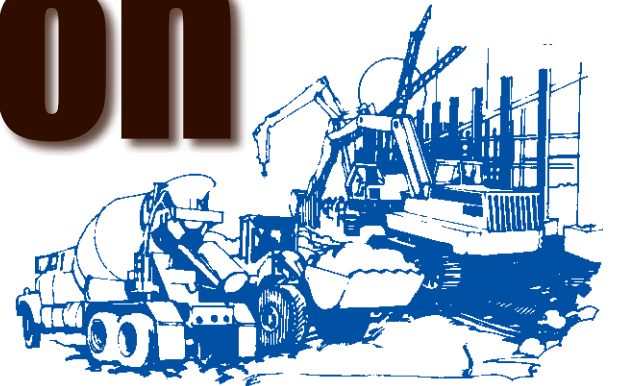




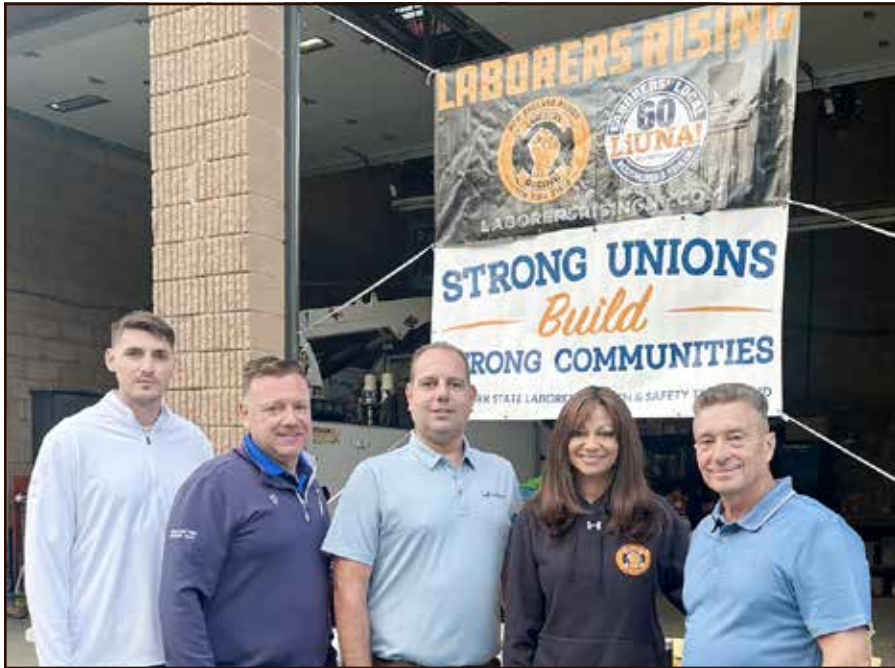
Construction NEWS



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Rising Up for Better Mental Health

The NYS Laborers' Health and Safety Trust Fund is combating the rising rate of stress on mental health in the construction and building industries by raising awareness among its membership through its "Hope Lives" campaign with the support of its signatory union contractors. From left, Greg Bonanza and T.J. Smith of NYS Laborers Health & Safety Trust Fund, Jason Damm of Posillico Civil, Beth Cheverie of NYS LECET and Jay Frago of Laborers Local 60. See page 4.

Building Trades Leaders Are Optimistic Robust Volume Will Sustain Thru 2025

By JOHN JORDAN

TARRYTOWN—As the nation enters the final stretch of the Presidential campaign season, jobs are on the minds and lips of everyone. And the jobs that have long backboned the middle class in the Lower Hudson Valley are union construction jobs.

Activity in the construction/building sector in the Hudson Valley region continues to be robust, paralleling national trends. The construction industry's unemployment rate fell to 3.2%—the lowest August rate in the 25-year history of the data, according to an analysis of new government data by a leading association. (See page 31.) Fueled by project funding from the Infrastructure Investment and Jobs Act and the state's environmental bond act, the region's building trades are looking forward to maintaining current employment levels.

Added to the current high level of demand, if some of the large projects

advance in 2025 as expected, the trades report they're prepared to expand the ranks of trained labor.

Then there's the ongoing headwinds: The pause in the congestion pricing program on June 5 by Gov. Kathy Hochul has placed a \$15-billion hole in the MTA's capital program. Reports from Albany indicate that Gov. Hochul is poised to propose a revised/scaled down congestion pricing plan or some other replacement to fill the gap.

In a filing earlier this month, lawyers for the governor argued that the 2019 law that first approved congestion pricing does not require the state to give final sign off for the program. Lawsuits are scheduled to be heard in Manhattan state court on Sept. 27.

Meanwhile, the MTA released details of its next five-year capital plan on Sept. 19. (See page 16.)

In addition, the union trades remain
Please turn to page 12

Future of NY Transportation Hangs in the Balance As MTA Faces Ways to Plug Massive Funding Gap

ALBANY—As it prepares to submit its 2025-2029 Capital Program, the Metropolitan Transportation Authority must find billions in new funds even as the state tries to resolve the \$15-billion shortfall in revenue created by the pause on congestion pricing.

In a report released on Sept. 12, New York State Comptroller Thomas P. DiNapoli laid out the possible sources to fund the MTA's substantial capital needs and emphasized areas of capital work expected to receive funding in its next capital program.

"The choices that the MTA and the state make in the coming months will determine the future of the transportation

system for years to come," Mr. DiNapoli said. "Understanding the options and what's at stake is key for all stakeholders and riders in particular. It's my hope that this report will help underscore the priorities and the challenges the MTA faces in paying for the upcoming capital program."

Without congestion pricing in its 2025-2029 capital program, the MTA budget gap could reach \$27 billion, *Bloomberg* reports.

New York's Public Authorities Law requires the MTA to submit its capital program for approval by the state capital program review board by Oct. 1. The MTA has more control over its capital funding needs



The Metropolitan Transportation Authority is expected to release details of its next five-year capital program later this month.

by choosing which project it prioritizes, but significantly less control over its funding beyond raising fares and tolls for increased borrowing. The MTA has an overwhelming list of capital needs, but paying for them has been made more difficult by the loss of billions in revenue it had anticipated would fund its previous \$54.8 billion 2020-2024 capital program. Projects that it cannot fund, such as Phase 2

of the Second Avenue Subway, could be carried over into the 2025-2029 program, crowding out other investments. Setting priorities for the next capital program and being transparent about how and why they were chosen will be key for stakeholders, especially the riders the MTA is trying to win back.

Mr. DiNapoli's report identifies substantial variation in the MTA's potential capital needs

and uses, ranging from \$57.8 billion to \$92.2 billion, with a midpoint of about \$75 billion. But whether the MTA's capital program comes in at the low end or the high end of that estimate, it will need significant amounts of new funding, including replacement of the \$15 billion that congestion pricing was expected to provide.

Capital Needs

The report suggests a wide range of capital needs are likely to be proposed in the 2025-2029 capital program to maintain and enhance the system, based on needs assessments released
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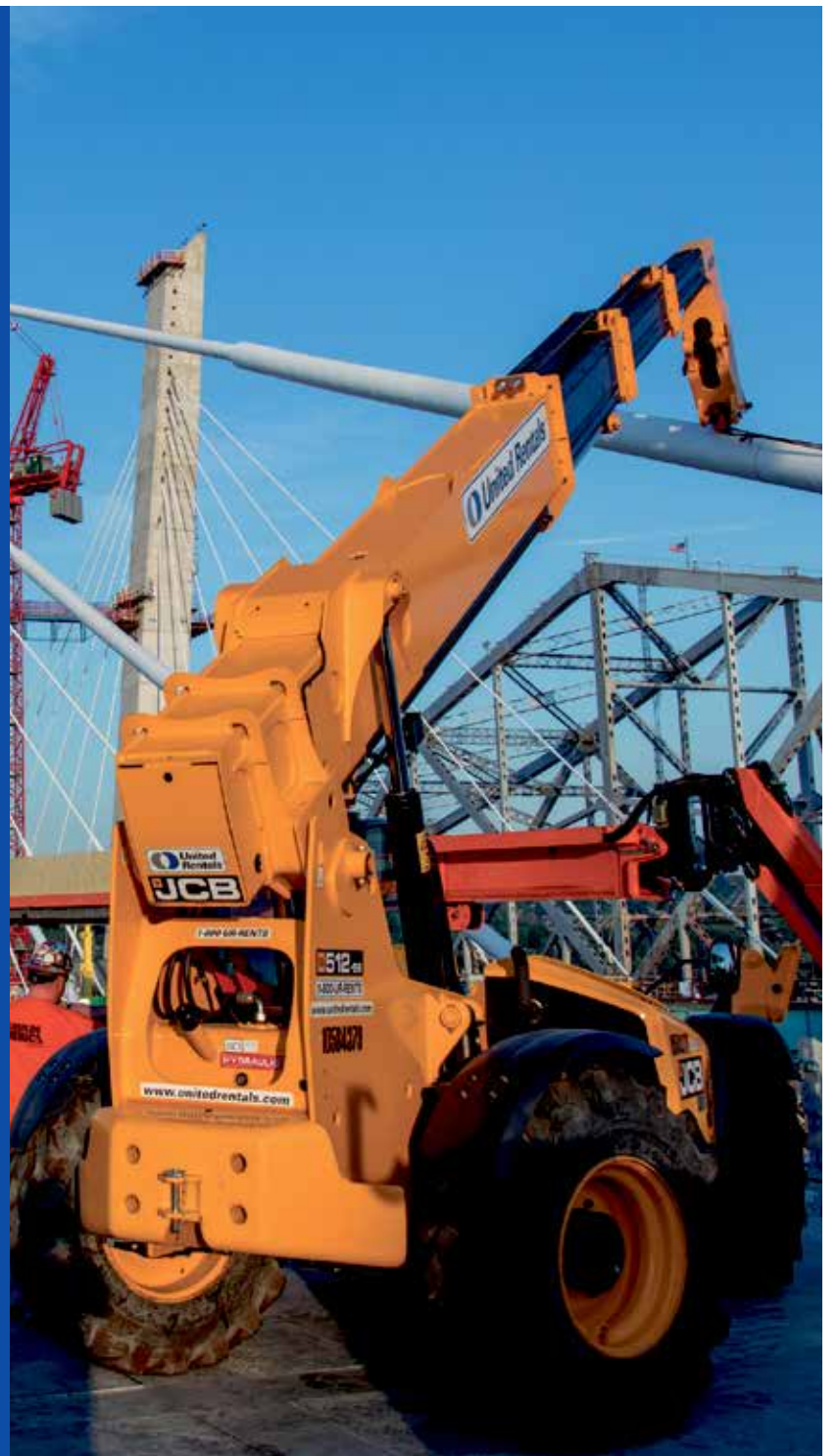


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ECCO III Completes Major Rebuilding Project Of Storm King Highway Ravaged by Flooding

HIGHLAND, NY—State Route 218 in the Town of Highlands in Orange County has reopened to traffic for the first time since devastating floods in July 2023 washed away a nearly 300-foot-wide swath of the roadway.

Thanks to an extensive reconstruction undertaken by the State DOT and contracting firm, ECCO III Enterprises Inc. of Yonkers, NY, the 102-year-old scenic roadway—also known as Storm King Highway—is once again serving travelers headed to and from the United States Military Academy at West Point and such other Hudson Valley destinations as Storm King State Park and the Town of Cornwall. The newly reconstructed road also features upgraded drainage and stormwater runoff, making it more resilient and better able to withstand the challenges of extreme weather.

“The catastrophic rains that struck the Hudson Valley and other parts of the State in July of 2023 were a stark reminder that climate change is already resulting in more extreme weather, and we need to be ready,” said Gov. Kathy Hochul on Sept. 13. She credited the “talented teams at the New York State Department of Transportation,” which worked with the region’s contracting community to “not only built back but to built back better.”

State Route 218 was one of many roads across New York that suffered significant damage from the severe weather that impacted the state in July of 2023. From July 9 to July 10 of that year, more than eight inches of rain were reported in parts of the Mid-Hudson Region, causing a portion of State Route 218 to collapse down the mountainside and necessitating the closure of a 5.5-mile stretch of the roadway.

The extreme damage required a full rebuild of the downhill slope with more than 35,000 tons of recycled, light, medium and heavy stone fill used in the reconstruction. Once the sub-base material was trucked in, new asphalt, guide rail and pavement markings were added. The area’s steep terrain presented constant challenges, necessitating careful coordination of all heavy equipment movements.

An oversized box culvert manufactured in New York State and an armored embankment capable of conveying runoff from a 500-year weather event were also installed to improve resiliency. The new hydraulic system allows water to flow freely under the roadway. NYSDOT also worked closely with the New York Office of Parks and Historic Preservation to install an aesthetic stone treatment on visible parts of the culvert that better matches the area’s existing characteristics, state officials said.



ECCO III Enterprises of Yonkers, NY was the contractor that worked on the Storm King Highway project in Orange County.

Additionally, extensive work was undertaken along State Route 218 near the project site, including drainage and culvert repairs and cleaning, ditch work, slope and shoulder repairs, and


minor pavement patches.

New York State Department of Transportation Commissioner Marie Therese Dominguez said, “The reopening of scenic Please turn to page 14




A section of Route 218 in the Town of Highlands, NY in Orange County suffered extensive storm damage in July 2023.



PHOTOS COURTESY OF NYSDOT



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Contractors, Unions Boost Awareness Of Industry's Problems, Suicide Rates

ALBANY—As National Suicide Prevention Month continues through September, experts are urging companies to cultivate a stronger “culture of care” to support their crews and staffers. The week of Sept. 9 thru Sept. 13 was marked as Construction Suicide Prevention Week, noted Frank Marchese, Jr., who works on the front line of the crisis with the New York State Laborers' Health and Safety Fund.

“NYS Laborers' Health and Safety Fund last year launched a campaign called ‘Hope Lives’ to raise mental health awareness amongst our members and signatory union contractors,” Mr. Marchese explained. “‘Hope Lives’ advances understanding of the crisis through a campaign that employs job site posters, hard hat stickers, wearables and our very popular coffee cups. These materials all include a QR code that directs



Pictured below, T.J. Smith of NYS Laborers Health & Safety Trust Fund, center, spoke to 50 members of Laborers Local 60 and Operating Engineers 137 at a union member appreciation breakfast on Sept. 19 at the equipment yard of Posillco Civil in Valhalla, NY. Unions and contractors provide help and support to the rank and file to address the high-stress nature of work and cultural factors that contribute to mental health issues in the workplace.

our members to the numerous resources available to them on



a local, state and national level.”

The rate of death by suicide for construction workers is 5.5 times the rate of all other construction fatalities on the jobsite, and the rate of suicide in construction is more than four times higher than the general population, according to the Bureau of Labor Statistics in Washington. With more than 8 million (and rising) workers in the industry, it is critical that the construction and building industries place as much focus on mental health in the workforce as much as is done to physically protect workers.

Earlier this month, the industry raised attention of the issue to workers on jobsites across the country in observance of the crisis. The nature of the high-stress work and cultural factors contribute to construction's high suicide risk, experts say, and support groups and industry leaders are increasingly trying to curb the issue.

“We definitely see construction workers are overrepresented in overdose and suicide fatalities,” said a spokesperson for the Center for Construction Research and Training — CPWR, during a webinar last week.

The suicide death rate for construction workers was 2.4 times higher than all industries (46.1 vs. 19.5 per 100,000 full time employees) in 2022, and there were five times more suicides in construction than at-work fatalities that year, the most recently available set of data.

“The construction industry just comes with its own distinct risk factors that can contribute to suicide death,” said Jessica Bunting, research to practice director at CPWR, during the webinar, which also featured speakers from The Construction Industry Alliance for Suicide Prevention and the American Foundation for Suicide Prevention.

Factors that contribute to suicide risk in construction include extreme pressure to work quickly with a low margin for error, a male-dominated demographic that creates a “tough-guy” mentality, alcohol and drug use, poor access and utilization of healthcare, job instability or uncertainty and high injury rates that lead to chronic pain.

Those issues can often compound as workers feel like they need to keep working to support their families, they don't prioritize their physical or mental health.

“Throughout the construction industry, workers often must work through illness and through injury because they don't get paid unless they work,” Mr. Marchese added. “This puts enormous pressure on them both mentally and physically.”

Suicide isn't the only troubling factor. Reliance on painkillers or other substance abuse is high in construction. Over 17 times as many construction workers died from overdoses in 2022 than from jobsite fatalities, according to reports.

Some of the ways the construction industry is countering the crisis include: offering leadership training, setting up injury management seminars, improving return-to-work programs, offering paid leave, being more flexible with expectations, and creating peer-support programs.

Mr. Marchese also added, “If you or someone you know is struggling or in crisis, call or text 988, help is available 24/7/365.”

For more information and ways to make positive changes in mental health in workplaces and on jobsites, visit www.construction-suicide-prevention.com,

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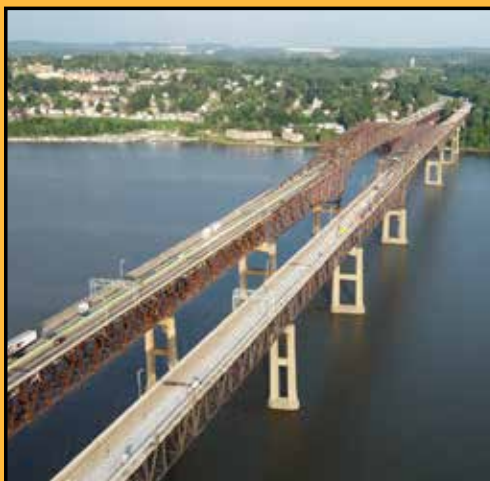
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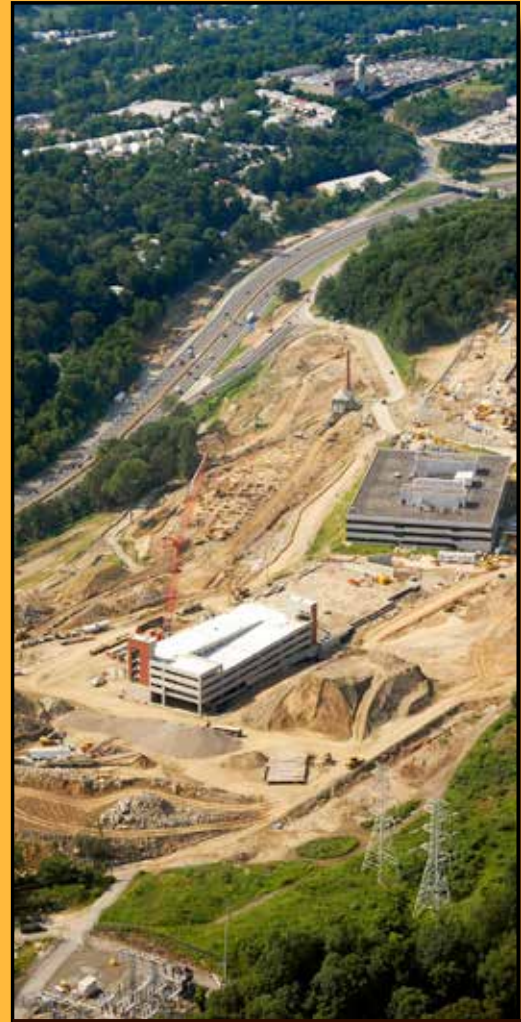
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Attorney's Column

Performance Bond is Not an Insurance Policy For Later Claims Brought for a Contract Breach

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

Performance bonds are a familiar tool in the construction industry—particularly on public works and larger private projects. Their purpose is to provide an owner or upstream contractor with a guarantee that a contractor is not getting in over its proverbial head and will actually complete the job at the cost originally contracted.

The performance bond does this by having a surety issue a guaranty of credit in the amount of the contract. Thus, when the bond claim is properly made, the surety is obligated to per-



subcontract whereby Parkside would take the superstructure through the 36th floor for just under the \$25-million cap. The new subcontract had a substantial completion date of Oct. 13, 2016.

With the subcontract price reduced, Allied World wrote the bond on the form of an Ameri-

nated Parkside from the project (again, without noting which contract was terminated).

Two weeks after that, JDS placed a claim under Parkside's bond, claiming that its damages totaled \$89 million (\$78 million of which were delay damages) and, accordingly, demanded that the surety tender the penal sum of the bond. Allied World responded by demanding documentation, alleging that what had been provided was not sufficient to establish liability under the bond.

In response to Allied World's demand, JDS com-

Parkside continued the construction above the 36th floor under the original subcontract, and it worked through May of 2018, when its principals were indicted for wage theft and Worker's Compensation fraud. Parkside's work had only reached the 60th floor by this time, and JDS retained a replacement contractor to complete the project.

As the appellate court reminds us in JDS Development, the function of a performance bond is not to insure against any breach of the contract by the principal, but to guarantee the completion of the project.

form one of several courses of action to complete the contract. One is to spend up to the contract amount (called the penal sum) to hire a replacement contractor to bring the project over the finish line.

While many of these sureties are often affiliated with insurance companies, an appellate court, in the recent case of *JDS Development LLC v Parkside Construction Builders Corp. and Allied World Insurance Company*, reminds us that there are fundamental differences between the insurance and surety bond products, and that a performance bond cannot be converted into an insurance policy after the fact.

Background

JDS Development is the developer of the supertall skyscraper at 111 West 57th Street in Manhattan, known as the Steinway Tower (which, as of the time of this writing, is the fourth tallest building in the United States, and the 29th tallest in the world). In 2015, JDS entered into a contract with Parkside Construction Builders for Parkside to undertake the construction of the superstructure of the building. This single subcontract was for the entire 85-floor superstructure, and the initial contract sum was \$39.7 million. The subcontract also required Parkside to obtain a performance bond "on request," with a penal sum equal to the subcontract price.

In 2016, JDS did request a performance bond, and Parkside attempted to obtain that bond from Allied World Insurance Company. However, Allied World balked because it could not write a bond with a penal sum in excess of \$25 million. To get around that issue, JDS and Parkside executed a modified

can Institute of Architects A312 bond. The A312 form of bond provides that the surety's liability only arises after three conditions have been met, as follows: that the owner notifies the contractor and surety that the owner is considering declaring a default, and requests a pre-default meeting; that the owner declares a default and formally terminates the contract; and that the owner agrees to pay over the remaining contract balance to the surety for use in the completion of the project.

Shortly after the contract modification, JDS began to complain about Parkside's work, particularly for lagging behind the project schedule. Parkside was over a year late, finishing the 36th floor in October of 2017.

JDS paid Parkside in full under the 36-floor subcontract (plus an additional \$16 million via a price adjustment). Parkside continued the construction above the 36th floor under the original subcontract, and it worked through May of 2018, when its principals were indicted for wage theft and Worker's Compensation fraud. Parkside's work had only reached the 60th floor by this time. JDS retained a replacement contractor to complete the project.

In June of 2018—six months after the 36-floor subcontract had been completed—JDS sent Parkside and Allied World a letter advising that it was "considering declaring a contract default," and requested a meeting. When JDS received no response to this letter, on Aug. 9, 2018, it declared Parkside "in default under the subcontract," without specifying whether this was the 36-floor subcontract or the original 85-floor subcontract. A week later, JDS formally termi-

nated Parkside from the project (again, without noting which contract was terminated).

Two weeks after that, JDS placed a claim under Parkside's bond, claiming that its damages totaled \$89 million (\$78 million of which were delay damages) and, accordingly, demanded that the surety tender the penal sum of the bond. Allied World responded by demanding documentation, alleging that what had been provided was not sufficient to establish liability under the bond.

In response to Allied World's demand, JDS com-

lished Allied World's liability under the bond—and Allied World arguing that JDS failed to comply with the conditions precedent to the surety's liability for failing to properly send the letter advising that it was considering declaring a contract default, the notice of contractor default, and the notice of termination.

Decision

The motion court held in favor of Allied World, finding that JDS failed to properly comply with the conditions precedent of sending a letter advising the surety and the contractor that it was considering declaring a contract default,

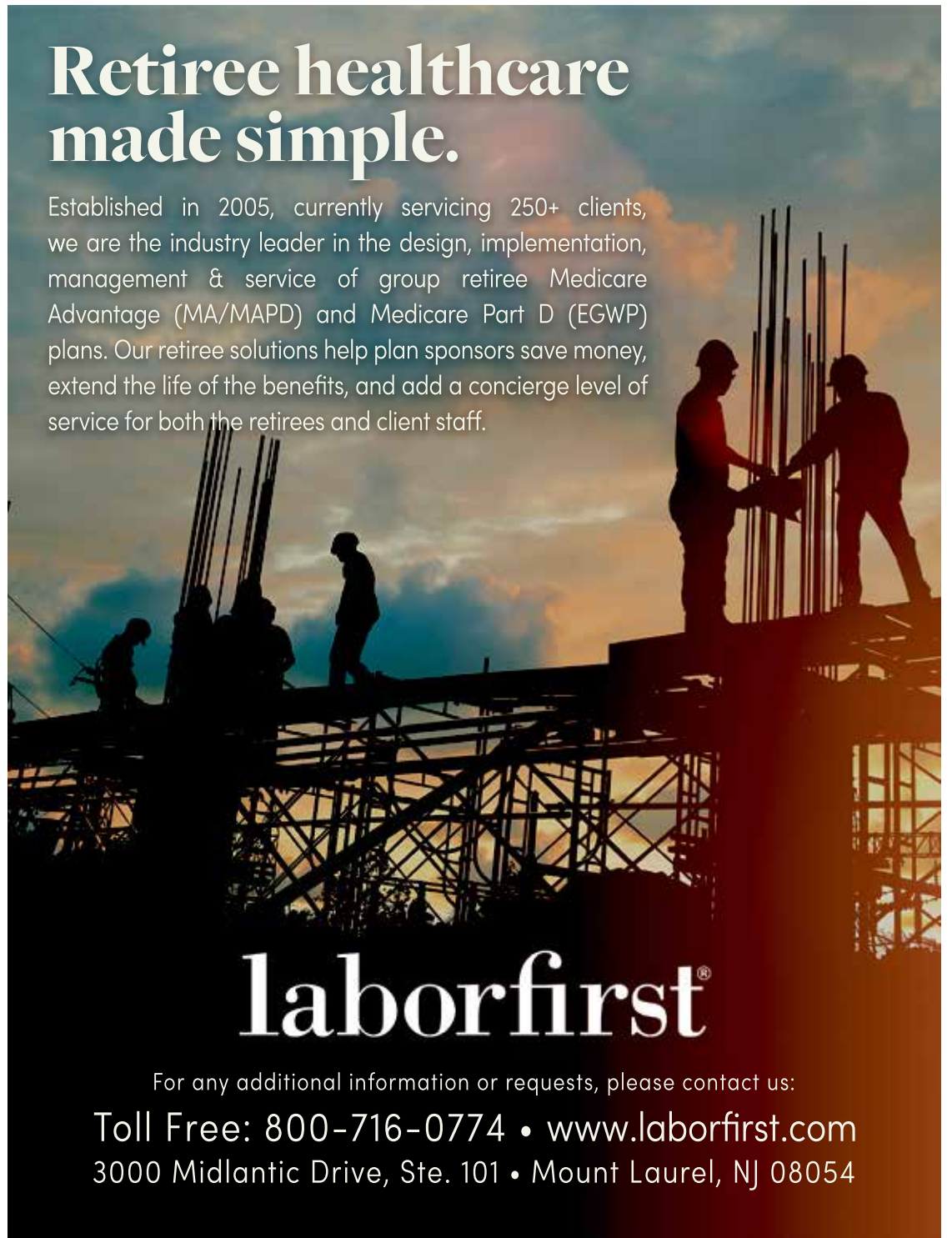
providing a notice of contractor default, and terminating the contract.

JDS appealed, arguing that the conditions precedent had been complied with as it sent the requisite correspondence. JDS also argued that while these conditions may be precedent to requiring the surety to complete the contract, they were not conditions precedent to a delay claim. Allied World argued in opposition that the mere sending of this correspondence was insufficient as its liability would not arise until the conditions precedent were met and all of JDS's claimed damages arose

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U.S. Supreme Court Justice Sonia Sotomayor Cuts Ribbon on New School Named in Her Honor

YONKERS, NY—U.S. Supreme Court Justice Sonia Sotomayor arrived here in mid-September to celebrate the opening of the Yonkers Public School District's newly constructed school named in her honor.

Located at 121 McLean Ave., the community school will serve more than 600 students from pre-kindergarten to 8th grade. The Justice Sonia Sotomayor Community School is the first of three new schools to be constructed by the City of Yonkers in its efforts to rebuild the aging infrastructure of the Yonkers Public Schools. The new Yonkers Public School opened its doors to students on Sept. 5, 2024.

Designed as a community school, the Justice Sonia Sotomayor Community School features multi-functional spaces that are accessible even-



U.S. Supreme Court Justice Sonia Sotomayor is flanked by City of Yonkers and New York State officials, Board of Education leaders and school students at the ribbon-cutting ceremony.

PHOTO CREDIT: MAURICE MERCADO/CITY OF YONKERS

nings and weekends without the need to open the entire school building. Special amenities include a multi-purpose gymnasium and meeting room with stage; a full-sized basketball court and locker rooms; a cafeteria and meeting room with full kitchen;

and a health suite with two exam rooms and a dental exam room. It is also the district's first school to be constructed in accordance with the Yonkers green building standards.

"The Justice Sonia Sotomayor Community School

is the first of its kind in our District and is a model moving forward as we continue to rebuild our schools," said Mayor Mike Spano, who was joined by Superintendent of Schools Anibal Soler, Jr., along with local and state officials on Sept. 16. "Our local

schools are the heart of our neighborhoods and should be made accessible not only for educational enrichment, but also for the benefit of the families who live in the area. We are fortunate for the opportunity to welcome and dedicate a new school in recognition of the positive change Justice Sotomayor represents to our students and District."

The *Journal News* reported that Justice Sotomayor said in prepared remarks: "I have often said that equality among people in the United States will not occur until there is equality in the education of all of our children. I am deeply grateful to the many people—and the state is filled with them, as is the audience—who have sponsored and promoted this project and brought it to life."

The Justice School is the first phase in implementing the Yonkers Joint Schools Construction and Modernization Plan, which began in 2016. The average age of a Yonkers Public School is 75 years old with many as old as 100 years old, making them some of the oldest in New York State. New York State passed legislation that enabled the creation of the Yonkers Joint Schools Construction Board, which bonded for the cost of the new \$75.6 million, 96,000 square foot facility. New York State allocated \$53 million of the project's total cost.

The Justice Sonia Sotomayor Community School will also serve as a new Dual Language school that provides students with a rigorous academic program of instruction affirming multilingualism and multiculturalism, as well as the social, emotional and intellectual development of each child. Dual language schools are designed for native and nonnative English speakers to achieve bilingualism, biliteracy, cross-cultural competence, and academic proficiency equal to the levels achieved by students in non-English Language Learning programs.

Built on the site of the former St. Denis Catholic School, the Justice Sonia Sotomayor Community School is the first Yonkers Public School constructed since 2000 and is designed in accordance with the Yonkers green building standards. The school's sustainable features include photo voltaic solar panels, green roofs, high-efficiency electric heat pumps (no fossil fuels used for heating), extensive natural daylighting with sunshades, low water use plumbing fixtures, fresh air ventilation with MERV 13 filtration, LED light fixtures, recycled content in materials and low VOC interior finishes and furnishings.

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Should Congestion Pricing Go Before Voters? Gov. Hochul's Lawyers Want Issue on Ballot

ALBANY—In public, Gov. Kathy Hochul has repeatedly said her order to pause congestion pricing was motivated by economics, not politics. But behind the scenes, her lawyers are claiming the debate over the controversial tolling program does in fact live in the “political realm.”

The governor's attorneys made the comments as part of a filing on Fri., Sept. 6, in response to a pair of lawsuits from advocates, who claim Gov. Hochul is legally required to launch congestion pricing due to a 2019 law that first approved the tolls. Her team wrote that the courts do not have the right to force

their hand—and said the issue should be decided by voters.

“The proper forum to debate congestion pricing is the political realm—including, ultimately, ‘at the voting machine’—not the courts,” the filing said, as quoted in a report published in the *Gothamist* Mon., Sept. 9.

The news source contacted Danny Pearlstein, spokesperson for the advocacy group Riders Alliance, that's behind one of the lawsuits. He said congestion pricing has already been debated politically for years. He noted that state lawmakers approved the tolls more than five years ago, and that MTA officials

endured years of public hearings before proposing a \$15-base-fee for drivers entering Manhattan below 60th Street.

“Riders fought for and won congestion pricing, and what we won was a law. The legislature voted for it and the governor signed it,” said Mr. Pearlstein. “When the next governor, Gov. Hochul, decided that she could pause it, she did it for political reasons.”

In the lawsuits, the advocates also argue that Hochul's congestion pricing pause harms New Yorkers by blowing a \$15-billion hole in the MTA's construction budget that was supposed to be financed by the tolls. They also argue the

decision paves the way for more gridlock and air pollution in the city.

A Siena College poll from August estimated 59% of likely voters in New York State felt congestion pricing “should be permanently scrapped.”

Gov. Hochul's attorneys also argued in Friday's filing that the 2019 law that first approved congestion pricing does not require the state to give final sign off for the program.

The lawsuits are scheduled to be heard in Manhattan state court on Sept. 27.

The full report is available at www.gothamist.com/news

Future of NY Transportation Hangs in the Balance as MTA Faces Ways to Plug Massive Funding Gap

Continued from page 1

by the authority and recent discussion over investment plans.

The most critical funding needs are for keeping MTA assets in a state of good repair. A number of these items cost substantially more than projected over a decade ago, including power substations, repair shops and structures, like the Grand Central train shed. NYC Transit's Livonia Street and 241st St. repair yards, estimated to need \$150 million in repairs in 2013, have been updated to need work totaling \$1 billion. Grand Central Terminal was projected to need \$150 million in the 2025-2027 period, but is now projected to need \$2.7 billion, with a significant portion to be included in the current plan. Mr. DiNapoli's report estimates the MTA faces a range of \$37.3 billion to \$55.2 billion in costs for state of good repair and normal replacement projects.

The MTA's aging train cars and buses are also a significant contributor to capital costs. There are 1,100 subway cars that will exceed their 40-year useful service life between 2024 and 2027, and another 625 that will hit that milestone between 2027 and 2030. When combined with the cost of replacing commuter rail cars, the cost estimate ranges from \$8.4 billion to \$16.5 billion. Bus purchases would cost another \$3.5 billion to \$4.5 billion depending on fleet choices.

Severe weather will continue to threaten the transportation system. The MTA's Climate

Funding Source	Low	High	Considerations
Federal Funding	\$7,500	\$14,000	Expansion projects, federal budget needs and formula changes
New York State	\$8,800	\$29,000	Tax competitiveness, State budget needs, congestion pricing outcome
New York City	\$2,000	\$4,000	City capital and operating budget; debt capacity
MTA Bonds	\$12,000	\$21,000	Debt service burden and operational impacts (includes bridges and tunnels projects)
MTA Asset Sales and Other	\$500	\$3,500	Value of property and operational needs
Subtotal	\$30,800	\$71,500	
New York State 2020-2024 Funding Gap	\$0	\$15,000	Toll Amount; Federal Approval; Amount of Non-toll Replacement Funding
Total (with 2020-2024 Funding)	\$30,800	\$86,500	

Sources: Metropolitan Transportation Authority; OSC analysis

Resilience Roadmap put a minimum \$6-billion price tag on protections against extreme weather over 10 years, but it remains uncertain if those plans will be accelerated or put off, given funding uncertainties.

The Interborough Express and Penn Station Reconstruction might get some funding support from federal and state funds, and could require funding of nearly \$4 billion from the MTA's 2025-2029 capital program.

Under a court agreement, the MTA has to increase subway accessibility to meet the requirement of the Americans with Disabilities Act for all stations by 2055, which may require from \$5.3 billion to \$8.1 billion in the next capital program, depending on the size of investment in NYC Transit projects.

Funding Options

Most of the MTA's control

over funding for its capital program comes from its ability to issue bonds, but it is constrained by its own targets to maintain a debt burden that does not impact day-to-day operations. Currently, the MTA spends 15 cents out every revenue dollar (15%) of its operating budget to pay off debt. At a low-end target of 13% of revenue, the Authority could issue about \$12 billion in debt. A high-end debt burden target of 18%, which would pressure the operating budget, would pay for about \$21 billion in debt.

The report assumes between 13% and 18% of increases in MTA-sourced revenue, primarily fares and tolls, could be used to pay debt service. Collecting the estimated \$700 million in lost revenue from fare evasion, the MTA could generate about \$1.5 billion to \$2.1 billion in capital from debt issuance.

Doubling fares beyond the 4% increase scheduled for 2025 could add \$300 million in revenue, excluding the impact from potential decreases in ridership, increasing the MTA's bond capacity by \$600 million to \$900 million. A 5% increase in ridership above current projections would support an additional \$550 million to \$820 million in bonding.

Historically, the state has provided the MTA with a significant portion of funding for its capital program through taxes and subsidies — even before funding the \$15 billion gap in the current 2020-2024 capital program. The report estimates the amounts of revenue that a hypothetical 10% increase in existing MTA revenue taxes would generate, and how much the MTA could borrow as a result. The state may also choose to provide additional direct

General Fund support that MTA could use to issue debt. In total, funding from the state for the 2025-2029 capital program is estimated in the range of \$8.8 billion to \$29 billion, with the low end based on the past five capital programs and the high end reflecting the most recent.

The most critical aspect of state funding remains the \$15 billion hole in the 2020-2024 capital program from the congestion pricing pause, which has produced additional pressure on investment choices for the system, and must be addressed prior to answering funding questions in the 2025-2029 capital program.

Mr. DiNapoli's analysis assumes that the MTA will receive similar levels of federal funding as in past capital plans, between \$7.5 billion and \$14 billion, with expansion plans like Interborough Express fueling the higher number.

Based on prior plans and contributed shares, the city's contribution to the upcoming capital program could range from \$2 billion to \$4 billion.

The report found that the MTA will likely have more in needs, including system improvement and expansion, than funds available. Effective prioritization and transparency regarding its choices will be critical to generate funding support to maintain and enhance the system, and focus must be on selecting projects that ensure the safety, reliability, and frequency of the system.

STRONG UNIONS BUILD STRONG COMMUNITIES

<p>Heavy Construction Laborers Local 60 Hawthorne, NY</p>	<p>Operating Engineers Local 15D Long Island City, NY</p>	<p>Laborers Local 17 Newburgh, NY</p>
<p>Teamsters Local 456 Elmsford, NY</p>	<p>Building Laborers Local 235 Elmsford, NY</p>	<p>Ironworkers Local 417 Wallkill, NY</p>
<p>Operating Engineers Local 137 Briarcliff Manor, NY</p>	<p>Carpenters Local 279 Hopewell Junction, NY</p>	<p>Ironworkers Local 40 New York, NY</p>



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 EASTERN NEW YORK
 LABORERS DISTRICT COUNCIL**

LOCAL 17 LOCAL 60 LOCAL 157
LOCAL 190 LOCAL 235 LOCAL 754

Building Trades Leaders Are Optimistic Robust Volume Will Sustain Thru 2025

Continued from page 1

frustrated in the lower Hudson Valley with the lack of work coming from major mixed-use development projects in urban centers. They complain that despite securing incentives from Industrial Development Agencies and school districts, developers have been able to build projects with mostly non-union labor.

CONSTRUCTION NEWS talked with some of the Hudson Valley region's top leaders in the building trades to determine how the industry will fare for the remainder of 2024 and their outlook for how the project pipeline will be in 2025. They say some of the key growth sectors are: transportation and environmental infrastructure, power utilities and large warehouse projects. All are cautiously optimistic that the benches at union halls throughout the region will largely be empty going forward.

While the construction sector lost jobs for the year ending July 2024, the overall Hudson Valley private sector workforce continued to trend upward, reaching 835,900 in July 2024—its highest jobs count on record.

Private sector job growth was spread throughout the region. Year-over-year, Sullivan County posted the strongest gains, up 4.9%. They were followed by the Kingston Metropolitan Statistical Area (+2.1%), the Orange-Rockland-Westchester labor market area (+1.7%), and the Dutchess-Putnam Metropolitan Division (+0.2%).

The July 2024 unemployment rate for the Hudson Valley Region was 3.9%. That was up from 3.5% in June 2024 and up from 3.4% in July 2023. The Hudson Valley Region's July 2024 unemployment rate ranked third among the 10 labor market regions in New York State, trailing only the Capital Region (3.7%) and the Long Island Region (3.8%).

In July 2024, there were 47,100 unemployed in the region, up from 41,700 in June 2024 and up from 40,600 in July 2023. Year-over-year in July 2024, the overall Hudson Valley labor force decreased by 14,600 or 1.2%, to 1,196,700. In July 2024, the lowest unemployment rate within the region (3.5%) was recorded in Sullivan County, followed by Rockland County, 3.7%; Putnam County, 3.8%; Dutchess County, 3.9%; Orange County, 3.9%; Westchester County, 4.0% and Ulster County 4.1%

LOWER HUDSON VALLEY Jeffrey Loughlin, President of the Building & Construction Trades Council of Westchester & Putnam Counties, Inc.

Jeffrey Loughlin, who also serves as business manager of Operating Engineers L.U. 137, reports cautious optimism that the trades will be busy for the remainder of 2024 and into 2025 in large part due to large projects both under construction or set to begin.

He noted that the ECCO



Edward Cooke
Vice President of the
Building & Construction
Trades Council of
Westchester & Putnam
Counties, Inc.

III/Skanska joint venture has a \$849-million project at the New York City Department of Environmental Protection's Hillview Reservoir on a 66-month schedule. He said that project work should be underway by early October.

Currently, the \$1.2-billion tunnel project between the Kensico Reservoir and the Eastview facility is in phase one consisting of site preparation. PJS Montesano JV LLC, the joint venture enterprise of Paul. J Scariano, Inc., and Montesano Bros. Inc., are working on the \$107-million project.

A project in the early approval process in the City of White Plains is the \$2.5-billion redevelopment of the former Galleria Mall. Mr. Loughlin said he is hopeful that discussions with City Council members will eventually result in a Project Labor Agreement with the building trades. Last September, Pacific Retail Capital Partners, SL Green Realty Corporation, Aareal Bank (owners of The Galleria at White Plains) and others presented the redevelopment plan for the property to the White Plains Common Council.

Mr. Loughlin said negotiations are nearing completion on a PLA with construction manager EW Howell Construction Group of Melville, NY for a new Elizabeth Seton pediatric facility. The project is in White Plains and estimated at \$118 million.

He also noted that some of the additional expansion work at the Regeneron Pharmaceutical headquarters in Greenburgh/Tarrytown has been awarded to union contractors.

Another driver of project work has been utility projects with Con Edison, he said.

Edward Cooke, Vice President of the Building & Construction Trades Council of Westchester & Putnam Counties, Inc.

Edward Cooke said the building trades have secured a significant amount of work under PLAs with Westchester County, including work at the Kensico Reservoir.

With the support of newly elected Putnam County Exec-



L. Todd Diorio
President of the
Hudson Valley Building
& Construction Trades
Council.

utive Kevin Byrne, the trades have successfully negotiated four PLAs for project work including at Stoneleigh Avenue and Drewville Road (intersection improvements), the Fair Street Bridge reconstruction and the Sprout Brook Road Over Canopus Creek Bridge Replacement Project.

Mr. Cooke, who also serves as business representative of the North Atlantic States Regional Council of Carpenters and Local 279 in Hopewell Junction, NY, noted that the building trades recently negotiated the first PLA in 15 years with the City of White Plains on a chiller project. Another recent PLA is work at the John Jay Homestead with the New York State Parks Department.

He noted that there are several PLAs under negotiation, including the aforementioned Elizabeth Seton Pediatric Center (in partnership with the AFL-CIO), White Plains Hospital's latest expansion project, Westchester Joint Water Works.

MID-HUDSON REGION L. Todd Diorio, President of the Hudson Valley Building & Construction Trades Council.

Todd Diorio said, "Overall the building and construction trades have been busy, but several of the trades that are building (sector) only are down slightly in man hours, so pretty much it has been a flat year for the building trades—nothing spectacular, but nothing to really complain about either."

Mr. Diorio, who also serves as president of Laborers Local No. 17 in Newburgh, NY, noted that 64% of the Laborers man hours so far this year have been associated with heavy highway work. Normally, the ratio between heavy highway and building work is 50%-50%, he noted.

While the trades have benefited from NYSDOT road and bridge work, Mr. Diorio related, "We still don't believe there is as much DOT work and infrastructure monies as there should be. They are dumping a lot of money upstate into the Syracuse corridor... So, we are not seeing the funding we thought we would see in 2024.



Jeffrey Loughlin
President of the
Building & Construction
Trades Council of
Westchester & Putnam
Counties, Inc.

We are busy in heavy highway work, but we should be busier. There is a lot of money going elsewhere in the State of New York."

Some of the main drivers of work in the Mid-Hudson region include work at the U.S. Military Academy at West Point, the warehouse development sector, particularly in Orange and Ulster counties, as well as utility/gas project work and the Rondout Bypass Tunnel project with the New York City DEP.

In addition, the second phase of the New York State Dormitory Authority project to build a new Mid-Hudson Forensic Psychiatric Center in New Hampton, NY should begin soon. A joint venture of Hunter Roberts Prismatic Constructors—OMH Mid-Hudson JV was the apparent low bidder on the project at \$326,698,514. He said that project is going to commence later this year, possibly as early as late October/early November with a PLA.

Other significant work through PLA prehire pacts are:

- The \$75 million CTE project with the Newburgh School District;
- The Ashokan Reservoir remediation project;
- Upstate road projects with New York City DEP.

Mr. Diorio said the outlook for 2025 is good with a potential Chip-Fab project to be built in Dutchess County and a major warehouse project in the Town of Wawayanda named "Project Blue Bird," which is currently wending its way through local review boards.

Due to the projected volume of work heading into 2025, Mr. Diorio said, "There is a demand for good quality labor, and I think the Laborers and some of the building trades are in a pretty good spot when it comes to negotiations right now. There is definitely a demand for quality skilled laborers and to keep the skilled laborers in the Hudson Valley."

He added the industry will have to compete with laborers pay rates in New York City and New Jersey. He expects "long negotiations" in the heavy highway sector due to the intense demand for labor.



Stephen Reich
Vice President of the
Rockland County
Building and Construction
Trades Council.

Stephen Reich, Vice President of the Rockland County Building and Construction Trades Council.

Stephen Reich, who also serves as business manager of Laborers Local No. 754 of Chestnut Ridge, NY, said the Laborers and most of the county's building trades are near full employment.

Mr. Reich, who also serves as president of the Eastern New York Laborers District Council, said work has begun on the Rockland County portion of the Champlain Hudson Power Express project. He noted that work is almost finished on phase one of the Databank data center project in Orangeburg, and the firm is working on securing approvals for phase two of the development there.

Other work includes the IV2 Logistics Center project at the former Novartis Pharmaceutical property at 25 Old Mill Road in Suffern, NY. The development plan calls for 1,221,800 square feet of new warehouse space. The site work has been awarded to a union contractor. The concrete component is also being performed by union workers, he noted.

Mr. Reich also credited the Rockland County Industrial Development Agency for its local labor policies which have been instrumental in bolstering local union employment. He pointed to other funding sources, including Local 825's ELEC fund, that have helped the building trades remain competitive in securing work.

"All of these vehicles that we have been talking about implementing over the last (few) years to try to be more competitive on this private work are definitely bearing some fruit," Mr. Reich noted.

Other projects cited by Mr. Reich include work on the New York State Thruway by DeFoe Corp.'s and JR Cruz, as well as significant utility (gas and electric) work from Orange & Rockland Utilities, and a \$7-million water main replacement project in the Village of Nyack.

Looking ahead, Mr. Reich said he is "cautiously optimistic" that the momentum of 2024 will continue into 2025 for the Rockland County building trades.

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ALBANY UPDATE

Sloatsburg Service Area on Thruway Reopens

ALBANY—The New York State Thruway Authority announced on Sept. 10 the reopening of the newly renovated Sloatsburg Service Area located on I-87 northbound between exit 15A (Sloatsburg - Suffern - NY Routes 17 North & 59) and exit 16 (Harriman - US Route 6 - NY Route 17) in Rockland County. Featuring two floors and more than 31,000 square feet, the Sloatsburg Service Area is the largest of all 27 service areas on the NYS Thruway system.

New restaurant concepts at the Sloatsburg Service Area include: Shake Shack, Chick-fil-A, Starbucks, Dunkin', Panda



The renovated Sloatsburg Service Area on the New York State Thruway reopened with a host of new retail tenants.

Express, Applegreen C-Store and Taste NY Food and Drink Products. The renovation includes a

new floor plan, new restaurants, new restrooms, the addition of two new family assist restrooms

and a private nursing area, additional seating as well as customer access to electrical outlets and phone/laptop charging stations. A second entrance to the building was also added near the fuel service area.

The Sloatsburg Service Area is also one of five select service areas to include an adult changing station to improve accessibility for all motorists. Adult changing stations provide those with special needs a safe and secure space for caregivers to provide assistance.

“The Sloatsburg Service Area is one of the busiest locations on the Thruway and

is reopening after significant renovations with a variety of new restaurant options and amenities,” Thruway Authority Executive Director Frank G. Hoare, Esq. said. “The Service Area redevelopment project is one of several initiatives the Thruway Authority is involved in to modernize the Thruway system and improve the travel experience for motorists.”

The service area is the 19th location overall to open, and the first of four locations to undergo extensive renovations as part of the \$450-million private investment to redevelop and modernize all 27 service areas.

State Environmental Facilities Corp. Approves \$265M for Water Infrastructure Assistance

ALBANY—The New York State Environmental Facilities Corporation Board of Directors approved \$265 million in financial assistance for water infrastructure improvement projects across the state. The board’s approval on Aug. 22 authorizes municipal access to low-cost financing and grants to get shovels in the ground for critical water and sewer infrastructure projects.

Of the project funding approved, \$30 million in grants from the federal Bipartisan Infrastructure Law will help 30 communities across the state to inventory lead service lines in drinking water systems, a vital first step for starting replacement projects and protecting public health.

The board approved grants and financings to local governments from BIL, the Clean Water and Drinking Water State Revolving Funds and grants already announced pursuant to the Water Infrastructure Improvement program.

Projects funded in the Hudson Valley region included:

Clean Water Projects:

Village of Catskill

\$7,569,500 grant and \$3,853,187 interest-free financing from BIL, and a \$3,716,313 WIIA grant for the planning, design, and construction of collection system and wastewater treatment plant upgrades to eliminate combined sewer overflows in the village.

Town of Thompson

\$6,939,000 grant and \$5,337,679 interest-free financing from BIL; \$416,800 market-rate financing from the CWSRF; and a \$3,363,899 WIIA grant for the planning, design, and construction of upgrades to the Emerald Green Wastewater Treatment Plant.

Westchester County

\$8,120,525 interest-free and \$8,120,524 market-rate financing from the CWSRF for the planning, design, and construction of the Peekskill Wastewater Treatment Plant digester, aeration, and heating system.

Drinking Water Projects:

Village of

South Blooming Grove

\$1,759,115 interest-free and \$3,518,228 market-rate financing from the DWSRF, and a \$4,702,657 WIIA grant for the construction of a new pump station at the Mangin Road storage, treatment, and pumping site, construction of a 400,000-gallon elevated steel water storage tank to replace the existing Fort Worth storage tanks, construction of two wells and associated appurtenances, and replacement of approximately one mile of existing water main and appurtenances.

City of Yonkers

\$2,593,128 WIIA grant for the replacement of approximately 300 linear feet of the Wendover Transmission Main where it crosses below the Saw Mill River Parkway.

The board also approved approximately \$30 million for lead service line inventory projects and took action to help ensure continued, long-term affordability of existing projects.

The board approved long-term, interest-free financing totaling more than \$20 million for projects undertaken by the Town of Rockland, the Village of Tupper Lake, and the Water Authority of Great Neck North.

On Sept. 12, the New York State Environmental Facilities Corp. successfully closed State Revolving Funds Revenue Bonds Series 2024 B. The transaction will refund EFC’s Series 2014 B bonds, which were issued to support critical environmental infrastructure projects that improve water quality and protect public health.

EFC issues refunding bonds as part of its proactive financial management to ensure these environmentally beneficial projects remain cost-effective for the public over the life of the financing. Refunding bonds allow EFC’s municipal partners to benefit from lower interest rates, resulting in reduced debt service payments, ultimately benefiting ratepayers. The transaction will save 40 recipients \$13 million

over the next 20 years for 81 projects across the state.

“With this transaction, EFC is upholding its legacy of proactively administering the most efficient and effective State Revolving Funds in the nation,” EFC President and CEO Maureen A. Coleman said. “EFC is committed to maximizing resources and helping communities lower the cost burden of financing clean water and drinking water projects.”

The transaction was approved by EFC’s Board of Directors at its May 23 meeting and closed on Sept. 11. The bonds were underwritten through a syndicate led by Siebert Williams Shank as the senior manager, and Morgan Stanley as the co-senior manager. EFC’s financial advisors for the transaction were PFM Financial Advisors, Independent Public Advisors, and Rockfleet Financial Services. EFC’s co-bond counsel on the transaction was Hawkins Delafield & Wood, and the Law Offices of Joseph C. Reid.



The extreme storm damage required a full rebuild of the downhill slope with more than 35,000 tons of recycled, light, medium and heavy stone fill used in the reconstruction.

PHOTO COURTESY OF NYSDOT

ECCO III Completes Major Rebuilding Project Of Storm King Highway Ravaged by Flooding

Continued from page 3

State Route 218 in just over a year is a stark demonstration of the awesome talent and determination of the employees and contractors of the New York State Department of Transportation. Where torrential rains and flooding had

carved away a large section of the road and surrounding mountainside, there is once again a highway open and ready to help keep Hudson Valley travelers connected and, on the go, regardless of the challenges thrown at us by Mother Nature.”

Orange County Executive Steven Neuhaus said, “I am thankful that Governor Hochul has opened Route 218. This will now allow full access to the damaged roads, which will improve access to residents and first responders.”

I-287 Road Project In Westchester Begins

ALBANY—On Aug. 20, New York Gov. Kathy Hochul announced the start of a \$32.4-million project that will resurface and restore a 5.5-mile stretch of Interstate 287 in Westchester County.

The project will repair road joints, add new pavement and upgrade road striping along the section of highway between Westchester Avenue in the Town of Harrison and U.S. Route 1 in the City of Rye. To minimize traffic impacts along this critical highway, which is a vital link for motorists traveling between the Gov. Mario M. Cuomo Bridge and the State of Connecticut, all work will take place at night.

The contractor on the project is Grace Industries, LLC of Melville, NY which is expected to begin work on the project this summer with the repair of highway road joints. Road resurfacing will get started

as soon as weather permits in 2025 with the milling of the existing pavement along the highway and all exit and entrance ramps within the project scope, state officials said.

Fiber-reinforced, warm-mix asphalt will then be overlaid on the roadway. This reinforced asphalt overlay is longer-lasting and more durable than the existing pavement, which will minimize cracking and extend the pavement’s service life. Drainage systems will also be repaired to better handle stormwater runoff and grooved inlaid striping with reflective epoxy paint will be added to increase the visibility of pavement markings during storms, further enhancing safety. Traffic signals and curb ramps at adjacent exits and entrances will also be upgraded. Construction is anticipated to be complete in the fall of 2025.

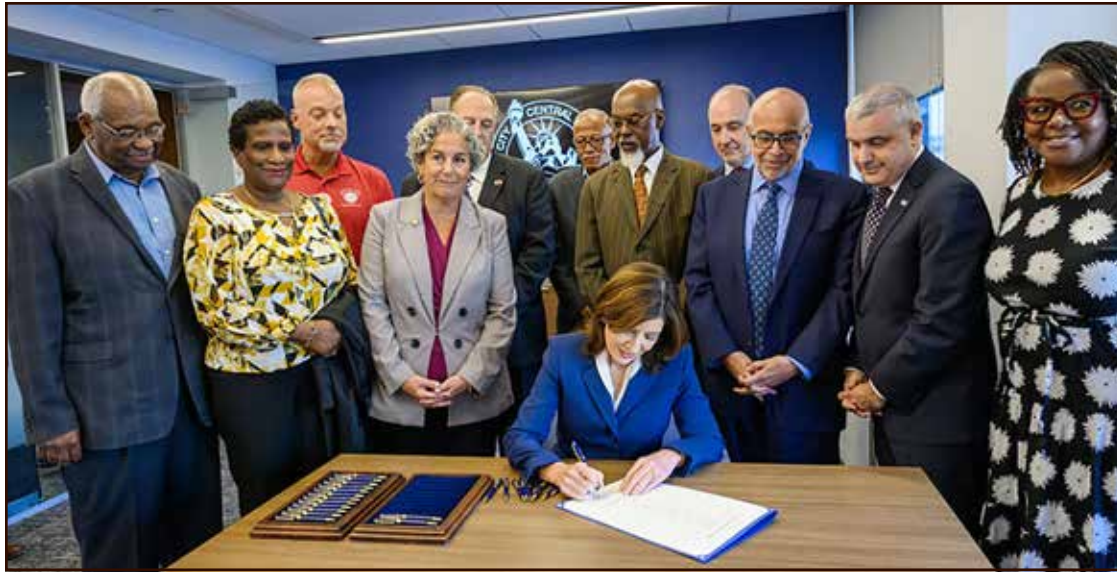
Bill Now Requires GCs, Subs to Submit Payrolls to Certified Electronic Database

NEW YORK—In advance of the New York City Labor Day Parade, on Sept. 7, New York Gov. Kathy Hochul signed eight pieces of legislation aimed at protecting New York State's workforce as well as improving their ability to grow and prosper in New York State.

An important bill signed into law for the construction trades was A.9265A/S.8608A, which requires contractors and subcontractors working on covered public projects to submit their payrolls or transcripts to a publicly accessible, certified electronic database that will be developed by the Department of Labor.

Assemblymember Harry Bronson said, "As Assembly Labor Chair, my priority is to ensure that every worker is paid fairly and there is transparency when public money is invested in projects. The Electronic Payroll Bill, which I worked on with Sen. (Jessica) Ramos, mandates that payroll and payroll records on public jobs are public information and gives the Department of Labor resources to track these payments and take action against bad actors."

"Coming from a union family, I know how critical organized labor is to building a strong middle class," Gov.



Gov. Kathy Hochul is flanked by state and city labor leaders at the bill signings at the New York City Labor Council offices in Manhattan.

Hochul said. "As we celebrate today's Labor Day Parade in New York City, we are strengthening our commitment to working families and letting them know we have their backs every step of the way."

NYS Conference of Operating Engineers President Thomas A. Callahan said, "The Electronic Certified Payroll Bill levels the playing field for good union contractors, creating a tool to expose the unscrupulous contractors who cheat their workers."

New York State Building Trades President Gary LaBarbera discussed the fair and safe

working conditions the new law creates. "A key component of this is preventing employers from taking advantage of their workers and instilling more dignified wage practices. The bill requires contractors to be transparent about their payrolls as a part of this legislative package, as it will only create more accountability amongst employers and help ensure workers are properly compensated."

New York City District Council of Carpenters Executive Secretary-Treasurer Joseph Geiger said, "Creating an online statewide, certified payroll electronic system is

long overdue" and "will make it much more difficult for unscrupulous contractors to cheat while giving those at the forefront of protecting workers and taxpayer money an invaluable tool to hold lawbreakers accountable."

Other bills signed into law in early September included:

S.8358C/A.8947C establishes the Retail Worker Safety Act, which requires retail employers to provide training and information to employees to prevent workplace violence based on a model workplace violence prevention training program produced by the State's Department of Labor.

S.5085C/A.4066B requires automobile manufacturers to reimburse dealerships according to retail labor time guides, rather than manufacturer-produced time guides that often underestimate labor time for warranty repairs.

S.5500B/A.6146B requires state agencies responding to a freedom of information request for public employee disciplinary records to develop a policy to notify the employee of the request.

S.8216A/A.8876 will allow applicants to take relevant competitive civil service exams within 12 months of reaching the required age or educational requirements for that position.

S.8551/A.9349 requires the Department of Civil Service to review and update civil service exam questions no less than every five years.

S.8948/A.9935 requires information regarding judgments about a public employee's inability to perform their duties due to a disability be provided to the employee and the employee's representative.

S.8557/A.9386 allows for a public employee's provisional credit to qualify for a promotional civil service examination for appointment from an eligible list.



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MTA Proposes \$68.4B Capital Program; Viable Funding Sources in Question

NEW YORK—The Metropolitan Transportation Authority released its proposed 2025-2029 Capital Plan on Sept. 18, outlining a \$68.4-billion investment in the region's subways, buses, railroads, bridges and tunnels over the next five years.

The Capital Plan includes targeted investments to rebuild, improve, and expand the MTA system. The plan will enable the MTA to continue to provide frequent and reliable service by putting the system on a path to state of good repair, including investments in railcars, power, and signals. The plan will also improve the customer experience, with investments in accessibility, stations, and modern fare gates, and take action on climate change, including resilience and sustainability initiatives.

"This Capital Plan was developed by the most comprehensive analysis the MTA has ever undertaken to truly understand the needs of the system, the challenges and opportunities," said MTA Chair and CEO Janno Lieber. "After years of underinvestment, more than 90% of this proposed plan—the largest in MTA history—focuses on bringing the system to a state of good repair. These investments are necessary to serve the following



MTA Chair and CEO Janno Lieber presented the 2025-2029 Capital Plan at New York City Transit's Corona Maintenance Facility in Queens on Sept. 18.

generations and the future of the region's economy, environment, and social and economic equity."

"The new MTA's approach to capital construction is allowing us to deliver projects better, faster, and cheaper," said MTA Construction & Development President Jamie Torres-Springer. "From planning to development to construction, we will keep innovating and driving costs down as we implement the vital investments outlined

in this Capital Plan."

The proposed Capital Plan assumes a fully-funded 2020-2024 Capital Plan. MTA officials did address the fact that funding sources for the Capital Plan are uncertain. Multiple press reports indicate that MTA Chief Financial Officer Kevin Willens said there is a current deficit of approximately \$33 billion, including \$15 billion in revenue lost from the pause imposed by Gov. Kathy Hochul earlier this year to New York City's conges-

tion pricing plan.

According to *am New York*, Mr. Willens said the authority would propose issuing \$10 billion in MTA-issued bonds to help fund the 2025-2029 Capital Plan. He also said the MTA expects to receive around \$21 billion from federal funding and state and city bonds but noted that the agency has not yet put forward specific numbers because funding sources have not been approved.

The proposed 2025-29 Capital Plan begins to scale investment to match the \$1.5-trillion system, focusing on increasing the pace in certain categories to catch up with decades of underinvestment. A third-party evaluation carried out by JP Morgan determined that in order for the MTA to maintain a capital investment level comparable to private industry peers, the authority would need to invest \$23 billion annually—more than twice the already accelerated pace.

The MTA Board will vote on the plan at the September Board meeting, Wednesday, Sept. 25. A board-approved Capital Plan must then be submitted to the MTA Capital Program Review Board (CPRB) by Oct. 1, which has 30 days to review and approve the plan. In mid-October, the MTA will kick off a series of open houses around the New York region and a public education campaign to inform and engage New Yorkers on the capital plan. Regarding funding, the MTA will work with partners in local, state, and federal government to ensure that the proposed capital plan is fully funded, MTA officials stated.

Highlights of the proposed MTA Capital Plan include:

Rollingstock: an aging fleet leads to increases in breakdowns and cascading delays. Cars last about 40 years before reaching the end of their useful life. There are two subway car models (R62 and R68) and one railroad model (M3) reaching the end of their useful life.

Grand Central Artery: Much of the structure that supports the Grand Central Artery is in poor or marginal condition, putting Metro-North service reliability greatly at risk. Grand Central Artery includes the Grand Central Terminal building, the Train Shed, the Park Avenue Tunnel, and the Park Avenue Viaduct.

Structures: there are thousands of structural defects that need to be addressed at subway tunnels, bridges, and viaducts to avoid closures.

Power: aging power systems are a major vulnerability to reliability of service. Power incidents delay an average of more than 30 trains in the subway system. Across the entire network, subway and railroads, more than 200 substations are in poor or marginal condition

and need repair.

Resilience: significant portions of the system are vulnerable to climate change's impacts. Key challenges include fortifying the system against rising temperatures, rising sea levels and heavy rainfall.

Sustainability: 50% of MTA's direct carbon emissions come from diesel buses. Purchases of zero-emissions buses and continued investments in bus depots for charging infrastructure will improve air quality throughout the region.

Shops and yards: aging facilities threaten regular service with outdated equipment and structures in state of disrepair. Some shops like the Livonia Yard need to be reconfigured to service new models of subway cars and meet the demand of a growing fleet.

Metro-North Railroad

"Extensive state of good repair projects in the Grand Central Artery, as well as resiliency projects along Metro-North's Hudson Line, will ensure Metro-North can keep providing safe and reliable service," said Metro-North Railroad President Catherine Rinaldi. "This Capital Plan recognizes the growing risks that parts of the Metro-North system will face in the era of climate change, and it is imperative we take proactive measures to strengthen the system and address deteriorating assets."

Rebuilding the Grand Central Artery: This four-mile stretch is critical for the more than 200,000 daily Metro-North customers traveling through the tunnel, as well as the thousands of cars and people that travel on Park Avenue daily. The proposed plan heavily focuses investment for major renovations to structural supports and facilities and continued replacement of the Train Shed roof to ensure the Grand Central Artery's next 100 years, along with investments to the Park Avenue Tunnel and Grand Central Terminal itself.

Fortifying the Hudson Line: More than 50% of the 74-mile-long line is vulnerable to coastal surge risk and torrential rains exacerbate landslide risks in areas where tracks are adjacent to steep slopes. The proposed plan focuses on addressing erosion hot spots, stabilizing upland slopes, and upgrading drainage in the most vulnerable and highest-ridership segments of the line, protecting more than 20 miles of Hudson Line.

Stations: A major focus of the plan is addressing a backlog of state of good repair needs for Metro-North stations. The plan will replace and rehabilitate deteriorating station platforms and other major station components, especially at Harlem Line Stations with decaying "hollow-core" platforms that urgently require reconstruction.

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OBITUARY

Anthony Cellini

Sullivan County's Longtime Town of Thompson Supervisor Dies at 83

MONTICELLO, NY—The veteran Sullivan County politician and businessman Anthony "Tony" Cellini passed away on Sept. 6 at the age of 83.

A longtime resident of Monticello, NY in Sullivan County, Mr. Cellini was a tireless advocate for casino gaming, first as a Native American venture and later in support of the Resorts World Catskills project.

In 1974, Mr. Cellini first joined the Thompson Town Board. Over the next two decades, he simultaneously served as a councilman and worked as a regional director of the Salvation Army, helping to meet the needs of the most vulnerable among us. In 1994, he became Town Supervisor, and found his life's calling. For the next 20 years, until his retirement in 2014, he was an honorable and fierce advocate for the people of the Town of Thompson.

He was born on Dec. 5, 1940, on Thompson Street in "The Acre" in Port Jervis, NY, to Anthony Cellini, Sr., and Elizabeth (Adlon) Cellini. His parents were both immigrants, who instilled in Tony the value of hard work and perseverance that would guide him throughout his life. He was a proud graduate of the Port Jervis High School Class of 1958.

After graduation, he enlisted as a Military Policeman in the Fourth Infantry Division of the U.S. Army. His military service took him across Europe. He was proud to have served and humbled to be celebrated as a member of Hudson Valley Honor Flight Mission 25.

Following his military service, an employ-



ment opportunity brought him to Monticello, where he would become part of the fabric of Sullivan County. In the late 1960s, he became the owner and proprietor of Roark's Tavern, where he met the love of his life, Linda. Together, they nurtured a close-knit, loving family.

Following his retirement, he was the primary caregiver for his wife Linda during her 10-year-long battle with Alzheimer's disease. She passed away on July 19, 2024 at the

age of 77.

He is survived by his sons, Todd (Kristen), of Arvada, CO and Christopher (Christina), of Rock Hill, NY; his grandson, Doran; his granddaughters, Lydia and Emilia; his brother, Charles, and sister-in-law, Jean; several in-laws, nieces and nephews; and his "adopted daughter," Meagan Galligan, and her wonderful family, who were a blessing to both Tony and Linda in the last years of their lives. He was predeceased by his parents, Anthony and Elizabeth, and his wife, Linda.

A memorial service is to be scheduled for later this fall. In lieu of memorial donations, the family requests that you keep those affected by Alzheimer's disease in your thoughts and take a moment in Tony's honor to recognize the vital work of the many dedicated healthcare professionals in the community. They also encourage everyone to seize opportunities to serve our community and to approach disagreements with respect, remembering that opponents are not enemies.

Financial Management

Employee Retention Credit Processing Updates: Here's What Construction Firms Need to Know

By PHILLIP ROSS, CPA, CGMA, PARTNER



Did you apply for the Employee Retention Credit over the last few years only to face daunting delays? ERCs were a refundable tax credit introduced by the U.S. government to help businesses keep employees on their payroll during the COVID-19 pandemic, as part of the Coronavirus Aid, Relief, and Economic Security Act from March of 2020.

As the IRS implements extended processing times, increased scrutiny as well as revised guidelines for ERCs, many construction firms are waiting longer to receive their refunds, that can affect cash flow.

In the shadow of the COVID-19 pandemic, ERCs did provide several benefits for construction firms, helping them to maintain financial stability and recover from the negative economic impact.

According to IRS analysis, "between 60% and 70% of the [ERC] claims show an unacceptable level of risk." It's also important to note that firms may be subject to penalties and interest for any claims that are denied for refunds that were paid, and now have to be paid back.

They often provided support for cash flow—enabling firms to leverage a refundable tax credit against certain employment taxes and allowing construction firms to receive tax refunds. This infusion of cash could have helped firms maintain employment, cover operating expenses, pay down debt and ease other operational issues.

As with the name, ERCs also offered financial incentives for retaining employees, which meant construction firms were able to keep their skilled workforce as close to pre-pandemic levels as possible during periods of reduced business activity. While also requiring specific parameters to qualify, the ERC was available to firms for the second, third and fourth quarters in 2020, and the first, second and third quarters in 2021. Construction firms were able to retroactively claim the

ing, changes to the IRS' review of ERCs present current challenges to construction firms. Enhanced scrutiny presents heightened focus on fraud prevention and can bog down processing time for legitimate claims—and delayed refunds can have a negative impact on construction firms' cash flow, especially for small to mid-sized companies.

This additional scrutiny means an extra burden for well-meaning firms, and they must now be ready for a potential IRS audit as to whether they qualified for ERC as well as if the amounts claimed stand up to scrutiny. The related documentation must be maintained

in the event this happens. According to IRS analysis, "between 60% and 70% of the

Enhanced scrutiny presents heightened focus on fraud prevention and can bog down processing time for legitimate claims—and delayed refunds can have a negative impact on construction firms' cash flow, especially for small to mid-sized companies.

[ERC] claims show an unacceptable level of risk." It's also

important to note that firms may be subject to penalties and interest for any claims that are denied for refunds that were paid, and now have to be paid back. While the ERC may have been a valuable tool for construction firms to navigate the financial challenges of the COVID-19 pandemic, the evolving landscape of IRS scrutiny and extended processing times present new hurdles.

Firms must remain vigilant in maintaining thorough documentation and preparing for possible audits to ensure their claims meet current guidelines. We advise that you work with your

ERC for previous quarters by amending their payroll tax returns, even if they did not take the ERC on the timely filed payroll tax return, offering an opportunity to recoup funds they may have missed initially. However, as we're now see-



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Financial Management

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For more information, go to www.irs.gov/newsroom/irs-enters-next-stage-of-employee-retention-credit-work-review-indicates-vast-majority-show-risk-of-being-improper.

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.

Attorney's Column

Continued from page 6
beforehand.

Allied World also (correctly) noted that this correspondence was sent over six months after Parkside had reached the 36th floor (the limit of its bonded contract) and been paid in full for that work. Also, there was no default to declare. Given that Parkside walked off the job nearly 60 floors into the project could not be used to create a default prior to that time.

The appellate court affirmed, holding that the conditions in Section 3 of the A312 bond are well-settled conditions precedent that must be met before the surety's liability will arise.

As to the correspondence that was sent to the surety by JDS, the appellate court held that the claim was barred because JDS "fail[ed] to have complied, at any time before the bonded work had been completed, with the condition precedent of the notice and termination procedures specified in paragraph 3 of the bond." The appellate court noted the importance of this fact, holding that "a performance bond is not insurance against the cost of any breach by the principal, but, rather, a guarantee of the principal's performance that is triggered only upon the termination of the principal from the project for a breach sufficiently egregious to constitute a default warranting termination." Thus, the court held that the after-the-fact correspondence was insufficient to comply with the express conditions precedent.

Comment

As the appellate court reminds us in *JDS Development*, the function of a performance bond is not to insure against any breach of the contract by the principal, but to guarantee the completion of the project. While there are insurance products that will insure against a contractor or subcontractor default (with their own pros and cons), the appellate court properly declined to permit JDS to use its after-the-fact correspondence to transform the bond into such a policy. As was evident here, many factors go into the deci-

sion to terminate a contractor, not the least of which are the ultimate economics (as noted by JDS, the delays which would have resulted from changing contractors made it cheaper to drag Parkside across the finish line than to terminate its contract and bring a replacement contractor on board).

The decision to terminate the contractor is not analogous with the decision to advise the surety that it was *considering* such a termination and requesting a conference to discuss how to proceed. These conferences—termed "3.1 meetings" after the section of the bond which requires such a meeting—usually result in some sort of surety involvement to get the project back on track, or keep it on track, for a timely completion. This involvement can range from paying suppliers to release needed goods, to assisting the contractor in the completion of the contract. Had JDS sent this correspondence before Parkside had completed its contract, the parties could have explored ways to both complete the project earlier (thus mitigating JDS's delay damages), and to provide JDS with some form of compensation for the damages it was incurring.

Two Bottom Lines

First, consultation with experienced construction counsel throughout the process can best protect the rights of all involved. Second, the performance bond is only a useful tool for an owner or contractor who understands how it works.

About the authors: Thomas H. Welby, an attorney and licensed professional engineer, is General Counsel to the Construction Industry Council of Westchester & Hudson Valley, Inc., and the Building Contractors Association, and is the Founder of and Senior Counsel to the law firm of Welby, Brady & Greenblatt, LLP. Gregory J. Spaun is General Counsel to the Queens and Bronx Building Association and an attorney and a partner with WBG. He co-authors this series with Mr. Welby.

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City Voters Delivered \$4.2B Green Bond Act; But Funding Formulas Steer Dollars Upstate

NEW YORK— Expecting to see green, New York City officials are seeing red instead.

Approved by voters statewide in 2022, the Clean Water, Clean Air and Green Jobs Environmental Bond Act allows the state to borrow \$4.2 billion to pay for big projects, such as stormwater and wastewater systems, green buildings, coastal protections and electric school buses.

More than \$313 million has already gone from the state Department of Environmental Conservation and other state-controlled agencies to local governments. But while New York City is home to over 40% of the state's population, just \$6 million of the Environmental Bond Act money so far has



Just \$6 million of the Environmental Bond Act money so far has gone to the five boroughs.

gone to the five boroughs — under 2%. In the city, destructive and

deadly storms like Hurricanes Ida and Sandy have highlighted an urgent need for investments

that green bonds could fund. And not surprisingly, local voters supported the Bond Act more enthusiastically than anyone else in the state, with 89% of Manhattan, 88% of The Bronx, 82% of Brooklyn and 78% of Queens voters approving.

“When New York City voted for that Bond Act, we as residents expected to get our fair share,” said Sen. Brad Hoylman-Sigal (D-Manhattan), who had been engaged in talks with city officials about how to ensure the boroughs get more of the money. “It’s a cruel irony that we are not getting that proportionate share of funding, given the electoral support that we showed.”

The law allocates funds based on spending categories,

such as land conservation and water infrastructure, not by region. And so far, the state has relied on funding formulas that cap how much any one locality can receive. New York City, the biggest city in the U.S., is just another municipality to the state.

For instance, the state is now seeking applications for a Green Resiliency Grant program in part funded by the Bond Act, with a total of \$60 million available to cover up to 90% of the cost of stormwater management projects. But no single municipality is permitted to get more than \$10 million.

By Samantha Maldonado, reprint courtesy *The City*, Sept. 3, 2024. To read her entire report, visit www.thecity.nyc.

MTA Proposes \$68.4B Capital Program; Viable Funding Sources in Question

Continued from page 16

Power upgrades: Upgrading the traction power system with new power substations will improve reliability and enable Metro-North to run more trains across its network.

Rollingstock: The purchase of new railcars to replace existing fleet that is past its useful life, including the retirement of the 1980s-era M3 cars. It will also include the purchase of new locomotives for West of Hudson service. Together, these investments will improve service reliability and reduce greenhouse gas emissions.

Accessibility: The plan proposes to make at least two Metro-North stations accessible: Ludlow and Wakefield Station on the Hudson Line.

New York City Subway

Rollingstock: 1,500 new subway cars will join the subway fleet, modernizing the customer environment and improving service reliability. Older subway models reaching or passing their 40 years of service have a mean distance between failure (MDBF) of 40,000 miles, whereas the newer models have an MDBF of 250,000 miles.

Signal modernization: Replacement of decades-old mechanical signals with Communication Based Train Control (CBTC) technology across more than 75 miles will provide faster and more reliable service. These lines include: Broadway, Liberty Ave, Rockaways, and Nassau St. Subway lines with CBTC installed have seen 90%+ on-time performance.

Upgrade maintenance facilities: To ensure MTA can service a 21st century fleet and prevent major service disruptions, the MTA plans to redesign and rebuild the Livonia Shop in Brooklyn and 240th St Shop in the Bronx.

Substation upgrades: The traction power system delivers electric power to the trains for propulsion. A full overhaul of substations or targeted component replacement at over 60 locations, along with reha-

bilitation of 30 circuit breaker houses, will ensure continued service reliability.

Station accessibility: The proposed plan calls for at least 60 more stations to be made ADA-accessible and 45 subway station elevators to be replaced. Altogether, this will ensure that nearly 70% of all subway rides will take place to or from accessible stations.

Station enhancements: The proposed plan increases the pace of investment in subway stations and the hidden infrastructure that supports them. More than 150 stations will benefit from priority repairs, upgrades to customer communications, and enhanced security cameras. Ten stations will be fully renovated, and platform fencing will be installed at 100 stations. The fiber-optic cable network will also be upgraded at an accelerated pace.

Modern fare gates: At over 150 subway stations, modern fare gates with more accessible, secure gates will be installed. New generation fare gates feature wide paneled doors and sensor technology to prevent fare evasion while making it easy for people—including those with accessibility needs—to pass through.

Resiliency: The proposed plan will make the system more resilient against stormwater flooding by adding flood protection devices at street-level openings, elevate stairs and vents, and seal tunnel leaks with grouting to reduce stormwater from entering into stations and tunnels.

New York City Buses

The proposed plan builds on the efforts already underway of transitioning the agency's bus fleet to zero-emissions by purchasing an additional 500 zero-emissions buses and continue outfitting bus depots for charging. By the end of the proposed 2025-2029 Capital Plan, 20% of buses will be electric, and avoid approximately 32,500 metric tons of carbon emissions every year, representing the

largest component of the MTA's goal to reduce agencywide operating emissions 85% by 2040.

Long Island Rail Road

Rollingstock: The purchase of new railcars to replace existing fleet that is past its useful life, including the retirement of the 1980s-era M3 cars. It will also include the purchase of new dual-mode locomotives and the start of the replacement of aging coaches. Together, these investments will improve service reliability and reduce greenhouse gas emissions.

Improvements to the Hillside Maintenance Facility: Most of the rollingstock support equipment located within the Hillside Maintenance Facility has not been replaced since the facility opened in the late 1980s. Upgrades to the shop will ensure trains can be efficiently and properly stored, inspected, and maintained.

Power system improvements: 16 substations will be replaced or renewed. Substation condition and capacity are the most critical elements within the power asset category as they convert electricity from the electrical grid to the proper current to provide a stable flow

of power from the substations to the third rail, enabling electric train cars to move.

Accessibility: The LIRR will achieve 98% accessibility making at least four more stations accessible as proposed in this plan, including Bellerose, Douglaston, and Cold Spring Harbor and more.

Bridges And Tunnels

Extending the life of critical structures: The proposed plan focuses heavily on investments for structural repairs and upgrades necessary to extend the life of these major crossings. These investments include the dehumidification of the main cables at the Bronx-Whitestone and Throgs Neck bridges, necessary structural repairs at all nine bridges and tunnels and installment of weigh-in-motion systems to enforce illegal overweight truck usage of the bridges.

Safety upgrades: Safety investments in the plan include the installation of a fixed fire suppression system in the tunnels, upgrades to the electronic security system at the Verrazzano-Narrows Bridge, and traffic signage upgrades on several bridges.

Resiliency improvements: Upgrading the power systems with new substations at the Throgs Neck Bridge, Robert F. Kennedy Bridge and Queens Midtown Tunnel.

System Expansion

The Interborough Express: The plan proposes to start work to complete design and begin construction on the transformative project that will significantly cut travel times and increase mobility options between Brooklyn and Queens, where 900,000 residents live within half a mile of the proposed IBX.

Capacity improvements: The Capital Plan will take a closer look into commuter railroad infrastructure to look for opportunities to implement improvements that would create additional capacity, respond to changing populations and land-use patterns and enhance regional rail network. Projects to be analyzed include electrification of the LIRR Main Line to Yaphank, improvements to the Port Jefferson and Montauk Branches, adding a third track to the Metro-North Harlem Line, and connecting Hudson Line service to Penn Station.

Feds to Provide \$3.8M to Help Build IBEW Offshore Wind Training Facility

WASHINGTON—Asemployment opportunities in the sustainable energy sector advance, elected officials representing New York State announced \$3,828,000 in federal funding for the Educational and Cultural Trust Fund of the Electrical Industry to help establish a Global Wind Organization onshore and offshore wind safety training facility in Walden, NY (Orange County) to train New Yorkers for careers in clean energy.

Christopher Erikson, Business Manager of Local 3 International Brotherhood of Electrical Workers, said, “Thanks to the Biden-Harris administration and the U.S. Department of Commerce, the training and work opportunities created by this grant will have a meaningful and positive impact on our current and future members who will work on the offshore wind projects critical to achieving the climate goals of New York State and our nation.”

He added, “In conjunction with the Joint Industry Board’s Educational and Cultural Trust Fund and our signatory contractors in NECA New York, we will be able to construct a world-class facility in line with Local 3’s values of education, safety and training.”

He thanked U.S. Senate Majority Leader Charles E. Schumer, U.S. Senator Kirsten Gillibrand and U.S. Congressman Pat Ryan who announced the funding on Sept. 18. He noted that this grant will benefit Local 3’s members “who are eager to do their part in building offshore wind projects up and down our coastlines.”

The federal funding, administered through the Economic Development Administration’s Economic Adjustment Assistance program, will be used to renovate a 10,000-square-foot building owned by the Educational and Cultural Trust Fund of the Electrical Industry. This

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Construction NEWS



New York State Repairs Advance

America's Bridge Repair Campaign Witnesses Slow & Steady Gains as 'Poor' Spans Decline

WASHINGTON—Nearly 221,800 U.S. bridges need major repair or replacement, a major national construction trade association reported following an analysis of recently released federal government data shows.

The deck area of structurally deficient bridges accounts for 11.8% of total deck area on all structures, the American Road & Transportation Builders Association reported. Placed end-to-end, these structures span over 6,100 miles, or the equivalent of every mile of urban and rural Interstate in California, Florida and Illinois, ARTBA noted.

Of the bridges needing repair, 42,067 are rated in poor

condition and classified as "structurally deficient." That is 324 fewer than in 2023.

States with the biggest decline in the number of bridges in poor condition: Pennsylvania (down 90), Louisiana (down 87), Florida (down 85), West Virginia (down 74), and California (down 64).

Bridges in poor condition represent 6.8% of the 2024 U.S. bridge inventory—compared to 7.3% in 2020.

"Over the last five years we have seen significant progress in states like Oklahoma, Pennsylvania, Mississippi, Louisiana, and West Virginia—reducing the number of bridges in poor condition," said Dr. Alison Premo Black, ARTBA's chief

Type of Work	Number of Bridges	Cost to Repair (in millions)	Daily Crossings	Area of Bridges (sq. meters)
Bridge replacement	7	\$8	2,603	1,594
Widening & rehabilitation	17,589	\$101,125	165,149,363	13,391,022
Rehabilitation	14	\$191	25,614	22,121
Deck rehabilitation/replacement	0	\$0	0	0
Other structural work	26	\$20	2,311	6,218

SOURCE: ARTBA

economist, who conducted the analysis. "While improvements can take time, every bridge repair increases the safety and efficiency of our network for the traveling public."

States have received \$15.9 billion in the first three years of the IIJA's new \$27.5 billion

formula bridge program and, to date, have committed 46% (\$7.3 billion) of these resources to more than 4,170 bridge projects.

The remaining 54% (\$8.5 billion) of already released bridge funds—plus the \$10.6 billion that will be provided in the next two years—will support

needed bridge improvements well into the future.

Twenty-three states have committed at least half of their available bridge formula funds, with the top 10 being: Georgia (100%), North Dakota (99%), Indiana (98%), Florida (96%),

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State Certifies 31 New Climate Smart Communities

ALBANY—The latest round of communities to achieve certification as part of New York State's Climate Smart Communities Certification program, which supports local efforts to meet the economic, social, and environmental challenges posed by climate change were recently announced. As part of the latest certification round, a total of 31 local governments were recognized for taking action to mitigate and adapt to climate change as New York State celebrates the 10-year anniversary of the Climate Smart Communities Certification program.

In the past decade, more than 425 local communities joined state efforts to tackle the climate crisis head on through the Climate Smart Communities program, benefitting local residents and creating green jobs, it was noted. The goal is to reduce greenhouse gas emissions to help build a stronger, more resilient Empire State, Gov. Kathy Hochul noted.

To achieve Climate Smart Community certification, local governments accumulate points for planning and implementing actions that reduce greenhouse gas emissions and improve community resilience in the face of worsening impacts of climate change. As part of this announcement, 26 communities successfully met the criteria to be newly recognized or re-certified by the State Department of Environmental Conserva-

tion as leaders at the bronze level. Five municipalities were certified at the silver level, the highest level of achievement under the program.

New York State Department of Environmental Conservation Interim Commissioner Sean Mahar said, "By achieving certification as a Climate Smart Community, municipalities are promoting sustainability, increasing zero-emission transportation, and reducing harmful pollution.

Five municipalities were certified at the silver level, the highest level of achievement under the program. Dutchess County, the Village of Irvington and the City of White Plains achieved silver certification during this round of the program.

In 2019, Dutchess County received a nearly \$100,000 Climate Smart Communities grant to offer a Climate Action Planning Institute for its municipalities.

In 2022, Irvington was awarded a \$1.13 million Climate Smart Communities grant to mitigate flooding along Route 9, and in 2017, received nearly \$300,000 to right-size a culvert to reduce flooding in the Hudson View Park neighborhood, in addition to \$5,000 in Municipal Zero-Emission Vehicle rebate funding for one battery electric vehicle in 2016.

White Plains received two Zero-Emission Vehicle Infrastructure grants in 2022 totaling \$20,379



Dutchess County, the Village of Irvington, and the City of White Plains (pictured above) achieved silver certification during this round of the program.

for four Level 2 charging ports.

The Town of New Castle and the Village of Croton-on-Hudson were recertified as silver this round.

New and bronze certified Climate Smart Communities from the Mid-Hudson region were:

Town of Amenia (newly certified)

Town of Bethel (re-certified)

Town of Clinton (newly certified)

Town of Highlands (newly certified)

Orange County (re-certified)

Village of Pleasantville (re-certified)

Village of Upper Nyack (newly certified)

Village of Warwick (re-certified)

Village of Woodbury (newly certified)

To receive Climate Smart Community certification, local governments accumulate points for planning and implementing actions that reduce greenhouse gas emissions and improve community resilience in the face of worsening impacts of climate change. To date, 426 local governments, representing more than 9.5 million New Yorkers, have adopted the Climate Smart Communities pledge.

This year, the Climate Smart Communities certification program celebrates its 10th anniversary, and DEC held an anniversary celebration at the New York State Association of Counties' Fall Seminar on Monday, Sept. 9. Launched in 2014, the certification program provides a robust climate plan-

ning framework and recognizes the leadership and accomplishments of communities taking climate action. Each certification is valid for five years. There are now 163 total certified Climate Smart Communities in New York State, 17 silver and 146 bronze.

DEC's Climate Smart Communities grant program made \$22.5 million available to help municipalities take action to address climate change. Funding for the program is supported by the State's Environmental Protection Fund and the Environmental Bond Act. Eligible projects include reducing flood risk, relocating or retrofitting critical infrastructure, reducing emissions from food waste, and climate change planning and assessment as part of the Climate Smart Communities Certification program. Since the program's inception, DEC has awarded more than \$70 million to municipalities in support of local climate mitigation and adaptation projects.

If awarded a grant, municipalities must provide at least 50% of the total costs for most projects. However, this year's state budget promotes equity by authorizing DEC to provide up to 80% of the cost of municipal projects that meet the criteria for financial hardship and for projects located in disadvantaged communities.

More information about the grant program is available on the DEC website.

NYC Opens 24 New School Buildings In Advance of 2024-2025 School Year

NEW YORK – New York City announced on Sept. 4 the completion and opening of 24 new school buildings, including 11,010 new seats, across the city, each set to welcome students for the first day of the 2024-2025 school year.

This marks the most new K-12 seats opened by the SCA since 2003 and comes in addition to more than 20,000 student seats previously added over the course of the Adams administration. Additionally, the newly adopted 2025-2029 Capital Plan provides funding for another 33,417 seats. The significant expansion will provide students with state-of-the-art facilities and resources essential for their continued academic success and overall development, city officials stated.

“Our administration is committed to giving our children a first-class education, and a crucial part of a great education is having access to great



New school buildings have been completed in four boroughs, with nine in Brooklyn, eight in the Bronx, one in Manhattan, and six in Queens.

facilities,” said Mayor Eric Adams. “The 24 new buildings we’re opening ahead of this school year—with the most K-12 seats the city has opened in two decades—will provide 11,000 additional students with seats and set our children and our

communities up for success.”

New school buildings have been completed in four boroughs, with nine in Brooklyn, eight in the Bronx, one in Manhattan, and six in Queens. With a commitment to fostering an enriching educational

environment, the new school buildings feature modern classrooms, advanced technology, and versatile learning spaces to ensure that they meet the diverse needs of New York City’s student population. They are also constructed with green

spaces and environmentally-friendly materials, promoting sustainability and environmental stewardship.

Key features of the new school buildings include: innovative learning spaces—classrooms equipped with the latest educational technology, flexible space and furniture and collaborative workspaces, including: reading and speech resource rooms; art and music classrooms; science lab and prep rooms; special education classrooms; libraries; gymnasiums and auditoriums. The schools also feature: medical, guidance counselor, and administrative suites, parent and community rooms, indoor and outdoor play spaces, staff lunch and conference rooms.

As part of SCA’s Public Art for Public Schools Program, 21 new, site-specific pieces of artwork were installed in the new buildings this year.



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\$3.8M to Build Training Facility

Continued from page 19

project is expected to provide training for 490 workers and provide support for 2,870 existing jobs. The facility will offer a wind safety skills program based on the GWO’s existing curriculum to boost the safety of wind power facility workers and train the next generation of the growing domestic wind energy workforce.

The safety training facility will feature a working-at-height training module platform, a sea survival platform, a sea rescue tank, three classrooms, a storage room, a fire awareness training room, and a helicopter underwater escape training platform. The safety training is necessary for all workers on offshore wind platforms and will allow them to enter this growing renewable energy sector.

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Welding always attracts attention. Ironworkers L.U. 417 and 580 were among the 16 trade locals that attended this year's apprenticeship career exposition in March 2024.



Loryn Riker who attends high school in Nyack, NY tries her hand with the tools at the HVCCD expo this past March 2024.

600 Hudson Valley Students Eager to Explore Careers In the Building Trades at 24th Annual Expo in 2025



Raven Astudillo, a junior at Roosevelt High School in Yonkers, received pointers in laying concrete block from instructor Chris Brozowski of Bricklayers Local 1 at the Hudson Valley Construction Career Day in Rockland County in March 2023.

Photo Credit/GEORGE DRAPEAU III



Getting the Swing of It - Kyhiem Massaquoi, a sophomore last year at Mount Vernon High School, received instruction from Laborers' Local 60 training instructor Jeff Black, left, and Local 60 member Dwayne Farquharson at the Hudson Valley Construction Career Day in Rockland in March 2023. The Laborers' demonstrated use of a confined-space tripod, actual equipment used in Laborers' Local 60's confined space training class offered at its apprenticeship training center in Brewster, NY.

Photo Credit/GEORGE DRAPEAU III



Plumbers & Steamfitters L.U. 21 showcasing some of the tools and skills needed for a career in the Building Trades. Michael Bonet, above, a senior at Cornwall-on-Hudson High School, at last year's event, planned to enter the armed forces upon graduation.

Photo Credit/GEORGE DRAPEAU III

SUFFERN, NY— Planning is underway to welcome more than 600 local high school students who will meet with experts in the Building & Construction Trades to explore the jobs of tomorrow and the training that is needed to fill those high-paying positions.

The Hudson Valley Construction Career Day for high school students will again be staged at the Rockland Community College Field House in Ramapo, NY—on Fri., March 28, 2025, it was announced by Matt Pepe, executive director of the Building Contractors Association of Westchester & The Mid-Hudson Region, Inc.

Held in conjunction with organized union labor, the association is on track to have invested more than \$500,000 in the day-long program over the past two decades, Mr. Pepe said. "There will be 'Live' demonstrations of various craft union activities, including plumbing, welding, masonry, carpentry and metal work to showcase various skill-development activities. Students are eager to have one-on-one discussions with apprenticeship instructors about job opportunities of the future as the industry transitions from 'blue collar' to 'new collar' careers."

Following the pandemic, organizers have been told that high school administrators are increasingly encouraging their students to consider what has now become a staple in the vernacular of career counseling: "essential jobs."

"Last year was a first," Mr. Pepe added. "We witnessed participation of several high schools that had not been pre-registered. Their kids literally just showed up in buses to learn about careers in construction. That told us there's a surge in demand to learn about the immediate good-paying job opportunities that qualified high school graduates can walk into. We expect to reach full registration very quickly for this academic year."

For information about apprenticeship programs and job opportunities, visit <https://cicbca.org/resources>. To request registration and sponsorship details, visit www.cicnys.org or contact Mr. Pepe at 914-631-6070, matthew@cicnys.org.



Pictured far right, Devin Declerk of Plumbers and Steamfitters Local 21 of Peekskill, NY with students from Beacon High School in Beacon, NY in 2020.

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Safety Watch

Firm's Well-Crafted Safety Plan Proved Worthless, Leading to OSHA Fine for Willful Repeated Risk

By COSTAS CYPRUS, ESQ.

Although the decision of *Secretary of Labor v. Trinity Solar, LLC* specifically pertains both to the use of hard hats and fall arrest systems necessary for the protection of workers, this decision is another reminder that a company's safety program is only as good as how strictly it is complied with and enforced.

On Nov. 23, 2022, employees of Trinity Solar were installing solar panels at a residence on Kimball Terrace in Yonkers, NY when an OSHA compliance safety officer appeared and inspected the work site. Two violations to Trinity were issued for the lack of employee head protection while working below solar panels along with a repeat violation for having employees work on a roof 25 feet above ground without fall protection. (The relevant safety rule provides that employees engaged in residential construction activities six feet or more above the lower level shall be protected by guardrail systems, a safety net system or a personal fall arrest system.)

Trinity installs residential solar panels with thousands of employees throughout New York, New Jersey and other neighboring states. On any given day, Trinity would have 500 to 700 installers. Trinity had a safety program that included



a written safety manual, on-site audits, training and the disciplinary policy.

Trinity provided safety equipment items that were stored on its trucks, which included special ladders. Upon hiring, employees would receive the company safety manual which included various topics such as job hazard analysis,

Although Trinity provided evidence of disciplining the employees from this particular incident, they had no other evidence of prior discipline at job sites where audits had revealed violations of safety rules....

personal protective equipment, hand and power tools, ladders, fall protection, trenching, hand and power tools, etc. Employees would also receive a two-page

pamphlet summarizing safety rules that would include topics such as fall protection, hard hats, lifting techniques, site cleaning, etc.

Employees would also receive training during orientation through videos, PowerPoint presentations and quizzes that verify that certain training had been understood. Trinity would also conduct safety refreshers on a quarterly basis with all employees.

Trinity safety rules required employees to wear hard hats when someone was working on the roof overhead and for workers to be securely anchored with fall-arrest equipment during work on a pitched roof. A supposed strict disciplinary policy was also in effect that included a mandatory three-day unpaid suspension on the first

offense, which then included retraining to ensure that the employee understood; a second offense resulted in mandatory employment termination.

Trinity ran an audit safety program, which included conducting site safety observations

Trinity had a safety committee that would meet monthly and include safety coordinators from all the regional offices, regional vice presidents and other representatives.

at work sites, stopping and correcting work and documenting them on observation forms. During these meetings recordable and non-recordable injuries for the prior month would be reviewed and changes would be made accordingly to work rules. Trinity even had a safety committee that would meet

monthly and include safety coordinators from all the regional offices, regional vice presidents and other representatives.

On Nov. 23, 2022, Trinity's

crew leader was Austin Tyler who oversaw six crew members. The job consisted of the installation of 12 solar panels on the roof of a two-story home with a pitch of 34 degrees. Three members of the crew worked from the roof surface while the other three crew members and Mr. Tyler worked on the ground. At certain times, Mr. Tyler was working in the home's basement performing certain electrical work. Although in the beginning of the

workday, all employees wore personal fall-arrest harnesses at some point, the three workers assigned to work from the ground took off their fall-arrest harnesses. The installation of solar panels included the initial prep work that consisted of removing the shingles, and installing railings to lay the panels using pry bars, drills and hammers. Ladders were used to access the roof from the ground and each solar panel would be carried up the ladder by a crew member and then passed on to the worker on the roof. The solar panels weighed about 48 pounds. One of the roof crew members, Mr. Rivera would take the roof panel and pass it along to another roof crew member who would carry it over the roof's peak to install.

Please turn to page 33

Save the Date Wednesday, October 16, 2024

CIC & BCA 2024 Fall General Membership Meeting

Sleepy Hollow Hotel & Conference Center
455 S Broadway, Tarrytown, NY 10591



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America's Bridge Repair Campaign Witnesses Slow & Steady Gains as 'Poor' Spans Decline

Continued from page 21

SOURCE: ARTBA

Oklahoma (95%), Nebraska (91.5%), Idaho (91.5%), Arkansas (88%), West Virginia (85%) and Alabama (85%).

Based on average cost data submitted by states to the U.S. Department of Transportation, ARTBA estimates it would cost more than \$400 billion to make all needed repairs to the 221,800 structures.

New York State's Deficient Bridge Data

New York State was ranked 11th in the nation for the percentage of deficient bridges (9%). The Empire State was ranked sixth in the country in the number of structurally deficient bridges (1,664). The state ranked third in the nation for the percentage of structurally deficient bridge deck area (12%).

Among the other highlights of the ARTBA report on New York State bridges include:

- The state has identified needed repairs on 17,636 bridges. This compares to 17,548 bridges that needed work in 2020.

- Over the life of the IIJA, New York will receive a total of \$2.0 billion in bridge formula funds, which will help make needed repairs.

- New York currently has access to \$1.2 billion of that total and has committed \$46.5 million toward 15 projects as of June 2024.

- Of the 17,642 bridges in the state, 1,664, or 9.4% are classified as structurally deficient. This means one of the key elements is in poor or worse condition. This was down from 1,702 bridges classified as structurally deficient in 2020.

National and State Rankings Available: www.artbabridgereport.org

Top Most Traveled Structurally Deficient Bridges in New York

County	Year Built	Daily Crossings	Type of Bridge	Location
Kings	1944	202,650	Urban Interstate	Rte I278 over Rte I278, Furman Street
Queens	1963	183,587	Urban Interstate	Rte I678 over Flushing Bay Promenade,
Kings	1962	181,470	Urban Interstate	Rte I278 over 15th Street WB, 17th Str
Queens	1972	154,703	Urban freeway/expressway	Rte 907M over 907A907Ax5M22126, Rte 90
Queens	1971	154,703	Urban freeway/expressway	Rte 907M over Commonwealth Blvd
Queens	1963	146,095	Urban freeway/expressway	Rte 907M over Rte I295, Rte I295, Rte
Kings	1944	143,724	Urban Interstate	Rte I278 over Rte I278, Furman Street
Kings	1944	143,724	Urban Interstate	Rte I278 over Rte I278, Brklyn Promena
Kings	1948	143,724	Urban Interstate	Rte I278 over Rte I278, Joralemon St
Bronx	1960	143,338	Urban Interstate	Rte I278 over Bruckner Expwy, Bruckner
Westchester	1983	143,278	Urban freeway/expressway	Rte 907K over 907GX, Mc Questen Avenu
Bronx	1951	141,112	Urban Interstate	Rte I95 over Bronx River Ave., Ramp I
Kings	1950	140,343	Urban Interstate	Rte I278 over Meeker Avenue, Meeker Av
Queens	1941	138,557	Urban freeway/expressway	Rte 907A over Totten Rd
Kings	1954	137,578	Urban Interstate	Rte I278 over Flushing Avenue
New York	1966	135,883	Urban freeway/expressway	Rte 907L over 34th Street, 35th Street
Kings	1944	134,789	Urban Interstate	Rte I278 over Rte I278, Furman Street,
Kings	1942	132,147	Urban freeway/expressway	Rte 907C over Ocean Avenue
Kings	1942	132,147	Urban freeway/expressway	Rte 907C over Sheepshead Bay Rd
Queens	1963	131,123	Urban freeway/expressway	Rte 907M over Midland Parkway, Midland
Queens	1960	129,775	Urban Interstate	Rte I495 over Rte I295, Rte I295
Nassau	1968	129,086	Urban freeway/expressway	Rte 908G over Rte I495
Queens	1963	127,491	Urban Interstate	Rte I678 over Flushing Creek, Meadow L
Erie	1950	126,187	Urban Interstate	Rte I90 over Galleria Drive, Scajaqua
New York	1985	124,183	Urban freeway/expressway	Rte 907 over East River Shore

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ECCO III Enterprises sent its allstar roster: from left, Stephen Nigro, Manny Foto, Ryan Mazurkiewicz and Rich Prine.



Craig Lawrence of Tectonic Engineering was named M.V.P. for strong defense in the field and his walk-off grand slam in the final inning to tie the game at 30-30.



Play action at third base as The Builders direct the throw to home plate.

Construction NEWS PHOTO GALLERY

CIC Softball Reunion Scores Big For Ukrainian Humanitarian Relief

By George Drapeau III

TARRYTOWN, NY—With a final score that was more indicative of football game than a softball contest, the annual CIC Softball Classic was tied after six regulation innings at 30 all. Of course it was—it was Friday the Thirteenth.

So in the spirit of camaraderie, that's where the two teams left it. No extra innings, no sudden death, no coin flip—not even a round of darts afterward in a local pub to break the tie. Instead, the players opted for a conga line of team handshakes with the pledge to pick it up again next year.

The Pavers were led by Captain Manny Foto of ECCO III Enterprises facing off against The Builders, which was captained by Matt Fante of Darante Construction, Ltd., at the Losee Park town field here on the Hudson River waterfront.

Like the three previous contests in 2021-2023, this year's Charity CIC Softball game was played with the panorama of the majestic Gov. Mario M. Cuomo Bridge, the fitting testimony of the construction industry's ingenuity and handiwork.



More than \$17,000 was raised from 19 company-sponsors, underwriters and labor unions to care for orphans and families in Ukraine. It was also the third year that CIC partnered with St. Michael's Ukrainian Catholic Church in Yonkers to deliver these life-sustaining funds to charity partners in Ukraine.

The one-pitch-at-bat format moved the play action along—with each player having a swing of the bat in every inning.

"The game was a perfect example of what CIC does best," said CIC's Sharon Regan Masciovecchio, this year's CIC Baseball Commissioner and Organizer. "The outing brings together all elements of the Hudson Valley construction industry for something bigger than ourselves—whether that be a bridge, a clean water project or this small effort to help a very troubled part of the world."

The day began with music from a quartet of voices and violinist Nick Szucs of Montesano Bros. leading the players and spectators in the National Anthem. The game ended in the bottom of the sixth with a bases-clearing home run by the game's M.V.P., Craig Lawrence of Tectonic Engineering.



At center, Fr. Kiril Angelov of St. Michael the Archangel Ukrainian Catholic Church in Yonkers (yellow jersey) accepted the donations of more than \$17,000 from sponsors, underwriters and donors who participated in the CIC Softball Game on Fri., Sept. 13. Humanitarian relief funds will help provide food and medicine through the Cathedral Church of St. Nicholas the Wonderworker in Kharkiv in eastern Ukraine.



The Pavers drew from nine CIC-member companies that contributed talent and financial support.



Thalle Industries, a major sponsor, sent from left, Rebecca Hanzlik, Cassidy Montes and Vanessa Cardoso.



In center field, Ryan Mazurkiewicz of ECCO III Enterprises throws to infielders Rich Pine, left, of ECCO III, backed up by Nick Szucs of Montesano Bros.



Major sponsor Montesano Brothers sent a vocal quartet to lead in the signing of the National Anthem. From left, Zcha Zuhair, Maria Mora, Annais Vega and Holly Lando who also played for the Pavers.

Regional Bid Alert

NYS DOT - Region 8

Bid Letting Date: Oct. 10, 2024

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

Contract: D265329
PIN# 881477

Project Description: Rockland Co., safety improvements - signal upgrades - NY Rte. 59 & NY Rte. 304, Town of Clarkstown.

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

Goals: MBE: 10.00%, WBE: 15.00%, SDVOB: 0.00%

NYS DOT - Region 10

Bid Letting Date: Sept. 26, 2024

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

Contract: D265311
PIN# 081002

Project Description: Nassau, Suffolk Cos., highway reconstruction - NYS RTE. 25 & Southern State Parkway, Towns of Hempstead and Huntington.

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

Goals: DBE: 10.00%

Bid Letting Date: Sept. 26, 2024

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

Contract: D265214
PIN# 081038

Project Description: Nassau Co., drainage - enhancement project, Village of Freeport and Town of Hempstead.

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

Goals: DBE: 10.00%

Bid Letting Date: Sept. 26, 2024

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

Contract: D265280
PIN# 0LC101

Project Description: Suffolk Co., culvert replacement - Town of Babylon, Village of Amityville.

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

Goals: DBE: 10.00%

Bid Letting Date: Oct.10, 2024

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

Contract: D265298
PIN# 0DPM24

Project Description: Nassau, Suffolk Cos., highway - pavement markings - various locations.

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

Goals: DBE: 3.00%

Bid Letting Date: Oct.10, 2024

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

Contract: D265303
PIN# 0BWW24

Project Description: Nassau, Suffolk Cos., bridge maintenance - where & when - various locations.

Bid Deposit: 5% of Bid (~ \$200,000.00) , Goals: MBE: 5.00%, WBE: 10.00%, SDVOB: 0.00%

NYS DOT - Region 11

Bid Letting Date: Sept. 26, 2024

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

Contract: D265292
PIN# XM2443

Project Description: Bronx, Kings, New York, Queens, Richmond cos., where & when retaining walls preservation - various locations.

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

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

Bid Letting Date: Oct. 9, 2024

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

Contract: D265310
PIN# X73170

Project Description: Kings Co., bridge - rehabilitation - Fort Hamilton Parkway, City of New York. Best Value., Prebid Meeting, Best Value Procurement, PLA Candidate.

Bid Deposit: 5% of Bid (~ \$2,750,000.00)

Goals: DBE: 10.00%

Bid Letting Date: Oct. 10, 2024

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

Contract: D265307
PIN# XM2521

Project Description: Bronx, Kings, New York, Queens, Richmond Cos., where & when - bridge steel repairs, various locations.

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

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

New York State Thruway Authority

Bid Letting Date: Sept. 25, 2024

Contract: TANE 24-19/D214945, Amendment #1, 2, 3, 4

Project Description: Resurfacing a Portion of

the New England Thruway (I-95) from milepost NE 4.0 to milepost NE 8.8 NB and SB including the rehabilitation of 12 bridges in Westchester County in accordance with the Plans and Specifications.

Goals: MBE - 0% WBE - 0% SDVOB - 0%

Bid Deposit: \$4,250,000.00

Westchester County DPW

Bid Due Date: Sept. 25, 2024

Contract: 24-515 (\$100.)

Title: Roadway Milling, Resurfacing and Additional Improvements, Murray Avenue, C.R. #74, Town of Mamaroneck; McLean Avenue, C.R. #127, City of Yonkers; South Ridge Street, C.R. #54B, Village of Rye Brook; and Columbus Avenue, C.R. #64-II, Town of Mount Pleasant. A total distance of 1.89 miles, Westchester County, New York.

Description: The work under this contract consists of providing all necessary labor, material and equipment required to mill and resurface asphalt pavement overlay. It also includes full depth repairs as needed, replacement of curb cuts for ADA compliance, replacement of some curbing and driveway aprons, drainage structure adjustments and repairs, as well as replacement of traffic signal loops, new pavement markings and associated work.

Bid Estimate Range: \$3.7 million to \$3.9 million

Pre-Bid Inspection: None Scheduled.

Contact: Samantha Cachoian, 914-995-1670.

Bid Due Date: Oct, 2, 2024

Contract: 22-526 (\$100.)

Title: Rehabilitation of Weaver Street Pumping Station, Mamaroneck Valley Sanitary Sewer District, Town of Mamaroneck, New York.

Description: The work under this contract consists of providing all necessary labor, material and equipment required for rehabilitation of the Weaver Street Pumping Station in the Mamaroneck Sanitary Sewer District in Mamaroneck, New York. Work will include, but not be limited to, rehabilitation or replacement of various equipment and systems including sewage pumps, motors, drives, controls, valves, piping, bar screens, electrical lighting, heating, ventilation, chemical feed, emergency generator, chain link fencing and security systems, as well as installation of necessary flood hazard mitigation measures at the Pumping Station.

Note: The Contractor is directed to the Special Notice regarding Project Labor Agreement (PLA).

Bid Estimate Range: \$6.9 million to \$7.7 million.

Mandatory Pre-Bid Inspection: Scheduled for 10:00 AM, Sept. 10, 2024; meeting at the Weaver Street Pumping Station, 84 Cargil Park Road, Larchmont, NY 10538. 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: John Coelho, 914-995-5144.

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

WASHINGTON UPDATE



An aerial view of Orange County Airport in Montgomery, NY.

FAA to Allocate \$59 Million For Upgrades at 26 NY Airports

WASHINGTON—U.S. Senate Majority Leader Charles E. Schumer and U.S. Sen. Kirsten Gillibrand announced on Sept. 4 that \$59,115,204 in federal funding has been allocated to modernize facilities and strengthen airfield safety at 26 airports across New York State.

The federal funding was granted through the Federal Aviation Administration’s Airport Improvement Program and will help fund projects that address safety, capacity, and security at New York’s airports. The projects include constructing and expanding terminals, rehabilitating taxiways, and modernizing airport signage.

Hudson Valley airports that will receive FAA funding include: **Joseph Y Resnick Airport**, \$908,635. (Ellenville, NY-Ulster County) for taxiway reconstruction;

Westchester County Airport, \$572,576. (White Plains, Westchester County) for runway rehabilitation and expansion;

Orange County Airport, \$124,560. (Montgomery, NY, Orange County) for taxiway reconstruction.

Construction Sector Posts Record Low Jobless Rate in August, Adding 34K Jobs

WASHINGTON—The construction sector added 34,000 jobs in August while the industry’s unemployment rate fell to 3.2%, the lowest August rate in the 25-year history of the data, according to an analysis of new government data by a leading association.

The unemployment rate and the results of a recently released workforce survey indicate that firms would likely have hired more workers if only they could find qualified people.

“Construction job growth was the strongest in five months in August,” said Ken Simonson, the association’s chief economist of the Associated General Contractors of America, which issued the report. “But the record-low unemployment rate for jobseekers with construction experience shows how much difficulty contractors face in finding qualified workers.”

Construction employment in August totaled 8,280,000, seasonally adjusted, an increase of 34,000 from July. The sector has added 228,000 jobs or 2.8% during the past 12 months, nearly double the 1.5% increase for total nonfarm employment.

All types of construction firms added employees in August. Nonresidential construction firms added 28,300 employees, including 800 at building firms, 14,000 at specialty trade contractors, and 13,500 at heavy and civil engineering construction firms. Employment at residential firms rose by 5,600, including 4,800 at builders and 800 at specialty trade contractors.

Average hourly earnings for production and nonsupervisory employees in construction—covering most onsite craft workers as well as many office workers—climbed by 3.8% over the year to \$35.81 per hour. Overall private sector pay for production workers rose 4.1%, to \$30.27. That difference in hourly pay constituted a wage “premium” of just over 18% compared to the overall private sector.

The unemployment rate among jobseekers with construction experience was 3.2% in August, the lowest August rate in the history of the series. Mr. Simonson remarked that this is another indication of steady demand for construction.

It was noted that the new employment data tracks with the results of a workforce survey the association and Arcoro released at the end of August. That survey found most contractors plan to add to their headcount, but 94% of firms that are hiring report having difficulty finding qualified workers to hire. The association urged federal officials to boost funding for construction education and training programs and to allow more people to lawfully enter the country to work in the industry.

PUT ‘DRIVERS WANTED’ SIGNS IN THE REARVIEW MIRROR



Local 456

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



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

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



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* Contact John Cooney Jr. John@cicnys.org

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



WHAT'S NEW & WHO'S NEWS

Nazario to Direct Economic Development & Tourism Office in Rockland County



Jenna Nazario

NEW CITY—Rockland County Executive Ed Day announced on Sept. 6 that Jenna Nazario has been named the new Director of Economic Development & Tourism.

Prior to accepting the new position, Ms. Nazario served as director of Community Relations for Rockland County, which oversaw the allocation of \$63 million in American Rescue Plan Act federal funds received during the pandemic. In that role, Ms. Nazario developed and executed several grant programs that aided in local revitalization of small businesses, nonprofits, community spaces and more. Among them were:

- Small Business Rescue Reimburse-

ment—+\$1.3 million awarded to 29 businesses.

- Nonprofit Rescue Reimbursement—+\$463,000 awarded to 14 organizations.

- Reviving Rockland Restaurants—+\$434,000 awarded to 25 restaurants.

- Urban Green Spaces—+\$6.2 million awarded to create 34 parks and playgrounds

- Housing Loan Fund—\$13.5 million to be awarded for the creation and preservation of housing.

Ms. Nazario noted she is making the transition from the relief provided by the ARPA Department to the forward-thinking initiatives of Economic Development and Tourism.

She added, "This department is committed to driving sustainable growth, celebrating our local culture, and making Rockland County a premier destination for visitors and businesses alike."

Prior to her current position, Ms. Nazario was Special Projects Aide within Community Development and a Human Rights Outreach Coordinator, both within the County of Rockland. The Tourism & Economic Development Director position pays \$141,000 annually.

Mr. Day said Ms. Nazario will also continue to oversee the remaining ARPA expenditures and perform appropriate oversight of numerous ongoing projects.

NYC DEP Appoints Borough Commissioners For Queens, Staten Island and The Bronx

NEW YORK—The New York City Department of Environmental Protection recently appointed three Borough Commissioners to serve as chief liaisons for community members, stakeholders and elected officials in Queens, Staten Island and the Bronx.

Alfonso Lopez will serve as Borough Commissioner for Queens, Mario Bruno will serve as Borough Commissioner for Staten Island, and Eleftheria Ardizzone will serve as Borough Commissioner for the Bronx.

These newly created positions will work closely with elected officials, community boards, neighborhood associations, environmental groups, sports and cultural organizations, and other interested stakeholders to address community concerns. They will coordinate with city, state and



Alfonso Lopez

federal agencies to deliver services to their constituents while supporting key DEP initiatives, including: the advancement of critical capital projects that address flooding; the monitoring of air and noise issues; and assisting property owners and all DEP customers.

Borough Commissioners will also keep the DEP Commis-



Mario Bruno

sioner and senior leadership apprised on issues concerning projects, personnel, programs and facilities within their respective boroughs:

Mr. Lopez most recently served as Chief of Staff for the New York City Mayor's Office of City Legislative Affairs, where he worked with a variety of agencies to advance may-



Eleftheria Ardizzone

oral priorities. Before that, he worked for a decade in federal government as a legislative assistant in the U.S. House of Representatives, and as Associate Director for Legislative Affairs for the U.S. Department of Homeland Security.

Mr. Bruno has served as Assistant Commissioner for Intergovernmental Affairs at

DEP since 2013. In this role, he has advised on the development and implementation of agency strategies for critical projects and initiatives. He first joined DEP in 2013 and has been actively involved in the management of DEP-related constituent cases from elected officials, community boards, and civil associations, specifically within Staten Island.

Ms. Ardizzone currently serves as Deputy Director of Community Affairs at DEP, where she has spent nearly 20 years liaising with local, state, and federal agencies, advisory boards, community boards, civic associations, and environmental groups. She currently handles DEP's Bronx-specific community affairs and comes to the Borough Commissioner role with strong local stakeholder relationships.

LeChase Const. Completes \$47M U of Albany Residence Hall Project

ALBANY, NY—The University at Albany and the Dormitory Authority of the State of New York announced late last month the completion of a major \$46.9-million gut renovation of Paine and Zenger Residence Halls on Colonial Quad, which opened a week earlier to students for the fall semester. The renovation also included the transformation of the former dining hall into the Colonial Wellness Center, a new recreation and wellness center, which has been nicknamed The Well.

The University held a ribbon-cutting and open house on Aug. 26 to celebrate the completion of the project. UAlbany President Havidón Rodríguez was joined by DASNY Vice President Charlie Williams, Vice President for Student Affairs and Enrollment Michael Christakis and Assistant Vice President for Student Affairs, Health and Well-being Joyce DeWitt-Parker. Following remarks, The Well held an open house with programs and activities for students, faculty and staff.



Page Architecture and Planning handled the project design, while LeChase Construction Services, through its New York Capital Region office, served as the general contractor for the \$46.9-million gut renovation of Paine and Zenger Residence Halls on Colonial Quad at the University at Albany.

"The opening of renovated residence halls on Colonial Quad and the new Colonial Wellness Center will be transformative for the University at Albany campus. As a Health Promoting University, we are committed to taking a holistic approach to health and wellness on our campus," said Havidón Rodríguez, president of the

University at Albany.

Page Architecture and Planning handled the project design, while LeChase Construction Services, through its New York Capital Region office, served as the general contractor. The project employed a design-bid-build delivery method.

The project is part of approximately

\$126 million in capital renovation projects DASNY is completing on SUNY campuses statewide.

The 82,000-square-foot renovation features attractive new living spaces for 173 students with new windows, air conditioning, lighting and energy improvements, along with reconstruction of interior spaces, new furniture and other modern updates.

The Colonial Quad project was constructed to LEED Gold standards under the sustainability and energy efficiency guidelines of the U.S. Green Building Council while respecting the original mid-century modern architecture of Edward D. Stone. LEED elements include new windows, heating, cooling and ventilation systems, water-saving plumbing fixtures, energy-saving LED lighting in hallways and student rooms, and other modern upgrades. In addition, the project utilized low-VOC paints, coatings, sealants, adhesives and flooring to protect indoor air quality.

WHAT'S NEW & WHO'S NEWS

Mario Cilento Re-Elected to Lead NYS AFL-CIO

NEW YORK—Mario Cilento was re-elected unanimously on Aug. 27 by the delegates of the 34th Constitutional Convention of the New York State AFL-CIO to a four-year term as president at the Sheraton New York Times Square Hotel in New York City.

As president, Mr. Cilento represents 2.5 million members from 3,000 affiliated public sector, private sector, and building trades unions throughout the

state.

He highlighted the union movement's recent success record, including achieving pension reforms that are the most significant improvement for public servants in more than 20 years. He pointed out winning Buy American laws for iron, steel, and rock salt and historic labor standards on renewable energy projects.

Mr. Cilento also noted that the union movement raised and

indexed the minimum wage and that New York is one of only a handful of states that passed a law protecting workers who refuse captive audience meetings.

"We have to build on those victories and accomplishments. We have to be vigilant on the issues of the present and future, like making sure when dealing with artificial intelligence, we protect our members' rights, privacy and jobs.

"Everyone in this room

had a hand in those victories. That's how we win," Mr. Cilento added.

In addition to Mr. Cilento, Terrence Melvin was unanimously re-elected Secretary-Treasurer.

The New York State AFL-CIO is a federation of 3,000 unions, representing 2.5 million members, retirees and their families with a goal to raise the standard of living and quality of life of all working people.



Mario Cilento

Safety Watch Continued from page 26

Mr. Tyler admitted that the hard hats had not been distributed and everyone was working all day, and specifically, the ground crew was without head protection despite work rules mandating that hard hats are to be worn when there is a danger of falling objects from the roofs.

Depending on the degree of the roof's pitch, Trinity would utilize a Y strap configuration with a fixed length rope attaching to the front of the harness or a "shock pack" that attached to the back, which decelerated and then stopped the fall when in use. The OSHA inspector took photographs that showed two employees on the roof who were wearing fall arrest harnesses

but a third employee, Mr. Cesar, a member of the ground crew was not. Photographs specifically showed Mr. Cesar carrying a solar panel up the ladder, stepping onto the roof and carrying it over the roof without fall protection. Moreover, the two roof crew members who wore fall arrest harnesses were not consistently tied off.

During later testimony, it also became clear that Trinity's disciplinary policy was not strictly enforced because it would contribute to difficulty in hiring and retaining workers. Although Trinity provided evidence of disciplining the employees from this particular incident, they had no other evidence of prior

discipline at job sites where audits had revealed violations of safety rules, even when records showed that specific employees had violated rules on multiple occasions.

Trinity conceded liability but contested the penalty amount of \$98,216, which was ultimately reduced to \$88,394.

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.

New Rochelle Wins \$1M USDOT Grant

WASHINGTON – The U.S. Department of Transportation reported it is awarding \$49.46 million in grants to 45 local, regional and state public entities through the Innovative Finance and Asset Concession Grant Program (IFACGP).

The awards announced on Sept. 17 are made possible through the resources of President Biden's Bipartisan Infrastructure Law. More than 70% of the projects include transit-oriented development (TOD) and downtown redevelopment initiatives along with projects that support efforts to increase housing supply and lower costs.

Among the award recipients is the City of New Rochelle, NY, which will use \$1 million in IFACGP funds to scan city-owned assets to determine future TOD projects that will promote economic revitalization opportunities and reconnect disadvantaged communities.

"Through the bipartisan infrastructure package, the Biden-Harris Administration is helping cities, states and transit agencies develop projects on underused properties—including tens of thousands of housing units over the next decade," said U.S. Transportation Secretary Pete Buttigieg. "The grants we're announcing today will allow communities to partner with the private sector, develop and deliver transit-oriented projects on public assets, and get more housing and other public benefits and services completed more quickly."

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LOW BIDS

**E-J, Liberty II, Harrison & Burrowes
ELQ, Verde, Montesano Win Bids**

WHITE PLAINS—The New York State Department of Transportation recently reported the selection of six apparent low bidders for work in the Hudson Valley/New York City regions.

E-J-Installation Co. of Long Island City, NY was the lowest of six bidders at \$25,410,000. for mobility improvements—active traffic management of the Cross Bronx Expressway in New York City.

Liberty II Sweeping and Maintenance Inc. of Westbury, NY was the lowest of three bidders at \$4,328,896. for highway-maintenance cleaning at various locations in the Bronx, Kings, New York, Queens and Richmond counties.

Harrison & Burrowes Bridge Constructors Inc. of Glenmont, NY was the lowest of four bidders at \$4,712,471.24 for bridge rehabilitation of I-84 at various locations in Dutchess, Orange and Putnam counties.

ELQ Industries Inc. of New Rochelle, NY was the lowest of six bidders at \$5,341,558.75 for highway—where & when—at various locations in Columbia, Dutchess, Orange, Putnam, Rockland, Ulster and Westchester counties.

Verde Electric Maintenance Corp. of Mount Vernon, NY was the lowest of three bidders at \$945,800. for air quality improvements—signal optimization—at various locations in Putnam, Rockland and Westchester counties.

Montesano Brothers Inc. of New Rochelle, NY was the lowest of six bidders at \$4,890,204.52 for resurfacing NY Rte. 100A in the Town of Greenburgh and Village of Elmsford in Westchester.

**ELQ Industries, Jennings
Nab County DPW Projects**

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

ELQ Industries, Inc. of New Rochelle, NY was the lowest of nine bidders at \$2,780,939.20 for reconstruction of parking lots, driveways and sidewalks and new electric vehicle charging stations, 100 East First Street and 450 Saw Mill River Road, City of Mount Vernon and Village of Ardsley, NY.

Jennings Construction, Inc. of Harrison, NY was the lowest of six bidders at \$785,000 for new mental health clinic, 112 East Post Road, White Plains, NY.

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