



# Construction NEWS



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## Gov's Ambitious Housing Plan Pledges New Funding for Roads, Schools, Sewers

By JOHN JORDAN

ALBANY—Presenting her first State-of-the-State address as the duly elected governor—after traveling a bumpy road that included an historic resignation of a former governor and her own election campaign fraught with last-minute uncertainty—New York Gov. Kathy Hochul on Jan. 10 outlined key initiatives that included an ambitious plan to address the affordable housing crisis in the state.

The governor introduced her “New York Housing Compact,” a groundbreaking strategy to catalyze housing development that has a goal of creating 800,000 new units in the next decade. She said the state will provide assistance to localities to meet the housing goal by offering “substantial new funding for infrastructure like schools, roads and sewers needed to support growing communities.”

Every single locality across the state will have a target for building new

homes, she noted. Upstate, the target is for the current housing stock to grow by 1% every three years. Downstate, 3% every three years. She added that as part of the compact, any municipality with a train station should rezone the area within a half-mile of the station that would allow for the creation of new housing within the next three years.

Gov. Hochul also promised a replacement for the 421a subsidy in New York City. “The reality is that we can’t meet the demand for housing without an incentive program like 421a in New York City. Without it, developers will only build condominiums or build elsewhere, which isn’t the outcome we need. To meet our housing goals, we will work with the Legislature on a replacement for this critical piece of the puzzle.”

“New York State needs an ambitious vision that encourages growth, sustainability and equity, and Gov. Hochul has

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Gov. Kathy Hochul delivered her State-of-the-State Address in Albany on Jan. 10. She set a goal to create 800,000 new housing units within the next decade.

## Contest to Build Mega Downstate Metro Area Casinos Heating Up

By JOHN JORDAN

ALBANY—The prospect of downstate casinos in the New York metro area just got serious, and those who seek these lucrative full-gaming licenses will have to show very deep pockets to fund this investment projected to exceed \$1 billion.

The New York State Gaming Facility Location Board issued Request for Applications (RFA) on Jan. 3 for up to three downstate casino licenses in the New York metro region. The application fee is \$1 million. The licensing fee has been set at \$500 million and the minimum investment for any casino proposal’s approval is \$500 million.



While state officials disagree, some gaming analysts believe that Empire City Casino in Yonkers and Resorts World New York City (Queens) racinos will have a leg up on other casino projects for a full gaming license because they both can likely begin full operations quicker.

Wherever the projects are built, the region’s organized building trades will be a critical component. A closer look at

the RFA reveals that a requirement is for organized labor agreements.

Based on the public announcements about prospective full license casino applicants hailing from Yonkers, Queens, Manhattan, Coney Island, Staten Island and Nassau County, it appears that \$1 billion will be the starting point and that many prospective projects will far exceed the lofty minimum project cost.

Two existing video gaming machine facilities at Empire

City Casino in Yonkers and Resorts World New York City at Aqueduct Racetrack in Queens will have a leg up on new development projects, some observers noted, because the two sites would have full gaming operations online before their new development competitors; therefore, they would be contributing revenue earlier to the state and municipalities. If Resorts World wins a full gaming license at its Queens property, the firm would also have a full gaming facility (Resorts World Catskills)

in Monticello in Sullivan County, along with its recently opened \$50-million video gaming machine facility at the Newburgh Mall in Orange County.

However, New York State Gaming Commission Chairman Brian Dwyer rejected the notion that any project has an advantage over another in the process at the commission’s session on Jan. 3. “There is no preordained conclusion to this process, despite the numerous articles and speculation that have, understandably, appeared

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## Phase Three of the \$1.7B Hunts Point Project is Underway

# El Sol-DeFoe JV Wins Third, Final Phase Of Bronx Hunts Point Improvement Project

By JOHN JORDAN

NEW YORK—State officials announced on Dec. 30 that a \$446-million contract has been awarded to the El Sol-DeFoe JV for the third and final phase of the \$1.7-billion Hunts Point Access Improvement Project in the Bronx and that work is now getting underway.

El Sol Contracting and Construction is based in Maspeth, NY. DeFoe Corp. is headquartered in Mount Vernon, NY. The El Sol DeFoe JV is also the contractor on phase two of the New York State Department of Transportation project.

Skanska and its joint venture partner, ECCO III Enterprises, Inc., of Yonkers, reported on Dec. 27 it had completed phase one (\$460-million) of the Hunts Point Interstate Access Improvement program at Hunts Point Peninsula in the South Bronx.

The third phase of the project includes the reconstruction of the Bruckner Expressway interchange with Sheridan Boulevard and other improvements that will reduce congestion, enhance bicycle and pedestrian safety and provide easier access to the Hunts Point Terminal Market, NYSDOT stated. The phase three contract, which keeps the overall project on schedule to be completed in the fall of 2025, is part of an unprecedented state investment to enhance infrastructure and connectivity in the South Bronx while also improving the quality of life for residents.

“There is no better example of the important role modern infrastructure can play in ensuring the economic health and well-being of a community than Hunts Point,” Gov. Kathy Hochul said. “The changes we are making to this vital hub for commerce will not only make it easier to transport goods to and from the market, but also improve quality of life for the surrounding neighborhoods by taking thousands of trucks off local streets and providing new recreational opportunities that will further fuel the revitalization of the South Bronx.”

The Hunts Point Access Improvement project, when completed, will provide direct access to the Hunts Point Terminal Market from both the Bruckner Expressway and the new Sheridan Boulevard once fully completed. The market is one of the largest wholesale food distribution centers in the world. More than 78,000 vehicles travel to the Hunts Point Peninsula daily, including 13,000 trucks using local roads, which has contributed to poor air quality in the community.

Phase three of the project will remove a notorious bottleneck by reconstructing the Bruckner Expressway/Sheridan Boulevard interchange and relocating the entrance ramp

to northbound Sheridan Boulevard from the left side of the highway to the right side. The addition of a third lane in each direction of the Bruckner Expressway and the replacement of the Bryant Ave Pedestrian Bridge, both of which were started in earlier phases of the project, will also be completed.

A new 117-spot parking lot with 24 Electrical Vehicle charging stations, including four rapid charge spots to better accommodate electric vehicles, will be constructed under the Bruckner Expressway and help enhance air quality in the South Bronx.

The new work builds on the success of the previous two phases of the project. Phase one, which wrapped up in October, provided new and improved access to Edgewater Road in the



The third phase of the Hunts Point Improvement project in The Bronx includes the reconstruction of the Bruckner Expressway Interchange with Sheridan Boulevard.


PHOTO CREDIT: NYS DOT

form of three new ramps: a two-way ramp to Edgewater Road from Sheridan Boulevard and a


ramp from eastbound Bruckner Expressway to Edgewater Road. Edgewater Road was also resur-

faced, and new traffic signals were installed at Seneca Avenue



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# NY Building Congress 2023 Policy Priorities Stress Affordable Housing, Infrastructure, Mass Transit

NEW YORK—The New York Building Congress released its 2023 Policy Agenda on Jan. 9, calling on the city, state and federal government to prioritize infrastructure projects and policy initiatives that can address key issues for New Yorkers.

The release of the New York Building Congress’s 2023 priorities was a day before Gov. Kathy Hochul gave her State-of-the-State address to the State Legislature in Albany. The New York Building Congress represents the interests of more than 250,000 skilled workers and professionals.

“There has never been a more critical time to think big on infrastructure and development,” said Carlo A. Scissura, Esq., president and CEO of the New York Building Congress. “We are entering 2023 with billions of dollars in funding available from the historic



**Carlo A. Scissura, Esq.**  
**New York Building Congress**  
**President & CEO**

Infrastructure Investment and Jobs Act (IIJA) and record-high construction spending and permitting in New York, yet we are facing a dire housing crisis and severely strained infrastructure systems,”

He continued, “Our 2023 Policy Agenda provides a roadmap for our leaders to advance policies that will maximize growth, eliminate unnecessary barriers to development and secure a prosperous future for all New Yorkers. We are eager to work closely with our partners in City Hall, Albany and Washington to get all available funding moving, and ensure our industry can get to work building the city and state that New Yorkers deserve.”

The Building Congress’ key recommendations are designed to spur housing development, increase transit accessibility, protect New Yorkers from the impacts of climate change, foster collaboration between city and state agencies, stimulate job creation, strengthen our economy and more, officials with the organization stated. These include:

**Combating the Housing Shortage**

- Affordable housing developments must be allowed as-of-right for any district or municipality that has less than 10% of its housing stock at below-market rent.
- Dedicated funding should be set aside to facilitate the conversion of underutilized commercial spaces to residential uses.
- The Building Congress calls on the state to replace the 421a subsidy with an improved financial incentive tool for constructing affordable housing.
- Prioritize transit-oriented development for zoning decisions to ensure all neighborhoods have access to transit hubs.

**Unlocking Funding From the Infrastructure Investment and Jobs Act**

- The Building Congress calls on the federal government to streamline project approvals and the release of IIJA funds.
- IIJA education and outreach opportunities must be expanded so that more entities can

determine funding eligibility.

- State- and city-level environmental reviews should be expedited for projects eligible for IIJA funding.

**Making Improvements To Transit Accessibility**

*“We are entering 2023 with billions of dollars in funding available from the historic Infrastructure Investment and Jobs Act (IIJA) and record-high construction spending and permitting in New York, yet we are facing a dire housing crisis and severely strained infrastructure systems.”*

—Carlo A. Scissura, Esq.,  
New York Building Congress

- Congestion pricing should be implemented as expeditiously as possible to reduce traffic congestion, fund \$15 billion in MTA capital improvements in the short term and support the state’s ambitious infrastructure agenda in the long term.
- Many of New York State’s most heavily trafficked roadways are in dire need of repair and more thoughtful urban planning. The Building Congress advocates for the reimagining of the state’s most critical road and transportation infrastructure, from the Brooklyn-Queens Expressway to the I-81 viaduct project in Syracuse.

The Building Congress will continue to advocate for transportation projects that serve New York’s millions of daily commuters, including the Penn Station redevelopment, the Gateway Program, Second Avenue Subway phases two and three, the Interborough Express (IBX) and a new Outerbridge Crossing.

**Preparing for the Impacts Of Climate Change**

- To ensure New York is resilient to the impacts of climate

change, the Building Congress calls for progress on the Five Borough Resiliency Plan, the East Side Coastal Resiliency Project, planning and design work on the Army Corps of Engineers’ proposed storm surge gates and the Citywide Greenway Master plan.

- Local Law 97 compliance-based retrofits and decarbonization efforts should be exempt from FAR caps to allow more space for building efficient energy systems and improved insulation.
- The Building Congress supports a host of climate-related legislation, including a City Council bill that would require 40% of all parking spaces to be able to support electric vehicle charging and a State Senate bill that would establish a property tax abatement and exemption for capital improvements that reduce carbon emissions.

**Building Faster and Better**

- To ensure the most efficient use of infrastructure and capital improvement dollars, the Building Congress calls for greater cooperation and collaboration between government entities at the federal, state and city level.
- Pass the three “City of Yes” proposed Text Amendments—especially Zoning for Housing Opportunity, which eliminates archaic zoning restrictions and reduces minimum parking requirements to allow small-scale housing developments to be built all over the city.
- The Building Congress calls for reform of the City Environmental Quality Review (CEQR) and State Environmental Quality Review Act (SEQRA) to streamline project approvals and increase efficiency. Furthermore, exemptions from environmental reviews should be made for critical infrastructure, housing, and resiliency projects.
- Advance and broaden MWBE opportunities and develop policies to ensure meaningful economic prospects for MWBE firms.



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## ALBANY UPDATE

### NY State Announces \$143M Investment In Critical Water Infrastructure Projects

ALBANY—New York Gov. Kathy Hochul announced on Jan. 13 a total of \$143 million in financial assistance for seven water infrastructure improvement projects, the latest action to upgrade New York’s water and sewer systems, reduce water pollution, and safeguard vital drinking water supplies.

The New York State Environmental Facilities Corporation Board of Directors approved low-cost financing and previously announced grants, authorizing municipal access to the

capital needed to get shovels in the ground for critical drinking water and sewer projects in New York City and the Finger Lakes, Mid-Hudson and North Country regions.

“These low-cost financings and grants are the building blocks for municipalities to modernize and protect their critical water infrastructure,” Gov. Hochul said. “My administration will continue to tackle clean water issues head-on with strategic investments that will benefit New Yorkers for genera-

tions to come.”

The board’s approvals include financings through the Clean Water State Revolving Fund and Drinking Water State Revolving Fund, as well as grants already announced pursuant to the Water Infrastructure Improvement grant program.

New York State Environmental Facilities Corporation President and CEO Maureen A. Coleman said, “This \$143-million infrastructure investment

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## Attorney's Column

# Court Upholds Assertion of Attorney/Client Privilege, But Cautions About the Dangers of Blind-Copy Emails

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

In the world of today's lightning-speed communications, it is easy to fire off an intemperate slapshot response to an email without thinking about the ramifications. While often the result is merely some egg on one's face (and perhaps the need for an apology, or an explanation), the result can include the waiver of the attorney/client privilege.

While a court, in the recent case of *Dworkin Construction Corp. (USA) v Kelly's Sheet Metal, Inc.*, saved a contractor from a finding that the privilege was waived, it serves as a lesson that one should take a deep



Sheet Metal entered into a subcontract for Kelly's to perform all heating, ventilation and air-conditioning work in connection with a construction project at 2162 Broadway in Manhattan. Kelly's was alleged to have breached the subcontract by, amongst other things, failing to: timely submit re-

and specifications; correct defective work timely and complete its contractual scope of work as scheduled. Accordingly, Dworkin commenced a breach of contract lawsuit against Kelly's seeking to recover delay damages, as well as the expenses it incurred in attempt-

ing to bring the project back on schedule. Kelly's denied the claims, and the parties engaged in discovery. During the course of discovery, Dworkin's counsel blind-copied Dworkin's president on an email to counsel for Kelly's regarding a discovery schedule. Dworkin's president sent an

*The recent case of Dworkin Construction Corp. (USA) v. Kelly's Sheet Metal, Inc.,...serves as a lesson that one should take a deep breath before hitting the send button on any email.*

email—which included counsel for Kelly's—rather than simply reply, or draft a whole new email. Moments later, Dworkin's counsel sent an email to counsel for Kelly's advising of his client's inadvertent email, and demanded that counsel for Kelly's confirm the deletion of the email. Rather than delete the email, counsel for Kelly's responded that the “reply-all” email waived the attorney/client privilege, and demanded that Dworkin's counsel preserve all communications between him and Dworkin's client because counsel for Kelly's reserved the right to “seek other communications between you and your client.”

Upon counsel's refusal to destroy the inadvertently produced email—and upon his claim of a right to seek other communications between Dworkin and its counsel—Dworkin moved for an order of protection clawing back the privileged email, and protecting Dworkin against the disclosure of other attorney/client privileged emails. Kelly's opposed, contending that the use of a blind-copy email negligently heightened the chances of precisely what occurred here (broadcasting a privileged response to a non-privileged email) such that the use of the blind-copy should be deemed a waiver of the privilege. Kelly's also contended that regardless of the use of the blind-copy by Dworkin's counsel, the sending of the privileged email by Dworkin's president formed an independent waiver of the privilege such that Kelly's was required to disclose other attorney/client communications.

### Decision

The court granted Dworkin's motion and directed that counsel for Kelly's destroy the privileged email, holding that the circumstances of the inadvertent disclosure—and counsel's notification, moments later, of the inadvertent disclosure and attempt to claw the communication back—evidenced that the disclosure was never intended to waive the attorney/client privilege. The court held that to deny the motion would produce a Draconian result and countenance what the court described as “gotcha litigation tactics,” rather than deciding cases on their merits.

### Comment

While this matter arose out of a typical construction dispute, its lesson is not limited to those in the construction industry: before communicating on an instant medium such as email, one should pause a moment to ascertain that the recipients are only those who are intended. Such a pause will also give the sender the benefit of one last review to be sure that what is in the email is what is intended—with the ancillary benefit that the sender will be afforded one last opportunity to tone down anything intemperate, or anything else that the sender may come to regret later on. While the court here noted “bcc'ing a client is not a good idea” because it opens the door to just such an inadvertent “reply-all” response, it saved Dworkin's president from the effects of a waiver by noting the speed of its counsel in acting “just 15 minutes after the inadvertent communication.”

The lesson to be taken from this case is not that the court saved Dworkin's attorney/client privilege, but what should be done to prevent someone from having to scramble in order to do so. Here, aside from the fortuity of Dworkin's counsel immediately seeing the email and having the ability to immediately respond, it was only directed to counsel for both Dworkin and Kelly's—so Dworkin's counsel was able to immediately spot the problem. However, what about situations where counsel may not immediately see the email (which encompasses not only the obvious vacation/illness out of office, but also periods when counsel may be busy such as being on trial, in a series of depositions, or otherwise committed and unable to be alerted to emails in real time), or where the unintended recipient's email address is buried in with a group of 20, 30, or more intended recipients such that the inclusion of the unintended recipient is not readily apparent? There are other situations that may also come to mind where the speed standard referenced by the court here may not be able to be met, even though the communication is clearly inadvertent. Those situations, we would posit, are more common than the one here, where the error was immediately apparent

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*The court held that to deny the motion would produce a Draconian result and countenance what the court described as “gotcha litigation tactics,” rather than deciding cases on their merits.*

breath before hitting the send button on any email.

### Background

In May 2019, Dworkin Construction Corp. and Kelly's

quired technical data and shop drawings; adhere to the overall job schedule; send a sufficient number of employees to the job site; follow construction plans

email to that counsel inquiring about the merits of the lawsuit (and a related action in New York City Civil Court) by using “reply-all” to that unrelated

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# Gov’s Ambitious Housing Plan Pledges New Funding for Roads, Schools, Sewers

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demonstrated a bold and decisive roadmap that will benefit all New Yorkers,” said Carlo A. Scissura, Esq., president and CEO of the New York Building Congress. “It is no surprise that the governor’s Housing Compact to generate 800,000 new homes over 10 years so closely aligns with the Building Congress’ 2023 Policy Agenda—our members know what it will take to build our way out of this crisis, and the governor has always understood the importance of our industry.”

These items include zoning policies that prioritize transit-oriented development, removing the residential FAR cap of 12, facilitating the conversion of office spaces into housing, replacing the 421a property tax exemption, facilitating new housing stock via Fast Track Approval, and providing \$250 million to support critical infrastructure projects.

Many business and political leaders praised the governor’s housing initiative. The Welcome Home Westchester alliance, which is advocating for more affordable housing development in Westchester County, said in a statement that “at the heart of our housing affordability crisis—every community in the Greater New York City area played a role in creating this housing shortfall. Every community needs to do what it can to be a part of the solution.” Alliance members include the Building and Realty Institute, the Hudson Gateway Association of Realtors and the Westchester County Association.

The group noted that the recently completed Westchester County Housing Needs Assessment found that our county needs to build 11,703 new units of housing just to meet the present-day need. “A gap that large doesn’t happen by accident. Over the previous decades, the fragmented municipality-by-municipality land use system we built made it too easy to create barriers to housing, create delays for approvals, pass the buck to other neighborhoods or other towns when it came to housing affordability, or fail to update local zoning codes such that we are often trying to squeeze our 21<sup>st</sup> century needs into a tool designed for a mid-20<sup>th</sup> century lifestyle. It has simply been too easy for too long to avoid building the housing we need.”

The New York State Association of Realtors also praised the governor’s housing compact. “We support the Governor’s New York State Housing Com-

pact...Also key to successfully moving forward is a commitment by New York State and its local governments to improve the regulatory climate that currently does not promote housing development. We encourage all lawmakers and regulators to rethink local building code and zoning rules that have been a root cause of the current housing shortage.”

New York State is a “home rule state,” so opposition to imposing edicts to local municipalities from some local officials is likely.

Rockland County Executive Ed Day said, “I am concerned as well about some of the mandates included in the Governor’s new NY Housing Compact that will require municipalities to change zoning in specific areas of their communities and meet mandatory home growth targets. As your County Executive, and past president of a local civic association, I believe this concept to be contradicted by the Constitution of New York State and will continue to stand firmly in opposition to any politically based plan that undermines New York State Home Rule regulations and municipal zoning ordinances.”



## New Housing Near Transit Hubs

Gov. Hochul’s housing plan calls for localities with MTA-run rail stations to rezone and allow for higher-density multifamily development within half mile of the station—unless these municipalities already meet proscribed density levels. The rendering, above, of a new development across from the Port Chester Metro-North station is designed to expand housing options, improve access to jobs and enhance the community.

He also is concerned about possible legislation that would allow, promote and possibly reward homeowners for building out Accessory Dwelling Units.

“While creating affordable housing is an admirable goal, our own Planning Department

stated in its professional assessment the one-size-fits-all approach of the ADU legislation is extremely problematic and does not account for differences between rural, suburban, and urban communities,” Mr. Day added. “I’m concerned there

is a strong likelihood that the character of our county could be changed forever.”

The governor also outlined in the State-of-the-State some key initiatives to reduce crime and gun violence and enhance mental health services.

AT-A-GLANCE

Gov. Hochul’s ‘New York Housing Compact’

ALBANY—Under the “New York Housing Compact” outlined by Gov. Kathy Hochul in her State-of-the-State address on Jan. 10, localities will decide how to best meet their new home construction targets. From repurposing underutilized office parks and strip malls to offering new incentives toward multifamily buildings, localities can choose how to tailor their strategies to increase housing supply.

To encourage the inclusion of affordable housing as part of the new growth, affordable units will be assigned extra weight in calculating localities’ progress toward their goals.

Localities that do not meet targets can achieve Safe Harbor status for one three-year cycle by implementing certain good faith actions—or “Preferred Actions”—that create zoning capacity to achieve the growth targets. In municipalities where there is no market demand for new housing, there will be no practical effect if localities fall short of their targets.

The New York Housing Compact will make available a \$250 million Infrastructure Fund and \$20 million Planning Fund to support new housing production statewide. Municipalities may submit requests for planning funding to undertake either required Transit-Oriented Development rezonings or Preferred Actions to help them hit their growth

targets. The plan will also create a new Housing Planning Office within New York State Homes and Community Renewal to provide municipalities with support and guidance.

The New York Housing Compact will require that localities with rail stations run by the MTA undertake a local rezoning or higher density multifamily development within half a mile of the station unless they already meet the density level. By expanding housing potential in these transit-oriented communities, more families will be able to enjoy improved access to jobs and thriving sustainable communities.

After three years, in localities that do not meet growth targets or do not take steps to implement Preferred Actions, proposed housing developments that meet particular affordability criteria, but may not conform to existing zoning, may take advantage of a fast-track housing approval process if the locality denies the permit. The appeal can be made to a new State Housing Approval Board or through the courts. Appealed projects will be approved unless a locality can demonstrate a valid health or safety reason for denying the application.

To expedite rezoning and development of new homes, specific relief from environmental review will be included in the New Homes Targets and Transit Oriented

Development proposals. The state will continue to exercise crucial safeguards that prevent environmental harm and ensure that public health remains a top priority.

**Ways to Incentivize New Housing, Rehab Existing Housing**

Gov. Hochul also unveiled a series of new proposals to incentivize new housing construction and the rehabilitation of existing housing. She discussed new property tax exemptions to encourage mixed income housing development near train stations, and incentivizing affordable housing in commercial buildings that are converted to residential use in New York City.

- Also listed were updated property tax exemptions offered by local option to support homeowners that build Accessory Dwelling Units and for property owners who need support undertaking certain renovations in New York City.
- To support the development of mixed-income housing outside of New York City, Gov. Hochul will direct New York State Homes and Community Renewal to make \$5 million in State Low Income Housing Tax Credits available.
- Gov. Hochul will also make necessary changes to ensure that localities where new housing developments utilize Payment in Lieu of Taxes agreements are not penalized in tax cap calculations.

## NY State Announces \$143M Investment In Critical Water Infrastructure Projects

Continued from page 4

will provide cleaner, safer water, all while saving ratepayers money and creating good-paying jobs. EFC is pleased to work with our partners in state government to provide the funding that make these critical projects possible.”

A majority of the Drinking Water Project funding is earmarked for projects in New York City and the Mid-Hudson Valley, including:

**New York City Municipal Water Finance Authority (two projects)**

\$100,000,000 short-term mar-

ket-rate financing to excavate and construct Shafts 17B-1 and 18B-1 in City Tunnel No. 3 in Queens to provide redundancy for the city’s water system as well as allowing better flow control and management of the water system.

\$22,000,000 short-term mar-

ket-rate financing to design and construct the Croton Water Filtration Plant and associated facilities.

**Village of Harriman in Orange County (two projects)**

\$538,551 WIIA grant to install a granular activated carbon treatment system for the

removal of emerging contaminants from Well No. MH-1A.

\$284,955 WIIA grant to install approximately 600 linear feet of eight-foot ductile iron water main from the existing distribution system located on Harriman Heights Road to Well HH #3.



# \$32M Newburgh Sewer Tunneling Project is First To Secure Funds from Fed. Infrastructure Law in NYS

By JOHN JORDAN

NEWBURGH—The City of Newburgh announced on Jan. 12, in partnership with New York Gov. Kathy Hochul and United States Senate Majority Leader Charles Schumer, the start of the next phase of the \$32-million North Interceptor Improvement Project—an innovative microtunneling process that will expedite completion of the project while reducing disruption for city residents.

Microtunneling is a remote-operated trenchless construction method that allows for simultaneous excavation and pipe laying. A specially designed boring machine delivered to the city earlier this month will excavate the tunnel through bedrock, city officials noted.

The North Interceptor Sewer Improvement Project is the largest and most significant infrastructure project to take



A tunnel boring machine has arrived in Newburgh, NY to expedite work on the \$32-million North Interceptor Improvement project.

place in the city in decades. The project commenced construction in April 2022 and will be completed in the Spring of 2024.

The project received more than \$6.1 million in federal Bipartisan Infrastructure Law funds in November. New York

State is also contributing more than \$21 million in state grants and interest-free financing to support the city's construction of new, larger sewer pipes and other crucial upgrades to strengthen the city's ability to withstand high water events

and reduce pollution in the Hudson River.

At completion, the project will have installed 8,700 linear feet of new, larger-gravity sanitary piping to make upgrades to the city's combined sewer infrastructure that are crucial to protecting the water quality of the Hudson River.

"Combined with our state's significant clean water investments, the unprecedented funding from the Bipartisan Infrastructure Law provides a crucial opportunity to make significant environmental improvements that will protect public health across the state for generations to come," Gov. Hochul said. "These wastewater and stormwater upgrades are vital to protecting the environment and enhancing quality of life in Newburgh, and my administration will continue to work hard to get funding out the door efficiently

and equitably to help communities get shovels in the ground for critical projects."

City of Newburgh officials told CONSTRUCTION NEWS that contractors working on the project include ARCADIS, Kurbicky/DA Collins, and SECA Underground. The project is a prevailing wage job and union workers will be employed, city officials noted.

Senate Majority Leader Schumer said, "I am proud to deliver this historic \$27-million investment to upgrade the City of Newburgh's clean-water infrastructure through the federal Bipartisan Infrastructure & Jobs Law, that I championed in the Senate. For years, I've worked with the City of Newburgh, Riverkeeper, the Newburgh Clean Water Project, and local advocates to improve Newburgh's water infrastructure, with the goal of making our beloved Newburgh neighborhoods healthier and safer places to live and work."

He added, "Last year, I was proud to secure \$12.8 million for Newburgh's North Interceptor Sewer Project through the annual federal budget so Newburgh could begin this important work. I thank the New York State Department of Environmental Conservation and Environmental Facilities Corporation for directing New York's first-ever, clean-water infrastructure construction funding from the Bipartisan Infrastructure & Jobs Law to build on this critical work and will continue fighting alongside them to deliver this funding to our Hudson Valley communities."

City Councilmember Ramona Monteverde said, "The City Council has approved more than \$100 million in infrastructure upgrades throughout the city, funded with state and federal dollars at minimal cost to City taxpayers. The \$32-million North Interceptor Sewer Improvement project demonstrates the City Council's commitment to finding innovative solutions to jumpstart economic development while protecting our most valuable natural resource, the Hudson River."

The City of Newburgh's City Council has repeatedly, successfully advocated for infrastructure funding from New York State and federal partners to complete major projects at minimal cost to city residents. The \$32 million North Interceptor Sewer Improvement Project—being completed at minimal cost to city taxpayers—is the most significant example, city officials stated.

Dan Shapley, Co-Director of Science and Patrol, Riverkeeper said, "Newburgh is exemplary in being proactive to get federal funding, and that is something we need all communities up and down the Hudson River to model and emulate."

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# \$38-Millon Bridge Replacement Project On Saw Mill River Parkway Completed

ALBANY—New York State officials announced on Jan. 11 that major construction has been completed on two new bridges that carry the Saw Mill River Parkway over the Saw Mill River in the Village

The Lower Westchester Bridge Bundle was awarded in 2020 as a Design-Build project with Halmar International, LLC of Nanuet, NY as the lead contractor. Other partners include: M.G. McLaren Engineer-

Engineering and Land Surveying, D.P.C.

New York State Department of Transportation Commissioner Marie Therese Dominguez said, "Governor Hochul understands the critical role that infrastructure plays in the well-being of a community and how important it is that we build it back better to confront the ever-growing threat posed by climate change. By enhancing the resilience of our transportation network with strategic investments like this in Westchester County, we help keep people and goods on the move regardless of the impacts of severe weather."

As part of the larger Lower Westchester Bridge Bundle, the New York State Department of Transportation also replaced the East Lincoln Avenue bridge over the Hutchinson River Parkway and Hutchinson River in the Village of Pelham, NY and City



To improve travel throughout the corridor in a flood-prone section of the Saw Mill River Parkway in central Westchester, new, higher capacity drainage systems were also added to accommodate stormwater runoff during severe weather events.

of Mount Vernon, NY and is in the process of replacing the U.S. Route 1 bridge over the Mamaroneck River in Mamaroneck, NY. These projects, which focus on drainage improvements and

the reconstruction of roadways prone to flooding, will enhance safety and improve the region's resiliency during storm events. The overall project is expected to be complete by the end of 2023.



Begun in the summer of 2020, the construction project elevated sections of the Saw Mill River Parkway in the Pleasantville/Thornwood area in Westchester. The contractor, Halmar International LLC of Nanuet, NY, replaced two bridges that were built in 1930 with modern, single-span, steel girder bridges.

of Pleasantville, NY.

Located between Exits 26 and 28 on the parkway, the new bridges and a newly stabilized 1.3-mile stretch of the roadbed adjacent to the two structures will enhance safety and improve resiliency along a vital commuter artery that provides access to the Governor Mario M. Cuomo Bridge and the New York State Thruway which has been prone to flooding during heavy rains.

"Westchester County commuters are all-too-familiar with the Saw Mill River Parkway's history of flooding during major rainstorms and the associated travel headaches," Gov. Kathy Hochul said. "With the completion of these two new bridges, we are writing a new chapter in the history of the Saw Mill - making it more resilient to severe weather and strengthening this vital travel artery for decades to come."

The Saw Mill River Parkway bridge work, which cost approximately \$38 million, was done as part of an ongoing, \$115 million "Lower Westchester Bridge Bundle" project to replace or renovate several bridges in lower Westchester County to better withstand severe weather events and improve travel throughout the busy corridor.

Begun in the summer of 2020, the project replaced the two bridges that were built in 1930 with modern, single span, steel girder bridges that are several feet higher than the original structures and better able to withstand floods. The adjacent roadway, which had been prone to settling, was stabilized with nearly 5000 wood piles that were driven into a more solid ground layer. New, higher capacity drainage systems were also added to accommodate stormwater runoff. During construction, asphalt from the original bridges was recycled and used on the road deck for the new bridges and native vegetation species were planted to help beautify and protect the landscape.

ing and Land Surveying, P.C., Schnabel Engineering of New York and Shumaker Consulting



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# Contest to Build Mega Downstate Metro Area Casinos Heating Up

Continued from page 1  
in the last few weeks. No one enters into this process with an advantage,” Commissioner Dwyer said.

He later said the approval process for the three casinos “can transform a community with capital investment, direct and construction employment, driving incremental tax relief. These projects can bring real change, not to talk about the fact of the number of employees who will be employed.”

Mr. Dwyer stressed that the RFA application must be approved by a Community Advisory Committee as well as successfully complete the municipal zoning process before the Gaming Facility Location Board can consider its proposal.

“Therefore, only those projects that have been embraced by the community will ultimately be presented to you for your consideration,” he told the Gaming Commission Board.

Many business, labor and government officials in Westchester and the Bronx have been advocating for Empire City Casino’s expected bid for a full casino license at its property in Yonkers.

The coalition, “A Sure Bet for New York’s Future” alliance that includes some 60 civic, government, business and labor leaders has lobbied state government and held a number of rallies in support of



The proposals from Empire City Casino in Yonkers and others vying for a full gaming license in the New York metro area will be valued at \$1 billion or more.

Empire City Casino, which is owned and managed by MGM Resorts.

John Ravitz, executive vice president and COO of the Business Council of Westchester and co-chair of the ad hoc alliance, said the selection of Empire City Casino for a full casino gaming license, “is a no-brainer for the state because MGM has that proven track record of not only being able to build and enhance their properties but to create sustainable jobs and bring in revenue.”

He added, “They (Empire City) already have the bricks and mortar in place. They are not going to have to build a new

casino, they are going to enhance the casino they already operate.” With a full casino gaming license, Empire City will build out a host of amenities in the future, including an arena that could host sporting events and a hotel, Mr. Ravitz noted. “It will be an incubator for workforce development.”

A spokesperson for Empire City Casino by MGM Resorts released a statement in response to the Gaming Facility Location Board’s release of the RFA, which stated: “A full-scale casino offering a world-class gaming experience in Yonkers is a game-changer that will transform the community with an influx of 13,000 jobs,

including thousands of direct hires, and \$1 billion in economic activity to the region. As the largest operator on the Las Vegas Strip, MGM Resorts has more experience in full-scale casinos and gaming than anyone, and we are eager to showcase the best our company and industry has to offer at Empire City. This historic property is part of the bedrock of the City of Yonkers and the region, and will be a primary economic engine that helps propel these communities and the Great State of New York forward.”

The award of a full casino license is likely to have a transformative impact for any municipality. The competition and lobbying efforts are expected to be fierce as the approval process progresses. In fact, some building trades and union officials have come out in support of a number of casino proposals.

Prospective development projects in Manhattan, Queens, Staten Island, Coney Island and Nassau County include major developers and gaming operators include: Related and Wynn Resorts at Hudson Yards in Manhattan; SL Green Realty and Caesars Entertainment at 1515 Broadway in Times Square; New York Mets owner Steve Cohen is floating a major project that would include a casino on property adjacent to Citi Field in Queens; Thor Equities has proposed a multi-billion-dollar project on Coney Island.

The latest announced plan is by Las Vegas Sands, which reported on Jan. 11 its intention to pursue the development of a multi-billion-dollar flagship hospitality, entertainment and casino project on Long Island. The company has entered into agreements to purchase the long-term lease of the site currently home to the Nassau Veterans Memorial Coliseum. These transactions, which still require certain approvals, would grant the company control of up to 80 acres in Nassau County. The integrated resort components of a Long Island development would include outdoor community spaces, four and five-star hotel rooms and a

world-class live performance venue. The resort property would also feature celebrity chef restaurants, experiential events and venues and flexible meeting and convention space, including ballrooms. Other amenities would include high-quality casino gaming, which is planned to represent less than 10% of the project’s total square footage, a day spa, swimming pool and health club, and a variety of other entertainment programming.

“Our company’s track record of driving significant economic benefits to the communities in which we operate and the meaningful relationships and partnerships we have created in each of those communities gives us a unique perspective on what it takes to develop transformative tourism destinations that positively impact the local community. Based on that experience, we strongly believe Long Island can be home to one of the region’s great entertainment and hospitality developments,” said Robert G. Goldstein, the company’s chairman and chief executive officer.

The timing of the approval process, however, is vague. The Gaming Commission has only scheduled the due date for the first round of questions from potential applicants for Feb. 3, 2023, and the return date (at 30 days) from the Board’s response to the second set of questions from potential applicants.

The Gaming Facility Location Board will evaluate an applicant based on the following criteria:

**Economic Activity & Business Development Factors** (70%). Those factors will include capital investment, maximizing state and local revenues, providing the highest number of quality jobs and creating a gaming facility of the highest caliber with a variety of quality amenities.

**Local Impact Siting** (10%). Factors will include mitigating potential impacts on municipalities, full and diversified regional tourism, and partnerships with live entertainment venues.

**Workforce Enhancement** (10%). Factors will include workforce development plan, specific goals for the utilization of minorities, women and service-disabled veterans on construction jobs, and an overall workforce diversity framework. It is expected that such goals meet or exceed New York State’s 30% utilization goal of minority and women-owned business enterprise contracts, problem gambling prevention measures, sustainable development principles, a skilled and diverse workforce, domestically manufactured slot machines and organized labor agreements.

**Diversity Framework** (10%). Factors will include workforce demographics, diversity in ownership and leadership, and current and planned diversity efforts.



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# Newly Opened VGM Gaming Facility Gives New Hope to Newburgh Mall

By JOHN JORDAN

NEWBURGH, NY—The opening of the Resorts World Hudson Valley video gaming machine (VGM) facility at the beleaguered Newburgh Mall in Orange County on Dec. 28 will bring hundreds of new full-time jobs and significant tax revenue for the area, but business leaders are hoping for so much more.

Executives from Genting, which owns the casino, were on hand for the celebration, along with local elected officials, including Orange County Executive Steve Neuhaus and community leaders at the ribbon-cutting ceremony. Genting also owns Resorts World Catskills, a casino located in Monticello and another VGM facility—Resorts World New York City at Aqueduct Racetrack in Queens.

The new 90,000-sf VGM facility in the Town of Newburgh was built out of space that included the vacant Bon-Ton anchor department store space. The addition of new anchor tenant Resorts World Hudson Valley is expected to bring significant traffic to the mostly vacant 388,000-sf Newburgh Mall that is located at the crossroads of Interstates 84 and 87 at the intersection of Route 300. Resorts World Hudson Valley will bring 250 full-time jobs with an average annual wage of \$72,000 (including salary and benefits), Genting officials stated.

“What a gift to spend some time this holiday season welcoming guests and visitors to Resorts World Hudson Valley,” said Robert DeSalvio, president of Genting Americas East. “Along with our partners in Orange County, we are elated the casino is now open for business and we can’t wait for the area to begin to reap the benefits. We’ve received such a warm welcome from the Hudson Valley community and hope residents swing by to check us out. We can think of no better way to ring in 2023 than by celebrating right here with us at Resorts World Hudson Valley.”

RWHV features 60,000-sf of gaming and hospitality space, including 1,200 state-of-the-art slot machines and electronic table games, as well as the Resorts World Bet Sports Bar. Genting officials said the casino will play a crucial role in a revitalization plan to benefit current tenants at the mall and attract new ones.

Darlene Monzo, chief marketing officer with Genting America’s East, in an interview with *Real Estate In-Depth* in June 2022, noted that the project cost, which was originally estimated at approximately \$32 million, had risen to about \$50 million, primarily due to COVID-related cost escalations and delays.

Ms. Monzo also stated that Resorts World Hudson Valley will complement its full-gaming casino property in Monticello. “I am super excited about this property (Resorts World Hudson Valley in Newburgh),” she

said. “I think it is going to do extremely well. I think we will wind up growing the Orange County-Sullivan County business because I think we can give more to the patron, more variety. If you want to go away for the weekend, you are going to the Catskills. If you want to stay local, you are thinking Resorts World (Hudson Valley).”

The opening of Resorts World Hudson Valley comes as New York State has launched competition for up to three casino licenses in the New York metro region. Genting and its New York City VGM facility are among a host of firms that are competing for the full gaming license. Other competitors include Empire City Casino in Yonkers and a host of other contenders that would build casino properties in Manhattan, Staten Island and adjacent to Citi Field in Flushing, Queens.



Executives of the owner, Genting, and local officials recently cut the ribbon on Resorts World Hudson Valley new gaming facility in the Newburgh Mall, located at the crossroads of I-84 and I-87 at the intersection of Route 300.

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# Making a Career of It



## *Hector Agustin* Carpenter Foreman O'Kane Enterprises Garnerville, NY

### ***Recent Achievement:***

**Celebrating Tenth Anniversary as a member of the International Brotherhood of Carpenters Union Local 279.**

A hard worker with a proficiency in math, Hector began his journey in the building trades a decade ago when he caught the eye of Eric Kurz, his then carpentry teacher at Rockland County BOCES. After passing the Carpenters Union entrance exams—including a rigorous math section—Hector won a spot in the Local's apprenticeship training program. Today, he reflects on his life in the building trades so far and his found confidence knowing he made the right choice for his career.

### ***Q*What new development in your career path is taking you to another level?**

**A** Six months ago, I was promoted to foreman. We've been working at the American Dream Mall in East Rutherford, NJ for a few years now doing a lot of retail interior work. We're now working on the New Jersey Hall of Fame. What interests me about this project is that it's not a lot of straight walls—there are a lot of radiuses, arches and curves. It's a lot of cool, complicated work here.

### ***Q*When did you know Union construction work was the perfect fit for you?**

**A** About three or four years into it I felt it click. I was about 22 when I realized I was excited about learning everything they were teaching me. It made sense, everything going in the right direction.

### ***Q*What project stands out as unusual?**

**A** The second job with this company two years ago I worked on Ci Siamo, a three-story Italian restaurant in Hudson Yards. I was working on things I had never seen before. It furthered my skill set with problem solving, and it was a new, refreshing challenge that took me out of my comfort zone. This was the project that made me with the company. They saw what I could do, noticed I was moving up to a level of new abilities, doing things beyond my norm, adjusting where it was needed.

### ***Q*Do you mentor younger people and how do you encourage them to consider the building trades as a career path?**

**A** When I was in high school, I attended the Hudson Valley Construction Career Day at Rockland Community College. That really got me interested. Now I'm working with a young graduate whose parents are pushing him to go to college. He tried college, but his heart wasn't in it. He loves carpentry. It's not an office environment—you're out in the open and interacting with people every day. You gain wisdom from the people you're working with, and as a team you get the chance to meet new people. It's a bit of a struggle to get that point across to kids—that the carpenter trade can be a fulfilling and satisfying career. It's a challenge, to be sure, with those early hours and the physical work, but it's rewarding, and you build confidence and self-reliance by doing things you may initially think you can't do...yet.

### ***Q*What would you say to the kids who ask how to get started and if the trades as a career path might work for them?**

**A** I would say how important it is to give it a try. While it's not easy, especially the early hours, if you give it your all you just might find your dream job in life.

—Researched and written by Sheila Smith Drapeau



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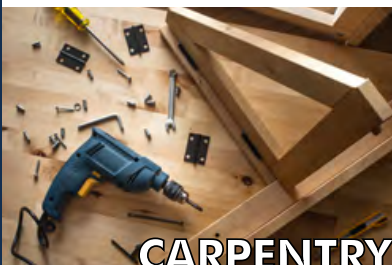
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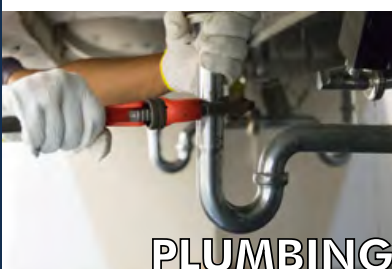
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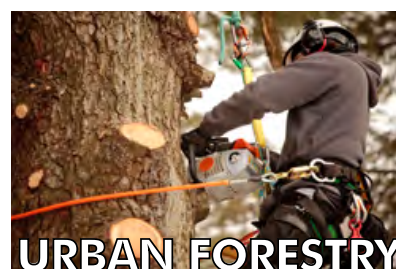
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Safety Watch

# New Carlos’ Law Drastically Hikes Penalties For Serious Construction Work-Place Accidents

By COSTAS CYPRUS, ESQ.

Governor Kathy Hochul recently signed legislation known as Carlos’ Law, which amends New York’s Penal Law and increases the penalties for criminal corporate liability for the death or serious physical injury of an employee, a felony or misdemeanor, by fines of up to \$500,000, according to the state.

The new law is named after Carlos Moncaya, a 22-year-old construction worker who died at a construction site in New York City in 2015. Harco Construction, the company overseeing the construction site where Mr. Moncaya was killed, had been convicted of manslaughter and ordered to pay maximum penalty, which was \$10,000 at that time. The construction site had been repeatedly cited for safety violations.

The new law drastically increases the potential criminal fines that construction companies could potentially face. According to the state, under the newly signed legislation “a corporation is guilty of criminal corporate liability for



company not to neglect but rather timely respond to any OSHA citation(s) and file a written notice of contest within 15 working days of receipt of the citation to preserve its ability to defend and challenge its merits.

Upon receipt of a citation, a company can choose to engage in an informal settlement process, and the documentation included with the OSHA citation typically outlines those procedures. However, should the matter not be resolved—and if the company does not accept the citation (and its corresponding fine(s)—it

9, 2021 received a voicemail in Spanish from Mr. Gonzalez and the call was returned on July 12, 2021, and which point it was explained to him that the matter had been referred to debt collection and their office could take no further action.

On Jan. 19, 2022, OSHA conducted another inspection of RG Roofing’s worksite in Texas City, TX, and based on the inspection issued a Citation, alleging repeat violations of the same regulations as those cited in the December 2020 Citation. RG Roofing filed a timely notice of contest for this latter Citation and, thereafter, its representative made an application for RG Roofing to be relieved from the final judgment arising from the December 2020 Citation.

The ALJ denied the motion on both procedural and meritorious grounds. The motion was procedurally untimely (as it was late by two months) and RG Roofing had not demonstrated excusable neglect. The ALJ, citing to applicable case law, “takes account all relevant circumstances surrounding RG Roofing’s failure to file a timely

notice of contest, including the danger of prejudice to the Secretary, the length of delay

***Under the newly signed legislation, “a corporation is guilty of criminal corporate liability for the death or injury of a worker when it negligently, recklessly, intentionally, or knowingly causes the death or serious physical injury of its employees while they are on the job.”***

and its potential impact on the judicial proceedings, the reason for delay and whether RG Roofing acted in good faith.” Here, the record showed little evidence of how RG Roofing handled its mail.

Mr. Gonzalez testified that he receives his business mail at his home, the Citation was properly addressed, and although he does not read or write English, he

engages his son when receiving mail in English. No other evidence of its mail handling procedures was offered. Although, Mr. Gonzales testified that he had resolved prior OSHA citations by calling the area office, and he attempted the same process unsuccessfully here. However, because he could not offer any details as to these attempts, this was given little evidentiary value.

Moreover, the ALJ found that RG Roofing had not acted in good faith, noting the company sought to contest the Citation only after it had received a subsequent citation—and the negative consequences of failing to challenge the initial Citation became evident.

*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 ccypirus@wbglp.com. The articles in this series do not constitute legal advice and are intended for general guidance only.*

***Pursuant to the statutory language, the legislation increases the fines from a felony conviction from \$10,000, to a minimum of \$500,000 and a maximum of \$1,000,000, while raising the fine for a misdemeanor conviction from \$5,000 to a minimum of \$300,000 and a maximum of \$500,000.***

the death or injury of a worker when it negligently, recklessly, intentionally, or knowingly causes the death or serious physical injury of its employees while they are on the job.”

Pursuant to the statutory language, the legislation increases the fines from a felony conviction from \$10,000, to a minimum of \$500,000 and a maximum of \$1,000,000, while raising the fine for a misdemeanor conviction from \$5,000 to a minimum of \$300,000 and a maximum of \$500,000. These drastic increases are meant to have a strong deterrent effect on construction companies to ensure the safety of its workers and the construction sites where they work.

The law goes into effect on Jan. 23, 2023. We will continue to monitor and report of developments as to this law’s implementation.

**Construction Companies Must Timely Comply With Deadlines to Challenge OSHA Violations**

The Administrative Law Judge’s decision in *Secretary of Labor v. Rene Silverio Gonzalez/RG Roofing* shows the importance for a construction

must send a written Notice of Contest within 15 work-days of receipt of the citation in order to ensure its rights to challenge or else risk having the citation and any corresponding fine or penalty become final—and the last word.

In this underlying matter, following a Nov. 12, 2020 OSHA inspection at a worksite in Hitchcock, TX, the Secretary of Labor issued a Citation alleging three serious violations on safety standards in relation to the RG Roofing’s operations at the site and a proposed penalty of \$8,097. The Citation was mailed on Dec. 28, 2020. Upon receipt of the Citation, RG Roofing’s owner, Rene Silverio Gonzalez, attempted to contact the local OSHA office but he could not offer any details as to when or the exact number of times he called the office and he never left any voicemails. RG Roofing never filed a written notice of contest and the Citation became a final order on Jan. 27, 2021. OSHA thereafter sent a payment demand letter to RG Roofing. As payment was not received, the matter was referred to the respective debt collection office in May 2021. The local OSHA office on July

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# Mount Vernon Closes Two Bridges Due to Longtime Structural Issues

By JOHN JORDAN

MOUNT VERNON, NY—The City of Mount Vernon closed two overpasses earlier this month for structural integrity concerns cited by NYS DOT. Speaking at a virtual press conference on Jan. 11, Mount Vernon officials detailed the issues related to the Fulton Avenue and East Third Street overpasses. City officials notified city residents that the two overpasses would be closed on Jan. 12 at noon.

NYS DOT classifies these overpasses as bridges.

Mount Vernon Mayor Shawyn Patterson-Howard ordered the closure and re-routing of traffic on the city's southeast side. "We are acting to protect public safety," she said. "We know this is a heavily



Structural damage to the supports under the Fulton Avenue overpass in Mount Vernon, NY identified by NYS DOT necessitated the city to shut down a section of the roadway.

SOURCE: CITY OF MOUNT VERNON-FACEBOOK

trafficked route for private and commercial vehicles and the planned detours will cause some inconvenience but based on the state's structural reports we cannot take the risk of road

failure under the continued passage of overweight vehicles."

She added, "Despite decades of temporary fixes, the city's historic underinvestment in its infrastructure has manifested in yet another condition imminently dangerous to the safety and welfare of our residents and visitors. As the mayor of these legacy problems, I cannot consciously ignore these dangers as they continue to emerge much to our collective exasperation."

Mount Vernon Department of Public Works Commissioner Damani Bush noted, "There is no easy solution to replacing century-old underground supports on the remnants of a 1912 structure. Still, we are working

closely with the New York State Department of Transportation to complete the repairs necessary to deactivate the associated red flag conditions and are researching all available channels for funding to finance the repairs. Moving forward, the preservation of these repairs and additional long-term solutions will be included in the city's capital and infrastructure plans to ensure safe vehicle passage for decades to come."

He said for the past 17 years, the city has made temporary repairs to the two overpasses, but did not undertake any efforts to make permanent repairs. Commissioner Bush said one of the funding sources to be

explored with NYS DOT will be the state's Bridge NY program.

The red flags on the East Third Street overpass limits vehicles to three tons in weight, while the red flag on the South Fulton Avenue has a five-ton limit. With those weight restrictions, the roadways could not accommodate emergency services, trucks, buses, etc. Steel beams must be installed to deactivate the current red flag conditions, city officials stated.

"We cannot continue to make band-aid approaches," Mayor Patterson-Howard said, adding that the city is looking to make permanent, rather than temporary solutions to the overpass structural issues.

City officials told CONSTRUCTION NEWS that cost estimates on the short-term and long-term repairs to the two overpasses were not known.

The city will be posting the details of the maintenance and protection, detoured traffic patterns and bus routes on its website and social media to minimize driver and rider inconvenience and traffic congestion and delays. Mount Vernon is also working with Westchester County, the Beeline Bus System, and the countywide emergency response divisions to ensure access to public safety services.

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## Financial Management

# IRS Adjusts Accounting-Change Procedures for R&D

By PHILLIP ROSS, CPA, CGMA, PARTNER

The IRS has provided an automatic consent procedure to comply with the method of accounting changes in connection with the new requirement to amortize certain research or experimental expenditures. The procedure applies to tax years beginning after Dec. 31, 2021.

Before tax year 2022, for experimental expenditures paid or incurred in connection with a taxpayer's trade or business, the taxpayer generally could elect to either deduct the expenditures in the year incurred or amortize the costs over a period of not less than 60 months.

The TCJA of 2017, however, introduced a significant change for U.S. taxpayers with the elimination of the current deduction



period (or 15-year period for foreign expenditures) beginning in 2022. The amortization period starts at the midpoint of the year the cost is paid or incurred.

It should be noted that this change in treatment of research

and experimental expenditures is considered an accounting method change. Taxpayers may obtain automatic consent from the IRS to change their method of accounting to comply with the law change for tax years beginning after Dec. 31, 2021.

For the first tax year beginning as of 2022, the requirement to file the Application for Change in Accounting Method form is generally waived, but the taxpayer should submit a statement containing specified information, such as the description of the type of expenditures.

While there is bipartisan support in Congress to delay the effective date of this provision, the changes to the treatment of these expenses are currently in effect for years beginning after Dec. 31, 2021. It is critical for

*The TCJA of 2017 introduced a significant change for U.S. taxpayers with the elimination of the current deduction election for research and experimental expenditures. Instead, it mandates that a taxpayer must elect to amortize such expenditures ratably over a five-year period (or 15-year period for foreign expenditures) beginning in 2022.*

taxpayers to have a plan in place for how they will identify and track research expenses going forward as it will have a significant impact on their overall tax strategy and the tax payments they will need to make.

For further information, please reach out to your CPA.

*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](http://www.anchin.com).*

*While there is bipartisan support in Congress to delay the effective date of this provision, the changes to the treatment of these expenses are currently in effect for years beginning after Dec. 31, 2021.*

election for research and experimental expenditures. Instead, it mandates that a taxpayer must elect to amortize such expenditures ratably over a five-year

## US Dept. of Labor Raises OSHA Penalties for 2023

WASHINGTON – The U.S. Department of Labor announced on Jan. 12 changes to Occupational Safety and Health Administration civil penalty amounts based on cost-of-living adjustments for 2023.

In 2015, Congress passed the Federal Civil Penalties Inflation Adjustment Act Improvements Act to advance the effectiveness of civil monetary penalties and to maintain their deterrent effect.

The new OSHA penalty amounts will become effective Jan. 17, 2023, the Department of Labor stated in an announcement.

OSHA's maximum penalties for serious and other-than-serious violations will increase from \$14,502 per violation to \$15,625 per violation. The maximum penalty for willful or repeated violations will increase from \$145,027 per violation to \$156,259 per violation.



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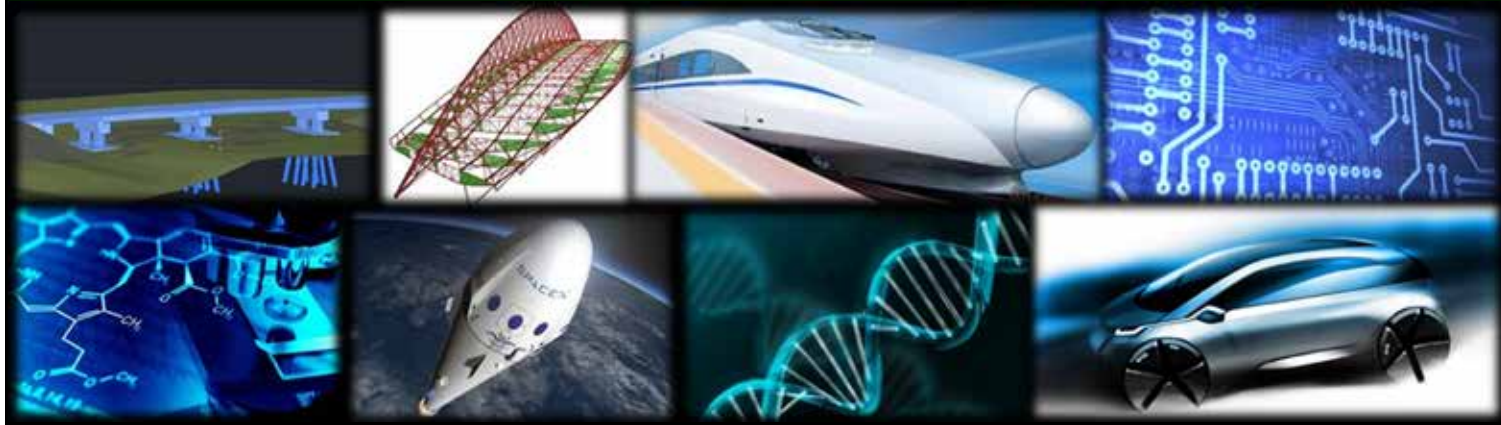


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WHAT'S NEW & WHO'S NEWS

# Subcontractors Trade Association Selects Felice Farber as New Executive Director

NEW YORK—Felice Farber has been appointed executive director of the Subcontractors Trade Association, making her the first woman to hold this leadership role in the association's 66-year-old history. Ms. Farber will replace Henry (Hank) Kita who is retiring and who has served as STA's executive director for nearly a decade. The appointment was announced by the STA on Jan. 12.

The STA is New York's leading association of union subcontractors, advocating for its more than 350 members. STA's mission is to improve and enhance its economic position in New York's complex construction industry.

As STA's new executive director, Ms. Farber is a widely regarded expert and accomplished champion for New York City's construction industry. "I am excited to ardently advocate for and uplift STA's membership by using my experience helping subcontractors navigate the industry's thorniest issues," she said.

Prior to the appointment at STA, Ms. Farber served for more than a decade as senior director of Policy and External Affairs for the Gen-



Felice Farber

eral Contractors Association (GCA) of New York, Inc. The GCA is a leading employer association, representing more than 300 enterprises in the union segment of heavy civil construction industry in New York City.

STA President Anthony Acerra said, "Ms. Farber will be a leading voice of change in construction at STA, utilizing her vast experience in successfully influencing the industry to further advance our mission of Building New York Better."

Christine Boccia, STA's first vice president and the newly elected president of the Women Builders Council, said, "Ms. Farber and I advocate for women in the industry at the Women Builders Council. I'm excited to see her bring that ambitious leadership to the STA."

"Farber brings vast private, public and community experience to the STA. I'm confident the STA is in great hands with her leadership," added outgoing STA Director Henry "Hank" Kita, lauding Ms. Farber's earlier work in city government and vast relevant private sector experience.

# Thruway Authority Names New Interim Executive Director

ALBANY—The New York State Thruway Authority announced on Dec. 22 the appointment of Frank G. Hoare as Interim Executive Director. Mr. Hoare currently serves as the General Counsel for the Authority. He will assume day-to-day management following the retirement of Executive Director Matthew J. Driscoll.

"The entire Thruway family would like to congratulate Director Driscoll on his retirement and thank him for his years of dedicated service to not only the Thruway but for close to three decades in various leadership positions in state and local government," said Frank G. Hoare, interim executive director and TA general counsel. "Since 2017, Mr. Driscoll has led the Authority through a number of critical modernization initiatives such as the construction and opening of both spans of the Gov. Mario M. Cuomo Bridge, the system-wide conversion to cashless tolling, and the service area redevelopment project."

Thruway Authority Board of Directors Chair Joanne M. Mahoney said, "We truly appreciate Matt Driscoll's leadership at the Thruway Authority over the last five years. He ushered in a new era focused on modernizing the 570-mile Thruway system by making it safer, more efficient and a valuable infrastructure asset that New Yorkers will benefit from for generations to come. I am looking forward to working with Frank Hoare as he has the experience and skills necessary to lead the Thruway forward and to continue delivering the high levels of safety and service the Thruway is known for."

Mr. Hoare has served as general counsel at the authority since 2020. He served as associate counsel at the New York State Division of Military and Naval Affairs, deputy secretary to the Governor for Legislative Affairs, general counsel at the New York State Division of Homeland Security and Emergency Services, deputy attorney general for Regional Affairs and deputy counsel to the Attorney General, and counsel to Assemblyman Herman D. Farrell, Jr., who was chair of the Assembly Ways & Means Committee. He has also served as a judge advocate in the U.S. Army Reserve for 28 years.

Gov. Kathy Hochul will nominate a new executive director for State Senate confirmation; a formal search is underway, Thruway officials stated.



Frank G. Hoare

# New Rochelle Names Kathleen Gill City Manager

NEW ROCHELLE, NY—The New Rochelle City Council recently named Kathleen Gill to serve as New Rochelle's next City Manager. Ms. Gill took office on Jan. 1, 2023, following the retirement at the end of this year of long-serving City Manager Chuck Strome. The council's selection completed a nationwide recruitment process that included interviews with multiple candidates.

Ms. Gill's appointment was announced by the City of New Rochelle on Nov. 29.

Ms. Gill steps up in her new role with a lengthy track record of service to the City of New Rochelle where she has been involved in many aspects of municipal administration, according to the city. She joined city government in 1995 as assistant corporation counsel, involved in the challenges of planning and real estate development matters. She was promoted the following year to deputy corporation counsel, a position she held until she became corporation counsel in 2009. In 2015 she was named chief of staff, and was promoted in 2022 to the position of deputy



Kathleen Gill

city manager—the role she most recently held.

During her varied career, she has also served as General Counsel to Iona College (now University) and in private legal practice.

"I have known Kathleen for 27 years and have been consistently impressed by her intellect, energy and determination to get things done," New Rochelle Mayor Noam Bramson said in a statement. "She has been a valuable asset to the city

Please turn to page 20

2023

## ANNUAL CIC / NYS DOT REGION 8 SAFETY SEMINAR

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# Regional Bid Alert

## NYSDOT - Region 8

### Bid Letting Date: Jan. 19, 2023

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

Contract# D264967  
PIN# 881428  
FA Proj.# Y001-8814-283

Project Description: Westchester Co., catch basins - rehabilitation - Taconic State Parkway, Village of Briarcliff Manor, Towns of Mount Pleasant, New Castle, North Castle & Yorktown., night time work.

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

Goals: DBE: 2.00%

### Bid Letting Date: Feb. 2, 2023

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

Contract# D264953  
PIN# 806259  
FA Proj.# Y001-8062-593

Project Description: Orange Co., PMI paving & guiderail, Route I-84, Towns of Montgomery & Newburgh, City of Newburgh.

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

Goals: DBE: 10.00%

### Bid Letting Date: Feb. 2, 2023

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

Contract# D264966  
PIN# 881497

Project Description: Dutchess, Orange, Putnam Cos., highway - biennial mowing – I-84.

Bid Deposit: 5% of Bid (~ \$40,000.00)

Goals: MBE: 1.00%, WBE: 1.00%, SDVOB: 0.00%

## NYSDOT - Region 10

### Bid Letting Date: Feb. 2, 2023

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

Contract# D264944  
PIN# 081054  
F.A. Proj.# Y001-0810-543

Project Description Nassau, Suffolk Cos., crack sealing and joint overlay repair contract, regionwide.

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

Goals: DBE: 10.00%

### Bid Letting Date: Feb. 2, 2023

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

Contract# D264945  
PIN# 051657  
F.A. Proj.# Y001-0516-573

Project Description Suffolk Co., pavement resurfacing: Northern State Parkway, Towns of Huntington and Smithtown.

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

Goals: DBE: 10.00%

## NYSDOT - Region 11

### Bid Letting Date: Jan. 19, 2023

New York State Department of Transportation

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

Contract Management  
50 Wolf Road, 1st Floor, Suite 1CM  
Albany, NY 12232

Contract# D264905  
PIN# XM2301

Project Description: Bronx, Kings, New York, Queens, Richmond Cos., regional drainage cleaning, bridges and highways; various locations.

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

Goals: MBE: 2.00%, WBE: 4.00%, SDVOB: 3.00%

### Bid Letting Date: Feb. 2, 2023

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

Contract# D264899  
PIN# XM2249

Project Description: Bronx, Kings, Queens Cos., highway maintenance: concrete pavement, various locations.

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

Goals: MBE: 5.00%, WBE: 5.00%, SDVOB: 6.00%

### Bid Letting Date: Feb. 2, 2023

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

Contract# D264972  
PIN# XM2248

Project Description: Bronx, New York, Queens, Richmond Cos., highway - rehabilitation - highway ramps of I-678 and I-87, night time work.

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

Goals: MBE: 8.00%, WBE: 15.00%, SDVOB: 6.00%

### Bid Letting Date: Feb. 16, 2023

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

Contract# D264918  
PIN# X80659  
F.A. Proj.# Y003-X806-593

Project Description: Queens Co., active traffic and demand management implementation: I-495 Long Island Expressway, pre-bid meeting.

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

Goals: DBE: 10.00%

### Bid Letting Date: Feb. 22, 2023

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

Contract# D264883  
PIN# X11028  
F.A. Proj.# Y003-X110-283

Project Description: Bronx Co., bridge replacement, Bronx River Parkway over Amtrak/CSX, pr-bid Meeting, best value procurement, PLA candidate.

Bid Deposit: 5% of Bid (~ \$4,250,000.00)

Goals: DBE: 10.00%

## NYS Thruway Authority

### Bid Letting Date: Jan. 18, 2023

Contract: TANY 23-7/D214911

Project Description:

on-demand infrastructure repairs at various locations in New York Division in Bronx, Orange, Rockland, Ulster, and Westchester counties in accordance with the Plans and Specifications.

Goals: MBE - 0.0% WBE - 0.0% SDVOB - 0.0%

Bid Deposit: \$125,000.00



## El Sol-DeFoe JV Wins Third, Final Phase Of Bronx Hunts Point Improvement Project

Continued from page 3 and Garrison Avenue.

Garrison Park was transformed with a new shared-use path, landscaping, viewing platforms overlooking the river and a formal entrance area with a signalized rail crossing and traffic signal, giving residents safer and more seamless access to the Bronx River. Additionally, a new shared-use path was constructed under the Bruckner Expressway to link the new Garrison Park with the existing Concrete Plant Park, with five security cameras installed along the new path to enhance safety for pedestrians and bicyclists while connecting to the Bronx River Greenway.

The Bronx River Avenue viaduct was also rehabilitated, and more than 15,000 square feet of community “Bronx River Open Space” was created under the viaduct. The project also replaced the eastern span of the Bryant Avenue pedestrian bridge over Amtrak/CSX rail lines.

In addition, phase one replaced four bridges that carry the Bruckner Expressway and Bruckner Boulevard over Am-

trak/CSX rail lines.

“We are thrilled to celebrate the first phase of the improvement project that will significantly improve the day-to-day lives of the local community and thousands of commuters that travel to, from and through Hunts Point and the surrounding region each day,” said Michael Viggiano, executive vice president of Skanska’s East Coast civil operations. “It’s an honor to have had the opportunity to make these long-awaited improvements to an essential New York access point and provide a safer and more efficient interchange.”

Skanska said phase one of the project was delivered on time and under budget. Project participants included joint venture partner, ECCO III Enterprises, Inc., of Yonkers; JMT of New York, Inc., served as the project designer. The project engineering team consisted of VHB Engineering, COWI, SJH Engineering, Mallick & Scherer and Mueser Rutledge Consulting Engineers.

Phase two of the project, which is ongoing, will rehabilitate 1.25 miles of the Bruckner Expressway between 141<sup>st</sup>

Street and Barretto Street, widening the roadway and providing new entrance and exit ramps that connect west-bound Bruckner Expressway to Leggett Avenue. The ramps provide a direct route between the highway network and the Hunts Point Peninsula, including the Hunts Point Food Distribution Center, reducing truck traffic on local streets.

Additionally, a 1.75-mile section of Bruckner Boulevard between Cypress Ave and Barretto Street will be reconstructed, and 15 local intersections upgraded. Improvements include new or upgraded curbs, medians, sidewalks, crosswalks, and traffic signal improvements. A new, 1.5-mile shared-use path will provide a connection to the 138<sup>th</sup> Street bike path heading to Randall’s Island, Manhattan, and The Bronx River Greenway. Three New York City Park islands will also be improved, new trees will be planted, and a new decorative steel fence will be provided along Bruckner Boulevard. Phase two is scheduled for completion in the fall of 2023.

## OBITUARY

### Dolph Rotfeld Veteran Civil Engineer

Veteran Civil Engineer Dolph Rotfeld, considered by many a dean in the engineering community, who worked on many of the region’s major construction and infrastructure project, died on Nov. 30, 2022 after a brief illness. He was 91.

He was born in Vienna, Austria, the only son of Berta and Arthur Rotfeld.

He emigrated to the U.S. with his parents and grandmother when he was eight years old and came to live in the Bronx with relatives who sponsored his family. He attended school in the Bronx, Brooklyn Technical High School and later went to the Newark School of Engineering and earned a degree in civil engineering. Rotfeld later met the love of his life, Karen, and had two sons, Arthur and Eric.

After graduating from engineering school, Mr. Rotfeld worked for the Westchester County Health Department and shortly thereafter formed Dolph Rotfeld Engineering PC, which he ran for some six decades. He sold the business three years ago to another engineering firm. At present, Dolph Rotfeld Engineering is a division of AI Engineers Inc., PC, and is based in Elmsford, NY.

Over the decades, Mr. Rotfeld would mentor many young engineers, and he served as a consulting engineer to numerous municipalities in Westchester County, including the Village of Port Chester, the Village of Rye Brook and the City of Mount Vernon. He was also an early associate member and advisor to the Construction Industry Council of Westchester & Hudson Valley, Inc.

He always could be counted on to keep an even keel and an unbiased perspective on every issue. He was a member of KTI Synagogue in Port Chester, and he sat on the boards of several charitable organizations and worked for causes dear to him. He enjoyed professional sports and was a lifelong Green Bay Packers fan, a New York Yankees fan, and was devotee of thoroughbred horse racing.

He is survived by his wife Karen of Harrison, son Arthur (Eva) and granddaughter Mia of Valhalla, son Eric (Zaky) of Norwalk, CT., daughter-in-law Elizabeth Rotfeld and grandson Noah of Port Chester as well as nieces and nephews.

A burial service was held Dec. 2 at Sharon Gardens. Donations in his memory may be made to the Salvation Army Food Pantry, 36 Bush Ave., Port Chester, NY 10573.



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### Kathleen Gill City Manager

Continued from page 18 government, with progressively larger responsibilities, and an unmatched depth and breadth of knowledge about municipal challenges and opportunities. For these reasons, Kathleen is well-positioned to extend New Rochelle’s positive progress on multiple fronts. I look forward to working with her to ensure that the coming year—her first

as City Manager and my last as Mayor—is successful, both for her new leadership team and for our community as a whole.”

Ms. Gill holds a Juris Doctor degree from Pace University Law School, a Master of Science in Urban Planning and Environmental Science from Rensselaer Polytechnic University, and a Bachelor of Arts in Government from Skidmore College.

### Attorney’s Column

Continued from page 6 and able to be responded to in real time. Accordingly, the best advice is to take that moment to double check not only the content of the email, but who it is going to before hitting the send button—and only use “reply all” when you truly want the reply to go to more than one recipient.

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, and is the Founder of, and Senior Counsel to the law firm of Welby, Brady & Greenblatt, LLP, with offices located throughout the tri-state region. Gregory J. Spaun is general counsel to the Queens and Bronx Building Association and an attorney and a partner with the firm, co-authors this series with Mr. Welby.

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LOW BIDS

JRCRUZ, Tilcon NY, El Sol, A-Tech Nab NYSDOT Projects

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

JRCRUZ Corp. of Holmdel, NJ was the lowest of 11 bidders at \$6,792,885.60 for reconstruction of two southbound Henry Hudson Parkway retaining walls in The Bronx.

Tilcon New York Inc. of Parsippany, NJ was the lowest of four bidders at \$4,982,000.

for highway paving: routes 9W and 340 in the Town of Orangetown and Village of Piermont in Rockland County.

El Sol Contracting (ES II Enterprises) was the lowest of four bidders at \$15,975,000. for where and when bridge steel repair throughout New York City.

A-Tech Concrete Company, Inc. of Edison, NJ was the lowest of four bidders at \$1,343,495. for ADA sidewalks and ramps at various locations in Orange County.

County Advances \$7.3M Project to Repair Pumping Station Damaged by Hurricane Ida

WHITE PLAINS—Westchester County Executive George Latimer announced on Jan. 4 that the county will move forward with a \$7.3-million upgrade to the Weaver Street Pumping Station in Larchmont. The pumping station was damaged by the remnants of Hurricane Ida that hit the region in August 2021.

Mr. Latimer said, “Leaving things better than we found them has been a hallmark of my administration. We aim to leave the important facilities that keep this county running in a stronger, more resilient position for generations of Westchester residents to come.”

The Weaver Street Pumping Station was damaged during the remnants of Hurricane Ida and in response the County’s Department of Environmental Facilities included significant flood mitigation measures in the design of these upgrades to prevent future damage, such as raising the ground floor slab and all electrical equipment above the anticipated future flood elevation, county officials stated.

DEF Commissioner Vincent Kopicki said, “DEF works hard each day to provide services to Westchester residents that they rely on. These upgrades will ensure we can better do the job we are tasked with completing.”

The project will also include the work typically performed

in a pumping station rehabilitation project, including the replacement or repair of all mechanical, plumbing, fire protection, HVAC, odor control, electrical, instrumentation, structural, and architectural systems. This includes bar screens, pumps, piping and valves, gas and fire detection equipment, odor control equipment, conduit and wire, lighting, electrical distribution equipment, the emergency generator system, control panels, floors, walls, windows and roofs.

This project could be put out to bid in the second quarter of 2023, the Latimer administration said.

NEW YORK CITY UPDATE

MTA to Receive \$254M In Federal Money for Accessibility Projects

NEW YORK—The Metropolitan Transportation Authority announced earlier this month it earned a \$254-million federal grant as part of the Federal Transit Administration’s new All Stations Accessibility Program, which makes competitive funding available to improve accessibility for people with disabilities at some of the nation’s oldest and busiest rail transit systems.

The funding, part of President Joe Biden’s Bipartisan Infrastructure Law, was spearheaded by both U.S. Senate Majority Leader Chuck Schumer and Senator Kirsten Gillibrand.

The MTA stated it is deploying every innovative tool at its disposal in creative ways to achieve ADA improvements. Since 2020, 16 additional subway stations have been made ADA-accessible, and the MTA’s historic 2020-2024 Capital Plan includes \$5.2 billion to make additional stations accessible. In June 2022, the MTA committed to bringing ADA-accessibility to at least 95% of subway stations by 2055. In addition, the MTA partnered with the City of New York on Zoning for Accessibility in 2021, which created a framework for developers to make accessibility upgrades to stations without requiring MTA capital dollars. Four stations are already slated for upgrades through this program.

The MTA will use the funds to advance the design process that will make the Myrtle Avenue, Norwood Avenue and Avenue I subway stations in Brooklyn and the Burnside Avenue subway station in the Bronx fully accessible. Plans include installing elevators, updating platforms to reduce gaps, adding tactile platform edge warning strips, modifying fare gates and stairs and improving handrails. These four stations were chosen with a focus on equity concerns and filling some of the largest remaining geographic gaps between accessible stations in the system, MTA officials stated.

Last month, the MTA Board approved Americans with Disabilities Act (ADA) upgrades at several subway stations across four boroughs and announced multiple elevators would be replaced across eight station complexes in Manhattan and Queens including some of the system’s busiest stations.



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