



Construction NEWS



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Gov. Hochul Seeks Large NYC Projects, Housing, Climate Change Goals in Her FY25 Proposed Budget

By JOHN JORDAN

ALBANY—Gov. Kathy Hochul used her two spotlight appearances here this month to lay the groundwork for what her administration will seek in the annual budget battle with the Legislature. Her 2025 Executive spending plan address on Jan. 16 echoed the same elements of her State of the State address on Jan. 9—covering a wide gamut of issues, including the housing shortage, climate change, transportation spending, crime and consumer protection among a host of hot-button issues.

The governor also revealed her intent to move forward on a number of large infrastructure projects, including the more than \$8-billion westward expansion of the Second Avenue subway project in Manhattan. (See sidebar report, FY2025 Transportation Spending in Focus, for major categories listed in the Executive Budget.)

The \$7.7-billion Phase Two of the Second Avenue Subway is a fully funded project that is ready for construction, she reported. Looking to the future, the governor stated that the MTA will evaluate, scope and

plan for another extension of the Second Avenue Subway west along 125th Street, adding three new stops at Lenox Avenue, St. Nicholas Avenue, and Broadway in Harlem. This extension would create connections with seven existing lines and serve 240,000 daily customers, with more than 90% of them from equity communities. It would also significantly reduce bus congestion along 125th Street, where more than 30,000 people ride the bus along this corridor every day.

The Gothamist reports that the westward expansion would be years away and comes with an estimated price tag of \$8.1 billion, which includes the cost to buy a new fleet of trains.

This project scored well on the MTA's 20 Year Needs Assessment, particularly for its cost effectiveness. In advance of environmental review and preliminary engineering, MTA will evaluate the feasibility of performing the initial tunneling work as a continuation of the Phase Two tunneling work and extending the tunnel boring machine's westward path beyond Park



Gov. Kathy Hochul's FY 2025 Executive Budget calls for \$7.9 billion in operating aid for the MTA. The 2024/2025 NYSDOT Highway Letting Program will total \$2.5 billion.

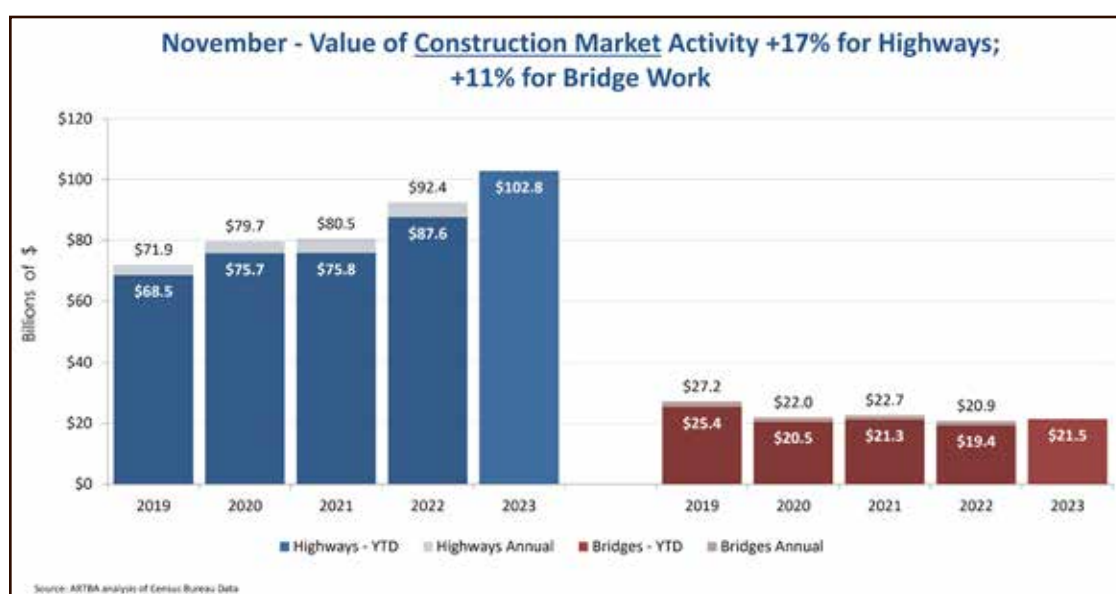
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'Blistering Pace' of Growth in Bridge, Highway Construction, ARTBA Reports

WASHINGTON—Road-builders and their suppliers can expect a banner year in 2024, with industry experts projecting record spending on infrastructure projects thanks to the bipartisan Infrastructure Investment and Jobs Act of 2021, according to several economists in the construction industry.

For fiscal year 2024, the Federal Highway Administration has allocated \$61 billion for 12 formula programs to support investment in critical infrastructure, including roads, bridges, tunnels, carbon-emission reduction and safety improvements. Funding from the IIJA will help all 50 states, the District of Columbia and Puerto Rico to increase the efficiency of the nation's transportation system, it was reported on Jan. 16.

"The infrastructure bill will



help public-sector construction projects outpace the private sector again in 2024," according to Richard Branch, chief economist at Dodge Construction Network. Branch projects the total

value of construction starts in 2024 to rise 7% to \$1.206 trillion after climbing 1% in 2023.

Double-Digit Growth

Highway and bridge construction is expected to increase 23% to \$147.1 billion this year, the largest gain of any construction sector, Mr. Branch said. That follows a 14% increase to \$119.5 billion in 2023, he said.

"The dollars flowing from the infrastructure act are coursing into the system and causing double-digit growth across most of our infrastructure categories, whether it's highways, bridges, water or

sewer," he said. "There's really tremendous opportunity in the infrastructure markets. Publicly-funded construction did rather well last year, and I continue to think that the public side of the market will outgrow the private side."

Transportation Construction

The IIJA funded many projects that are now in the construction phase, and many states have stepped up their investment in transportation infrastructure through bond issues, business taxes, general-fund transfers and user-fee

increases, according to Alison Premo Black, Ph.D., senior vice president and chief economist of the American Road & Transportation Builders Association (ARTBA).

The total value of transportation construction work in the United States this year will grow 14% to \$214 billion, Dr. Black said. That figure includes spending on airport terminals and runways; bridge and tunnel work; public transit and rail construction; and ports and waterways.

Ms. Black said spending on highway and bridge construction in 2024 will rise 16% to \$152.3 billion, following a 15% increase in 2023.

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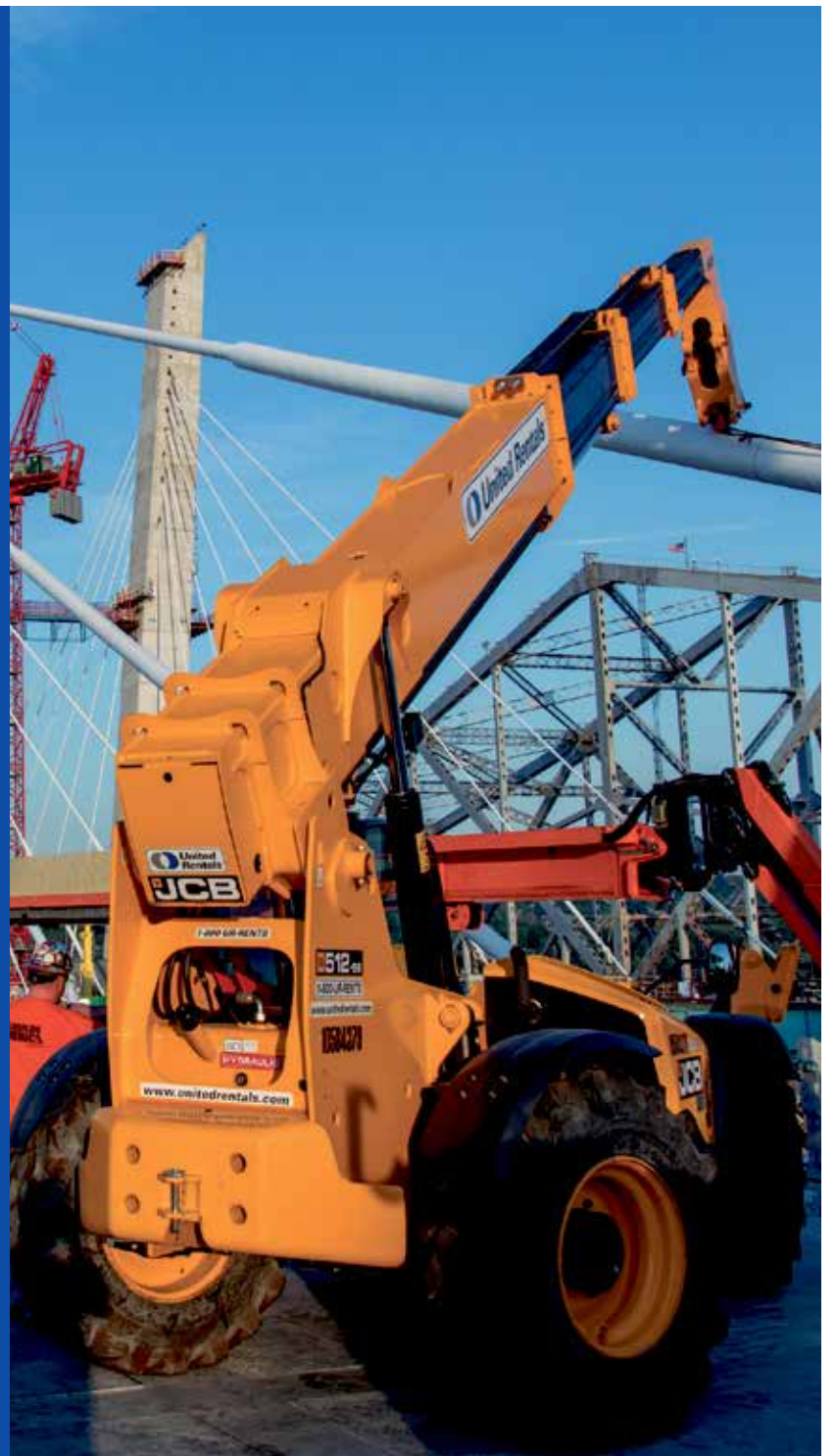


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NYSDOT Updates Public on Progress On Rte. 17/I-86 Conversion/Exit 122 Job

By JOHN JORDAN

TOWN OF WALLKILL, NY—The New York State Department of Transportation hosted public information sessions on Jan. 17 at the Town of Wallkill Community Center and provided updates on the planned massive Route 17 conversion project to I-86, as well as the impending improvement project at the westbound exit 122 on Route 17.

NYSDOT officials answered questions in separate afternoon and evening sessions from the general public and featured presentations on both the approval process and construction timetables for both the “NYS Route 17 Mobility & Access Improvements Project” that could entail the construction of a third lane in each direction on Route 17 in sections of Orange and Sullivan counties, as well as the planned Stage II improvements to Exit 122 at Crystal Run Road in the Town of Wallkill in Orange County.

The first project to move forward will be the improvements to the westbound exit 122 on Route 17, which NYSDOT Project Manager Mark Kruk estimated would cost between \$75 million to \$85 million. He said that the project will likely go out to bid around August of this year with work on the project to begin shortly thereafter. He estimated the job will take about two years to complete. Stage I of the Exit 122 interchange upgrade was completed in 2015.

In terms of the “NYS Route 17 Mobility & Access Improvements Project,” it appears the first shovel in the ground on this project—geared to making improvements to have Route 17 become eligible for federal interstate status and be converted to I-86—will be potentially in early 2026.

The project involves the planned upgrade of a 30-mile stretch of State Route 17 between Exit 113 in Wurtsboro in Sullivan County, and Interstate 87 in Orange County, to interstate standards. The project will improve congestion-related travel times and speeds, while addressing features of the corridor that currently do not meet federal Interstate standards.

Mr. Kruk of NYSDOT told CONSTRUCTION NEWS that the project is in the early stages of the environmental review process. Gov. Kathy Hochul has committed a total of \$1 billion

for the conversion of Route 17 to I-86. NYSDOT plans to send out a Notice of Intent to the Federal Highway Administration, which will be providing funding for the project, by the winter of this year. The department will also engage in scoping and public scoping sessions in the winter of this year as well and release a project scoping report this spring.

The DOT estimates it will begin preparation of a Draft Design Report and Draft Environmental Impact Statement in the summer of this year to be completed by the spring of 2025. At that time NYSDOT plans to release the Draft Design Report and Draft Environmental Impact Statement and hold a public hearing and seek public comment on those reports. In the Fall of 2025 NYSDOT expects to prepare and issue a Final Design Report/Final Environ-



SOURCE: New York State Department of Transportation

mental Impact Statement and register a Record of Decision on the overall project in the fall or by the end of 2025. If those timelines are achieved, work on the project could begin in 2026.

A Route 17 Planning and Environmental Linkage Study released in November 2021 recommended that the state

move forward with a General Use Third Lane in each direction on Route 17 in Orange and Sullivan counties that—if built as one major project—could cost anywhere from \$650 million to \$1.27 billion to complete. Mr. Kruk noted that the PEL study also recommended that once a Record of Decision is finalized,

NYSDOT would solicit bids on three projects along the 30-mile corridor each valued at between \$300 million to \$350 million.

Mr. Kruk said that “everything is on the table” as NYSDOT embarks on the environmental review that will entail such factors as: environmental and economic impacts, as well as social needs and public and agency input. Therefore, the overall Route 17 improvement project could be launched with less or more than three projects, he noted.

“That was just a planning study and looked at some things conceptually,” Mr. Kruk said. “Now, we are moving into the stage where we are looking at the nitty gritty.” He said now NYSDOT will be looking at all facets of environmental, traffic and other impacts any expansion or interchange improvement work might bring.



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CIC Marks Milestone 45th Anniversary in 2024 With Special Presentations Planned at Events

TARRYTOWN, NY—The Construction Industry Council is celebrating its 45th anniversary this year with a host of events to mark the milestone since its first full year of service to the contracting community. Over the past four and a half decades, the impact of the association has increased to become a guiding force to the broader business

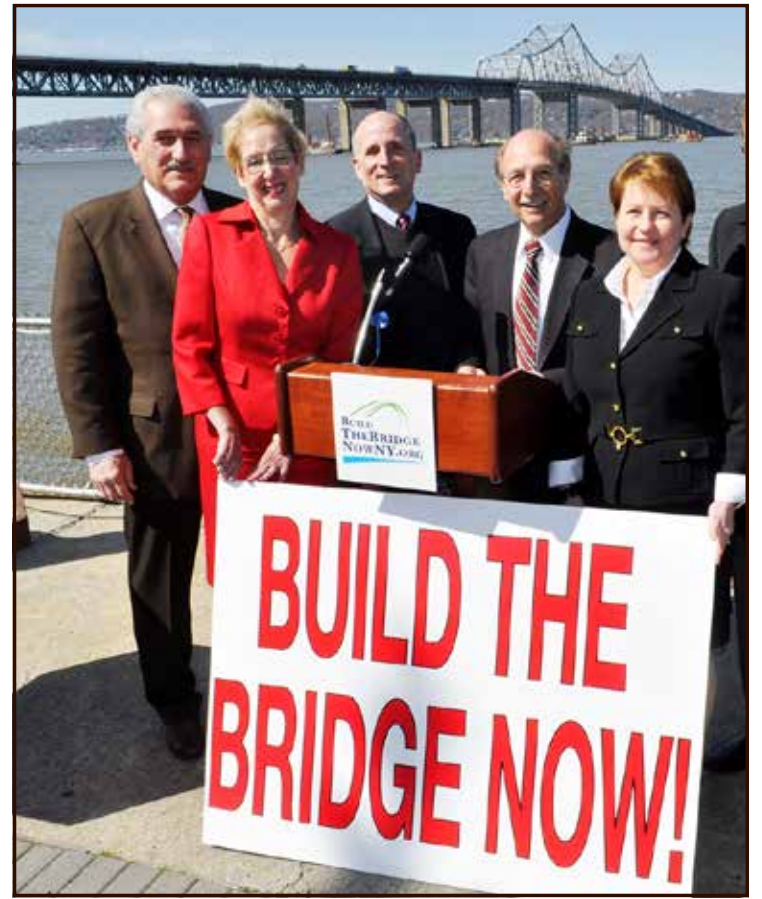
community, a trusted partner with organized union labor and an expert source to advise the public sector at all levels of government (federal, state and municipalities) throughout the lower Hudson Valley.

Among the highlighted events will be the 45th Annual CIC Golf Classic staged at Sleepy Hollow Country Club in Scarborough, NY on Mon.,

July 8. CIC said the celebrations will include some surprises for those in attendance, with awards presented to construction industry leaders for their “historic contributions” as measured by the decades of improvements and advancements that have benefitted the association and its hundreds of members over the years.

“The annual Spring Membership Meeting on April 17, the highly popular CIC Golf Classic in July and the annual Fall Membership Meeting on Oct. 16 are the perfect places to acknowledge the deep history of industry volunteerism to the association and leadership,” said CIC Executive Director John Cooney, Jr. “These are meetings where old friendships are celebrated and new information and campaigns are presented that serve to ensure CIC remains the leading construction trade association voice in the region.”

Longtime CIC Chairman George Pacchiana added, “We are better together when it comes to discussing and resolving the many issues the construction industry encounters each day. CIC is about interaction and discussion with our partners in organized labor, with elected officials and industry profes-



From the archives: members of the BuildTheBridgeNow.org coalition in April 2012 call for federal funding needed to replace the then-aging Tappan Zee Bridge. From left: Al Samuels, president of the Rockland Business Association; Dr. Marsha Gordon, president and CEO of the Business Council of Westchester; Jonathan Drapkin, president and CEO of Patterns for Progress; Ross J. Pepe, president of the Construction Industry Council; and Joanne Deyo, vice president of facilities at Regeneron Pharmaceuticals.

CIC is a forum where possible solutions are explored and advanced to the challenges

the industry faces. Every person involved in CIC is able to voice his or her concerns and that's what makes us different. It's from the industry—guided by a dedicated group of volunteer board members—for the industry.”

The CIC was established in late 1978, to fill the need for a single, clear and powerful voice in the heavy-highway and site development segments in the Lower Hudson Valley. Founding members included road builders, utility and specialty contractors, the leading material suppliers and other sectors—all who lined up to support and fund the trade association. The Council's mission—continuing to this day—is to aggressively campaign for much-needed improvements to the area's bridges, roads, water/sewer infrastructure networks and pollution control.

CIC is also dedicated to promoting employment in the industry, and it serves as the collective bargaining agent for hundreds of employers with many of the local unions in the region's three Building & Construction Trades Councils.

—GEORGE DRAPEAU III



From the archives: then-assemblyman George Pataki marches with union labor and contractors in 1991, calling for construction projects to protect the environment and control pollution in the Hudson Valley.

Leading Challenges in the Hudson Valley

- Securing federal IJA appropriations to upgrade transportation mobility of highways, bridges, and facilities
- Increase government capital construction budgets to address weather and pollution-related damage
- Management/Labor Initiatives
- Scaffold Law Reform
- Prompt Payment Legislation
- Legislation to Improve Jobsite Safety
- Advance Local Workforce Participation in Public-Supported IDA Development Projects
- M/WBE Advancement and Advocacy

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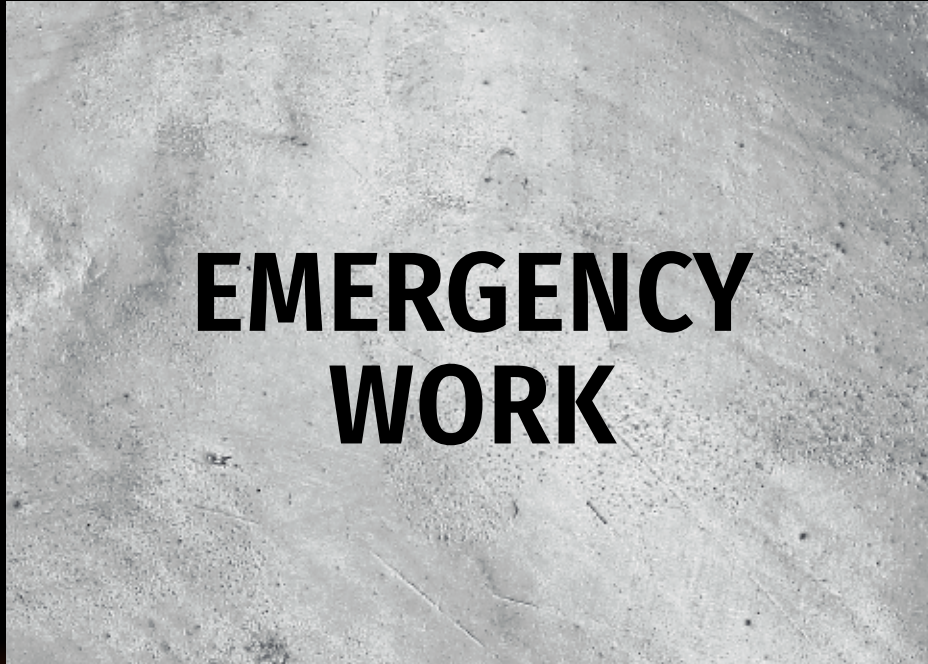
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Attorney's Column

Court Frowns on Claims Asserted Outside A Contractor's Own Chain of Contract Privity

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

Anyone who has undertaken a construction project knows there are many activities to be coordinated, with many different people performing these activities. It is also accepted that different trades generally have no duty (or right) to direct the work of other trades, and that ultimately all direction comes from the general contractor or construction manager. In a like vein, claims by and against trade contractors must flow in the same direction—up or down, to or from the GC/CM.

In the recent case of *Greg*



appellate court reminds us that absent exceptional circumstances, differing trade contractors cannot assert claims directly against each other, and that all claims must be asserted by or through the GC/CM.

Background

In June of 2014, Cross Country

the concrete and superstructure work for the construction of a 69-story condominium in Manhattan. In conjunction with the preparation for that work, Cross Country was obligated to provide a schedule of its own activities to be incorporated into Lendlease's master schedule. Cross

Country provided such information, and Lendlease ultimately created a master schedule.

Around the same time, Lendlease entered into a similar subcontract with Enclos for it to furnish and install the curtain wall. Enclos, in turn, entered into a fixed-term lease

As to the negligent misrepresentation claim, the appellate court held that Beeche was not a known party to Cross Country. As a result, Cross Country had no duty to speak with care to Beeche on the subject of scheduling (or any other subject).

the length of the lease, Beeche referred to Lendlease's master schedule, and built in a small cushion.

Like many projects, this one was beset with various delays. These delays required that Beeche's equipment remain on site for 20 months longer than the extended lease term. Ultimately, the project was completed and Beeche's equipment was removed. In order to obtain its final payment, Beeche executed standard releases and waivers of lien releasing the owner, Lendlease, and Enclos—the very parties against which Beeche may have had a delay claim (and two of which could have back-charged Cross Country, if such were justified).

With the proper targets of its claims released, Beeche commenced suit against Cross Country to recover for the extra time, alleging that it was an intended third-party beneficiary of Cross Country's contract (which Beeche claimed was breached by Cross Country), and that Cross Country's representations (its contribution to the master schedule) were negligent. Cross Country moved to dismiss, arguing that the beneficiaries to the contract were limited to the owner and the construction manager, and that there was no relationship between these two separately retained subcontractors that approached privity sufficient that Beeche was justified on relying on Cross Country's contribution to Lendlease's schedule (and assuming that a prediction of future scheduling was actually a statement of fact that could be relied upon at all).

Beeche opposed, contending that without language limiting the beneficiaries to those contracting parties, it could also be construed as a beneficiary of the contract. As to the negligent misrepresentation claim, Beeche argued that as the superstructure contractor, Cross Country was the "premier subcontractor" and, thus, all other schedules were built from Cross Country's and, as such, other subcontractors not in privity with Cross Country could nonetheless maintain claims against it.

Decision

The motion court granted the motion to dismiss, first noting that Beeche had released its claims against the parties with

which it was in privity, and then finding that the language of the contract specifically precluded third party beneficiaries. As to the negligent misrepresentation claim, the court found that Cross Country had no greater or lesser relationship with Beeche than that of other subcontractors also not in privity of contract with Cross Country—and therefore Beeche could not recover from Cross Country because, to do otherwise, "would subject Cross Country to limitless liability for any project delays."

Beeche appealed, and the appellate court affirmed. Citing well-settled case law, the appellate court held that regardless of any prohibitory language in Cross Country's contract, Beeche had not carried its burden to establish that Cross Country and the owner intended that Beeche be benefitted by the contract, or that Beeche had the right to enforce the terms of that contract.

As to the negligent misrepresentation claim, the appellate court held that Beeche was not a known party to Cross Country. As a result, Cross Country had no duty to speak with care to Beeche on the subject of scheduling (or any other subject). Importantly, similar to the motion court, the appellate court also noted that to permit a claim like this to proceed "would be to sanction limitless liability against contractors such as (Cross Country) for delays ubiquitous in construction." Beeche moved before New York's highest court, the Court of Appeals, for a further appeal; that motion was denied, leaving the appellate court's dismissal of Beeche's claims in place.

Comment

This case reinforces that courts frown on claims asserted outside of a contractor's own chain of contractual privity, such as those between distinct trade contractors. (By way of contrast, in New York, a claimant in arbitration may "vouch in" a non-signatory, such as a Payment Bond Surety.) As the appellate court noted, while all contractors are generally performing for the benefit of the project as a whole, to permit these type of inter-trade claims would be to subject contractors to potentially limitless liability for the type of problems that are pervasive on a construction project.

Please turn to page 19

As the appellate court noted, while all contractors are generally performing for the benefit of the project as a whole, to permit these type of inter-trade claims would be to subject contractors to potentially limitless liability for the type of problems that are pervasive on a construction project.

Beeche, Logistics, Inc. v Cross Country Construction, Inc., successfully argued by the author here, Gregory Spaun, Esq., an

Construction entered into a subcontract with Lendlease, as agent for an owner/developer, VNO 225 West 58th Street, LLC, to perform

with Greg Beeche, Logistics, for Beeche to furnish the scaffolding that would permit Enclos to perform its work. In determining



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Warmer Winter Helping Construction DPW Projects Advance in Region

By **GEORGE DRAPEAU III**

CHESTNUTRIDGE, NY—The head of the Rockland County Highway Department recently told CONSTRUCTION NEWS that these past two milder winters in the region has allowed projects to move forward toward completion ahead of pre-bid schedules.

Higher temperatures, coupled with a lack of typical winter weather events over the past few months, are keeping crews busy on several public works and DOT work that will be completed sooner than expected.

In the Mid-Hudson Valley region, where residents have finally seen snow on the ground this winter, accumulation totals are still a fraction of the average for this time of year. Rockland County—where the average is 29 inches of snow per year (compared to the U.S. average of 28 inches annually)—has been able to call upon its light-duty vehicles to remove snow unlike much of the nation that has experienced blizzards and pounding nor'easters.

“By this time in the winter, we would normally have had several weather events,” said Rockland Superintendent of Highways Charles “Skip” Vezzetti. “The milder weather has allowed us to continue moving forward with some projects and accelerate the planning and start of work for the upcoming season.”

The projects that have advanced this winter include the West Washington Bridge in Pearl River, an \$8 million project that will be delivered sooner than expected to the motoring public. Another structure, the Call Hollow Bridge in Pomona/Haverstraw, is also advancing faster than expected thanks to uninterrupted schedules. Mr. Vezzetti



Crews setting rebar in mid January on the Woodlands Lake Dam Removal capital improvement project in Westchester. With the dam removed and a new bridge being built, the project diverts water into a new river channel flowing parallel to the trailway in the Town of Irvington.

Photo Credit/George Drapeau III

also pointed to a \$7 million project—the roundabout on Suffern Lane in Thiells-Mt. Ivy—that will likely be let sooner than originally planned.

A final structure, the Cold Storage Building at the new Highway Department facility in Chestnut Ridge, a \$2 million project, is expected to be delivered this spring, ahead of schedule, Mr. Vezzetti said.

Lower snow totals and fewer days of freezing temperatures have also allowed crews to move further along in Westchester, where the average winter snowfall is slightly higher, at 31 inches.

County Department of Public Works and Transportation (DPW&T) Commissioner Hugh Greechan, Jr., P.E., noted the milder winter weather has kept construction operations going on several keynote projects. These include work in the City of White Plains, dam removal and bridgework in the Town of Irvington and roadwork in the Sound Shore communities of Rye and Port Chester, NY.

Nadia Savage, P.E., Director of Construction DPW&T, said work on the Rehabilitation of Main Street Bridge over the Bronx River Parkway and Bronx River in the City of White Plains

was slated for a winter shutdown. The project consists of removal and replacement of the existing asphalt wearing surface, waterproofing, concrete and masonry repairs, subsurface drainage repairs, replacement of stone parapet walls, ADA Ramps, and other repairs to the bridge. The warmer months allowed the contractor to continue working on the core wall, concrete curbing, stone facing on bridge, and other activities. This season, cones and crews have been a common sight, even in late January. As construction is progressing, updated schedules are showing the project being completed ahead of schedule.

The general contractor is Transit Construction Corp. of Yonkers, NY.

Woodlands Lake Dam Rehabilitation at VE Macy Park in Irvington, is another project that has benefited from warmer-than-average temperature. Commissioner Greechan said, “New York State DEC dam regulations mandated extensive modifications to the existing dam, removal of the dam and restoring the Saw Mill River to its natural states, was the best solution.”

The project consists of removing an existing dam, installing a new pedestrian bridge, temporary bypassing the Saw Mill River, and installing a stone flow channel to allow the Saw Mill River to flow naturally. The warmer weather allowed the contractor to proceed with the work, without a winter shutdown. One major aspect of the project, the setting of the new prefabricated bridge, is taking place in February thanks to the mild weather.

The general contractor on project is Papietto Construction Co., Inc., of Carmel, NY.

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Gov. Hochul Seeks Large NYC Projects, Housing, Climate Change Goals in Her FY25 Proposed Budget

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Avenue to Broadway. If viable, this approach could save over \$400 million over the life of the project, state officials said.

The governor is also seeking to have the MTA initiate formal engineering of the \$5.5-billion Interborough Express project in Brooklyn. In 2022, Gov. Hochul proposed the Interborough Express—a new service in Brooklyn and Queens that would use the existing right-of-way of the Bay Ridge Branch, connecting ethnically and socioeconomically diverse neighborhoods such as Bay Ridge, Sunset Park, Borough Park, Kensington, Midwood, Flatbush, Flatlands, New Lots, Brownsville, East New York, Bushwick, Ridgewood, Middle Village, Maspeth, Elmhurst and Jackson Heights. This project has the potential to provide connections to up to 17 subway lines, reducing travel times between the two boroughs by 30 minutes and serve 40 million riders a year.

The governor is also directing the MTA to expand a successful pilot hiring program to include the Second Avenue Subway Phase Two project, providing more jobs to workers in East Harlem. The existing pilot program has the MTA requiring contractors working on the New Jamaica

Bus Depot, Rockaway Line Resiliency & Rehabilitation, a group of four ADA station improvements across the city, and the Broadway Junction station revitalization projects to commit to goals of 20% of the working hours to be performed by workers who live near the construction site or in lower income communities.

The chronic housing shortage is another chief area of concern for the governor. Following the failed “New York Housing Compact” last year, the Executive Budget includes a host of proposals geared at incentivizing housing development in New York City.

In both her SOTS and budget addresses, she called for a new iteration of the 421a tax incentive in New York City to spur housing construction there as well as increased state funding for affordable housing projects. Her four-part housing proposal is geared to help New York City increase its housing supply by incentivizing construction of new housing, including affordable housing; encouraging affordable units in office conversion projects; allowing New York City to add residential density on certain projects; and legalizing basement and cellar apartments.

Other components of the governor’s housing initiative call

for the creation of a \$500-million capital fund to support the development of up to 15,000 units of housing on state-owned land, including at former correctional facilities, areas near commuter

her housing proposals as a “good start, but it is not enough to fix our affordability crisis.” She added that she and other legislative leaders must come forward with a sense of urgency

answer, my friends, is not blowing in the wind, it’s shovels in the ground. And I know we can do this,” she said.

In some of her other business/real estate proposals, the governor is proposing to launch the first of its kind “Empire AI” consortium that would unlock the economic potential of artificial intelligence; bolster state efforts to prepare workers for the jobs of tomorrow by establishing a network of four advanced manufacturing training centers along the I-90 Corridor in Upstate New York and growing statewide business attraction efforts with a \$100-million expansion of the FAST NY program to prepare sites to be shovel-ready.

The governor said the Empire AI consortium would consist of seven founding institutions—Columbia, Cornell, New York University, Rensselaer Polytechnic Institute, the State University of New York (SUNY), the City University of New York (CUNY), and the Flatiron Institute. Empire AI will be funded through a combination of public and private investment totaling more than \$400 million, including up to \$275 million from the state in grant and other funding, and more than \$125 million from the founding institutions and other private partners.

FY2025 Transportation Spending in Focus

Highlights of what Gov. Hochul wants:

- \$7.9 billion in State operating aid for the MTA.
- \$7.6 billion for the third year of the five-year \$32.9 billion Department of Transportation Capital Plan, the largest in New York’s history.
- The 2024/2025 NYSDOT Highway Letting Program will total \$2.5 billion.
- \$577.8 million in funding for the Consolidated Highway Improvement Program (CHIPS) and the Marchiselli Program.
- \$551 million for non-MTA transit in the downstate region.
- \$323 million for transit systems in upstate New York.
- \$100 million for the Pave our Potholes (POP) Program.
- \$45 million for engineering on the Interborough Express project.
- \$16 million to move forward with the planning of the Second Avenue Subway extension to Broadway.
- Introduced a comprehensive safety package to address the remaining legislative recommendations from the Stretch Limousine Passenger Safety Task Force.

rail stations and under-utilized SUNY properties.

She also hopes to strengthen the Pro-Housing Communities program by making the certification a requirement for accessing \$650 million in state discretionary funding.

The governor characterized

to address the housing shortage and affordability crisis that is prompting thousands to relocate to neighboring states.

“Even with these historic investments, our state still needs hundreds and hundreds of thousands of new homes to solve our housing crisis. The



Next Gen Leaders



Profiles of the Industry's New Generation



Andrew Griffin

Age
25

Current Employer
Corgan/NYC

Position/Job Title
Project Specialist

College or University Attended and Major
University of Buffalo

Degree(s) and year(s)
B.S. and Master's Degree in Architecture:

Accomplishments
Winning CIC-Louis G. Nappi and Construction Advancement Institute Scholarships - 2017-2020

Favorite Course or Subject
I took a course called Logging as a graduate where the main objective was to develop an understanding of forestry and the labor involved in the first steps of making the lumber we so widely use. The course also ended with working with foresters to fell a tree, haul it out of the woods and process it on a mill to usable pieces. The entire process gave me a profound appreciation for the material and how much we overlook when we think about what we build with.

Why this professional choice?
While it feels like going into architecture naturally came to me on its own, it was really the fact that I had many mentors and influences in my family and school that worked in the AEC industry who were guides to help me find it.

What, if any are the biggest challenges in your work?
In my firm, I work in the aviation studio so the biggest hurdle for me was dealing with the scale of the projects I am working on. Airport terminals have so many functions and moving parts they are almost small cities. Getting a grasp on the whole picture was and continues to be a challenge to understand how the system works together.

What if any were the biggest surprises when you entered the field?
For as many people who work in the AEC industry, it's actually an incredibly small world.

Most memorable quote
My favorite quote is by Louis Khan: "Even a brick wants to be something." I like it because it's a reminder that even something mundane and perceived as insignificant in a project still wants to be cared for and designed right.

Any words of wisdom for a young person entering the field?
When you get into practice you get the idea that you don't know a lot and it turns out you actually know less than that, but that's fine. Stay curious, rigorous and passionate and things will start making sense.

Greatest accomplishment so far or goals you've set for yourself?
My biggest goal is earning my architecture license.

Favorite interests or hobbies?
Cycling has quickly become a big part of my free time, weather permitting.

Family relationship to Construction Advancement Institute?
My uncle works for Yonkers Contracting Co., and is a member of Teamsters Local 456.

—Alan Kennedy, Researcher and Writer

ABOUT THE BCA/CAI SCHOLARSHIP

Since its inception in 2009, the Building Contractors Association/Construction Advancement Institute College Scholarship Program has awarded more than \$460,000 to 62 students enrolled at more than 40 colleges and universities throughout the U.S.

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www.caiwestchester.org

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

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Louis Picani
Teamsters L.U. 456

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

In memory of Jerry Keahon
Eastern Concrete Materials, Inc.

Teamsters L.U. 456 Hold Session on Drug Testing Protocols for CDL Employers, Owner/Operators

By **GEORGE DRAPEAU III**
 ELMSFORD, NY—Teamsters Local 456 held an information session on Jan. 11 at the union's headquarters here, entitled "Drug Testing Protocols & Procedures," for companies with trucking operations that employ any worker using a commercial driver's license (CDL) as well as for those who are owner/operators of commercial motor vehicles.

The session was expected to be the first of several informational meetings for the industry and companies that are signatory members of the Construction Industry Council prior to the implementation of the final federal rules which go into effect on Nov. 18, 2024. The final rule is designed to help keep unsafe drivers off the road by increasing compliance with the CMV driving prohibition.

A lively Q&A session answered questions and clarified matters pertaining to compliance requirements, random drug polling of drivers, and sampling that drivers will be required to take for employment through the union.

"Employers are responsible for developing and implementing successful DOT workplace drug and alcohol programs that have as their components clear policies, provisions for education and training, drug and alcohol testing, and when needed, referral for evaluation and treatment," explained Roger G. Taranto, recording



The final rules of Federal Motor Carrier Safety Administration (FMCSA) for random testing of CDL drivers go into effect Nov. 18, 2024.

secretary of Teamsters L.U. 456, who led the session.

Clearinghouse Explained
 The Federal Motor Carrier Safety Administration (FMCSA) published a registry that began in November 2021 requiring employers to research violations for a positive test result. "There has been considerable confusion about the roles and responsibilities of employers," added Teamster 456 President Louis Picani who welcomed 25 attendees at the program. "Our purpose here is to help clear up any confusion and to help you get the answers you need."

FMCSA is amending its regulations to establish requirements for State Driver's Licensing Agencies (SDLAs) to access

and use information obtained through the Drug and Alcohol Clearinghouse (DACH or Clearinghouse), an FMCSA-administered database containing driver-specific controlled substance (drug) and alcohol records.

The Clearinghouse is designed to improve safety on roadways by ensuring that CDL drivers who violate FMCSA's drug and alcohol rules and regulations do not perform safety-sensitive functions, such as operating a commercial motor vehicle, until they complete the required return-to-duty process.

Several professionals in the field affiliated with Teamsters L.U. 456—Executive Director Michael Popp of the Lower Hudson Valley E.A.P. and James Sayegh,

M.D., of Park Avenue Family Medicine—participated in the discussion clarifying questions and issues that were raised. Among them were the timing of testing, the percentage of drivers required to be tested, associated costs for testing and treatment, and the steps required for return to duty if a positive test occurs.

Among the questions raised regarded compliance with the regulations, and if owner-operators are required to register in and use the Clearinghouse. For example, owner-operators who operate under their own authority/USDOT Number must register as an employer. For Owner-operators who operate under another motor carrier's USDOT Number should register

in the Clearinghouse as a driver.

Controlled Substances

The regulations require five-panel testing for the following classes of substances:

- Marijuana
- Cocaine
- Opiates—opium and codeine derivatives
- Amphetamines and methamphetamines
- Phencyclidine—PCP

For information about future information sessions, contact Teamsters L.U. 456 at 914-592-9500 or the Construction Industry Council at 914-631-6070, or www.cicbca.org.

For more information, visit www.transportation.gov/odapc/part-40-dot-5-panel-notice/
 More information can be obtained at www.clearinghouse.fmcsa.dot.gov/learn.
 Information on treatment programs and options for employees in need are available at www.lowerhudsonvalleyeyeap.com
 Information is also available by contacting Gian Marshall, Drug and Alcohol Programs Division, Federal Motor Carrier Safety Administration, 1200 New Jersey Avenue SE, Washington, DC 20590-0001, www.clearinghouse@dot.gov, (202) 366-0928. For questions on viewing material in the docket, contact Dockets Operations, (202) 366-9826.

Careers for Building a Better World - A Pathway to Success



HUDSON VALLEY CONSTRUCTION CAREER DAY

April 12, 2024



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

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'Blistering Pace' of Growth in Bridge, Highway Construction, ARTBA Reports

Continued from page 1
increase in 2023. Activity in the transportation construction market is expected to increase or remain flat in 38 states this year, with Texas, Florida, Georgia and New York among the strongest markets, she said.

Highway work is projected to rise 15.9% this year after climbing 16.4% in 2023, while bridge construction will surge 17.3% in 2024 after experiencing an 8.2% boost in 2023, Ms. Black said.

Labor & Materials Changing Approach

Uncertainties surrounding the costs of labor and materials likely will lead operating stakeholders to consider retrofitting and modernizing bridges rather than building new ones, according to Misha Nikulin, managing director in the industrial products and construction division at Deloitte Consulting.

"Material-cost increases will drive more creativity in design and construction, including more creative modularization

and prefab," he said. "With growth in sustainability projects, opportunities with 'green concrete' will be explored more for roads and highway considerations."

Other Sectors

Mr. Nikulin said robust growth in other construction sectors will lead to "more localized road projects" to support new facilities in 2024. Construction starts on environmental and public-works projects, for example, are expected to climb 10% this year to \$83.1 billion, according to Dodge Construction Network. That's on top of a 16% gain in 2023.

Other construction sectors projected to see strong growth in 2024 include hotels and motels (17%), manufacturing (16%), multifamily housing (14%), single-family housing (9%) and stores and shopping centers (9%), according to Dodge.

Potential Good News

For Interest Rates
High interest rates are weigh-

ing down the construction industry, especially private-sector projects, but the Federal Reserve likely is done raising rates now that inflation appears to be under control, Mr. Branch said. Modest interest-rate cuts could begin as early as July and continue at a measured pace through 2026, lowering borrowing costs and fueling construction activity, he added.

"We all know that the construction sector is one of the most interest-rate-sensitive sectors in this economy," Mr. Branch said. "These high interest rates will keep growth, particularly in the private side of the market, subdued for 2024. That easing of monetary policy is going to be very slow and methodical. They're going to take their sweet time to make sure they've truly got that inflation monster beat down."

What Happened

Highway construction work continued to increase as end of year 2023 data rolls in—the total

value of highway activity was \$9.2 billion in November, an increase of 16 percent compared to November 2022. Year to date (YTD), the value of work is \$102.8 billion, up 17% over 2022 (see chart.) Bridge work was also up in November (+14%) and YTD (+10.6%).

Why it Matters

Current market activity—or the Value of Construction Put in Place—is released by the U.S. Census Bureau and tracks the work completed on a project each month, regardless of the total size of a project or when it was awarded. As projects funded by the Infrastructure Investment and Jobs Act (IIJA) are put out to bid and contractors start to work, the value of construction and overall market activity has also increased.

ARTBA noted on Jan. 12 the "Blistering Pace for Construction Activity," based on the increases indicated in the latest 2023 data of highway construction work at the end of last year.

The total value of highway activity was \$9.2 billion in November, an increase of 16% compared to November 2022. Year to date (YTD), the value of work is \$102.8 billion, up 17% over 2022 (see chart.) Bridge work was also up in November (+14%) and YTD (+10.6%).

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Warmer Winter

Continued from page 7

Mr. Greechan expects that once the project is done, the public will be walking on the trailway this June, much earlier than expected.

Rehabilitation of Midland Ave from Playland Parkway to the Port Chester/Rye border line is approximately 1.7 miles of road paving, concrete curb replacement, adjustment of utility casting, installation of handicap ramps, new traffic islands and pavement markings. The entire project is weather depending, from the placement of asphalt to the installation of the pavement markings. Having warm weather allows the contractor the ability to complete concrete curb and handicap ramps, during these winter months when normally projects would be in winter shutdown. More importantly, the drainage activity was able to proceed because the ground was not frozen solid.

He added, "Despite the asphalt plants being closed, we were able to do concrete work. We're able to continue working because we don't have frozen ground."

He also noted that the contractor was able to do a lot more curbing than anticipated. "We're able to prep work for the spring when the asphalt plants reopen," Ms. Savage added.

The general contractor on the \$3.695 million project is Montesano Brothers, Inc., of New Rochelle, NY.

"We love nice weather at DPW&T," Ms. Savage concluded. "The nice weather means that we can get projects done faster and get people safely back on the roads without all the work-zone traffic."

Although temperatures are much nicer this winter, Mr. Vezzetti of Rockland added that it's still not quite warm enough to address other issues like potholes. For now, workers can only lay down what's called a cold patch until late spring/early summer arrives.

And that's not soon enough for just about everyone who has anything to do with construction.



2024 MEMBERSHIP MEETING

JOIN US!

SUNDAY, FEBRUARY 25TH -
THURSDAY, FEBRUARY 29TH, 2024
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(Partial listing at time of printing.)

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Welcome

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Laborers' Local 190 LECET

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Grand

Advance Testing Company, Inc.

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Key Construction Services LLC

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Eastern NY Laborers' District Council

Montesano Brothers, Inc.

North Atlantic States Regional Council of Carpenters



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Regional Bid Alert

NYSDOT - Region 8

Bid Letting Date: Jan. 25, 2024

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

Contract: D265183
PIN# 881529
F.A. Proj.# Y240-8815-293

Project Description: Westchester Co., rustic rail replacement - various locations.

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

Goals: DBE: 10.00%

Bid Letting Date: Feb. 8, 2024

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

Contract: D265188
PIN# 814169
F.A. Proj.# Y001-8141-693

Project Description: Dutchess Co., pavement resurfacing - Route 44 in the Towns of Pleasant Valley and Washington.

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

Goals: DBE: 10.00%

Bid Letting Date: Feb. 8, 2024

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

Contract: D265189
PIN# 881496

Project Description: Orange, Rockland Cos., biennial mowing - Palisades Interstate Parkway/Route 6, various locations.

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

Goals: MBE: 4.00%, WBE: 8.00%, SD-VOB: 0.00%

Bid Letting Date: Feb. 8, 2024

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

Contract: D265201
PIN# 839326
F.A. Proj. # Y400-8393-263

Project Description: Dutchess Co., intersection improvements - Route 376 at Hooker Ave intersection, Town of Poughkeepsie.

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

Goals: DBE: 6.00%

NYSDOT - Region 9

Bid Letting Date: Feb. 8, 2024

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

Contract: D265154
PIN# 935845
F.A. Proj.# Y001-9358-453

Project Description: Otsego Co., I-88 crack and seal, Exit 18 to 19, Towns of Maryland & Worcester., PLA Candidate.

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

Goals: DBE: 5.00%

NYSDOT - Region 10

Bid Letting Date: Jan. 25, 2024

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

Contract: D265047
PIN# 081045

F.A. Proj.# Y001-0810-453

Project Description: Nassau, Suffolk Cos., guide rail rehabilitation - Routes 908G, 900B, NY 107 & NY 454, various locations.

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

Goals: DBE: 10.00%

Bid Letting Date: Feb. 8, 2024

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

Contract: D265147
PIN# 081052
F.A. Proj.# Y001-0810-523

Project Description: Nassau, Suffolk Cos., priority surface treatment - various routes, Towns of Brookhaven, Hempstead, Islip & Smithtown., PLA Candidate.

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

Goals: DBE: 10.00%

NYSDOT - Region 11

Bid Letting Date: Feb. 8, 2024

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

Contract: D265150
PIN# XM2330
F.A. Proj.# Y230-XM23-303

Project Description: Bronx, Kings, New York, Queens Cos., crack & joint sealing on various federally eligible locations.

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

Goals: DBE: 4.00%

Bid Letting Date: Feb. 8, 2024

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

Contract: D265159
PIN# XM2348
F.A. Proj.# Y230-XM23-483

Project Description: Bronx, Kings, Queens Cos., pavement preservation (asphalt) - various locations.

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

Goals: DBE: 10.00%

Bid Letting Date: Feb. 8, 2024

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

Contract: D265164
PIN# X80729

Project Description: Bronx, Kings, New York, Queens, Richmond Cos., its field network system maintenance & support - where & when in various counties.

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

Goals: MBE: 5.00%, WBE: 6.00%, SD-VOB: 0.00%

Bid Letting Date: Feb. 8, 2024

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

Contract: D265169
PIN# XM2349

Project Description: Bronx, Kings, Queens Cos., concrete pavement preservation in various locations.

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

Goals: MBE: 10.00%, WBE: 15.00%, SDVOB: 1.00%

Bid Letting Date: Feb. 8, 2024

New York State Department of Transportation

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

Contract: D265192
PIN# X73183

Project Description: Kings, New York Cos., highway - operation - operation of hov lane on Gowanus Expwy and Prospect Expwy in Brooklyn, prebid meeting.

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

Goals: MBE: 4.00%, WBE: 8.00%, SD-VOB: 0.00%

New York State Thruway Authority

Bid Due Date: Jan. 24, 2024

Contract: TAA 23-25B/D214941

Project Description: Thruway Bridge Rehabilitation over the Wallkill River at MP 81.72 in Ulster County in accordance with the Plans and Specifications.

Goals: MBE - 5% WBE - 5% SDVOB - 2%

Bid Deposit: \$1,500,000.00

Westchester County DPW

Bid Due Date: Jan. 24, 2024

Contract: 23-515 (\$100.)

Title: Replacement of Existing 15KV Manhole Cable Racks, Grasslands Campus, Valhalla, NY

Description: The work under this contract consists of providing all labor, material and equipment necessary to complete the installations and interconnections of electrical systems as shown on the contract drawings for the replacement of the existing 15KV manhole cable racks, Grasslands Campus, Valhalla, NY.

Bid Estimate Range: \$350,000 to \$400,000.

Mandatory Pre-Bid Inspection: Scheduled at 10:00 AM, January 9, 2024; meeting at the Operations Building, Grasslands Campus, Valhalla, 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: Michael DeFonce, 914-995-7740

New York State Dormitory Authority

Bid Due Date: Feb. 8, 2024

Title: City University of New York, Hunter College, North and West Buildings Lecture Halls Upgrades and Associated Asbestos Abatement

Contracts: CR 27 & CR 30

Project# 3519909999
Sealed bids for the above work located at Hunter College, North Building - 695 Park Avenue and West Building - 904 Lexington Avenue, New York, NY 10065 will be received by DASNY at its office located at 515 Broadway, Albany, NY 12207. Each bid must be identified, on the outside of the envelope, with the name and address of the bidder and designated a bid for the Project titled above. When a sealed bid is placed inside another delivery jacket, the bid delivery jacket must be clearly marked on the outside "BID ENCLOSED" and "ATTENTION: CONSTRUCTION CONTRACTS - DARIA KHANAFEIV." 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, prevent-

ing 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 February 8, 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: Noel Ventegeat, Project Manager, 695 Park Avenue, North Building C001, New York, New York 10065, 917-351-5677, Nventegeat@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 Wednesday, Jan. 10, 2024, at 10:00 AM at 920 Lexington Avenue, New York, NY 10065. Please contact Noel Ventegeat at 917-351-5677. 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-Dormitory-Authority-of-the-State-of-New-York/307274192739368>.

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

NYC Metro Housing Costs Soar by 68% in Last Decade

ALBANY—Housing costs in New York City and the surrounding suburbs have skyrocketed by more than 68% over the last decade, the largest increase among selected major metropolitan areas in the U.S., according to a new report from New York State Comptroller Thomas P. DiNapoli released on Jan. 12.

“Housing costs in New York City and the surrounding suburbs have risen dramatically over the last decade,” Mr. DiNapoli said. “When we look at other major U.S. metropolitan areas, we see New York’s housing costs have grown at a greater rate. More than half of tenants in the city spend

30% of their income on rent, forcing them to make tough choices. City and state leaders recognize New York’s housing affordability problem but need to implement cost-effective solutions more quickly.”

Since 2011, housing costs, which include shelter (mortgage payments, rent and property taxes), utilities, operations/maintenance, and furnishings reached an all-time high in the New York City metro area, which includes the city as well as Nassau, Suffolk, Westchester and Rockland counties. In 2021-2022 homeowners or renters spent an average of \$30,300 on housing costs, only trailing

Average Housing Expenditures by Select Metropolitan Area

	2011-12	2018-19	2021-22	Percent Change, 2011-12 to 2018-19	Percent Change, 2018-19 to 2021-22	Percent Change, 2011-12 to 2021-22
Chicago	\$18,624	\$22,356	\$26,094	20.0%	16.7%	40.1%
Dallas	\$17,100	\$25,050	\$24,696	46.5%	-1.4%	44.4%
Houston	\$17,046	\$22,458	\$23,670	31.7%	5.4%	38.9%
Los Angeles	\$19,200	\$24,606	\$27,402	28.2%	11.4%	42.7%
Miami	\$14,358	\$19,194	\$22,728	33.7%	18.4%	58.3%
New York	\$17,994	\$26,754	\$30,300	48.7%	13.3%	68.4%
Philadelphia	\$18,492	\$23,388	\$29,034	26.5%	24.1%	57.0%
San Diego	\$20,010	\$26,772	\$30,450	33.8%	13.7%	52.2%
San Francisco	\$24,150	\$29,802	\$39,102	23.4%	31.2%	61.9%
Seattle	\$18,798	\$27,618	\$31,338	46.9%	13.5%	66.7%

Note: OSC selected these markets based on housing costs as a share of income. These 10 metropolitan areas had the highest shares nationally among 23 areas tracked by the U.S. Bureau of Labor Statistics. Data is averaged in two-year increments for greater reliability. Sources: U.S. Bureau of Labor Statistics, Consumer Expenditure Survey, Public Use Microdata; OSC analysis

the San Francisco and Seattle metro areas, reflecting 40% of their total household expenses, compared to 34% nationally.

Renters Most Burdened By Housing Costs

One million tenants or 53% of households spent over 30% of their income on rent in 2021, which has remained significantly high over the last decade. In Brooklyn and Queens, a greater share of moderate- and middle-income households in 2021 spent more than 50% of their income on rent than in 2011.

After a dip in 2020, rents rose in 2021 and 2022, and more people in New York City fell behind on their payments. In June 2021, 26% of rental households in the metro area were behind on rent, greater than almost 15% nationally.

While the largest share of households that fell behind on rent were low-income, 22% of moderate-income households on Staten Island and 8% of middle-income households in Brooklyn also fell behind. As of October 2023, 18% of city residents were behind on rent, compared to 12% nationally. Over the last two years, missed rent payments have risen among New York City Housing Authority

property residents as NYCHA collected only 61% of rent as of November 2023.

Economic Headwinds Restrict Supply

A halt in construction during the pandemic, a lapsing of the real estate property tax exemption program known as 421-a, and higher interest rates have all contributed to a slowdown in housing development. Mr. DiNapoli’s report noted the city has taken some action to support the development of new housing and has released proposals to create new incentives to boost production.

In 2023, the city completed almost 13,900 affordable units through the first 10 months of the year, but it has not been enough to keep up with demand. Permits for new residential buildings, which include new market rate units, declined by 85% in the first eight months of 2023.

Outlook

“The city and state continue to discuss the affordable housing crisis in New York City, making incremental steps

Please turn to page 19

High Cost of NYC Housing Reflected in Key Takeaways

- ‘But You Must Pay the Rent’: In June 2021, 26% of rental households in the New York City metropolitan area were behind on rent compared to 15% nationally. In October 2023, it was 18%, better than before but still worse than the nation’s 12%.

- In 2021, over 1 million households (53%) citywide were rent burdened, spending over 30% of income on rent. As the most populous borough, Brooklyn had the greatest rent burden at 323,136 households.

- In 2022, property taxes made up over 27% of homeowner costs citywide, on average, compared to 22.6% nationally.

- Vacancies were high among more expensive studio units, with 52.7% of units priced at \$2,300 or more and 22.4% of those priced between \$1,500 and \$2,299 vacant in 2021.

- Brooklyn saw the largest increase in newly completed or preserved affordable units between 2014 and 2023, fueled by a two-fold increase between 2017 and 2018, but the

Bronx has added more affordable units since the beginning of the pandemic.

- In 2023, building permits fell by 85% in the first eight months, following a surge in activity ahead of the expiration of the 421-a program in 2022.

- The biggest decline in permits was among the largest multi-family buildings (100+ units), which dropped 91% in the first eight months of 2023.

- The report stated that continued development of affordable housing in the Bronx may be particularly valuable to ease affordability issues in the city’s housing market. In 2021, the Bronx had the lowest net rental vacancy rate citywide at about 0.8% whereas Manhattan had the highest at more than 10.0%. The highest vacancy rates in Manhattan, as well as citywide, were among units with asking rents of \$2,300 or more. Contrastingly, there were very few units with asking rents of less than \$900, driving the relatively low vacancy rates in the outer boroughs and especially the Bronx.

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Safety Watch

Install Traffic Control Devices, Legible Control Signs At Points of Hazard During Roadwork Activities

By COSTAS CYPRUS, ESQ.

The decision in Secretary of Labor v. Brubacher Excavating Inc. & Traffic Control Services reminds us that construction companies conducting paving and excavation operations in public roadways must take efforts to protect both their workers and the public by maintaining proper and adequate traffic control devices. Moreover, the facts in this matter are typical for construction sites where, due to personnel needs, companies send a different set of employees to the same jobsite over the course of multiple days, further emphasizing the need for consistent coordination and communication.

The matter arose from an incident in which an employee of Traffic Control Services, LLC doing business as Flagger Force, was struck by a vehicle. Brubacher Excavating Inc. had been retained to perform certain construction services, including the installation of a water line in West Chester, PA. After excavation and the installation of pipes, Brubacher covered the trench and began paving. These operations ran a total of four days beginning



on May 31, 2017 and completed on June 5, 2017. The work took place within the northbound lane and shoulder of Pottstown Pike, a multi-lane roadway. A traffic control plan had been approved by the Pennsylvania DOT to shift traffic from the northbound lane into the middle lane, which was typically a turning lane. The speed limit was not altered for vehicles traveling north and southbound, and remained 45 miles-per-hour. Cones were placed as barriers for northbound and southbound vehicles, while one flagger worked on the north end of the jobsite and another worked on the south end to alert drivers of the changed traffic

pattern.

Brubacher retained Flagger Force for implementation of the traffic control plan as it provides traffic control services and had a long-standing relationship with Brubacher.

On May 31, a Brubacher supervisor, David Duda, met with Flagger Force employees to advise of his crew's activities and the location of their work. As work began that day, Mr. Duda travelled the entire area of the site to ensure that the three sets of advance warning signs were properly in place as set up by Flagger Force's employees. Specifically, the warning signs were set-up at three locations: the northbound side of Pottstown Pike; the southbound side of Pottstown Pike; and along the Route 322 exit ramp, which connected another roadway to a portion of Pottstown Pike that was near the worksite at approximately 250 feet.

Mr. Duda completed a Safety Observation Compliance Form as he typically does on the first day of any of his projects to en-

sure nothing was overlooked. Slight changes were made by Mr. Duda in consultation with

The ALJ confirmed that the Secretary (of Labor) met its burden as against Flagger Force showing the cited standard applied, the standard was violated, the employer knew or should have known the violative condition and employees were exposed to the condition.

the Flagger Force employees in the first three days of the project to improve traffic flow. During these three days, the same employees from Flagger Force were present, consisting of a crew leader and a crew member. On the last day of the project, June 5, two different employees were sent. Despite consultations with Mr. Duda, these employees only set-up warning signs on the northbound side of Pottstown Pike, the area closed to the paving work but not on the southbound side nor on the exit ramp as had been done on the three prior days. After about two hours of work, a car traveling in the northbound lane failed to adhere to the traffic

tion of the safety standard in the failure to provide at least one advance warning sign for motorists approaching the worksite from two directions, the exit ramp linking Pottstown Pike to Route 322 and the southbound lane. To satisfy the standard, companies must convey that work is taking place, provide information about the roadway conditions, and information about how traffic can move through the temporarily revised traffic pattern.

As to the southbound lane, although the traffic control plan did not require a full lane shift for southbound traffic, the lane was partially obstructed. Mr. Duda testified the traffic pattern required a two-foot diversion for southbound traffic, and if motorists were not aware of the diversion they could cross into the northbound lane. Moreover, the traffic control plan required the placement of cones along the middle turn lane so if a vehicle were to strike one of these cones it could act as a projectile, causing injury.

Mr. Duda testified that due to all these reasons, a "flagman ahead" sign should have been present both on the north and southbound sides and, as further confirmed by Flagger Force's own policies, mandat-

Flagger Force was also able to establish the defense of unpreventable employee misconduct by showing that it had established work rules designed to prevent the violative condition from occurring, adequately communicated those rules to employees, took steps to discover violations of those rules, and effectively enforced those rules when violations were discovered.

control pattern and struck one of the Flagger Force employees, seriously injuring him.

OSHA was notified of the incident and after conducting an investigation involving the interview of various Brubacher and Flagger Force representatives as well as receipt of investigative materials from the local police investigation, issued citations against Flagger Force under the relevant safety standard § 1926.200(g)(1) which currently provides that:

"At points of hazard, construction areas shall be posted with legible traffic control signs and protected by traffic control devices." OSHA cited a viola-

ing the need of advance warning signs. These signs were in fact present on the first three days of work. Similarly, the Route 322 exit ramp, had two signs indicating "work area ahead" and "flagmen ahead" for the first three days. Under these circumstances, the Administrative Law Judge confirmed that the Secretary (of Labor) met its burden as against Flagger Force showing the cited standard applied, the standard was violated, the employer knew or should have known the violative condition and employees were exposed to the condition.

However, Flagger Force was
Please turn to page 22



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Financial Management

NYC Banking on Surge in Transit-Oriented Projects

By PHILLIP ROSS, CPA, CGMA, PARTNER

With transit-oriented development projects on the rise, the Port Authority of New York and New Jersey is also continuing its redevelopment efforts at three major airports. All the while, ground-breaking has finally begun on the Gateway Program in New Jersey and New York.

U.S. Sen. Chuck Schumer announced \$6.9 billion for the project in November 2023 with funding that was made possible by the U.S. Department of Transportation’s Federal Highway Administration.

FHWA applications were opened on Dec. 20, 2023 for Bridge Investment grants to support projects of \$100 million or less. Applications were available earlier in September for larger projects valued at more than \$100 million.

Bridge and tunnel infrastructure represent some of the largest projects in the US, where



New York together with Polly Trottenberg, U.S. Deputy Secretary of Transportation. Ms. Trottenberg’s local interest and support is derived from her previous services as New York City’s Director of Transportation under Mayor Bill DeBlasio and transportation policy chief for Sec. Schumer.

In addition to larger nationally recognized improvements

projects that are intended to upgrade and improve mass transit capacity and modernization throughout the metro area. Beneficiaries include the MTA’s many capital projects as well as plans that will modernize subways and rail systems with renovations, track improvements and more reliable, digital signal systems.

Opportunities exist as projects remain in various stages of completion. The highly celebrated East Side Access was recently completed to the LIRR at Grand Central Station where new tunnels have connected the LIRR to the East Side of Manhattan for convenient transportation from Midtown. Other contractor opportunities include Penn Station’s redevelopment. The

New developments include convenient retail establishments and increased access points

line. Another proposal includes transforming the freight line from Bay Ridge to Manhattan with a modern passenger rail line.

As mass transit improvements will continue to be a top priority for the city, the MTA board has approved the congestion pricing plan, despite political, partisan, and other objections to the bill going forward. Congestion issues have become increasingly urgent as the number of private vehicles in the city has risen beyond pre-pandemic levels, holding the potential to threaten service and other emergency vehicles’ ability to move throughout

In addition to larger nationally recognized improvements that benefit New York State, funds from the two-year-old Bipartisan Infrastructure Law are also taking shape with projects that are intended to upgrade and improve mass transit capacity and modernization throughout the metro area.

for those using Amtrak, the LIRR and New Jersey Transit service lines.

In other parts of the city, the second phase of the Second Avenue Subway line is being planned for the extension of the current subway system from 96th Street over to 125th Street in Harlem as a major improvement for additional access on the Upper East Side of the city. Projects also include the “Brooklyn-Queens Connector,” which is proposed to run along the waterfront to connect multiple neighborhoods as a new transportation option for geographies that do not currently have a subway service

the city. The ultimate success of congestion pricing will depend on the MTA’s ability to secure continuous investment for increasing efficiency and new development of the city’s subway system, as well as other forms of alternative transportation that serve the needs of commuters and city dwellers who would typically choose private vehicles as a means of transportation. E-enforcement, including tolls, monitoring, and maintaining these systems will likely become constant challenges once implemented. In addition, reworking and improvements to city sidewalks

The ultimate success of congestion pricing will depend on the MTA’s ability to secure continuous investment for increasing efficiency and new development of the city’s subway system, as well as other forms of alternative transportation that serve the needs of commuters and city dwellers.

federal assistance is welcome. U.S. Sec. of Transportation Pete Buttigieg has committed support for financing here in

that benefit New York State, funds from the Bipartisan Infrastructure Law passed two years ago are taking shape with

project once completed will better serve commuters with increased capacity and an upgrade on passenger experience.

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ALBANY UPDATE

State Opens Applications for \$325M In Grants For Clean Water Infrastructure Projects

ALBANY—New York State is making \$325 million in grants available for clean water infrastructure projects through the next round of the state's Water Infrastructure Improvement and Intermunicipal Grant programs. Applications and full eligibility criteria will become available at efc.ny.gov on Mon., Feb. 5.

"New York is committed to funding water infrastructure upgrades because every person has a right to clean water," said Gov. Kathy Hochul on Jan. 15 when making the announcement. This round of WIIA/IMG boasts improvements to maximize benefits for rural and disadvantaged communities that include:

- Additional benefits for rural communities. Even with extensive financial support from the state, some municipalities

are left passing a large financial burden to their ratepayers. To alleviate this burden on small, rural, and disadvantaged communities, EFC is directed to increase water infrastructure grants for small rural communities from 25% to 50% of net eligible project costs. This change will support smaller communities, like those in the Adirondacks, which often struggle with accessing clean water grants and delivering affordable projects, state officials said.

- Expanding community resources to ensure equitable access to funding opportunities. Small, rural, and disadvantaged communities are particularly impacted by deteriorating water infrastructure and emerging contaminants, and often do not possess the resources and

capacity necessary to advance a project for infrastructure improvement. Communities can request a meeting, register for upcoming webinars, and learn more at efc.ny.gov/cat.

- Protecting drinking water. To address the threat of PFAs, awards for emerging contaminant projects will be increased from 60% to 70% of net eligible project costs. This change is intended to help ensure cost is not a barrier for communities working to make life-saving investments that eliminate risks to their drinking water supplies.

The Environmental Facilities Corporation (EFC) administers the WIIA and IMG programs in coordination with the Departments of Health (DOH) and Environmental Conservation (DEC). The plan

is to expand the success of these programs by assisting municipalities that have often struggled with accessing clean water grants and delivering affordable projects.

EFC President and CEO Maureen A. Coleman noted the state is trying to remove barriers that have traditionally held communities back from accessing significant investments in water infrastructure. "The initiatives we're implementing will help expand the WIIA/IMG grant programs' legacy of modernizing aging systems and protecting drinking water. Together, in partnership with local governments, we are taking yet another giant step toward a cleaner, more resilient future that will ensure safe drinking water for all New Yorkers and protect our public health and

invaluable natural resources."

The grant funding announcement builds on the success of New York State's nation-leading investment in clean water infrastructure, the \$4.2-billion Clean Water, Clean Air and Green Jobs Environmental Bond Act, and the continued focus on equity and environmental justice. Gov. Hochul announced \$479 million in WIIA, IMG and septic replacement grant awards in December, including the first funding awarded under the Environmental Bond Act. More than two thirds of the funding was awarded to projects serving disadvantaged communities and potential environmental justice areas, underscoring the state's commitment to awarding grant funding to communities that need it most.

Siena Poll: Inflation Down; Consumer Index Up in New York State by Over Three Points

LOUDONVILLE, NY—The New York State Index of Consumer Sentiment now stands at 74.1, up 3.6 points from the last measurement in the third quarter of 2023, according to the latest poll by the Siena College Research Institute (SCRI) released on Jan. 10. New York's overall Index of Consumer Sentiment is 4.4 points above the

national index of 69.7, despite a 1.6-point national increase.

New York's current index increased 4.9 points to 71.6 and the future index increased nearly three points resulting in New York's measure of future expectations moving from 73.0 last quarter to 75.7. Overall confidence remains higher in New York than across the na-

tion. Future confidence in New York is now nearly a point above the breakeven point of balanced optimism and pessimism and 8.3 points higher than national future confidence.

"As the rate of inflation has fallen this year, consumer sentiment has crept begrudgingly higher. Nationally the index, up a point and a half this quarter,

stands 10 points higher than at this time last year. In New York, the index is up 3.6 points this quarter and while only two points higher than a year ago, once again is knocking on the door of optimism overtaking pessimism," said Don Levy, SCRI's director. "Still, despite the lessening percentage of New Yorkers saying that either food or gasoline prices seriously impact their finances, other monthly expenses, including housing and utilities, weigh heavily on between 59% to 70%—and the new necessities (home internet, cable and streaming and cell phones) seriously affect the budget of between 33%—44%." Other results include:

- 55% (down from 58% last quarter and the lowest since September 2021) of all New Yorkers say that current gasoline prices are having a very serious or somewhat serious impact on their financial condition. Seventy five percent (down from 78% last quarter and lowest since March 2022) of state residents indicate that the amount of money they spend on groceries is having either a very serious or somewhat serious impact on their finances.

- 7 in 10 (70%) New Yorkers say that housing costs are having a very serious or somewhat

serious impact on their financial condition. Additionally, a majority (59%) of residents say that their utility costs are having at least a somewhat serious impact on their finances. Other monthly expenses including the cost of cell phones (33%) and entertainment services including Internet, cable and streaming services (44%) are having a very or somewhat serious impact on New Yorkers' financial condition.

- A total of 16% of all New Yorkers are somewhat or very seriously impacted by all six monthly expenses: food, gasoline, housing, utilities, home entertainment and cell phones. The consumer sentiment index among that group of New Yorkers is 66.5, nearly eight points below the statewide reading.

- Approximately 43% of New Yorkers have a retirement account (like a 401K) that they make contributions to above and beyond any contributions made by their employer. Of those, 82% contributed to their retirement account this year. Close to a third, 29%, withdrew from their account this year. Most, 64%, contributed about the same to their retirement account this year as they did last year while 23% contributed more, according to the Siena Poll.



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Attorney's Column

Continued from page 6

However, contractors are not without recourse and can assert such claims against the GC/CM or the owner (who can pass any claim on in the form of a back-charge)—provided that they do not blindly sign a release and waiver of lien for the sake of obtaining a quick payment. While many owners and general contractors will not release payment in the absence of a signed release and waiver of lien, there may still be ways to preserve your right to later pursue such claims. Consulting with experienced construction counsel can help you determine what your exact rights are under your contract, and how to best preserve such claims while

still being paid your undisputed contract balance and retainage.

About the author: Thomas H. Welby, an attorney and licensed professional engineer, is General Counsel to the Construction Industry Council of Westchester & Hudson Valley, Inc., and the Building Contractors Association of Westchester & The Mid-Hudson Region, Inc., and 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, general counsel to the Queens and Bronx Building Association, and an attorney and a partner with the firm, co-authors this series with Mr. Welby.

NYC Metro Housing Costs Soar by 68% in Last Decade

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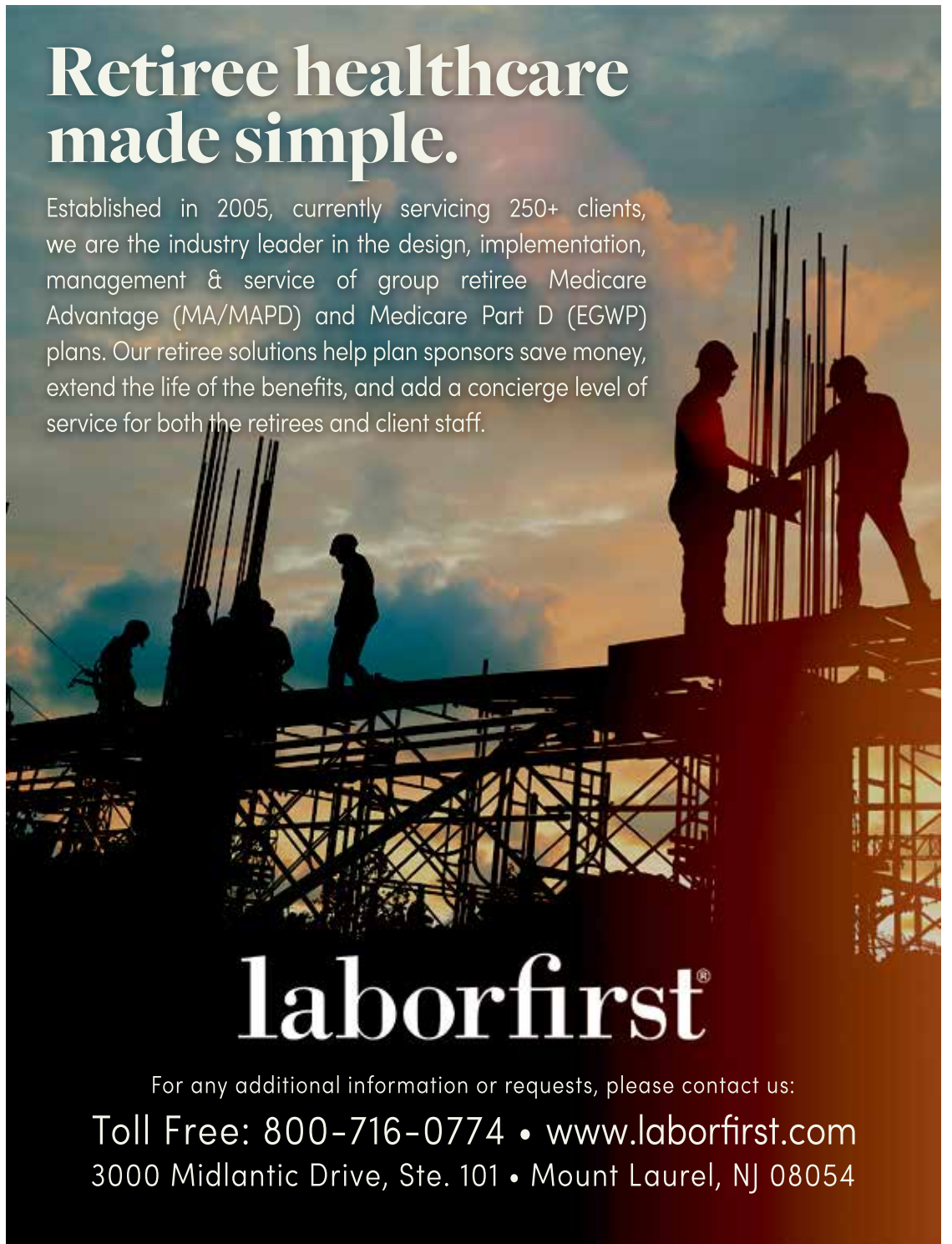
towards an equitable solution for all," the report stated. "Slow progress and a more difficult financing environment have made the issue more acute and pressing. Policy solutions that

are cost-effective and practicable are needed quickly to jump start the city's housing affordability efforts, both for residents now and for the city's long-term desirability as a hub for talent."

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Regeneron Buys Avon Property in Suffern; Plans \$138M Spend for New R&D Complex

By JOHN JORDAN

SUFFERN, NY—In addition to the \$1.8-billion expansion Regeneron Pharmaceuticals is now advancing in Westchester County, the company announced it will invest another \$138 million in Rockland County to renovate a former Avon Products facility for its research and development functions.

An entity of Regeneron Pharmaceuticals of Tarrytown, NY (Rock County Holdings) has acquired the Avon Global Innovation Center at 1 Avon Place in Suffern for \$38,875,000 from Avon Capital Corp., according to a deed filed with the Rockland County Clerk on Dec. 20, 2023.

Regeneron stated in documents filed earlier this year with the Rockland County Industrial Development Agency that it plans to spend nearly \$100 million to retrofit the facility lo-



Avon's Global Innovation Center in Suffern, NY.

cated on 10 acres for its research and development operations. The company informed the IDA that it would look to start the acquisition of equipment or the construction of facilities at the site by April 2024 and complete the project by Sept. 30, 2026. The project is expected to create 230 full-time jobs upon completion.

In addition to the acquisition, the company's IDA filing apportioned the costs as follows:

\$63 million for reconstruction/renovation work; \$23 million in non-manufacturing equipment (furniture, fixtures, etc.) costs; and \$6 million in soft costs.

According to the project's inducement resolution with the IDA, the project will involve the redevelopment of an underutilized property and the construction of a new warehouse building.

The company secured a sales

tax exemption of approximately \$4.2 million on an estimated \$50 million of improvements from the Rockland County Industrial Development Agency last month, and is pursuing a Payment In Lieu Of Taxes (PILOT) agreement with the Village of Suffern, the Town of Ramapo and the local school district. Avon had operated under a PILOT during its tenure at the facility, and was released from its Agreement with the IDA in April of 2023, according to a report in the *Rockland County Business Journal*.

Avon notified New York State its intent, in November 2022, to shutter its 235,000-square-foot Avon Global Innovation Center for sometime this year. The company had operations in Suffern for nearly 140 years, and at the time of the notice had employed 138 workers engaged in research and development. The complex at one time served

as the cosmetic company's corporate headquarters.

Regeneron purchased the Avon property on Dec. 1, 2023, according to a company spokesperson in an emailed statement.

"Regeneron will begin a comprehensive renovation project in mid-2024, transforming the site into a state-of-the-art medical research lab, office and cold storage space. This facility will serve as a dynamic workspace for approximately 230 Regeneron employees, with the move-in process expected to begin sometime in 2025," Regeneron stated. "In the interim, the previous site owners, Avon Products, Inc., will rent the space from Regeneron through spring of 2024 as it transitions its R&D operations to other locations."

Stephen J. Reich, vice president of the Building & Construction Trades Council of Rockland County, told CONSTRUCTION NEWS that the building trades are hopeful, now that the sale of the Avon property has closed, that discussions can begin with Regeneron and its contractors on union contractor participation. He said that he expects the building trades to pursue talks with Regeneron this month.

Mr. Reich noted that the project will likely be required to abide by New York State's prevailing wage laws because of the public financing incentives it secured from the Rockland County IDA. In addition, he said the Rockland Building Trades have held talks with the Rockland County IDA on strengthening local workforce participation language and that he is hopeful those discussions will continue in the coming weeks. Mr. Reich also serves as Business Manager of Laborers Local No. 754 of Chestnut Ridge, NY.

Regeneron broke ground in June 2022 on the largest business expansion project in Westchester County history, the \$1.8-billion expansion project at its corporate headquarters campus in Tarrytown/Greenburgh.

The biotechnology company has committed to create at least 1,000 new full-time, high-skill jobs in the Mid-Hudson region over the next five years.

Tarrytown serves as Regeneron's corporate and research and development headquarters, and the expansion plan now underway includes the addition of new laboratories, preclinical manufacturing and process development suites and office space. The project will encompass the design and construction, and fit out of up to eight buildings, three parking garages and a central utility plant totaling approximately 900,000 square feet.

New York State's Empire State Development is supporting the project with up to \$100 million in performance-based Excelsior Jobs Program tax credits, consistent with the company's hiring goals.



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WHAT'S NEW & WHO'S NEWS

Yonkers Appoints Susan Gerry Deputy Mayor; Landi to Serve as Interim Housing Commissioner

YONKERS—On Jan. 2, Yonkers Mayor Mike Spano announced several senior-level personnel changes in his administration, including the re-appointment of Susan Gerry as deputy mayor. Ms. Gerry served as the first female deputy mayor in the city from 2012 to 2017.

The mayor also reported that Deputy Mayor Anthony Landi has transitioned to a new role as Interim Commissioner of Housing and Building, following the retirement of Commissioner Sam Borelli. Mr. Landi will facilitate the

process of hiring a new commissioner for the department. Mr. Landi was appointed deputy mayor in 2021 and previously served as the city's Parks, Recreation & Conservation Commissioner. Both Ms. Gerry and Mr. Landi began their respective new positions on Jan. 1.

"We are excited to welcome back someone of Sue's caliber to City Hall. Her core background in government administration and management has served our residents well in the past," said Mayor Spano. "As we continue our transforma-



Anthony Landi, Interim Commissioner of Housing And Building

tive renaissance in our city, I look forward to Sue's partner-

ship in spearheading many of our newest initiatives."

Ms. Gerry returns to the City of Yonkers from Westchester County Healthcare Corporation where she served as senior vice president. She obtained her Juris Doctorate from the University of San Diego School of Law and a Bachelor of Business Administration from George Washington University. During her tenure as deputy mayor, she was responsible for spearheading the City of Yonkers-Yonkers Board of Education Consolidation Program, a first-of-its-kind,



Yonkers Deputy Mayor Susan Gerry

large-scale merger of the administrative operations of two distinct municipal entities.

Skanska Selected for \$280M Contracts for NYC, MTA

NEW YORK—Skanska reported recently it has signed contracts with the New York City Economic Development Corp. and the Metropolitan Transportation Authority valued at a combined \$280 million.

The firm, headquartered in Sweden, announced on Jan. 10 it had signed a contract with the New York City Economic Development Corporation to

reconstruct a waterfront park and pier on Staten Island, NY worth \$135 million, which will be included in its US order bookings for the fourth quarter of 2023.

Under the contract, Skanska will reconstruct the esplanade and shoreline, as well as make improvements to the pedestrian and bike paths along the esplanade. Skanska will also build a new 40,000-square-foot pier that will include

an office building, storage facility and bulkhead. The scope of the work also covers landscaping and the removal of existing structures. Work is anticipated to begin in August 2024 and continue through late 2026.

On Jan. 12, Skanska announced it had signed a contract with the MTA to replace 21 escalators in locations throughout New York City. The contract is worth \$145 mil-

lion, which will be included in the US order bookings for the fourth quarter of 2023.

The project includes the replacement of 21 escalators and existing equipment in associated escalator and machine rooms with upgraded equipment that adheres to applicable code requirements and operational needs. Work begins in January 2024 and is expected to be completed in February 2027.

Orange County Exec. Neuhaus Begins Term As New Head of NYS County Executives' Assn.

ALBANY—Orange County Executive Steve Neuhaus has begun his term of office as president of the NYS County Executives' Association (NYSCEA). Mr. Neuhaus replaces the association's outgoing president, Erie County Executive Mark Poloncarz. The association announced the start of Mr. Neuhaus' term on Jan. 2.

The NYSCEA is an affiliate of the New York State Association of Counties (NYSAC) and represents the 19 counties that have county executives as their chief elected official. These counties, including the City of New York, represent 16.7 million New Yorkers.

"I'm honored to have been chosen to lead this great orga-

nization at such a critical time for New York's counties and the residents we serve," said Mr. Neuhaus. "Around the state, counties are grappling with a wide array of issues from migration to Medicaid. As president, I'll have the opportunity to push for innovative and common-sense solutions to these challenges that will benefit the residents of Orange County and counties across New York State."

"County Executive Neuhaus has a proven record of leadership and service to Orange County and to our nation," said NYSAC President and Albany County Executive Daniel P. McCoy. "We're proud to welcome his service to the association



From left, NYSCEA Executive Director Stephen Acquario, NYSCEA President Steve Neuhaus, NYSAC President Daniel P. McCoy

and look forward to working alongside NYSCEA to give voice to the interests of New York's counties."

Mr. Neuhaus is Orange

County's sixth county executive since the office was established in 1970. As C.E., he has focused on revitalizing Orange County's economic development, enhanc-

ing its public health and safety, while improving its infrastructure and stabilizing its budget.

A life-long Orange County resident and the son of immigrants, Mr. Neuhaus was sworn into office on Jan. 1, 2014, after having served as the Town of Chester's supervisor for six years. He was re-elected for a second four-year term as C.E. in 2017. He was also elected recently to serve on the Board of Directors of the New York State Association of Counties (NYSAC) at the association's Fall Seminar conference held in Erie County.

Mr. Neuhaus will serve a one-year term as president. Broome County Executive Jason Garnar is the president-elect.

Labor Leader Ortega of ELEC 825 Named to Orange Chamber Board

MAYBROOK, NY—Daniel Ortega of the Engineers Labor-Employee Cooperative (ELEC 825) was recently appointed to the Board of Directors of the Orange County Chamber of Commerce, a 1,200-member business organization in the Village of Maybrook, NY.

Mr. Ortega, who oversees community affairs outreach at ELEC 825, brings to the board vast knowledge and expertise in advancing economic development, infrastructure and construction initiatives. Through these efforts, he continues to pursue and promote ELEC's mission to foster an environment that creates economic development and

construction in the region, which includes the State of New Jersey and five counties in the Hudson Valley in New York: Delaware, Orange, Rockland, Sullivan and Ulster. Mr. Ortega is also a member of 17-Forward-86, a broad-based coalition of industry, trade and civic representatives advocating to improve mobility and safety in the region by adding an additional travel lane along Route 17 to convert the corridor to I-86 in Orange and Sullivan counties.

"I am thrilled to welcome Daniel Ortega to our Board of Directors," said Heather Bell, president and CEO of the Orange County Chamber of

Commerce. "Daniel's addition to our board promises invaluable contributions, blending legislative expertise with a wealth of community development and trade industry knowledge. His multifaceted expertise is pivotal for driving our economic development success."

"I'm delighted with the opportunity to join my distinguished colleagues on the Board of Directors of the Orange County Chamber of Commerce," said Mr. Ortega. "I look forward to collaborating with Chamber President Heather Bell and the board to advance the chamber's vital mission of fostering success within



Daniel Ortega

the business community and improving the quality of life in our region."

Mr. Ortega, who has served

as the chair of the Chamber's Government Affairs Committee, joins a host of business leaders of diverse expertise on the Board of Directors.

The Engineers Labor-Employer Cooperative, ELEC 825, is a collaborative labor-management organization representing building contractor associations in New York and New Jersey. ELEC 825 works to expand economic development and stimulate growth working with chambers of commerce, business partnerships, professional associations and industry coalitions to support policies, legislation and regulations that encourage responsible economic development.



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LOW BIDS

Constar, Tilcon, Morano, Rover, Triumph Land NYSDOT Projects

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

Constar Inc. of Central Islip, NY was the lowest of six bidders at \$3,443,410. for sign panel replacements on state roadways in New York City, in the counties of New York and Queens.

Tilcon New York Inc. of Parsippany, NJ was the lowest of three bidders at \$14,864,000. for highway resurfacing on Rt. 22 and Rt. 6 in the villages of Brewster, Patterson, Pawling and Southeast in Dutchess and Putnam counties.

Morano Brothers Corp. of Croton-on-Hudson, NY was the sole bidder at \$3,343,000. for maintenance—graffiti removal at various locations in various villages and towns in Columbia, Dutchess, Orange, Putnam, Rockland, Ulster and Westchester counties.

Constar Inc. of Central Islip, NY was the lowest of five bidders at \$10,558,735.00 for bridge joint repair at various federal aid-eligible locations on a total of 59 bridges in the Bronx, Kings, New York, Queens and Richmond counties.

Rover Contracting Inc. of Highland, NY was the lowest of four bidders at \$7,344,700.00 for bridge painting at various locations in Columbia, Dutchess, Orange, Ulster and Westchester counties.

Triumph Construction Corp. of Bronx, NY was the lowest of six bidders at \$25,379,764.00 for highway-non-structure maintenance—where & when—at various locations in various towns in the Bronx, Kings, New York, Queens and Richmond counties.

Safety Marking Wins Work On New York State Thruway

ALBANY—The New York State Thruway Authority recently reported that **Safety Marking LLC** of Bridgeport, CT was the lowest of three bidders at \$536,102.12 for installation of pavement markings at various locations in the New York Division in Orange and Westchester counties.

Safety Watch Continued from page 14

also able to establish the defense of unpreventable employee misconduct by showing that it had established work rules designed to prevent the violative condition from occurring, adequately communicated those rules to employees, took steps to discover violations of those rules, and effectively enforced those rules when violations were discovered.

Flagger Force had a specific written work rule and in fact its first “fundamental principle” of flagging was to have advance warning signs in place. Flagger Force had general safety rules in place and its employee handbook, received at the commencement of their employment, set forth that employees are to follow the procedures learned in training and any violation of the safety rule was “prohibited and could lead to termination.”

Flagger Force incorporated

its work rules in a comprehensive training program consisting of a four-hour training course and passing a written exam, in addition to a six-hour orientation program. Employees had to re-take the four-hour course every four years.

Under all the circumstances considered, the ALJ found that Flagger Force could not have anticipated a “potential departure” from its training program and established work rules, and it vacated the citation.

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.

Financial Management

Continued from page 17

and streets will present an additional level of complexity, as the city moves forward with the implementation of pricing plans and policies.

Overall, improvements to public transportation aim to ensure New York remains a mass transit city. Mass transit is critical to the economic success of the city. Today, the MTA is doing better than ever in terms of budgeting, reliability, and ridership numbers. As a milestone, ridership reached 1 billion trips for November 2023, ahead of 2022's prior ridership numbers that reached 1 billion six weeks later at the end of

December. The goal of the operation is to serve more people while becoming more reliable and equitable than ever before.

As New York invests in infrastructure and mass transit, planned capital projects present themselves as new opportunities for the construction industry.

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

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