



Construction NEWS



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PHOTO CREDIT: PENNDOT

DOT Unveils Route 17 Timeline For Reviews, Bidding, Start Dates

BY JOHN JORDAN

TOWN OF WALLKILL, NY—Officials with the New York State Department of Transportation held a public hearing on June 1 at Wallkill Town Hall to update the public on its re-evaluation of planned improvements to Exit 122 on Route 17.

NYS DOT also provided updates on the environmental review of the possible expansion of sections of the roadway that may include a third lane in each direction from Harriman in Orange County to Monticello in Sullivan County.

All signs point to considerable project work beginning mid-2024 at Exit 122 of Route 17 and more work on sections of the highway in late-2025/early-2026. Construction is likely to extend through 2029 or 2030. The total value of projects outlined by NYS DOT officials at Exit 122 and on three major projects to be let in 2026 approach the \$1-billion price tag first announced by New York Gov. Kathy Hochul in April 2022.

Mark Tiano, PE, NYS DOT regional design engineer, and Mark Kruk, NYS DOT project manager, told CONSTRUCTION NEWS that the second phase involving improvements to the eastern half of Exit 122 interchange is currently valued at between \$75 million to \$85 million. While the final design has not yet been completed, NYS DOT also intends to have the project complete the widening of Route 17 over the Wallkill River. The first phase of the Exit 122 improvement project was launched in the early 2000s, and construction on the western half of the Exit 122 interchange was completed in 2015.

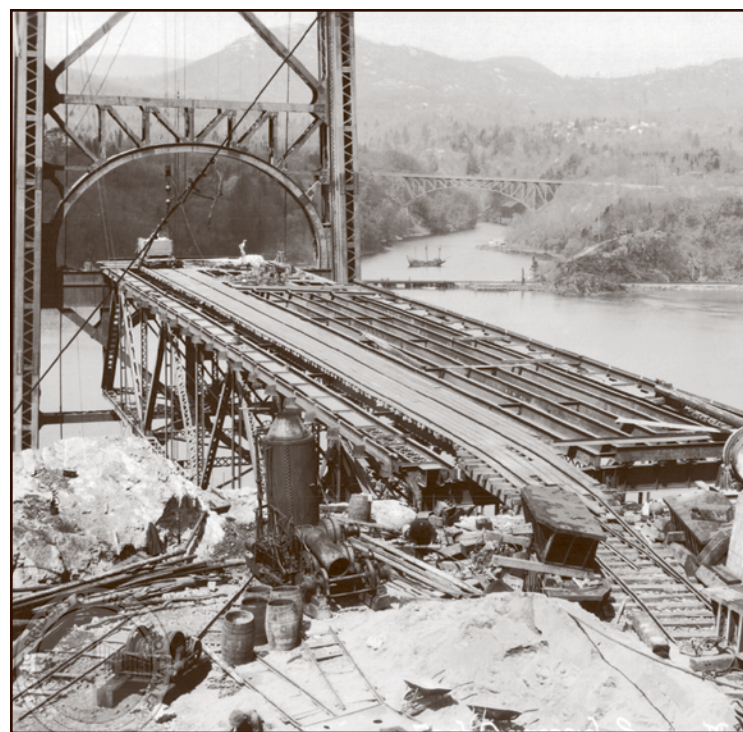
Mr. Kruk told CONSTRUCTION NEWS at the hearing, “We are currently doing a re-evaluation of the 2008 Environmental Impact Statement. Once we complete the re-evaluation, we are going to move into the final design, which will be done with the final design by the end of the year (2023).”

Please turn to page 10

Philadelphia Bridge Collapse

Work crews at the collapsed section of I-95 in Philadelphia, caused by an explosion of a tanker truck exiting the highway on June 11. With demolition completed, Pennsylvania Governor Josh Shapiro announced on June 20 that I-95 will be reopened on either June 24 or June 25, ahead of the originally projected two-week timeline. “We have worked around the clock to get this done, and we’ve completed each phase safely and ahead of schedule. That’s all due to the incredible coordination with our local, state, and federal partners—and thanks to the hard-working men and women of the Philadelphia Building Trades who are making this happen.” See story, page 3.

State Bridge Authority Launches Centennial Celebration of Iconic Bear Mountain Bridge



Construction on the Bear Mountain Bridge began in the spring of 1923. SOURCE: NYS BRIDGE AUTHORITY

BY JOHN JORDAN

BEAR MOUNTAIN, NY—As Hudson River bridge crossings go, the cost of construction of the Bear Mountain Bridge was a real bargain.

Back when it opened in 1924, spanning one of the narrowest sections of the Hudson River, the project took 20 months to complete at an initial cost of \$2.9 million. In today’s dollars, that’s about \$51 million for the 2,255-foot parallel wire cable suspension bridge that connects four counties over an equal number of generations in the lower Hudson Valley.

It was an ambitious but perilous project, built on steep cliffs overlooking the Hudson River. And in that era of nation building, which was booming five decades prior to the creation of safety watchdogs like OSHA (1971), New York State Bridge Authority Board of Commissioners Chair Joan McDonald noted at a recent ceremony. Construction on the project that had no worker fatalities began in the spring of 1923.

No centennial celebration is ever complete without the sealing and burying of a time capsule. The items stored for posterity for the actual centennial

on Nov. 24, 2024, include letters from Gov. Kathy Hochul and Lt. Governor Antonio Delgado, artifacts related to the Harriman family, written memories of the bridge, and various mementos from the Bridge Authority and the Hudson Valley region. Also included are letters to the future—written by fourth grade students at Hillcrest Elementary School in Peekskill.

The time capsule was sealed by NYSBA’s longest-serving employee, John Brooks. A resident of Ulster County, Mr. Brooks first worked as a toll collector at the Mid-Hudson Bridge starting in September 1966. Since retiring from full-time service in 1997, Mr. Brooks has stayed on as a part-time employee at NYSBA headquarters in Highland, NY, dedicating more than 56 years of service to the authority.

The time capsule will be mounted in the bridge’s west anchorage and will be reopened 100 years from now in April 2123. The space is located in the basement of the bridge’s historic administration building that is home to the Richy Vacek Bear Mountain Bridge Museum. The space, named in memory of a retired bridge foreman, is home to

a small museum and classroom area that is open to schools and other groups by appointment.

Ms. McDonald of the NYSBA said, “Ever since the Bridge Authority took ownership of the bridge in 1940, the NYSBA Board of Commissioners has worked to ensure the Bear Mountain Bridge remains a safe, reliable, and affordable river crossing for the residents and visitors of the Hudson Valley. As we dedicate this time capsule, we recommit ourselves to this mission to ensure that travelers 100 years from now can continue to experience this beloved span and the beautiful region it calls home.”

New York State Bridge Authority Executive Director Dr.

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Philadelphia Bridge Collapse Shines Spotlight On Need to Improve Bridge Conditions in U.S.

By JOHN JORDAN

TARRYTOWN—The names of failed bridges continue to haunt our nation's transportation legacy. Mianus River, Schoharie Creek, Tennessee Hatchie River Bridge, Cypress Street, San Francisco-Oakland Bay and I-35W—left scores of dead and injured and continue to serve as tragic reminders of the need to boost funding for the nation's and, in particular, New York State's aging and deteriorated bridges.

We now add to this list the section of I-95 in Philadelphia on June 11. The cause of the northbound bridge collapse was an explosion of a tanker truck exiting the highway and crashing under the I-95 span, which carried an average of 160,000 vehicles per day.

The I-95 bridge section is supported by steel girders, which are typically susceptible to heat. Inspection reports said the bridge was in good condition, but the tanker fire could easily have produced temperatures high enough for the steel to lose strength and collapse, the Philadelphia Inquirer reported.

Early investigations of the collapsed section of I-95 revealed that the span was actually part of a \$212-million reconstruction project that was completed some four years ago. PennDOT rated the 104-foot span in "good" condition earlier this year, with another inspection set for 2025. While 7.5% of U.S. bridges are considered structurally deficient, according to the American Society of Civil Engineers, the I-95 span was not one of them.

Less than a week after the collapse, Pennsylvania Gov. Josh Shapiro said, "I can state with confidence that we will have I-95 reopened within the next two weeks." Speaking at a briefing with President Joe Biden at Philadelphia International Airport on June 17, the governor added, "We are going to get traffic moving again thanks to the extraordinary work of those here and our incredible union trade workers."

C. Abbonizio Contractors of Sewell, N.J. was hired to handle the demolition of the damaged bridge and road, which was performed and completed in just four days—

ahead of schedule and beating some experts' prediction of more than a week, according to the governor's office. "Members of the Philadelphia Building Trades, working for Philadelphia-based contractor Buckley & Company, have begun pouring the foamed glass aggregate into the gap in the roadway, building it up to the surface level of I-95."

So far, the federal government has earmarked \$3 million in "quick release" Emergency Relief funds for use as a "down payment" by the Pennsylvania Department of Transportation to offset costs of repair work on

the section of I-95 in Philadelphia. The State of Pennsylvania has set aside another \$7 million for the project. A total cost for the bridge replacement project has not yet been released.

"Every day counts in this urgent reconstruction project, and the quick-release funding is an important step to help PennDOT rebuild the collapsed portion of I-95," said U.S. Transportation Sec. Pete Buttigieg while recently touring the scene of the collapse. "We will continue to use every federal resource we can to help Pennsylvania restore this key artery quickly and safely."

Pennsylvania Transportation Department is streaming live the construction of the I-95 overpass at www.pacast.com/live/I95.

Sec. Buttigieg visited New York State this past April to highlight \$21 million in federal



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funding for the replacement of the Castleton-on-Hudson Bridge, calling attention to the increased investment by the Biden Administration on the

nation's bridge system. However, he noted that there is much work to be done.

He said that over the decades, "we allowed significant parts of

PHOTO CREDIT: PENNDOT that system to fall into a state of disrepair. Around 43,000 bridges nationwide are in poor condition. Closures, or worse, **Please turn to page 13**

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COMMENTARY

Congestion Pricing: The Whole World Is Watching; New York Has to Get it Right

By SAM SCHWARTZ



NEW YORK—The polluted air in early June, affecting much of the U.S. from wildfires in Canada, should remind us that we are all connected on this planet and that climate change is real. It should also spur our local politicians to support strategies that reduce greenhouse gases (GHGs) which contribute to extreme weather conditions that lead to widespread wildfires, floods, extreme heat and more.

The transportation sector contributes the most to GHGs, and motor vehicles make up 80% of that contribution. Per passenger-mile, a car emits nearly three times more carbon dioxide than rail transit. New York's congestion pricing (CP) plan will switch some

drivers to transit by charging motor vehicles and applying the revenue to transit. It will also have an outsized impact: other cities in the Americas are considering pricing strategies and eyeing us for guidance. But, if you can't make it (it being CP) here, you can't make it anywhere—in the U.S. at least (apologies to Frank Sinatra). That's because New York has the highest transit usage and the fewest cars by far than any other city in the U.S.—and theoretically the easiest transition.

Past plans have been thwart-

ed by Congress (1977), lawsuits (1980) and legislative inaction (2008).

In the past decade, citizen-led coalitions from MOVE NY (I was part of the leadership), to the Riders Alliance and the Community Services Society, successfully got then-Gov. Andrew Cuomo, an avowed car guy, to not only support CP but become a champion. Kathy Hochul, are you paying attention?

In February 2019 the first congestion charges were applied to taxis, Ubers and Lyft's south of 96th St., followed by legislation to charge all drivers entering Manhattan south of 60th St. This month the federal government is expected to give final approval of the MTA's 4,000-page Environmental Assessment document. So why aren't I breaking out the champagne? Answer: "Chicken Littles" who warn of calamity and politicians (often interchangeable).

The "Chicken Littles" claim the city will collapse with CP as if it is something never seen by humankind. London, Stockholm, Milan, Singapore and a dozen other cities have successfully implemented CP and are thriving. Closer to home we've had our own version of CP with every car to Staten Island tolled for nearly a century. Additionally, all drivers from New Jersey to New York have been charged since 1927. In fact, all East River bridges were tolled from 1883 to 1911. Just in the New York Metropolitan Region we have a score of tolled facilities including 17 bridges

and tunnels, the NJ Turnpike, Garden State Parkway and NYS Thruway.

Even though the MTA has

argument when it comes to the Lincoln and Holland tunnels, where cars already pay up to \$14.75. They should get a

credit, as should users of the two other tolled tunnels, the Midtown and Battery. But not users of the George Washington Bridge.

N.J. Gov. Phil Murphy calls it a money grab and double tolling. The state's senior senator, Bob Menendez, has authored the Stop NJ Congestion Act also claiming charging a toll at the GW Bridge coupled with the CP Zone charge (Manhattan south of 60th St.) would amount to double taxation. Never mind their own state has more double and triple tolling than any other,



A map of the areas of Manhattan affected by the Congestion Pricing Plan.

SOURCE: SAM SCHWARTZ

yet to decide on the details of the plan, the bellyaching is palpable. Streetsblog counted 120 distinct groups asking for exemptions including civil servants, cops, musicians, residents of every or any borough, people with cancer and other serious diseases, parents and a hundred plus more. Reminds me of the *New Yorker* cartoon with two dogs conversing and one says, "I would not be opposed to a cat tax"—everyone wants the other guy to pay.

I canvassed the tolling authorities in our region and found very few exemptions. My suggestion is don't reinvent the wheel: follow the current protocol of the MTA or the Port Authority, sans exclusions for employees and retirees.

The loudest wailing against CP comes from the Garden State—and they have a solid

with drivers routinely taking the Garden State Parkway (tolled) into the NJ Turnpike (tolled) across the Hudson River (tolled). And never mind Menendez's own website which highlights, "Bob knows that we need bold action on climate change, and we need it now." He's right, we need action now.

As I said, this is far bigger than just a New York strategy to cope with traffic congestion and reduce pollution. If we are successful, every major city in the Americas from Buenos Aires to Quebec will be encouraged to use road pricing as a tool to protect our planet. As Sinatra sang, "It's up to you New York, New York."

About the author: Sam Schwartz is a former NYC traffic commissioner.

Construction Groups Say Supreme Court Ruling May Advance Transportation Project Approvals

WASHINGTON—The U.S. Environmental Protection Agency's campaign to regulate all U.S. ditches hit another roadblock on May 25. The U.S. Supreme Court agreed with the American Road & Transportation Builders Association (ARTBA) and the National Stone, Sand & Gravel Association (NSSGA) that the agency exceeded its authority in developing new wetlands regulations.

The decision potentially means EPA will need to rewrite its "Waters of the United States (WOTUS)" rule, which has led to permitting delays for transportation projects.

At issue in *Sackett vs. EPA* was whether the agency could require a permit for any area with a "significant nexus" to a navigable waterbody, such as a river, lake or stream. The EPA never defined "significant nexus," causing confusion for the entire transportation construction industry. The court called the "significant nexus" test "particularly implausible" and held the EPA has "no statutory basis to impose it."

In their brief to the court, ARTBA and the

NSSGA critiqued the "significant nexus" test, noting it has "no inherent limiting principles" and empowers federal agencies to assert federal jurisdiction "well beyond the limits set by Congress."

ARTBA and NSSGA maintained that defining WOTUS in such an expansive way improperly creates permit obligations for features such as roadside ditches, which serve the necessary safety function of collecting water during and after rain events. This type of overregulation serves only to delay critical infrastructure improvements and increases costs without providing any environmental benefits, the groups say.

"Today's Supreme Court decision removes unnecessary and unsupportable impediments to transportation improvements across the country," said ARTBA President & CEO David Bauer. "With Sackett as a guide, we urge the EPA to pursue common sense strategies that complement our nation's infrastructure and environmental goals."

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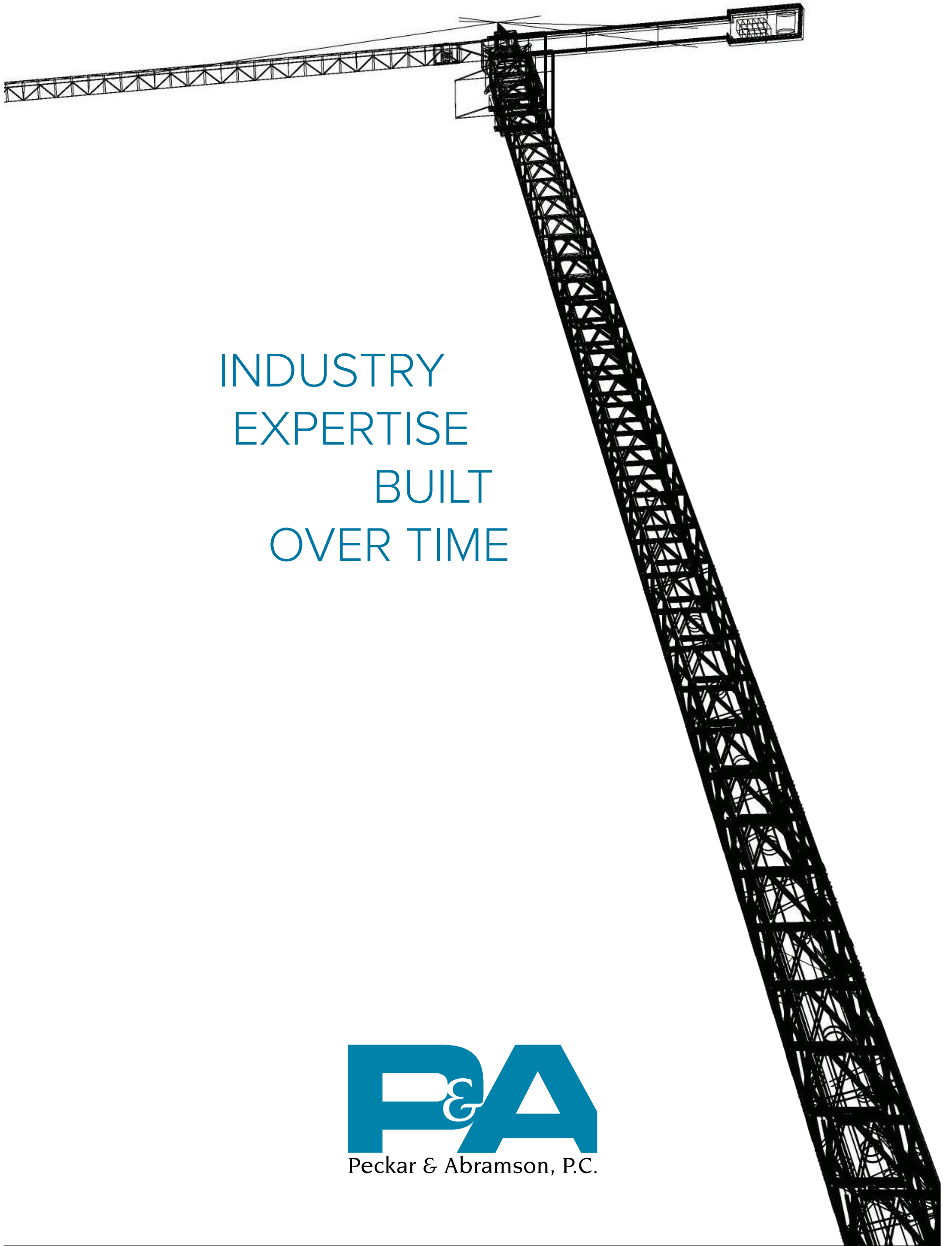
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Attorney's Column

Appellate Court Reminds Us That Not All Provisions Of Upstream Contract are Incorporated by Reference

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

As anyone in the construction industry knows, subcontracting is as widespread in the industry as hammers and nails. Given this state of affairs, it is important that contracts between an owner and general contractor, and the general contractor and subcontractor (and lower tier subcontractors) be harmonized to the greatest extent possible.

Nothing is more dangerous from a contractual standpoint than failing to properly flow all



contractor for such failure. A common way to address this issue is to incorporate the upstream contract by reference, often requiring that “subcontractors and suppliers of any tier will be subject to all terms and condi-

will automatically flow down to a lower tier subcontractor.

Background

In August 2015, a group of three owners retained Eilerson Development Corp. to serve as the general contractor on a project to construct a movie theater in Buffalo, NY.

One month later, Eilerson subcontracted its masonry scope of work to C&D Laface Construction. Both contracts required Eilerson and C&D to obtain insurance policies. Eilerson’s contract with the owners re-

Nothing is more dangerous from a contractual standpoint than failing to properly flow all obligations and liabilities down, and flow all responsibilities up.

name Eilerson as an additional insured on its policy—not the owners. The C&D subcontract, however, contained a general incorporation by reference provision obligating C&D to the owners to the same extent as Eilerson was obligated to them under the prime contract. Both contractors procured the insurance policies required of them under their respective contracts; Eilerson procured its policy through Amerisure, and C&D through Selective.

Shortly after the project started, one of C&D’s employees was injured. This employee sued Eilerson and the owners, and ultimately Eilerson asserted third-party claims against C&D. Selective, C&D’s insurance carrier, assumed Eilerson’s defense under C&D’s policy, as an additional insured. Selective, however, refused to similarly assume the defense of the owners, arguing that it was not required to do so under the terms of its policy. In light of Selective’s failure to assume the owners’ defense, Amerisure did so under its own policy.

Eilerson and Amerisure sued Selective (and ultimately moved for summary judgment on that claim), arguing that Selective breached its policy by refusing to assume the defense of the owners, as required by the incorporated prime contract. In support, Eilerson and Amerisure noted that the Selective policy contained a provision “including as an additional insured under the Selective CGL policy ‘any person or organization whom [C&D] agreed in a written contract, written agreement or written permit that such person or organization be added as an additional insured on [the] policy,’” and argued that although the C&D subcontract itself did not require that the owners be named as additional insureds, the C&D subcontract incorporated all of Eilerson’s obligations to the owners, including the additional insured requirement. Selective also moved for summary judgment, arguing that the general incorporation by reference provision was insufficient to obligate C&D to anything that did not affect the scope, quality, character or manner of the work.

Decision

The motion court granted Selective’s motion and denied Eilerson’s/Amerisure’s motion. In doing so, the motion court

held that the owners were not additional insureds under the Selective policy and, accordingly, Selective owed no duties to them under the C&D policy. Eilerson and Amerisure appealed, and the appellate court affirmed. Although the contract required the application of Virginia law (which the appellate court did), since there was a question of whether New York’s prohibition against foreign law applied, the Appellate Court also noted that the result would be the same under well settled New York law, which limits general incorporation by reference provisions to those terms which affect the scope, quality, character or manner of the work.

Comment

While the shorthand of general incorporation by reference provisions are seductive (they are short, easy to include, and purportedly all-encompassing), contractors must be warned that these provisions are ineffective to incorporate many of the provisions that are the most important to incorporate, such as: dispute resolution provisions; insurance provisions; specific record keeping requirements (such as certified payrolls); indemnification requirements; and termination provisions, amongst others. Rather, specific references must be made for these provisions in order for them to carry over. In that regard, contractors would be well advised to consult with experienced construction counsel when drafting or negotiating contracts so that they can be sure that the provisions that they wish to incorporate will actually make it over to the downstream contract. Otherwise, a contractor risks a gap in the obligations, which are flowed down, and may end up holding the proverbial bag.

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

The motion court granted Selective’s motion and denied Eilerson’s/Amerisure’s motion. In doing so, the motion court held that the owners were not additional insureds under the Selective policy and, accordingly, Selective owed no duties to them under the C&D policy.

obligations and liabilities down, and flow all responsibilities up. A failure to do so can leave one of the intermediate contractors “holding the bag” as far as being liable for a downstream contractor’s failure, without any recourse against that con-

tractions of this Contract and the Prime Contract.”

However, as an appellate court recently reminded us in the case of *Amerisure Insurance Company v Selective Insurance Group*, even in the face of such language, not every provision

quired Eilerson to include the owners as additional insureds on its insurance policy, insuring against claims caused by Eilerson’s negligent acts or omissions. C&D’s contract, on the other hand, only contained a provision requiring C&D to

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Transportation Planning and Traffic Operations (Summer Intern)

Age

20

Achievement

Louis G. Nappi Scholarship Award, 2020

University and Degree

University of South Carolina, Civil Engineering, soon with a B.S. in Engineering (BSE).

Favorite Course or Subject

Math, specifically Calculus and Vector Calculus

On this professional choice

Being a problem solver and critical thinker, I found that civil engineering embodied all my strengths. Additionally, transportation and traffic engineering has always intrigued me. I wondered about how the lights worked and why they would change when they did. Learning about this now in the classroom is a very interesting idea to me.

Biggest challenges in your work

It is overwhelming to be so young and inexperienced in such a complicated job. The other members of the team in the office were so smart and accomplished, it made me doubt my abilities. I tried to remind myself that this was all a learning experience and that I could only grow as a worker through the experience I acquired.

Biggest surprises entering the field

It greatly surprised me how many of the technical ideas taught in the classroom are not used on the job. School focuses more on the equations, and practice problems. Work can be very vague. This is where critical thinking and problem solving come into play. I was also surprised at how much computer software is used in the field. In my college curriculum it is not emphasized.

Most memorable quote

"The only way to do great work is to love what you do." -Steve Jobs

Words of Wisdom for NextGen Students

Experience is one of the most valuable skills in engineering and for that matter, any career path. Take each day as it comes and learn slowly yet steadily. It will all come together with time.

On Setting New Goals

As an engineering student, schoolwork starts to take over if you let it. I set goals for myself revolving around other things like working out and my other passions. I set a new goal trying to run a half a mile more than I did the previous week. This is a great way for me to clear my mind, and feel very accomplished, especially when reaching my goals.

Favorite interests or hobbies

I enjoy cooking and baking. In my free time, you may find me in the kitchen. I am always trying to get creative with dishes and baked goods. I even started my own cookie business called "Cupid Cookies."

Family relationship to CIC and Nappi Scholarship

Her father is a member of Teamster Local 456 of Elmsford, NY.

—Alan Kennedy, Researcher and Writer

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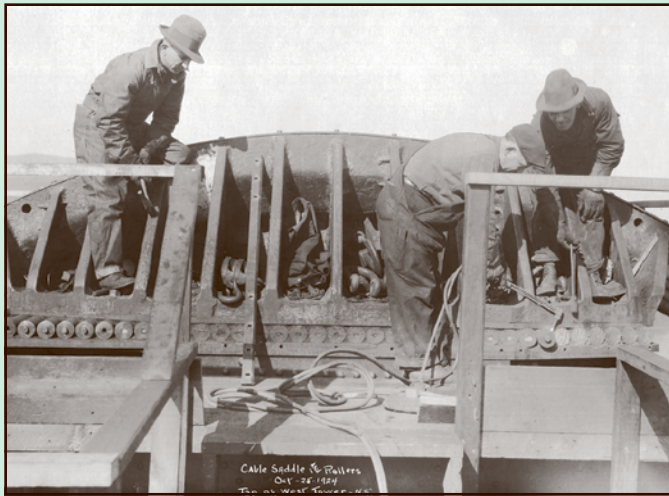
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The History of the Bear Mountain Span

In February 1922, the Bear Mountain Hudson River Bridge Company, a privately financed entity, was created through a bill passed by the New York State Legislature, allowing for a vehicular bridge to be built across the Hudson at Bear Mountain. Under the bill's terms, the Bear Mountain Hudson River Bridge Company was given three years to construct the bridge and its highway approaches on state-owned land. The Bear Mountain Hudson River Bridge Company would then operate the bridge for a 35-year period, after which, New York State would assume responsibility for the bridge. The state however, did have the option to take over the bridge at an earlier time for a price specified by law.

On Nov. 26, 1924, Mary Harriman, mother of Mr. E. Roland Harriman, President of the Bear Mountain Hudson River Bridge Company, helped preside over the formal opening day ceremonies with the bridge being officially opened to traffic the next day—on Thanksgiving Day.

The New York State Bridge Authority purchased the Bear Mountain Bridge from the Bear Mountain Hudson River Bridge Co. on Sept. 26, 1940 for \$2,275,000. One of NYSBA's first achievements was to lower the basic passenger car rate from \$.80 to \$.50 each way. On Jan. 1, 1942, the toll was lowered further to \$.35 and then to \$.25 each way on July 15,



The construction of the Bear Mountain Bridge back in 1923 cost less than \$3 million to complete.

SOURCE: NYS BRIDGE AUTHORITY

1945. Tolls today are collected only in the eastbound direction and are the same rate as the other spans operated by the Bridge Authority.

Since the Bridge Authority assumed stewardship of the Bear Mountain Bridge, annual traffic has grown from just under 483,000 vehicle crossings at the end of WWII to more than 7 million a year today.

In 2018, an act of the State Legislature bestowed the ceremonial designation Purple Heart Veterans

Memorial Bear Mountain Bridge. A special commemoration was held on Nov. 12, 2018 to unveil signs with the new designation. The ceremonial name not only pays tribute to soldiers who were killed or wounded in defense of the United States, but also recognizes the Hudson Valley's connection to the creation of the Purple Heart and the Hudson Valley's continued connection to the military and its history.

Bear Mountain Bridge Anniversary Website

The Bridge Authority has launched a new website dedicated to the 100th anniversary of the bridge: www.bmb100.com. Visitors there can access information about centennial-related events, share memories, and view archival materials. Most notably, film footage of the construction of the bridge taken in October 1924 is being featured on the website, thanks to the preservation efforts of the Moving Image Research Collection at the University of South Carolina.

Documentary Film Under Development

In addition, a documentary film, expected to be about one hour in duration, is also under development. The film project is a collaborative effort between the Bridge Authority, the nonprofit Historic Bridges of the Hudson Valley and local videographer Scott Snell of SDS Imagery.

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Bear Mountain

Continued from page 1

Minosca Alcantara said, "A century after it was first constructed, the Bear Mountain Bridge continues to stand proudly over the Hudson River thanks to the Bridge Authority's preventive maintenance program. At the end of the day, this centennial is a celebration of the hardworking men and women who have built, maintained, and protected this bridge so that it can enter a new century of service to the Hudson Valley."

Mr. Day of Rockland said, "This is, hands-down, the most beautiful bridge you will ever traverse. The views are just stunning. We have a lot of great bridges that overlook the Hudson River, but this one is beyond belief."

Mr. Latimer of Westchester labeled the bridge "an engineering marvel." An historian by nature, Mr. Latimer remarked that while the Tappan Zee Bridge required replacement after more than 50 years of service, the Bear Mountain Bridge will be celebrating its 100 years of service next year and remains a reliable and safe bridge despite its advanced age.

Kathryn Burke, director of Historic Bridges of the Hudson Valley, noted that the celebration coincides with the signing of the contract between the Bear Mountain Hudson River Bridge Company and the Terry & Tench Construction Co. to construct the span.

"Here stands the iconic symbol of the New York State Bridge Authority's long-practiced mantra: 'maintenance deferred is maintenance denied.' The Bear Mountain Bridge is in the very best condition possible thanks to the dedicated practice of ongoing maintenance by the superlative and experienced staff of this independent regional authority. Onward to the next 100 years and bravo to NYSBA for memorializing this historic feat with a time capsule."

Economic Outlook

Artificial Intelligence (AI): Focus on the Economic Impacts

By MICHAEL J. PATON

Toward the end of 2022 a computer program known as ChatGPT—a form of artificial intelligence—burst into the public consciousness with the possibility of revolutionizing communications. Artificial intelligence, broadly defined, is the simulation of human intelligence by computers.

ChatGPT is software that can generate text and hold realistic conversations with human partners because the program has been trained using trillions of words, most taken from the Internet. In general, AI systems work by ingesting



economy? A study by Goldman Sachs suggested that widespread AI adoption would drive a 7%, or \$7 trillion, increase in

While the jury will be out for some time, AI will become a fast-evolving technology with great potential to enhance worker productivity, to make firms more efficient and spur innovations in new products and services.

large amounts of labeled training data, analyzing the data for correlations and patterns, and using these patterns to make predictions. In this way, a computer program that is fed examples of text can learn to generate lifelike exchanges with people, or become an image recognition tool that can learn to identify and describe objects and images. New, rapidly improving “generative AI” techniques can create realistic text, images, music and other media.

The power of AI comes from its use of machine learning, a branch of computational statistics that focuses on designing algorithms that can automatically and iteratively build analytical models from new data without explicitly programming the solution. Essentially it is a tool of prediction, in the statistical sense, taking information you have and using it to fill in information you do not have. Many in the scientific community believe that ChatGPT is only the beginning of new and more powerful forms of artificial intelligence programs.

What does this mean for the

water as a source of industrial horsepower until the 1830s in Britain and 1860s in America. In Britain the contribution of steam to productivity growth peaked post-1850, nearly a century after Watt’s patent. In the case of electrification, the key technical advances had all been accomplished before 1880, but American productivity growth actually slowed from 1888 to 1907. Nearly three decades after the first silicon integrated circuits were invented, computers could hardly be seen in the productivity statistics. It was not until the mid-1990s that a computer-powered productivity boom eventually emerged in the U.S.

Questions about the effects of AI on economic growth often take a back seat to concerns about consequences for workers. Here, history’s messages are mixed. There is good news: despite revolutionary mechanization and economic change, fears of mass technological unemployment have never before been fully realized despite the volley of political criticisms. The bad

news: technology can and does take a toll on individual occupations, however, in ways that can

A study by Goldman Sachs suggested that widespread AI adoption would drive a 7%, or \$7 trillion, increase in annual global gross domestic product over a 10-year period.

prove socially disruptive. Early in the Industrial Revolution, mechanization dramatically increased demand for relatively unskilled workers, but crushed the earnings of craftsmen who had done much of the work before, which is why some chose to join machine-smashing Luddite movements. In addition, in the 1980s and 1990s, automation of routine work on factory floors and in offices displaced many workers of modest means, while boosting employment for both high- and low-skilled workers.

While the jury will be out for

some time, AI will become a fast-evolving technology with great potential to enhance worker productivity, to make firms more efficient and spur innovations in new products and services. At the same time, AI can also be used to automate existing jobs and exacerbate inequality, and it can lead to discrimination against workers. While previous technological advances in automation have tended to affect “routine” tasks, AI has the potential to automate “non-routine” tasks, exposing large new swaths of the workforce

to potential disruption. The challenge for policymakers is to foster progress and innovation in AI while shielding workers and consumers from potential types of harm that could arise.

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



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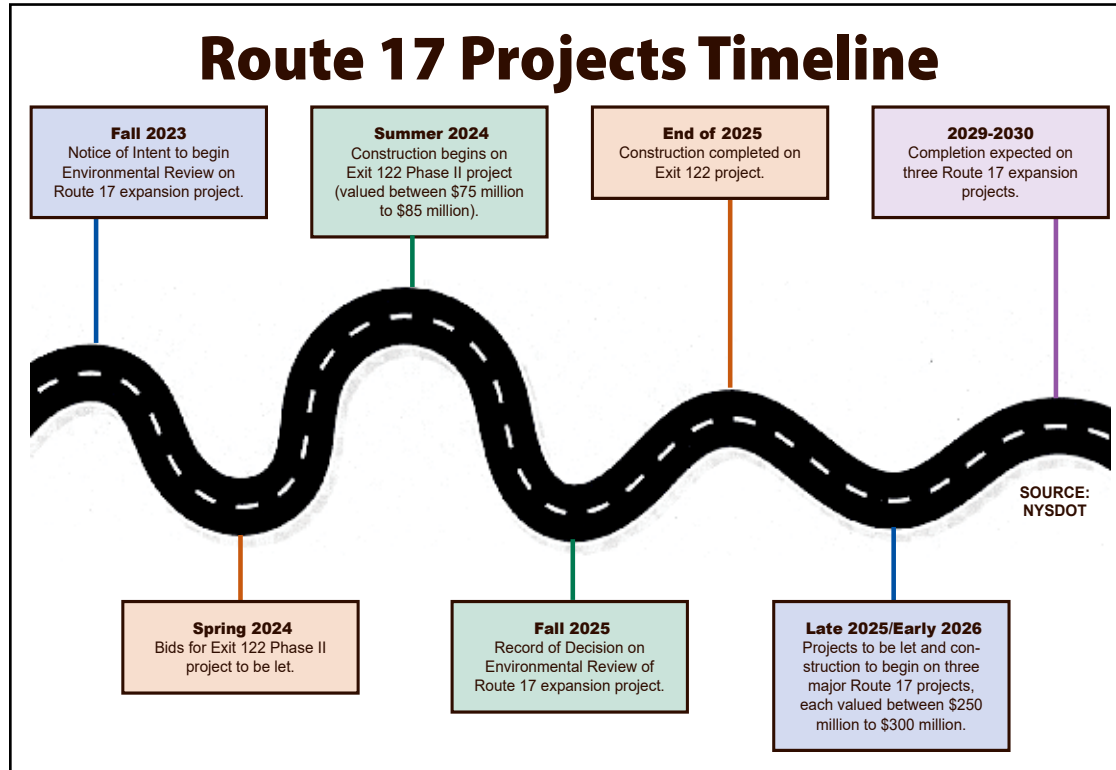
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Safety Watch
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Construction NEWS**

NYSDOT Previews Major Route 17 Exit Project; Updates on Possible Third Lane Expansion Effort

Continued from page 1

Once DOT has a Record of Decision with the EIS on the overall Route 17 expansion, the plan “is to move forward with three design-build projects hopefully immediately thereafter,” Mr. Kruk stated. He predicted that the second phase of the Exit 122 project will go out to bid in the spring of 2024, with construction commencing soon after—most likely in the summer of 2024. Mr. Kruk said he expects project completion in late 2025.

Among some of the key improvements planned will be to relocate the exit ramp to across from the Park and Ride on Crystal Run Road, and construct a new exit ramp split to allow for direct entrance onto I-84. In addition, the bridge over the Walkill River at the approach to the exit will be widened to allow for increased deceleration to meet federal interstate standards as part of the effort to eventually convert Route 17 into Interstate 86. The project will feature a tunnel to improve traffic flow as well as



landscaping of the area around the existing Exit 122 ramp.

Expansion of Route 17

In terms of the much more significant Route 17 expansion project, Mr. Kruk related that preliminary work began ear-

lier this year in preparation for the official launch of an Environmental Impact review on what is projected to be \$1 billion worth of improvements in the coming years. A Notice of Intent is expected to be released

this fall on the beginning of the environmental review in compliance with federal NEPA regulations because the project will be receiving federal transportation funding. NYSDOT began gathering data for that

review earlier this year, which will update a PEL study, the Planning and Environmental Linkage analysis, on the need for the Route 17 expansion (third lane) project released in late 2021.

He explained that while the PEL study included some environmental data, NYSDOT, along with consulting firm WSP USA, will be undertaking new traffic studies during the environmental impact review. Mr. Kruk expects a Record of Decision on the Environmental Review and the scope of the potential roadway expansion project in the fall of 2025. WSP USA is also a consultant on the Exit 122 phase two project.

“Once we have a Record of Decision with the EIS, the plan is to move forward with three Design-Build projects, hopefully immediately thereafter,” Mr. Kruk said.

Work on those three projects would likely commence in either late 2025 or early 2026, coinciding with the conclusion of work on the second phase of the Exit 122 job. He said the value for each of those three projects could be anywhere from \$250 million to \$300 million each.

Mr. Kruk did not specify what those three Design-Build projects might entail or their locations. “We are looking at alternatives,” Mr. Kruk said. “It is not definite it is going to be an expansion. We are looking at where the expansion works and where it doesn’t work. So, we are looking at all those different alternatives.”

Daniel Ortega, community affairs director of the Operating Engineers Local 825 Labor-Management Fund and a member of the 17-Forward-86 coalition, which has been advocating for years in favor of the Route 17 expansion, told CONSTRUCTION NEWS: “We are very grateful for the governor’s commitment to the Hudson Valley where she put \$1 billion in her budget last year to make sure that the Route 17 project will move forward with three lanes for Orange and Sullivan counties.” Mr. Ortega, who attended the Exit 122 public hearing, added, “We are working with DOT and have been working with them over the years to make sure things are moving forward.”

Mr. Ortega said the planned improvements to Exit 122 (Crystal Run Road) is part of NYSDOT’s commitment to improve Route 17 and is a precursor to the large-scale improvements to the roadway in the coming years.

“We are looking forward to having all of our union members working on this project and they (NYSDOT) are committed to that,” he noted.

Heather M. Pillsworth, the public information officer for NYSDOT’s Region 8, said there will be a website specific to Route 17 to include all information pertaining to the second phase of the Exit 122 project as well as overall improvements to the roadway. The website should be going live shortly, she noted.



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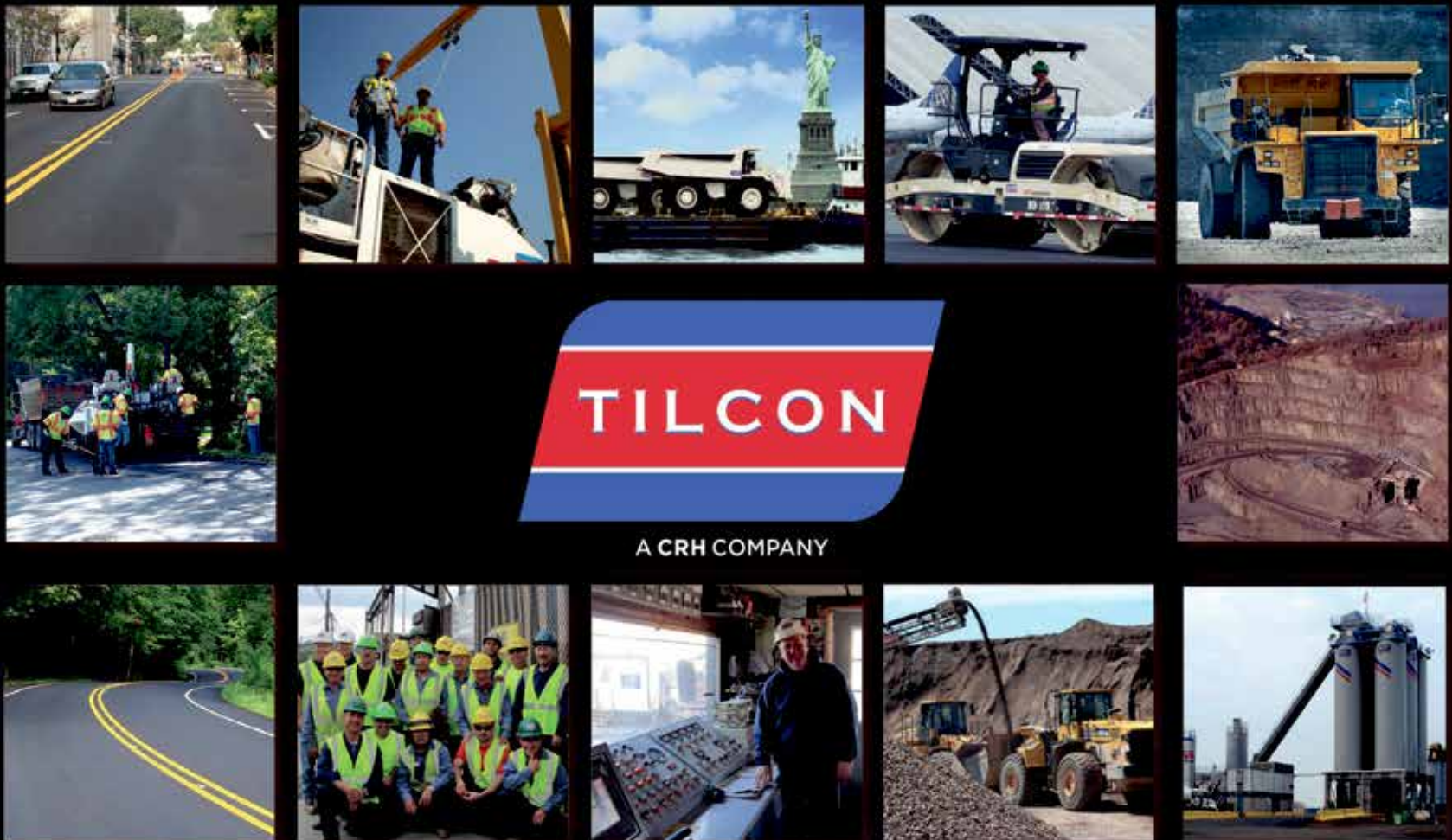
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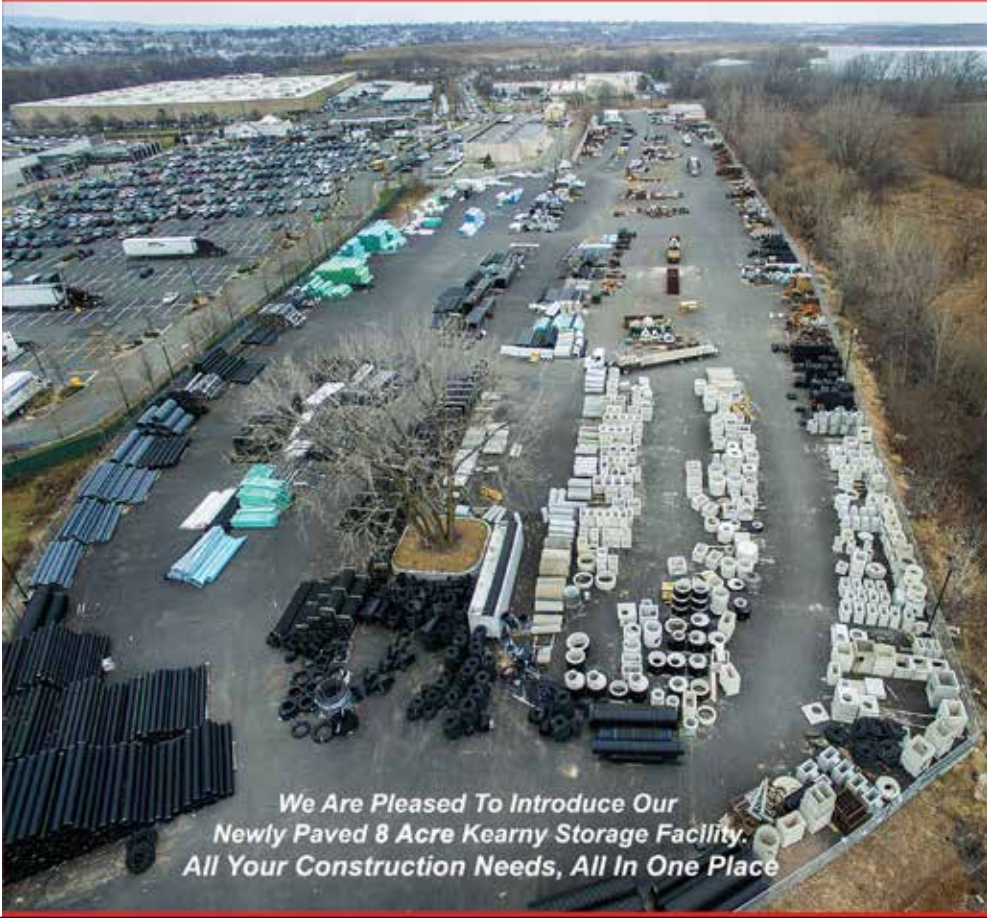
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Legislature Passes Prevailing Wage Law Covering Private Utility Contract Work

ALBANY—The New York State Legislature passed before the end of the legislative session last week the “Roadway Excavation Quality Assurance Act” (S4887, A5608), which “provides that utility companies or their contractors shall use competent workers and shall pay the prevailing wage on projects where a permit to use, excavate, or open a street is required to be issued.”

The legislation passed the Assembly on June 8 and the New York State Senate on June 5. The measure now goes to Gov. Kathy Hochul for her signature.

The bill, which was supported by organized labor interests, was sponsored by New York State Sen. Michael Geinaris (12th District-Queens) and in the Assembly by Rep. Karines Reyes (87th District-Bronx).

Prior to the Assembly floor vote on June 8, Rep. Reyes said that the bill will no longer allow private companies to circumvent state regulations by “paying workers who do the exact same job below prevailing wage, below living wage. We have private utility companies that take advantage of this loophole and allow for workers that are sometimes lower-skilled than our union workers who have the experience and capability to do this work and get away with not paying them benefits and prevailing wage.”

She continued, “This is about parity, this is about fairness and assuring that all workers that do this back-breaking work get paid what they deserve.”

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Philadelphia Bridge Collapse Shines Spotlight on Poor Bridge Conditions in United States

Continued from page 3
 have become more and more common. And the American people feel the impact.” He noted, “bridges aren’t just concrete asphalt and steel; they are engines of economic growth, and they are vital connections for communities.”

Sec. Buttigieg added, “When bridges have to close for repairs—or when they begin to fail—it sometimes cuts off an entire community. It adds time to commutes. It costs money for businesses, as we were hearing about. It can even delay ambulances and fire trucks from getting where they need to be to respond to an emergency. It means truckers have to take longer routes, which means consumers have to pay more for deliveries, and working parents have to spend more money on gas, and more time away from their kids.”

The federal funding was part of the first round of President Biden’s Bipartisan Infrastructure Law’s competitive \$2.1-billion Bridge Investment Program. The 65-year-old Castleton-on-Hudson Bridge in Albany County, more commonly referred to as the Castleton

Bridge, opened to traffic in 1958 and spans approximately one mile in length, connecting the Berkshire Spur section to the New York State Thruway’s mainline. Approximately 6.2 million vehicles per year or

New York State has the worst of both worlds: high spending and poor roadways.

—The Reason Foundation

17,000 per day travel over the bridge that connects Albany and Rensselaer counties over the Hudson River.

Recently released reports analyzing bridge and road conditions in New York State were anything but flattering. The Reason Foundation ranked New York as 47th in capital and bridge spending per mile and 46th in maintenance spending per mile, according to the report released in April 2023.

“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, a 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.”

“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,” he said. “As it is, the state has the worst of both worlds: high spending and poor roadways.”

An analysis of the New York State Thruway system by Washington, DC-based TRIP released last month stated that the New York State Thruway faces a \$1.2-billion funding gap 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.

Annual investment in highway and bridge rehabilitation

quires continued and increased investments so it can continue to best serve its customers. The Thruway’s proposed targeted toll adjustments clearly are critical and necessary to its ability to maintain and preserve this critical asset.”

One percent (10 of 816) of the Thruway’s bridges are rated in poor condition. A bridge is rated in poor condition if there is significant deterioration of the bridge deck, supports or other major components. Twelve percent (100 of 816) of the New York Thruway’s bridges have been rated in fair condition. A fair rating indicates that a bridge’s structural elements are sound but minor deterioration has occurred to the bridge’s deck, substructure or superstructure. The remaining 87 percent of Thruway bridges are rated in good condition.

Average bridge condition ratings on the Thruway improved by 2% from 2015 to 2020, before eroding from 2020 to 2022 by 1%. Based on anticipated funding levels for bridge rehabilitation, the Thruway’s average bridge rating is projected to decline by 2% between 2022 and 2027.

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Safety Watch

Handle With Care and With Proper Training

By COSTAS CYPRUS, ESQ.

The use of potentially hazardous and dangerous substances such as propane, propylene and compressed oxygen, which are common in the construction industry, need to be handled and used with proper care to avoid work-place accidents. The decision in *Secretary of Labor v. First Marine* arises from an unfortunate accident that shows how employers must ensure their employees are trained to perform their required duties safely when operating in confined or enclosed spaces when using these hazardous substances.

First Marine, LLC owns and operates a shipyard in Calvert City, KY. It had been operating for a month to repair and rebuild a river towboat when an explosion occurred on Jan. 19, 2018, tragically killing three employees. At the time of the accident, the towboat was moored in the Tennessee River. Some of the boat's doorways and windows were open, but because workers were engaging in repairs (during the winter months), these openings were covered with plastic tarps and welder's blankets to retain heat and prevent wind incursion in the upper engine room located on the boat's main deck. Diesel heaters were also being utilized to warm the workers and a propane heater was used in the lower engine room, at the boat's lower deck.



moved the materials to ventilate the upper engine room. Mr. Jones, accompanied by other workers, conducted a search of the lower engine room to locate the source of the gas odor since, as per Mr. Jones' testimony, he assumed the smell originated from a propane tank for the heater that had been changed by Rupke's workers and was located in that area. He had previously wired fans between the lower and upper engine rooms, which were running to ventilate the areas, and additional fans were also set up in a compartment in the forward section of the boat for further ventilation. Thereafter, work commenced in the lower engine room that included welding and cutting with the use of gas and compressed oxygen. At around 9:15 am, an explosion occurred killing and injuring workers.

OSHA issued multiple citations to First Marine but the

show that the employer failed to provide instructions that a reasonably prudent employer would have provided under the same circumstances.

Based on the testimony of five First Marine employees present on day of the explosion, the ALJ determined that these employees lacked "a firm grasp of proper safety procedures" and the ALJ rejected the testimony of First Marine's supervisors, Mr. Thorn, Mr. Byrum and Mr. Miller, who claimed that their workers were in fact adequately trained, as they failed to provide any documentation of such training as required by a separate OSHA provision pertaining to shipyards.

First Marine acknowledged that although many of its employees had not been formally trained, these employees were in fact trained through "informal, on-the-job training" and that their employees appreciated the dangers associated with the smell of gas. The Secretary contended that the noncompliance was not only proven by testimony but by their actions as numerous workers were in fact smoking cigarettes on a vessel that smelled of gas, even while it was being vented, and First Marine

failed to train its workers on basic principles of working safely, such as in instances of smelling gas.

The Secretary contended that the noncompliance was not only proven by testimony but by their actions as numerous workers were, in fact, smoking cigarettes on a vessel that smelled of gas, even while it was being vented, and First Marine failed to train its workers on basic principles of working safely, such as in instances of smelling gas.

The commission agreed, and cited to the testimony of First Marine's workers showing how they had not been trained in what to do when smelling gas on the boat, discounted the smell as not important or dangerous, and, in fact one of the injured welders testified that he had not been trained on the hazards of using propylene or compressed

oxygen in confined spaces and did not even know if he had been working with propylene or propane. Some of the workers

failed to even report to a supervisor about the gas odor and three employees even admitted to smoking in an area that smelled of gas.

The testimony by First Marine's supervisors of informal on-the-job training was insufficient, especially as it pertained to the smell of gas or the hazards of working with compressed oxygen and given that one worker even admitted he was unaware of what materials he was actually using.

However, based on the evidence, the commission found that First Marine had not consciously disregarded the safety provision, and re-classified

the violation from "willful" to "serious" and lowered the monetary penalty, accordingly. First Marine's four experienced supervisors had completed competent person training and Mr. Thorn, Mr. Byrum and Mr. Miller all testified that they believed their employees had been sufficiently trained by

Please turn to page 16

Based on the evidence, the commission found that First Marine had not consciously disregarded the safety provision, and re-classified the violation from "willful" to "serious" and lowered the monetary penalty, accordingly.

Shipyard operations were overseen by First Marine Superintendent Ronald Thorn, while other supervisors that were present included the dry dock foreman David Byrum, who oversaw its welders, the head electrician Curtis Jones, and the carpentry crew manager Curtis Miller. First Marine also had other subcontractors on-site, including Rupke Blasting and Painting, that performed pressure-washing and painted water tanks. First Marine's employees and its subcontractors utilized multiple potentially hazardous substances to fuel their equipment and heat the towboat, such as diesel, kerosene, propane, propylene and compressed oxygen.

On the incident day, upon arrival and boarding of the towboat, most workers, including head electrician, Mr. Jones, noticed an atypical gas odor. Although no atmospheric testing was conducted, some workers

one at issue, here, pertained to a willful violation of 29 C.F.R. § 1915.12(d)(1) requiring employers to "ensure that each employee that enters a confined or enclosed space and other areas with dangerous atmospheres is trained to perform all required duties safely." The Secretary (of Labor) claimed that First Marine allowed its employees to enter these confined spaces to perform work that included arc welding with a torch, pipe fitting, (etc.) without training them on hazards of confined and enclosed spaces and exposed them to fire, atmospheric and explosion hazards.

The litigated issues in this decision pertained to First Marine's noncompliance with the safety standard and whether First Marine's actions could be characterized as a "willful violation," which would result in greater penalties. To establish non-compliance with the standard, the Secretary must



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Safety Watch Continued from page 15

way of the weekly safety meetings, daily work meetings with welders, and on-the-job instruction. Although this testimony was insufficient to show First Marine's compliance with the safety standard, based on the evidence submitted, First Marine did not appear to be "plainly indifferent" or that it consciously disregarded the applicable safety standards (so as to be "willful"). The submitted evidence and testimony showed that First Marine did not appreciate that its procedures were deficient, and there had been no prior OSHA citations or an external audit to have placed First Marine on notice that its training was deficient. Moreover, First Marine was

not "plainly indifferent" as it responded to the conditions present prior to the explosion by undertaking an investigation as to the source of the gas smell and by ventilating the vessel. First Marine failed to train its employees, it did not fail to respond to the conditions.

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

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Financial Management

Legislation Makes 179D Deduction More Valuable for 2023

By PHILLIP ROSS, CPA, CGMA, PARTNER

The 179D tax deduction provides building owners a deduction for new or remodeled commercial buildings that meet specific energy-efficient qualifications. This deduction is also available to designers of buildings owned by government entities and non-profit organizations. The Inflation Reduction Act of 2022 allows for increased credits or deductions for various green energy credits, including the 179D deduction, if the owner/designer meets certain prevailing wage and apprenticeship requirements.

The Act also lowers the minimum required savings in total annual energy and power cost from a 50% reduction to a 25% reduction. If the requirements are satisfied, the maximum 179D deduction is increased from \$1.88/per-square-foot to

If the requirements are satisfied, the maximum 179D deduction is increased from \$1.88/per-square-foot to \$5.36-per-square-foot when there is a 50% reduction in energy and power costs and \$2.68-per-square-foot when a 25% reduction is achieved.

\$5.36-per-square-foot when there is a 50% reduction in energy and power costs and \$2.68-per-square-foot when a 25% reduction is achieved. If the prevailing wage/apprenticeship requirements are not met, the Act reduces the deduction amount range from \$.54-per-square-foot (25% reduction) to \$1.07-per-square-foot (50% reduction).

As a further benefit, the Act eliminates the lifetime limit to the 179D deduction. Now the deduction can be taken every three tax years (four in some situations). Previously, if a taxpayer constructed a building and took the maximum deduction of \$1.88 per-square-foot, the taxpayer was unable to take additional 179D deductions for subsequent energy efficiency improvements. Beginning in 2023, the Act now allows for additional 179D deductions for subsequent energy improvements.

On Nov. 30, 2022, the IRS issued Notice 2022-61 which provides guidance regarding the prevailing wage and apprenticeship requirements that are effective as of Jan. 29, 2023. For projects placed in service from Jan. 1, 2023 thru Jan. 28, 2023, a company can get the enhanced 179D deduction without meeting the prevailing wage requirements. However, after Jan. 28, 2023,



the enhanced deduction is only available if the company meets the prevailing wage requirement.

Prevailing Wage Determinations

The Notice indicates that the prevailing wage rate varies based on factors such as geographic area, type of construction performed and

labor classifications for the construction work being done on the project. The Secretary of Labor has published wage determinations at www.sam.gov based on these factors. Taxpayers may rely on the published wage determinations to qualify for the enhanced 179D deduction. In the absence of published guidance for a particular geographic location, type of construction or labor classification, the Notice provides that a taxpayer must contact the Department of Labor (DOL) and request a wage determination based on its facts and circumstances. The prevailing wage requirement applies to all individuals compensated by the taxpayer in exchange for services performed, regardless of whether or not the individual is classified as an independent contractor for other tax purposes.

Apprenticeship Requirements

A taxpayer complies with the apprenticeship requirement if a sufficient amount of labor hours is performed by qualified apprentices as a ratio to total labor hours for the project. For 2023, 12.5% of total labor hours must be performed by qualified apprentices. The Notice provides for a Good Faith Effort Exception in which the taxpayer will be considered to have made a

good faith effort in requesting qualified apprentices if the taxpayer requests qualified apprentices from a registered apprenticeship program in accordance with usual and customary business practices for registered apprenticeship programs in a particular industry.

Example 1: ABC Engineers is engaged by the City of New York to design a municipal building. NYC allocates the entire 179D deduction to ABC. The new building is 500,000 square feet. NYC incurs \$100 million of costs to place the building into service. ABC implements a design that achieves a 50% enhancement in energy efficiency and meets the requirements for prevailing wage and apprenticeship. ABC is entitled to a \$2,680,000 tax deduction ($500,000 \times \$5.36$) in the year in which the building is placed in service. If ABC does not meet the prevailing wage requirements, the deduction decreases to \$535,000 ($500,000 \times \1.07).

Example 2: The American Red Cross contracts with Smith Architects to design the construction for its 300,000-square-foot new

Previously, if a taxpayer constructed a building and took the maximum deduction of \$1.88 per-square-foot, the taxpayer was unable to take additional 179D deductions for subsequent energy efficiency improvements. Beginning in 2023, the Act now allows for additional 179D deductions for subsequent energy improvements.

headquarters at a cost of \$60 million. Smith devises a building plan which reduces energy usage by 25% and also meets the requirements for prevailing wage and apprenticeship. Smith will generate a \$804,000 tax deduction ($300,000 \times \2.68). If Smith does not meet the prevailing wage requirements, the deduction decreases to \$162,000 ($300,000 \times \0.54).

Conclusion: The enhanced 179D tax benefits will make 179D-compliant projects much more attractive to A/E/C businesses if they can comply with

the requirements associated with the enhanced deduction. For more information on how the expanded 179D tax deductions may benefit your company, please reach out to your CPA.

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

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Construction NEWS PHOTO GALLERY



Bay Crane Services, Inc., from left, employees and guests James Meinel, Brian Damns, Chris Penessi and Nick Bell. Also attending were Joe Saddan, Joseph Nani, Rick Brunner, Rusty Meinel and Nick Ascenza.



Operating Engineers L.U. 137, from left, Jim Sasso, Sal Santamarena, Lee Stevens and Dave Ryan.



First Actuarial Consulting, Inc., from left, Joseph Soricelli, Rich Hudson, Keith Lindberg and Dewey Dennis.

BCA Golf Outing

*Knollwood Country Club, Elmsford, NY
June 6, 2023*

88 Golfers, 114 Dinner Guests

Participated in 66th Annual Golf Outing.

And the winners are...

Doug MacLean and Craig Miller of Sean's Lawns claimed First and Second Place Low Gross (72) and (80), respectively, undeterred in their rounds of golf interrupted by an afternoon downpour and hail.

Closest to the Pin Winners on the four par three holes were Nick Wendal of Sean's Lawns, Matt Gillman of Levitt-Fuirst Associates, Ltd., Brian Dams and Mark Fante of Darante Construction Ltd.



Men's Longest Drive went to Ryan Stagg of the Martino Contractors, Inc. Longest Drives for the Women was claimed by Danielle Montesano.

Putting Contest Winner, besting a field of 88 golfers, with 14 in the knock-out round, was claimed by Dewey Dennis with First Actuarial Consulting, Inc.



Martino Contractors, Inc., Justin Stagg, Mark Stagg, BCA Board member Jay Martino and Ryan Stagg.



Laborers 235 with guests, from left, R.J. Merritt, Bob Chevrie, Beth Chevrie and Dario Bocarossa.



Putting Contest Winner, left, Dewey Dennis with First Actuarial Consulting, Inc., and finalist John Gisondi, a BCA Board member of Peter Gisondi & Co., Inc.

Regional Bid Alert

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NYSDOT - Region 8

Bid Letting Date: June 29, 2023

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

Contract# D265051
PIN# 801848

Project Description: Ulster Co., pavement resurfacing - NY Route 28, Hurley Mountain Rd to Waughkonk Rd, Towns of Kingston & Ulster. no plans.

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

Goals: MBE: 10.00%, WBE: 15.00%,
SDVOB: 6.00%

Bid Letting Date: July 13, 2023

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

Contract# D265052
PIN# 856137

Project Description: Westchester Co., highway resurfacing - Rt. 35/202 from Taconic State Parkway to Rt. 118, Town of Yorktown.

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

Goals: MBE: 5.00%, WBE: 4.00%,
SDVOB: 6.00%

Bid Letting Date: July 13, 2023

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

Contract# D265058
PIN# 881403

Project Description: Dutchess, Orange, Putnam, Rockland, Ulster, Westchester Cos., region wide crack seal & mastic - various locations, night time work, no plans.

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

Goals: MBE: 4.00%, WBE: 8.00%,
SDVOB: 0.00%

NYSDOT - Region 10

Bid Letting Date: July 13, 2023

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

Contract# D265043
PIN# 022961
F.A. Proj.# Y001-0229-613

Project Description: Suffolk Co., concrete pavement restoration - I-495 various locations, Town

of Brookhaven.

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

Goals: DBE: 10.00%

NYSDOT - Region 11

Bid Letting Date: July 13, 2023

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

Contract# D265046
PIN# XM2251

Project Description: Bronx, Kings, New York, Queens, Richmond Cos., bridge - maintenance - various locations, City of New York.

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

Goals: MBE: 5.00%, WBE: 10.00%, SDVOB:
0.00%

New York State Dormitory Authority

Bid Letting Date: July 18, 2023

Title: City University of New York, Kingsborough
Community College
Building P Cooling Tower Catwalk Replacement

Contract: CR69 General Construction

Project# 3128809999

Sealed bids for the above work located at Kingsborough Community College, Building P – 2001 Oriental Boulevard, Brooklyn, New York, 11235 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. 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 July 18, 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: Sharda Del Rio, Project Manager, 2001 Oriental Boulevard, Art & Sciences Bldg, Room S141, Brooklyn, NY 11235, 718-368-6508, sdelrio@dasny.org (the Owner's Representative) and DASNY at ccontracts@dasny.org. Contacts made to other DASNY personnel regarding this procurement may disqualify the prospective bidder and affect future procurements with governmental entities in the State of New York. For more information pursuant to this law, refer to DASNY's website; <http://www.dasny.org> or the OGS website; <http://www.ogs.state.ny.us>.

A Pre-Bid Meeting is scheduled on Wednesday, June 14, 2023 at 10:00 AM at 2001 Oriental Boulevard, Room P-220, Brooklyn, NY 11235. Contact Sharda Del Rio at 718-368-6508. 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.

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WHAT'S NEW & WHO'S NEWS

Thalle Industries Launches Dakota Concrete

BRIARCLIFF MANOR, NY—In a strategic expansion move, Thalle Industries announced on June 1 it had launched Dakota Concrete in Montrose, N.Y., expanding its services to concrete products for customers in the Lower Hudson Valley while strengthening Thalle's competitive position in this key market.

"Dakota Concrete fits with what we do, and the operation is a natural extension of our business," said Thalle Industries' CEO Glenn Pacchiana. "The concrete plant has a team of young people who we want to help grow into valued members of the Thalle family."

Thalle Industries is an envi-

ronmentally responsible supplier of high-quality virgin and recycled aggregate, asphalt products and brownfield fill for the construction industry. The company operates a quarry and asphalt plant in Fishkill, N.Y., and a Virtual Quarry recycling center in Elmsford, N.Y.

The launch of Dakota Concrete allows Thalle Industries to open a new Virtual Quarry recycling center in Montrose, which will give customers from Putnam and southern Dutchess counties a new recycling option, company officials stated.

"We are confident that this launch provides the opportunity to expand the concrete

plant's existing customer base, while providing new opportunities to employees for their growth and careers. We are committed to working with our customers to ensure that we are providing the best quality products and services at competitive prices," said Mr. Pacchiana.

The Dakota Concrete launch is the latest improvement designed to enhance the customer experience, company officials said.

A 350-ton-per-hour asphalt plant opened on April 1 at the Fishkill site, and over the winter it was upgraded with the latest burner and silo technologies. During the height of



The launch of Dakota Concrete allows Thalle Industries to open a new Virtual Quarry recycling center in Montrose, NY.

the paving season, the plant can load pavement trailers and trucks within three minutes, according to the company.

Effective immediately,

Thalle Industries is handling orders and deliveries at 2099 Albany Post Road in Montrose. Concrete orders can be placed at (914) 737-7891.



From left, BOL Chair Vedat Gashi, his wife Vjosa, and their children, Leka and Hana.

Gashi Named Chairperson Of Westchester Board of Legislators

WHITE PLAINS—On May 15, the Westchester County Board of Legislators elected Vedat Gashi as the new Chairperson of the Westchester County Legislature. Mr. Gashi, who represents District 4, was elected to the position by his fellow legislators in a vote of 17-0.

Mr. Gashi brings a wealth of experience to the position. Born in Kosovo, at the age of four he and his family fled the oppressive, socialist regime to settle in the United States. Since then, he has been a resident of Westchester County. He earned a B.A. from Connecticut College, where he was invited to serve on the Board of Trustees as a Young Alumni Trustee. Next, he earned his J.D. from Seton Hall University. During his studies, Mr. Gashi interned for Supreme Court Justice Sonia Sotomayor, who was then at the Second Circuit Court of Appeals, and Congressman Lee Hamilton on

the House International Relations Committee.

Mr. Gashi takes over as Chair following the resignation of Catherine Borgia, who had served as Chairperson from January 2022 until late April 2023, and the interim leadership of Vice Chair Nancy Barr immediately thereafter. His election makes him the first person of Albanian-American descent and the first person of the Muslim faith to become Chair of the Board of Legislators in its 300-year history.

In accepting the position, Mr. Gashi expressed his gratitude to his colleagues on the Board for their support. "I am honored to have been chosen to lead this distinguished body," he said. "I look forward to working with my fellow legislators to address the challenges facing our county, and to ensure that Westchester remains a great place to live, work, and raise a family."

Peckham Industries Acquires E. Tetz & Sons, Inc.

MIDDLETOWN, NY—Peckham Industries, Inc. announced on June 5 the company had acquired E. Tetz & Sons, Inc. of Middletown, NY and its subsidiary, Tetz Asphalt LLC, which are located in Orange County, NY.

Collectively known as "Tetz," the company is a leading aggregate, ready-mix concrete and hot-mix asphalt producer, serving customers in the Hudson Valley region with more than 130 employees.

The acquisition will expand Brewster, NY-based Peckham's opportunities to serve customers in this fast-growing market. Northern Edge Advisors served as the exclusive financial advisor to the Tetz Family for this transaction. No financial



The E. Tetz & Sons acquisition will expand Brewster, NY-based Peckham Industries' opportunities to serve customers in the Hudson Valley region.

terms of the transaction were disclosed.

"This acquisition allows us

to further integrate and grow our presence in the lower Hudson Valley region of New York,

one of the most rapidly growing parts of the state," said Damian Murphy, President of Peckham Industries, Inc. "We recognize the prominent history of Tetz and the significant contribution the business has made to the region. Peckham believes that our 'family by choice' culture delivers value as the trusted supplier of construction materials, products, and services in the communities that we serve."

Gary Tetz Sr., president of E. Tetz & Sons, Inc., said, "We are extremely excited for Tetz to join Peckham Industries. Our shared values as family-owned companies will ensure a seamless transition for our customers and employees as we work through the integration process. We are looking forward

to being a part of the growth of Peckham Industries in the surrounding region."

As a privately held, family-operated company now entering its 100th anniversary, Peckham Industries, Inc., employs nearly 1,200 people at more than 30 facilities located in five states (New York, Massachusetts, Connecticut, Rhode Island and Vermont). The enterprise provides road construction materials and road construction services, including hot asphalt, liquid asphalt, asphalt emulsion, stone and aggregates, ready-mix concrete and liquid calcium chloride. It also provides precast structural concrete components for large-scale construction projects throughout the Northeast.

Gateway Issues RFQs for Hudson Tunnel Project

NEW YORK—The Gateway Development Commission announced on May 31 that it had issued a Request for Qualifications for two major components of the Hudson Tunnel Project: Package EA1, the Hudson River Ground Stabilization (HRGS) project, and Package 1A, the Palisades Tunnel project.

For the HRGS project, the RFQ invites Statements of Qualifications from entities interested in designing and constructing the HRGS via a Design-Build delivery model. Responses will be due July 12,

2023. The project is expected to commence in early 2024, ahead of the full tunnel construction.

For the Palisades Tunnel project, the RFQ invites Statements of Qualifications from entities interested in constructing the Palisades Tunnel via a Design-Bid-Build delivery model. Responses will be due Sept. 13, 2023. The Palisades Tunnel is the first project in the full construction of the new Hudson Tunnel and is anticipated to begin in the second half of 2024.

After evaluating the State-

ments of Qualifications, GDC plans to short list entities and issue Requests for Proposals.

The RFQs are the first procurement documents issued by GDC, demonstrating continued progress in GDC's work to build its organizational capacity.

"GDC is continuing to advance the Hudson Tunnel Project from planning to doing," said Kris Kolluri, CEO of the Gateway Development Commission. "Today's launch of the procurement process for these two vital components of the tunnel are another big sign

that we're going to seize this moment and bring 21st century rail to the busiest link in the Northeast Corridor."

The HRGS will fortify and stabilize the river bottom on the New York side of the Hudson River over a 1,200-foot portion leading to the Manhattan Bulkhead. The work will create an improved condition in which to bore the new tunnel through the eastern portion of the Hudson River section of the project. The work will also comply with all environmental regulations and be conducted

in specified time ranges to protect the river, fish, and wildlife.

The Palisades Tunnel will be the first contract package in the project to utilize Tunnel Boring Machines. The TBMs will start east of Tonnel Avenue in North Bergen, NJ and continue at depths between 40 feet to 260 feet below the surface of the Palisades. The boring will extend approximately one mile to the Hoboken Ventilation Shaft just west of the Hudson River. The concrete shell of the tunnel will be constructed

Please turn to page 22

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LOW BIDS

Power Line, DA Collins, Verde Win NYSDOT Project Work

ALBANY—The New York State Department of Transportation recently announced the selection of three apparent low bidders for work in the Hudson Valley region.

Power Line Constructors Inc. of Clinton, NY was the lowest of three bidders at \$937,094.09 for signal upgrades on NYS Route 211 in the Town of Walkill in Orange County.

DA Collins Construction Co. Inc. of

Wilton, NY was the lowest of three bidders at \$3,645,163.69 for subsurface and pavement repair on Routes 9W and 32 in the Town of Newburgh and City of Newburgh in Orange County.

Verde Electric Maintenance Corp. of Mount Vernon, NY was the lowest of three bidders at \$848,240. for signal optimization at various locations in Putnam and Westchester counties.

Central Industries, Aaron Assoc. Nab Westchester DPW Jobs

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

Central Industries Inc. of Yonkers, NY was the lowest of three bidders at \$1,354,125.00 for intersection pavement improvements on

Route 35 at Route 121 in the Town of Lewisboro, NY.

Aaron Associates of CT, Inc. of Waterbury, CT was the sole bidder at \$504,375.00 for instrumentation maintenance and repairs to department of environmental facilities at various locations in Westchester.

Gateway Issues RFQs For Hudson Tunnel Project

Continued from page 21

behind the TBMs.

GDC has also made substantial progress in recent months advancing other elements of the Hudson Tunnel Project. Early work is expected to begin later this year on both the Tonnelle Avenue Bridge and Utility Relocation project in New

Jersey and the Hudson Yards Concrete Casing - Section 3 in New York.

GDC recently shortlisted potential Project Delivery Partners and the U.S. Department of Transportation's Build America Bureau is advancing the application for obtain-

ing Railroad Rehabilitation and Improvement Financing (RRIF) loans to support the project. In addition, the Hudson Tunnel Project is continuing to move through the FTA's Capital Investment Grants program toward a Full Funding Grant Agreement next year.

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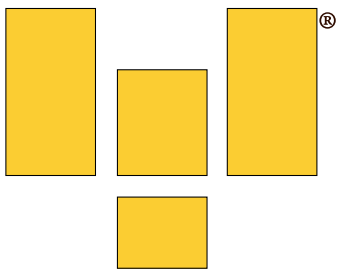
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