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Construction NEWS



Vol. 39 No. 12

DECEMBER 2023

\$1.50



Making Spirits Bright into 2024

The 2023 Rockefeller Center Christmas tree, an 80-foot tall, 12-ton Norway spruce from Vestal, NY, made the journey south from the home of Matt and Jackie McGinley in Broome County, some 200 miles from Midtown Manhattan. The tree will remain lit through Jan. 10 for the world to enjoy.

SPECIAL TO CONSTRUCTION NEWS

\$450M Mid-Hudson Psychiatric Center To be Built with PLA for Local Trades

Major Private and Mega Public Works Projects Advance

By JOHN JORDAN

NEW HAMPTON, NY—The New York State Dormitory Authority said on Dec. 14 that it has released the first bid in connection with the “New Forensic Replacement Hospital and HAZMAT Abatement” at the Mid-Hudson Forensic Psychiatric Center here in Orange County. The facility was slated for closure by the State Department of Health under a consolidation plan released in 2013, but the DOH reversed itself and announced it would remain open.

The project, a partnership between the Office of Mental Health and the Dormitory Authority of the State of New York, involves the design and construction of a new state-of-the-art facility, and will replace the existing outdated buildings that will later be redeveloped. The new building will

feature 300 state-of-the-art forensic in-patient beds.

On Dec. 12, the Dormitory Authority released a bid for Phase One of the project that will include building demolition, hazardous waste abatement, site preparation and site clearing utility work. A pre-bid meeting is scheduled for Wed., Jan. 3, 2024, at the project site in New Hampton at 10 a.m. Proposals are due on Jan. 18, 2024, and it is anticipated that work on the first phase could begin in the spring of 2024. The Dormitory Authority has hired TDX Construction, which is headquartered in Purchase, NY, as the Construction Manager for the project.

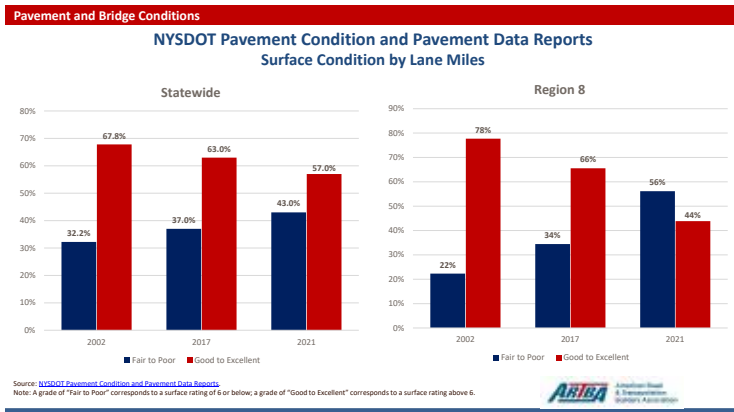
Todd Diorio, president of the Hudson Valley Building & Construction Trades Council, confirmed that the project sponsors have finalized
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Federal Infrastructure Law’s Impacts Felt Increasingly Across America

By JOHN JORDAN

WASHINGTON—States have committed federal funds to support more than 56,000 eligible transportation improvements in all 50 states during the last two years, spanning nearly every U.S. county, according to a recent review of the latest available federal data conducted by the American Road & Transportation Builders Association (ARTBA).

The bipartisan infrastructure law signed two years ago provides New York with \$13.64 billion to improve its roadway and bridge infrastructure network. The second installment of that five-year commitment is \$2.42 billion in FY 2023. Of that total, \$1.97 billion in formula funds need to be committed



IIJA Funding to Tackle Long-Term Trends
The percentage of “Good to Excellent” pavement condition in New York State has dropped 10.8% between 2002 to 2021. The percentage of “Fair to Poor” Surface Conditions by Lane Miles in the Mid-Hudson Region 8 has more than doubled, from 22% to 56% over the same two-decade period.

Source: NYSDOT Pavement Condition and Pavement Data Report by the end of FY 2023 to new or ongoing projects.

for highway and bridge projects as of Sept. 30, 2023. This includes core formula, discretionary, rollover and bridge formula funds, but not eligible transfers. This has supported 1,354 new projects in FY 2023, in addition to 1,071 projects in FY 2022. Reimbursements for work related to these new projects total \$762.59 million.

The U.S. Department of Transportation has announced 18 IIJA discretionary project grants in New York that are valued at \$619.6 million.

President Joe Biden signed the Infrastructure Investment and Jobs Act (IIJA) into law Nov. 15, 2021. To mark the anniversary, ARTBA released the following data points that highlight the scope and

impacts of the law across the country:

Nearly \$100 billion in new project commitments.

- 168 projects receiving more than \$100 million in federal support.

- 96% of counties have at least one project.

- State Departments of Transportation (DOT) are increasing capital spending by 13%.

- Nearly \$8 billion in road and bridge-related discretionary grant improvements announced by U.S. DOT.

- The value of state and local
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New York State to Chip in \$1 Billion For \$10B Albany Nanotech Complex

ALBANY—New York State announced on Dec. 11 a \$10-billion partnership with leaders from the semiconductor industry, including Armonk-based IBM, Micron, Applied Materials, Tokyo Electron, and others to establish a next-generation semiconductor research and development center at NY CREATES' Albany NanoTech Complex here.

The partnership will fund the construction of a cutting-edge High NA Extreme Ultraviolet Lithography Center—the first and only publicly owned High NA EUV Center in North America—that will support the research and development of the world's most complex and powerful semiconductors. In addition to the transformative investment in New York's Capital Region, this partnership will make New York State home to the nation's most advanced, publicly owned semiconductor R&D infrastructure, support the long-term growth of New York's tech economy, and create and retain thousands of direct, indirect, and union construction jobs, state officials said.

To support the project, New York State is investing \$1 billion to expand the Albany NanoTech Complex with the establishment of the High NA EUV Center through the purchase of ASML's EXE:5200 High NA EUV scanner, as well as the construction of NanoFab Reflection, a new, highly sophisticated building with more than 50,000 square feet of cleanroom space that will encourage future partner growth and support new initiatives like the National Semiconductor Technology Center, National Advanced Packaging Manufacturing Program, and Department of Defense Microelectronics Commons program, the latter of which was recently awarded to New York State. The project will create an estimated peak of 500 to 600 union construction jobs at prevailing wage during the two-year construction phase.

"This \$10-billion partnership to bring innovative chips research to the Capital Region should send a message to the entire industry: New York is open for business," Gov. Kathy Hochul said. "From our Green CHIPS legislation to Micron's historic investment and the creation of GO-SEMI, we're building the future of semiconductor research right here in New York. This industry is creating real opportunity in our state with major regional investments, countless new jobs, and bold commitments to workforce development and sustainability, and my administration will keep working with elected and industry leaders to make New York a global chipmaking superpower."

Under this new initiative,

NY CREATES will acquire and install a High NA EUV lithography tool, designed and manufactured by ASML, at its Albany NanoTech Complex, where industry partners including Micron, IBM, Applied Materials, Tokyo Electron, and others will use the most advanced semiconductor equipment ever made. Once built, New York's High NA EUV Center will position the state as a destination for research and development of the innovative chip technology that powers nearly every smartphone, tablet, laptop, and computer server today. The center will also foster international partnerships as world-renowned research organizations expand their presence here, drawing businesses from around the globe.

The project is critical to further growing NY CREATES'



The partnership will significantly enhance New York State's position as a leading candidate to secure anchor hub status under the federal National Semiconductor Technology Center—a designation with the potential to unlock more than \$11 billion in federal CHIPS and Science Act funding.

Albany NanoTech Complex. In addition to creating 50,000 square feet of state-of-the-art cleanroom space at Albany NanoTech, it is anticipated

that this investment opens the door to the construction of additional future cleanroom space to enable the projected long-term growth of new

and existing collaborations spurred by the High-NA EUV Center and federal initiatives.

In addition, this partnership will significantly enhance New York State's position as a leading candidate to secure anchor hub status under the federal National Semiconductor Technology Center, a designation with the potential to unlock more than \$11 billion in federal CHIPS and Science Act funding.



This project will create at least 700 new direct jobs and retain thousands of jobs, leverage at least \$9 billion in private spending and investment, and establish significant commitments to support and build talent development pipelines, including through partnerships with the State University of New York. Partners have committed to

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Millions of Construction Workers Are Illegally Misclassified, Costing Government, Taxpayers \$22 Billion in Lost Revenues

By THE CENTURY FOUNDATION

A pernicious employment practice—called misclassification—is used by unscrupulous employers to avoid paying their share of payroll taxes and to evade certain responsibilities and liabilities covered by employment law. In some industries, misclassification has become so extreme that it has gone underground, with employers not even formally classifying many workers even as independent contractors, but rather paying them through cash-only, off-the-books transactions or payments to intermediaries and shell companies.

The costs of worker misclassification and off-the-books payments are enormous, particularly in the construction industry. This report finds that, nationally, 1.1 to 2.1 million construction workers are estimated to be misclassified or paid off-the-books, and there

are reasons to believe this may undercount the true extent of the problem. These workers lose key legal rights when employers misclassify them or pay them off the books.

Moreover, misclassification and off-the-books payments have significant costs to individual workers through lost worker's compensation insurance, unemployment insurance (UI), and lost overtime pay. State and federal government social insurance programs also rely on employer taxes for funding. By misclassifying workers or paying them off the books, employers avoid paying their share of taxes to programs such as Social Security and unemployment insurance. This report estimates that unscrupulous employers in the construction industry that misclassify or resort to off-the-books payments are underpaying workers

and shortchanging payments toward legally required benefits (such as Social Security, unemployment insurance, and workers' compensation) by more than \$12 billion per year, costing taxpayers between \$5 and \$10 billion per year.

Misclassification is an especially egregious illegal labor practice that has far-reaching consequences. Most directly, it denies workers their rights under state and federal law, including the right to overtime pay, minimum wage, certain workplace safety protections, paid family and medical leave and other mandated benefits, a discrimination-and-sexual-harassment-free workplace, and collective bargaining.

Workers misclassified as independent contractors are also denied access to critical social insurance benefits, such as workers' compensation insurance coverage if they are hurt on the job and unemployment insurance benefits if they are laid off. And their employer's decision to misclassify them means that the business effectively pushes their Social Security and Medicare tax burden—the “employer share”—from their books onto the backs of the workers themselves. Beyond this, the use of off-the-books payments removes workers entirely from many of the rights and benefits that employees or independent contractors have. Meanwhile, law-abiding businesses often find it difficult to compete with unscrupulous employers that reduce their labor costs substantially via illegal means, and taxpayers are out



For many construction companies, worker misclassification and off-the-books payments are the business model.

billions of dollars due to what is essentially an implicit subsidy of public money to employers that knowingly violate the law.

Decades of reporting from across the country suggest that the U.S. construction sector is awash in worker misclassification. But the problem goes even deeper than the decision of whether to hire workers as independent contractors rather than employees. Instead, a substantial portion of the construction workforce now operates in the underground economy, with many employers hiring them through cash-only, off-the-books employment relationships that cast aside any pretense of the formality (or documentation) of traditional independent contracting. This process of misclassification and off-the-books payments is aided by the presence of “labor brokers,” who are effectively unregistered middlemen capable

of recruiting and employing legions of construction workers on a jobsite on short notice and who operate in the world of cash payments and check-cashing services.

No Healthcare Safety Nets

Many construction workers operating in this underground cash economy are low-paid immigrant workers. This is unsurprising, considering that an estimated 23% of the construction industry is composed of undocumented workers. Since undocumented workers are less likely to report labor violations due to their status and fear of retaliation, certain segments of the construction industry have become notorious for rampant worker misclassification and exploitation.

Construction is a notoriously dangerous vocation, and workers are regularly injured on the job. Absent the

Please turn to page 15

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Con Edison Ends Westchester County Natural Gas Moratorium

Utility Company Paused New Gas Hookups in 2019

ARMONK, NY—Natural gas hookups are coming back to Westchester County after a four-and-a-half-year pause. Con Edison is set to end the moratorium affecting most of the county at the start of next month, according to an announcement reported by the Building & Realty Institute (BRI). The moratorium on gas installations—which didn't affect existing users—began in March 2019 as demand outpaced supply.

That issue has been mitigated, according to the utilities company. Supply has been increased by a pipeline project, and the company forecast lower demand in a letter to the state Public Service Commission. In the letter to the Public Service Commission, Con Ed explained that said that the combination of increased supply from the Tennessee East 300 Project and lower forecasted demand resolves the Westchester supply-demand gap, which prompted the moratorium on new gas hookups.

Con Ed received 1,600 applications for gas service from southern Westchester in the two months leading up to the moratorium, *LoHud* reported in 2019. The state also announced a \$250-million clean energy investment program to free up capacity in an area of Westchester most affected by Con Ed's decision.

The moratorium forced developers and builders to make do without natural gas hookups.

“In the coming weeks, Con Edison will notify local agencies, elected officials, and those customers who had previously signed up on the gas service interest list which was maintained during the period the moratorium was in effect, even if they signed up on that list months ago. If you signed up on that list any time since 2019, you should expect further communication directly from Con Ed,” the BRI wrote in a statement. Con Ed is expected to remove moratorium-specific web pages from www.coned.com as well as post information on how to request new gas hookups or conversions from oil to gas beginning Dec. 1.

The BRI also noted that the moratorium lift does not change anything “with regard to the requirements under the All Electrification Act, whereby there will be statewide ban on fossil-fuel use in new construction. The measure will start in 2026 for structures of seven stories or less. The ban for larger buildings starts in 2029.

“To that end, one week after the lifting of the moratorium, the company will hold technical meetings with plumbers and general contractors and will also contact customers,” the BRI reported, including the dissemination of information about fossil-free alternatives. “All customers who request new service are required to sign an attestation confirming their awareness of New York State clean energy policy goals and the availability of non-fossil fuel alternative heating options,” according to the BRI of Westchester & the Mid-Hudson Region.



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Attorney's Column

New Law Creates Confusion in Attempt to Clarify Substantial Completion and Maximum Retainage

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

In 2002, the New York State Legislature attempted to address the problem of perpetually late payments to contractors and subcontractors in the private sector by enacting the Prompt Payment Act (Sections 756-758 of the General Business Law).

Aside from setting forth a schedule by which time payments to contractors and subcontractors need to be made, it provided a mechanism (an "expedited arbitration") to have undisputed sums paid, and permitted an unpaid contractor who followed the notice requirements of



of the parties thereto." Thus, except for the prohibition against the use of foreign law and the prohibition against contracting around the anti-suspension provision, the Prompt Payment Act was largely toothless, as originally enacted.

In 2009, the legislature attempted to correct this error. However, rather than simply remove the contractual supremacy provision, the legislature added two paragraphs to the void provisions listed in Section 757, one prohibiting the parties from opting out of the expedited arbitration provision,

sions voiding foreign (another state's) law and venue clauses as against public policy, and prohibiting parties from attempting to "contract around" the prohibition against suspension of work. However, in an attempt to balance concerns of owners and upstream contractors, in

On Nov. 17, 2023, Gov. Kathy Hochul signed a bill again amending the Prompt Payment Act. These new amendments allow a contractor to submit a final invoice for payment in full upon reaching substantial completion (Section 756-a[2][a]). They also limit the amount of retainage to be withheld by the owner and upstream contractors to no more than 5% of the contract sum (Section 756-c).

One thing that is clear from the aftermath of the recent amendment to the Prompt Payment Act is that the legislature missed its mark in providing the clarity it sought to provide.

the statute to suspend work— notwithstanding that the applicable construction contract may specifically prohibit such suspension.

In Section 757 of the Act, the legislature also included provi-

Section 756-a, the legislature provided that "except as otherwise provided in this article, the terms and conditions of a construction contract shall supersede the provisions of this article and govern the conduct

and the other prohibiting any alterations to the payment and notice timeframes set forth in the Act. In 2021, the legislature further amended the Act by enacting a new Section 756-f, which permits an owner or up-

stream contractor to withhold money pending the receipt of certified payrolls, etc., required to comply with the Construction Industry Wage Theft Prevention Act. This section, however, did not contain a correlating provision in Section 757 excepting it from the contractual supremacy clause.

On Nov. 17, 2023, Gov. Kathy Hochul signed a bill again amending the Prompt Payment Act. These new amendments allow a contractor to submit a final invoice for payment in full upon reaching substantial completion (Section 756-a[2][a]). They also limit the amount of retainage to be withheld by the owner and upstream contractors to no more than 5% of the contract sum (Section 756-c).

Previously, a contractor could submit a final invoice only "upon the performance of all the contractor's obligations under the contract," and retainage was limited to "a reasonable amount" mutually agreed to by the parties. Similar to the 2021 amendment, however, there was no correlating modification of Section 757 to remove this provision from the application of the contractual supremacy clause.

In the wake of these amendments taking effect, some practitioners are advising their current and potential clients that "While these amendments present a drastic and detrimental change in law both to owners and general contractors, the Prompt Payment Act has a far-reaching savings clause allowing the parties' construction contract to supersede these and certain other provisions of the Act," and that "Contract provisions dealing with the timing of the submission of a final invoice (GBL §756-a[2](a)) and the amount of retainage which can be withheld (GBL §756-c) are not included in the list of Void Provisions under GBL §757 and, in our view, contractual provisions to the contrary will supersede the provisions of the Act." This was clearly not the legislative intent of the new law, which was to limit retain-

age held by both the owner (which would benefit general contractors and, therefore, was supported by the Associated General Contractors of New York State, amongst others) and upstream contractors (which would benefit subcontractors and suppliers and, therefore, was supported by the Northeastern Subcontractors Association and the Subcontractors Trade Association of New York City, among others).

This interpretation of the new law would make it completely toothless because the parties would have the right to contract around these provisions. Another interpretation is that since the contractual supremacy provision is found in Section 756-a, it only applies to those provisions in that section (which contains the timing provisions, as well as the new ability to invoice upon substantial completion), but not those found in Sections 756-b through 756-f (which contain, amongst others, the new retainage cap, as well as the ability to withhold payment for failing to provide information necessary to ensure compliance with applicable wage theft statutes).

One thing that is clear from the aftermath of the recent amendment to the Prompt Payment Act is that the legislature missed its mark in providing the clarity it sought to provide. Accordingly, further action from the legislature is required either in the form of adding one or more additional provisions to the list of void clauses found in Section 757—or simply deleting the contractual supremacy clause found in Section 756-a and letting the Prompt Payment Act function as originally intended. Until such real clarification is forthcoming, contractors would be well advised to consult with experienced construction counsel to draft detailed contractual provisions relating to the timing of payment, retainage, and documentation necessary to comply with the wage theft statutes, as well as those which relate to the

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\$450M Mid-Hudson Psychiatric Center To be Built with PLA for Local Trades

Continued from page 1

a Project Labor Agreement with the building trades on the project. He told CONSTRUCTION NEWS that while no firm cost estimates for the entire project have been released, he believes the overall cost will range somewhere between \$300 million to \$450 million.

New York Power Authority HQ RFP White Plains, Westchester County

The New York Power Authority is currently reviewing proposals for a brand new 250,000-square-foot Class A state-of-the-art corporate headquarters in Downtown White Plains and a decision on the utility's new site requirement could come in three to four months.

One of the options the New York Power Authority is considering is financing a build-to-suit headquarters building in Downtown White Plains along with a sale or partnership for its more than 400,000 square-foot existing office building for possible redevelopment. If those deals were finalized, it would no doubt be easily valued in the hundreds of millions of dollars in investment and economic benefit to the city and region.

The firm, currently headquartered at 123 Main St. in Downtown White Plains, issued a Request for Proposal on Aug. 18 and is currently reviewing multiple proposals it has received, according to a number of knowledgeable real estate sources. The due date on the New York Power Authority's RFP was Nov. 17 and developer interviews are scheduled for this month and January 2024. The company currently employs approximately 900 workers at its White Plains office building. The RFP is explicit in that the company's search for a new corporate headquarter site is limited to the White Plains Central Business District.

For full details on the Power Authority's RFP see story on page 21 in this edition of CONSTRUCTION NEWS.

MGM Empire City Casino Yonkers, NY (Westchester County)

MGM Resorts International unveiled its vision on Nov. 30 to transition Empire City Casino by MGM Resorts into a world-class entertainment destination—MGM Empire City—if awarded a commercial casino license for its historic Yonkers, NY site. Key elements of the phase one design include a comprehensive casino floor redevelopment and expansion, 5,000-capacity entertainment venue, state-of-the-art "BetMGM sportsbook," food and beverage outlets by celebrated chefs, cocktail bars and lounges, technologically advanced meeting spaces and more.

MGM Empire City's plans feature a complete property redevelopment shifting from a video lottery terminal racino into a full-scale commercial casino with live-dealer table games, the newest slot machines and a high-limit gaming area for the most discerning casino guests. The design includes the addition of several new destination dining experiences, including a modern steakhouse, a casual quick-serve Italian American experience and an authentic Asian noodle bar and eatery. Existing venues Big Kitchen

food court and The Pub sports bar will also transform into new, high-end food concepts. The plan also includes development of a new parking garage to significantly enhance the guest arrival experience while also providing visitors with direct and convenient access to the casino and its amenities.

No development cost estimates were released in connection with the planned expansion. However, previously published reports have indicated that future expansion plans at Empire City in connection with the award of a full casino gaming license by New York State would approach or exceed \$1 billion.

MGM Resorts stated that the entertainment venue will be the first-of-its-kind in the region, hosting A-list performers and events in a spectacular 5,000-capacity setting with unrivaled views, cutting-edge acoustics and dedicated amenities. Many members of the business, construction and organized labor sectors, including The Construction Industry Council of Westchester & Hudson Valley, Inc. have pledged their support for MGM's bid for a full casino gaming license by the New York State Gaming Commission. A decision on up to three downstate casino licenses is expected sometime in 2024. For full details on the MGM Empire City Casino plan, see page 19.

\$10-Billion Upstate Chip Plant Partnership Capital District, New York

In a major capital investment in the Capital Region of New York State, New York Gov. Kathy Hochul announced on Dec. 11 a \$10-billion partnership with leaders from the semiconductor industry, including Armonk-based IBM, Micron, Applied Materials, Tokyo Electron, and others to establish a next-generation semiconductor research and development center at NY CREATES' Albany NanoTech Complex.

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The plan calls for the demolition of the 43-year-old shuttered Galleria at White Plains shopping mall and the development of seven residential towers of varying heights that would feature up to 3,200 apartments, including 384 designated as affordable.

Galleria District White Plains, Westchester County

Recently, a major private development proposal was submitted to the City of White Plains. Pacific Retail Capital Partners, The Cappelli Organization, SL Green Realty Corporation, and Aareal Bank, owners of The Galleria at White Plains, presented a \$2.5-billion redevelopment plan for the property to the White Plains Common Council. The ownership stated that the plan, if approved as submitted, would entail the largest conversion of an enclosed shopping mall into a mixed-use residential and retail use, along with open space, in the New York metro region.

The plan calls for the demolition of the 43-year-old shuttered Galleria at White Plains shopping mall and the development of seven residential towers of varying heights that would feature up to 3,200 apartments including 384 that would be designated as affordable in accordance with the City

of White Plains Affordable Rental Housing Regulations.

The submission to the City Council calls for a zone change of the property. The buildings would combine state-of-the-art technology and building systems with amenity-based retail for the residential units including fitness, grocery, dining, professional and personal services. The District Galleria is being designed as a sustainable project, meeting the silver LEED standard of high-energy efficient building materials, the building ownership stated. The developers stated that nearly half of the project's footprint is designated as open space that would break down existing barriers and create a quarter mile-long green promenade complete with pet playgrounds, pocket parks and landscaping for community gatherings, outdoor events, public entertainment and art.

tives like the National Semiconductor Technology Center, National Advanced Packaging Manufacturing Program, and Department of Defense Microelectronics Commons program, the latter of which was recently awarded to New York State. The project will create an estimated peak of 500 to 600 union construction jobs at prevailing wage during the two-year construction phase. See story on page 3.

Gateway Tunnel Project (New York, New Jersey)

New Jersey Gov. Phil Murphy, New York Gov. Kathy Hochul, U.S. Department of Transportation Deputy Secretary Polly Trottenberg, and the Federal Railroad Administration joined NJ TRANSIT and Project Sponsor the Gateway Development Commission on Nov. 30 in Newark, NJ to announce the start of construction in New Jersey on the Hudson Tunnel Project as work began on the Tonnelles Avenue Bridge and Utility Relocation Project. The groundbreaking marked a significant milestone for the \$16-billion Gateway Rail Tunnel project.

The Tonnelles Avenue Bridge and Utility Relocation Project is a major early work component of the Hudson Tunnel Project involving the relocation of utilities and the construction of a new roadway bridge for Tonnelles Avenue in North Bergen, NJ. The new roadway bridge will be located immediately above a new future railroad right-of-way, which will allow for a connection to the new tunnel portal at the western slope of the New Jersey Palisades. It will also provide construction access between the staging sites on either side of Tonnelles Avenue, as well as access to the entry

point for the Tunnel Boring Machines that will dig the Palisades Tunnel portion of the project.

This announcement is a significant milestone marking the Hudson Tunnel Project's start of active construction on both sides of the Hudson River. Earlier this month, work began in Manhattan on the Hudson Yards Concrete Casing—Section 3, an essential right-of-way preservation project that guarantees the new tunnel's connection to New York Penn Station.

"As we break ground on this side of the Hudson alongside our partners from Washington and New York, we edge one step closer to making our bold vision for the Gateway Project a reality," said New Jersey Gov. Murphy. "Since the outset of my administration, we've worked tirelessly to deliver the world-class transportation system New Jerseyans urgently need and deserve. By undertaking the most important infrastructure project in the nation, we will generate good-paying jobs, support our growing economy, and promote safer more efficient transportation for residents and visitors alike."

"After decades of delays, the Gateway Program is finally moving forward. The Hudson Tunnel is a nationally important piece of infrastructure and will bring millions of visitors to New York every year," New York Gov. Hochul said. "I am proud of the work we have done with President Biden, Secretary Buttigieg, Senior Advisor Landrieu, Amtrak, and our partners in New Jersey to advance this project and I thank Majority Leader Schumer and the New York Congressional delegation for providing critical support."



The Mid-Hudson Forensic Psychiatric Center in New Hampton, NY was slated for closure by the State Department of Health under a consolidation plan released in 2013, but the DOH reversed itself four years later and announced it would remain open.



Next Gen Leaders



Profiles of the Industry's New Generation



Taylor Reilly

Age
23

Louis G. Nappi Scholarship received
2018, 2019

Title & Employer?
Wholesale Florist, Alders Wholesale Florist,
Cortlandt Manor, NY

Undergraduate Studies & Degree
University of Rhode Island, a Bachelor's of Science
in Plant Sciences—Ornamental Horticulture

Favorite Course
Field Plant Identification

Reason for this professional choice
"Plants provide us with basic human needs, such as oxygen and food sources, and they enhance the landscapes we create and provide a more fulfilling and beautiful environment. I believe understanding how they grow and even serve functions within human constructed landscapes is of vital importance to our future and the future of construction."

Biggest challenges in your work
"Working with nature—it's certainly the unpredictability of the weather. Having the knowledge to successfully produce crops is most important in combatting this. Properly controlling the variables that you can control leaves less room for error when inevitably the weather does not always work in your favor."

Biggest surprises when you entered the field
"Finding out just how much of the plant life we assume is left untouched, but that is actually being improved upon, monitored or added on by horticulturists of all fields to keep the environment we all inhabit healthy and thriving."

Most memorable quote
"The goal of life is living in agreement with nature."
—Zeno of Elea, a pre-Socratic Greek philosopher.

Words of wisdom for a young person entering the field
"Finding your niche within the environmental industry will not be a fast endeavor. Patience and hard work are key to finding yourself in a career for which you have a passion."

Greatest accomplishment so far or goals you've set
"The variety in which I've been able to study in the environmental fields with my degree and seeing how all the different fields work towards a healthier environment. This aspect of all of my studies has been the most fulfilling."

Favorite interests or hobbies
"I enjoy hiking, camping and adding to my garden."

Family relationship to CIC and Nappi Scholarship
"My father is Thomas Reilly, a member of LiUNA Local 60."

—Alan Kennedy, Researcher and Writer

The Louis G. Nappi Labor-Management Scholarship Program was named in honor of CIC Chairman Emeritus Louis G. Nappi.

Since the inception of the Louis G. Nappi Construction Labor-Management Scholarship Fund in 2009, more than \$700,000 has been awarded to 73 students sharing in a total of 170 grants over the years. This financial support has made possible tuition aid for those attending some 50 colleges and universities throughout the United States.

"By awarding these scholarships, it is our vision—with labor and management united—to encourage the brightest students to consider and pursue careers in construction and engineering."
—Louis G. Nappi, 1920 - 2014

L.G.N. Scholarship Committee

William Mascetta
Scholarship Committee Chairman
Transit Construction Corp.

Anthony Ascencao
Heavy Construction Laborers L.U. 60

Phillip Benza
Arben Group LLC

Dean DiNatale
Pinnacle Associates, Ltd.

Edward Doyle
Building & Construction Trades Council
of Westchester & Putnam, Inc.

Jerry Keahon
Eastern Concrete Materials, Inc.

Jeffrey Loughlin
Operating Engineers L.U. 137

Ross J. Pepe
Matthew Pepe • Karen Zedda
Construction Industry Council
of Westchester & Hudson Valley, Inc.

Louis Picani
Teamsters L.U. 456

Thomas H. Welby, Esq., P.E.
Welby, Brady & Greenblatt, LLP

Federal Infrastructure Law's Impacts Felt Increasingly Across America

Continued from page 1

highway and bridge contracts awards was up a record-level 26% in 2022.

- In 2023, the value of awards is up in 35 states compared to 2022, increasing a total of 12%.

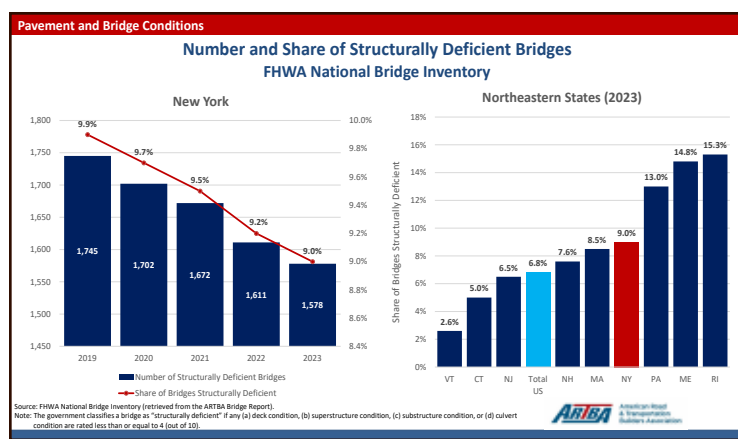
- Average highway construction employment in 2023 is up 8%.

- 24% of funds spent on new construction or added capacity.

New York City Comptroller Brand Lander in a report issued on Dec. 1 on the city's infrastructure financing and noted, "New York State and New York City are set to receive at least \$36 billion and \$1.58 billion, respectively, in funds dedicated to transportation uses. A significant amount of the state's funding will go to large transit projects: \$6.88 billion to the Gateway Development Commission for the Hudson Tunnel Project and \$2.5 billion to the MTA to extend the Second Avenue Subway to 125th Street in Harlem. But more than \$3.5 billion will go to highway projects, including more than \$1 billion of state-led highway expansion projects in the five boroughs."

In a report released earlier this year entitled "Shifting Gears," Comptroller Lander noted that transit projects make up the largest share of IIJA spending in New York. A total of 58%, or \$21 billion of the \$36 billion transportation funds that New York State is set to receive from the IIJA, is dedicated to transit."

Mr. Lander continued, "New York is the only state in the country to receive more federal funds for transit than roadways. Two large projects in New York City account for roughly half of state transit funds. The Federal Transit Administration awarded a \$6.88-billion competitive grant to the Gateway Development Commission for the Hudson Tunnel Project, the single largest grant awarded to any entity out of the IIJA, or any federal program. The MTA also



New York State is the 13th highest state for share structurally deficient (9.0%) and 7th for number of deficient bridges (1,578).

Source: NYSDOT Pavement Condition and Pavement Data Report received a \$3.4 billion competitive grant to extend the Second Avenue Subway to 125th Street in Harlem, \$2.5 billion of which will come from IIJA funds."

He said most of the remaining 42% of statewide IIJA funding is dedicated to formula-funded highway projects. Of the \$14.5 billion that New York State is set to receive for roads, bridges, and other roadway-related projects, 95% (\$13.79 billion) is from the highway formula program and 5% (\$703.8 million) is from competitive highway-related grants. Highway formula funding is also the largest source of funding awarded directly to the City of New York, making up 81% of the City's IIJA funds. In addition to the highway formula funding directly allocated to the city, the New York State Department of Transportation (NYSDOT) will spend an additional \$2.2 billion of highway formula funding on projects in the five boroughs.

Among the report's key findings was that "New York State is spending roughly half of its NYC-based highway formula funds on projects that expand highways, with little attention to emissions reduction or improving safety, in contradiction to both city- and state-level public policy. By contrast, the city has programmed its highway formula funds for projects with active transportation and sustainability goals."

U.S. Department of Transportation Discretionary Grant Awards

The following are some of the discretionary grant awards listed for New York State that are IIJA-funded highway and bridge projects. The funds have been awarded, but states may or may not have obligated them to-date, ARTBA noted on its website.

- The National Railroad Passenger Corporation — Amtrak, Mega Grant, Hudson Yards Concrete Casing—Section 3, \$292.2 million.
- City of New York, Hunts Point Terminal Produce Market Intermodal Facility, INFRA 2022 Grant, \$110.0 million.
- New York State DOT, NYS Route 33 (Kensington Expressway) Project, Reconnecting Communities Capital Grants, \$55.6 million.
- New York City Housing Authority, Safe Access For Electric Micromobility (Safemicro-mobility), RAISE 2023 Grant, \$25 million.
- City of Kingston, Kingston Weaving, the Waterfront Transportation Project, RAISE 2023 Grant, \$21.8 million.
- New York Small Grant-Restoring the Castleton-on-Hudson Bridge, Bridge Investment Program 2022, \$21.0 million.
- New York City Department of Small Business Services, Broadway Junction Streetscapes Improvement Project, RAISE 2023 Grant, \$20.0 million.

New York State to Chip in \$1 Billion For \$10B Albany Nanotech Complex

Continued from page 3

either expanding or initiating support for workforce development programming, including investments in SUNY, Rensselaer Polytechnic Institute, and other public and private workforce development activities; K-12 STEM academic programs; training, internships, and experiential learning to undergraduate and graduate students in engineering and related STEM fields, and academic research partnerships.

NY CREATES and industry partners have also agreed to a range of sustainability commitments throughout the construction and operational phases of the project that are closely aligned with New York's nation-leading Green CHIPS program, including use of best available technology

for greenhouse gas emission reduction; prioritization of renewable energy, with preference for New York sources; and pursuit of minimum Gold LEED status certification for new buildings related to the project. Additionally, partners are committed to integrating sustainability as a primary goal of R&D activities, including sustainable semiconductor manufacturing processes, materials use, waste reuse and reclamation, and fab design. Through this new focus, the High NA EUV Center is positioned to become a global leader in the development of sustainable and climate-friendly semiconductor manufacturing processes and technology.

The Albany NanoTech Complex, owned and operated

by the non-profit New York Center for Research, Economic Advancement, Technology, Engineering, and Science, or NY CREATES, is the most advanced, publicly-owned 300 mm semiconductor R&D facility in North America and has been at the forefront of semiconductor innovation for more than two decades. The site currently totals 1.65 million square feet and houses the current generation of EUV lithography equipment, which IBM recently used to produce the world's first two nanometer chip technology—the smallest scale ever developed. The High NA EUV Center will bring the next generation of EUV equipment to Albany NanoTech and firmly establish New York as the epicenter of leading-edge semiconductor R&D.

IIJA Funds to Fuel New Area Projects

TARRYTOWN, NY—The following are some of the largest federal aid highway and bridge projects that moved forward in FY 2022 and year to date in FY 2023 using IIJA and other federal formula funds. In addition to these projects, states obligated funds towards eligible projects already underway and for projects approved with advanced construction funding, neither of which are included in this list published on ARTBA's "Highway Dashboard."

- Installation of Four New Bridges Over I-81, Syracuse, \$292.6 million; Formula Funds, Fiscal Year 2023.

- Van Wyck Expressway Capacity & Access Improvements to and from JFK International Airport, Phase 3 (Queens Blvd to JFK), Queens, NY, \$211.6 million, Formula Funds, Fiscal Year 2022.

- Replacement of Bronx River Parkway Bridge over Amtrak/CSX with Safety and Mobility Improvements Between E 177th Street and East Tremont Ave. in the Bronx County, \$87.43 million, Formula Funds, Fiscal Year, 2023.

- Gowanus Expressway (I-278) Viaduct Painting and Steel Repairs to Prolong the Useful Life, Kings County, \$69 million, Formula Funds, Fiscal Year 2022.

- Construct an Auxiliary Lane (0.94 Miles) on the East-bound I-495 Long Island Expressway Between the Exit Ramp to Clearview Expressway and the Exit Ramp to Springfield Blvd to Address Congestion Due to High Volume of Truck Traffic, Queens County, \$50.5 million, Formula Funds, Fiscal Year 2022.

- Bruckner Expressway (I-278) Overpass Rehabilitation at Rosedale Ave in the Bronx County to Repair Deteriorated Bridge Elements to Assure Continued Safe Operations & A Possible Full Superstructure Replacement, \$46.40 million, Formula Funds, Fiscal Year 2023.

- Pavement Resurfacing, I-495 from Motor Parkway LIE Exit 55 to NY112 Exit 64 to Maintain the State of Good Repair in the Town of Islip and Brookhaven, Suffolk County, \$43.4 million, Formula Funds, Fiscal Year 2022.

- Implement Operational Support to Traffic Management Center Facility for Computerized Signalization of the Five Boroughs in New York City for the Fiscal Year 2024, \$40.09 million, Formula Funds, Fiscal Year 2023.

- Implement Operational Support to Traffic Management Center Facility for Computerized Signalization of the Five Boroughs in New York City for Fiscal Year 2022, \$38.57 million, Formula Funds, Fiscal Year 2023.

- Hunts Point Interstate Access Improvement Project, Contract 3, Bronx County, \$37.17 million, Formula Funds, Fiscal Year 2023.

- Rehabilitation of Two Bridges on the Van Wyck Expressway (I-678)/Long Island Expressway Interchange (I-495) in Queens to Extend Service Life of Structures, \$31 million, Formula Funds, Fiscal Year 2022.

- Biennial Consultant Bridge Inspections: Regions 1-9 and East River Bridges from 1/1/2022 Through 12/31/2025, \$30.5 million, Formula Funds, Fiscal Year 2022.

- Replacement of 138th St. Bridge over Major Deegan Expwy in the Bronx, \$25.86 million, Formula Funds, Fiscal Year 2022.

- Reconstructing the Rte. 17, Exit 105 Interchange to Bring It Up to Current Standards For Freight Movement and Improve Safety Related Deficiencies. Improvements Will Also Be Made to RT 42 to Correct Sidewalk Deficiencies, Provide Pedestrian Access Where Missing, Make Pedestrian Facilities Ada Compliant, and Provide Appropriate Facilities for Bicyclists. Village of Monticello, Town of Thompson, Sullivan County, \$22.25 million, Formula Funds, Fiscal Year, 2023.

- Annual Bridge Safety Assurance Program and State Forces Bridge Inspections (FY 2023 10/1/2022-9/30/2023, \$21.77 million, Formula Funds, Fiscal Year 2023.

- Biennial Consultant Bridge Inspections: Regions 1-9 and East River Bridges from 1/1/2022 Through 12/31/2025, \$20.56 million, Formula Funds, Fiscal Year 2023.

LOW BIDS Every Month in the Construction NEWS



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 of the holiday season be yours
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NYSDOT - Region 8

Bid Letting Date: Jan. 11, 2024

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

Contract: D265141
PIN# 881485
F.A. Proj.# Y001-8814-853

Project Description: Columbia, Dutchess, Orange, Ulster, Westchester Cos., bridge painting, various locations.

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

Goals: DBE: 10.00%

Bid Letting Date: Jan. 11, 2024

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

Contract: D265165
PIN# 881500

Project Description: Columbia, Dutchess, Orange, Putnam, Rockland, Ulster, Westchester Cos., biennial geotech subsurface explorations, various locations.

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

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

Bid Letting Date: Jan. 11, 2024

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

Contract: D265173
PIN# 881658
F.A. Proj.# Y240-8816-583

Project Description: Rockland Co., guide rail replacements, various locations.

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

Goals: DBE: 10.00%

NYSDOT - Region 11

Bid Letting Date: Jan. 11, 2024

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

Contract: D265174
PIN# XM2445

Project Description: Bronx, Kings, New York, Queens, Richmond Cos., highway - non-structure maintenance - where & when at various locations in various towns.

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

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

Westchester County DPW

Bid Due Date: Dec. 20, 2023

Contract: 20-505 (\$100.)

Title: Rehabilitation of Grant Avenue Bridge over Central Westchester Parkway, C.R. #150 (BIN 2268380), City of White Plains, NY

Description: The work under this contract consists of providing all labor, material and equipment required for the rehabilitation of the Grant Avenue Bridge over the Central Westchester Parkway, C.R. #150 (BIN 2268380) including, but not limited to, removal and replacement of the existing asphalt wearing surface, excavation and backfill, waterproofing top of the arch, stone masonry repointing, stone parapet wall replacements guiderail/fencing and pavement markings.

Bid Estimate Range: \$2.5 million to \$3.0 million.

Pre-Bid Inspection: scheduled for 10:00 AM, Dec. 12, 2023; meeting at Grant Avenue Bridge over Central Westchester Parkway.

Contact: Susie Ghabour, 914-995-2693

Bid Due Date: Dec. 20, 2023

Contract: 22-524 (\$100.)

Title: Replacement of HVAC Systems and Associated Work, BeeLine Central Maintenance Facility (DOT-CMF), Yonkers, New York.

Description: The work under this contract consists of providing all labor, material and equipment required to replace AC units and to furnish and install split system units including rigging for removal and installation as well as all associated architectural, structural, controls, plumbing and electrical work required. NOTE: The Contractor is directed to the Special Notice regarding Project Labor Agreement (PLA).

Bid Estimate Range: \$1.65 million to \$1.8 million.

Mandatory Pre-Bid Inspection: scheduled for 10:00 AM, Dec. 12, 2023; meeting at Central Maintenance Facility, 475 Saw Mill River Road, Yonkers, NY. Mandatory attendance is required. Bids will be rejected from Contractors not in attendance at this meeting, or those who fail to sign the attendance sheet.

Contact: Vincent Leone, 914-995-5107

New York State Dormitory Authority

Bid Due Date: Jan. 9, 2024

Title: Office of Mental Health Central New York Psychiatric Center Building 108 Addition with Asbestos Abatement and Removal of Hazardous Materials.

Contract: CR30 General Construction, CR31 Electrical, CR32 Plumbing, CR33 HVAC

Project# 3536509999

Sealed bids for the above work located at Central New York Psychiatric Center, Building No. 108, 9005 Old River Road, MARCY, NY 13403 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 - LIANNE ALCANTARA." 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 present government-issued picture identification to building security officials and obtain a visitors pass prior to attending the bid opening.

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

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

Only those bids in the hands of DASNY, available to be read at 2:00 PM local time on January 9, 2024, 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: Nicholas Huestis, Project Manager, 515 Broadway, Albany, New York 12207, 518-337-8422, NHuestis@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 was scheduled on December 6, 2023, at 10 AM at Central New York Psychiatric Center, DASNY Field Office, 9005 Old River Road, Marcy, NY 13403. All prospective bidders are strongly encouraged to attend.

A complete set of Contract Documents may be viewed and/or purchased online from Camelot Print and Copy Centers. Only those Contract Documents obtained in this manner will enable a prospective bidder to be identified as an official plan holder of record. DASNY takes no responsibility for the completeness of Contract Documents obtained from other sources. Contract Documents obtained from other sources may not be accurate or may not contain addenda that may have been issued. In 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: Jan. 10, 2024

Title: City University of New York, York College, Health and Physical Education Complex (HPEC) ADA Toilet Upgrade and Associated Asbestos Abatement

Contract: CR13 General Construction

Project# 3584209999

Sealed bids for the above work located at York College, HPEC Building, 160-02 Liberty Avenue, Jamaica, NY 11451 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 - LIANNE ALCANTARA." 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 present government-issued picture identification to building security officials and obtain a visitors pass prior to attending the bid opening.

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 Wednesday, January 10, 2024 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: Michael Smith, Project Manager, CUNY York College, 94-20 Guy R Brewer Blvd, Jamaica, NY 11451, 646-210-1583, MSmith@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 was scheduled on Tuesday, December 5, 2023, at 10 AM. at York College, HPEC Building, 160-02 Liberty Avenue, Jamaica, NY 11451. All prospective bidders are strongly encouraged to attend.

A complete set of Contract Documents may be viewed and/or purchased online from Camelot Print and Copy Centers. Only those Contract Documents obtained in this manner will enable a prospective bidder to be identified as an official plan holder of record. DASNY takes no responsibility for the completeness of Contract Documents obtained from other sources. Contract Documents obtained from other sources may not be accurate or may not contain addenda that may have been issued. In 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>.

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ALBANY UPDATE

More Than 1,000 Speeding Tickets Issued In Work Zones in Hudson Valley Region

ALBANY—As construction throughout much of New York State begins to wind down with winter weather setting in, New York State officials recently highlighted the year-end results of several initiatives designed to keep highway workers and motorists safe throughout New York State. These include a new work zone speed enforcement pilot program, a partnership between state transportation agencies in cooperation with state and local law enforcement entities, and a new law designed to better protect motorists in disabled vehicles.

The legislature worked hard to introduce and pass these essential measures over the last several years, and the initiatives were then implemented with the support and assistance of the state's partners in organized labor and the contracting community, whose members also work in dangerous environments for the benefit of all New Yorkers.

"New York has zero tolerance for negligent or aggressive behavior that endangers our men and women in labor who work hard every day to keep us moving," Gov. Kathy Hochul said. "Work zone speed limits and other restrictions protect highway workers making our roads safer for everyone, and the actions we have taken this year are proving to be effective."

Speeding through highway work zones endangers workers and other motorists and is a common factor in dangerous work zone intrusions. In April 2023, as construction season was officially kicking off across the state, the governor announced the launch of an Automated Work Zone

Speed Monitoring Pilot Program at 20 work zone sites operated by the New York State Department of Transportation and 10 on the New York State Thruway.

Through Nov. 22, a total of 133,640 notices of liability (tickets) were issued to motorists across the state, including 95,861 from work zones controlled by the State Department of Transportation and 37,779 from work zones along the New York State Thruway. Both agencies encountered motorists driving at speeds in excess of 100 miles per hour through monitored work zones.

Notices of liability by region were distributed as follows:

Long Island	41,709
Rochester/Finger Lakes	32,578
New York City	12,330
Albany/Capital Region	4,616
Binghamton/Southern Tier	1,200
Syracuse/Central New York	1,140
Poughkeepsie/Hudson Valley... 1,016	
Buffalo/Western New York	849
Hornell/Western Southern Tier	211
Watertown/North Country	113
Utica/Mohawk Valley	99
Thruway	37,779

Fines through the pilot program are \$50 for the first violation, \$75 for the second violation and \$100 for third and subsequent violations within 18 months of the first violation.

Of the approximately 4.9 million vehicles that passed an automated work zone vehicle in a NYSDOT work zone during the first six months of the pilot program,



less than 2% were issued violations. More than 7,500 or 9% of all NYSDOT speed violations were repeat offenders.

Of the more than 2.3 million vehicles that passed an automated work zone vehicle in a Thruway work zone during the first six months of the pilot program, launched in May 2023, less than 2% were issued violations. During that period, the average speed in work zones with a posted 45 mph speed limit dropped from 47 mph in May to 43 mph in November. The average speed in work zones with a posted speed limit of 55 mph was approximately 50 mph. Despite the speed reductions, more than 1,500 or 4% of all Thruway speed violations were repeat offenders.

Operation Hardhat

Under "Operation Hardhat," State Troopers or local police officers are dressed as highway maintenance workers in active NYSDOT or Thruway work zones across New York, identifying and citing motorists for a number of violations, including disobeying flagging personnel,

speeding through work zones, cell phone and seatbelt use, and/or violations of the state's Move Over law. In 2023, 2,919 tickets were issued by State Police and participating law enforcement agencies during 84 deployments across the state.

The 2,919 tickets issued during Operation Hardhat this year included the following violations:
 Speeding.....1,048
 Cell Phone Usage.....499
 Seatbelt.....353

Failure to Move Over.....	230
Failure to Obey	
Traffic Control Device.....	18
Unsafe Lane Change	3
Failure to Obey Flagger.....	1
Other Violations.....	767

Other violations may include but are not limited to tickets issued for cracked windshields, broken headlights, expired inspections, improper exhaust, and unlicensed operation.

Violations by region were distributed as follows:

Utica/Mohawk Valley.....	504
Albany/Capital Region.....	438
Long Island	378
Syracuse/Central New York.....	272
Binghamton/Southern Tier	272
Thruway.....	258
Rochester/Finger Lakes	222
Hornell/Western Southern Tier	198
Watertown/North Country	174
Poughkeepsie/Hudson Valley.....	105
Buffalo/Western New York.....	98

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Safety Watch

Adequate Lock-Out/Tag-Out Systems Must Be In Place to Prevent Employee Injuries: OSHA

By COSTAS CYPRUS, ESQ.

The decision in *Secretary of Labor v. Ward Vessel & Exchange Corporation* reminds us that construction companies must have adequate lock-out/tag-out systems in place to prevent injuries to their employees, including during the servicing of such equipment.

The decision arose from a Jan. 23, 2021 incident in which Ward Vessel & Exchanger Corporation's employee had the tips of his fingers pinched in a plate rolling machine as his supervisor, who was troubleshooting a power problem, activated the equipment.

Following the reporting of the accident, OSHA's Compliance Safety and Health Officer Javier Fernandez appeared and conducted an investigation. He inspected the equipment (a Roundo plate rolling machine) and conducted interviews of Ward's employees. Following its investigation, OSHA issued multiple citations against Ward. OSHA alleged that Ward failed to implement adequate lock-out/tag-out (LOTO) procedures. Ward replied that the LOTO safety standard for which they were cited did not apply in this instance. Furthermore,



the LOTO requirements did not apply to troubleshooting, Ward argued, because the work process either required an energization of the Roundo or that the proper implementation of the work processes removed the subject hazard.

The Roundo consists of a series of rollers that turn large metal plates into cylinders. The equipment is powered by a hydraulic motor that is energized by a one cord and plug. The cord is then plugged into a 480-volt breaker on the adjacent wall. Ward's Vice President of Production Bob Besh testified at trial that the roller is a single-plug, single energy source machine, which can be

de-energized by simply unplugging it. Ward's employees can either lock-out the breaker on the wall or place the plug in a lockable container. The latter method was preferred since one could run an extension cord to plug the machine into a different outlet. The roller was energized in the same manner as about 30 to 40 other welding machines at their work-shop, which all used a single 480-volt break and single cord and plug. Ward used the same general procedure for LOTO on all 480-volt, cord and plug machines.

During his inspection and investigation, CSO Fernandez learned that the Roundo had hydraulics in addition to the electric power and deemed that the single, general procedure for LOTO was insufficient. However, during his testimony, CSO Fernandez was unable to describe how the hydraulics worked nor how the hydraulic energy should be controlled to prevent unexpected energization. Mr. Besh testified that the hydraulics were used to raise the bottom rolls to impact the metal but that there was no

stored potential energy to create a pinch point when the equipment was not in use because

In light of the voltage at issue, the employee turned off the breaker, removed the extension cord, reconnected the Roundo's cord and then re-energized the breaker. At that point, Mr. Hernandez activated the rollers when he heard the IE begin to scream.

there was no pressure on the hydraulics.

Ward's Night Supervisor Frank Hernandez further testified as to the process for making steel cylinders and using the Roundo, which requires a two-person team process to clean and prepare the equipment. The process involves creating space between the three rollers and then wrap each one in plastic. Ward does not require its employees to de-energize the Roundo when preparing it for stainless steel applications, but rather requires a series of steps to remove any pinch-point hazards or the release of hazardous energy.

cord and then re-energized the breaker. At that point, Mr. Hernandez activated the rollers when he heard the IE begin to scream. Apparently, and unbeknownst to either Mr. Hernandez or the other troubleshooting employee, the IE had not only collected the cleaning solution, but he had begun wiping down the rollers so that once the Roundo was activated, the IE's fingers were briefly pinched between two rollers before he pulled them out. He was taken to the hospital and received treatment.

Following the accident, Ward conducted its own internal investigation and determined that the injured employee had violated the company rules by attempting to clean before all necessary steps had been taken. Specifically, the two employees knew that they were not supposed to proceed with cleaning when the rollers had not been lowered and they had in fact contacted their supervisor Mr. Hernandez regarding the problem. As the rollers were in the "up" position IE attempted to clean, which constituted a violation of company policy. More importantly, Ward determined that Mr. Hernandez failed to ensure the area surrounding the Roundo was clear prior to troubleshooting the machine and he was subsequently disciplined.

Apparently, and unbeknownst to either Mr. Hernandez or the other troubleshooting employee, the IE had not only collected the cleaning solution, but he had begun wiping down the rollers so that once the Roundo was activated, the IE's fingers were briefly pinched between two rollers before he pulled them out.

On the night of the incident, Mr. Hernandez directed two employees to prepare the Roundo for stainless steel cylinders. However, when they tried to lower the bottom rollers to begin the cleaning process the rollers failed to move. Mr. Hernandez was called over and two of them began to troubleshoot while Mr. Hernandez directed the third employee (the injured employee referred to as "IE") to gather additional cleaning solution. Mr. Hernandez discovered that a superfluous extension cord had been connected from the Roundo to the breaker. In light of the voltage at issue, the employee turned off the breaker, removed the extension cord, reconnected the Roundo's

The LOTO standard covers the servicing and maintenance of machines in which the "unexpected energization or start up... or release of stored energy could cause injuries to employees." Ward claimed two exceptions to the standard: The first was for cord-and-plug machines, the second from the machine-specific procedure requirements; and the Administrative Law Judge (the "ALJ") agreed. The ALJ found that the "hazards of the unexpected energization... are controlled by the unplugging of the equipment from the energy source and by the plug being under the exclusive control of the employee performing the

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Millions of Construction Workers Are Illegally Misclassified, Costing Government, Taxpayers \$22 Billion in Lost Revenues

Continued from page 4

security provided by employer-sponsored health insurance or workers' compensation coverage, injured workers and their families too often must rely on public services for medical care and financial survival. A 2022 study from the UC Berkeley Center for Labor Research and Education found that not only are construction workers three times more likely to lack health insurance than all workers, but their families are also more likely to rely on public safety net programs due to the deterioration of job quality in the industry. In sum, the study estimated that 39% of families of construction workers are enrolled in at least one safety net program, costing taxpayers nearly \$28 billion per year.

Wage Theft

The cash-only nature of employment has also made the construction sector a hothouse for wage theft. In many cases, this means requirements that workers operate "off the clock." In other cases, workers often report working for weeks only to have the employer or labor broker simply refuse to pay the promised amount of money. In extreme cases, it is not unheard of for the employer or labor broker to simply skip town with their workers' money, never to be heard from again. And all of this occurs as law-abiding employers struggle to remain competitive in some corners of the industry, and taxpayers implicitly subsidize the unscrupulous employers making millions through their unethical and illegal actions.

Systemic Fraud

Misclassification and off-

assessment of how many construction workers are directly affected and how much the practice of misclassification

six Southern cities (2017 report), a 41% rate on jobsites across Texas (2013), and a 38% rate in Austin, Texas (2009).

workforce.

Researchers at the Center for New York City Affairs contend that the proportion



given the presumption that misclassification occurs more frequently with blue-collar workers than other workers in the industry. Even within the skilled trades, there are huge disparities in the extent of illegality. For example, while there are reports of misclassification and off-the-books payments affecting every type of construction (industrial, commercial, and so on) a 2021 study revealed that worker misclassification and off-the-books payments in the construction industry is more heavily concentrated in residential construction and in four key occupations: painters, laborers, roofers, and carpenters.

About the authors: Published in November 2023, the writers were: Laura Valle Gutierrez, a fellow at The Century Foundation, Russ Ormiston, an associate professor in business and economics at Allegheny College; Dale L. Belman, a contributor and emeritus professor at Michigan State University; and Jody Calemine a senior fellow and director of labor and employment policy at The Century Foundation.

This report was edited due to space limitations. For the full report, go to <https://tcf.org/content/report/up-to-2-1-million-u-s-construction-workers-are-illegally-misclassified-or-paid-off-the-books/>

harms workers, taxpayers and law-abiding contractors.

Legislative & Legal Action

The most direct evidence of the extent of worker misclassification in the non-organized sector of the skilled construction trades comes from the publication of the results of employer audits conducted by a state government's labor agency in their oversight of state unemployment insurance programs. These audits explicitly attempt to identify employers' actions to misclassify workers and underreport worker income to state agencies. For example, two recent reports examined UI audit data provided by state agencies to conclude that 8.4% of the construction workforce in Rhode Island was misclassified, while that number was 6.6% in Massachusetts. Meanwhile, reports in these states and elsewhere across the country in the 2000s

Conclusions

The analysis here uses estimates of income underreporting to tax agencies by self-employed construction workers as a proxy for the extent of illegal employment, an approach fully described in the 2020 ICERES report and a follow-up 2021 ICERES report on worker misclassification in Massachusetts. Using this methodology results in a projection that there were likely between 1.1 million and 2.1 million construction workers that were either misclassified or working in the underground economy on a national basis in 2021; that equates to between 10% and 19% of the industry

of construction workers who identify as "unincorporated, self-employed" on Census surveys is another good proxy for misclassification. In the 2021 American Community Survey (ACS), this amounted to 14.7% of the national construction workforce.

Finally, it is important to note that the methodology used for this report is an attempt to estimate misclassification and off-the-books payments in the construction industry, which includes both blue-collar tradesworkers as well as white-collar professionals and support staff. As such, these results should be seen as lower-bound estimates of rates for tradesworkers,

Law-abiding businesses often find it difficult to compete with unscrupulous employers that reduce their labor costs substantially via illegal means, and taxpayers are out billions of dollars due to what is essentially an implicit subsidy of public money to employers that knowingly violate the law.

the-books payments are ways to commit payroll fraud in the construction industry. Also to blame are under-resourced enforcement agencies, insufficient penalties, the use of shell companies and other complex schemes by employers to avoid detection, increased subcontracting and the absence of joint liability affecting developers and general contractors, and legislative aversion to workers' rights issues.

But one significant obstacle to public policy initiatives has been the difficulty in quantifying the incidence and economic costs of worker misclassification. In other words, motivating political action requires

and 2010s regularly suggested that worker misclassification in the construction industry was well above 10% of the sector's workforce.

A 2021 study published by the Catholic Labor Network demonstrated that nearly half (47%) of the 79 workers surveyed on various large commercial or public construction sites in Washington, D.C., were either paid in cash or via a check without payroll deductions taken out. These results echo three older but much larger jobsite surveys administered by the Workers Defense Project. Surveying hundreds of workers, researchers discovered a 32% misclassification rate across

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Congressman Mike Lawler Discusses 'Hot Topics'

The Union Building Trades Now Wrestling With Housing, Immigration, Healthcare, PLAs Lead List

By GEORGE DRAPEAU III

ELMSFORD, NY—Congressman Mike Lawler (R-17CD) met with more than 60 members of the union Building Trades on Nov. 28 at the Teamsters Local 456 Union Hall here for a frank discussion and “listening session” of the pressing industry challenges organized labor now confronts.

Gathered were representatives of the three regional Building & Construction Trades Councils and the Construction Industry Council of Westchester & Hudson Valley, Inc. for the morning meeting. Rep. Lawler announced both the problems and possible pathways to solutions to many of the hot topics of the day.

Housing Reform

“Housing affordability remains a persistent challenge,” he said. “With mortgage rates at multi-decade highs, limited supply and continued supply chain and construction issues, for many it is the most difficult time to purchase a home in a generation. The market is further complicated by the extraordinary circumstance of many homeowners unable to sell their home for fear of losing their low-fixed rate mortgage obtained prior to the rapid increase in interest rates. These, among other factors, have forced many potential homebuyers into the rental market—driving up rental demand and prices with it.”

He told the group, “The nation is six million units underbuilt, and not much supply is coming online.” The major challenge, he noted, is “how we incentivize housing on a federal level.”

“My top priority is to get a fix on SALT. How to pay for it is the challenge,” he said. He discussed raising the cap from \$10,000 on real estate and the “Marriage Penalty” of \$20,000.”

“Ending the SALT marriage tax penalty and lifting the cap

will result in families getting to keep more of their hard-earned money.” He said, “This has been a bipartisan failure—a Republican Congress and White House enacted the tax reform law that imposed a \$10,000 cap on SALT deduction in 2017, but a Democrat Congress and White

House failed to fix it.”



Congressman Mike Lawler (R-17CD) spoke to leaders of various Building Trades Councils and union locals on Nov. 28 in Westchester County. Leading the discussions were concerns about unregulated immigration, soaring healthcare costs and lack of affordable housing.

House failed to fix it.”

He said the first bill he introduced “took aim at a particular under-discussed flaw of this terrible policy, as the SALT Marriage Penalty Elimination Act would double the SALT deduction for married filers—letting married couples filing individual returns deduct the full \$10,000, each, and joint filers deduct \$20,000 in order to address a marriage penalty.”

He also cosponsored H.R. 2555, the SALT Deductibility Act, which seeks to repeal the temporary restrictions in taxable years 2018 through 2025 on the deductibility of state and local taxes.

Mr. Lawler held a roundtable discussion on housing last month at Rockland Community College with stakeholders who included elected officials, gov-

prove safety and oversight of public housing, and incentivize construction.

The federal tax code is coming up for renegotiation in 2025, when it will be wide open for debate, he noted. He hopes to take a leading role in this legislation if he is re-elected in 2024.

On a regional and community level, he actively campaigned against Gov. Kathy Hochul’s “Housing Compact” as part of the FY2023-2024 New York State budget. He said, “Local control is a bedrock in New York state...Our supervisors and town boards, our mayors, our village trustees, along with the planning boards and the zoning boards, they make decisions on development and what is in the best interests of their communities with input from the residents.”

He criticized Gov. Hochul’s plan, citing that it would basically “upend the constitutional rights of our local municipalities and force a one-size-fits-all approach to housing. It’s unsustainable. It’s wrong and it violates the rights of these municipalities.”

Immigration Reform

Turning to the topic of Immigration, he called for action by

the White House to address the crisis the country and New York now faces. Immigration is a “hot-button topic” for organized labor, especially now, given the loss of work the building trades experience to undocumented workers.

Mr. Lawler said reforms are needed in the legal immigration processes, the asylum process and how the U.S. government deals with illegal immigrants. He pointed to the insecurity and porousness of the U.S.-Mexico border. It’s critical that the Congress “works on realistic, effective solutions to these problems,” he said, and that he is “committed to working in a bipartisan manner to facilitate them.” He pointed to passing H.R.2, the Secure the Border Act, and he introduced the bipartisan DIGNITY Act with Reps. Salazar and Escobar.

However, he stopped short in providing his position on the ways to arrest the arbitrary admission of immigrants. Discussions became lively as he weighed in on his support to return to the merit-based programs of the early 2000s—when foreigners were issued “green cards” as a way to attract doctors, home-health aids, scientists and qualified tradesmen to this country.

What Mr. Lawler said at the meeting: “The key is more regulations regarding immigration. There needs to be a process to deal with the border.” He admitted, however, that the dynamics have changed some-

what now that Mayor Adams and Gov. Hochul are becoming engaged in the matter.

Healthcare Reform

Congressman Lawler said he has been active on healthcare in this Congress. His actions have been focused on improving quality of care and providing additional resources to the healthcare industry include signing onto a letter opposing impending cuts to the Medicare Physician Fee Schedule and Medicaid DSH cuts. He also signed onto legislation to raise the number of Medicare-funded residency positions, and advocated for robust community health center funding in the FY24 appropriations bill.

Rep. Lawler has also introduced multiple pieces of legislation, such as H.R.4339, the Preserving Local Medicaid Access Act of 2023, which would ensure NY counties receive their allotment of federal Medicaid dollars, and H.R.5984, the Streamline Emergency Care Act, which would create a grant program to expand and modernize emergency room operations and cut down on ER wait times.

He introduced legislation, H.R. 4875, Doctors in our Borders Act, with Rep. Adrianno Espaillat from NY that would allow more U.S.-trained foreign doctors to stay in the U.S. and work in low-income communities.

Congressman Lawler said he was introducing legislation to make veterans’ access to healthcare more affordable. The Heroes Earned Affordable Lifts Act, or the HEAL Act, a piece of legislation that makes several reforms to help lower costs for veterans traveling to their healthcare appointments.

He said, “The HEAL Act is a major step forward in improving access to healthcare for veterans in the Hudson Valley and across the country. Raising mileage reimbursement rates, getting rid of the deductible, and allowing VSOs and VSAs to qualify for reimbursement will help provide additional and affordable services to our heroes.”

The HEAL Act also removes the deductible for beneficiary travel, which serves as a barrier to care.

Other Topics:

FEDERAL WORK RULES:

Related to this would be action and support he has expressed regarding Davis-Bacon work rules and efforts to bolster wage-rate enforcement.

PROJECT LABOR AGREEMENTS:

PLAs were discussed in great detail, particularly in the area of West Point Military Academy capital construction. The presidential executive order to include PLAs on contracts start-

Actions Taken by Rep. Lawler in Congress

Bills Cosponsored:

Cosponsored H.R. 818 Expanding Labor Representation in the Workforce System Act, which would expand labor representation on State and local workforce development boards.

Cosponsored H.R. 2851 National Apprenticeship Act of 2023 which would create nearly one million new Registered Apprenticeship youth apprenticeship, and pre-apprenticeship opportunities over the next five years by investing more than \$3.8 billion over five years.

Cosponsored H.R. 2900 Apprenticeship Hubs Across America Act, which would promote registered apprenticeships, including registered apprenticeships with in-demand

industry sectors, through the support of workforce intermediaries.

Cosponsored H.R. 4963, the Tax Fairness for Workers Act, which allows workers an above-the-line deduction for union dues and expenses.

Cosponsored H.R. 4967, the Tools Tax Deduction Act, which would establish an above-the-line tax deduction for workers for construction tools and personal protective clothing and gear.

Letters:

Signed on to an FY 2024 Appropriations letter with Moulton and Bacon urging strong support of Amtrak and passenger rail services with authorization levels set by the Infrastructure Investment and Jobs Act.

Financial Management

An Update on Research and Development Credits

By PHILLIP ROSS, CPA, CGMA, PARTNER

The availability of the Internal Revenue Section (IRC) Section 41 Research and Development (“R&D”) tax credit for construction companies stems from the recognition by the U.S. government of the crucial role these industries play in advancing technology and innovation within the built environment. The nature of construction projects often involves significant research and development activities aimed at improving design methodologies, construction techniques, and overall project efficiency. These sectors continuously strive to enhance sustainability, safety, and functionality, driving innovation



accessible to architects, engineers, and construction companies, the government aims to incentivize investment in creative and forward-thinking solutions, ultimately fostering

for these industries to push boundaries, adopt cutting-edge technologies, and contribute to the overall advancement of the built environment.

The Current Interplay Between The Section 41 R&D Credit and Section 174 Research/Experimental (R&E) Capitalization

IRC Sections 41 and 174 both play pivotal roles in shaping the landscape of tax incentives for R&D expenses, yet they differ significantly in their scope and application. Section 41 focuses specifically on the Research and Development Tax Credit,

contract research expenses. Section 174 is more expansive, encompassing a broader range of expenses related to

groups and companies to revert Section 174 rules to the prior version, which allowed for immediate deductibility for R&E expenditures. Some states have decoupled from the capitalization requirements. However, passing federal legislation will require bipartisan cooperation in the House of Representatives, the Senate, and the White House.

While the current Section 174 capitalization rules can have a negative impact on cash flow, the overall tax benefits of the R&D tax credit remain the

same. The capitalization requirement exists whether or not a tax credit is claimed.

While we can remain hopeful, at the present time, taxpayers should prepare to comply with rules set forth by the IRS in Section 174 in the absence of strong stewardship of the U.S. economy on Capitol Hill.

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.

While the current Section 174 capitalization rules can have a negative impact on cash flow, the overall tax benefits of the R&D tax credit remain the same. The capitalization requirement exists whether or not a tax credit is claimed.

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progress and excellence in the construction and infrastructure development fields. This tax credit serves as a catalyst

which allows businesses to claim a credit for a percentage of qualified research expenses, including wages, supplies and

research and experimentation (“R&E”), and applies irrespective of whether the taxpayer has claimed a tax credit.

For tax years beginning after Dec. 31, 2021, the Tax Cuts and Jobs Act (TCJA) eliminated the option to deduct Section 174 R&E expenditures in the year incurred. Whether or not taxpayers claim a tax credit for R&D costs under Section 41, Section 174 now requires taxpayers to capitalize and amortize R&E expenditures over five tax years for U.S. spending and 15 years for foreign expenses.

Current Status

Currently, there are numerous lobbying efforts by industry

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Attorney's Column

Continued from page 6
myriad of other issues facing the industry. Unfortunately, until the legislature clears up this confusion, expect more disputes and litigation over related contract and subcontract interpretations.

About the author: Thomas H. Welby, Esq., P.E., is General Counsel to the Construction Industry Council of Westchester

& Hudson Valley, Inc, and the Building Contractors Association. He is the founder of and Senior Counsel to the law firm of Welby, Brady & Greenblatt, LLP, with offices located throughout the metropolitan region. Gregory J. Spaun, Esq., is General Counsel to the Queens and Bronx Building Association, a partner with the firm and co-authors this series with Mr. Welby.

Safety Watch

Continued from page 14
servicing..." Here, disconnecting the Roundo from its power source removed the hazard of stored energy potential energy as there was no stored pressure in the hydraulics. The lock-out condition was accomplished by placing the plug of the machine in a lockable container. Mr. Hernandez had been performing energized troubleshooting at the time of the incident, which was governed by a different safety standard and was accounted for in Ward's LOTO policy. Employees would have to adjust the roller heights to eliminate the pinch points as well as speed down the velocity of the rollers to a "snail's pace" to wrap them in plastic.

Ward's policy requiring Mr. Hernandez to clear the surrounding area from the equipment while troubleshooting was compliant with the LOTO standard, which required it as a condition of performing "operational testing." Basically, Ward

is permitted to conduct energized operational testing of equipment as long as it takes proper precautions to avoid injury. Here, Mr. Hernandez violated Ward's policy, which caused this accident and the ALJ agreed.

Decision

Given that Ward had been cited under certain LOTO standards for which it was determined it was exempt, the Citations items were vacated. The Secretary had the burden to match the safety standard with the condition allegedly violated, and here it had failed to meet its burden.

About the author: Costas Cyprus is an 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.



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Finally, MGM Resorts Unveils Empire City Expansion Plan

Award of Full Casino License Still Awaits

YONKERS—MGM Resorts International unveiled its vision late last month to transition Empire City Casino by MGM Resorts into a world-class entertainment destination—with the title of MGM Empire City—if it is awarded a commercial casino license. Generations of Yonkers residents have worked at and enjoyed it for more than 125 years.

Key elements of the phase-one design include a comprehensive casino floor redevelopment and expansion, 5,000-capacity entertainment venue, state-of-the-art “Bet-MGM sportsbook,” food and beverage outlets by “celebrated chefs, cocktail bars and lounges, and technologically advanced meeting spaces.”

MGM Empire City’s plans feature a comprehensive property redevelopment shifting from a video lottery terminal racino into a full-scale commercial casino with live-dealer table games, the newest slot machines and a high-limit gaming area for select casino guests. The plan also includes development of a new parking garage.

No development cost estimates were released in connection with the planned expansion. MGM Resorts stated that the entertainment venue will be the first-of-its-kind in the region. The enterprise said it plans to host “A-list performers.”

A commercial casino license will also enable MGM Empire City to introduce The BetMGM



A rendering of the MGM Empire City complex in Yonkers.

SOURCE: MGM RESORTS

Sportsbook & Lounge, offering guests game day experiences with a 112-foot wrap-around LED screen, stadium seating, VIP areas, multiple betting kiosks and food and beverage operations.

“MGM Resorts has a long and proud history of delivering world-class entertainment and gaming experiences, and we couldn’t be more excited to build on that track record at MGM Empire City,” said

Bill Hornbuckle, president and CEO of MGM Resorts. “A full-scale casino and entertainment destination will provide unparalleled experiences, create thousands of jobs, boost the state’s economy, and be a game-changer for the entire region.”

Yonkers Mayor Mike Spano said, “This is a momentous opportunity for the City of Yonkers, and I’m excited for the future, knowing the development of MGM Empire City will

create thousands of good-paying union jobs and the economic growth that will ensure our city continues to flourish and prosper.”

Empire City boasts the largest casino floor in the company’s domestic portfolio at 160,000 square feet and is also one of the largest gaming floors in the country. It has been operating since October 2006 with video lottery terminals and electronic table games under its current

lottery license. The site is also home to the historic Yonkers Raceway, a world-renowned horse racing harness track that has been operating since 1899. MGM Resorts remains committed to continuing racing operations and recently made significant investments in track renovations.

The facility is Yonkers’s largest tax contributor and one of its largest private employers. Future development plans will substantially boost workforce numbers with thousands of direct hires and more than 10,000 anticipated indirect and induced jobs.

The development plan will move forward if MGM Resorts is successful in securing one of three available full commercial casino licenses currently up for bid in the State of New York. The application process and timeline will be provided by the state’s Gaming Facility Location Board in the coming months.

Congressman Mike Lawler Discusses ‘Hot Topics’

Continued from page 16
ing at \$30 million was discussed by members of union labor. A more formal response to this matter was requested, including the request for contact information (phone/email) for the office to follow up on this issue.

IIJA Funding Protections for New York State

Recent Congressional efforts to reduce funding levels currently in IIJA would have cost New York State billions of dollars over the life of the law. That could mean the loss of hundreds of millions of dollars for capital projects needed in the Mid-Hudson counties of Region 8 alone and the loss of thousands of jobs. He was asked to stand in support of current funding levels and to pledge his support to protect this vital funding in the face of the new leadership in the Congress that sought to reduce IIJA.

The New York State 17th Congressional District, to the suburban north of New York City, includes all or parts of Rockland, Putnam, Dutchess, and Westchester counties.



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Construction NEWS



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Creedmore Massive Housing Plan Redo In Queens Gets Major Boost from Albany

By JOHN JORDAN

ALBANY—The Creedmoor Community Master Plan, a massive mixed-use project to redevelop underutilized land at the 125-acre Creedmoor Psychiatric Center campus in Eastern Queens, received a major boost from Gov. Kathy Hochul who announced the plan.

Earlier this month, plans were unveiled to transform approximately 58 acres of the state-owned Creedmoor campus from surface parking lots, overgrowth and vacant buildings into a community with homes, recreational spaces, greenery and neighborhood retail.

The Creedmoor Community Master Plan proposes approximately 2,800 units of new housing, with more than 55% designated as homeownership. This would represent the area's single largest new investment in housing since Glen Oaks Village in the 1950s and its largest



The Creedmoor Community Master Plan introduces approximately 2,800 units of new housing, with more than 55% designated as homeownership.

single expansion in homeownership opportunities since the construction of North Shore Towers in the 1970s. No development cost for the project, as proposed, was released.

The master plan is the result of a six-month collaborative planning process led by Empire State Development and the Queens Borough President's Office, facilitated with help from the Metropolitan Urban Design Workshop.

"Creedmoor represents a once-in-a-generation opportunity for New Yorkers to reimagine state land and plan for the emerging needs of tomorrow," Gov. Hochul said. "Working together in productive partnership with the community—and thanks to the leadership of Queens Borough President Donovan Richards—we can build more housing, create more jobs, and strengthen Eastern Queens for the next generation." Please turn to page 22

NYPA Seeks New Corporate HQ In Downtown White Plains CBD

By JOHN JORDAN

WHITE PLAINS—The New York Power Authority is currently reviewing proposals for a brand new 250,000-square-foot Class A state-of-the-art corporate headquarters in Downtown White Plains and a decision on the utility's new site requirement could come in three to four months.

One of the options the New York Power Authority is considering is financing a build-to-suit headquarters building in Downtown White Plains along with a sale or partnership for its more than 400,000 square-foot existing office building for possible redevelopment. If those deals were finalized, it is expected to be valued in the hundreds of millions of dollars in investment and economic benefit to the city and region.

The firm, currently headquartered at 123 Main St. in Downtown White Plains, issued a Request for Proposal on Aug. 18 and is currently reviewing multiple proposals it has received, according to a number of knowledgeable real estate sources. The due date on the New York Power Authority's RFP was Nov. 17 and developer interviews are scheduled for this month and January 2024. The company currently em-

loys approximately 900 workers at its White Plains office building. The RFP is explicit in that the company's search for a new corporate headquarters site is limited to the White Plains Central Business District.

According to the RFP, although the Power Authority cautioned prospective proposers that dates could be subject to change, the company hopes to make an award in February or March of 2024 and have the project substantially completed by June 2028.

The company's RFP offers prospective developers two options: "Option A — Propose an acquisition solution for a new purpose-built state-of-the-art Class A office headquarters within the White Plains central business district market." "Option B—Propose a disposal offer for NYPA's current property at 123 Main Street, White Plains, New York, 10601."

In terms of the new corporate headquarters requirement, NYPA appears to be set in owning the new facility and states in the RFP that it is "prepared to provide funding to support the acquisition, development, and construction of Option A." It later added that in connection with the new corporate headquarters building it would



The New York Power Authority's headquarters at 123 Main St. in Downtown White Plains.

entertain a new construction commercial condominium.

In connection with its disposal of 123 Main St. NYPA would consider a fee-simple sale of the 2.7-acre site within three to six months of selection with a five-year favorable leaseback to NYPA; an option agreement for a fee simple sale with an upfront payment and extension terms and closing prior to NYPA vacating the structure (upon completion of Option A); or a development agreement and ground lease with an upfront payment to NYPA, fixed base rent, participation rent, and capital event participation for a

sustainability-forward project.

The New York Power Authority spelled out its intentions in the RFP by stating: "It is intended that any development proposed for Option A does not incorporate the existing property at 123 Main Street as this has been deemed not feasible due to cost and employee impact concerns. For Option B, NYPA is seeking a development partner to purchase, ground lease, or propose a mutually beneficial ownership structure with NYPA for all or a portion of the 123 Main Street property."

The company added that the solicitation could allow NYPA to select a qualified developer

"with which it may negotiate and enter into one or more definitive agreements for a complete turn-key solution to develop and relocate NYPA to its new White Plains Building." The existing 123 Main St. building rises 16-stories and totals 417,014 square-feet with an integrated six-story, 700-space parking structure. The office property was built in 1981 and acquired by NYPA in 1991.

Sources say it is believed that NYPA received a number of proposals from developers/property owners in Downtown White Plains in response to the RFP, including one from Cappelli Development, which is a partner in two major redevelopment projects in Downtown White Plains—the \$2.5-billion redevelopment of the former Galleria Mall (Galleria District) and the \$650-million redevelopment of the former White Plains Mall (Hamilton Green).

A spokesman for Cappelli Development told CONSTRUCTION NEWS that the firm is aware of the NYPA solicitation, and that the company did submit a proposal in response to the RFP. The spokesman did not provide details on Cappelli's RFP response. The identities of other bidders were not known at press time.

State to Fund \$30M for Rye Lake Filtration Plant, One of 156 Local Water Infrastructure Projects

ALBANY—In what will be the first funding awarded through the \$4.2-billion “Clean Water, Clean Air, and Green Jobs Environmental Bond Act of 2022,” New York State announced recently a total of \$479 million in grants for critical water infrastructure projects.

The Bond Act financing deals include a commitment of \$30 million in funding to the Westchester Joint Water Works for the construction of the Rye Lake Water Filtration Plant in Central Westchester. The new treatment plant will provide residents with high quality drinking water.

The funding announced by the state is projected to save local ratepayers an estimated \$1.3 billion and create 24,000 jobs across the state. The grants are awarded by the New York State Environmental Facilities Corporation in coordination with the Departments of Health and Environmental Conservation, and are part of the state’s nation-leading commitment to modernize aging water and sewer systems.

The grants include nearly \$450 million awarded through the state’s Water Infrastructure Improvement (WIIA) and Intermunicipal Grant (IMG) programs. Funding for this round is made possible with \$249 million from the governor’s commitment to water quality infrastructure, and \$200 million from the Environmental Bond Act. The WIIA and IMG programs were

named as tools in the voter-approved Bond Act to help leverage funding for water quality and resilient infrastructure improvements.

An additional \$30 million through the Septic System Replacement Program to target water quality and protection of public health is available via the Department of Environmental Conservation (DEC) and EFC to targeted counties. These grants support home and small business owners with funding for more environmentally effective systems.

One example, in Suffolk County, \$20 million from the septic program will help address the hundreds of thousands of substandard or failing septic systems and cesspools that significantly impair water quality. It builds upon more than \$40 million in grants to Suffolk County since the program began. An additional \$17 million in WIIA and Bond Act grants are being awarded to Suffolk County communities and public authorities for projects that install treatment equipment that will protect drinking water from emerging contaminants and other system improvements.

Environmental Facilities Corporation President & CEO Maureen A. Coleman said, “New York State is bringing new investment, modern infrastructure, and good-paying jobs to communities, with over half the funding announced today benefitting dis-



New York State announced it will commit \$30 million in funding to the Westchester Joint Water Works for the construction of the Rye Lake Water Filtration Plant in Central Westchester. The new treatment plant will provide residents with high quality drinking water.

advantaged communities and environmental justice areas. One of the main components of the Bond Act is providing significant funding for water infrastructure. Pairing state investments with Bond Act funding for this enhanced

round of grants will help ensure taps are delivering safe drinking water to New Yorkers and that wastewater facilities continue to protect the environment and can withstand the impacts of climate change.” EFC administers the WIIA

and IMG programs working closely with DOH and DEC. EFC collected public comment on draft eligibility criteria starting in March and solicited applications for eligible projects this summer, including outreach during the statewide Bond Act listening sessions.

Disadvantaged communities will benefit from 62% of Bond Act funding, amounting to \$123 million, surpassing the state goal of 40%.

Additionally, EFC awarded \$111 million in WIIA/IMG funds to projects that will advance environmental justice, underscoring the state’s commitment to awarding grant funding to communities that need it most.

New York State is awarding more than \$214 million through WIIA and Environmental Bond Act funding to improve drinking water systems.

In addition to the Westchester Joint Water Works funding, another significant project award in the Hudson Valley/New York City regions was the New York City Municipal Wa-

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Creedmore Massive Housing Plan Gets Major Boost

Continued from page 21

The housing component breakdown, according to the master plan, calls for a total of 2,873 units, including 165 earmarked for veterans. The plan calls for 1,633 for-sale units comprised of: 813 eleva-

tor co-op units in six-to-eight-story buildings; 536 walk-up co-ops in three to four-story buildings; 186 triplexes in three-story buildings; and 98 semi-attached two-family units in two-story buildings. The plan, if approved,

would feature 1,240 rental units, comprised of 377 senior apartments in six-to-eight-story buildings; 431 supportive units in six-to-eight-story buildings and 432 affordable lottery units, also in six-to-eight-story buildings.

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Economic Outlook

Unpacking the U.S. Dollar's Complicated Role As the Reserve Currency to Stabilize Markets

By MICHAEL PATON

The value of a nation's currency (in this case the U.S. dollar) is determined simply by supply and demand for the currency. Supply and demand are influenced by a number of factors, including interest rates, inflation, capital flow and money supply. The most common method to value currency is through exchange rates traded globally. The 2022 Triennial Central Bank Survey from the Bank for International Settlements indicated that the U.S. dollar was bought or sold in about 88% of global currency transactions in April 2022. This share has remained stable over the past 20 years.

The value of the U.S. dollar has risen sharply in the second half of 2023, compared to currencies of many other countries, including the British pound, the Japanese yen and the euro. A stronger dollar sounds positive, like seeing results from all those



is worth in Key West, FL. Those fluctuating currency values reflect how much the governments, companies, banks and individual investors who buy and sell in global currency markets are willing to pay. Their views on the relative values of currencies mostly reflect where they believe they will get the best return on their investment.

Usually, if a country has relatively strong economic growth and low debt, its cur-

euro, the retail price of the car in the U.S. would (theoretically) be \$60,000 (20% more than its European price to reflect the currency exchange rate).

If the dollar were to appreciate to \$0.90 to one euro, the car's value in the U.S., using the same assumptions, would decline to \$45,000—a significant savings for a U.S. consumer. However, a strong dollar can also detract from revenues generated by multinational companies based in the U.S. The net income earned from foreign sales will decrease once exchanged into dollars. A stronger dollar means U.S. companies that export products abroad will be less competitive because the price of the product translated into euros or another currency is higher, which can lead to lower sales as foreign buyers shift to lower-cost alternatives.

There are a variety of factors that cause the U.S. dollar to rise, but the primary factor boils down to demand for the dollar. If the demand for the dollar increases, then so does its value. Conversely, if the demand decreases, so does the value. The

demand for the dollar increases when international parties, such as foreign citizens, foreign central banks, or foreign finan-

maintained by central banks and other major financial institutions to prepare for investments, transactions and

international debt obligations, or to influence their domestic exchange rate. A large percentage of commodities such as gold and oil are priced in the reserve currency, causing other countries to hold this currency to pay for these goods.

The dollar's status as the world's reserve currency is due primarily to the fact that countries accumulated so much of it and that it was still the most stable and liquid form of exchange. Backed by the safest of all paper assets, U.S. Treasuries, the dollar is still the most redeemable currency for

facilitating world commerce. For this reason, it's highly unlikely the U.S. dollar will experience a collapse any time soon.

About the author: Michael J. Paton is a portfolio manager at Tocqueville Asset Management L.P. He can be reached at 212-698-0800 or by email at MPaton@tocqueville.com.

Backed by the safest of all paper assets, U.S. Treasuries, the dollar is still the most redeemable currency for facilitating world commerce. For this reason, it's highly unlikely the U.S. dollar will experience a collapse any time soon.

hours you may have spent in the gym. However, currency markets are not weightlifting—and being strong may not be without negative consequences if you're the dollar. In fact, it may be possible for the dollar to become too strong for its own good.

According to Fidelity Research, to understand why the dollar's strength may not be an unquestionably good thing, it helps to understand how currencies are valued. The amount of a country's currency that can be bought with a specific amount of another country's currency always varies. Even countries with close economic and geographic ties such as Canada and the U.S. can see wide swings over time in how much a U.S. dollar buys in Toronto or what a Canadian dollar

rency will be sought after in global markets which will cause its price to rise. On the other hand, countries whose growth is weak and debt is high may see less demand for their currencies and their value will lag those of countries with more robust economies. Growth alone doesn't make a currency strong. Emerging-market countries, such as Brazil or India, may have good long-term growth prospects but their currencies are not so highly valued by global investors.

A positive feature of a stronger dollar is the lower cost of imported products from other countries. For example, if a car made in Germany is valued at 50,000 euros and then is imported to the U.S. when the dollar stands at \$1.20 to one

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More Than 1,000 Speeding Tickets Issued In Work Zones in Region

Continued from page 13

New Move Over Law

In September 2023, Gov. Hochul signed legislation enhancing the existing "Move Over Law" to require drivers to exercise due care to avoid all vehicles stopped on the roadway, including by changing lanes. The Move Over Law has been in place since 2010 and was originally designed to prevent collisions with emergency vehi-

cles. In the years since, the law was expanded to cover hazard vehicles and other responder vehicles. Nearly 300 drivers are struck and killed roadside every year nationally, and 37 people were struck and killed outside of a disabled vehicle in New York from 2016-2020. The most recent amendment expanded the existing law to cover all vehicles stopped on the road.

South Bronx Hailed for Economic Growth Despite COVID Pandemic Challenges: Report



From 2011 to 2022, the South Bronx saw a 25% and 20% increase in jobs and businesses, respectively, led by the healthcare and social assistance sector.

ALBANY—The COVID-19 pandemic hit the South Bronx especially hard, but the area's economy has shown resiliency, according to a report released recently by New York State Comptroller Thomas P. DiNapoli.

"The South Bronx was hard hit by the COVID-19 pandemic but was resilient because of dedicated and hardworking neighborhood groups and advocates, and the strength of its residents," said Mr. DiNapoli. "Still, the need for more affordable housing, jobs and quality of life improvements remains pivotal to the community's long-term success."

Despite the impact of the pandemic, jobs and businesses grew faster in the South Bronx than the rest of the borough and city. This was due in part to community-led investments through the pandemic, stem-

ming from the city's public-private partnerships to develop commercial, housing and cultural projects. From 2011 to 2022, the South Bronx saw a 25% and 20% increase in jobs and businesses, respectively, led by the health care and social assistance sector. While the area lost 7.7% (6,150) of jobs gained the decade prior due to COVID, the South Bronx added 4,679 jobs in 2022, while new businesses saw an uptick. Federal pandemic assistance helped many South Bronx businesses stay afloat, and in 2022, the area had 78,476 private sector jobs, which accounted for almost one-third of jobs boroughwide.

The South Bronx also saw the median household income rise 30.9%, poverty decline 3.4%, and more people move to the area from 2011 to 2021. According to most economic indicators, the area's economy has proven more resilient than the borough as a whole following the worst waves of COVID. Still the South Bronx has a higher overall poverty rate (36.3%), a lower median household income (\$32,381) and fewer adults who graduate from college (14%) when compared to the borough and city. The pandemic further shined light on systemic health, socioeconomic, and environmental disparities in the area.

Looking ahead, Mr. DiNapoli pointed out that more needs to be done to address the community's concerns on crime, affordable housing, physical and mental health care, and quality of life. Mr. DiNapoli encourages continued engagement by elected officials to drive investment in the development and revitalization of the South Bronx, warning its economic recovery could otherwise stall.



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\$30M for Rye Lake Filtration Plant

Continued from page 22
ter Finance Authority being awarded \$6 million in Bond Act funding for the Bronx River Combined Sewer Overflow Long Term Control Plan. The project will help strengthen the sewer system's ability to treat flow during wet weather events and improve water quality in the Bronx River.

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WHAT'S NEW & WHO'S NEWS



State officials said that \$15 million is now available to support projects that develop a diverse and inclusive pipeline of skilled talent to meet projected workforce needs in a variety of clean energy sectors while increasing access to high-quality jobs with family-sustaining wages.

NYSERDA's New \$45-Million Clean Energy Training Effort

ALBANY—New York Gov. Kathy Hochul announced on Dec. 12 a new \$45-million Apprenticeship and Pre-Apprenticeship Clean Energy Training Initiative geared to expanding the capacity of labor organizations to offer training as a pathway to clean energy careers.

Through this initiative, \$15 million is now available to support projects that develop a diverse and inclusive pipeline of skilled talent to meet projected workforce needs in a variety of clean energy sectors while increasing access to high-quality jobs with family-sustaining wages. This initiative advances a just transition to a clean energy workforce and the state's Climate Leadership and Community Protection Act (Climate Act) goal to ensure at least 35%—with a goal of 40% of clean energy investments—are directed to disadvantaged communities.

New York State labor organizations, labor management committees and training centers affiliated with New York State labor organizations, and active New York State Department of Labor Registered Apprenticeship Programs and Direct Entry Pre-Apprenticeship Programs affiliated with New York State labor organizations are eligible to apply. Applicants may partner with other training entities such as community colleges and universities; veterans programs associated with New York State labor organizations and apprenticeships; technical schools, community-based and not-for-profit organizations; trade associations; manufacturers; and equipment suppliers.

"New York State is home to strong labor organizations with the expertise to train the workforce needed to support the clean energy transition," Gov. Hochul said. "This new initiative will ensure all New Yorkers who are interested in a career in the diverse green economy can gain the knowledge and skills necessary to enter and succeed in these growing sectors."

Administered by the New York State Energy Research and Development Authority (NYSERDA), this three-year competitive funding opportunity was developed through a request for information with critical input from labor and other stakeholders received through that process.

As part of this solicitation, proposed projects must address projected workforce needs and prepare pre-apprentices, apprentices, and journey workers for employment in at least one of the following clean energy technology areas: building electrification and energy efficiency technologies; renewable energy generation, interconnection, transmission, distribution, and storage; and electric vehicle charging station installation and repair.

Eligible training initiatives include: clean energy technical training for pre-apprentices, apprentices, and/or journey workers; curriculum development and expansion; train-the-trainer programs; equipment purchases for hands-on training, virtual reality training, and mobile labs; wrap-around services such as childcare and transportation to ensure an individual is positioned for success in a clean energy career; and K-12 career awareness and outreach activities.

NYSERDA will accept applications requesting up to \$750,000 per project commensurate with the scale of training proposed with an additional \$150,000 available for projects that include K-12 career awareness and outreach promoting clean energy jobs as part of a training initiative for a total of \$900,000. For projects that do include a K-12 education and awareness component, at least 50% of participating schools or afterschool/summer programs must be located in a disadvantaged community or serve a majority of students from these communities. Cost share is not required but encouraged, with proposals that include other funding sources or in-kind services receiving additional points during evaluation, as well as higher consideration given for projects that exclusively train individuals from disadvantaged communities or priority populations.

Round 1 applications are due at 3:00 p.m. on Feb. 7, 2024, with additional submission opportunities and deadlines throughout the year as outlined in the solicitation. Any unallocated funds from this initial offering will be made available in subsequent rounds over the next two years.



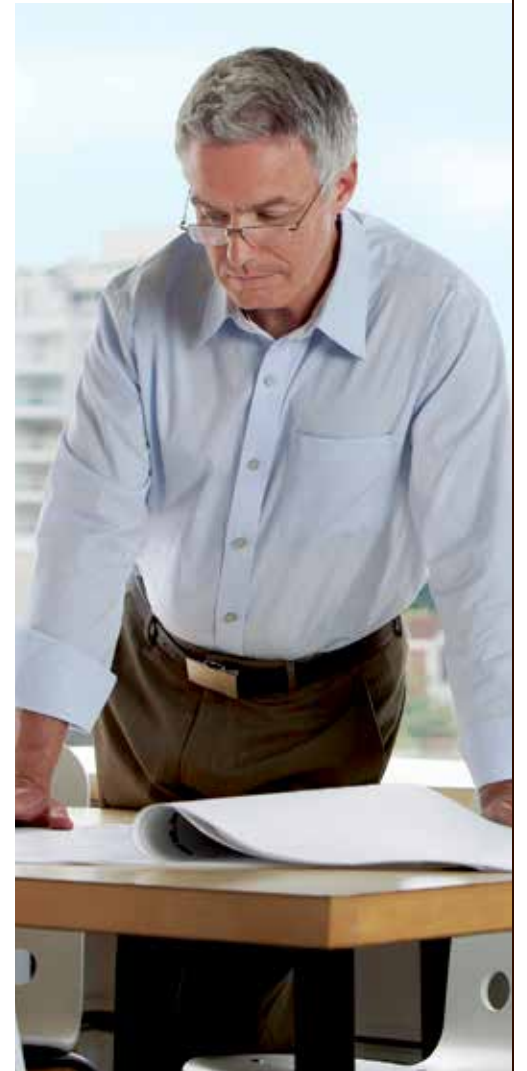
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HVCIP 2024

MEMBERSHIP MEETING

JOIN US!

SUNDAY, FEBRUARY 25TH -
THURSDAY, FEBRUARY 29TH,
2024

RITZ CARLTON IN BEAUTIFUL
NAPLES, FLORIDA!

LET'S WORK TOGETHER

- Learn
- Strategize
- Network
- Prioritize

**Plan ahead
Don't Miss the
HVCIP 2024**

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Construction Industry Council of
Westchester & Hudson Valley, Inc.

Building Contractors Association
of Westchester &
The Mid-Hudson Region, Inc.

Upcoming Events



NYS DOT Region 8 Safety Seminar

January 16, 2024

The Culinary Institute of America

HVCIP Mid-Winter Meeting

February 25 - 29, 2024

Ritz Carlton

Construction Career Day

April 12, 2024

Rockland Community College

Spring Membership Meeting

April 17, 2024

Sleepy Hollow Hotel and Conference Center

BCA Annual Golf Classic

June 3, 2024

Westchester Hills Golf Club

CIC Annual Golf Classic

July 8, 2024

Sleepy Hollow Country Club

CIC Charity Softball Game

September 2024

Losee Park

Fall Membership Meeting

October 16, 2024

Sleepy Hollow Hotel and Conference Center


CAI Engineering Education Course

October 2024

Sleepy Hollow Hotel and Conference Center

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Tarrytown, NY 10591



For Membership & Sponsorship
Opportunities email sharon@cicnys.org

Follow Us



LOW BIDS

Accent Stripe, Verde Electric Win NYSDOT Project Bids

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

Accent Striping Inc. of Orchard Park, NY was the sole bidder at \$3,898,440. for pavement markings at various locations in Columbia, Dutchess, Rockland and Ulster counties.

Verde Electric Maintenance Corp. of Mount Vernon, NY was the sole bidder at \$1,899,960. for signal requirements at various locations in Columbia, Dutchess, Orange, Putnam, Rockland, Ulster and Westchester counties.

SumCo Eco Contracting Secures Shoreline Reef Job at Playland Park

WHITE PLAINS—The Westchester County Department of Public Works recently reported that **SumCo Eco Contracting LLC** of Peabody, MA was the lowest of seven bidders at \$3,412,439.50 for the installation of living shoreline and reef at Playland Park, City of Rye, NY.

ALBANY UPDATE



Yonkers Contracting Completes Nearly \$45M Pavement Improvement Project on Section of NYS Thruway

ALBANY—New York State officials recently reported the completion of a \$44.6-million pavement improvement project on the New York State Thruway I-87 in a critical corridor spanning Rockland and Orange counties used by approximately 92,000 vehicles each day.

Starting last May, Yonkers Contracting Co., Inc., the project contractor, conducted full-depth pavement repairs that involved work crews removing and replacing the most deteriorated portions on a nearly 10-mile stretch of roadway (from milepost 29.4 to 38.7) in both directions, covering approximately 60 total lane miles and improving the structural integrity of the roadway. Crews installed a new two-course asphalt overlay to provide a smoother ride for motorists, installed new guiderails, and upgraded drainage systems and culverts, state officials said.

Overseen by the Thruway Authority, the work covered nearly 10 miles between Exit 15, New Jersey I-287, Route 17 South, in the Town of Ramapo in western Rockland County to the Town of Tuxedo in southern Orange County.

Thruway Authority Acting Executive Director Frank G. Hoare said, “Tens of millions of vehicles travel this section of our entire system annually—for work, commerce and leisure—and these improvements will make the driving experience that much easier for those us-

ing the Thruway or connecting to Interstate 287 or Route 17 in New Jersey. Lower Hudson Valley residents and visitors will benefit from this investment for years.”

The Thruway Authority’s approved 2024 Budget invests a total of \$451 million to support its Capital Program, which is scheduled to invest \$2.4 billion into capital projects over the next five years—a \$500-million increase compared to the 2023 Budget. In 2022, motorists took more than 376 million trips and drove 7.7 billion miles on the Thruway system.

Rockland County Executive Ed Day said, “We appreciate the New York State Thruway for the completion of its \$44.6-million Pavement Improvement Project. This section of the Thruway is traveled by 92,000 vehicles daily, many of whom are Rockland residents who rely on it heavily due to this county’s severely limited mass transit options to the city.”

Orange County Executive Steven M. Neuhaus said, “Safe and reliable infrastructure is important to Orange County residents, especially for our commuters who utilize the Thruway daily. The completion of this project comes at the perfect time with the holiday season upon us and traffic increasing. I thank the New York State Thruway Authority for completing this work on Interstate 87.”



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Eastern New York Laborers District Council:

L. Todd Diorio, Business Manager

LOCAL 17, NEWBURGH, Jeff 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 764, ROCKLAND COUNTY, Stephen Reich, Business Manager

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