

**Congestion Pricing Works;  
Data from Other Cities Proves It**  
Page 4

**Court Holds That  
Wrap Up Exclusion Applies**  
Page 6

**Report Card on U.S. Highways:  
New York System Ranks 49th**  
Page 8



# Construction NEWS



Vol. 39 No. 5

MAY 2023

\$1.50



From left, GCA First Vice President Lonnie Jacobs, GCA President Jesse Ottesen, Sen. Charles Schumer and GCA Executive Director Robert Wessels. See story on page 10.

## CIC, NYRIC Co-Host Congressional Reception

WASHINGTON—Advancing infrastructure and capital needs in New York State brought construction industry leaders to the U.S. Capitol last month. U.S. Senate Majority Leader Chuck Schumer was joined by 11 New York Congressmembers along with two dozen contractors and Union officials to celebrate the landmark \$1.2-trillion Infrastructure Investment and Jobs Act (IIJA) that was hard-fought with bipartisan support. The New York Roadway & Infrastructure Coalition (NYRIC) is comprised of the Construction Industry Council, the General Contractors Association, the Long Island Contractors Association, the Associated General Contractors of New York, NYS ACEC and Laborers' LECET organization.

## Thruway Seeks New Tolls To Fund Operations, Capital Plan Thru 2027

### Public Comments May 16

By GEORGE DRAPEAU

WESTNYACK, NY—Local motorists, truckers and residents voiced their opinions here at the Palisades Center on May 16 over the New York State Thruway Authority's proposal to increase revenues to help finance its ambitious and needed \$1.9-billion 2023-2027 capital plan.

To support the improvements, the Thruway Authority is seeking to raise tolls about 5 percent for 2024 and another 5% in 2027. Officials said it would be the first systemwide increase in 14 years, and the toll adjustments are necessitated by an additional nearly \$500 million in needed infrastructure work that is currently not supported by the funding stream of the existing 2022-2026 capital plan.

Meanwhile, tolls systemwide are expected to remain the same throughout 2023.

Please turn to page 12

### TRIP Report Tells Why

By JOHN JORDAN

ALBANY—As vehicle traffic returns to pre-pandemic levels, the New York State Thruway Authority is facing a significant funding backlog in coming years, according to a report released recently by TRIP, a national transportation research nonprofit based in Washington, DC.

The report released on May 4 stated that the New York State Thruway Authority faces a funding gap of \$1.2 billion through 2031 to maintain its high levels of safety and service, maintain good infrastructure conditions, support operations, and maintain debt service coverage at appropriate levels.

The TRIP report, "The New York Thruway: The Empire State's Main Street," finds that from 2012 to 2019, the number of annual

Please turn to page 13

# Hudson Valley Saw Nearly 5,000 People Leave Region Prompted by Pandemic

By JOHN JORDAN

NEWBURGH, NY—Despite the headlines of a population surge three years ago into the Hudson Valley region from New York City as Gothamists sought the safety of rural downstate counties, a new analysis of the population shift during the pandemic tells a slightly different story. The region lost 4,845 people due to migration to locations outside the region. A leading research firm released a report May 3 that chronicled the Hudson Valley's population loss during the height of the COVID-19 pandemic in 2019 and 2020.

The out-migration net loss is not new to the Hudson Valley, according to Hudson Valley Pattern for Progress, a non-profit research firm. The region has lost people to migration in 24 of the last 25 years, with more than 134,505 residents packing their bags and heading to neighboring states and to the South over that quarter of a century.

In the early days of the pandemic, rural Hudson Valley counties registered relatively large population gains from migration as people moved north from the New York City metro area. However, those gains were offset by large losses

of population in Rockland and Westchester counties. West/Rocklost a combined net of 9,581 people to outward migration. It should be noted that the region gained a net of 31,258 people

in 2020-2021 who moved from New York City into the Hudson Valley. In 2019-2020, the region posted a net gain of 33,394 people who moved from New York City to the Hudson Valley region.

HPF officials noted that while the data does not show how many people stayed from the first wave (2019-2020), it is fair to estimate that the Hudson Valley gained a net of approximately 60,000 people from New York City during the brunt of the pandemic. HVPFP added that the data continue to show a north-south divide for migration.

"Migration continues the reshape of the composition of the Hudson Valley and puts stress on many of the systems that our

Please turn to page 12

Regional Migration Trends			
<b>Hudson Valley Outflow 2020-2021*</b>			
County	State	Number of People	
NYC Counties	NY	14,632	
Fairfield County	CT	7,252	
Bergen County	NJ	2,635	
Palm Beach County	FL	1,870	
Long Island Counties	NY	1,661	
New Haven County	CT	1,154	
Albany County	NY	1,059	
Hudson County	NJ	651	
Horry County	SC	621	
Broward County	FL	616	
<b>Hudson Valley Inflow 2020-2021*</b>			
County	State	Number of People	
NYC Counties	NY	48,642	
Long Island Counties	NY	3,040	
Fairfield County	CT	2,237	
Bergen County	NJ	1,563	
Hudson County	NJ	1,162	
Los Angeles County	CA	609	
Albany County	NY	558	
Palm Beach County	FL	426	
Essex County	NJ	352	
Passaic County	NJ	295	
<b>Hudson Valley Outflow 2019-2020*</b>			
County	State	Number of People	
NYC Counties	NY	15,248	
Fairfield County	CT	6,809	
Bergen County	NJ	2,547	
Long Island Counties	NY	2,134	
Palm Beach County	FL	1,460	
Albany County	NY	959	
New Haven County	CT	829	
Hudson County	NJ	583	
Horry County	SC	527	
Broward County	FL	522	
<b>Hudson Valley Inflow 2019-2020*</b>			
County	State	Number of People	
NYC Counties	NY	48,642	
Long Island Counties	NY	3,056	
Fairfield County	CT	2,401	
Bergen County	NJ	1,733	
Hudson County	NJ	1,184	
Albany County	NY	571	
Los Angeles County	CA	570	
New Haven County	CT	341	
Passaic County	NJ	329	
Palm Beach County	FL	324	

The charts above show two years of regional migration into and out of the Hudson Valley on a regional basis.

SOURCE: HUDSON VALLEY PATTERN FOR PROGRESS

## Inside

Commentary.....	4
Albany Update.....	9
Safety Watch.....	15
Financial Management.....	17
What's New & Who's News..	19
Low Bids.....	22

PERMIT NO. 146  
WHITE PLAINS, NY 10610  
U.S. POSTAGE PAID  
STANDARD  
PRESORTED

Address Service Requested  
629 Old White Plains Road, Tarrytown, NY 10591



# ELMSFORD

VIRTUAL QUARRY™

DISPOSAL OF CLEAN ROCK, CONCRETE, ASPHALT



- Custom Blend Aggregate
- Tracking Pad Stone
- Select Granular Fill
- Analytically Clean Fill
- Recycled Sub-base
  
- Manufactured Sand
- Pipe Backfill Sand
- Clean Recycled 3/4



50 S. Warehouse Ln  
Elmsford, NY 10523

Thalle Industries'  
**ROCKSTAR SERVICE**  
keeps your project moving™

**Joe Perrone 919 201-1111**

[jperrone@thalleindustries.com](mailto:jperrone@thalleindustries.com)  
[thalleindustries.com](http://thalleindustries.com)

## Is your construction company benefiting from a reliable, effective advisor?

For a century, we've worked closely with construction firms like yours, providing specialized guidance in many areas including tax-saving strategies, cash flow projections and financing, key employee retention and attraction, succession planning, and bonding.



Scan here to learn more at [anchin.com](http://anchin.com)

## Should New Plan Utilize a Carrot or Stick?

# Real Estate, Government Officials Agree Housing Crisis is Real

By JOHN JORDAN

RYE, NY—In the aftermath of Gov. Kathy Hochul's failed "New York Housing Compact" bold initiative that called for the development of 800,000 new housing units statewide to address what she termed as a housing crisis in New York State, real estate executives and government officials at a recent real estate conference agreed that the severe housing shortage in Westchester County and New York State is real.

However, that is where consensus fell apart as the participants in the Westchester County Association's 2023 Real Estate Conference could not agree on just how to solve the crisis—through incentives or via mandates and penalties for non-compliance or a combination of both.

The conference held on May 10 at the Westchester Country Club in Rye focused on the housing market and the shortage of residential units, particularly affordable homes and apartments in the county.

William Cuddy, Executive Vice President of CBRE and chair of the WCA's Real Estate Taskforce, provided context to the housing crisis debate by offering "five truisms" that currently exist in Westchester County:

1 "Real estate drives Westchester's economy." He said real estate directly impacts how people live, where they live, where they shop, where they get healthcare, where they recreate, where they work. "It is real estate-based. That is why you are here; real estate is critically important," he stressed.

2 "Economic development and GDP performance are directly correlated to labor participation (jobs)."

3 "We have dramatically unmet jobs. We need more workers."

4 "We lack workers because they don't have housing." He added that workers don't have adequate housing or affordable housing.

5 "The current legislative and regulatory process for delivering more housing or any new development is ineffective and inefficient."

"That is why we are here today," Mr. Cuddy said. "We have to fix it."

Deputy Westchester County Executive Ken Jenkins addressed the conference attendees by noting that while Gov. Kathy Hochul's New York Housing Compact plan was withdrawn as part of state budget negotiations, Westchester County is ready to work with state political leaders on ways to address the housing crisis.

Mr. Jenkins said the county's efforts to implement the findings of its latest housing needs assessment that called for 11,703

new housing units was delayed due to the COVID-19 pandemic. "It (New York Housing Compact) is not done," Mr. Jenkins said, noting that Westchester County Executive George Latimer and his administration are planning to work with the state, as well as with municipal officials, including those that have facilitated new housing development, such as in Yonkers, New Rochelle and White Plains, to address the housing needs of its workforce.

The keynote speaker at the event—Joseph Graziose, Executive Vice President, RXR Development Services, discussed the firm's ongoing phased massive redevelopment of the former White Plains Mall property into a mixed-use development that will eventually feature 860



New Rochelle Mayor  
Noam Bramson

new residential units, retail and commercial space and public park space. RXR is also the designated developer for the redevelopment of Downtown New Rochelle and is involved in housing developments in the



Joseph Graziose, EVP,  
RXR Development Services

City of Yonkers.

Mr. Graziose praised Gov. Hochul for shining a light on the housing crisis. "I certainly commend the governor for identifying that there is a housing crisis and pushing



North Castle Supervisor  
Mike Schiliro

the initiative to try and create more housing in New York State. I selfishly would like to see more housing in Westchester County. But, I really think it is going to come down to

**Please turn to page 18**

**ELEC825** READY ON DAY 1

*ELEC825 ensures that Local 825 Operating Engineers are the most highly skilled, most expertly trained and most credentialed heavy equipment operators.*

@ELEC825  
[www.ELEC825.org](http://www.ELEC825.org)

*ELEC825 is the labor management fund of Operating Engineers Local 825*

## COMMENTARY

# Congestion Pricing Program Works; Data from Other Cities Proves It

By MARY BARBER

New York is poised to be the first city in the United States to implement a tolling program to combat traffic congestion and incentivize the use of public transportation. This approach has successfully reduced traffic and improved air quality in London, Stockholm and Singapore and raised significant funding for public transit. While each city faces unique challenges, evidence from around the world shows that these programs reduce traffic, improve air quality and raise revenue to modernize public transportation.

The concept of congestion pricing isn't new. Given the return to prepandemic traffic, congestion pricing is more necessary than ever to reduce

traffic, slash pollution and provide the funding needed to modernize trains, buses and subways throughout the region. In addition, the city and the state are developing complementary policies to electrify trucks and incentivize freight movement with rail and maritime solutions.

As transportation is one of the state's most polluting sectors, it is critical that New York—which has some of the most robust climate goals in the country—reduce transportation emissions to achieve these goals and improve public health. Transportation emissions directly affect the health of millions of New Yorkers, leading to significant health issues, particularly in low-income and environmental

justice communities.

London implemented its congestion pricing program 20 years ago in response to severe gridlock, slow-moving vehicles and long commute times. After the first year, traffic in the congestion pricing zone fell by 30% and continued to decrease despite a 15% increase in London's population. Public transportation ridership and bike use increased immediately. In 10 years the program raised more than \$1.4 billion for public transportation improvements. This significant reduction in vehicle travel had real health and environmental benefits from decreased carbon dioxide, nitrogen oxides and particulate matter emissions.

This success wasn't unique to London. In every city, congestion pricing provided funds for public transportation and reduced vehicle congestion harmful pollution.

In Stockholm, traffic and emissions both in and out of the congestion zone fell. In Singapore, despite population growth, traffic congestion fell and average vehicle speeds increased significantly. With funding from the city's tolling program, Singapore expanded public transit systems, increasing ridership and reducing greenhouse gas emissions.



The Metropolitan Transportation Authority's environmental assessment of New York City's tolling program found that the city would expect successes similar to those seen abroad. Under every proposed tolling scenario, total vehicle miles traveled would fall and the program would generate more than \$1 billion per year for critically needed renovations to transit across the region.

Congestion pricing will benefit all New Yorkers, but it is critical that particular atten-


tion is given to overburdened communities, such as the South Bronx, where high asthma rates are driven by exposure to emissions from truck exhaust on the Cross Bronx Expressway. The Transit Mobility Review Board must ensure the program reduces emissions in these communities, and the MTA and the state have to guarantee complementary programs such as truck and bus electrification are prioritized for environmental justice communities.

Congestion pricing works, and the data backs it up. It's time for the state and the MTA to make it a reality. It must be implemented quickly with expanded zero-emission vehicle infrastructure and bus electrification to keep New Yorkers healthy and moving again.

*About the author: Mary Barber is director of state affairs at the Environmental Defense Fund*

## Construction NEWS



---

Vol. 39 No. 5
MAY 2023

---

**PUBLISHER**  
Ross J. Pepe

---

**ASSOCIATE PUBLISHER**  
John T. Cooney, Jr.

---

**EXECUTIVE EDITOR**  
George Drapeau III

---

**MANAGING EDITOR**  
John Jordan

---

**ASSOCIATE EDITOR**  
Sheila Smith Drapeau

---

**ADVERTISING MANAGER**  
Sharon Regan Masciovecchio

---

**BUSINESS/OFFICE MANAGER**  
Karen Zedda

---

**ADVERTISING SALES OFFICE**  
629 Old White Plains Road  
Tarrytown, NY 10591  
(914) 631-6070

---

**TYPOGRAPHY/DESIGN/PRINTING**  
Westmore News, Inc.

---

**Construction Industry Council  
of Westchester & Hudson Valley, Inc.**  
**Chairman:** George Pacchiana  
**President:** Ross J. Pepe

---

**CONSTRUCTION NEWS** is the official publication of the Construction Industry Council of Westchester & Hudson Valley, Inc., 629 Old White Plains Road, Tarrytown, NY 10591. Opinions contained in the articles herein do not necessarily reflect the opinions of the Council.

**Subscriptions:** \$12 a year included in membership dues; \$22 for two years; \$1.50 for a single copy; bulk rates on request, \$12 per year for non-members. CONSTRUCTION NEWS cannot be responsible for unsolicited manuscripts, nor can it undertake to return manuscripts or pictures unless accompanied by self-addressed, stamped envelopes. All rights reserved.

**Please make checks out to the Construction Industry Council.**

**Advertising rates:** Available upon request.

Please send address changes to the Construction Industry Council of Westchester & Hudson Valley, Inc., 629 Old White Plains Road, Tarrytown, NY 10591.

---

**BUSINESS & EDITORIAL OFFICE**  
Construction Industry Council  
of Westchester & Hudson Valley, Inc.  
629 Old White Plains Road, Tarrytown, NY 10591  
(914) 631-6070 • FAX # (914) 631-5172  
www.cicbca.org  
e-mail - info@cicnys.org

## NYC Congestion Pricing Plan Reaches Key FEIS Milestone

NEW YORK—A triumvirate of government bodies released on May 12 the long-debated report that supports congestion pricing in Manhattan. The Final Environmental Assessment for the Central Business District Tolling Program and a draft "Finding of No Significant Impact," prepared by the Federal Highway Administration, is now available for public review online thru June 11.

Once the 30-day review period is over, Federal Highway Administration will make its final decision, completing its review of the potential environmental effects of allowing the Central Business District Tolling Program. Following entry into a tolling agreement with the FHWA, tolling could begin up to 310 days later, during which contractors would design, build, test and activate tolling equipment.

The MTA and the state and city DOTs are committing \$207.5 million over five years for mitigation measures largely focused on environmental justice communities and populations. This includes a \$47.5-million set aside for a new low-income discount and \$5 million for additional monitoring of traffic, air quality and transit station elements.

The program would generate net revenues sufficient to leverage \$15 billion for the MTA's 2020-2024 Capital Program, which includes transformational projects. The funding would allow the MTA to progress on its aggressive timeline of completing accessibility improvements, along



**The federal government's decision in early May to green-light the MTA's environmental assessment of congestion pricing—a plan to toll motor vehicles south of 60th St. in Manhattan—virtually ensures the program will be implemented.**

with performing necessary state-of-good repair work to the more-than-a-century old transit system.

New York City Mayor Eric Adams said, "The federal government has given congestion pricing another green light, and we're ready to get it done right. This is about more than reducing traffic. We'll invest in our transit system and clean up the air in the most polluted communities. Building a stronger future means ensuring progress includes everyone, and we don't push consequences into overlooked communities."

The other highlights of the program include:

- A low-income driver discount program would provide a 25% discount for low-income frequent drivers on the full CBD E-ZPass toll rate after the first 10 trips in each calendar month (excluding the overnight period).
- Taxis and for-hire vehicles may not be tolled more than once a day.
- Provide a discount of at least 50% on the peak toll for trucks and other vehicles from

at least 12 a.m. to 4 a.m.

- Expand NYC DOT's Clean Trucks Program to accelerate the replacement of old diesel trucks to lower-emission vehicles.
- Expand NYC DOT's Off-Hours Delivery Program.
- Place-based mitigation measures.
- Retrofit refrigeration trailers (TRUs) at Hunts Point Market from dirty diesel to clean hybrid diesel.
- Expand electric truck charging infrastructure.
- Renovate parks and expand vegetative barriers along highways in EJ communities.
- Install air filtration units in schools near highways.
- Expand the NYC Department of Health and Mental Hygiene's asthma case management program in schools and establish a new asthma center in the Bronx.
- The TMRB may recommend policies related to discounts and exemptions that go beyond the commitments in the EA.

# Regional Bid Alert

## NYSDOT - Region 8

### Bid Letting Date: June 1, 2023

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

Contract# D265028  
PIN# 881623  
FA Proj.# Y001-8816-233

Project Description: Putnam, Westchester Cos., signal optimization, various locations.

Bid Deposit: 5% of Bid (~ \$75,000.00)

Goals: DBE: 5.00%

### Bid Letting Date: June 1, 2023

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

Contract# D265041  
PIN# 881650

Project Description: Westchester Co., intersection pavement improvements, Route 35 at Route 121, Town of Lewisboro.

Bid Deposit: 5% of Bid (~ \$75,000.00)

Goals: MBE: 3.00%, WBE: 8.00%, SDVOB: 6.00%

## NYSDOT - Region 9

### Bid Letting Date: June 1, 2023

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

Contract# D265036  
PIN# 935848  
FA Proj.# Y001-9358-483

Project Description: Broome, Chenango Cos., bridge - rehabilitation - three culverts inverts, Towns of Colesville and Bainbridge Under I-88.

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

Goals: DBE: 8.00%

## NYSDOT - Region 10

### Bid Letting Date: June 1, 2023

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

Contract# D265012  
PIN# OSGN23  
FA Proj.# Y240-OSGN-233

Project Description: Nassau, Suffolk Cos., highway sign installation and repair, various locations.

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

Goals: DBE: 10.00%

### Bid Letting Date: June 1, 2023

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

Contract# D265031  
PIN# 081053  
FA Proj.# Y240-0810-533

Project Description: Nassau, Suffolk Cos., concrete pavement restoration various locations.

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

Goals: DBE: 10.00%

## Westchester County DPW

### Bid Due Date: May 24, 2023

Contract: EF-2306

Title: Instrumentation Maintenance and Repairs, Department of Environmental Facilities, Various Locations, Westchester County, New York.

Description: The work under this contract consists of providing all necessary labor, material and equipment required to perform on-call repair services for various types of instruments when authorized by the county. The services will extend to all Department wastewater treatment plants and pump stations, Water Districts #1 and #3, and solid waste facilities. This contract is for a term of two (2) years and may be extended by mutual consent of the Contractor and the County of Westchester for one (1) additional two-year term with all prices, terms and conditions remaining the same as the original contract.

Pre-Bid Inspection (Non-Mandatory): scheduled for 9:00 AM, May 10, 2023; meeting at the Yonkers Joint WRRF, 1 Fernbrook St, Yonkers, NY 10705.

Contact: Lona Davis, 914-813-5409.

## NYS Dormitory Authority

### Bid Due Date: May 23, 2023

Title: City University of New York, Bernard M. Baruch College, Elevator Lobby Modernization

Contract: CR44 General Construction

Project# 3351809999

Sealed bids for the above work located at Baruch College, 151 E 25th Street, New York, NY 10010 will be received by DASNY at its office located at 515 Broadway, Albany, NY 12207. Each bid must be identified, on the outside of the envelope, with the name and address of the bidder and designated a bid for the Project titled above. When a sealed bid is placed inside another delivery jacket, the bid delivery jacket must be clearly marked on the outside "BID ENCLOSED" and "ATTENTION: CONSTRUCTION CONTRACTS - DARIA KHANAFIEV." DASNY will not be responsible for receipt of bids which do not comply with these instructions.

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

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

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

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

Only those bids in the hands of DASNY, available to be read at 2:00 PM local time on May 23, 2023 will be considered. Bids shall be publicly opened and read aloud. Bid results can be viewed at DASNY's website; <http://www.dasny.org>.

In accordance with State Finance Law § 139-j and § 139-k, this solicitation includes and imposes certain restrictions on communications between DASNY personnel and a prospective bidder during the procurement process. Designated staff for this solicitation is: Alex Ladias, Project Manager, 17 Lexington Avenue, Suite 213, Room 212, New York, NY 10010, 646-660-6018, [aladias@dasny.org](mailto:aladias@dasny.org) (the Owner's Representative) and DASNY at [ccontracts@dasny.org](mailto:ccontracts@dasny.org). Contacts made to other DASNY personnel regarding this procurement may disqualify the prospective bidder and affect future procurements with governmental entities in the State of New York. For more information pursuant to this law, refer to DASNY's website; <http://www.dasny.org> or the OGS website; <http://www.ogs.state.ny.us>.

A Pre-Bid Meeting is scheduled on Tuesday, May 9, 2023, at 10:00 AM at Baruch College, 151 E 25th Street, New York, NY 10010. Contact Alex Ladias at 646-210-1571, [aladias@dasny.org](mailto:aladias@dasny.org). All prospective bidders are strongly encouraged to attend.

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

A complete set of Contract Documents may be viewed and/or purchased online from Camelot Print and Copy Centers. Only those Contract Documents obtained in this manner will enable a prospective bidder to be identified as an official plan holder of record. DASNY takes no responsibility for the completeness of Contract Documents

obtained from other sources. Contract Documents obtained from other sources may not be accurate or may not contain addenda that may have been issued. In addition, prospective bidders are advised that the Contract Documents for this Project contain new "GENERAL CONDITIONS for CONSTRUCTION" dated June 17, 2021 that contain significant revisions from those documents previously contained in DASNY's Contract Documents. Prospective bidders are further advised to review applicable sections of these General Conditions for any potential impact on their bid price prior to submittal of the bid. The plan holders list and a list of interested subcontractors and material suppliers may be viewed at DASNY's website: <http://www.dasny.org>. For Bid Opportunities and other DASNY related news, follow us on Twitter @ NYS\_DASNY and Facebook <https://www.facebook.com/pages/DASNY-Dormitor-Authority-of-the-State-of-New-York/307274192739368>.

### Bid Due Date: May 31, 2023

Title: Office of Mental Health, Rockland Psychiatric Center, Building No. 732 Building Management System Upgrade

Contract: CR9 HVAC, CR10 Electrical

Project# 3654809999

Sealed bids for the above work located at Rockland Psychiatric Center, Building No. 732, 45 Ashley Avenue, Middletown, New York 10940 will be received by DASNY at its office located at 515 Broadway, Albany, NY 12207. Each bid must be identified, on the outside of the envelope, with the name and address of the bidder and designated a bid for the Project titled above. When a sealed bid is placed inside another delivery jacket, the bid delivery jacket must be clearly marked on the outside "BID ENCLOSED" and "ATTENTION: CONSTRUCTION CONTRACTS - DARIA KHANAFIEV." DASNY will not be responsible for receipt of bids which do not comply with these instructions.

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

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

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

Only those bids in the hands of DASNY, available to be read at 2:00 PM local time on May 31, 2023, will be considered. Bids shall be publicly opened and read aloud. Bid results can be viewed at DASNY's website; <http://www.dasny.org>.

In accordance with State Finance Law § 139-j and § 139-k, this solicitation includes and imposes certain restrictions on communications between DASNY personnel and a prospective bidder during the procurement process. Designated staff for this solicitation is: Christopher Headley, Project Manager, 140 Old Orangeburg Road, Building 19, Orangeburg, New York 10962, 646-529-0012, [cheadley@dasny.org](mailto:cheadley@dasny.org) (the Owner's Representative) and DASNY at [ccontracts@dasny.org](mailto:ccontracts@dasny.org). Contacts made to other DASNY personnel regarding this procurement may disqualify the prospective bidder and affect future procurements with governmental entities in the State of New York. For more information pursuant to this law, refer to DASNY's website; <http://www.dasny.org> or the OGS website; <http://www.ogs.state.ny.us>.

A Pre-Bid Meeting is scheduled on Monday, May 15, 2023, at 10:00 AM at Middletown P.C., 45 Ashley Avenue, Middletown, New York 10940. Contact Christopher Headley at 646-529-0012. All prospective bidders are strongly encouraged to attend.

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

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

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

## Attorney's Column

# Court Holds That Wrap Up Exclusion Applies, Even Where Contractor Was Not Enrolled in Wrap-Up Insurance Program

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

As anyone who has had the displeasure of being on the defending end of a personal injury action knows, cross claims between various defendants (seeking to shift blame) can be litigated with greater fervor than the claim of the injured plaintiff. This is particularly true where the injured plaintiff fell from an elevation and Labor Law §240 is implicated (and the question becomes how much—as opposed to whether—



contractor-controlled insurance program) insurance policies. The theory is that with one carrier ultimately paying every claim, the determination of fault is less important. (As a practi-

important, and they are still litigated with zeal, even in the presence of a wrap up policy.)

In response, and because litigating issues relating to the priorities of insurance coverage are often as expensive as litigating the underlying cross claims, many general liability

insurance policies contain exclusions for projects that are covered by such a wrap up insurance program. In the recent case of *Skanska USA Building, Inc. v Harleysville Insurance*

*After discovery, Skanska moved for summary judgment against Harleysville, arguing that the cited wrap up exclusion was inapplicable as neither its insured nor JM were enrolled in the wrap up program.*

### Background

In 2013, Skanska USA Building entered into a contract with New York University to renovate NYU's building at 370 Jay St. in Brooklyn, NY. In August 2015, Skanska subcontracted out the electrical scope of work to a subcontractor which, one year later, sub-subcontracted out a portion of that work to JM Electrical, Inc. Skanska maintained a contractor-controlled insurance program (a "CCIP" or "wrap-up") policy, but neither of the electrical subcontractors were enrolled in that program.

In March 2017, a worker of Sirina Fire Protection was working in the area of JM's work and was injured. The worker inevitably sued Skanska. Skanska, in turn, tendered its defense to its electrical subcontractor, which did the same to its sub-subcontractor, JM whose carrier denied the tender because JM claimed that it was not currently working in the area of the injured plaintiff's accident, and JM's insurance policy only covered losses that arose out of JM's operations.

Harleysville, the intermediate subcontractor's carrier, took a different tactic. Harleysville disclaimed coverage based not on the location of the work, but on a wrap up exclusion in its policy. Accordingly, Harleysville argued, no fight need be had over the location of its insured's work vis-a-vis the location of the injury because even assuming that they happened in the same area, there would still be no coverage because of the wrap up exclusion.

After discovery, Skanska moved for summary judgment against Harleysville, arguing that the cited wrap up exclusion was inapplicable as neither its insured nor JM were enrolled in the wrap up program. Harleysville opposed, arguing that the policy was not limited to excluding enrollees of a wrap up program, but to projects where there was a wrap up program.

### Decision

The motion court denied Skanska's motion for summary judgment, finding that the wrap up exclusion was clear that it applied to any project at which there was a wrap up insurance program. Accordingly, the court rebuffed Skanska's argument that the enrollment status in the wrap up was relevant, following well-settled law

requiring an examination of the specific policy language. In the absence of policy language making the wrap up exclusion contingent on enrollment status in the wrap up program, the court held that the exclusion applied simply because the wrap up program was available. The appellate court affirmed, similarly holding that under the policy language at issue, the subcontractor need not have enrolled in the wrap up—its existence alone was sufficient to trigger the exclusion.

### Comment

While the law requires that courts strictly construe exclusions in insurance policies against the carriers that draft them (and in favor of the insureds who pay for coverage), this case serves as a reminder that where policy language is clear, courts will enforce it. Here, the policy language was clear that where there was a wrap up insurance program, the primary general liability policy would not afford coverage—and Skanska was left to defend the underlying personal injury action with its own insurance policy.

Wrap up insurance programs can be beneficial on a larger construction project, streamlining all of the insurance under one program, and putting all of the risk with one carrier. However, since many general liability policies exclude coverage on projects where there is such a wrap up program, it is crucial for contractors to understand what the wrap up program does and does not cover. For instance, will the wrap up cover the insured's shop operations, or just its work on site? (Using HVAC contractors as an example, would a contractor be covered by its own insurance when it fabricates ductwork in its shop for a wrap up project?) If the wrap up will not cover shop operations, will its primary policy do so, or will it be left uninsured? Further, if a wrap up policy includes a high self-insured retention (the amount the insured must spend in defense or indemnity costs before the wrap up insurance kicks in), can it get its primary carrier to cover the difference?

A contractor's insurance policy is a difficult enough document to understand in the best of circumstances. When

Please turn to page 21

*While the law requires that courts strictly construe exclusions in insurance policies against the carriers who draft them (and in favor of the insureds who pay for coverage), this case serves as a reminder that where policy language is clear, courts will enforce it.*

the injured plaintiff is going to be paid).

In order to blunt the expense of litigating these various cross claims, owners and general contractors have utilized "wrap-up" OCIP/CCIP (owner/

cal matter, since fault does find its way onto a contractor's loss run—essentially a credit report for insurance claims—and can still affect a contractor's insurance premium, the resolution of the cross claims remains

*Company of New York*, an appellate court reminds us that these "wrap up exclusions" will be given effect—even where a contractor does not actually participate in the wrap up program.



Asset Management L.P.

Michael J. Paton  
mpaton@tocqueville.com

212-698-0812

40 West 57<sup>th</sup> Street, 19<sup>th</sup> Floor  
New York, New York 10019

# DOT Commissioner Extolls Speed Camera Plan In Statewide DOT, Thruway Authority Work Zones

TARRYTOWN, NY—Highway safety advocates are urging drivers to pay attention and slow down as part of the National Work Zone Awareness campaign this month. Construction workers in traffic work zones are at high risk, and the state is doing more to protect them. The NYS-DOT recently reported there were more than 200 crashes in work zones on state roadways and bridges in 2021, resulting in nearly 50 injuries.

To help make construction work zones safer, a new pilot program by NYSDOT and the Thruway Authority was launched last month to incorporate 30 speed cameras in designated DOT and Thruway Authority road construction zones across the state.

“When one construction worker gets hurt because of a distracted driver, we take it personally,” New York State Department of Transportation Commissioner Marie Therese Dominguez said, speaking to a group of contractors, union officials and other leaders at the Spring membership meeting of the CIC and BCA on Wed., April 19, in Tarrytown. “Sometimes, the outcomes are even more tragic. Those numbers represent actual people.”

NYSDOT, the New York State Thruway Authority and other highway safety advocates for years have pushed for more speed cameras in work zones to prevent crashes. The new speed-enforcement program targeting work zones are being advanced by 30 vehicles equipped with Automatic License Plate Readers (LPR) that can monitor speeds in work zones, Commissioner Dominguez told the audience of 120 executives at the Sleepy Hollow Hotel. Any vehicle traveling more than 10 MPH over the posted work zone speed will be issued a heavy fine via mail.

“We got 20 vehicles out on the state roads and 10 on the Thruway system that are now catching speeders who are flying, literally flying through work zones,” she said. Within the first 45 minutes of launch of the program, there were close to 5,000 violations, it was reported.

The price of speeding through work zones will escalate. Beginning May 17, fines started at \$50 for a driver’s first violation, increasing to \$75 for the second violation and to \$100 for the third and all subsequent violations within 18 months of the first violation.

As a pilot program, the enforcement campaign will run for five years. Albany lawmakers will review the cameras efficacy in reducing speeding, crashes, injuries and deaths to determine if it will become permanent.

Addressing the speeding motorists the program is targeting, Ms. Dominguez said the

state gave drivers a 30-day grace period during the testing phase. “But after that, we’re going

***Beginning May 17, fines start at \$50 for a driver’s first violation, increasing to \$75 for the second violation and to \$100 for the third and all subsequent violations within 18 months of the first violation.***

after you, and the state police are with us and so is local law enforcement.”

Jim Konstalid, director of Thruway maintenance and operations, said there were 175 work zone crashes reported on

the New York State Thruway in 2022. “Put that in perspective, that’s about one every other day,” he said.

It was also reported that all emergency vehicles violating the work zone speed limit, not in emergency mode (lights and sirens activated), will be photographed, recorded and the appropriate agency will be notified. “Operators of emergency vehicles in emergency mode should exercise due caution while approaching and passing work zones—excessive speeds will be monitored,” it was noted.

The DOT Commissioner thanked the CIC and the Office of the Governor for working on the legislation and getting it signed into law. “We don’t protect our people who are out there who are actually



Sixty percent of the fine revenue generated by the speed cameras will be allocated to work zone safety improvement projects.

delivering on all these projects without everybody’s help. We have all our VMS billboards lit up around the state for Work Zone Safety. It’s a collaborative partnership; we do great things when we work together.”

As required by state law, 60% of the fine revenue generated

by the speed cameras will be allocated to work zone safety improvement projects. According to state data, from 2010 through 2016, there were 3,450 accidents in highway work zones in New York, resulting in 50 deaths and more than 1,100 injuries to workers and drivers.



## Some Things Change. Some Don't.

### What changes

Technology is changing faster than ever. Heavy equipment and the software in it is more complex and can do more for you: GPS, remote control, artificial intelligence. It’s no longer enough to operate equipment. Today and in the future, you have to understand it.

### What stays the same

IUOE Local 825 has always kept pace with change. In 2022, we got ahead of it. Our nationally known training center became accredited as a technical college.

This means our engineers are schooled in more than operating heavy equipment. They are learning to maintain and even develop software that runs it, rather than being dependent on it.

### Think ahead

Our goal is to stay relevant in a changing world, continuing to offer the most highly trained, skilled and experienced operators available anywhere. Today. And tomorrow.

[WWW.IUOE825.ORG](http://WWW.IUOE825.ORG)

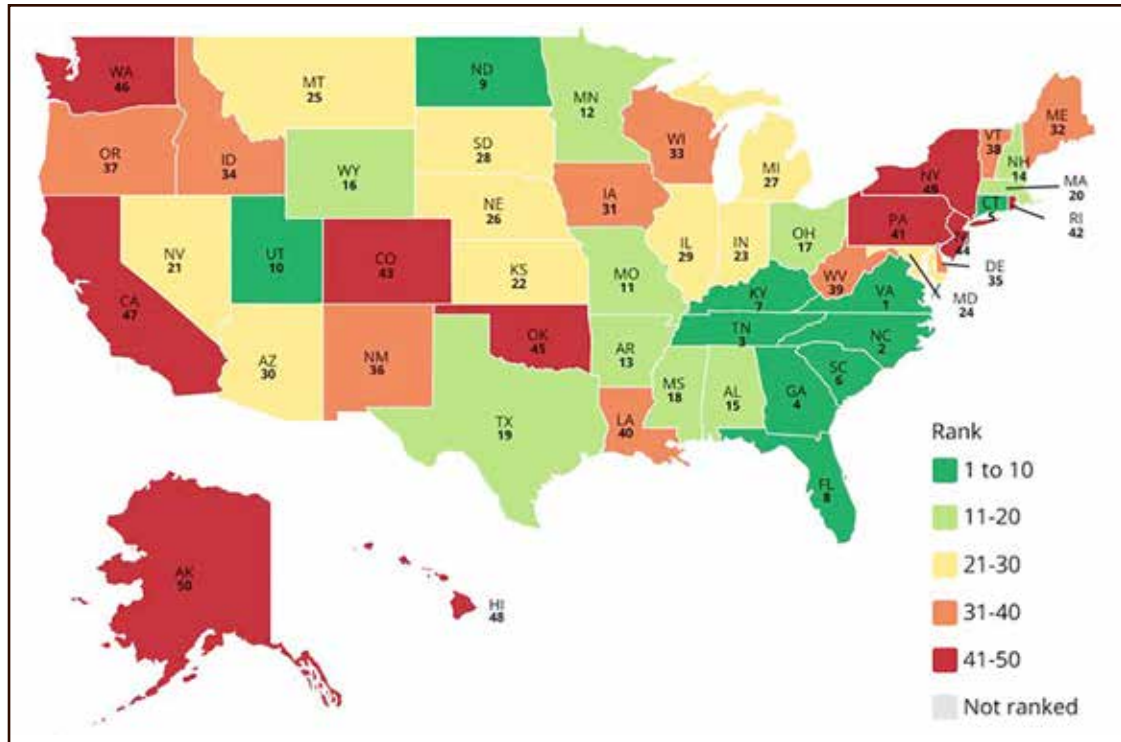
**Better Building Begins Here**



**GREG LALEVEE**  
Business Manager  
IUOE Local 825

## Report Card on Highways

# New York Highway System Ranks 49<sup>th</sup> in U.S. For Performance Condition, Cost Effectiveness



Overall Highway Performance Rank map, 2020.

SOURCE: REASON FOUNDATION

LOS ANGELES—New York's highway system ranks 49<sup>th</sup> in the nation in overall cost-effectiveness and condition, according to the Annual Highway Report by the Reason Foundation released on April 20. This year's ranking is a three-spot decline from the previous report when New York ranked 46<sup>th</sup>.

However, some categories in the report cannot be compared to previous years due to methodological changes that also impacted some state's overall rankings, Reason Foundation officials stated.

New York ranks in the bottom 10 nationally in six of the report's 13 metrics. The state's costs are disproportionately high and the biggest driver of its poor overall rankings. While some higher costs are under-

standable, New York's 1.57 capital and bridge disbursement per lane-mile ratio is 1.3 times more than peer state Illinois' ratio and 1.7 times more than peer state Pennsylvania's ratio.

New York's 1.94 maintenance disbursement per lane-mile ratio is 2.3 times more than Illinois' ratio and 1.6 times more than Pennsylvania's ratio. New York's 4.92 other disbursements per lane-mile ratio is 9.3 times more than Illinois' ratio and three times more than Pennsylvania's ratio. New York's 9.39% of poor urban Interstate pavement mileage is 1.9 times more than Illinois' percent and 1.5 times more than Pennsylvania's percent.

New York's 23.81% of poor urban arterial pavement mileage is 25.9 times more than Illinois' percent and 28.7 times more than Pennsylvania's percent. New York drivers spend 43.2 hours in traffic annually, 1.4 times more hours than Illinois' drivers and 1.9 times more hours than Pennsylvania's drivers.

In safety and performance categories, New York ranks 7<sup>th</sup> in rural fatality rate, 19<sup>th</sup> in urban fatality rate, 40<sup>th</sup> in structurally deficient bridges, 49<sup>th</sup> in traffic congestion, 48<sup>th</sup> in urban Interstate pavement condition, and 38<sup>th</sup> in rural Interstate pavement condition.

New York is 47<sup>th</sup> in capital and bridge spending per mile and 46<sup>th</sup> in maintenance spending per mile, according to the report.

"To improve in the rankings, New York should try to have its high costs better translate into things like good pavement condition, less traffic congestion and fewer deficient bridges," said Baruch Feigenbaum, lead author of the Annual Highway Report and senior managing director of transportation policy at Reason Foundation. "For example, the state ranks in the bottom 20 in spending in all four disbursement categories but still ranks in the bottom 20 in all four pavement condition categories as well as in percent structurally deficient bridges."

He continued, "While it may be challenging for New York to reduce its spending, if the state could improve its pavement and bridge quality to the national average, it would move up in the overall rankings substantially. As it is, the state has the worst of both worlds: high spending and poor roadways."

Other key findings were:

- New York's best rankings are in rural fatality rate (7<sup>th</sup>) and other fatality rate (9<sup>th</sup>).
- New York's worst rankings are other disbursements per mile (50<sup>th</sup>) and urbanized area congestion (49<sup>th</sup>).
- New York commuters spend 43.2 hours stuck in traffic congestion, ranking 49<sup>th</sup> nationally.

Please turn to page 16

# AMERICAN SHORING INC.

MADE IN THE USA

See our Entire Line! Call for Catalogs Including:

- ★ Trench Boxes ★
- ★ Rock Boxes ★
- ★ Hydraulic Shoring ★
- ★ Aluminum Trench Boxes ★
- ★ Portable Safety Guard Rails ★
- ★ Road Plates ★
- ★ Hydraulic Shoring ★
- ★ Slip-Not® Ladder Retention System ★

- We can provide you with the world's largest or smallest trench box or shoring system.
- Get high production numbers while keeping your workers safe.
- We will show you how with our on-site supervision.
- Contact us for the world's very best shoring.
- We will deliver on time.

## FACTORY DIRECT

Sales • Rentals • Service • Repairs  
Trade-ins • Recertification

**Factory & Corporate Office:**  
207 Lake Street (Route 32)  
Newburgh, NY, 12550  
**1.845.562.4477**

**New England Area**  
238 E Cherry Street  
Shrewsbury, MA 01545  
**1.508.842.2822**

**MidAtlantic Area:**  
506 Pulaski Highway  
Joppa, MD 21085  
**1.443.313.3461**

Or Phone us Toll Free from anywhere:  
**1-800-407-4674**  
[www.americanshoring.com](http://www.americanshoring.com)  
E-Mail us at: [sales@americanshoring.com](mailto:sales@americanshoring.com)



**ALBANY UPDATE**

**State Approves \$51 Million For Clean Water Projects**

ALBANY—The Environmental Facilities Corporation Board of Directors approved \$51 million in funding that includes low-cost financing and previously announced grants that authorizes municipal access to the capital necessary to move critical water and sewer infrastructure projects forward. These include replacement of lead service connections, treatment processes to remove emerging contaminants from drinking water and modernizing aging systems.

The deadline for the current application period for future EFC-awarded grants is July 28.

The EFC Board also approved a \$572,575,000 financing for the New York City Municipal Water Finance Authority that will refinance short-term financings for 11 NYCMWFA wastewater and drinking water projects and refund prior EFC bonds that funded NYCMWFA projects. It is estimated that the refunding will save New York City ratepayers approximately \$22 million over the next 10 years.

EFC President and CEO Maureen A. Coleman said, “The transaction will provide interest-rate relief to one of our biggest borrowers. This round of grant funding is provided, in part, by the Environmental Bond Act approved by the voters in November 2022.”

Drinking Water Project fundings approved in the Hudson Valley/New York City regions included:

**City of Kingston, Ulster County**—\$16,420,000 short-term market-rate financing and \$3,000,000 WIIA grant for the rehabilitation of the Cooper Lake Dam and Reservoir and the construction of a new intake structure and associated piping.

**Village of Red Hook, Dutchess County**—\$720,000 short-term market-rate financing and \$1,080,000 WIIA grant for the decommissioning of Well #4, replacement of approximately 2,400 linear feet of watermain, hydrants, and lead service connections on Graves and Cherry streets, rehabilitation of the interior of the 225,000-gallon water tower at the end of Tower Street, addition of a booster pump to the interconnection between the village and town water systems, and replacement of the control system at the water treatment plant.

**New York City Municipal Water Finance Authority and New York City Department of Environmental Protec-**  
Please turn to page 21



MEDIATION & ARBITRATION



CONSTRUCTION LAW



EMPLOYMENT & LABOR LAW



REAL ESTATE & LAND DEVELOPMENT



COMMERCIAL LAW

**When Construction Problems Require Legal Solutions.**

**Knowledge & Knowhow**

WB&G's comprehensive knowledge and insights into the intricacies of the construction and real estate industries are invaluable resources for companies, municipalities and business organizations seeking pragmatic and successful approaches to solve their legal challenges.

For more than thirty years, WB&G's commitment and dedication to provide exceptional legal service have infused the firm with the knowledge and knowhow to achieve practical and favorable results for its clients.



For more than 30 years WB&G is proud to serve the members of the Construction Industry Council of Westchester & Hudson Valley, Inc., and the Building Contractors Association of Westchester & The Mid-Hudson Region, Inc.

11 MARTINE AVENUE, 15TH FLOOR, WHITE PLAINS, NEW YORK 10606  
PHONE: 914.428.2100 FAX: 914.428.2172 www.WBGLLP.com

NEW YORK | NEW JERSEY | CONNECTICUT | MANHATTAN

**BCA's 66th Annual Golf Outing**

**CHALLENGING GOLF AWARDS DINNER & LOTS OF PRIZES!!!**

*Register by May 23rd*



**TEEBOX TUESDAY!**

Tuesday, June 6, 2023  
Knollwood Country Club  
Elmsford, New York

Annual Membership Golf Outing -  
Reservations and Sponsorship Information  
cicbca.org/events  
914.631-6070

# Yonkers Contracting to Begin \$45M Thruway Work in Orange, Rockland

ALBANY—The New York State Thruway Authority announced on May 1 that work will begin on a \$44.6-million pavement improvement project on the New York State Thruway (I-87) spanning Rockland and Orange counties.

The work will cover nearly 10 miles between exit 15 (New Jersey - I-287 - NJ Route 17 South) in the Town of Ramapo in western Rockland County to the Town of Tuxedo in southern Orange County and includes rehabilitating the pavement by performing full-depth repairs.

Yonkers Contracting Company, Inc., of Yonkers, NY was named the project contractor following a competitive bidding process.

“This section is one of the more heavily traveled in our entire system, connecting the Thruway to Route 17, and this project will enhance the travel experience for residents and visitors alike,” Thruway Authority Interim Executive Director Frank G. Hoare said. “These improvements are investments in the future of the Hudson Valley.”

Approximately 92,000 vehicles use this heavily traveled corridor each day.

The project will begin with full-depth pavement



A section of the New York State Thruway near the Rockland and Orange County line.

repairs, meaning crews will remove and replace the most deteriorated portions on a nearly 10-mile stretch

of roadway (from milepost 29.4 to 38.7), down to its subbase in both the northbound and southbound direction. The repairs, covering approximately 60 total lane miles, will improve the existing roadway’s structural integrity. Crews will also address less stressed areas of the roadway by removing the existing asphalt overlay and installing a new two-course asphalt overlay to provide a smoother ride for motorists, Thruway Authority officials stated.

In addition, safety improvements will include new guiderail, additional reflective line striping and upgrades to drainage systems and culverts. Some work, such as guiderail installation, began last fall; paving operations will take place this year and occur overnight to reduce impacts to motorists.

All work is expected to be completed by the end of the year.

The Authority’s approved 2023 Budget invests a total of \$413 million to support its Capital Program, which is scheduled to invest \$1.9 billion into capital projects through 2027. In 2022, motorists took more than 376 million trips and drove 7.7 billion miles on the Thruway system.

## New York Roadway & Infrastructure Coalition Leaders Stage Congressional Fly-In April 25 to Meet NY Reps.

WASHINGTON—More than two dozen U.S. elected officials and construction industry leaders from New York gathered at the U.S. Capitol in late April to discuss challenges facing the state’s infrastructure and to celebrate the opportunities provided in the \$1.2-trillion Infrastructure Investment and Jobs Act (IIJA).

U.S. Senate Majority Leader Chuck Schumer was joined by 11 Congressional members, including Hudson Valley Region Reps. Marcus Molinaro, Mike Lawler and Patrick Ryan, who spoke to some two dozen contractors and leaders of organized labor during the annual fly-in. Also in attendance were Congress-



From left, Construction Industry Council Executive Director John Cooney met with Congressman Marcus Molinaro, Congressman Patrick Ryan and Congressman Mike Lawler.

man Nick LaLota, Congressman Andrew Garbarino, Congresswoman Nicole Malliotakis, Congressman Daniel Goldman, Congressman Paul Tonko, Congressman Brandon Williams, Congresswoman Claudia Tenney and Congressman Brian Higgins as well as Congressman



Nicholas Langworthy’s Chief of Staff, Jessica Proud.

Construction Industry Council Executive Director John Cooney, Jr. attended the meeting along with Patrick Purcell, Executive Director, New York State Laborers-Employers Cooperation and Education Trust.



The New York Roadway & Infrastructure Coalition is comprised of the General Contractors Association of NY, the Construction Industry Council of Westchester & Hudson Valley, Inc., the Long Island Contractors Association, the NYS Associated General Contractors,

the Laborers Employers Cooperation and Education Trust (LECET) and American Council of Engineering Companies of New York (ACEC NY) along with dozens of other enterprises and labor unions.

The annual congressional reception has been staged for more than three decades, beginning in the early 1990s when then U.S. Senators Daniel Patrick Moynihan and Alfonse D’Amato helped launch the transformation of the Federal Highway Bill into the sweeping multi-year package it is today become, paying to upgrade the nation’s highways, bridges, airports, canals, and other surface transportation modalities.

## \$62M Pavement, Bridge Rehab Project On I-95 Begins in Bronx/Westchester

ALBANY—New York State announced on April 21 the start of a \$61.8-million pavement improvement project on a four-mile stretch of the New England Thruway I-95 in the Bronx and Westchester County.

The majority of the work will take place in the Bronx and includes the rehabilitation of 11 bridges and the replacement of the superstructures—concrete decks and steel beams—of two pedestrian bridges.

Restani Construction Corp., of Queens, N.Y., is the project contractor after being awarded the project following a competitive bidding process.

The I-95 project will begin with full-depth pavement repairs, meaning crews will remove and replace the most deteriorated portions on a four-mile stretch of roadway (milepost 0 to 4.0), down to its subbase in both the northbound and southbound direction. Cov-

ering more than 24 total lane miles, the repairs will improve the roadway’s structural integrity. After the concrete pavement is repaired, a two-course asphalt overlay will be installed to provide a smoother ride for motorists. Approximately 120,000 vehicles use this heavily traveled corridor each day.

Paving operations and the majority of work will take place overnight to reduce impacts to motorists, Thruway Authority officials stated.

The other major component of the project is extensive bridge work. Crews will rehabilitate 10 vehicular bridges/ramps and one pedestrian bridge and remove and replace the superstructure on two pedestrian bridges over I-95 in the Bronx (one at 222<sup>nd</sup> Street and another at Dyre Avenue). Each bridge superstructure replacement will occur over a 48-hour period on a weekend with free shuttle



The 222<sup>nd</sup> St. Pedestrian Bridge in the Bronx.

bus service provided during the closures. Those dates and further details will be announced at a later date.

In addition, safety improvements will include new guiderail, additional reflective line striping and upgrades to concrete barriers and curbs. All work is expected to be completed by the end of the 2024.

Thruway Authority Interim

Executive Director Frank G. Hoare said, “Interstate 95 is a vital link for residents and commerce between New York City and New England, and rehabilitating this section will bring long-term improvements, improve community connections, and enhance the driving surface for the more than 40 million passenger and commercial vehicles who travel the

corridor each year. This project is another example of strategically investing our toll revenue to meet the evolving needs of motorists and commerce across the tri-state region.”

Motorists may encounter lane closures on the New England Thruway along with traffic shifts and stoppages while construction is underway. Motorists should follow the posted work zone speed limits and are reminded that fines are doubled for speeding in a work zone. In accordance with the Work Zone Safety Act of 2005, convictions of two or more speeding violations in a work zone could result in the suspension of an individual’s driver license.

The Thruway Authority’s approved 2023 Budget invests a total of \$413 million to support its Capital Program, which is scheduled to invest \$1.9 billion into capital projects through 2027.



## Metallic Lathers and Reinforcing Iron Workers Local 46

Local 46 can supply you with the manpower or contractors for all your reinforcing needs

### Superstructure

- \*Walls/Columns
- \*Reinforced Slabs
- \*Post Tension
- \*Curb/Parapets
- \*Wire Mesh

### Foundations

- \*Pile Caps
- \*Retaining Walls
- \*Crane Mats
- \*Slab on Grade
- \*Pressure Mats
- \*Grade Beams

Let Us Help You Reinforce The Future

Local 46 Metallic Lathers Union & Reinforcing Iron Workers  
1322 Third Avenue, New York, NY 10021  
(212) 737-0500 Fax: 212-249-1226  
[www.ml46.org](http://www.ml46.org)



# Everything you need. Plus equipment.

From safety/operator training and equipment management technologies, to custom solutions engineered to meet specialized job requirements, United Rentals offers much more than just the world's largest rental fleet. It takes a lot to get the job done right. **We're here to help.**

[UnitedRentals.com](http://UnitedRentals.com) | 800.UR.RENTS

© 2017 United Rentals, Inc.



# Mid-Hudson Council Seeks Grant Requests For Projects to Boost Housing, Infrastructure

## \$150-Million Momentum Fund Deadline July 28

ALBANY—The Mid-Hudson Regional Economic Development Council announced on May 17 the opening of the \$150-million Mid-Hudson Momentum Fund grant application for mixed-use housing and infrastructure projects throughout the seven-county region of the Mid-Hudson Valley. The state said the initiative will help communities meet growing infrastructure needs in light of the recent, region-wide population shifts brought on by the pandemic.

The fund implemented by Empire State Development represents a major commitment to increase the housing supply and invest in key infrastructure projects in the region, the state said an-

nouncing the grant.

Empire State Development President, CEO and Commissioner Hope Knight said, "It is imperative that we strategically address the growing demand for housing and infrastructure improvements."

The co-chairs of the Mid-Hudson Regional Economic Development Council are Dr. Marsha Gordon, president & CEO of The Business Council of Westchester and Dr. Kristine Young, president of SUNY Orange.

The Mid-Hudson Region has become a top destination for both tourists and new permanent residents, with more than 33,000 new residents moving to the

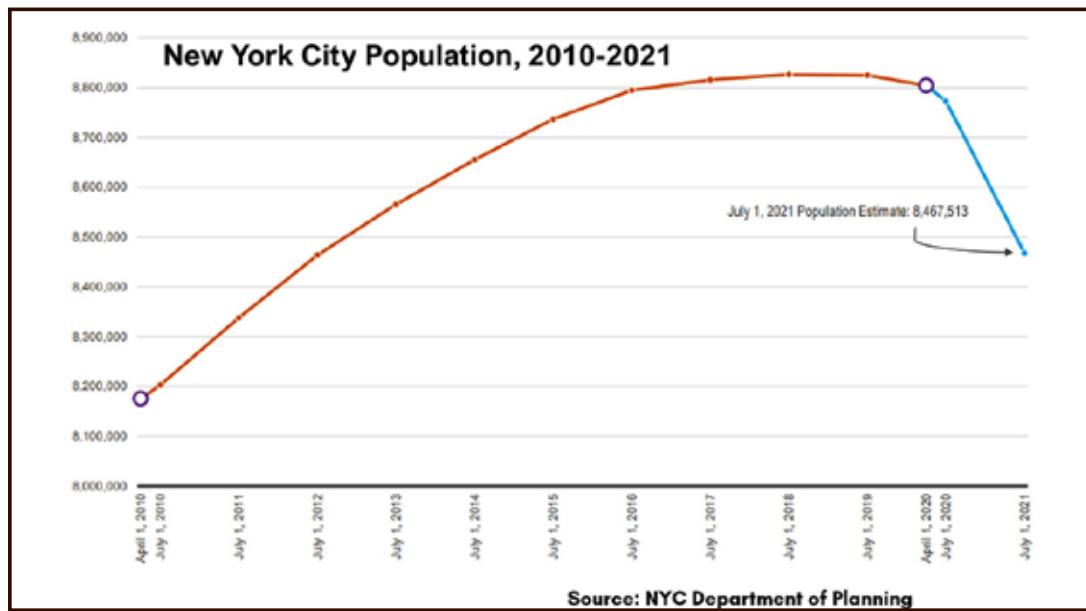
region over the past two years alone.

With regional housing stock availability of less than 1% last year, there is a pressing need for new development to support the influx of residents, the state reported. The Mid-Hudson Momentum Fund will support mixed-use housing and infrastructure projects that will have lasting impacts in the region and that are consistent with the strategic goals and priorities of the Mid-Hudson Regional Economic Development Council's strategic plan. This includes projects that have garnered community support, will result in increased affordable housing, leverage non-state investment, are financially sound, and

can begin quickly.

Over a five-year period, \$150 million will be available for specific projects and will be split evenly between mixed-use housing projects and infrastructure projects. Awards will range from \$2.5 million to \$10 million per project and a minimum match of 50% will be required from non-state funding sources. Funds can be used for construction, expansion and the rehabilitation of facilities, equipment and machinery, infrastructure and site development, and design and engineering related to construction. Eligible applicants include not-for-profits, municipalities, public benefit corporations, including IDAs and LDCs, and for-profit companies.

Please turn to page 13



## Hudson Valley Saw Nearly 5,000 People Leave Region Prompted by Pandemic

Continued from page 1

civic society depends on," said the firm's CEO Adam Bosch. "The data analyzed in our report underscore a painful fact: our region has lost population to migration for 24 of the last 25 years. This steady loss of people strains our workforce and businesses, our schools, our system of taxation, and other institutions that allow our communities to survive and thrive. Leaders at every level must examine the complex mix of factors that are causing more people to leave the Hudson Valley so that we can preserve a strong future for our region."

The "Moving In, Moving Out" report examined a new set of migration data released in the final week of April by the Internal Revenue Service. The data utilize information from tax returns to track domestic and international migration throughout the United States. The data are provided on a county-by-county basis, which allowed PFP to analyze the inflow and outflow of people for each county in the Hudson Valley, officials stated.

The data suggest that climate refugees are moving into the region from California. A total of 1,179 people from Los Angeles County have moved into the Hudson Valley from 2018-2020. Many assumed that New York's growing TV and film industries had attracted these West Coast transplants. While that might be partially true, Pattern

## Out-Migration At-A-Glance

- The region gained 104,071 people but lost 108,916 because of migration in 2019-2020, for a net loss of 4,845 people. Although seven out of our nine counties gained population from migration, large losses in Rockland County and Westchester County more than offset the gains to the north. Rockland and Westchester lost a combined net of 9,581 people to outward migration, an outflow that underscores the strong desire to move away from density during the pandemic, the report stated.

- Communities south of I-84 generally lost population or stayed flat, while communities to the north saw a relatively large inflow of new residents. Again, these data highlight the movement away from density and into rural towns and smaller cities and villages. This trend was well documented in real estate data that showed people leaving high-population areas because they feared that density put them at a greater risk of contracting the novel coronavirus.

- Migration affects counties on a proportional basis. Several of the less populated Hudson Valley counties saw large influxes of people from migration. For example, more than 1% of the total population in Sullivan and Greene counties came from a single year of migration.

- A large number of people from the Hudson Valley continue to move just into bordering states. In fact, 12,841 people from the region moved into the bordering counties in Connecticut, Massachusetts, New Jersey and Pennsylvania during the last reporting period. A recent analysis by Pattern found that property taxes in these states are roughly 40%-70% of what Hudson Valley property owners pay.

stated it has also encountered several people, whom they described as "climate refugees" who moved from Los Angeles during that time because they were tired of water restrictions and wary of fires.

A full analysis of the regional, county-by-county, and New York City trends can be found by accessing the report on Pattern's website.

## Public Comments May 16

Continued from page 1

Another contributing factor for the need for toll adjustments was the \$125 million in decreased revenue collected by the Thruway Authority since the height of the pandemic in 2020. Those funds would have gone directly into the capital program, the Authority reported, while the revenue decline related to COVID accounted for 17% of revenues collected by the Thruway Authority and was seven-times greater than anything the Thruway experienced in the last 40 years, a Thruway official noted, adding that the Authority is still recovering from that lost ground. The current projection is that revenues will be \$240 million lower than what the authority had forecasted prior to COVID 2020 through 2025 period, according to reports.

Several representatives of the business community and construction industry also gave brief presentations. "No one likes to pay higher tolls nor do New York State officials like to increase tolls, but the simple fact is that tolls have not increased system-wide since 2010," said John T. Cooney, Jr., executive director of the Construction Industry Council of Westchester & Hudson Valley Inc. "Furthermore, the cost per mile after the proposed increase will still be amongst the lowest in the Northeast," he said, pointing to the turnpike systems in the neighboring states of New Jersey, Pennsylvania, Ohio and Massachusetts.

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

While speaking at the public hearing in Rockland, Mr. Cooney referenced a recent report published by the national transportation research group, TRIP, which raised concerns over the repeated resurfacing of the Thruway in that it is not addressing the continuing deterioration of the roadway's subbase. This, he opined, is

undermining the capital plan.

"In the report, TRIP sighted a 2019 Transportation Research Board report in which it was noted the repeated resurfacing of the Thruway was not addressing the continuing deterioration of roadway subbases and was resulting in diminishing returns. The report goes on to recommend a full-depth pavement reconstruction. The TRIP Report points out that based on current funding levels the Thruway's average pavement conditions are anticipated to decline by 31% from a rating of 64 to 44 which is poor condition."

In 2021, Thruway Authority staff conducted a five-year "Needs Assessment" that identified an additional \$470 million in capital project needs that are currently not supported by the resources available for the existing 2022-2026 Capital Program. The shortfall is based on the fact that 85% of the Thruway's roadway base dates back to its original construction, highlighting the need for heavy maintenance, reconstruction, and rehabilitation activities to keep the riding surface of the 570-mile superhighway in a state of good repair.

The average age of the Thruway's 815 bridges is 55 years old, with 75% of those bridges more than 60 years old. More than 85 of those bridges have been identified for replacement within the next decade. Thruway officials noted that the need to replace bridges grows exponentially after the 10-year timeline when hundreds of bridges will need to be replaced in the following decade. Also, there are 120 interchanges with only 15% of the original construction having been rebuilt or replaced.

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

## TRIP Report Tells Why Continued from page 1

trips on the New York Thruway increased by 8% before dropping 19% in 2020 due to the COVID-19 pandemic. By 2021, Thruway vehicle travel had returned to near pre-pandemic levels and is projected to increase by 9% from 2022 to 2031. In 2021, passenger vehicles made up 83% of Thruway travel, while large trucks and other commercial vehicles consisted of 17% of Thruway travel.

New York's Thruway system is funded from tolls and payments received from concessionaires at the Thruway's 27 service-area restaurant and gasoline stations. A 2022 report prepared for the New York State Thruway Authority by Stantec Consulting Services found that annual revenue from tolls on the Thruway increased 16% from 2012 to 2019, from \$638 million to \$740 million. Toll revenues decreased 17% from 2019 to 2020 as a result of the COVID-19 pandemic before rebounding to \$760 million in 2021. Thruway toll revenues in 2022 are expected to total \$811 million. From 2022 to 2031, New York Thruway toll revenue is expected to increase by 7%, reaching \$867 million, with the number of New York Thruway trips anticipated to increase by 9%. Overall, New York Thruway toll revenue is projected to increase by 36% from 2012 to 2031.

Due to additional investment in system rehabilitation coupled with an increased reliance on borrowing, New York Thruway's annual debt service payments increased by 69% from 2012 to 2021, from \$200 million to \$340 million. From 2022 to 2032, annual debt service is anticipated to increase by 78%, from \$306 million to \$543 million. Overall, from 2012 to 2031, the Thruway's annual debt service is projected to increase by a total of 171%.

Annual investment in highway and bridge rehabilitation on the New York Thruway dropped from \$322 million in 2012 to \$236 million in 2022—a 37% decrease. And, while annual investment in highway and bridge rehabilitation on the New York Thruway is expected to increase 24% from 2022 to 2031, reaching \$294 mil-

lion, this is still 9% below the level in 2012.

Projected Thruway revenues through 2031 are not anticipated to be sufficient to meet the systems' rehabilitation needs, the report stated. Through 2031 the Thruway Authority has a \$1.2-billion funding gap in revenue needed to maintain its high levels of safety and service, maintain good infrastructure conditions, support Thruway operations, and maintain debt service coverage at appropriate levels. Current toll rates per mile on the New York Thruway System, and rates proposed for 2024, are well below rates on most similar toll facilities in the northeastern U.S.

"The New York Thruway System is critical to the quality of life of New Yorkers and the health of the state's economy, allowing New York to maintain a reliable supply network, providing regional connectivity and allowing for personal

mobility," said Dave Kearby, TRIP's executive director. "Ensuring that the extensive and aging New York Thruway System continues to provide reliable and safe access will require that an adequate level

"This review shows that the system is amongst the safest highways in the nation, but it requires continued and increased investments so it can continue to best serve its customers. The Thruway's

The Federal Highway Administration's national highway construction cost index, which measures labor and materials cost, increased by 50% during the 21 months from the start of the first quarter in January 2021 to the end of the third quarter in September 2022.

The New York State Thruway Authority released a statement to CONSTRUCTION NEWS in response to the TRIP report, which stated: "Today's report by TRIP is another indication of how critical it is for the Thruway Authority to increase revenue, as we do

not receive any dedicated federal, state, or local tax dollars to cover the costs of operating and maintaining the Thruway. The Thruway Authority's number one priority is the safety of our roadway. The average age of the Thruway's 815 bridges is 55 years old. More than 85 of those bridges will need to be replaced within the next decade and the projected

***Ensuring that the extensive and aging New York Thruway System continues to provide reliable and safe access will require that an adequate level of investment is made in the system to improve its condition, safety and efficiency.***

—Dave Kearby, TRIP Executive Director

of investment is made in the system to improve its condition, safety and efficiency."

"It's beneficial for a group like TRIP to make a data-based assessment of New York's most important roadway," said Michael Fleischer, former New York State Thruway Authority executive director and currently a senior advisor with Brown & Weinraub.

proposed targeted toll adjustments clearly are critical and necessary to its ability to maintain and preserve this critical asset."

Significant increases in the cost of highway and bridge improvements could threaten the ability of the Thruway Authority to improve the condition, safety and reliability of the Thruway, TRIP officials stated.



EST. 1969

**LEVITT-FURST**  
INSURANCE & BONDING

## Protecting Your Priorities® since 1969

Levitt-Furst has grown to become one of the largest independent insurance agencies in the tri-state region specializing in the construction and real estate industries. We understand the unique insurance-related service expectations of these industries.

Our 75-person staff includes a special team of skilled professionals dedicated to being the one-stop shop for all your insurance and bonding needs. We established and continue to manage Safety Group 458, a Workers Compensation safety group that can save your company up to 45% on Workers Comp premiums.

To learn more about how Levitt-Furst can help meet your insurance needs, please call **914-457-4200** or email [info@levittfurst.com](mailto:info@levittfurst.com).

**Group Discounts: Up to 45% off Workers Comp Insurance premiums**

**Complete Insurance & Bonding Solutions:** Liability, property, auto, equipment, workers comp and bonding

**The "Independent Agent" Difference:** Our client relationships span generations

**Insurance Certificates:** Fast and accurate delivery and 24/7 access to get you on the job ASAP

**Boutique Insurance Services:** Customized insurance and bonding programs to fit your company's unique needs

## Boost Housing, Infrastructure

**Continued from page 12**

Submissions are due to ESD by July 28, 2023 at 4 P.M. to be reviewed by the Mid-Hudson Regional Economic Development Council shortly thereafter. Applications that are received after July 28, 2023 will be reviewed by the Mid-Hudson Regional Economic Development Council on a quarterly basis.

### About Empire State Development

For more information on Regional Councils and Empire State Development, visit [www.regionalcouncils.ny.gov](http://www.regionalcouncils.ny.gov) and [www.esd.ny.gov](http://www.esd.ny.gov).

SAFETY GROUP  
ENDORSED BY



**BI|BRI** The Builders Institute  
The Building & Realty Institute  
of Westchester & the Mid-Hudson Region

[levittfurst.com](http://levittfurst.com)  
914-457-4200

# International Union of Operating Engineers Local 137



**JEFF LOUGHLIN  
JAMES SASSO  
MIKE MILLER  
JOHN BELARDI  
DAVE RYAN  
JAMES ARNAU**

**BUSINESS MANAGER  
PRESIDENT/BUS. AGENT  
VICE PRESIDENT/BUS. AGENT  
RECORDING CORR. SECRETARY  
TREASURER  
FINANCIAL SECRETARY**

## Executive Board

**Ronald Burgess – Dan Calandro – Rocco Miceli – Trevor Rodney  
Pete Sampogna – Evan Vona**

**1360 Pleasantville Road Briarcliff Manor, NY 10510 (914)762-0600**

**Safety Watch**

# Perform an Engineering Survey Prior to a Demo Operation

By COSTAS CYPRUS, ESQ.

To ensure the safety of workers, an engineering survey is required to be performed by a competent person prior to the start of a demolition operation. The survey should cover the work to be performed, identify the hazards at the site, address measures to prevent hazards and contemplate the danger of unplanned collapse.

The decision in *Secretary of Labor v. Wildcat Renovation, LLC* discusses these requirements, how the courts have defined “engineering surveys” and what constitutes adequate and proper compliance of the appropriate safety standards.

Wildcat Renovation, LLC is a selective demolition, concrete cutting and shoring specialty company. In 2020, Wildcat bid on a demolition project at a water park in Naples, FL. The project involved demolishing a wooden footbridge, along with removal of two concrete walls, which had served as supports for the footbridge. Wildcat sent a set of documents including the scope of work and the “as-builts.” Wildcat’s owner, Mr. Miller, reviewed these documents and also sent out two estimators to the site.

Wildcat was ultimately



foreman and reviewed the scope of work and then over a course of three days, the crew began and completed the removal of the wooden footbridge. The project manager visited the site twice a day and noted his visits in daily reports.

On Sept. 28, 2020, the crew began demolishing the first concrete wall without issue. On the following day, the crew began to remove the debris from the concrete wall and as planned, they would proceed to demo the second wall. The project manager had appeared that morning but then left the site. The crew began cutting the second wall. The foreman was in the parking lot moving the forklift while one of the laborers was cutting the bottom of the wall,

was noted in Wildcat’s scope of work sheet that no shoring was necessary.

The appropriate safety standard provides that “prior to permitting employees to start demolition operations, an engineering survey shall be made, by a competent person, of the structure to determine the condition of the framing, floors and walls, and the possibility of unplanned collapse of any portion of the structure...The employer shall have in writing evidence that such survey has been performed.” The Administrative Law Judge (“ALJ”) in this matter found that nowhere in the standard or its source standard (ANSI A10.6-1969) was the term “engineering survey” actually defined and thereafter looked at how the OSHA’s Review Commission, and other judges have addressed the standard’s requirements. The commission in *Ed Miller Sons Inc. No. 934* (OSHRC July 31, 1974) found that the demolition’s company vice president, who was experienced in demolition, had inspected the structure at issue

twice. He developed a sequence for the work, memorialized his plan and confirmed that he had

***To the extent Wildcat performed an engineering survey, it was inadequate and did not take into account the possibility of unplanned collapse, as it was noted in Wildcat’s scope of work sheet that no shoring was necessary.***

in fact conducted the inspections in a signed memorandum, which all together constituted adequate compliance to the safety standards.

Here, the ALJ found that Wildcat’s actions mirrored those in Miller that had been found adequate. Mr. Miller had received and reviewed the set of documents that included the “as built drawings,” which gave him the height, size and thickness of the concrete walls, the

psi of the concrete used and the steel embedment of the walls. He had visually inspected the structures, took videos, and confirmed that the structures were consistent with the drawings and that no shoring or bracing was required. It was determined that the most effective method for demolition was to “score, break and remove.” Mr. Miller believed that this method would keep the wall stable until it was brought down by equipment—and how he had used this method “thousand of times.”

Further, the ALJ noted how Mr. Miller returned to the site on the following day, conducted further visual inspections of the footbridge and concrete walls, and together with project manager, agreed on a plan to demolish the structures. These plans were memorialized in a scope of work document, which included details of the project, how Wildcat intended to complete the job, equipment to be used, the site conditions and overall means and methods as well as how

**Please turn to page 21**

***As the laborer continued cutting the bottom of the wall, the foreman saw that the wall began to tip and called-out. But the wall fell on the laborer and, tragically, he would succumb to his injuries.***

awarded the job. Prior to commencing the work, Mr. Miller visited the site on Sept., 16, 2020, and inspected the structures to be demolished and took videos of the site conditions. The following day, Mr. Miller returned with Mr. Nywening, the project manager, both performing a visual inspection of the footbridge and concrete supporting walls to develop a demolition plan. The plan used the “score, break and remove” method, which involves scoring or cutting partially through the concrete in grid patterns and then breaking it with a sledgehammer (or other machine) for removal. The plan was memorialized in scope in a work document.

On Sept. 24, 2020, Wildcat sent a three-man crew comprised of a foreman, Mr. Norton and two laborers who had performed various jobs that included concrete cutting and operating machinery. Wildcat also sent to the project a demolition robot, a booming forklift and mini-track loader. The project manager met with the

and the other laborer watched the power lines. As the laborer continued cutting the bottom of the wall, the foreman saw that the wall began to tip and called-out, but the wall fell on the laborer and, tragically, he would succumb to his injuries.

Following this incident, an OSHA Compliance Officers inspected the site, took photographs and measurements and interviewed the foreman and laborer from Wildcat’s crew and subsequently issued a citation. The first item of the citation alleged that “an engineering survey was not performed by a competent person to determine the conditions of the walls and the possibility of unplanned collapse...a competent person did not perform and document in writing an engineering survey of 6’ x 10’ cement walls to determine their condition...” The Secretary (of Labor) contended that to the extent Wildcat performed an engineering survey it was inadequate and did not consider the possibility of an unplanned collapse, as it

## Retiree healthcare made simple.

Established in 2005, currently servicing 250+ clients, we are the industry leader in the design, implementation, management & service of group retiree Medicare Advantage (MA/MAPD) and Medicare Part D (EGWP) plans. Our retiree solutions help plan sponsors save money, extend the life of the benefits, and add a concierge level of service for both the retirees and client staff.

**laborfirst**<sup>®</sup>

For any additional information or requests, please contact us:  
 Toll Free: 800-716-0774 • [www.laborfirst.com](http://www.laborfirst.com)  
 3000 Midlantic Drive, Ste. 101 • Mount Laurel, NJ 08054

## New York Highway System Ranks 49<sup>th</sup> in U.S. For Performance Condition, Cost Effectiveness

Continued from page 8

• New York's State-controlled highway mileage makes it the 15<sup>th</sup> largest highway system in the country.

### Additional Analysis

Reason Foundation's Annual Highway Report measures the condition and cost-effectiveness of state-controlled highways in 13 categories, including pavement condition, traffic congestion, structurally deficient bridges, traffic fatalities, and spending (capital, maintenance, administrative, other) per mile.

Compared to nearby states, New York's overall highway performance is worse than New Jersey (ranks 44<sup>th</sup>), Vermont (ranks 38<sup>th</sup>), and Connecticut (ranks 5<sup>th</sup>).

New York is doing worse than comparable states such as Pennsylvania (ranks 41<sup>st</sup>) and others like Illinois (ranks 29<sup>th</sup>).

Costs in New York are higher than in some other parts of the country, including peer states Illinois and Pennsylvania. And spending this money isn't resulting in high-quality roads.

New York's pavement condition and bridge condition are poor, with all four pavement categories and the percentage of structurally deficient bridges ranking in the bottom 20 in the nation. In contrast, peer states Illinois and Pennsylvania have pavement and bridge conditions closer to the national

average. New York is remarkable for how poorly it ranks in so many categories. While two states have worse overall rankings, no other state ranks in the bottom 15 of all states in eight categories, the report stated.

New York is one of six states with a capital and bridge disbursement ratio above 1.50. The other five are Washington, Alaska, Idaho, Arizona and New Jersey.

New York is one of seven states with a maintenance disbursement ratio above 1.50. The other six are Washington, Vermont, Indiana, New York, Oklahoma and California.

New York is one of eight states that reported more than 7% of their urban Interstate pavement in poor condition. The other six are: Hawaii, Louisiana, California, New Jersey, West Virginia, Delaware and Michigan.

New York is one of five states with more than 20% of their urban other principal arterial mileage in poor condition. The others are California, Rhode Island, Nebraska and Massachusetts.

New York is one of nine states where automobile commuters spend more than 30 hours annually stuck in peak-hour traffic congestion. The other states are New Jersey, Massachusetts, Texas, Rhode Island, Illinois, California, Delaware and Connecticut.

**SERVING THE  
INDUSTRY  
SINCE 1986!**

Site Planning & Design  
Geotechnical Engineering  
Environmental Monitoring  
Surveying & Mapping  
Structural Analysis & Design  
Construction Management  
Special Inspections  
Laboratory Materials Testing

**Tectonic**

PRACTICAL SOLUTIONS. EXCEPTIONAL SERVICE.

TEL: 800-829-6531 • WWW.TECTONICENGINEERING.COM

Hudson Valley:  
70 Pleasant Hill Road  
Mountainville, NY 10953  
Metropolitan NYC:  
118-35 Queens Boulevard, 10th Floor  
Forest Hills, NY 11375



# CIC and BCA



## Announce Scholarship Programs Are Open for 2023-2024 School Year

**2023 Louis G. Nappi  
Construction Industry Labor-Management  
Scholarship Program**

Application Link:  
[https://app.smarterselect.com/  
programs/86774](https://app.smarterselect.com/programs/86774)

### DESCRIPTION

The Louis G. Nappi Construction Industry Labor-Management Scholarship Program grants up to fifteen (15) \$5,000 College scholarships each year to students majoring in Applied Sciences, Technology, Engineering, Mathematics, Architecture or any other major as deemed acceptable by the Scholarship Committee.

### REQUIREMENTS

Students must be related\* to: a member of the Construction Industry Council of Westchester and Hudson Valley, Inc. (CIC); or a contributor to any IAF of (CIC); or a member of the following unions contributing to this scholarship program: Laborers International Union of N.A., Local 60; International Union of Operating Engineers Local 137; International Brotherhood of Teamsters, Local 456.

*\*(For purposes of this program related shall mean biological or legally adopted children or grandchildren, spouse; or as otherwise determined by the Scholarship Committee.)*

**2023 Construction Advancement Institute  
Labor-Management  
Scholarship Program**

Application Link:  
[https://app.smarterselect.com/  
programs/88581](https://app.smarterselect.com/programs/88581)

### DESCRIPTION

Up to ten (10) scholarship awards of \$5,000 each will be awarded to students studying Engineering, Architecture, Construction Technology, Construction Management or related industry courses of study as determined by the selection committee.

### REQUIREMENTS

Students must be related\* to: a member of the Building Contractors Association of Westchester and Mid-Hudson Region; or a contributor to the Construction Advancement Institute (CAI); or a member of the following unions contributing to this scholarship program: Carpenters Local 279, International Union of Operating Engineers Local 137, Laborers Local 235 or Bricklayers Local 1 (formerly Local 5).

*\*(For purposes of this program related shall mean biological or legally adopted children or grandchildren, spouse; or as otherwise determined by the Scholarship Committee.)*

**Scholarship Program Deadline is Thursday, June 1, 2023**





## Financial Management

# Construction Firms Adopt New Hiring Practices To Attract and Retain Top Talent and Skilled Labor

By PHILLIP ROSS, CPA, CGMA, PARTNER

As the pandemic ushered in disruption in a number of areas such as supply chain procurement and the bidding process, the inability to find skilled labor also became problematic. In response, the construction industry worked through the disruption to make progress in the hiring process. New ways of working, new technologies, and new ways of recruiting and retaining employees have now become one of the main features throughout construction firms and in contractor hiring practices.

The way forward may indeed be a result of new hiring priorities through gender equality, diversity, and inclusion.

Since the pandemic, the prevalence of DE&I in hiring practices has increased where construction companies are



cupy more leadership or C level roles than women. In the larger picture, while women account for 47% of the US workforce benchmark, they account for just 28% of all executives in the top leadership teams of the S&P100. Comparably, men account for 53% of the US workforce benchmark and account

***The complete definition of diversity, however, takes on multiple forms of equality. This includes eliminating previous forms of discrimination as well as welcoming the development of those from less privileged or less similar backgrounds into higher levels of management.***

actively working toward a more inclusive culture—one that moves to eliminate traditional hiring practices that unintentionally selects for gender, race, or specific socio-economic backgrounds. In matters of diversity, equity and inclusion, the mindset and changes are intended to be pervasive, reaching from the C Suite all the way through the contracted workers who arrive at the construction site for a specific job or duty. To help make better decisions, firms have even recruited the use of AI for selection processes and reducing bias in the hiring process.

**Beyond Gender Equality.** The most common perception of diversity is around gender equality. In construction and real estate businesses, the reality has been that men oc-

for 72% of the executives in those top leadership teams.

In an effort to see change, Don Peebles and the development of the Affirmation Tower is a notable example for embracing a new mindset for real estate, and construction, specifically. The Affirmation Tower's partners have given more than 30% of construction work on the tower to minority and female contractors. This is in contrast to a prior mindset that would typically result in creating a homogenous culture where everyone hired can be nearly identical in background and gender.

### **NYC Mayor Seeks Hiring for Diversity**

Mayor Eric Adams is also backing changes needed to create more diverse cultures in the workplace across the city.

The mayor recently signed executive order 26 to increase the number of underrepresented ethnic groups. The mayor has also recently announced plans to double the rate of New York City's MWBE contracts (Minority and Women Owned Business & Enterprises).

The complete definition of diversity, however, takes on multiple forms of equality. This includes eliminating previous forms of discrimination as well as welcoming the development of those from less privileged or less similar backgrounds into higher levels of management.

**Recognizing New Forms of Diversity.** In construction specifically, neurodiversity is a newer form of DE&I hiring that has recently come to the forefront. When referring to neurodiversity, there have been many documented cases of those with neurodiverse backgrounds having unique skillsets that can greatly benefit construction companies. As a result, firms are recognizing that hiring for neurodiversity can bring a unique source of talent and creativity to the table, where it's not uncommon to find out that these employees often have the qualities of highly developed attention

***Since the pandemic, the prevalence of DE&I in hiring practices has increased where construction companies are actively working toward a more inclusive culture—one that moves to eliminate traditional hiring practices that unintentionally selects for gender, race, or specific socio-economic backgrounds.***

to detail and unique problem-solving skills that are needed on the construction site. In one example, a dyslexic individual was highly sought after for his skills in painting since his work product was exemplary.

### **When Hiring, Think Outside of the Box**

Overall, as construction firms begin to embrace more diverse hiring practices, the industry will be better positioned to boost recovery and create new opportunities for what lies ahead in the built world. DE&I has the potential to allow firms to take advantage of the benefits of a more uniquely talented culture that will ultimately act

to foster better business results and overcome labor issues that have been prevalent over recent years. The successful outcomes will also ensure that we are able to increase opportunities for those in our communities while securing and retaining a new labor force that will continue to advance the industry into the future.

*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).*



## PLAN FOR TOMORROW, LIVE FOR TODAY.

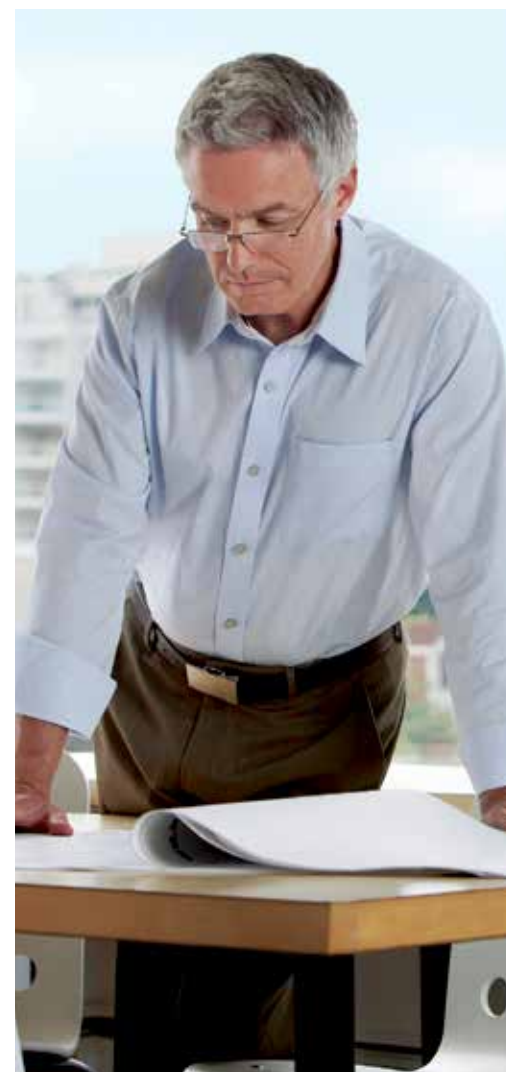
**We'll help you plan to do the things you live for.**

Whether you are imagining a retirement sailing around the world or just kicking back with your family, we can tailor a plan from a wide range of financial options to make it happen. Our team of financial planning advisors can help identify your financial planning goals and address those needs with investment strategies for potential growth.

### SEE HOW WE PLAN.



Patrick A Di Cerbo,  
CLU®, ChFC®, AEP®, MSFS, CFP®  
Wealth Management Advisor  
518.281.8200  
[patdicerbo.com](mailto:patdicerbo.com)  
[pat.dicerbo@nm.com](mailto:pat.dicerbo@nm.com)



07-1016 © 2021 Northwestern Mutual is the marketing name for The Northwestern Mutual Life Insurance Company (NM), (life and disability insurance, annuities, and life insurance with long-term care benefits) and its subsidiaries in Milwaukee, WI. Northwestern Mutual Investment Services, LLC (NMIS) (securities), a subsidiary of NM, broker-dealer, registered investment adviser and member FINRA and SIPC. Patrick A Di Cerbo is an Insurance Agent(s) of NM. Patrick A Di Cerbo, is a Registered Representative(s) of NMIS. Patrick A Di Cerbo, is a Representative of Northwestern Mutual Wealth Management Company®, (NMWMC) (fiduciary and fee-based financial planning services), a subsidiary of NM and federal savings bank. All NMWMC products and services are offered only by properly credentialed Representatives who operate from agency offices of NMWMC. Certified Financial Planner Board of Standards Inc. owns the certification marks CFP®, CERTIFIED FINANCIAL PLANNER™ and CFP® (with flame design) in the U.S., which it awards to individuals who successfully complete CFP Board's initial and ongoing certification requirements.

## Run in good company.

The Construction Industry Council represents over 500 contractors, material and equipment suppliers, specialty and service firms who compete in the region's \$1.5 billion marketplace. From roads and bridges to utility, waste and water treatment systems, CIC-member companies and affiliated unions are dedicated to building and improving these public and private services. To make your company more successful in the construction industry, maybe it's time you run with us.

*For Membership Information, Call:*

**George Drapeau III, Director of Membership Services**

**(914) 631-6070**

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

## Real Estate, Government Officials Agree Housing Crisis is Real

Continued from page 3

working through the local level and having private developers, such as myself, working closely with municipal leaders, community leaders to get together to figure out a way to continue responsible and sustainable development. It is not going to happen overnight.”

He concluded his remarks by saying, “The housing crisis is real. There are numerous folks that are completely boxed out of living in New York State at all different economic levels...”

The conference also included a panel discussion moderated by Tom Murphy, Senior Resident Fellow, Urban Development at the Urban Land Institute. The featured panelists were: New Rochelle Mayor Noam Bramson, Town of North Castle Supervisor Michael J. Schiliro and Executive Director of the New York Housing Conference Rachel Fee.

It was this panel discussion that clearly showed the divide on how state and local governments should address the housing shortage in New York State.

Supervisor Schiliro stressed that North Castle has met its new housing goals, but there are sections of the town where new development would be difficult.

While also praising the governor for proposing a plan, municipalities were not included in its formulation, he charged.

“For people who sit in my chair, we are looking for collaboration. We are looking for a seat at the table so we can be part of the conversation,” he said.

He noted that one part of the governor’s plan was to promote Accessory Dwelling Units. The supervisor noted that ADUs have existed in North Castle since the 1980s.

He added that the town has reworked its housing ordinances and “attainable” housing goals over the years, at times to address legal or legislative actions. The town’s housing stock has increased by 30% over the last 30 years, which is in line with the governor’s plan.

Supervisor Schiliro noted that towns and cities have different challenges and issues and perhaps different guidelines and housing goals. Therefore, rather than set local town and village housing goals, the state should set individual county goals for new development.

“The SEQRA (State Environmental Quality Review Act) process does need reform,” he said. “But there are many tenets of the SEQRA process that are important that allow communities like ours to let their residents be heard, make sure we are checking off all the boxes on what the issues are and be able to move projects forward.”

New Rochelle Mayor Bramson discussed the city’s groundbreaking zon-

ing reform that included a form-based zoning code and generic environmental review that has resulted in projects that are in conformance with the downtown zoning requirements being approved from date of submission in 90 days.

He said that 30 projects in the downtown have been approved, with approximately a dozen completed and another 12 proposals under contract. The mayor stated that approximately 3,500 new housing units have been completed in the city, with another 3,500 under construction. The amended downtown zoning would allow for approximately 10,000 new units to be built.

Mayor Bramson said that there are many local governments that are doing their part in approving new housing developments without incentives or penalties being imposed by state government. “And yet, history tells us, the evidence shows us that if you are going to leave localities to do this on their own without input from the state, it is not going to happen with the consistency and the scale that is necessary to solve this problem,” Mayor Bramson said.

He agreed with Supervisor Schiliro that localities have different issues and their housing choices have an impact beyond their borders.

Mayor Bramson said that Gov. Hochul may have made a

tactical mistake in proposing penalties for non-compliance even though he believes the state was hoping and perhaps never intending to impose those penalties, including the establishment of a state organization that could circumvent an unwarranted municipal rejection of a project.

“My suspicion is that this (state) circumvention route from a developer’s viewpoint would have been regarded as very unattractive,” the mayor said. “It takes a long time, there is a lot of brain damage, there is a lot of uncertainty associated with it and no one wants to drag a project through a community kicking and screaming when the community actually doesn’t want it.

Ms. Fee was supportive of most of the governor’s compact plan, but did state that the proposed \$125 million devoted to local infrastructure needs was not adequate.

She noted that the State Legislature needs to take action now to address the urgent housing need and that many facets of the governor’s plan should be debated.

“I don’t think an incentives-only approach would be effective,” Ms. Fee said. “That is basically what we have now... Communities that don’t want to act that want to say ‘No’ to housing, that want to stall projects for years and years will just keep stalling. So, I do think we need some kind of stick.”

Prior to Gov. Hochul withdrawing her “New York Housing Compact,” a group of Westchester business organizations sent a letter to the Westchester State Delegation urging them that incentives alone will not solve the housing crisis in Westchester County and therefore lawmakers should enact some key facets of Gov. Hochul’s “New York Housing Compact” plan.

The letter was signed by: John T. Cooney Jr., Executive Director, Construction Industry Council of Westchester & Hudson Valley, Inc.; Jan Fisher, Executive Director, Nonprofit Westchester; Tim Foley, CEO, Building and Realty Institute of Westchester and the Mid-Hudson Region; Jana Currier, Interim CEO and COO, Hudson Gateway Association of Realtors; and Michael N. Romita, President and CEO, Westchester County Association.

Noting the recently released one-house budget proposals by the Assembly and Senate offered incentives to foster needed housing development and an increase in infrastructure spending as compared to Gov. Hochul’s plan, the business groups noted in the letter: “We have consistently advocated for setting clear housing growth targets (including transit-oriented development) coupled with consequences for not meeting those targets. Incentives alone will not succeed.”



## BAY CRANE

N O R T H E A S T

- Crawler Cranes to 900 tons
- Telescopic Cranes to 770 tons
- Specialized Transport to 4,500 tons
- Project Logistics and Warehousing
- Specialty Rigging Equipment
- Professional Engineering and Lift Planning

### NEW YORK

11-02 43rd Ave  
Long Island City, NY 11101  
718-392-0800

### RHODE ISLAND

115 Lydia Ann Road  
Smithfield, RI 02917  
401-349-2755

### MASSACHUSETTS

12 Ledin Drive, 83 Freeport Street  
Avon, MA 02322 Boston, MA 02122  
774-406-1466 774-666-0214

### WESTCHESTER

57 Canal Road  
Pelham Manor, NY 10803  
914-727-0107

### CONNECTICUT

37 Nettleton Ave  
North Haven CT 06473  
203-785-8000

### NEW JERSEY

1441 Chestnut Ave  
Hillside, NJ 07205  
973-391-9700

### LONG ISLAND

389 New South Road  
Hicksville, NY 11801  
516-937-1523

[www.BAYCRANE.com](http://www.BAYCRANE.com)



## WHAT'S NEW &amp; WHO'S NEWS

# New Rochelle Picks Planning Partner To Reimage Downtown Transit Center

NEW ROCHELLE, NY—The City of New Rochelle announced on May 12 the selection of Brooklyn, NY-based FX Collaborative to transform the city's Train Station and Transit Center located in its redeveloping downtown area. As the busiest stop on the Metro-North New Haven line, New Rochelle's historic train station has long been an anchor through the decades.

Chosen after a competitive RFP process, FX Collaborative is an architecture, planning, and design firm with extensive experience in designing transportation hubs and urban landscapes. The firm's expertise in creating sustainable and accessible public spaces will be invaluable in helping New Rochelle achieve its goals of promoting equitable transportation and restoring vital connections to surrounding neighborhoods, connecting the new developments and residen-

tial buildings in the downtown, city officials stated.

The New Rochelle train station currently services more than 6,000 outbound riders per weekday, and is the only Amtrak station stop in Westchester. That number will increase significantly with the completion of the MTA's Penn Access project in 2027, which will make New Rochelle the only city to offer direct access to both the East and West sides of Manhattan.

"This project represents a major opportunity to create a community hub connected to surrounding neighborhoods and provides venues for public events and activities," said Mayor Noam Bramson.

City Manager and Chair of the IDA Kathleen Gill, Esq., added that the partnership with FX Collaborative represents a major step forward in our efforts to create a more accessible



New Rochelle Mayor Noam Bramson, center, sees a major opportunity to reconnect surrounding neighborhoods and provide venues for public events and activities.

and connected downtown area by improving walkability and enhancing transportation options. "We are creating a more livable and sustainable city that benefits everyone who lives, works, and visits here," she said.

The project will examine the entire transit center cam-

pus—from Station Plaza North to South, and from North Avenue to Memorial Highway and Division Street—as well as the West End neighborhood connection. The redesign of the transit center will complement other ongoing major initiatives such as "The LINC," which will

transform an overbuilt highway into a walkable, bicycle-friendly street and linear park. The LINC development process is a significant investment to provide safe convenient connections between the Lincoln Avenue Corridor and the transit center and downtown.

## Work Begins on Mount Vernon's \$9M Third Street Sewer Project

MOUNT VERNON, NY—Construction work has commenced on a \$150-million project to address long-standing water infrastructure problems in the City of Mount Vernon.

The state announced on May 11 that work had begun on the \$9-million Third Street Sewer Project which will ensure reliable wastewater service and enhanced quality of life for more than 4,100 residents in Mount Vernon impacted by broken sewer infrastructure lines. Joining Gov. Kathy Hochul at a briefing announcing the start of the initiative were Mount Vernon Mayor Shawyn Patterson-Howard and Westchester County Executive George Latimer.

The New York State-Westchester County-City of Mount Vernon partnership was memorialized in a MOU in April 2022 to expedite priority projects and outline roles, responsibilities, and available funding for the city-wide effort. The MOU formalizes the three-way partnership between the City of Mount Vernon, Westchester County, and New York State, including the use of \$9 million in Clean Water Infrastructure Act funds for engineering, design, and construction work associated with the Third Street Sewer Project.

The Third Street Sewer project is breaking ground after an accelerated planning and design process and will ensure reliable wastewater service for the 4,100 nearby residents currently minimally served by temporary pumps and a makeshift system staged in the middle of Third Street. Further



Mount Vernon Mayor Shawyn Patterson-Howard

improvements across the city are set to take place in phases over five to seven years.

Westchester County Executive Latimer said, "The start of construction on the Third Street Sewer Project marks a major milestone in our historic partnership, and enhanced quality of life for more than 4,100 residents here in Mount Vernon."

Mount Vernon Mayor Shawyn Patterson-Howard added, "The Third Street Sewer Project is a collaborative effort between the City of Mount Vernon, the State of New York, and Westchester County. It aims to replace aging sewer infrastructure, address capacity issues, and mitigate the risk of sewer backups and related environmental concerns. The project's successful implementation will not only enhance public health and safety but also contribute to the overall revitalization and sustainability of our city."

Projects began immediately last year and are ongoing to

provide an additional \$6 million from the Environmental Facilities Corporation to fund 33 priority repair projects and \$10 million from the Department of Environmental Conservation for the assessment, remedial design, and full repair of the "Outfall 24" collection line that discharges raw sewage to the Hutchinson River. EFC dedicated an additional \$2 million for engineering consultant services to accelerate work. The City of Mount Vernon and DEC are also undertaking a \$1-million asset management program to inventory, assess, and track the city's water infrastructure and help create a plan to fund and maintain Mount Vernon's water quality infrastructure over the long-term.

### Lead Pipe Replacement

The New York State Department of Health is actively



Mount Vernon is tapping \$9 million in Clean Water Infrastructure Act funds for engineering, design and construction work associated with the Third Street Sewer Project.

working with the Mount Vernon Board of Water Supply on the \$1-million lead service line inventory project. The \$1-million grant financing agreement with EFC was approved by Mount Vernon on Sept. 14, 2022, and MVBWS has begun their inventory efforts by reviewing its archive of more than 12,500 water accounts. Of the approximately 8,300 service line records reviewed to date, approximately 5,300 indicate the presence of a lead

portion. In addition to the full archive review, anticipated to be completed by the fall of 2024, MVBWS launched community engagement efforts in April with public information mailings and the creation of a lead service line program website, as coordination with the public on this initiative is crucial to its long-term success. The lead service line inventory is a key step to comprehensive action to replace the lead lines.

Please turn to page 21

## Don Ranshte Joins GCA To Direct Government Relations



NEW YORK--Don Ranshte has joined the General Contractors Association of NY as Director of Government Relations. Most recently, Mr. Ranshte spent nine years as executive vice president of the Building Trades Employers' Association (BTEA), where he worked alongside contractor members on the building side of the construction industry.

Mr. Ranshte has an extensive background in the building construction industry, having worked for more than a decade at the New York City Department of Buildings in the Bloomberg Administration as director of Community Affairs, Intergovernmental Affairs and Executive Analytics.

He also served as New York City Loft Board Chair, and he collaborated with city and state regulators to make housing units safer for its residents. He brings to the GCA nearly 25 years of advocacy, government and policy experience, having also worked for legislators in the New York State Assembly, the State's Office of the Comptroller and the New York City Council.

# Laborers' International Union of North America, Local 60



- Anthony Ascencao.....Business Manager
- Frank Bisignano..... President / Training Director
- Carlos Gonzalez..... Vice President / Training Instructor
- Michael Moreira .....Secretary Treasurer / Field Representative
- Jacinto Fragoso .....Recording Secretary / Field Representative
- Andrew Ferraro..... Executive Board Member / Training Instructor
- Joseph Scipioni ..... Executive Board Member

140 Broadway, Hawthorne, NY 10532  
 914-769-0300 • [www.liunalocal60.com](http://www.liunalocal60.com)

## State Approves \$51 Million For Clean Water Projects

Continued from page 9

tion—\$22,000,000 long-term leveraged financing for the design and construction of the Croton Water Filtration Plant and associated facilities.

**New York City Municipal Water Finance Authority and New York City Department of Environmental Protection**—\$100,000,000 long-term leveraged financing for excavation and construction of Shafts 17B-1 and 18B-1, which are part of the City Tunnel No. 3, Stage 2 in Queens.

Clean Water Project funding approvals in New York City included: \$80,225,467 for the **New York Municipal Water Finance Authority and New York City Department of Environmental Protection** - long-term leveraged financing related to the Wards Island Water Pollution Control Plant Final Settling Tank Reconstruction, Bowery Bay Water Pollution Control Plant Power Distribution System Upgrades, Tallman Island Water Pollution Control Plant Phase I Biological Nutrient Removal Upgrades, Various Water Pollution Control Plants Phase II Biological Nutrient Removal Carbon Addition, Rockaway WWTP Level 1 Biological Nutrient Removal Upgrades, Inner Harbor Combined Sewer Overflow Gowanus Pump Station and Flushing Tunnel Reconstruction, Coney Island Pollution Control Plant Replacement of Main Sewage Pumps, North River Water Pollution Control Plant Cogeneration and Electrification Project and the Coney Island and North River Water Pollution Control Plants Total Chlorine Reduction.

## Attorney's Column

Continued from page 6

the complexities of a wrap up policy are added, it becomes more crucial to understand what each one covers, and what each one does not, and how one policy can fall by the wayside where the other is present. At the end of the day, a failure to understand the relation between a contractor's primary general liability policy and a project specific wrap up policy can leave dangerous gaps in coverage. In order to avoid such gaps, contractors would be well advised to consult with construction counsel who is also experienced in reviewing such policies. While the policy language will control, such

counsel can point out gaps in coverage and recommend what additional coverage may be necessary to plug such gaps.

*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. Gregory J. Spaun, General Counsel to the Queens and Bronx Building Association, and an attorney and a partner with the firm, co-authors this series with Mr. Welby.*

## Safety Watch Continued from page 15

shoring was not needed. Moreover, Mr. Miller and the project manager communicated the scope of work with the crew and the project manager memorialized his visits in daily reports.

The Secretary provided an expert who testified that Wildcat's engineering survey did not meet the requirements of the safety standard because it did not note the hazards on the site and did not contain a plan for using protective measures and, therefore, showed that Wildcat did not consider the possibility of an unplanned collapse. The ALJ disagreed and found that

all of Mr. Miller's steps were in fact adequate to conduct an adequate engineering survey, and he vacated this item of the citation.

*About the author: Costas Cyprus is an associate attorney practicing construction law and commercial litigation with Welby, Brady & Greenblatt, LLP, in White Plains, NY. He can be reached at 914-428-2100 and at ccyprus@wbglp.com. The articles in this series do not constitute legal advice and are intended for general guidance only.*

## Work Begins on Mount Vernon's \$9M Third Street Sewer Project

Continued from page 19

### Mount Vernon Healthy Homes Initiative

Construction has also begun on the first homes awarded under the Mount Vernon Healthy Homes pilot program. The \$3-million program, administered by New York State Homes and Community Renewal's Office of Resilient Homes and Communities, is in addition to the state's \$150-million investment and is installing residential sewer-related improvements in neighborhoods at high-risk for wastewater backflow.

Residents that are approved to participate in Mount Vernon Healthy Homes will be eligible to receive the following improvements: new sanitary sewer backflow prevention device, wastewater drainage improvements, new whole house water filtration system, replacement of up to two low-flow toilets, clean-up and remediation after damage or mold from wastewater flooding and other environmental remediation of hazards such as lead paint or asbestos.

# PUT 'DRIVERS WANTED' SIGNS IN THE REARVIEW MIRROR



Local 456

Announcing the  
**CIC / Teamsters Local 456**  
**'Practical Drivers Training Program.'**  
Help us meet your need for qualified,  
construction industry drivers.



Local 456 is partnering with several  
Commercial Driving Schools who train  
individuals and get them their  
necessary commercial driving license.  
To participate, Class A & Class B  
commercial licenses are acceptable.



After receiving their  
commercial driving license, the  
456 training recruits are put  
through driver safety training  
and driver simulation training  
by Local 456.



Local 456 has got you covered  
for commercial insurance that  
will cover the trainee when in  
and driving a CIC Member's  
truck.

\* Contact John Cooney Jr.  
[John@cicnys.org](mailto:John@cicnys.org)



Take advantage of this  
opportunity - It's the best and  
only way to practically train a  
new recruit !!! The insurance  
coverage holds the CIC  
Employer harmless.



**Save the Date**  
SOFTBALL SHOWDOWN  
2023  
FRIDAY, SEPTEMBER 8TH



All proceeds to benefit the  
Ukrainian Relief Fund



**THE BUILDERS**

**VS**



**THE PAVERS**

**3RD ANNUAL**  
CHARITY SOFTBALL GAME  
Enjoy A Fun Friday Afternoon!

**LOSEE PARK**  
TARRYTOWN, NEW YORK

Sponsorships and Donations Welcome!  
Players Needed!

Contact Sharon Masciovecchio  
sharon@cicnys.org / 914.631.6070

Checks should be made out to  
St. Michael's Ukrainian Catholic Church  
and mailed to Construction Industry Council  
629 Old White Plains Road, Tarrytown, NY 10591  
CICNYS.ORG



## LOW BIDS

### **Bothar, Verde, ELQ, DeAngelo, Morano Nab NYSDOT Projects**

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

**Bothar Construction LLC** of Binghamton, NY was the lowest of five bidders at \$4,537,608.55 for culvert replacements, NYS Routes 12, 26, 41 and 55 in the towns of Coventry, Maine, Neversink and North Norwich in Broome, Chenango and Sullivan counties.

**Verde Electric Maintenance Corp.** of Mount Vernon, NY was the lower of two bidders at \$25,457,635.60 for improvements to traffic signals, cameras and VMS equipment at various locations in Rockland and Westchester counties.

**ELQ Industries Inc.** of New Rochelle, NY

was the lowest of three bidders at \$5,627,797. for highway safety improvements - 907W to SH 9489 and 907K to SH 9487 in various municipalities in Westchester.

**DeAngelo Contracting Services, LLC** of Hazelton, PA was the lower of two bidders at \$673,264.20 for highway vegetation management at various locations in Columbia, Dutchess, Orange, Putnam, Rockland, Ulster and Westchester counties.

**Morano Brothers Corp.** of Croton-on-Hudson, NY was the lowest of six bidders at \$10,199,183. for highway resurfacing on US Route 1 from the Bronx/Westchester County line to City of New Rochelle line, Town of Pelham and Village of Pelham Manor in Westchester.

### **DA Collins, Callanan Ind. Win Thruway Bid Work**

ALBANY—The New York State Thruway Authority recently reported the selection of two apparent low bidders for work in the Hudson Valley region.

**DA Collins Construction** of Wilton, NY was the lower of two bidders at \$9,283,000. for contract TAA 23-13B - bridge preservation of the I-87 over

the Kaaterskill Creek and Catskill Creek bridges (MP 111.13 and MP 113.22) in Greene County.

**Callanan Industries Inc.** of Albany, NY was the sole bidder at \$4,442,802.94 for contract TAA 23-4/d214907 safety upgrades and miscellaneous work between milepost 93.8 and milepost 100.8 in Ulster County.

### **Mace Contracting, ADT Comm. Secure Westchester DPW Jobs**

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

**Mace Contracting Corp.** of New Rochelle, was the lowest of four bidders at \$1,993,000. for air/vacuum release valves installation at the

North Yonkers Pump Station Force Main in Yonkers, NY.

**ADT Commercial, LLC** of Hawthorne, NY was the lower of two bidders at \$619,920. for countywide maintenance service for open protocol fire alarm systems at various locations in Westchester.

## The 44th Annual CIC GOLF CLASSIC

Monday, July 10, 2023

Sleepy Hollow Country Club

Scarborough, New York



**Construction Industry Council**  
**629 Old White Plains Rd, Tarrytown, NY 10591**  
**cicbca.org 914.631.6070**



**BUILT BETTER | BUILT SAFER | BUILT UNION**

**Eastern New York Laborers District Council:**

**Samuel Fresina, Business Manager**

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

LOCAL 60, WESTCHESTER, Anthony Ascencao, Business Manager

LOCAL 157, SCHENECTADY, Ian Joshua Shaul, Business Manager

LOCAL 190, ALBANY, Anthony Fresina, Business Manager

LOCAL 235, WESTCHESTER, Dario Boccarossa, Business Manager

LOCAL 754, ROCKLAND COUNTY, Stephen Reich, Business Manager

**The NYS Laborers offer:**

- ✓ Quality workmanship
- ✓ Faster completion of projects
- ✓ State-of-the-art skills training
- ✓ OSHA-approved safety programs
- ✓ Certified environmental and hazardous waste workers
- ✓ Established member benefit programs
- ✓ Productive alliances



668 WEMPLE ROAD, Glenmont, New York 12077  
 PHONE: (518) 462-9350 | FAX: (518) 462-9359

# HALCYON CONSTRUCTION CORP.

*New York City is blessed with natural harbors.  
We help keep them clean.*

## Owls Head Sewage Treatment Plant

*Brooklyn, NY*

*Photo by Assad Dilmaghani, VP*

**65 MARBLE AVENUE  
PLEASANTVILLE, NY 10570  
914-741-1112**