



Construction NEWS



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DECEMBER 2022

\$1.50

Thruway Toll Plan to Help Fund \$1.9B for Multi-Year Capital Work

By JOHN JORDAN

ALBANY—The New York State Thruway Authority Board of Directors approved the start of a process to increase tolls to help finance its ambitious and necessary \$1.9-billion 2023-2027 capital plan. Thruway Authority officials stated that the toll hike, is its first systemwide toll increase since 2010. It is necessitated by an additional nearly \$500 million in needed infrastructure work, which is not currently supported by the funding stream of the existing 2022-2026 capital plan.

The vote to move forward starts a “transparent public process” that will take close to a year to facilitate public discussion on the proposal. In the interim, tolls systemwide will remain frozen throughout 2023.

Matt Hammond, CFO of the New York State Thruway Authority, said that another contributing factor for the need for toll adjustments was the \$125 million in

Commercial Toll Schedule				
Gov. Mario M. Cuomo Bridge				
Commercial Vehicles				
Toll Rates 2021				
	NY E-ZPass OFF PEAK	NY E-ZPass Peak	Out of State E-ZPass	Tolls by Mail
3L	\$6.36	\$12.71	\$14.62	\$16.52
4L	\$7.60	\$15.20	\$17.48	\$19.76
2H	\$8.15	\$16.30	\$18.75	\$21.19
3H	\$11.47	\$22.93	\$26.38	\$29.82
4H	\$13.68	\$27.36	\$31.46	\$35.56
5H	\$21.45	\$42.90	\$49.34	\$55.77
6H	\$26.86	\$53.71	\$61.77	\$69.82
7H	\$32.26	\$64.52	\$74.20	\$83.87

decreased revenue collected by the Thruway Authority during the height of COVID in 2020. Directors stated that those funds would have gone directly into the capital program. The revenue decline related to COVID accounted for 17% of revenues collected by the Thruway

Authority and was “seven-times greater than anything the Thruway experienced in the last 40 years,” said Mr. Hammond. He later added, “In fact, we are still recovering from that lost ground. The current projection is that revenues will be \$240 million lower than what we had forecasted prior to COVID in 2020 through the 2025 period.”

It should be noted that the Thruway Authority was not eligible for any COVID-related funding assistance. The Thruway is a user-fee supported roadway and receives no federal, state, or local tax dollars.

In 2021, Thruway Authority staff conducted a five-year “Needs Assessment” that identified an additional \$470 million in

capital project needs that are currently not supported by the resources available for the existing 2022-2026 Capital Program. The shortfall is based on the fact that 85% of the Thruway’s roadway base dates back to its original

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Construction Begins on \$3.2B Penn Station Access Project

By JOHN JORDAN

NEW YORK—Touted as the largest expansion of Metro North train service in its history—construction on the \$3.18-billion Penn Station Access project has begun that will add four new Metro-North stations and bring rail service within one mile of 500,000 residents. The four new stations will be in Hunts Point, Parkchester/Van Nest, Morris Park, and Co-Op City and will be accessible to all in accordance with the Americans with Disabilities Act.

The expansion will use Amtrak’s Hell Gate Line to access Penn Station, optimizing existing infrastructure and minimizing the construction impact on surrounding com-



A map detailing the Penn Station Access project.
SOURCE: MTA

munities. Metro-North trains stopping at the four new Bronx stations will serve as an extension of the New Haven Line from the New Rochelle Station, offering transit options

in the East Bronx to Midtown Manhattan as well as points in Westchester and Connecticut.

In Sept. 2021, the Federal Transit Administration issued a Finding of No Sig-

nificant Impact, allowing the project to proceed. On Dec. 29, 2021, the MTA awarded the Design-Build contract to the joint venture of Halmar International, LLC and RailWorks and was valued at approximately \$2.87 billion. The total cost of the project is projected at \$3.18 billion, following a Capital Plan amendment announced in July to include additional funding for expansion of the New Rochelle Yard.

One of the first project elements to take place will be the construction of the Leggett interlocking, one of the four new interlockings. The Leggett interlocking will be located south of the proposed Hunts Point Station. Construction of actual passenger rail stations

is expected to begin in 2024. The anticipated completion date for the Penn Station Access Project is 2027.

Metro-North Railroad President and Long Island Rail Road Interim President Catherine Rinaldi said, “Grand Central Madison is bringing the LIRR, Metro-North, and the subway under one roof for the first time. Bringing Metro-North service to Penn Station will connect the subway, LIRR, NJ Transit, PATH, and Amtrak, offering regional connections unlike anywhere else in the country. The completion of all transportation

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HAPPY HOLIDAYS



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Developer Signs PLA with Building Trades

Work Begins on \$6B Champlain Hudson Power Express Transmission Line Job

By JOHN JORDAN

ALBANY—In the past few weeks work has begun on two major green energy projects, including the \$6-billion Champlain Hudson Power Express 339-mile transmission line project that, when completed, will deliver reliable clean energy from Hydro-Québec in Canada directly to New York City.

The construction trades in the New York City metro region, including the Hudson Valley, as well as other parts of New York State, will participate in the project as the developer Transmission Developers Inc. has executed a Project Labor Agreement with the New York State Building and Construction Trades. The project is expected to bring \$3.5 billion in economic benefits to New Yorkers while creating nearly 1,400 union jobs during construction.

Also, Champlain Hudson Power Express is projected to deliver 1,250 megawatts of clean hydroelectricity—enough to power over one million homes, and will reduce carbon emissions by 37 million metric tons statewide, the equivalent of taking more than a half a million cars off the road every year. The transmission line is expected to be fully operational in the spring of 2026.

The commencement of construction comes after the New York State Public Service Commission approved the project's first Environmental Management and Construction Plan for a 17.6-mile stretch of the transmission route between Putnam and Whitehall, NY. The initial stage of construction activities, including site preparation and construction of a laydown yard, will begin in Washington County, near Whitehall, and is anticipated to continue through November 2024.

State officials noted that Champlain Hudson Power Express's contractors, Kiewit, NKT, and Hitachi are executing Project Labor Agreements with electrical and building trade unions for the line's construction by union workers. Covering more than 15 different local union chapters across 22 separate trade disciplines, the PLAs are expected to total more than three million work hours combined. In October, the unions and the Champlain Hudson Power Express project team agreed to the first PLA, reflecting almost two million of those labor work hours with work expected to begin in late 2022.

Among the trades participating in the 147-mile upstate underground portions of the project are Operating Engineers, Laborers and Teamsters. During the project construction, the contractors have committed to making efforts to employ Minority and Women-Owned Business Enterprises

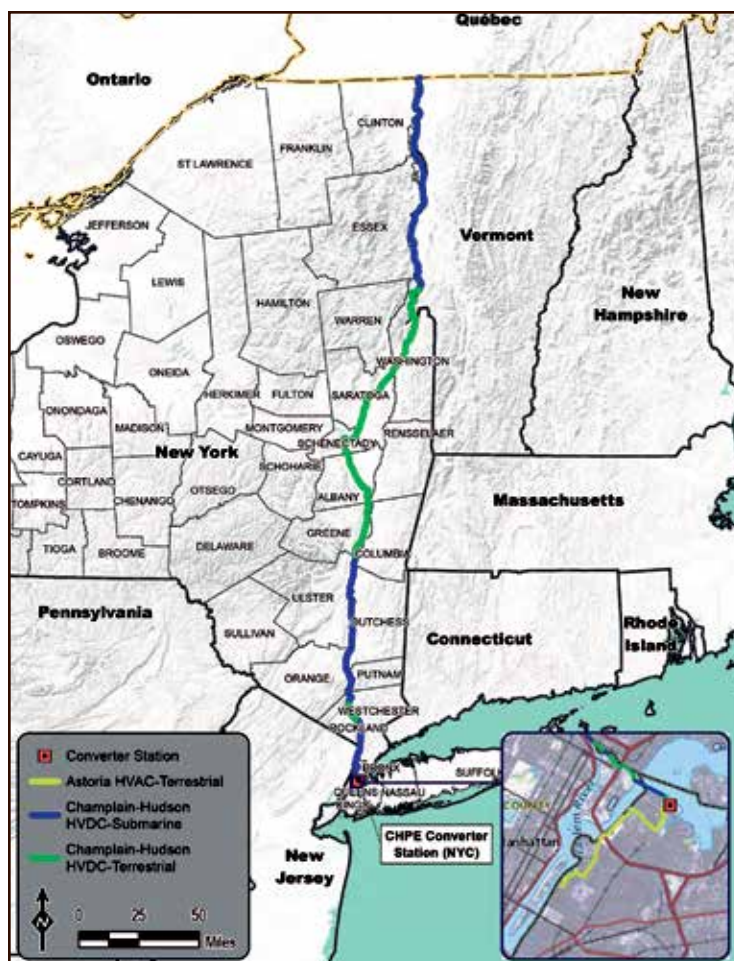
and utilize Service-Disabled Veteran-Owned Businesses, including focused efforts to include members of disadvantaged communities in the labor force throughout the project areas. Additional PLAs are expected to be executed in the coming months for the submarine portion of the transmission line, as well as the construction of Champlain Hudson Power Express's converter station in Astoria, Queens, state officials added.

As the project progresses, Champlain Hudson Power Express stated that it will work with unions and training programs to promote training and apprenticeship opportunities for workers in underserved communities. In addition to these efforts, the Champlain Hudson Power Express Green

Economy Fund has been established to provide \$40 million for climate industry training programs, designed to further stimulate new career opportunities for local and underserved communities along the planned route with a focus on building skills to succeed in the evolving green economy. Opportunities for secondary jobs becoming available as a direct result of this project will be advertised on the Champlain Hudson Power Express website and promoted through partnerships with local community leaders and civic organizations.

At the Nov. 30 groundbreaking event at Whitehall Castle, Gov. Kathy Hochul noted that the Champlain Hudson Power Express will help the state obtain 70% of electricity state-

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A map of the route of the terrestrial and submarine components of the Champlain Hudson Power Express transmission line.

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Harrison Nabs \$2.6M State Innovation Grant For Flooding Restoration Project Improvements

HARRISON, NY—Anja Porto recalls the terror of the rising flood waters that she and her husband Robert lived through during Hurricane Ida last September.

“We ran in our pajamas door to door, pleading with our neighbors to evacuate immediately and move their vehicles to higher ground,” she recalled more than a year ago. “We counted 18 cars we were able to save.”

In the weeks that followed the one-two punches of Hurricanes Ida and Henri back in August-September of 2021, mounds of ruined personal property was piled up, next to heaving dumpsters all over town, which Ms. Porto described as “heartbreaking.”

“You just can’t imagine how surreal it all was. You think, ‘This could never happen to me.’ And then it does,” she said.



Flooding caused by Hurricanes Ida and Henri in 2021 swelled the Brentwood Brook in Harrison, NY to as much as 10 feet of water, to the level of the footbridge in the background.

The ensuing surge of water that swamped basements and first floors of houses adjacent to Brentwood Brook Park—even

destroying a town fire engine as floodwaters crested to its windshield during rescue attempts—was a nightmare, said Harrison Mayor Richard Dionisio, who recently returned to the once-flooded neighborhood to share some good news with Ms. Porto. The Town/Village of Harrison was one of only two communities in the Mid-Hudson region named in 2022 to be awarded a Green Innovation Grant Program from New York State. The monies for the Brentwood Brook Floodplain Restoration project will be used to restore flood plains within an existing town park. The town’s upcoming public works project will provide additional storage during wet weather events to alleviate flooding and help to improve the water quality of the Brentwood Brook, he added.

Mayor Dionisio explained the \$2.6 million from the state will also help to protect hundreds of Harrison residential and commercial properties as well as to mitigate damage to local thoroughfares, public schools and facilities.

Joining Mayor Dionisio for the site visit was Harrison Deputy Mayor Fred Sciliano, who said that following the devastating impacts of the two hurricanes in 2021, town and village officials engaged in several flood studies to make environmental protection and green infrastructure a priority. With experience in civil engineering himself—he’s an executive with LeChase Construction Services in Armonk, NY and chairman of the Building Contractors Association of Westchester & The Mid-Hudson Region—Mr. Sciliano explained that a team of local, county and state officials worked with the New York State Department of Environmental Conservation and the New York State Environmental Facilities Corp. on a grant application and also with the support of state Assemblyman Steve Otis, whose district abuts Harrison.

The Town applied to the Green Innovation Grant Program, which is managed through state DEC and EFC.

The special grants program supports projects across New York State that utilizes unique federal EPA-designated green stormwater infrastructure design and installs advanced green technologies. Competitive grants are awarded to projects that mitigate the effects of climate change through the implementation of green practices, including green stormwater infrastructure as well as energy efficiency and water efficiency. In 2022, \$15.8 million was awarded to eight projects across the state. (In addition to Harrison, the City of Yonkers was named for \$1 million for its Phase 4 of the daylighting of the Saw Mill River to improve water quality.)

“The \$2.6 million of the GIGP funding certainly helps to begin prioritizing equitable

grants given out in the state,” he told Ms. Porto during his visit. “We put in for six grants and we have one so far. And now we understand that there’s another allocation of money for flood mitigation. We’re poised to be right on top of it.”

State Assemblyman Otis said the grant will allow needed floodplain projects to move forward, noting that the plan will benefit other downstream communities in Westchester.

“I am so pleased that you guys are working on this,” Ms. Porto said. “This is great news... Unless you’ve actually lived it, you can’t imagine what it’s like.”

Eligible municipal applicants can apply for the grants via the Governor’s Consolidated Funding Application. For more information and details,



Town neighbors Anja Porto and Mayor Richard Dionisio return to the site of massive flooding along the Brentwood Brook, left, in September 2021.

flood mitigation investments,” Mr. Dionisio noted. He also pledged additional investments to the town’s infrastructure upgrades. “We are one of eight

contact the Environmental Facilities Corp. at info@efc.ny.gov or call 518-402-6924.

—George Drapeau, with municipal reports.



From left, Harrison Deputy Mayor Fred Sciliano and Mayor Richard Dionisio visit the town’s Brentwood Brook Park area where a flood mitigation project is expected to being in 2023.



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Attorney's Column

Court Reminder: Existence of 'Lien Fund' Is Necessary to Support Valid Lien

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

This column has often advised that a mechanic's lien is a powerful tool to help unpaid contractors get paid. Private liens have the benefits of attaching to the title of the land that was improved, and permitting the contractor to recover from the owner of the property—even though there may be no contractual relationship between the unpaid contractor and that property owner. However, the countervailing consideration given to property owners is that the owner cannot be made to pay twice for the same improve-



ment (and ultimately sued to foreclose the lien). In late-2017, issues arose with Forthill's work, including improper concrete strength, weak and unconsolidated concrete, improper clearances, incorrect sizing, unlevel concrete and other examples of improper

tract with Forthill Construction to perform certain concrete work on the project. Forthill, in turn, subcontracted some of its work to Tri-Crete, which performed \$550,000 worth of work on the project, for which it was not paid. Tri-Crete filed a mechanic's lien to secure its pay-

Background

In mid-2016, Gilbane Building Company entered into a contract to perform construc-

tion work at 1010 Park Ave. in Manhattan. Gilbane subsequently entered into a subcon-

tract with Forthill Construction to perform certain concrete work on the project. Forthill, in turn, subcontracted some of its work to Tri-Crete, which performed \$550,000 worth of work on the project, for which it was not paid. Tri-Crete filed a mechanic's lien to secure its pay-

On Dec. 22, 2017, Gilbane served Forthill with a Notice of Default and Demand to Cure. Forthill's response was to walk off the job and abandon the project. Consequently, Gilbane terminated Forthill's contract, and undertook to complete Forthill's work.

Accordingly, on Dec. 22, 2017, Gilbane served Forthill with a Notice of Default and Demand to Cure. Forthill's response was to walk off the job and abandon the project. Consequently, Gilbane terminated Forthill's contract, and undertook to complete Forthill's work (at added expense, the amount of which exceeded any funds held by Gilbane).

After discovery in the lien foreclosure action, Gilbane and its lien discharge bond surety moved for summary judgment dismissing Tri-Crete's complaint. In doing so, Gilbane noted that Forthill breached the contract and abandoned the project, and argued that as the cost to complete exceeded the funds still held on Forthill's contract, no money could be left owing to Forthill sufficient to form a lien fund from which lienors could recover.

Decision

The motion court granted Gilbane's motion. In doing so, it cited well-settled law that the rights of a mechanic's lienor are dependent on the existence of a lien fund (the sums due and owing, or to become due and owing, at the tier(s) above the lienor). Forthill's breach of its contract with Gilbane necessarily negated the possibility of any monies being owed to Forthill, and, therefore, precluded the existence of any lien fund. Accordingly, the lien was discharged, and Tri-Crete's lawsuit was dismissed.

Comment

As the court noted, a lien fund is that sum of money remaining between the amount of the upstream contract, and what has been paid on that contract. Where the entire sum has been paid to the upstream contractor, there can be no lien fund. Aside from actual payment, another way for the

contract sum to be "paid" is for it to be utilized to satisfy any back-charges accrued by the upstream contractor. Once those monies are completely spent, the lien fund is depleted. Any recovery above those amounts would result in the owner having to pay for the improvement twice—an outcome which was specifically rejected at the time the first mechanic's lien statutes were enacted.

While the depletion of the lien fund necessarily precludes any recovery on the mechanic's lien, there are other potential routes of recovery: a claim on a labor and materials payment bond, a breach of contract claim against the non-paying contractor, or perhaps a trust fund diversion action against the principals of the non-paying contractor. While filing a mechanic's lien is always a good first step to obtaining payment—particularly given the tight deadlines involved in such a filing, which may run out earlier than the allotted-for eight months if the lien fund is dissipated—an unpaid contractor would be well-advised to consult with experienced construction counsel to discuss all available avenues for obtaining payment.

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 the Building Contractors Association. He is the Founder of and Senior Counsel to the law firm of Welby, Brady & Greenblatt, LLP, with offices located throughout the tristate 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.

Forthill's breach of its contract with Gilbane necessarily negated the possibility of any monies being owed to Forthill, and therefore precluded the existence of any lien fund. Accordingly, the lien was discharged, and Tri-Crete's lawsuit was dismissed.

ment. In that regard, as a court reminded us in *Tri-Crete, Inc. v Forthill Construction Corp.*,

tion work at 1010 Park Ave. in Manhattan. Gilbane subsequently entered into a subcon-

placement. Further, Forthill did not undertake a crucial pour as scheduled, causing delays.

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BUILDING NEWS

State, NYC, Westchester County To Prioritize Housing Funding

By JOHN JORDAN

TARRYTOWN—State and local politicians agree that New York State and many localities throughout the Empire State are facing a housing crisis, specifically the lack of affordable for-purchase or rental housing.

Recently, New York City Mayor Eric Adams and Westchester County Executive George Latimer introduced ambitious plans to fund new housing development. In addition, New York Gov. Kathy Hochul is expected to address the urgent need for a major spike in housing funding in her State of the State address in January.

On Dec. 8, Mayor Adams unveiled his administration's "Get Stuff Built" initiative, a comprehensive, three-pronged effort to address New York City's affordable housing crisis and underlying housing shortage by rapidly accelerating the pace of housing production, with a "moonshot" goal of meeting the need for 500,000 new homes over the next decade.

Led by a new report titled "Get Stuff Built," Mayor Adams' plan focuses on building housing faster, everywhere, and together in partnership with New York State, the New York City Council, and New Yorkers in all five boroughs.

"If New York is to remain the city we love, we must have places for the people we love. We need more housing, and we need it as fast as we can build it," said Mayor Adams. "The system has been broken for so long that we have come to view it as our reality. Our city declared a housing emergency five decades ago, yet, we have failed to address it with the same urgency we would any other crisis. That ends now. We can, and we must, do better. We need to add hundreds of thousands of units to address the problem, and that is exactly what we are going to do. Today we are saying yes to more housing and yes to getting stuff built. We are going to build faster, we are going to build everywhere, and we are going to build together."

The "Get Stuff Built" report, produced by the Building and Land Use Approval Streamlining Task Force that was convened in June, includes 111 actions the city will take to create more housing more quickly by cutting red tape, streamlining processes, and removing bureaucratic obstacles that are slowing housing production and economic recovery. These actions will increase the speed and lower the cost of development by accelerating project timelines by 50% to



Conceptual rendering of a potential Morris Park Plaza, connecting the existing community to the Metro-North train station in the Bronx.

CREDIT: NEW YORK CITY DEPARTMENT OF CITY PLANNING

ensure environmental protection and meaningful public participation, and stimulate the creation of affordable housing across New York City, city officials stated. Additionally, Mayor Adams formally kicked off the environmental review process to rezone the areas around two of the four new Metro-North train stations coming to the

Bronx, with proposals to create thousands of new homes and family-sustaining jobs.

Finally, Mayor Adams announced a series of policy priorities focused on stimulating housing creation, which his administration will pursue alongside partners in New York City, Albany, and Washington, D.C.

All of these initiatives fulfill commitments made in "Housing Our Neighbors," the Adams administration's blueprint for housing and homelessness; "Rebuild, Renew, Reinvent: A Blueprint for New York City's Economic Recovery," the administration's blueprint for a strong, equitable comeback; and the

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Thruway Toll Plan to Help Fund \$1.9B for Multi-Year Capital Work

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construction, highlighting the need for heavy maintenance, reconstruction, and rehabilitation activities to keep the riding surface in a state of good repair.

The average age of the Thruway's 815 bridges is 55 years old with 75% of those bridges more than 60 years old. In fact, more than 85 of those bridges have been identified for replacement within the next decade. Thruway officials noted that the need to replace bridges grows exponentially after the 10-year timeline when hundreds of bridges will need to be replaced in the following decade.

They added that the projected replacement cost for the most immediate 85 bridges needing replacement is roughly \$800 million in today's dollars. Factoring the hundreds of bridges that will require replacement not long thereafter, the costs escalate into the \$6 billion to \$7 billion range which the existing toll rate structure will not support.

Currently, all 27 Thruway service areas are currently

being redeveloped as part of a \$450-million private investment plan in partnership with Empire State Thruway Partners. Three service areas have reopened: Indian Castle, Chittenango and Junius Ponds, and construction is underway at nine other locations. When the project is completed, 23 of the 27 service area buildings will be rebuilt, with significant renovations and upgrades to the remaining four. Amenities include Taste NY markets, modern restaurant concepts, outdoor seating, food trucks, playgrounds, and pet walking areas, among other things. It should be noted that no Thruway toll dollars or state tax dollars are being used in this initiative.

"The Thruway Authority and its incredible team of employees work hard every day to hold the line on spending and present a balanced budget that ensures the continued viability of the system," said Thruway Authority Executive Director Matthew J. Driscoll. "As a tolling authority, we receive no federal, state or local tax dollars to support our

operations. We have not seen a system-wide toll increase since 2010, and now is the time to move ahead with this financial plan so that we can meet our growing capital investment needs while continuing to provide our customers with the safe and reliable highway they've come to expect."

At the Board session on Dec. 5, Mr. Driscoll announced he was stepping down from his post as of Dec. 21, 2022. He has served as executive director of the New York State Thruway Authority since 2017. See story on page 9 in this edition of CONSTRUCTION NEWS.

During the session, the Thruway Board approved the authority's proposed \$1.2-billion 2023 budget that includes \$397 million for operating expenses, \$356 million for debt service, \$368 million for systemwide capital projects, and nearly \$45 million for the Mario M. Cuomo Bridge and \$69 million for reimbursement for New York State Police Troop T costs patrolling the system. Thruway traffic in 2023 is expected to reach 366 million transactions, down 3.0 million transactions or

0.9% from revised 2022 levels. The Thruway is expected to collect \$807 million in toll revenues, down 1.2% or about \$10 million from 2022.

The 2023-2027 capital program calls for a total of \$1.9 billion in spending, including \$1.7 billion in capital projects systemwide. A total of \$234 million in projects will be funded for work at the Mario M. Cuomo Bridge.

In 2023, Mr. Hammond stated the authority has shifted approximately \$65 million in capital project spending from 2022 to 2023, thus increasing the 2023 capital spending level to approximately \$412 million.

Mr. Hammond said that beginning in 2024, toll revenue under the current structure will not meet the Thruway's funding needs, starting with a more than \$2-million deficit, which would balloon up to \$117 million by 2026 and \$250 million by 2031.

In discussing the toll hike proposal, Mr. Hammond noted to the Board of Directors that the last system-wide toll adjustment, outside of changes to the Mario

M. Cuomo Bridge tolls, was in 2010. "Given that the authority receives no federal or state support for our operations, tolls account for 90% of the resources needed to maintain and operate our system," he said.

Toll Hike Proposals

Cashless tolling has been in effect throughout the Thruway system for more than two years and other toll barriers on the system have been using it since 2016 (for the Gov. Mario M. Cuomo Bridge). Under the pending Thruway Authority proposal, beginning on Jan. 1, 2024, the base NY E-ZPass rate will increase by 5% outside of the Gov. Mario M. Cuomo Bridge, representing the first toll adjustment for these customers since 2010. A second 5% increase would take effect in January 2027. Standard toll rates for Non-NY E-ZPass (currently 5.1 cents per mile for passenger cars) and Tolls by Mail rates (currently 5.8 cents per mile for passenger cars) will increase to 8.6 cents per mile for both groups by 2027. These rates will remain below the current standard rates of many other systems across the nation, Thruway Authority officials noted.

Similar adjustments would be made to all rates system-wide (Gov. Mario M. Cuomo Bridge and other fixed rate tolling points) and for the Non-NY E-ZPass and Tolls by Mail commercial rates as well. This change results in toll rates that are comparable with what other cashless tolling facilities charge nationwide. For example, the Massachusetts Turnpike has an 87% differential and the Pennsylvania Turnpike's differential is 98% for Tolls by Mail passenger toll rates. More importantly, it will increase the incentive for NY E-ZPass usage. Under this plan, the differential will not be applied to NY E-ZPass customers, making it the most affordable payment option available to all of our motorists who sign up for a tag (thruway.ny.gov/getezpass).

Proposed Increases for the Gov. Mario M. Cuomo Bridge

Beginning on Jan. 1, 2024, the fixed toll rate at the Gov. Mario M. Cuomo Bridge for NY E-ZPass customers will increase by \$0.50 each year through 2027. In 2027, the base NY E-ZPass rate for passenger vehicles will be \$7.75. Commercial toll rate increases would be proportionate to the passenger rate increases.

In addition, the plan preserves the 40% commuter discount plan and provides a separate 20% resident discount (increased from the current 17% discount) for qualified Rockland and Westchester residents on the span. In 2021, more than 30% of all tolls collected on the GMMCB were discounted through commuter and resident plans.

The Thruway Authority toll proposal will keep its toll rates among the lowest in the country compared to similar toll roads. The Thruway base passenger vehicle toll rate is less than \$0.05 per mile, compared to the Ohio Turnpike (\$0.06 per mile), the New Jersey Turnpike (\$0.11 per mile) and the Pennsylvania Turnpike (\$0.14 per mile).



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Matthew Driscoll to Step Down As Thruway Authority Exec. Director

ALBANY—Matthew Driscoll, executive director of the New York State Thruway Authority, and who held the top post for the past five years, announced at the Authority’s board of directors meeting on Dec. 5 that he would resign on Dec. 20, 2022.

Under his leadership, he brought the \$3.9-billion Mario M. Cuomo Bridge project to completion, instituted cashless tolling throughout the 570-mile superhighway system and he advanced the upgrades and improvements to all service areas systemwide that is now underway. He also helped to craft the Thruway Authority’s ambitious \$1.9-billion capital plan for 2023-2027.

Mr. Driscoll’s service to the Thruway began on Aug. 22, 2017, when he was nominated for Senate confirmation as Executive Director of the Thruway Authority, replacing Bill Finch in the position. On Sept. 15, 2017, the Thruway Authority board named him as acting executive director of the Thruway Authority. Some 21 months later, on June 25, 2019, he was confirmed by the Senate as its executive director.

“Matt Driscoll is both a strong advocate for motorists and a consistent and

reliable leader and partner in the public construction arena with the heavy/highway transportation industry, which builds and services the Thruway,” said John Cooney, Jr., executive director of the Construction Industry Council of Westchester & Hudson Valley, Inc. “As the official responsible for major public works, he is extremely knowledgeable of our industry’s challenges as well as the timely decision-making needed to move projects forward. He understands our industry and you always got a clear answer from him and his team. It was always the guidance and decision-making needed that enabled contractors and suppliers to function at a very high level.”

Previously, Mr. Driscoll served as commissioner of the New York State Department of Transportation, leading a department of 8,300 employees with an annual capital program of \$3.7 billion. He realigned administrative functions and processes throughout the 11 DOT regions focusing on regional needs, and he created a special projects engineering team focused on accelerating project delivery across the state.

From 2010 to 2015, Mr. Driscoll served as president and chief executive officer



Matthew Driscoll, executive director of the New York State Thruway Authority

of the New York State Environmental Facilities Corporation, which provides low-cost financing to local governments for wastewater and drinking water infrastructure. It is the largest and most successful state revolving loan fund in the nation, managing more than \$12

billion in assets.

In 2013, he implemented a new business model at the EFC, creating an improved and more strategic use of financial resources designed to stimulate projects across the state. EFC ended the 2014 fiscal year with more than \$2.3 billion in financings and refundings to local governments, the largest single-year total in EFC’s history. In addition, New York State led the nation with the largest investment in wastewater infrastructure. Under his leadership, EFC also extended its award-winning Green Innovation Grant Program, keeping New York at the forefront of “green” urban and infrastructure planning.

On Sept. 12, 2013, Mr. Driscoll was appointed to the Financial Restructuring Board for local governments. The board delivers targeted restructuring strategies and long-term solutions to assist New York municipalities under fiscal stress. Mr. Driscoll also serves as a member of the Governors Strategic Implementation Assessment Team (SIA). To assist in the progress of the Regional Economic Development Council (REDC) initiative, the assessment team

Please turn to page 22

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Guest Viewpoint

Insurance Cost Outlook for 2023

By KEN FUIRST and JASON SCHICIANO

A recent meeting of building contractors and advisors of the Building Contractors Association in mid-December examined the major challenges in the insurance market today as well as the outlook for insurance for the construction industry marketplace in 2023. Here is a summary of those discussions.

Reinsurance

The Reinsurance market has been hit hard by the increased amount of storms and the severity of these events resulting in damages costing more than ever



claims history have even seen flat renewals.

The biggest change is the ever-increasing focus on contractor's Risk Transfer procedures when hiring subcontractors. No longer is a signed subcontractor contract agreement

in your bidding process.

If your insurance is with a standard carrier like Travelers, Selective, or Liberty, we strongly recommend you renew with them. Even if there is less expensive insurance elsewhere, the stability of these standard carriers in the long run is the best method to control your insurance costs over time. And the Coverage Exclusions built into the other carriers can leave you significantly exposed.

Umbrella

Excess Liability rates continue to climb significantly. This is a direct result of more Labor Law/Scaffold Law claims set-

knowing that they will win if they take it to trial.

The best way to keep this premium down is to keep the

who they hire by whether the subcontractor's Mod is below or above 1.0, will adapt their guidelines to this new formula.

The biggest change is the ever-increasing focus on contractor's Risk Transfer procedures when hiring subcontractors. No longer is a signed subcontractor contract agreement sufficient.

The biggest change New York contractors will see is in their Experience Modification (Mod) factors. New York is no longer part of the NCCI formula, and created its own calculation. Those businesses with infrequent claims will see their Mod go down. Those with more frequent claims will see their Mods go up significantly.

before. Therefore, Reinsurance Insurance companies are raising their rates to the insurance companies.

General Liability

Rates have relatively stabilized with annual increases in the 5% range for a standard account with no claims. Larger accounts with longer good

sufficient. More insurance carriers are now reviewing how their policy holders are vetting their subcontractors and the exclusions in the subcontractor's insurance policies. Our recommendation is to have your insurance broker partner review the insurance of all your subcontractors, early on

ting in the seven-figure range. Insurance companies have now created the new term, "Social Inflation," which addresses the incredibly large verdicts that juries are now awarding plaintiffs in these Absolute Liability cases. There is also now an industry of Hedge Funds backing plaintiff's legal battles

coverage with your current carrier. We have found that once you leave the incumbent insurance company—that has had history with you—the premiums go up significantly.

Workers' Compensation

The rates for Workers' Compensation have remained relatively flat, with some classifications even going down. Many of the New York State Fund Safety Groups have increased their discounts and dividends to make themselves even more competitive.

The biggest change New York contractors will see is in their Experience Modification (Mod) factors. New York is no longer part of the National Council on Compensation Insurance (NCCI) formula, and created its own calculation. Those businesses with infrequent claims will see their Mod go down. Those with more frequent claims will see their Mods go up significantly. Hopefully the owners and GC's that judge

Automobile

Auto rates are going up significantly due to a few factors: Perhaps the biggest factor is due to supply chain issues for parts. Also, higher rental costs due to longer periods for use of temporary vehicles. Added to these are the increased cost to replace a totaled car. Other factors adding to higher rates include distracted driving and larger liability settlements. Social inflation is significantly increasing the jury settlements on auto injury claims too.

Please give us a call if you have any questions on how to plan for your insurance renewal.

About the authors: Mr. Furst and Mr. Schiciano are co-presidents of Levitt-Furst Associates, Ltd., based in Tarrytown, NY. They can be reached at 914-457-4252 or by e-mail at info@levittfurst.com. For additional information, visit www.levittfurst.com.

2023

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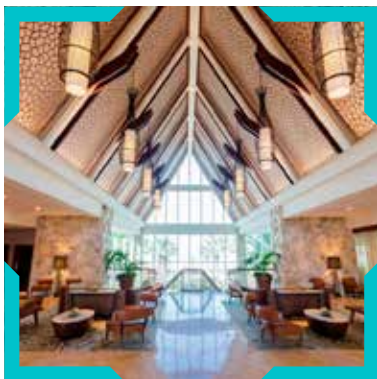
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Safety Watch

Lawsuit Targets Training in Use of Heavy Equipment, Known Hazards

By COSTAS CYPRUS, ESQ.

As has been previously shown in this safety series, *Labor v. Sentinel Systems, LLC* emphasizes the need for construction companies to provide proper instruction and training to their employees in the proper use of heavy equipment to avoid hazards associated with their use. In this specific case, it was about the use of a utility vehicle on paved surfaces with tires designed for off-road use only.

Sentinel Systems, LLC was one of the contractors involved in the construction of the American Dream Mall complex in East Rutherford, NJ. Its scope involved applying resinous floorings in the indoor amusement park and installing epoxy flooring in a parking garage. It had about 100 employees working on the project.

On Oct. 9, 2019, a Sentinel employee was driving a Bobcat Utility vehicle when he fatally crashed into the front end of an empty flatbed semitrailer in a parking structure. The accident occurred at around 2:15 p.m. in a parking structure that



regulations applicable to his work environment to control or eliminate any hazards or other exposure to illness or injury” and that Sentinel violated the standard by not providing “the Bobcat operators instruction on operating a Bobcat utility vehicle on pavement with tires that are designed for off-road use only.”

The citation proceeded to quote two provisions from the manufacturer’s Operation and Maintenance Manual for this equipment: 1) “AVOID INJURY OR DEATH. Read this...Manu-

on driving the Bobcat UTV on paved surfaces with tires that were designed for off-road use. Here, the record showed that Sentinel met its burden while the Secretary did not.

Sentinel was able to show that it had authorized only nine managerial employees to operate the Bobcat UTV and that each authorized operator had prior experience operating similar vehicles. Sentinel had established that it had instructed each employee to review the Manual and had instructed each to drive no faster than 15 mph at the site, and it had assessed the knowledge of competence of each employee in individual test drives at the site.

The Bobcat UTVs had been delivered to Sentinel at the project and its president and director of field operations (DFO) were present to accept them. The president had advised the DFO that he would be responsible for employee training. The equipment dealer representative trained both the president and the DFO and tailored the training to the con-

ditions at the project site. The surfaces for vehicle traffic at the project were in constant flux

Sentinel had established that it had instructed each employee to review the Manual and had instructed each to drive no faster than 15 mph at the site, and it had assessed the knowledge of competence of each employee in individual test drives at the site.

and included gravel, earthen and paved surfaces. The dealer advised the president and DFO that the UTVs must not be driven at speeds of more than 10 mph to 15 mph, specifically on paved surfaces and advised them that operators not familiar with the vehicle should read the Manual.

Only nine management level employees were authorized to operate the UTV, including the

president and DFO. These seven employees including decedent had informed the DFO that they had experience operating similar vehicles. Moreover, the DFO provided one-to-one training on the operation of the UTV especially since Sentinel recognized that operators may encounter the hazard of losing control of the UTV when operating on paved surfaces. The training included instruction not driving faster than 10 mph to 15 mph at the project and to drive in two-wheel mode when driving on paved surfaces for better handling. The DFO also rode with each of the seven employees on test drives at the site. After the training and test drive,

each employee expressed confidence to the DFO that they could safely operate the UTV. The DFO also instructed each operator to review the manual, which was in the UTV’s glovebox. Prior to this accident, there had not been any instances of any authorized employees driving the UTV in an unsafe manner.

The cited safety standard by OSHA is a general safety **Please turn to page 22**

The evidence that was submitted showed that, in fact, Sentinel had taken adequate steps and instructions that were specific enough to advise employees of the hazards associated with use of this particular equipment and the citation was vacated.


was used as a staging area for construction materials. A semi-truck dropped off the flatbed for the offloading of material. The front end of the flatbed was exposed and was supported by front landing gear. This portion of semitrailer did not have any reflective materials and its location was not demarcated by traffic cones. Although the artificial light was sporadic, there was enough ambient natural light that the front end of the semitrailer would have been properly observable a reasonably attentive driver. The decedent employee was last seen by the GC’s superintendent driving the UTV about 10 mph, and in the parking structure when he struck the flatbed. It was inferable from the circumstances that the decedent did not discern the presence of the parked semitrailer before striking it.

After an investigation, OSHA issued a citation with a single violation of construction industry standards titled “Safety training and education,” which provides that “The employer shall instruct each employee in the recognition and avoidance of unsafe conditions and the

al. Understand all...precautions and operating procedures before operating this vehicle;” and 2) “This vehicle’s tires are designed for off-road use only, not for use on pavement. Operating this vehicle on paved surfaces... can alter the vehicle handling and may cause loss of control. Avoid operating the vehicle on pavement. If it is unavoidable, travel slowly and avoid sudden turns or stops.”

The Recommended Abatement Action, included with the citation, requoted the same two manual provisions indicating OSHA’s Compliance Officer’s position that had Sentinel provided its operators with instructions that conformed to the two referenced provisions, the accident could have been avoided.

The citation focused on two issues. What instructions and training did Sentinel provide if any to driving the Bobcat UTV on paved surfaces when the tires were designed for off-road use only; and whether the Secretary met its burden to show that a “reasonably prudent employer” under the same circumstances would have done more to instruct its authorized operators



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Financial Management

Hiring Challenges Can Be Helped by a Targeted Approach; Review the Eligibility of Valuable WOTC Tax Credits

By PHILLIP ROSS, CPA, CGMA, PARTNER

Like many construction companies, your firm may have been trying for some time to fill open positions. If this is the case, be aware of a valuable tax credit for employers hiring individuals from one or more targeted groups.

The Work Opportunity Tax Credit (WOTC) is generally worth \$2,400 for each eligible employee, but can be worth more—and in some cases, much more.

Targeted Groups

Generally, an employer is eligible for the credit only for qualified wages paid to members of a targeted group. These groups are:

- Qualified members of families that receive assistance un-



residents

- Vocational rehabilitation referrals
- Qualified summer youth employees
- Qualified members of fami-

- Long-term family assistance recipients
- Long-term unemployed individuals

Employer Eligibility and Requirements

Employers of all sizes are eligible to claim the WOTC. This includes both taxable and certain tax-exempt employers located in the United States and in some U.S. territories. Taxable employers can claim the WOTC against income taxes. However, eligible tax-exempt employers can claim the WOTC only against payroll taxes and only for wages paid to members of the qualified veteran targeted group.

Many additional conditions must be fulfilled before employers can qualify for the credit. Each employee must have completed a minimum of 120 hours of service for the employer. Also, the credit isn't available for employees who are related to the employer or who previously worked for the employer.

Credit Amounts

WOTC amounts differ for specific employees. The maximum credit available for the first year's wages generally is \$2,400 for each employee, or

\$4,000 for a recipient of long-term family assistance. In addition, for those receiving

Taxable employers can claim the WOTC against income taxes. However, eligible tax-exempt employers can claim the WOTC only against payroll taxes and only for wages paid to members of the qualified veteran targeted group.

ees, the wages must be paid for services performed during any 90-day period between May 1 and Sept. 15. The maximum WOTC credit available for summer youth is \$1,200 per employee.

Worth Pursuing

Additional rules and requirements apply. For example, you must obtain certification that an employee is a target group member from the appropriate State Workforce Agency before you can claim the credit. The certification generally must be requested within 28 days after the employee begins work. And in limited

circumstances, the rules may prohibit the credit or require an allocation of it. Nevertheless, for most employers that hire from targeted groups, the credit can be valuable.

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.

The maximum credit available for the first year's wages generally is \$2,400 for each employee, or \$4,000 for a recipient of long-term family assistance. In addition, for those receiving long-term family assistance, there's a 50% credit for up to \$10,000 of second-year wages.

der the Temporary Assistance for Needy Families program

- Qualified veterans
- Qualified ex-felons
- Designated community

lies in the Supplemental Nutritional Assistance Program (SNAP)

- Qualified Supplemental Security Income recipients

DEC to Support Eligible Dam Repairs

Continued from page 16

with awards up to \$100,000 per project.

The deadline for applications is Feb. 10, 2023. RFAs are available online through the New York State Grants Gateway. The Grants Gateway is a web-based grant management system that streamlines the way grants are administered by the State of New York. All grant applicants, including government agencies and not-for-profit corporations, must be registered in the Grants Gateway to be eligible to apply for any state grant opportunity. Not-for-profit applicants are required to "prequalify" in the Grants Gateway system. For more information about Grants Gateway, please visit the Grants Management website or contact the Grants Gateway Team at: grantsgateway@its.ny.gov.

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Work Begins on \$6B Champlain Hudson Power Express Transmission Line Job

Continued from page 3

wide from renewable sources by 2030 on the path to a zero-emission grid. She was joined by Transmission Developers CEO Donald Jessome who praised the effort of public officials, community partners, business organizations, labor unions and environmental groups.

Champlain Hudson Power Express is the first of two projects to start construction under the state’s first-of-its-kind renewable energy and transmission program, known as Tier 4, that is administered by the New York State Energy Research and Development Authority. The program aims to responsibly deliver a significant increase of renewable energy to New York City, an area of the state that relies on aging fossil fuel-fired generation located largely in underserved communities, experiences the most significant air quality issues and health impacts from fossil fuel emissions, and has a marked need for improved grid reliability and resiliency.

In the coming weeks, Champlain Hudson Power Express will begin to disburse funding of nearly \$30 million, including: \$12 million to industrial development agencies in counties hosting the transmission line; the first \$12 million through its \$117-million Environmental Trust Fund to finance projects that enhance New York’s eastern corridor waterways; the first \$2.5 million to kickstart the \$40-million Green Economy Fund to support workforce development and training initiatives in underserved communities; and \$2 million to support the construction of the Randall’s Island Nature Center and Queens Variety Boys and Girls Club STEM lab/programming.

The Champlain Hudson Power Express and Clean Path NY contracts were approved by the Public Service Commission in April 2022, making them the largest transmission infrastructure developments in New York State in the last 50 years. Together, these projects are capable of generating an expected 18 million megawatt-hours of clean energy per year, or more than a third of New York City’s annual electric consumption, while delivering up to \$5.8 billion in net societal benefits statewide, inclusive of greenhouse gas reductions and air quality improvements and 10,000 jobs statewide

with \$8.2 billion in economic development investments, including in disadvantaged communities.

On Dec. 9, state officials announced the start of construction on Smart Path Connect, a transmission project led by the New York Power Authority and National Grid NY to rebuild and strengthen approximately 100 miles of transmission in the North Country and the Mohawk Valley.

The Smart Path Connect project will help unbottle existing renewable resources in the region and yield significant production cost savings, emissions reductions, and decreases in transmission congestion. It is estimated to result in more than 1.16 million tons of CO2 emissions avoided annually on a statewide basis and an annual reduction of an estimated 160 tons of NOx emissions. New York Power Authority estimates the project will provide more than \$447 million in annual savings in northern New York and create hundreds of clean energy jobs during construction.

Smart Path Connect is a multi-faceted project that includes rebuilding approximately 45 miles of transmission eastward from Massena, NY to the Town of Clinton, which will be led by the New York Power Authority; and rebuilding approximately 55 miles of transmission southward from Croghan to Marcy which will be led by National Grid NY. The work will involve construction of several new substations as well as refurbishment of several existing substations.

The two segments will be connected by Smart Path, a rebuild of the Moses to Adirondack transmission lines, which began in 2020 and is slated to conclude next year. Like Smart Path, Smart Path Connect falls primarily within existing transmission rights-of-way in Clinton, Franklin, St. Lawrence, Lewis and Oneida counties. When completed in 2025, Smart Path Connect and Smart Path will form one continuous 345 KV transmission line between Clinton and Oneida counties.

Following a competitive bidding process, the New York Power Authority Board of Trustees approved a six-year, \$276 million contract to Michels Power, Inc., for the construction of the project’s transmission lines and another five-year, \$104 million contract in May for work on the project’s substations.

State, NYC, Westchester County To Prioritize Housing Funding

Continued from page 7

mayor’s “City of Yes” plan, which includes proposed zoning changes that would allow for the creation of a significant amount of additional housing.

Proposed city actions in the report include:

- Speed up the pre-certification process and make it more transparent: Historically, land use review applications can get stuck in review and revision loops at several points. The pre-certification process—which must be completed before the Uniform Land Use Review Procedure can begin—has no mandated timeline and can take two years or longer. Through a series of actions and measures, the New York City Department of City Planning will remove and eliminate certain requirements and actions that will allow applicants to complete the pre-certification process much more quickly. ULURP application materials will also become available to community boards and the public earlier in the pre-certification stage.

- Exempt small housing projects from Environmental Assessment Statement: Most housing projects subject to land use approvals or public financing must conduct an environmental review that takes six to eight months to complete and can cost hundreds of thousands of dollars. Yet, nearly all of these

smaller projects are found to have no significant impacts on the environment. Exempting small housing projects from environmental review will decrease overall cost and help open new homes to New Yorkers more quickly.

- Improve traffic analysis: Proposals to build housing beyond current zoning limits must generally go through the CEQR process. Revising the methodology for traffic analysis could significantly improve the environmental review process and shorten the overall time required on a project. The city will update the current guidelines in the CEQR Technical Manual to replace the existing methodology of predicting possible vehicle delays at every nearby intersection and, instead, use simple modern data tools and reach conclusions based on typical neighborhood congestion patterns and the size and type of the proposed project.

- Streamline construction inspections of fire protection systems: Currently, the New York City Department of Buildings performs examinations, permitting, and inspections for construction-related activities of buildings, and the Fire Department of the City of New York monitors operation, maintenance, and compliance for fire safety of buildings after completion of construction. The city will make near-term systems improvements to

coordinate plan review between DOB and FDNY, and, in the long-term, will consider transferring FDNY’s construction-specific permit responsibilities to DOB—while maintaining FDNY’s authority in operation and maintenance of buildings for fire safety compliance—to remove the redundancy of separate inspections during the construction process without compromising the safety of building occupants.

- Expand DOB NOW to create a centralized city “one-stop shop” construction portal: This portal will process construction-related transactions across all city agencies involved in construction approval, permitting, and sign-off. This new system will break down silos between city agencies, create a single point of contact for an applicant, and allow applicants to track their approvals in real-time.

City agencies have already completed implementation of several improvements outlined in “Build Faster,” with approximately half of the identified improvements to be implemented over next 12 months. Most of the remaining recommendations will generally be implemented over the following 12-24 months. Several actions—namely those requiring ULURP review or major technology upgrades—may take up to 36 months to fully implement.

Mayor Adams: We Are Going To Build Everywhere

The Adams administration is advancing two major neighborhood planning efforts.

The first is aimed at leveraging four brand-new Metro-North train stations set to open in the East Bronx in 2027, for which scoping documents are now available. The City of Yes Bronx Metro-North Plan would bring a projected 10,000 jobs; major new public and private investments, including by large health care institutions already in Morris Park; and as many as 6,000 new homes—at least 1,500 of which will be permanently affordable. To support the environmental review process for this project, public information meetings were set for Dec. 13 and 15, 2022, and a public scoping meeting will be held on Jan. 9, 2023. The project is set to be certified and begin ULURP in the summer of 2023.

The second major planning effort is a neighborhood development initiative in Central Brooklyn known as the Atlantic Avenue Mixed-Use Plan. It promises to bring thousands of new homes, and permanently income-restricted homes, commercial and industrial jobs, infrastructure, and other improvements to Atlantic Avenue and its neighboring blocks in Crown Heights and Bedford-Stuyvesant. A steering committee formed to help shape the plan held its first meeting on Dec. 1, 2022. Six months of public engagement is expected to begin in January and run through June 2023, followed by the release of a report. Certification is expected in 2024.

Beyond these two neighborhood planning efforts, the administration has proposed Zoning for Housing Opportunity, a citywide zoning text amendment as part of Mayor Adams’ “City

of Yes” plan. Scoping for this proposal will begin at the end of 2023 and will stimulate the creation of tens of thousands of new homes in neighborhoods across the entire city.

Priorities for the administration include: prohibiting exclusionary zoning practices and encouraging appropriate density near jobs and public transit; legalizing existing basement apartment units and allowing homeowners to create other accessory dwelling units; providing New York City the ability to allow additional residential density in high-density neighborhoods; allowing the New York City Department of Housing Preservation and Development to finance and preserve more affordable housing, secure longer affordability, encourage affordable homeownership, and enable affordable housing to include critical resources like child care and senior centers; facilitating the conversion of obsolete office buildings into housing; creating a tax benefit that enables multifamily rental development while requiring affordable housing; establishing an incentive to preserve housing quality and ensure healthy, safe living conditions for tenants; and streamlining approval processes and environmental review as outlined in the “Get Stuff Built” plan.

Mayor Adams will also continue to work with federal partners to secure financial support and regulatory changes. This includes working towards an increase in the value of tax credits and tax-exempt bonds and reducing the “50-Percent Test” to stretch federal housing dollars further.

New York Gov. Hochul, who is expected to

Please turn to page 22

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George Drapeau III, Director of Membership Services

(914) 631-6070

Construction Industry Council of Westchester and Hudson Valley, Inc.
629 Old White Plains Road, Tarrytown, NY 10591

Regional Bid Alert

NYSDOT Region 11

Bid Letting Date: Dec.21, 2022

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

Contract# D264892
PIN# X73151
FA Proj.# Y001-X731-513

Project Description: Bronx Co., BEST VALUE - BRIDGE
REHABILITATION Bruckner Expressway (I-278) over Rosedale
Avenue.

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

Goals: DBE: 10.00%

New York State Dormitory Authority

Bid Opening Date: Jan. 10, 2023

Title: New York State Office for People with Developmental Dis-
abilities, Broome DDSO, Buildings 3 and 4 Roof Replacement
and Asbestos and Hazardous Materials Abatement

Contract: CR40 General Construction

Project# 3516009999

Sealed bids for the above work located at Broome DDSO,
249 Glenwood Road, Binghamton, NY 13905 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 enve-
lope, 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 "ATTEN-
TION: CONSTRUCTION CONTRACTS – JAMIE CHRIS-
TENSEN." 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 January 10, 2023 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 com-
munications between DASNY personnel and a prospective bid-
der during the procurement process. Designated staff for this
solicitation is: Daniel Coughlin, Project Manager, DASNY, 515
Broadway, Albany, New York 12207 518-588-3197 dcoughli@dasny.org (the Owner's Representative) and DASNY at ccon-tracts@dasny.org. Contacts made to other DASNY personnel
regarding this procurement may disqualify the prospective
bidder and affect future procurements with governmental enti-
ties 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, December 20,
2022 at 11:00 AM at Broome DDSO, 249 Glenwood Road,

Binghamton, New York 13905. Contact Daniel Coughlin at
518-588-3197. All prospective bidders are strongly encouraged
to attend.

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 ad-
dition, prospective bidders are advised that the contract docu-
ments for this Project contain new "GENERAL CONDITIONS
for CONSTRUCTION" dated June 17, 2021 that contain signifi-
cant revisions from those documents previously contained in
DASNY's contract documents. Prospective bidders are further
advised to review applicable sections of these General Condi-
tions for any potential impact on their bid price prior to submittal
of the bid. The plan holders list and a list of interested sub-
contractors 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>.

To view the contract documents online, click the following link:
www.camelotplanroom.com or type it into your web browser.
Then click on the Public Jobs link on the left side of the page.
If you would like to purchase the contract documents and
become a registered planholder click the link "Register for
an account" and follow the steps to create a free account (if
you have not previously set one up). Once you have a Login
and Password, log in to the planroom. To order a DIGITAL
DOWNLOAD of the contract documents and be placed on the
bidder's list, add the Contract Document(s) to your cart and
proceed to the checkout. All major credit cards are accepted
online. A purchase of a digital download is required to become
a registered planholder. Printed sets of the contract documents
are also available to planholders for an additional cost and may
be ordered through the online planroom or by mailing a check.
The purchase of the digital downloads and printed sets are
non-refundable and non-returnable. Please contact Camelot's
Bid Department at (518) 435-9696 or email them at camelot-bids@teamcamelot.com for more information.

Bid Opening Date: Jan. 11, 2023

Title: City University of New York, Queens College, Razran Hall
Roof Cover Replacement and Asbestos Abatement

Contract: CR9 General Construction

Project# 3545509999

Sealed bids for the above work located at Queens College,
65-30 Kissena Boulevard, Flushing, NY 11367 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 desig-
nated 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.

The Dormitory Authority of the State of New York ("DASNY")
has determined that its interest in obtaining the best work at the
lowest possible price, preventing favoritism, fraud and corrup-
tion, and other considerations such as the impact of delay, the
possibility of cost savings advantages and any local history of
labor unrest are best met by use of a Project Labor Agreement
("PLA") on this Project. The successful low bidder, as a condi-
tion of being awarded this Contract, will be required to execute
the PLA described in the Information for Bidders and included
in the contract documents. See Section 18.0 of the Information
for Bidders of the contract documents for additional information.
All subcontractors of every tier will be required to agree to be
bound by the PLA.

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 January 11, 2023, 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: Riadh Abdulazziz, Sr. Field Representative,
65-30 Kissena Boulevard, Flushing, New York 11367, 518-941-
4057, rabdulaz@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 gov-
ernmental entities in the State of New York. For more informa-
tion 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 Thursday, December 22,
2022, at 11:30 AM at DASNY Field Office, Queens College,
65-30 Kissena Boulevard, Flushing, New York 11367. Contact
Riad Abdulazziz at (518) 941-4057. All prospective bidders are
strongly encouraged to attend.

All individuals who plan to attend pre-bid meeting must provide
to the DASNY Representative via email at RAbdulaz@dasny.org
at least 72 hours in advance of pre-bid meeting the full
name, company and email address of any individual attend-
ing the pre-bid meeting. All attendees are required to upload
COVID-19 vaccine information or Negative COVID-19 PCR
Test Results into (CLEARED4) <https://www.c4wrk.com/W3P11p1po6sdf4ux8> to be registered for Campus access. Only
registered individuals will be allowed on Campus.

Prospective bidders are advised that the contract documents
for this Project contain new "GENERAL CONDITIONS for CON-
STRUCTION" dated June 17, 2021, that contain significant revi-
sions 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
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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>.

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an account" and follow the steps to create a free account (if
you have not previously set one up). Once you have a Login
and Password, log in to the planroom. To order a DIGITAL
DOWNLOAD of the contract documents and be placed on the
bidder's list, add the Contract Document(s) to your cart and
proceed to the checkout. All major credit cards are accepted
online. A purchase of a digital download is required to become
a registered planholder. Printed sets of the contract documents
are also available to planholders for an additional cost and may
be ordered through the online planroom or by mailing a check.
The purchase of the digital downloads and printed sets are
non-refundable and non-returnable. Please contact Camelot's
Bid Department at (518) 435-9696 or email them at camelot-bids@teamcamelot.com for more information.

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

Economic Outlook

Russia-Ukraine War: Economic Effects

By MICHAEL J. PATON

A report from the Dallas Federal Reserve Bank assesses the impact from the Russia-Ukraine war as less sizeable than those of the 1970s' oil shocks and more similar in magnitude to the 1990 oil shock during the first Gulf War. In part, this reflects improved energy efficiency in the U.S. since the 1970s, mitigating the higher oil prices. However, the dependence on Russian energy imports still constitutes a major global economic risk factor.

The short-term economic impacts of the war are likely



Russia are modest, although a commodity prices surge has pushed inflation higher. In gen-

U.S. since the 1980s. However, unlike most other countries, the U.S. can increase domestic energy production and, to some extent, agricultural output to partly offset shortfalls and restrain price hikes. However, the ability of U.S. producers to boost production quickly and significantly is still hindered by supply-chain bottlenecks, shortages and various regulatory, financial and technological hurdles.

According to the International Monetary Fund, the war impacts will flow through three main channels. As mentioned, higher prices for commodities such as food and energy will push up domestic inflation further, in turn eroding the value of incomes and weighing on economic demand. In 2020 alone, Russia was the third-biggest supplier of foreign petroleum for the U.S., according to the U.S. Energy Information Administration, and responsible for 7% of imported oil. Two, European economies in particular will grapple with

disrupted trade, supply chains, and financial payment as well as an historic surge in refugee flows. Finally, reduced business

markets, like New York and Connecticut, are under pressure as extended hostilities heighten uncertainty and put a further

big dent in stock prices. Washington and South Carolina, the two states that export the most proportionally to Russia and Ukraine, would also be hurt. Shipments affected likely would include transportation equipment from Washington and auto parts from South Carolina.

In sum, the Russian invasion of Ukraine represents a negative supply shock to the nation's economy, an event that interrupts produc-

tion and raises prices. Assuming the conflict doesn't spread outside Ukraine, the supply shock likely won't be enough by itself to derail the U.S. economy, which expanded in 2021 even as oil prices rose sharply without any assistance from Russia. The complicating factor, and main danger, according to an analysis from the *New Yorker Magazine* is that the Ukraine supply shock comes on top of a global supply shock leftover from the coronavirus pandemic, which shuttered factories, snarled international supply chains and raised the price of everything. This number of adverse events has prompted comparisons to the 1970s, when an oil-price shock combined with domestic price pressures led to stagflation and eventually a recession.

In the longer term, the economic scars for the U.S. and the rest of the globe will depend on the direction of the war. The conflict may alter the global economic and geopolitical order, leading to a new era of de-globalization as trade, energy and supply chains reconfigure or decouple, payment and financial networks fragment, reserve currency holdings shift, capital flight problems emerge and defense alliances reshuffle. The extent of the impact will also depend on how long elevated price pressures last and on how policymakers respond to anchor long-run inflation expectations.

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.

The short-term economic impacts of the war are likely limited for the U.S. since its trade ties with Ukraine and Russia are modest, although a commodity prices surge has pushed inflation higher.

confidence and higher investor uncertainty will weigh on asset prices, tightening financial conditions and potentially spurring capital outflows from emerging markets.

European countries have turned to the U.S. to help fill energy gaps as they seek alternative suppliers of oil and gas in a bid to limit their Russian energy imports. The U.S. alone will not be able to fill the current gap created by the expected shift away from Russian energy imports, but the U.S. will still boost domestic production and become an even larger global energy exporter than it currently is (the U.S. is already the world's fourth-largest crude oil exporter and second-largest natural gas exporter). To meet growing local and international demand, the U.S. will have to accelerate pre-existing plans to increase output, notably in the liquid natural gas (LNG) sector. Estimates by the *Economist*, (a British publication) is that by the end of 2022 the U.S. will have the largest LNG export capacity in the world and will overtake Qatar and Australia in export volumes in 2023, cementing its reputation as a major energy exporter.

On a state-by-state basis, a Moody's report finds, for example, that Michigan automakers are hit by continued shortages of computer chips, as semiconductor plants deal with cutbacks in Ukraine's supplies of neon they need for lasers. Higher prices for palladium, used in catalytic converters and a major Russian export, also affect carmakers. In addition, high-end condominium prices in New York City and south Florida could fall as Russian oligarchs are frozen out of those markets. States with greater exposure to the financial

Assuming the conflict doesn't spread outside Ukraine, the supply shock likely won't be enough by itself to derail the U.S. economy, which expanded in 2021 even as oil prices rose sharply without any assistance from Russia.

limited for the U.S. since its trade ties with Ukraine and

eral, the war has worsened the largest bout of inflation in the

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Forecasting Budget Gap

MTA Warns of Higher Fares, Deferred Capital Projects

NEW YORK—The Metropolitan Transportation Authority released its 2023 budget on Nov. 30 and issued warnings of possible staff reductions, deferred or cancelled capital projects and other harsh measures if it does not secure additional governmental funding in light of continued low ridership caused by the COVID pandemic.

The proposed 2023 budget and four-year financial plan was released as the MTA faces a myriad of negative headwinds, including the fact that \$15 billion in federal COVID-relief funds has been drawn down to \$5.6 billion. The proposed 2023 budget assumes \$600 million in additional governmental funding or alternatively, significant additional cost-saving MTA actions.

The proposed financial plan also contains a roadmap for the MTA's longer-term fiscal stability, safeguards New York's essential transportation services, enhances transit equity, and provides a sustainable foundation for New York's continued economic growth, MTA officials noted.

The November plan, following recommendations put forward in the July financial plan, outlines actions from the MTA to shrink the structural deficit from \$2.6 billion to \$600 million in 2023 and from almost \$3 billion in 2025 and 2026 down

to \$1.2 billion. Starting in 2023, the MTA projects operating efficiencies yielding \$100 million in savings in 2023 and rising to \$416 million in savings by 2026.

Absent additional government funding to address 2023's \$600 million deficit, further MTA actions will be necessary, including the faster spend-down of remaining federal funds, staffing reductions, higher fare increases, deferral or cancellation of capital projects, and/or service reductions.

"The past three years have proven how essential the MTA is to the success of the New York City region—in New York, robust transit service is as critical as air and water," said MTA Chair and CEO Janno Lieber. "The budget proposed today puts us in a position to continue delivering the essential transit services that customers rely on while also prioritizing long-term fiscal responsibility."

"In the July financial plan, we laid out the case for early action to address the MTA's looming fiscal cliff," said MTA Chief Financial Officer Kevin Willens. "Today's proposed budget and financial plan further demonstrates the need for new, dedicated sources of funding which, combined with MTA actions to find savings without limiting service, can greatly reduce the fiscal cliff and protect mass transit for the region."



Without additional governmental assistance, the MTA warns of service cuts, staff reductions and delays or cancellations of capital projects in coming years.

"In my six months at New York City Transit, I have seen first-hand that subways, buses, and paratransit are the lifeblood of this city, moving 5 million New Yorkers every day," said New York City Transit President Richard Davey. "We are focused on finding cost-savings to ensure fiscal stability into the future while delivering frequent, reliable service and achieving a sustained level of at least 70% customer satisfaction across subway, bus, and paratransit by June 2024."

"As we prepare to unveil the biggest expansion to commuter rail service in generations, it has never been more critical to provide the quality of service that railroad customers

depend on," said Long Island Rail Road Interim President and Metro-North President Catherine Rinaldi. "As ridership continues to recover, we are committed to delivering service while providing the cost-savings needed to address long-term fiscal challenges."

The proposed \$19.2-billion budget assumes the June 2023 restoration of recurring fare and toll increases, ultimately providing \$373 million in additional annual revenue.


In calculating the out-year deficits, McKinsey & Company conducted an updated ridership forecast, released in concurrence with the MTA's July Financial Plan. In the four months since the forecast's release,

ridership across MTA services is tracking the midpoint projection of the forecast. The farebox revenue gap based on the McKinsey forecast when compared with pre-pandemic fare and toll revenue projections averages \$2.1 billion from 2022-2026. The MTA is projected to have a lower than anticipated 2022 deficit, driven by lower than forecast expenses and higher than expected revenues. The outyear deficits exceed the July plan, primarily due to increased pension cost projections.

The MTA Board was scheduled to meet on Dec. 21 to consider and approve the 2023 budget.

On Nov. 29, New York State Comptroller Thomas DiNapoli stated that the Metropolitan Transportation Authority's proposal to reduce budget gaps through 2028 by an average of \$915 million annually by paying down debt raises questions on how it will find additional savings and revenue to fund operations when federal aid runs out.




While the MTA has identified a targeted \$100 million in unspecified efficiency savings, this will not be enough to close its projected deficit of \$1.6 billion starting in 2024 as pointed out by Mr. DiNapoli in October. Mr. DiNapoli urged the MTA to expand on these efforts, disclose specific actions and identify how they will impact fares and service delivery.



Careers for Building a Better World






HUDSON VALLEY CONSTRUCTION CAREER DAY

March 31, 2023



Students will participate in hands-on activities, supervised by professionals that introduce them to the vast career opportunities and unlimited potential for advancement within the construction industry.

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LOW BIDS

Argenio Brothers Wins
NYSDOT Culvert Project

ALBANY—The New York State Department of Transportation recently reported that **Argenio Brothers Inc.** of New Windsor, NY was the lowest of 10 bidders at \$5,575,575 for five culvert replacements at various locations in Orange and Ulster counties.

Vad Contractors Lands
Harriman Roof Job

ALBANY—The New York State Thruway Authority recently reported that **Vad Contractors Inc.** of Brooklyn, NY was the lowest of five bidders at \$396,150. for replacement of the roof at the Harriman Maintenance Section at M.P. 45.20 in the Town of Harriman, NY in Orange County in accordance with the plans and specifications.

Icon Construction Secures
Wilson’s Woods Bid

WHITE PLAINS, NY—The Westchester County Department of Public Works has announced that **Icon Construction Group, Inc.** of White Plains was the lowest of four bidders at \$3,340,690.81 for Wilson’s Woods Pool improvements in Mount Vernon, NY.

Matthew Driscoll to Step Down
As Thruway Authority Exec. Director

Continued from page 9
conducts a first-hand review of each of the ten region’s job creation and economic development efforts.
From 2001 through 2009, he served as the Mayor of the City of Syracuse. Elected to two terms, Mr. Driscoll’s tenure in office was distinguished by his environmental and sustainability initiatives. As mayor, his action plan for energy conservation, sustainability initiatives and environmental protection efforts earned Syracuse the title of “The Emerald City” and recognition by *Popular Science Magazine* as one of the nation’s greenest cities (ranked #17). As mayor, he also instituted a performance-based accountability program for city government—SyraStat—which saved millions of dollars for city taxpayers helping support enhanced service delivery. In addition, he helped make the City of Syracuse the first city in the nation to offer free college tuition to every student who graduates with a Regents diploma. He also led comprehensive planning and development of downtown and neighborhood housing development.

Construction Begins on \$3.2B
Penn Station Access Project

Continued from page 1
projects underway will redefine what transit looks like in the Tri-state area and provide essential transportation to communities with limited options. Today, we celebrate a milestone that brings us closer to that reality.”
In addition to four new ADA stations, the project will turn the existing two-track railroad into a largely four-track railroad, with more than 19 miles of new and rehabilitated track work. The expansion to a four-track railroad will provide service flexibility to support the increase in Metro-North and Amtrak trains expected to operate through the area and allow for workarounds in the event of a service disruption, MTA officials stated.
The additional service necessitates an expansion of Metro-North’s New Rochelle Yard in Westchester, along with modernization of signal, power and communication infrastructure. This will consist of four new interlockings, five new substations, reconfiguration of the Pelham Bay interlocking and upgrade of two existing substations.
The project also includes rehabilitation work to repair and strengthen the following four bridges to carry additional train traffic: Bronx River Bridge, Eastchester Road Bridge, Bronx Dale Avenue Bridge and Pelham Lane Bridge.
Project Benefits
Significantly cuts down travel time. East Bronx passengers traveling to Penn Station can save up to 50 minutes each way, and those traveling to Connecticut can save up to 75 minutes. As an example, from the proposed Co-Op City station to Penn Station it takes about 75 minutes to reach Penn Station, with completion of Penn Station Access, the travel time is expected to be only about 25 minutes. Current New Haven Line riders with destinations on the west side can save up to 40 minutes per day.
Increase in reverse commuting opportunities. Reverse commuters will be able to more easily travel from Penn Station to Hunts Point, Parkchester/Van Nest, Morris Park, Co-op City, Westchester and southern Connecticut.
Local economy benefits and improved sustainability. Improving access to the East Bronx, Westchester and Connecticut will benefit local educational campuses, medical institutions, and retail centers. By greatly reducing travel times, Penn Station Access will make public transit a viable, attractive travel alternative, encouraging drivers to switch to mass transit, reducing traffic congestion and emissions.
With the additional options, Bronx residents and also those coming from the greater New York City area, Westchester, Connecticut, and the Northeast region, will be able to more easily reach destinations throughout the Northeast with connections to NJ Transit, LIRR, PATH, Amtrak and NYCT subways.

Safety Watch Continued from page 15

standard and therefore the ALJ utilized a reasonable person standard—would a “reasonably prudent employer” under the same circumstances have done more to instruct its authorized operators on driving the UTV on paved surfaces with tires that were designed for off-road use. Here, although Sentinel appeared to have initially offered conflicting accounts to OSHA’s Compliance Officer during the investigation following the accident, the evidence that was submitted showed that, in fact, Sentinel had taken adequate steps and instructions that were specific enough to advise employees of the hazards associated with use of this particular equipment and the citation was vacated.
About the author: Costas Cyprus is an associate attorney practicing construction law and commercial litigation with Welby, Brady & Greenblatt, LLP, in White Plains, NY. He can be reached at 914-428-2100 and at ccyprus@wbglp.com. The articles in this series do not constitute legal advice and are intended for general guidance only.

Mayor Adams: We Are Going
To Build Everywhere

Continued from page 18
address the state’s housing crisis in her State of the State address next month, applauded Mayor Adam’s new housing plan, adding, “We will need every community, every town and every city to do its part to make housing accessible and affordable for all.”
The Westchester County Board of Legislators voted unanimously on Dec. 12 to approve the 2023 county budget. Included in the budget is Westchester County Executive George Latimer’s capital plan, which calls for a total of \$90 million in housing funding—hailed as the largest allocation in county history to build affordable housing. To support the program, the new budget includes \$40 million for land acquisition (\$25 million) and infrastructure (\$15 million) improvements; and \$50 million for the Affordable Housing Investment Fund to further develop workforce housing.



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SEE HOW WE PLAN.



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Photo by Assad Dilmaghani, VP

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