expressway, advancing the proposed congestion pricing plan, reviewing and analyzing the proposed Interborough Express and implementing clean energy projects across the state.

Building a More Equitable and Resilient City

New York has experienced extensive infrastructure damage through the effects of climate change. The Building Congress calls on the industry to focus on communities disproportionately affected by environmental injustice, com-

munities of color and those affected by historical inequities in funding and resources.

In 2022, the Building Congress will focus on Lower Manhattan and East Side Coastal Resiliency projects and the \$4-billion Clean Water, Clean Air and Green Jobs Environmental Bond Act.

A Comprehensive Affordable Housing Plan

With the 421a tax abatement and Brownfield Cleanup Program set to expire and the gap between population growth and housing units widening, the Building Congress is calling on New York State and New York City to address the growing issue of housing supply and affordability.

The Building Congress will focus on policies and programs that target rezoning initiatives in growth-equipped neighborhoods, develop new housing for all income levels, convert underused commercial spaces to residential uses, increase home ownership opportunities and provide stable homes to those experiencing homelessness.

The New York Building Congress, a broad-based membership association, is committed to promoting the growth and success of the construction industry in New York City and its environs.

PAID MESSAGE

Governor Hochul to Spend \$216M for Rehab Campaign

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Construction Material Costs Soared 20.3% in January

WASHINGTON—Prices of construction materials jumped more than 20% from January 2021 to January 2022, according to an analysis by a leading trade association of government data released in mid-February.

The producer price index for inputs to new nonresidential construction—the prices charged by goods producers and service providers such as distributors and transportation firms—increased by 2.6% from December to January and 20.3% over the past 12 months, according to the Associated General Contractors of America. In comparison, the index for new nonresidential construction—a measure of what contractors say they would charge to erect five types of non-

residential buildings—climbed by 3.8% for the month and 16.5% from a year earlier.

“Unfortunately, there has been no letup early this year in the extreme cost runup that contractors endured in 2021,” said Ken Simonson, the association’s chief economist. “They are apparently passing on more of those costs but will have a continuing challenge in getting timely deliveries and finding enough workers.”

A wide range of inputs contributed to the more than 20% jump in the cost index, Mr. Simonson noted. The price index for steel mill products soared 112.7% over 12 months despite declining 1.6% in January. The index for plastic construction products climbed 1.8% for the month and

35.0% over 12 months. The index for diesel fuel jumped 5.1% in January and 56.5% for the year. The index for aluminum mill shapes jumped 5.6% in January and 32.7% over 12 months, while the index for copper and brass mill shapes rose 4.1% in January and 24.8% over the year.

Architectural coatings such as paint had an unusually large price gain of 9.0% in January and 24.3% over 12 months. The index for lumber and plywood leaped 15.4% for the month and 21.1% year-over-year. Other inputs with double-digit increases for the past 12 months include insulation, 19.2%; trucking, 18.3% and construction machinery and equipment, 11.4%.

Association officials said construction

firms are being squeezed by increases costs for materials and labor shortages. They urged federal officials to take additional steps to address supply chain disruptions and rising materials prices. These include continuing to remove costly tariffs on key construction components.

“Spiking materials prices are making it challenging for most firms to profit from any increases in demand for new construction projects,” said Stephen E. Sandherr, the association’s chief executive officer. “Left unabated, these price increases will undermine the economic case for many development projects and limit the positive impacts of the new infrastructure bill.”

Nearly 224,000 U.S. Bridges Need Repair: ARTBA

WASHINGTON— Nearly 224,000 U.S. bridges need major repair work or should be replaced, according to the American Road & Transportation Builders Association’s (ARTBA) analysis of the recently released U.S. Department of Transportation (DOT) 2021 National Bridge Inventory (NBI) database. That figure represents 36% of all U.S. bridges.

If placed end-to-end, these bridges would stretch more than 6,100 miles, said ARTBA Chief Economist Dr. Alison Premo Black, who conducted the analysis released earlier this month. That’s the distance from New York City to Baghdad, Iraq as the crow flies.

The Infrastructure Investment and Jobs Act, signed into law last November, provides states with significant new resources to make long overdue infrastructure improvements, including bridge repairs. However, Congress and the Biden administration have yet to release much of the additional funding because they have not enacted a full-year FY 2022 transportation appropriations law at the IIJA-authorized investment levels. The current continuing resolution, which holds spending for most federal surface transportation programs flat at FY 2021 levels, ends Feb. 18.

“The longer it takes to bridge the political divide on the FY 2022 spending bills, the longer it will take for transportation improvements to get started,” ARTBA President & CEO Dave Bauer said. “We urge Congress to act forthwith so that the American people can begin to realize the benefits of the historic investments in the bipartisan infrastructure law.”

Based on average repair and replacement cost data published by the Federal Highway Administration (FHWA) and submitted by bridge owners (typically state DOTs), ARTBA estimates the cost of identified repairs for all 224,000 bridges, including the 43,578 structurally deficient, is \$260 billion.

Among other findings in the report:

- 78,800 bridges should be replaced
- The number of structurally deficient bridges was down by 1,445 compared to 2020. At the

current pace, it would take 30 years to repair them all.

- Almost half of the 619,588 U.S. bridges—48%—are rated in fair condition. This means that the bridge shows evidence of minor deterioration or minor

cracks. The number of bridges in fair condition grew by 2,916 in 2021, reaching 297,888 structures.


- States with the largest number of bridges in poor condition were: Iowa (4,504), Pennsylvania (3,198), Illinois (2,405), Oklahoma

(2,296), Missouri (2,218), New York (1,672), Louisiana (1,631), California (1,493), West Virginia (1,490) and Ohio (1,334)








- States and territories with the most bridges in poor condition as a percentage of their total

bridge inventory were: West Virginia (20%), Iowa (19%), Rhode Island (17.5%), South Dakota (17.3%), Pennsylvania (13.8%), Louisiana (12.7%), Maine (12.6%), Puerto Rico (12.1%), North Dakota (11.2%), and Michigan (11%).

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LOW BIDS

Constar, Elegant Lawns, Aquifer Beaver, H&L, Oliveira Win Bids

ALBANY—The New York State Department of Transportation recently announced the selection of six apparent low bidders for work in the Hudson Valley and New York City metro regions.

Constar Inc. of Central Islip, NY was the lowest of four bidders at \$1,073,054.00 for crack and joint sealing on asphalt pavements regionwide in the Bronx, Kings, New York, Queens and Richmond counties.

Elegant Lawns & Landscaping of Inwood, NY was the lower of two bids at \$198,180.00 for biennial mowing, Palisades Interstate Parkway in

Clarkstown, Haverstraw, Highlands, Orangetown, Ramapo, Stony Point and Woodbury in Orange and Rockland counties.

Aquifer Drilling & Testing Inc. of Mineola, NY was the sole bidder at \$1,390,310. for biennial geotech subsurface explorations regionwide in Columbia, Dutchess, Orange, Putnam, Rockland, Ulster and Westchester counties.

Beaver Concrete Construction Inc. of Hazlet, NJ was the lowest of 13 bidders at \$82,777,750.50 for bridge replacement and mobility improvement,

Oceania Street Bridge and EB Long Island Expressway in Queens.

H&L Contracting LLC of Hauppauge, NY was the lowest of five bidders at \$16,791,000. for pavement preservation, various locations in New York City in Bronx, Kings, New York, Queens and Richmond counties.

Oliveira Contracting Inc. of Albertson, NY was the lowest of six bidders at \$3,287,743. for concrete pavement preservation at various locations in New York City in Bronx, Kings and New York counties.

LeChase, H.I. Stone Land Westchester DPW Jobs

WHITE PLAINS—The Westchester County Department of Public Works has reported the selection of two apparent low bidders for work at its facilities in Westchester County.

LeChase Construction Services, LLC of Armonk, NY was the lowest of 10 bidders at \$8,457,966. for New Equipment Storage Building, Richard A. Flynn, Sr. Fire Training Center at the Valhalla Campus in Valhalla, NY.

H.I. Stone & Son Inc. of Southbury, CT was the lower of two bids at \$11,224,980. for removal and disposal of sewage sludge from the Ossining, Peekskill and Port Chester wastewater treatment plants.

Fleetwash, Power Line Constructors Secure Thruway Authority Projects

ALBANY—The New York State Thruway Authority has reported the selection of two apparent low bidders for work in the Hudson Valley/New York City regions.

Fleetwash Inc. of Homer, NY was the lower of two

bids at \$497,848. for maintenance bridge washing on I-95, New England Thruway between M.P. NE 0.24 and M.P. NE 14.93 in the Bronx and Westchester counties.

Power Line Constructors Inc. of Clinton, NY

was the lowest of three bidders at \$1,722,241.85 for replacement of ITS equipment at various locations in Albany Division in Ulster, Greene, Albany, Rensselaer, Columbia, Schenectady and Montgomery counties.

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Infrastructure Law Guidebook

Continued from page 35

Bipartisan Infrastructure Law programs by issue area. Each chapter contains a cover note explaining how to get ready to receive this funding, and these memoranda also identify additional resources they can and should utilize to prepare, while the federal government gets ready to distribute Bipartisan Infrastructure Law funds from new and existing programs.

Since President Biden signed the Bipartisan Infrastructure Law more than two months ago, more than \$80 billion has been allocated to states from formula and competitive programs for roads and highways, bridges, ports, airports, and water systems. Additional programs are being rolled out to deploy high-speed internet, electric-vehicle chargers, energy-grid upgrades and clean-energy demonstration projects.

Last month, the White House Infrastructure Implementation Coordinator sent a letter to governors recommending a series of preparatory actions, including appointing infrastructure coordinators to manage the flow of funds to their states.

The White House also recognizes state, local, Tribal and territorial capacity may be strained due to the pandemic, historic underinvestment, or just the challenges of day-to-day governance. While many funding streams in the Bipartisan Infrastructure Law specifically set aside funds for disadvantaged communities, the White House Infrastructure Implementation Team will be engaging states, local governments, Tribal governments, territories, federal agencies, philanthropies, and others to leverage all available resources to quickly deliver the necessary technical assistance and capacity to underserved communities.



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LOCAL 17, NEWBURGH, L. Todd Diorio, Business Manager

LOCAL 60, WESTCHESTER, Anthony Ascencao, Business Manager

LOCAL 157, SCHENECTADY, Ian Joshua Shaul, Business Manager

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