

# CONSTRUCTION NEWS



Vol. 41 No. 1

JANUARY 2025

\$1.50

## MGM Empire City Casino Proposal Draws Raves at Yonkers Hearing *Speakers Envision 'Tremendous' Economic Benefits*

By JOHN JORDAN

YONKERS—Of the many casino projects expected to vie for a full casino gaming license from the New York State Gaming Commission, MGM Resorts here in Westchester went before a municipal board on Jan. 8 as part of the review process to win city approval in advance of the filing application deadline of June 27, 2025.

In the coming months, a half-dozen downstate casino projects proposed by operators, which also include Bally's, Caesars, Hard Rock, Sands and Mohegan, will be vying for approvals in the Downstate region. The respective multi-billion-dollar facilities could be housed in locations on Long Island, in the Bronx, in Queens near CitiField, Aqueduct Racetrack or Belmont Park, as well as several locations in Manhattan. MGM Re-

sorts hopes to expand at the Empire City Casino complex in Yonkers.

The casino approval timeline requires all applicants to complete all entitlement processes (land-use/zoning, environmental, etc.) as eligibility for consideration by the Gaming Commission's Siting Board. The City of New York has amended its zoning code to allow licensed commercial casino gambling as a permitted use by right. However, some potential applicants are not currently able to avail themselves of the zoning change due to specific requirements not covered by the amendment.

Applications will be due June 27, 2025. Mandated Community Advisory Committees (CAC) will form immediately thereafter. The CACs must vote on their respective project by Sept. 30. Those applicants approved



Renderings of the proposed "MGM Resorts Casino at Empire City" casino, a \$2 billion project that is now before the Yonkers Planning Board.

by their CAC will then submit supplemental application material—including a proposed tax rate—to the board for evaluation and consideration.

The board expects to make decisions by Dec. 1, 2025, followed by

the full Gaming Commission licensure of up to three casinos in the New York metro region by Dec. 31. This ensures that New York State will collect the already-booked ca-

**Please Turn to Page 3**

## With Congestion Tolls Underway, State Officials Now Face Massive MTA Capital Program Deficit

By JOHN JORDAN

NEW YORK—Will the new revenues streaming from congestion tolling infuse public coffers with enough money to fill the budget deficit in the MTA's capital program—estimated at \$33 billion?

If that question isn't enough to give politicians and transit leaders pause, budget troubles were further exacerbated when, on Christmas Eve, Senate Majority Leader Andrea Stewart Cousins and Assembly Leader Carl Heastie rejected the MTA's \$65.4-billion capital plan. Two days before the plan would have lapsed into approval, the

two leaders sent MTA Chair and CEO Janno Lieber the bad news: "The proposed program currently faces a significant funding deficit, generally recognized to be at least \$33 billion of the \$65 billion proposed total subject to CPRB approval, which is a specific concern that needs to be addressed before we can approve the program."

New York State Comptroller Thomas DiNapoli on Jan. 7 echoed the concerns of Sen. Stewart Cous-

ins and Assemblyman Heastie, stating that the MTA will be facing financial challenges even with congestion pricing in place. In an interview on *Spectrum News*' "Mornings on 1," he said the MTA capital program's funding

gap is \$33 billion.

"The congestion pricing is going to leverage money for bonding to deal with the current capital plan (2025-2029). But the new one is also up in the air because the capital review board rejected it," he said.

MTA leadership said if they had to cut, the first thing that would go is expansion projects, according to a *NY1.com* report.

The MTA activated the con-

**Please Turn to Page 14**



MTA Chair and CEO Janno Lieber and an MTA worker unveil toll signage in Manhattan.

### Inside:

Commentary.....	4
Safety Column.....	10
Making a Career of It.....	12
Low Bids.....	14
New York City Update.....	16
Albany Update.....	20
Financial Management.....	21
What's New & Who's News...	22



# ELMSFORD

VIRTUAL QUARRY™

DISPOSAL OF CLEAN ROCK, CONCRETE, ASPHALT



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



50 S. Warehouse Ln  
Elmsford, NY 10523

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

**Joe Perrone 919 201-1111**

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

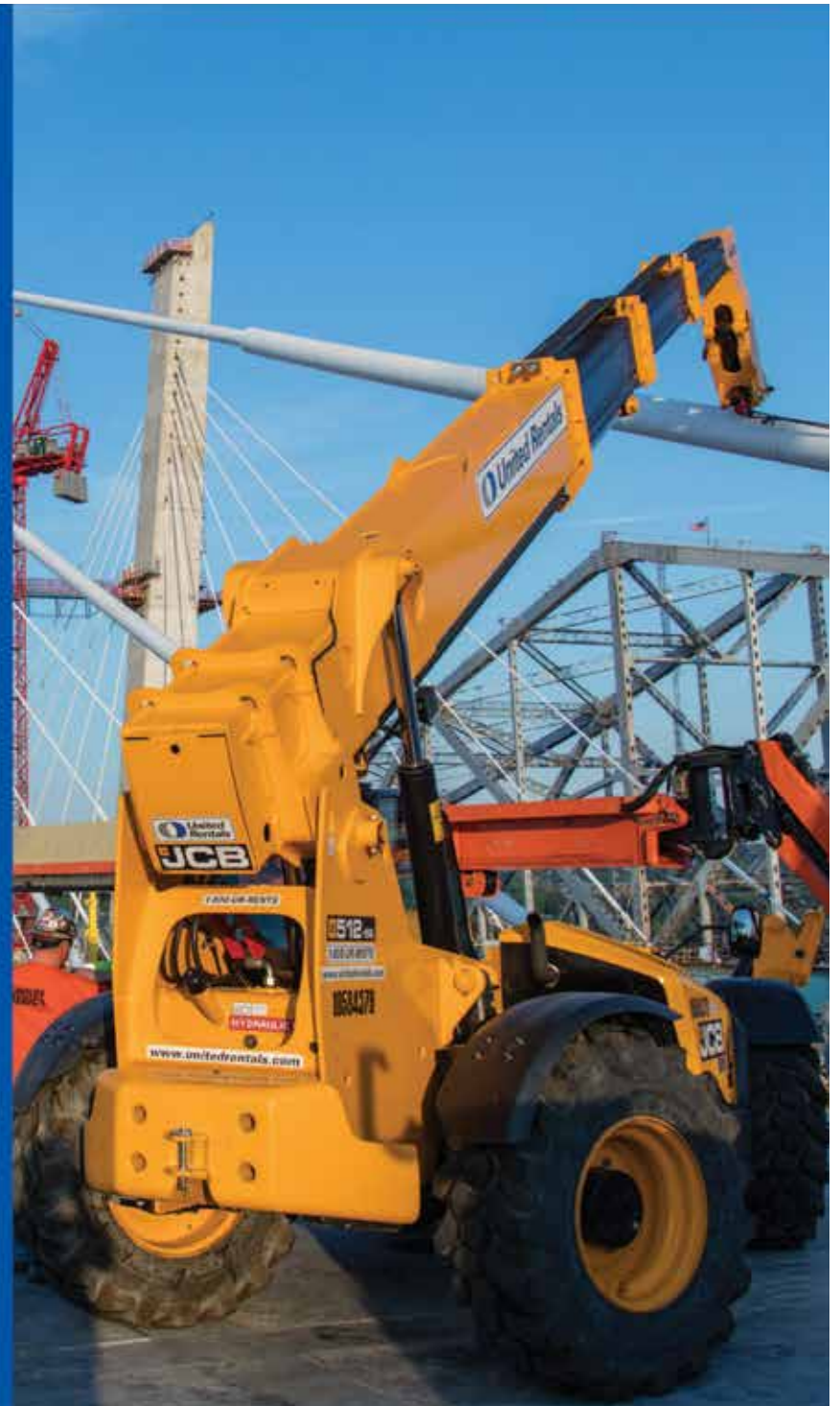


## Everything you need. Plus equipment.

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

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

© 2017 United Rentals, Inc.



# Gov.'s State-of-the-State Address Promotes Rail, Climate, Housing, Childcare Funding Goals

ALBANY—In advance of her 2025 State of the State address on Jan. 14, New York Gov. Kathy Hochul announced a series of funding initiatives geared at addressing the housing shortage and affordability crisis, improving Metro North rail service in the Hudson Valley region and child care facility construction.

One of the most expansive initiatives involves new laws and policies and \$100 million in funding geared to make homeownership more affordable and accessible in New York State. Three of her proposals would have benefits for the construction and building industries.

## Housing Reforms and Targeted Funding

One initiative focuses on disincentivizing institutional investors from buying up one- and two-family homes throughout the state. She explained that hedge funds, private equity firms and other institutional investors, have played an increasingly significant role in the single-family and two-family housing market in recent years.

These large entities can often outbid prospective homeowners with all cash offers and fast track their ownership by waiving inspections, appraisals and other common prerequisites that traditional homebuyers cannot. The rise in digital technologies have further paved the way for these entities to purchase single-family and two-family homes, allowing them to monitor real estate markets and move quickly to identify, evaluate and make offers on

properties that fit their criteria. Nationally, private equity firms own more than 500,000 homes. According to some estimates, private equity firms are expected to own up to 40% of the single-family rental market by 2030.

To help level the playing field and increase the opportunities for everyday individuals and families to purchase a home, Gov. Hochul is proposing legislation to disincentivize large investment entities from buying single- and two-family homes en masse; it will require a 75-day waiting period for institutional investors to make an offer on one- or two-family homes.

Additionally, the governor will propose reducing the opportunity for institutional investors to take advantage of tax code provisions that make these investments in single- and two-family homes more lucrative by denying these entities the ability to utilize the interest deductions, depreciation deductions and other expenses associated with the ownership of these properties.

## Provide Starter Home Innovation Funding

To address the shortage of traditional smaller starter homes, Gov. Hochul has proposed \$50 million in capital funding to incentivize the building of more starter homes, including innovative approaches to homebuilding such as the use of factory-built and modular development.

## First-Time Homebuyers Down Payment Assistance

The governor also an-

nounced she will provide \$50 million in new state funding to support New Yorkers struggling to save for down payments and help more individuals and families achieve the dream of homeownership.

## Create an Affordable Homebuyer Tax Incentive

She is also proposing an affordable homebuyer property tax incentive with a local opt-in for homes built with assistance from governmental entities, nonprofits, land banks or community land trusts, and sold to low- and moderate-income homebuyers.

## Combat Home Appraisal Discrimination

In her State of the State address, the governor proposed a suite of actions to make discriminatory appraisal practices unlawful, enforce anti-discrimination principles in appraisals and diversify the appraiser workforce.

Her latest housing initiatives build on the governor's \$25 billion, five-year housing plan to create or preserve 100,000 affordable homes statewide. State officials noted that New York State has reached the milestone of creating 50,000 affordable homes within two years.

## More Than \$100 Million for Childcare Construction

In her State of the State address, the governor proposed a \$110-million Child Care Construction Fund to build new childcare facilities and repair existing sites. This fund will distribute grant money to child care providers to construct new facilities or repair existing facilities, with the goal of creating new safe



Gov. Kathy Hochul called for a host of housing, rail, childcare projects and roadway improvements at her annual speech at the Egg performing arts center in Albany on Jan. 14.

sites for kids and providers. Grant funding will be available to non-profit or for-profit childcare centers, as well as to school age childcare programs, incentivizing the creation of new childcare sites.

The governor also proposed establishing a "substitute pool" to expand the childcare workforce, helping providers find trusted, vetted professionals to quickly step in and keep classrooms open. Finally, she will launch the New York Coalition for Child Care to bring together business leaders, labor unions, service providers and tax experts to identify a sustainable path forward for achieving universal childcare.

## Upgrades to MetroNorth Rail Service

Earlier this month, the governor proposed what she termed as a major investment in Hudson Valley rail service that would increase capac-

ity, reduce delays, improve safety and cut potential travel times by up to 15 minutes each way for certain trips, as well as shorten "super-express" Metro-North Hudson Line trips to less than 90 minutes. The proposal, which did not include cost estimates for the various initiatives, includes planning, evaluation and design for a set of rail infrastructure capital improvements between New York City and Poughkeepsie, including projects such as a second track at Spuyten Duyvil, interlocking, signaling and trackwork at Croton Harmon, and capacity improvements at Poughkeepsie Yard. In addition, the Metropolitan Transportation Authority (MTA) will execute a signaling redesign near Yonkers and climate resilience investments in the most vulnerable and highest ridership segments of the Hudson Line. ■

## Empire City Continued from P. 1

sino license fee(s) ahead of schedule.

## 2,000 New Permanent Jobs

MGM Resorts is seeking a zone change from the City of Yonkers in its campaign to replace the computerized electronic table games with live dealers as well as offer retail sports betting, Class III Vegas-style slot machines and expanded amenities at its complex off the New York State Thruway.

The Yonkers Planning Board public hearing on Jan. 8 provided residents and businesses the opportunity to comment on the project. The total investment, if approved, is projected to be more than \$2 billion under the name "MGM at Empire City."

Matthew Pepe, executive director of the Building Contractors Association of Westchester & Mid-Hudson, based in Tarrytown, was among those who spoke in favor of the project. He praised Empire City Casino by MGM Resorts for its collaborative engagement with Yonkers and its residents, its longstanding commitment to organized labor, its industry expertise and track record, and he called the Planning Board's attention to the financial investment to upgrade the property since January 2019 when it purchased the complex for \$850 million.

"The expansion of Empire City Casino is projected to create thousands of jobs, including approximately 2,000

permanent positions upon completion," Mr. Pepe began. "Additionally, the construction phase will require several thousand temporary construction workers, providing a significant boost to our local construction industry. This influx of employment opportunities will stimulate economic growth, support local businesses and enhance the overall vitality of our community. Conversely, if this expansion does not proceed, our industry risks losing a significant opportunity for employment and development, which could have adverse effects on the local economy."

John Ravitz, executive vice president and COO of The Business Council of West-

chester, reinforced Mr. Pepe's comments, pointing to Empire City Casino's long-standing engagement with the City of Yonkers about its expansion plans. If its plan is approved, Mr. Ravitz said the expansion "will make it one of the largest incubators for workforce development, creating 2,000 new jobs for residents of Westchester and the Bronx."

Mr. Ravitz concluded, "As this process moves forward, we all must remember how transformative this project will be—not just in the immediate future but for generations to come. Simply put, this is a win-win opportunity for all of us."

## Staged Development

The first phase of the MGM

at Empire City development will include a comprehensive renovation and expansion of the casino floor, a 5,000-seat capacity entertainment venue, a state-of-the-art BetMGM sportsbook, three new full-service high-end restaurants, a renovation of existing food and beverage outlets, cocktail bars and lounges, and technologically advanced meeting spaces. The second phase of redevelopment could include the construction of a convention center.

No action was taken by the Yonkers Planning Board on Jan. 8. That municipal panel will continue to seek input on the DEIS. Public comment stays open for written comment until Feb. 27. ■

## Commentary

# Invest in Clean Water Infrastructure For the Health and Sustainability of Our Communities

I have been fighting for increased investments in New York's roadway and clean water infrastructure since taking office in the State Senate for three simple reasons: to protect the safety and public health of residents, to support the creation of good union jobs and to bolster future economic development that will benefit our communities in myriad ways.

Maintaining the high quality of life that we expect in every imaginable sector of existence means making these investments this year and ensuring annual renewals and even more increases as needed. For

New York to compete—and succeed—as a prime destination for new residents and sustainable growth investments, there can be no other way.

New York's stature as one of the country's economic leaders is at stake.

That is why in the past several months I have been joined by several bipartisan elected of-

ficials, union leaders and community advocates at events where we called for major increases in roadway and water infrastructure investments as part of New York's capital spending plan. We all know that the shared prosperity that we all endeavor toward—a promise for a better tomorrow that generations before us have toiled tirelessly for—

mates that over \$80 billion is needed to repair New York's aging and outdated water infrastructure in the years to come, increasing our investments is the smart way to go. Local governments need more resources to comply with new federal regulations to make drinking water cleaner. EPA recently enacted landmark re-



SEN. PETE HARCKHAM

***The New York Clean Water Coalition is calling to invest \$600 million—an increase of \$100 million from last year—in the Clean Water Infrastructure Act in the Governor's Executive Budget proposal for FY2025-2026.***

ficials, union leaders and com-

cannot be squandered by an austerity mindset that ignores pressing needs and future economic viability.

In regard to water infrastructure investments, we held a press conference at the Ossining Water Treatment Plant in December 2024 to urge Gov. Kathy Hochul to safeguard New York's drinking water in the upcoming state budget. Attendees, including members of the New York Clean Water Coalition, called on the Governor to invest \$600 million—an increase of \$100 million from last year—in the Clean Water Infrastructure Act in her executive budget proposal for FY2025-2026.

Indeed, we can't wait any longer to increase the state's commitment in safeguarding our fragile drinking water supplies and water infrastructure, which helps keep our communities safe and habitable, all while ensuring the costs do not get passed on to ratepayers.

Knowing that clean water infrastructure investments are public works projects with public service, union jobs that receive prevailing wages, this \$600 million investment is also a crucial human investment and an investment in the economy of Main Street.

Since 2017, New York has invested \$5.5 billion in the Clean Water Infrastructure Act to fund drinking water and wastewater infrastructure improvements like water main replacements, sewage treatment plant upgrades and more. These projects have protected public health, created thousands of union jobs, and kept water bills affordable. Over \$300 million has been dedicated to projects in Westchester County alone.

The US Environmental Protection Agency (EPA) esti-

quirements for water utilities to remove toxic PFAS chemicals from drinking water and replace 100% of lead pipes nationwide. More funding for the Clean Water Infrastructure Act is needed to ensure utilities can make these essential improvements without sharply increasing water rates.

As for roadway investments, in May 2024, we were heard loud and clear: there is an immediate need for \$800 million of increased funding for transportation needs in the next State Budget, including much-needed equitable funding—\$100 million—for New York State Department of Transportation (NYSDOT) Region 8, which encompasses the Hudson Valley.

Flat spending will not stop our roadways from deteriorating, and cuts in spending will imperil motorists traveling on state roadways, especially in the Hudson Valley.

The New York Roadway Infrastructure Coalition, a statewide organization that unites industry, labor, business and community support groups in advocating for capital funding to address the state's transportation needs, recently called on Governor Hochul to add \$800 million for core projects in the next State Budget. This figure is meant to counter inflation costs that are impacting construction work that ensures the safety of roads, bridges and transportation systems statewide.

I fully support this crucial addition to New York's roadway investments. NYSDOT's Region 8, which encompasses the Hudson Valley and includes 5,461 lane miles of roadway—the most in the state, has New York's worst rated roads and bridges. According to NYSDOT

statistics, 60% of Region 8 roads and half its bridges are in poor condition. By comparison, Region 1, which includes Albany, has 63% of its roads ranked as "good condition," Long Island's roads are ranked 63% as being "good to excellent" and New York City's roads condition is ranked 89% as "good."

The woefulness of NYS-DOT Region 8 roads can be attributed to the number of its repaved lane miles, which dropped by almost half in two years, from 430 miles in 2022 to 245 miles in 2024. (Statewide, NYS DOT repaving and patching decreased from 4,000 miles in 2022 to an expected 2,200 miles in 2024 based on tonnage of asphalt utilized—the lowest amount in a decade.) Region 8 also has the worst repaving cycle in the state. It takes 16 years on average for state roadways to be repaved here, while the repaving cycle is only 12 years in the rest of the state.

A 2024 report from TRIP, a national transportation research organization, concluded that poor road and bridge conditions cost motorists \$36.7 billion annually—up to \$3,600 per driver in some areas—due to vehicle damage, crashes and traffic: a veritable "pothole tax" that few families can afford. The report also notes that delaying repairs ends up increasing costs for state and local governments exponentially more.

Want to stop the exodus of residents and business owners out of New York? Show them we are serious about investing in our future. ■

**About the author:** *New York State Pete Harckham represents the 40th Senate District covering Northern Westchester, Southern Putnam and Eastern Rockland County since 2018. He serves as Chairman of the Senate Committee on Environmental Conservation.*

## CONSTRUCTION NEWS



Vol. 41 No. 1

JANUARY 2025

### PUBLISHER

John T. Cooney, Jr.

### EXECUTIVE EDITOR

George Drapeau III

### MANAGING EDITOR

John Jordan

### ASSOCIATE EDITOR

Sheila Smith Drapeau

### COMMUNICATIONS MANAGER

Sharon Regan Masciovecchio

### BUSINESS OFFICE MANAGER

Karen Zedda

### FOUNDING PUBLISHER EMERITUS

Ross J. Pepe

**Construction Industry Council of Westchester & Hudson Valley, Inc.**  
**Chairman:** George Pacchiana  
**Executive Director:** John T. Cooney, Jr.

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

**Print Subscriptions:** \$20 a year included in membership dues; \$35 for two years; \$2.50 for a single copy; bulk rates on request, \$30 per year for non-members. CONSTRUCTION NEWS cannot be responsible for unsolicited manuscripts, nor can it undertake to return manuscripts or pictures unless accompanied by self-addressed, stamped envelopes. All rights reserved.

To request an email version of the CONSTRUCTION NEWS, go to [cicbca.org](http://cicbca.org) and click the box on the bottom of the website page.

Please make checks out to the Construction Industry Council.

**Advertising Rates:** Go to [cicbca.org](http://cicbca.org) or email [sharon@cicnys.org](mailto:sharon@cicnys.org)

Please email updates and address changes to the Construction Industry Council of Westchester & Hudson Valley, Inc., at [info@cicnys.org](mailto:info@cicnys.org)

BUSINESS & EDITORIAL OFFICE  
 Construction Industry Council  
 of Westchester & Hudson Valley, Inc.  
 629 Old White Plains Road,  
 Tarrytown, NY 10591  
 (914) 631-6070  
[www.cicbca.org](http://www.cicbca.org)  
 email - [info@cicnys.org](mailto:info@cicnys.org)



# FHWA Earmarks \$32M to Advance Use of Low Carbon Materials

ALBANY—The New York State Department of Transportation has received a \$32-million grant to advance the use of low carbon materials in construction projects.

The funding from the Federal Highway Administration will help further NYSDOT’s ongoing efforts to identify and use construction materials that have lower levels of embodied carbon, thereby reducing greenhouse gas emissions. The money was provided via the Low-Carbon Transportation Materials Grants program, which was established under the Inflation Reduction Act and provides funding for the use of construction materials that result in substantially lower levels of greenhouse gas emissions.

Embodied carbon refers to the estimate of the greenhouse gas emissions that are produced during the stages of a building or infrastructure’s life cycle. Embodied carbon accounts for about one-third of the carbon emissions from the construction industry. Selecting and procuring lower embodied carbon materials requires transparency around the embodied carbon associated with a given material or product, to allow for comparisons, state officials said.

The funding will allow NYSDOT’s Low Carbon Transportation Materials program to continue to work to identify low carbon materials, adopt lower carbon specifications for large volume materials

for state projects and develop standards for reducing the environmental impact from construction materials. Specifically, the funding will help NYSDOT:

- Develop and implement outreach and training for agency staff and industry stakeholders.
- Evaluate low carbon materials to ensure they meet technical and performance requirements.
- Develop or update technical specifications to allow for use of materials, products and strategies that result in lower embodied carbon materials.
- Establish a process to identify, verify and use materials with lower levels of embodied greenhouse gas emissions. ■

# Environmental Facilities Board Approves \$428M For Local Water, Sewer Infrastructure Projects

ALBANY—The Environmental Facilities Corporation Board of Directors recently approved more than \$428 million in financial assistance for water infrastructure improvement projects across New York State. The Board’s approval authorizes municipal access to low-cost financing and previously announced grants to get shovels in the ground for critical water and sewer

infrastructure projects, including treatment processes to remove emerging contaminants from drinking water and improvements that will modernize aging systems.

EFC’s Board approved grants and financings to local governments from the Clean Water and Drinking Water State Revolving Funds—a mix of federal and state dollars dedicated to financing community water

infrastructure projects. The State Revolving Funds provide financing at below-market rates, empowering communities to undertake critical sewer and wastewater projects at a much lower cost than traditional financing. Funding from the federal Bipartisan Infrastructure Law for water and sewer infrastructure is administered by EFC through the State Revolving Funds.

The board additionally approved grants already announced pursuant to the state’s Water Infrastructure Improvement program. Leveraging federal funding with the state’s investments allows local communities to invest in system improvements that safeguard public health, protect the environment, bolster communities’ resiliency, and promote economic development.

Environmental Facilities Corporation President & CEO Maureen A. Coleman said, “The \$428 million announced today is a significant investment in New York’s communities and environment. The State Revolving Funds and state water grants are proven programs that help communities meet their present water infra-

**Please Turn to Page 8**



## ANNUAL CIC NYS DOT REGION 8 SAFETY SEMINAR

### Thank You To Our Sponsors















## Attorney's Column

# Court Reminds Contractors: a License Is a Prerequisite to Recovering Contract Monies

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

The case of *Electrical Contracting Solutions Corp. v Trump Village Section 4 Inc.*, reported here last June reminded contractors that, where a license is required to perform work, it is also a requirement to recover in court for such unpaid work. In that case, an appellate court held that where the contractor that entered into the contract for licensed work was not licensed, it was not able

*Electric, LLC v Otek Builders, LLC*, came to the same appellate court, reinforcing this holding, effectively advising that Trump Village was not a one-off decision, and that the contracting party must indeed hold a license where one is required (for example, a home improvement contractor's license) if it wishes to be able to resort to the courts to recover unpaid monies.

projects for WeWork Companies in New York City. Otek subcontracted with Mikoma Technology of Power and Lights to perform electrical work with respect to a number of these WeWork properties, and it subcontracted with Mikoma Electric LLC to perform similar work at the other properties. Mikoma Electric was licensed by the city as an electrical contractor, but Mikoma Tech was not.



***The court dismissed Mikoma Tech's claims and discharged its mechanic's liens, holding that Mikoma Tech's failure to obtain a license was fatal to maintaining either the mechanic's liens or a lawsuit to recover for the unlicensed work.***

to recover—even though it performed that work with a licensed subcontractor.

A similar matter, *Mikoma*

**Background**  
Otek Builders was the general contractor for a number of construction

Notwithstanding, Mikoma Electric pulled the permits for all of the WeWork properties—including those in

Mikoma Tech's scope of work—and its employees performed all of the work on both the Mikoma Electric and the Mikoma Tech projects. Further, Mikoma Electric's employees were supervised on both projects by Mikoma Electric's treasurer, who is a New York City Licensed Master Electrician employed by Mikoma Electric.

After the work was complete, Mikoma Tech filed mechanic's liens for unpaid work (as did Mikoma Electric), and both commenced a lawsuit to foreclose those liens. Upon being served with the complaint, Otek moved to dismiss Mikoma Tech's claims and discharge its liens, arguing that Mikoma Tech's failure to obtain the required license was fatal to both the mechanic's liens and its claims. In opposition to the motion, Mikoma Tech noted that the permits were pulled by the licensed electrical contractor (Mikoma Electric), the work was performed by its employees, and at all times the work was supervised by Mikoma Electric's New York City Licensed Master Electrician.

### Decision

The court dismissed Mikoma Tech's claims and discharged its mechanic's liens, holding that Mikoma Tech's failure to obtain a license was fatal to maintaining either the mechanic's liens or a lawsuit to recover for the unlicensed work. The court reinforced that an informal relationship between the unlicensed and licensed entities whereby the unlicensed entity performs the work using a licensed entity's employees, permits, and licensed electrician was insufficient to bring

the unlicensed entity into the licensure scheme to permit it to either file a mechanic's lien, or a lawsuit, to recover for unpaid, unlicensed work.

### Comment




While the decision was clearly bad news for Mikoma Tech, the appellate court's citation to—and reliance upon the case first reported in this column last June—serves to clarify and limit that holding. Specifically, in Trump Village, there was an informal subcontracting arrangement between the licensed and unlicensed entity, and the decision seemed to stand for the proposition that a general contractor itself may require a license to subcontract licensed work, and that reliance upon the subcontractor's license, alone, was not sufficient. Here, however, by upholding the claims of the licensed entity, Mikoma Electric, while dismissing those of the unlicensed entity, the appellate court clarified that not every contractor in the chain of privity requires a license—just the one performing the work. Accordingly, the general contractor here, Otek (which a web search reveals is also not a licensed electrical contractor) was able to subcontract the

**Please Turn to Page 21**

**About the authors:** Thomas H. Welby is an attorney, a licensed professional engineer and General Counsel to the CIC and the BCA. He is the Founder of and Senior Counsel to the law firm Welby, Brady & Greenblatt, LLP. Gregory J. Spaun, Esq., is General Counsel to the Queens and Bronx Building Association and partner with the WBG LLP.


# Tectonic

PRACTICAL SOLUTIONS. EXCEPTIONAL SERVICE.

[WWW.TECTONICENGINEERING.COM](http://WWW.TECTONICENGINEERING.COM)  
TEL. 800-829-6531

- SITE PLANNING & DESIGN
- GEOTECHNICAL ENGINEERING
- ENVIRONMENTAL ENGINEERING
- SURVEYING & MAPPING
- STRUCTURAL ANALYSIS & DESIGN
- CONSTRUCTION MANAGEMENT
- SPECIAL INSPECTIONS
- LABORATORY MATERIALS TESTING



Mountainville  
Newburgh  
Latham  
Rochester  
White Plains  
Astoria  
Forest Hills

# Major Investment in Hudson Valley Rail Service Part of Gov. Hochul’s 2025 State of the State

ALBANY—Funding for a major transportation program designed to increase rail service capacity, reduce delays, improve safety and cut potential travel times in the Hudson Valley was part of Gov. Kathy Hochul’s 2025 State of the State. On Sun., Jan. 5, the governor called for a major investment that will create a “Super-Express” Metro-North service that would shorten reliable commuter transport between New York City and Poughkeepsie to less than 90 minutes.

The proposal includes planning, evaluation and design for a set of rail infrastructure capital improvements

between New York City and Poughkeepsie, including projects such as a second track at Spuyten Duyvil, interlocking, signaling and trackwork at Croton Harmon, and capacity improvements at Poughkeepsie Yard. In addition, the Metropolitan Transportation Authority (MTA) will execute a signaling redesign near Yonkers and climate resilience investments in the most vulnerable and highest ridership segments of the Hudson Line.

No cost estimates for the studies and projects related to the enhanced rail service were released.

“Over the coming years, these much-needed infrastructure improvements will

allow us to modernize our rail system, increase connectivity, reduce travel time and strengthen economic connections across the region,” the governor said. “With these proposals, we are laying the groundwork to deliver faster and more reliable rail service for suburban and rural commuters across the Hudson Valley and beyond.”

As part of an allocation anticipated to be available for regional investments in its 2025-29 capital plan, the MTA will evaluate and design other potential rail improvements, such as adding a third track to the Metro-North Harlem Line or connecting Hudson Line service to Penn Station for a

one-seat commute to Manhattan’s West Side.

In partnership with NYS-DOT, the MTA will also establish a regional rail working group with New Jersey, Connecticut and rail partners to promote better coordination on interoperability, ticketing, schedules and customer interfaces. This group will also develop plans to make travel by Metro-North or Long Island Railroad to MetLife Stadium as seamless as possible for the 2026 World Cup as well as explore future opportunities to further integrate regional travel.

Building off a pilot program to enhance the reach of Metro-North west of the Hudson



**ELEC825** READY ON DAY 1

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

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

ELEC825 is the labor management fund of Operating Engineers Local 825

River with ticketing, ferry and parking incentives, New York will also conduct a transit analysis with expert advisors to propose and evaluate additional recommendations to expand and maximize the impact of rail service and look at opportunities for other types of commuter transit for New Yorkers living west of the river and working in New York City. That analysis will include a major employer and destination review in Orange County, exploring options like shuttle bus service timed with Port Jervis Line trains to attractions like Woodbury Commons, Legoland, Storm King, Renaissance Fair, and Stewart Airport. ■

# MGM Resorts Reaches \$5 Billion Milestone In Funds Generated for Education in NYS

YONKERS—For nearly two decades, Empire City has served as a major economic engine for Westchester, the surrounding area and all of New York State. Empire City recently surpassed \$5 billion of funding earmarked for New York State education, and it has contributed more than \$1.3 billion of that over the past five years, a top executive of the company noted.

The \$5 billion in education funds represents approximately 30% of the total funds generated for education by all video lottery terminal (VLT) casinos across the state.

On average, Empire City has contributed more than \$25 million per month for education over the past 18 years. In addition to supporting education, Empire City also generates hundreds of millions of dollars annually to support harness racing, and both state and local governments.

“As we reflect on the \$5 billion milestone, MGM Resorts is incredibly proud to call New York home,” said Ed Domingo, president and COO of Empire City Casino by MGM Resorts. “Our commitment to Westchester and the Bronx has only grown stronger through our investments in both Empire City and our surrounding communities. We look forward to continuing our legacy of community investment and transformation in Westchester and the Bronx for generations to come.”

With an annual payroll exceeding \$90 million, Empire City plays a vital role in the local economy as a major employer. More than 90% of its workforce is unionized, and more than 70% of its employees are residents of Yonkers, Mount Vernon and the Bronx.

Many of these employees have been with the casino since its opening, building long-term careers in administration and operational departments such as finance, marketing, security and food and beverage. In its commitment to supporting local businesses,

are a new VIP gaming room, integration into MGM Resorts’ world-class loyalty program, MGM Rewards, a new employee dining room and technology lounge as well as more than \$1 million in renovations to Yonkers Raceway. Other improvements include a resurfaced and regraded track with raised turns, new LED lighting, an upgraded paddock and a state-of-the-art tote board with video capabilities.

## Local Community Board Rejects West Side Casino Project

On Jan. 8, another casino project proposal went before Manhattan Community Board 4 on the borough’s West Side. At the conclusion of the hearing, Community Board 4 recommended that the city reject plans to upzone part of the area and allow a developer to build a full-scale, full-service casino

near The High Line.

The advisory body voted unanimously against the casino plan for an undeveloped area near the linear public park on the West Side, according to *amNY.com*. With its advisory vote, the board is asking the city to deny Related Companies’ rezoning application that would enable the developer, along with Wynn Resorts, to build a \$12-billion full-scale, casino-based complex.

The board’s vote is advisory only and Related can still move forward with plans that feature three skyscrapers, a hotel, public park and, as its centerpiece, a full-service casino, if it receives final approval from the City Planning Commission and the City Council at the conclusion of the uniform land use review process (ULURP). ■



Rendering of the MGM Resorts Casino in Yonkers

Empire City spends more than \$30 million annually with vendors and suppliers located within a 20-mile radius. Empire City and MGM Resorts have also been leaders in corporate social responsibility, through ongoing employee volunteer efforts, in-kind giving, and strategic partnerships with local nonprofits that align with the core philanthropic pillars of food insecurity, public education and workforce development. Dozens of local nonprofit organizations receive hundreds of thousands of dollars each year from Empire City to support programs in these key focus areas.

Since it acquired Empire City, MGM Resorts said it has made significant investments in the property that includes enhancements to the 125-year-old historic Yonkers Raceway. Among the upgrades



Asset Management L.P.

Michael J. Paton  
mpaton@tocqueville.com

212-698-0812

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

## Water Infrastructure

Continued from P.5

structure needs and plan for long-term success.”

Funding was approved for the following projects in the Mid-Hudson region:

**Village of Goshen** – a \$5.3-million grant and financing package for the replacement of existing filters to enhance water treatment; construction of a new pump station; and connection of the water treatment plant backwash waste discharge to the sanitary sewer system. A portion of the funding is from the Bipartisan Infrastructure Law.

**Town of New Windsor** – a \$14.8-million grant for the construction of an expansion to the Caesars Lane wastewater treatment plant.

**Town of Poughkeepsie** – \$5.3-million grant and financing package for the planning, design and construction of sewer improvements within the Hudson Heritage Sewer District.

**Rockland County** – \$6.6 million financing for the construction of sanitary sewage pump station upgrades; a \$6.6-million financing for the construction of sludge thickener upgrades at the Sewer District No. 1 wastewater treatment plant; \$7.1-million financing for the construction of influent screening improvements at the Sewer District No. 1 wastewater treatment plant; and \$6.81-million financing for the construction of new mechanical bar screens at the Cherry Lane, Pinebrook and Saddle River pump stations.

The Board also approved long-term financing totaling more than \$294 million. This action helps ensure continued, long-term affordability of existing projects across the state. Short-term financing provides capital for design and construction of projects. Once project construction is completed, the short-term financing is typically refinanced to long-term financing of up to 30 years, saving municipalities significant interest expenses they would have incurred if they had financed the projects on their own.

The Board approved long-term financing for projects in the following communities in the Mid-Hudson region: the Dutchess County Water and Wastewater Authority, the City of Kingston, the City of Middletown, the Village of Millerton and the Village of Suffern. ■





**BUILD BETTER | BUILD SAFER | BUILD UNION**

**Eastern New York Laborers District Council:**

L. Todd Diorio, Business Manager

LOCAL 17, NEWBURGH, Jeff Diorio, Business Manager

LOCAL 60, WESTCHESTER, Anthony Ascencao, Business Manager

LOCAL 157, SCHENECTADY, Ian Joshua Shaul, Business Manager

LOCAL 190, ALBANY, Anthony Fresina, Business Manager

LOCAL 235, WESTCHESTER, RJ Merritt, Business Manager

LOCAL 754, ROCKLAND COUNTY, Stephen Reich, Business Manager

**The NYS Laborers Offer:**

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



**668 WEMPLE ROAD • GLENMONT, NEW YORK 12077**  
**PHONE: (518) 462-9350 • FAX: (518) 462-9359**

## Safety Watch

# Winter Months Can Challenge Safety Mechanisms On Work Vehicles, Warranting Greater Attention

By COSTAS CYPRUS, ESQ.

Many motor vehicles, including those in the construction industry, are equipped with rear-view cameras, but older vehicles in use may not have them. The perils posed by vehicles reversing during construction operations with obstructed views are quite evident, and OSHA has in place specific rules to protect workers. For example, a vehicle operating within an off-highway jobsite (closed to

However, companies operating in the winter must recognize that drivers likely have their cabin windows closed and, therefore, may not hear if a reverse signal alarm is, in fact, audible over the surrounding noise level to warn a worker of the reversing vehicle's path. Moreover, ice can form over a reverse alarm's speakers to muffle or render the reverse alarm inoperable, presenting a danger.

a two-lane rural road in London, OH, struck and tragically killed an employee who was working.

Respondent, Moorhead Brothers, Inc., was a site-clearing contractor specializing in right-of-way clearing for utility easements. An electric utility had contracted with MBI to clear a 40-mile right of way for the erection of new transmission lines. An MBI crew went to the location on Simpson

to place used tires on the side of the road so that they are laid down over the road for tracked vehicles to drive over, without damaging the pavement. The four-man crew consisted of a foreman and three laborers. A 2002 flatbed straight truck with a knuckle-boom crane arrived at the site loaded with 10 timber mats on its flatbed. Each timber mat is about 16 feet long, four feet wide and eight inches high, placed over ditches so that heavy equipment can drive over those ditches.

As required by MBI, the driver of the truck conducted a pre-trip inspection of the vehicle and no issues were noted. The driver reached the site, and the foreman instructed him to drive the truck to the location on the side of the road where the tires had been placed. The foreman and a laborer were on foot near the truck. Flaggers about 300 feet from the truck subsequently closed the road for the off-loading. The flaggers, foreman and driver could communicate with each other by two-way radio. As the driver began off-loading the mats, the project manager appeared and advised him that the adjacent property owner wanted MBI to access his property about 50 yards behind where the truck was currently stopped so that he would have to back-up "a little."

The foreman instructed the driver of the new location and when the driver last saw the foreman, he was in front and to the right of the truck, picking-up tires. The driver had an obstructed view to the rear. The temperature was 40 degrees without precipitation, but the windows of the cab were closed. No further activity was on-going to produce any noise. No one acted as a spotter for the driver to reverse nor did the driver believe one was needed. He looked through his side mirror and did not observe anyone, and then proceeded to reverse. After traveling about 25 feet, he unknowingly struck the foreman who had walked over to the roadway to move loose tires. The foreman died.

The State Trooper who arrived on the scene inter-



viewed the driver, asking him if the truck had an audible warning when it reversed. The driver explained that it did but noted that sometimes it did not work. However, the driver never said the warning was not working on that day. Another State Trooper with Highway Patrol also inspected the truck that day and found that the reverse alarm signal was operable. MBI's own Safety Manager tested the truck that day and the following, finding it operable on both occasions.

OSHA subsequently investigated. The driver was interviewed and explained that, although he did not remember if he heard the alarm on the day of the incident, he never said that it had not been working on that day. The OSHA officer also inspected the truck and was only able to hear a faint sound, which was determined to be due to low temperatures (17 degrees). Ice had formed over the alarm's speaker so that it could not vibrate and emit noise. The Safety Manager replaced it immediately.

After concluding its investigation, OSHA issued a citation against MBI for failing to either have an operable reverse alarm or spotter. However, based on the evidence, including the trooper's investigation and the two subsequent tests by the MBI's Safety Manager, the judge found that it was more likely that the reverse alarm signal was working, and vacated the citation. ■

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

**OSHA subsequently investigated the cause of the fatality... Ice had formed over the alarm's speaker on the truck so that it could not vibrate and emit a (warning) noise.**

public traffic) is required to have either a reverse signal alarm above the surrounding noise level or require the presence of an observer to signal to the driver that it is safe to reverse.

These concerns and issues were the subject of the decision in Secretary of Labor v. Moorhead Bros., Inc. arising from a January 2014 workplace incident in which a truck, while backing-up on

Road that was going to serve as a staging area for MBI's heavy equipment.

Simpson Road is a two-mile-long, two-lane paved road. A four-man crew was tasked among other items

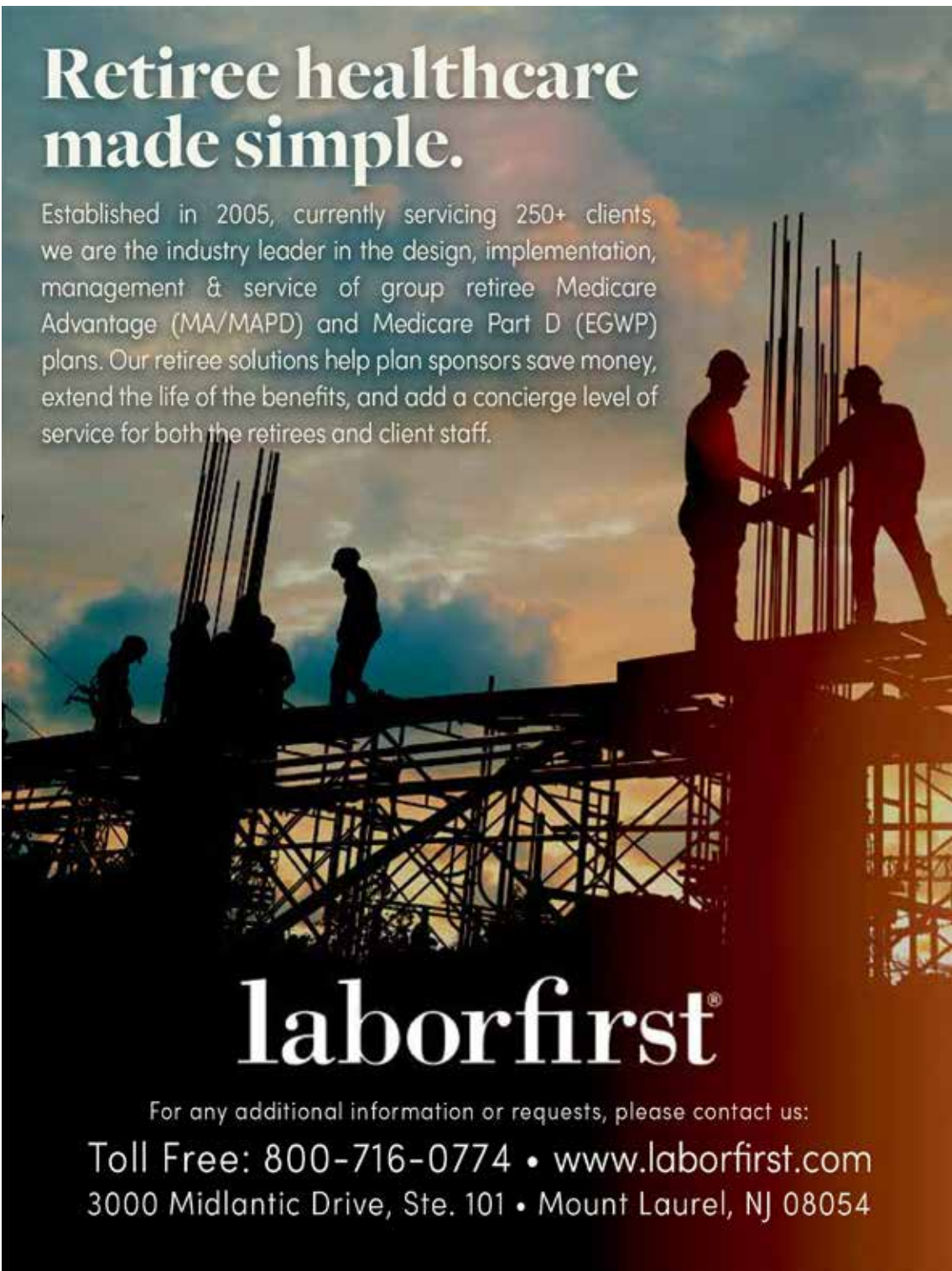
## Retiree healthcare made simple.

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

# laborfirst®

For any additional information or requests, please contact us:

Toll Free: 800-716-0774 • [www.laborfirst.com](http://www.laborfirst.com)  
3000 Midlantic Drive, Ste. 101 • Mount Laurel, NJ 08054





# 2025 MEMBERSHIP MEETING

**JOIN US!**

**FEBRUARY 25, 2025 TO MARCH 1, 2025  
RITZ CARLTON, NAPLES, FLORIDA!**

## THANK YOU, SPONSORS!

### Platinum

- Empire City Casino/ MGM Yonkers
- Laborers' Local 17 LECET
- Laborers Local 60
- Laborers Local 754
- Lord Abbett
- NYS Laborers LECET
- Operating Engineers Local 137

### Welcome

- The Chrys Group of Merrill Lynch
- Tocqueville Asset Management LLP
- Wells Fargo Advisors

### Breakfast

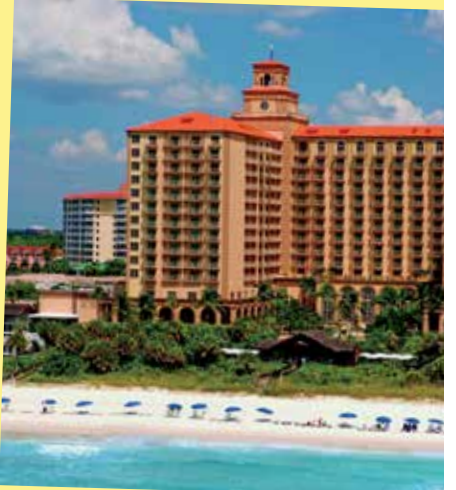
- Hudson Edge Investment Partners
- Laborers Local 190 LECET
- Montesano Brothers, Inc.

**North Atlantic States Regional Council of Carpenters**

### Grand

- Advance Testing Company, Inc.
- American Global LLC
- Argenio Brothers, Inc.
- Brigade Capital Management
- Callanan Industries, Inc.
- NYS Laborers Health & Safety Trust
- Stacey Braun Associates, Inc.

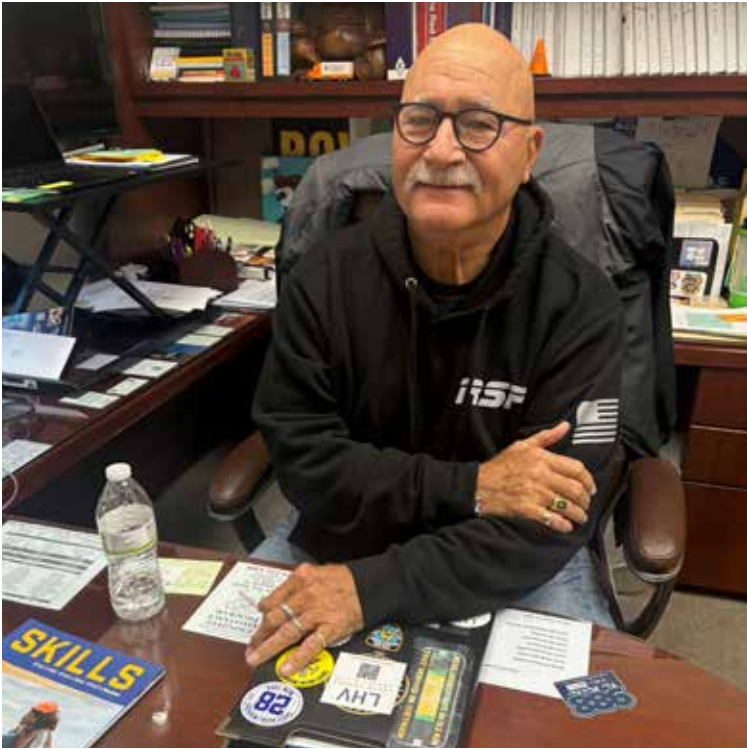
*(Partial listing at time of printing.)*



**Construction Industry Council - Building Contractors Association  
629 White Plains Road, Tarrytown, NY - 914-631-6070 [cicbca.org](http://cicbca.org)**



# Making a Career of It



## Mike Popp Ph.D.

### Job Title:

Chairman, Lower Hudson Valley Employee Assistance Program

**Former Union Affiliations:** New York City Police Department, Laborers International Local 275

**Principal Services:** Established in 1984, the company now serves more than two dozen unions, helping their members and their immediate families secure safe and non-threatening services to overcome substance abuse and other problems that require professional or institutional resources.

Over the past four decades, Mike Popp has channeled the suffering and despair he personally experienced as a young man into the hope and recovery service that has benefitted thousands of people who faced personal or family troubles in their lives. You can hear it the tone of his voice; he has a compassion for people who suffer from substance abuse, from the mounting stress of these increasingly complex times and from the temptation to walk on the darker side of life.

His long career journey includes rank-and-file membership in unions, his own personal troubles and recovery, and, finally, the discovery of the positive gains that counseling and treatment can have. It has rewarded him with the lifelong pursuit of learning and dedication to his union brothers and sisters in his role as chairman of Lower Hudson Valley EAP.

The company is based in the Northern Westchester Town of Yorktown, NY, and

serves more than two-dozen union organizations in a multi-state region. It helps union members and company employees find and secure the appropriate counseling and professional assistance they need so they can get their lives back in order and, hopefully, resume their roles as healthy and productive people. Among the organizations it serves are building and construction trade unions and municipal worker unions such as police and fire departments.

As he approaches his 80th birthday in July, he recently shared with refreshing and unvarnished candor the milestones and life forces that guided him on his journey. Much of his empathy for people is a direct result of what he experienced and witnessed from the destruction that addiction, compulsive disorders and personal stress can wreak on a person, as well as family members, close friends and coworkers.

### The Early Career

"I grew up in a tenement building in the Bronx. We ran loose. There were no helicopter parents then. We had to figure it out for ourselves. After high school, my father told me to get a job because I wasn't going to college. He knew someone to call, and I was able to join the meat cutters union. Not long afterward, I was drafted into the Army."

When he returned from active duty, he joined the New York City Police Department in 1968, graduating from the Police Academy with great hope and promise. But his career in law enforcement was soon cut short when, while on duty, he was struck by a drunk driver in the Bronx, nearly killing him.

"There was a higher power that was guiding me," he reflected. "I am someone who has fallen off many stages throughout my life, but I always found a way to climb back on. There was a higher power at work when I got hit by that drunk driver; the higher power didn't want me to be a cop. Later, as a Union Laborer I thought I finally made it, with a good paying job and benefits. But I had an accident, falling from a scaffold, and went out on disability, which ended my career in the Building Trades. The higher power was guiding me to another place."

### The Pathway Forward

The healing process took several years and put strains on his marriage and relationship with friends. Alcohol served as a psychological crutch for him but a barrier to his relationships with family and friends. He drifted into a job where a co-worker handed him a flyer that advertised counseling for people with alcohol abuse problems. "Alcohol, you see, had a grip on me that was unraveling my life. The co-worker saw it and suggested I look into counseling. Alcohol again nearly cost me my life just as it cost me my job as a cop—because the driver who hit me was drunk. And my closest friend urged me to get help."

His own treatment turned out to be the key that led him to his current career pathway. "The higher power had another purpose for me," he reflected. "My first job in the counseling field was at an in-patient rehabilitation facility."

He then asked, "Could you imagine being discharged as a patient, and suddenly pivoting 180-degrees to find yourself walking back through the front door into the rehab facility as an employee?"

By the late 1980s his journey to help others was in full stride. He enrolled in college courses on Long Island in pursuit of an eventual Ph.D. in Sociology at Columbia University. His career was evolving from mercantile coping and acceptance to missionary fulfillment.

Mr. Popp explained that his background as a retired NYPD cop and union laborer "gave me the power to look someone in the eye and say, 'I know what you're going through.' Relating to people in need and working with the union guys is great, he added. "It's the easy part of the job."

### The Challenges Ahead

"Today we see a lot of people in need of help to cope with general stress. Like, for instance, the rent is too damn high."

He continued, "We emphasize working with families and working with their children. Issues that kids have since COVID have probably tripled. They have behavioral problems that we've never seen. There's a lot more ADHD stuff," he observed, referring to the neurodevelopmental disorder of attention-deficit/hyperactivity disorder, which can cause symptoms of inattention, hyperactivity and impulsivity.

Now there's the mounting challenge to monitor the rates for treatment services and protect the financial interest of EAP clients. Mr. Popp explained, "We authorize treatment for a lot of the unions so that they don't get ripped off. They get treatment with no-balance billing so that when the member gets out, he doesn't get a bill for the balance."

He continued, "Our company has saved the (union) funds millions of dollars a year because we negotiate the rates for treatment. When someone ends up going into an out-of-network rehab facility in Florida, where they want to charge \$8,000 a day, we do single-case agreements with them and get it for \$600 or \$800 a day."

The industry sector providing treatment deeply troubles Mr. Popp. "What's happening to the inpatient and rehabilitation field is alarming," he said.

"These organizations have really changed over the last few years. There are hedge fund guys running the places whose only interest is making money. You must know the good places. If you don't have people watching or knowing what these facilities are prescribing for treatment, the funds get ripped off big time."

He concluded, "We protect the members, and we protect the funds. Part of what we do is to vet the places that offer treatment. We always watch where we're sending someone."—By George Drapeau III

## THE ELEVATOR PITCH

"As a union-sponsored service, our assistance program is designed to pair employees who are facing personal or family troubles with the right professionals to gain the assistance and guidance they need. We're here to talk about the problem you're facing and point you in the direction of someone who can help. Our team of counselors is here during regular business hours. After hours, we have a team of operators who will put you in touch with a counselor immediately. Reach out to us anytime. Thanks."

Mike Popp, Chairman  
Lower Hudson Valley E.A.P.  
3505 Hill Blvd.  
Yorktown Heights, NY 10598  
(914) 245-6300

# You're In Good Company

## It's time to advertise in the 2025 CIC/BCA Directory & Buyer's Guide

**Don't Miss the Opportunity to Advertise**  
your product or service in the  
**Construction Industry's Premier Directory.**  
Take advantage of being included in the handy  
and accessible reference guide used by  
industry decision makers every day.

For more information on how to  
reserve your ad space, contact  
**Sharon Regan Masciovecchio:**  
[sharon@cicnys.org](mailto:sharon@cicnys.org), 914-631-6070



**Advertising Deadline  
January 29, 2025**



### **2025 Tri-State Engineering Expo**

**SUNDAY, MARCH 20, 2025  
WHITE PLAINS HIGH SCHOOL  
11:00 AM - 3:30 PM**

Tristate areas largest hands-on engineering sponsored event  
for High School and Middle Schoolers.

**Register on Eventbrite**

## LOW BIDS

### ECCO III, DD&N Win NYSDOT Project Work

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

**ECCO III Enterprises Inc.** of Yonkers,

NY was the lowest of eight bidders at \$67,841,000.00 for highway and bridge reconstruction on NY Route 17 at Exit 122, Contract 2, in the Town of Wallkill in Orange County.

**DD&N Contracting LLC** of Forest-

port, NY was the lower of two bids at \$2,618,489.20 for bridge washing/deck sealing at various locations in Columbia, Dutchess, Orange, Putnam, Rockland, Ulster and Westchester counties.

### T&A, Moy, Alon Industries Win Westchester Projects

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

**T&A Construction Inc.** of Pawling, NY was the lowest of 12 bids at

\$785,010. for new water service at Kingsland Point Park in the Village of Sleepy Hollow, NY.

**Alon Industries, Inc.** of Patterson, NY was the lowest of three bidders at \$551,215.45 for interim and long-term bio-solids handling and processing at

the Blind Brook Water Resource Recovery Facility in Rye, NY.

**Moy Contracting Corp.** of Bedford, NY was the lowest of seven bidders at \$355,910. for main house renovations at the Hilltop Hanover Farm and Environmental Center in Yorktown, NY. ■

### Congestion Continued from P.1

gestion pricing program, charging a toll for motorists to enter Manhattan below 60th Street, formally known as the Central Business District (CBD)—now also referred to as the Congestion Relief Zone (CRZ)—to reduce traffic congestion, improve air quality and raise needed revenue to improve public transportation. The program launched Sunday morning, Jan. 5, at 12:00:01 a.m. charges for automobile drivers using E-ZPass, a peak toll for vehicles entering the CRZ at \$9.00 and an overnight rate of \$2.25.

“The Congestion Relief Zone has been in operation since midnight – 1,400 cameras, over 110 detection points, over 800 signs and 400 lanes of traffic and it’s all gone smoothly,” said Mr. Lieber. “We want to encourage trucks to do more deliveries at night, we want improvements to vehicle speeds especially for buses, we want to make sure that emergency response vehicles can get where they are going faster, and I hope drivers will take another look at the speed and convenience of mass transit.”

MTA Construction & Development President Jamie Torres-Springer added, “Thanks to congestion pricing, MTA Construction & Development will undertake a generational investment to transform public transit in New York. We’re ready to get these projects started and we’re ready to deliver them better, faster and cheaper than ever before.”

The plan earmarks 80% of the revenue generated for capital improvements on NYC Subways and Buses, 10% to Metro-North Railroad and 10% percent to the Long Island Rail Road.

A phased-in toll plan that starts at 40% of the eventual toll enables the MTA to issue \$15 billion in bonds to fund the MTA’s 2020-2024 Capital Plan and advance critical capital projects. After the pause on congestion pricing was lifted, the MTA exercised the option to purchase 265 zero-emission buses on Nov. 27.

The program provides \$335 million in mitigation programs, including \$148 million in regional mitigation measures and monitoring of traffic, air quality, and transit station elements, and \$82 million for the Low-Income Discount Plan. In addition, the program also committed \$100 million in funding for place-based mitigation to 13 environmental justice communities in the Bronx, Brooklyn, Upper Manhattan and New Jersey. ■



# TRANSPORTATION

## Light at the End of the Tunnel

The long wait for Gateway Tunnel construction is over. The \$16.1 billion program is the largest infrastructure project in the country and will provide steady work for Local 825 members for years to come.

Reconstruction of the Portal North Bridge is nearing completion. Groundbreaking on the Tonnelle Ave. bridge and utility relocation has begun and preparation for a new tunnel under the Hudson River is taking place.

And who better than Local 825 of the International Union of Operating Engineers, who recently bored the 3.5-mile Delaware Aqueduct water tunnel beneath the Hudson 70 miles up river, to handle the challenging work ahead.

**Better Building Begins Here**

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



**GREG LALEEVE**  
Business Manager  
IUOE Local 825

# International Union of Operating Engineers Local 137



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

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

## Executive Board

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

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

## New York City Update

# New York City Selects Team for Long-Awaited Redevelopment of Storied Kingsbridge Armory

By JOHN JORDAN

NEW YORK—Following many failed attempts to re-imagine the 108-year-old facility, New York City announced on Tues., Jan. 7, it had selected the team that will redevelop the city-owned and long underutilized Kingsbridge Armory in the Bronx into a mixed-use complex that will feature sports and entertainment facilities and residential housing.

Fueled by approximately \$215 million in federal, state and city funds, the New York City Economic Development Corp. reported it selected the development team to transform the armory into a mixed-use project called “El Centro Kingsbridge.” The team, led by 8th Regiment Partners LLC, which reportedly consists of Joy Construction and Madd Equities, was selected through a competitive request for proposals for the development rights issued last summer.

The Kingsbridge Armory opened in 1917 and was used by the United States military until 1994 before reverting to city ownership in 1996. Since that time, a number of redevelopment plans have been proposed, including plans for a large ice rink complex and a major shopping center. However, local opposition and financing issues skuttled all previous proposals.

For the past 27 years, the armory has been vacant, but was utilized during the COVID-19 public health crisis, served as a temporary food distribution center and was used by Bronx Borough President Vanessa Gibson and local officials to store supplies for those impacted by the tragic Twin Park North fire in 2022.

The project site occupies most of the block bounded by West 195th Street, Reservoir Avenue, West Kingsbridge Road, and Jerome Avenue.



*A rendering of the redeveloped Kingsbridge Armory, featuring an aerial view of a large, illuminated Kingsbridge Armory building with two towers. CREDIT: FXCOLLABORATIVE*

The site is largely occupied by the Armory building that totals more than 570,000 square feet, including a 180,000-square-foot drill hall and an 8,000-seat auditorium.

Phase One of the project envisions a mixed-use devel-

opment with a state-of-the-art event venue space, sports fields for local youth academies, cultural and commercial space, more than 25,000 square-feet of dedicated community space, an educational facility focused on workforce development, and more.

Phase Two is to include 450 units of permanently affordable rental housing adjacent to the armory. The redevelop-

ment is expected to generate nearly \$2.6 billion in economic impact over the next 30 years, creating more than 3,000 construction jobs and 360 permanent jobs.

City officials noted that the development will be built under a Project Labor Agreement, ensuring fair wages and benefits for construction workers. 8th Regiment Partners’ proposal was selected after a rigorous request for proposal process that was informed by a nine-month public engagement process with over 4,000 community members, which produced the “Together for Kingsbridge Vision Plan.” The environmental review is expected to begin this winter, and the uniform land use review procedure is anticipated to commence in mid-2025.

The project is backed by a \$200-million investment by Mayor Eric Adams and Gov. Kathy Hochul, \$2 million from Borough President Vanessa Gibson, \$12 million from Councilmember Pierina Sanchez, and a \$1.05 million grant from the U.S. Department of Housing and Urban Development with the support of Representative



MEDIATION & ARBITRATION



CONSTRUCTION LAW



EMPLOYMENT & LABOR LAW



REAL ESTATE & LAND DEVELOPMENT

**WELBY,  
BRADY &  
GREENBLATT, LLP**  
ATTORNEYS AT LAW



COMMERCIAL LAW

## When Construction Problems Require Legal Solutions.

### Knowledge & Know-how

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

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



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

11 MARTINE AVENUE, 15TH FLOOR, WHITE PLAINS, NEW YORK 10606

PHONE: 914.428.2100

FAX: 914.428.2172

www.WBGLLP.com

NEW YORK | NEW JERSEY | CONNECTICUT | MANHATTAN

**NYC Economic Development Corp. selected the development team to transform the armory into a mixed-use project called “El Centro Kingsbridge.” The team, led by 8th Regiment Partners LLC, consists of Joy Construction and Madd Equities.**

development is expected to generate nearly \$2.6 billion in economic impact over the next 30 years, creating more than 3,000 construction jobs and 360 permanent jobs.

City officials noted that the development will be built under a Project Labor Agreement, ensuring fair wages and benefits for construction workers. 8th Regiment Partners’ proposal was selected after a rigorous request for proposal process that was informed by a nine-month public engagement process with over 4,000 community members, which produced the “Together for Kingsbridge Vision Plan.” The environmental review is expected to begin this winter, and the uniform land use review procedure is anticipated to

Adriano Espaillat.

“The redevelopment of the Kingsbridge Armory is a transformational project that will see this historic structure become another major destination in the Bronx and provide much needed well-paying union construction jobs for New Yorkers,” said New York City and New York State Building and Construction Trades Council President Gary LaBarbera. “We applaud Mayor Adams and Governor Hochul for the city and state’s tremendous investment of \$100 million respectively towards this development, and our members look forward to working with NYCEDC and the 8th Regiment Partners on making El Centro Kingsbridge a reality.” ■



# **International Brotherhood of Teamsters**

## **Local 456**

---



**Louis A. Picani, President**

**Joseph Sansone, Secretary Treasurer**

**Dominick Cassanelli Jr, Vice President**

**Roger G. Taranto, Recording Secretary**

**James McGrath, Trustee**

**Mike Martinez, Trustee**

**Robert Richardson, Trustee**

**Al Liberatore, Business Agent**

**Anthony Tortora, Business Agent/Organizer**

**Denise June, Training Director**

---

*160 South Central Avenue, Elmsford, New York 10523*

*(914) 592-9500*

*Fax (914) 592-4266*

# REGIONAL BID ALERT

## **NYSDOT - Region 8**

### **Bid Letting Date: Jan. 23, 2025**

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

Contract: D265414  
PIN# 881498

Project Description: Dutchess, Orange, Putnam Cos., biennial mowing - various locations along I-84.

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

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

### **Bid Letting Date: Jan. 23, 2025**

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

Contract: D265415  
PIN# 812751

Project Description: Dutchess Co., resurfacing - Taconic State Parkway - Route 55 to Tyrrel Road in the towns of La Grange and Pleasant Valley.

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

Goals: MBE: 8.00%, WBE: 10.00%, SDVOB: 6.00%

### **Bid Letting Date: Feb. 6, 2025**

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

Contract: D265386  
PIN# 8LC201

Project Description: Orange, Rockland counties, culvert rehab and replacements at various locations.

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

Goals: DBE: 10.00%

### **Bid Letting Date: Feb. 6, 2025**

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

Contract: D265402  
PIN# 800224

Project Description: Orange Co., various rehabilitations/improvements and culvert replacements - NYS Rtes. 94 and 17A at various locations.

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

Goals: DBE: 10.00%

### **Bid Letting Date: Feb. 6, 2025**

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

Contract: D265427  
PIN# 802178

Project Description: Putnam County, PMI paving- Route 52 in the Town of Kent.

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

Goals: MBE: 8.00%, WBE: 10.00%, SDVOB: 6.00%

## **NYSDOT - Region 9**

### **Bid Letting Date: Jan. 23, 2025**

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

Contract: D265369  
PIN# 930725

Project Description: Otsego Co., intersection reconstruction - Routes 7 and 23 in the City of Oneonta.

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

Goals: DBE: 5.00%

### **Bid Letting Date: Jan. 23, 2025**

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

Contract: D265376  
PIN# 980763

Project Description: Broome County, JOC - bridge maintenance 2025-2026, no plans.

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

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

### **Bid Letting Date: Jan. 23, 2025**

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

Contract: D265377  
PIN# 980764

Project Description: Otsego, Schoharie County, JOC - bridge maintenance 2025-2026.

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

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

### **Bid Letting Date: Jan. 23, 2025**

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

Contract: D265378  
PIN# 980765

Project Description: Delaware and Sullivan County, JOC - bridge maintenance 2025-2026, no plans.

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

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

### **Bid Letting Date: Jan. 23, 2025**

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

Contract: D265379  
PIN# 980767

Project Description: Chenango and Tioga County, JOC - bridge maintenance 2025-2026.

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

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

### **Bid Letting Date: Feb. 6, 2025**

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

Contract: D265354  
PIN# 9TGD25

Project Description: Delaware Co., guide rail replacement SFY 25 - NYS Rte. 206 and NYS Rte. 8 in the towns of Masonville, Sidney and Deposit.

Bid Deposit: 5% of Bid (~ \$125,000.00),  
Goals: DBE: 2.00%

## **NYSDOT - Region 10**

### **Bid Letting Date: Feb. 6, 2025**

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

Contract: D265382  
PIN# 022965

Project Description: Suffolk County, sound barrier requirements - I-495, Exits 49-57, in the towns of Islip and Smithtown.

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

Goals: DBE: 10.00%

### **Bid Letting Date: Feb. 6, 2025**

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

Contract: D265412  
PIN# 090381

Project Description: Suffolk County, runway pavement improvements - Republic Airport in the Town of Babylon, pre-bid meeting, aviation construction.

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

Goals: DBE: 10.00%

## **NYSDOT - Region 11**

### **Bid Letting Date: Jan. 23, 2025**

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

Contract: D265343  
PIN# XM2451

Project Description: Bronx, Kings, New York, Queens, Richmond counties, bridge - where and when maintenance - various locations.

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

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

### **Bid Letting Date: Jan. 23, 2025**

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

Contract: D265357  
PIN# XM2460

Project Description: Kings, New York, Queens, Richmond county, retaining wall rehabilitation and corrective maintenance at various locations in the City of New York.

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

Goals: DBE: 10.00%

### **Bid Letting Date: Jan. 23, 2025**

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

Contract: D265364  
PIN# XM2501

Project Description: Bronx, Kings, New York, Queens and Richmond counties, bridge/highway - drainage cleaning - at various locations.

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

Goals: MBE: 3.00%, WBE: 3.00%, SDVOB: 0.00%

### **Bid Letting Date: Jan. 23, 2025**

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

Contract: D265388  
PIN# X03416

Project Description: Queens Co., mobility improvements - Clearview Expressway - Route I-295, Borough of Queens.

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

Goals: MBE: 8.00%, WBE: 10.00%, SDVOB: 6.00%

### **Bid Letting Date: Feb. 6, 2025**

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

Contract: D265365  
PIN# XM2448

Project Description: Queens County, pavement preservation - at various locations, PLA candidate.

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

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

## **Westchester County DPW**

### **Bid Due Date: Jan. 22, 2025 (Date Change)**

Contract: 21-520 (\$100.)

Title: Rehabilitation of Louisa Street Bridge over Metro-North Railroad (BIN 2262400), in the City of Peekskill, NY.

Description: The work under this contract consists of providing all labor, materials, equipment required for the repair and reinforcement of the bridge piers, repair of the abutments and beams, waterproofing and resurfacing of the deck, replacement of the sidewalks and deck joints, and associated work.

Bid Estimate Range: \$5.7 million to \$6.5 million.

Pre-Bid Inspection: None.

Contact: Jennifer Sicuranzo, 914-995-1998

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

# NYS Enacts \$75-Billion Climate Superfund

By JOHN JORDAN

ALBANY—After the State Legislature passed the measure in June, Gov. Kathy Hochul on Dec. 26 signed legislation aimed at bolstering New York's efforts to protect and restore the environment by requiring large fossil fuel companies to pay billions of dollars for critical climate change protection related projects.

Legislation S.2129-B/A.3351-B creates a "Climate Superfund" that would charge fossil fuel companies \$3 billion a year for 25 years, making the total value of the superfund \$75 billion. The revenue will support projects throughout the state to improve New York's resiliency to dangerous climate impacts, such as flooding and extreme heat.

While environmental groups hailed the new superfund law, a host of business organizations opposed the measure and lobbied the governor to veto the legislation. While the law is now in effect, its implementation and subsequent funding for infrastructure projects are at least two years away. In addition,



it is expected that legal challenges will be filed against the superfund. New York is the second state in the nation to establish such a climate su-

The new Climate Change Adaptation Cost Recovery Program, ensures that certain fossil companies contribute to the funding of critical

infrastructure investments, such as coastal protection and flood mitigation systems, to enhance the climate resili-

ence of communities across the state. The bill would require the Department of Environmental Conservation to create a

---

***The Climate Superfund would charge fossil fuel companies a total of \$3 billion a year to fund climate resiliency projects statewide.***

---

perfund. Vermont has such a program in place that has already been the subject of litigation.

infrastructure investments, such as coastal protection and flood mitigation systems, to enhance the climate resili-

program, within one year, that would collect \$75 billion from major polluters. It also requires, within two years, that the DEC and other state agencies develop a plan which would guide the disbursement of the funds collected from the program for climate change adaptive infrastructure projects.

"With nearly every record rainfall, heatwave, and coastal storm, New Yorkers are increasingly burdened with billions of dollars in health, safety, and environmental consequences due to polluters that have historically harmed our environment," Gov. Hochul said. "Establishing the Climate Superfund is the latest example of my administration taking action to hold polluters responsible for the damage done to our environment and requiring major investments in infrastructure and other projects critical to protecting our communities and economy."

Bill sponsor State Sen. Liz Krueger said, "Repairing from and preparing for extreme weather caused by climate change will cost more than half a trillion dollars statewide by 2050. That's over \$65,000 per household—and that's on top of the disruption, injury and death that the climate crisis is causing in every corner of our state. The Climate Change Superfund Act is a critical piece of affordability legislation that will deliver billions of dollars every year to ease

the burden on regular New Yorkers."

Sen. Krueger noted that the U.S. Army Corps of Engineers estimates that it will cost \$52 billion just to protect New York harbor. On top of that, the state will need \$75 billion to \$100 billion to protect Long Island and another \$55 billion for climate costs across the rest of the state.

State Sen. Pete Harckham added, "As we anticipate the enormous costs associated with climate resiliency efforts to be shouldered by municipalities statewide, it made perfect sense, from the start, to require fossil fuel companies to help pay for the undeniable damage they have done to our environment."

A host of state and national environmental advocacy groups praised the state's new Climate Superfund. However, business groups across the state, including the Business Council of New York, the Business Council of Westchester, the Rockland Business Association and the Orange County Chamber of Commerce, opposed it.

The timeline for implementation is as follows, according to the global energy law firm Sidley:

"By April 25, 2025 (120 days from the effective date), the governor is required to publish a public report that will provide steps to be taken to ensure compliance with the Act's labor and job contracting requirements, the necessary regulations to ensure good jobs and employment opportunities, and how public entities will establish a system to track compliance, accept reports of non-compliance for enforcement action, and report annually on the legislature's adoption of these standards.

By Dec. 26, 2026 (one year from the effective date), the Act requires the department to promulgate implementing regulations. And, within two years, the department is required to complete a statewide climate change adaptation master plan."

Earlier in December, the governor signed legislation that expands upon New York State's 2014 prohibition of high-volume hydraulic fracturing to extract natural gas. Legislation S.8357/A.8866 amends the State Environmental Conservation Law to prohibit the use of carbon dioxide in gas or oil extraction to prevent potential negative health or environmental effects from carbon dioxide fracking in the state. ■

**PRO ASPHALT**  
800 CANAL ST, MT VERNON NY 10550

OPEN FOR YOUR **EMERGENCY** WINTER ASPHALT NEEDS

POTHOLE REPAIR  
ROAD MAINTENANCE  
UTILITY WORK  
COLD MIX AVAILABLE

M-F 7:00am - 3:30pm

**OPEN ALL WINTER**

PLANT: 914.663.7663      ADRIANE@PROASPHALTNY.COM

# US DOL Finalizes PPE Proper Fit Rule To Protect Site Workers from Hazards

WASHINGTON – The U.S. Department of Labor announced recently that its Occupational Safety and Health Administration had finalized a revision to the personal protective equipment standard for construction. The final rule explicitly requires the equipment to properly fit any construction worker who needs it, improving protections from hazardous conditions.

The revision to the standard adds specific language requiring that employers provide PPE that properly fits construction industry workers. The change aligns the construction industry standard with the standard already in place for general industry.

“I’ve talked to workers in construction, particularly women, who have spoken of personal protective equipment that didn’t fit or was simply unavailable at the jobsite in their size,” said Assistant Secretary for Occupational Safety and Health Doug Parker. “PPE must fit properly to work. I’m proud of the broad support from both employers and unions for OSHA’s efforts to make clear that employers must provide the right PPE for each worker who needs it.”

Many types of personal protective equipment must be sized to fit a worker properly. Improperly



sized PPE can be ineffective in protecting workers by creating new hazards such as oversized gloves or protective clothing being caught in machinery and discouraging use because of discomfort or poor fit. The matter has been a longstanding industry safety concern, particularly among some women as well as among physically smaller or larger workers, OSHA officials stated.

The American Road and Transportation Builders Association reported that the new rule will take ef-

fect on Jan. 13. The new rule was created to address problematic sizing options for people who are smaller or larger than standard PPE designs. Employers must ensure that PPE, such as high visibility clothing, hard hats, gloves, safety harnesses, and protective footwear, fits each worker’s body type.

While ARTBA stated that it favors many aspects of the rule and supports its general intent, the association raised concerns as part of the broader Construction Industry Safety Coalition (CISC) about lack of clear guidance on how to determine proper fit. The CISC warned that this gives OSHA compliance officers broad discretion without allowing contractors to know in advance if they are meeting the standard’s requirements.

The National Association of Home Builders joined the Construction Industry Safety Coalition in submitting comments when OSHA first proposed the change in 2023, seeking clarification on how the agency intends to enforce the proposed changes and calling for additional guidance as well as clearer definitions of such terms as “appropriate size,” “provides necessary protection” and PPE creating “additional safety and health hazards.” ■

## Albany Update

# NYS Workers’ Comp Rates Decline in 2025

By KEN FUIRST, MBA, CLU, CAP

ALBANY — Employers in New York State have enjoyed a steady decline in Workers’ Compensation rates over the last few years, with contractors in a State Fund Safety Group probably seeing an even larger decrease in their insurance costs. Among the reasons are:

- Eliot Spitzer’s Workers Compensation Reform Accord of 2007. It takes years for changes in laws to trickle down and make an impact. Especially in this case where annual Workers Compensation rates are driven by actuarial data of claims costs. Therefore, the NY Workers Compensation Board needs to see actual reduction in WC claims costs before it lowers the rates. The 2007 law placed a 10-year cap on most Permanent and Partial WC claims.

Prior to this cap, injured employees could be paid lost income for the rest of their lives, leaving no incentive to return to work. This law has helped significantly lower the cost of a WC claims in the state.

- NY Labor Law 240/241- Scaffold Law. This terrible law drives up liability insurance rates for contractors in the state and it has an indirect impact on Workers’ Compensation rates. The multi-million-dollar settlements from these liability cases typically include a requirement to repay the Workers’ Compensation Insurance Company for the WC claim expenses.

- Part of NY Workers’ Compensation Premiums is a Charge for the NY Assessment. The Assessment supports several special funds, including

one that compensates volunteers who were injured or disabled during the World Trade Center rescue, recovery, or clean-up; one that reimburses insurers for certain claims for permanently partially disabled persons; and one that pays benefits for old claims that are reopened. The assessment rate has been steadily declining in recent years, largely due to an accelerating runoff of special fund liabilities. It has gone down more than 40% since 2019, when the assessment rate was 12.6%.

- NY State Insurance Fund Safety Groups. These include the one run by our organization that have benefited from these decreases in claims costs. This has resulted in the safety group’s increasing the upfront group premium discounts and year-

end dividends distributed by the groups, thereby significantly reducing costs for members.

- Increased Focus on Safety at Job Sites. Greater emphasis by company management on training and safety has the beneficial effect of lowering claims frequency, which has a direct impact on overall insurance costs.

All these factors have contributed to lower costs for Workers’ Comp, and while this is all good news there are some factors that can have a negative impact on future rates. The sophistication and “professionalism” of insurance fraud is seeping into the New York construction industry, leading to a recent spike in large insurance claims. Long Covid and increased benefits for mental illness caused



by worksite environments can be adding claims costs to the system. So, while rates have dropped somewhat, the watchwords for contractors and agents remain the same: When it comes to safety, be vigilant!

*To learn more about Workers’ Compensation or the Safety Groups, contact Levitt-Furst Insurance and Bonding at 914-457-4200. ■*

# Campaign to Reduce Bridge Strikes Targets Commercial Vehicles on Thruway

ALBANY—During the Fourth Quarter of 2024, New York State reported 7,300+ violations were issued during dozens of enforcement details held in partnership with the NY State Police along the Thruway System. Included in the total were 31 violations for over-height vehicles, 56 for bridge strikes on Thruway bridges in 2024. There have been 231 over the last five years, according to the Thruway Authority, which announced the findings on Jan. 9.

The findings are the result of a statewide commercial vehicle enforcement campaign on the 570-mile New York State Thruway system to reduce bridge strikes caused by over-height vehicles and enhance the safety of all vehicles using the Thruway. The enforcement initiative was conducted in partnership with the New York State Police Commercial Vehicle Enforcement Unit (CVEU).

During the months of October, No-

vember and December, some 30 enforcement details were held in various regions along the Thruway, leading to 7,301 violations issued, including 31 for over-height vehicles.

Thruway Authority Executive Director Frank G. Hoare said, “Bridge hits on the Thruway system are a safety issue and can cause considerable damage to our infrastructure resulting in countless delays for motorists and the diverting of critical resources from high-

way maintenance and upkeep. The law requires drivers to know the height of their vehicle to mitigate these avoidable incidents and with the increasing number of trucks on the roads, it’s incumbent upon drivers to be vigilant to keep traffic moving. The Thruway Authority is committed to mitigating bridge hits and vigorously pursuing claims from motorists who damage Thruway property and equipment and inconvenience our customers.” ■

## Financial Management

# How AI is Transforming Construction Activities

By PHILLIP ROSS, CPA, CGMA, PARTNER

As we start the new year, Artificial Intelligence (AI) continues to develop as a potential force in the construction industry, offering ways to navigate post-COVID challenges and adapting to unpredictable economic conditions. While AI advancements may enhance design, streamline operations and support financial growth, their full impact remains uncertain. Construction firms will

the individual firm. With its ability to process extensive data sets and learn over time, AI can become a powerful tool for overcoming historical challenges and fostering innovation.

For example, AI can bring unprecedented precision and speed to pre-construction phases, significantly impacting cost estimation and material take-offs. In 2025, several advancements will continue to rede-

and overall design accuracy, reducing errors and streamlining the planning process.

### Procurement Efficiencies

From a procurement standpoint, AI can also transform supply chain management. It's no secret that construction projects rely on complex, interconnected supply chains, and any disruption can lead to costly delays. AI has the power to forecast demand for materials, provide

operational efficiency.

### Labor Productivity

In terms of labor optimization, AI-driven predictive analytics can anticipate staffing requirements, address skill shortages and optimize workforce productivity. This ensures that labor resources are allocated effectively, reducing downtime and enhancing overall performance.

Labor optimization also extends into on-site safety. In 2024, Cementation Skanska implemented AI-backed human form recognition cameras on its fleet of large diameter piling rigs and cranes. The system "utilizes a series of cameras fitted to the base of the plant that recognizes people or objects if they get too close or encroach in a red exclusion zone—automatically suspending tracking and slewing of the machine to avoid contact and sounding an audible alarm." This next generation AI technology is keeping workers safe, adding an additional layer of protection against potential injury with moving plants.

Beyond operational enhancements, AI may also offer financial advantages for construction and architecture and engineering firms. By optimizing resource allocation and project management, AI could enable firms to achieve higher efficiency levels, resulting in cost savings across various operational areas. Predictive analytics also help to identify opportunities to reduce material waste and optimize usage, further contributing to cost reductions. It also provides a competitive edge—theoretically, firms that adopt AI technologies can offer innovative solutions, faster project delivery and superior quality outcomes. These capabilities provide a distinct market advantage, attracting more clients and projects.

### Federal Tax Credit

Firms leveraging AI may



also qualify for other financial incentives. The Federal Research and Development Tax Credit is available to businesses that invest in developing or improving products, processes, or software—and many states also offer their own local credits. These can reduce tax liabilities, freeing up resources for further innovation and growth. Finally, AI's predictive capabilities can help firms identify and mitigate risks proactively, minimizing the likelihood of cost overruns and project delays. This approach enhances financial stability.

While AI technologies offer construction firms potential operational and financial benefits, including cost reductions, improved efficiency, and enhanced risk management, their integration must be approached with caution. Firms that strategically adopt AI can unlock new opportunities, but success will depend on careful planning, balancing cost versus benefits, ongoing evaluation and a balanced approach that combines innovation with human expertise. As the industry evolves, maintaining this balance will be key to long-term success in a rapidly changing landscape.

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

## AI tools will offer more advanced generative design capabilities, incorporating real-time environmental data, sustainability metrics and adaptive algorithms.

need to carefully assess how these technologies align with their strategies in an increasingly complex landscape.

AI shows promise in enhancing various aspects of the construction process, from initial design to project completion and asset management. Between 2023 and 2024, global spending on AI in the construction sector grew from an estimated \$1.4 billion to \$1.8 billion. This investment underscores how innovation and technology are becoming more important for contractors and developers, enabling them to navigate through traditional obstacles.

AI leverages vast datasets to identify patterns and make informed decisions, with the potential to drive the industry toward greater efficiency and productivity. That said, as with all efficiency-driven interventions, accurate input information is required to ensure that AI is able to correctly perform this work—and can be costly to

fine this phase: AI tools will offer more advanced generative design capabilities, incorporating real-time environmental data, sustainability metrics, and adaptive algorithms. These systems will optimize layouts and material use, helping firms make data-driven decisions that align with project goals.

### Drone Technology

Firmatek utilizes drones for "LiDAR and aerial data imagery on construction sites in an innovative approach that can identify better work practices, highlight safety issues and provide a new perspective to owners, contractors and investors." This allows firms to enhance surveying processes and can provide real-time site data for planning purposes and monitoring progress.

Additionally, Building Information Modeling systems enhanced by AI could facilitate complex simulations and predictive modeling. These advancements will improve risk assessment, resource planning

real-time tracking, and evaluate performance data to reduce the risk of disruptions.

In applications, Prologis, a global logistics real estate leader, implemented AI-driven supply chain software to optimize warehouse operations. The system predicts order volumes and adjusts staffing and inventory needs accordingly. The result was a notable reduction in operational costs and improved delivery times for contractors sourcing materials. Across the industry, they also predict that up to 50% of logistics operations could include Autonomous Mobile Robots over the next decade.

It's not just design and pre-construction—AI's impact extends to the construction phase, transforming project management and risk mitigation strategies. Real-time data analysis allows AI to detect scheduling conflicts and potential risks early, enabling proactive interventions that keep projects on track. This capability also has the power to translate into more accurate cost estimates, streamlined timelines and improved

## Attorney's Column Continued from P. 6

work to a licensed electrical contractor (Mikoma Electric).

The problem here arose when Otek retained a similarly unlicensed subcontractor (Mikoma Tech) to perform the work, and Mikoma Tech tried to get around the fact that it was not licensed by later patching facts together

(by having Mikoma Electric pull the permits, using Mikoma Electric's employees, and having Mikoma Electric's licensed master electrician supervise the work). The appellate court held that such patchwork was not sufficient.

Left open for now, however, is the question as to wheth-

er Mikoma Tech could have gotten around the issue by formally subcontracting its entire scope of work to a licensed electrical contractor (either Mikoma Electric or another licensed entity).

As we cautioned in the wake of Trump Village, contractors would be well ad-

vised to make sure that any licensed work is directly undertaken by a licensed contractor (and the retention is formally documented with a subcontract, and not the type of informal arrangement that was present here). We will continue to keep you updated as to any further develop-

ments or clarifications that are issued by the appellate courts. In the meantime, if you have any questions about how to tailor your business to operate in the context of the licensing regulations, a consultation with experienced construction counsel could prove helpful. ■

## What's New & Who's News

# Ken Jenkins Named Westchester Executive; County to Hold Special Election on Feb. 11

WHITE PLAINS—The Westchester County Board of Legislators voted unanimously on Jan. 6 to appoint Deputy County Executive Kenneth W. Jenkins Westchester County Executive until a Special Election, which the Board has set for Feb. 11.

The public will vote to elect a County Executive to serve the remainder of now Congressman George Latimer's original term through December 2025. Mr. Jenkins succeeds Acting County Executive Richard G. Wishnie, who was designated to the transitional role by Board Chairman Vedat Gashi immediately after Mr. Latimer officially stepped down on Jan. 2.

Board Chairman Gashi (D-New Castle, Ossining, Somers, Yorktown) said, "Ken Jenkins is a leader who understands the needs of our residents and the complexities of our county government. We look forward to continuing our productive collaboration with him now and in the future."

In the Latimer administration, Mr. Jenkins touted his work to cut taxes, build affordable housing, protect a woman's right to choose, reduce crime, restore aging infrastructure and protect the environment. Mr. Jenkins, a Westchester County resident for the past 43 years, has made history as Westchester's first-ever Black County Executive.

Mr. Jenkins's career spans telecommunications and technology in companies that include Apple, AT&T, Bell Atlantic, New York Telephone (Verizon), NYNEX and Seer Technologies. He also gained sales experience as an owner and broker in the real estate sector during his tenure at ERA



Westchester County Executive-elect Ken Jenkins addresses the Westchester County Board of Legislators after being sworn in to office on Jan. 6.

Gem Realty.

Mr. Jenkins' public and community involvement includes board service with the Greyston Foundation, United Way, Westchester County District Attorney's Community Advisory Committee, Westchester County Crime Stoppers and the Community Planning Council of Yonkers. He served as President of the Yonkers Branch of the NAACP and the Yonkers Community Action Program.

A longstanding member of the Democratic

Party, he has held various leadership positions, including: Treasurer of the New York State Democratic Committee, Chairman of the Yonkers Democratic Committee, Chairman of the Black Democrats of Westchester and Secretary of the Westchester County Democratic Committee, in addition to serving on its Executive Committee. He has also shared his political insights as a frequent analyst on the cable news station, News 12 Westchester. ■



### Metallic Lathers and Reinforcing Iron Workers Local 46

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

#### **Superstructure**

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

#### **Foundations**

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

**Let Us Help You Reinforce The Future**

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



# NEW EVENT! HUDSON VALLEY CONSTRUCTION CAREER NIGHT

## March 27, 2025

### Rockland Community College

### 5:30 pm - 8:30 PM



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

**WALK-INS WELCOME**  
**ADVANCED REGISTRATION ENCOURAGED**

*This event is free and open to high school students, parents and guidance counselors!*



[cicbca.org](http://cicbca.org)

Construction Industry Council - Building Contractors Association  
629 White Plains Road, Tarrytown, NY - 914-631-6070 [cicbca.org](http://cicbca.org)

## BE A PART OF THE 25th ANNUAL CAREER DAY



# HUDSON VALLEY CONSTRUCTION CAREER DAY

## March 28, 2025



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

### Sponsor

**Be a Sponsor of the 25th Annual Career Day.**  
**For information on sponsorship and how to get involved, contact Sharon Regan Masciovecchio: [sharon@cicnys.org](mailto:sharon@cicnys.org), 914-631-6070**

Volunteers welcome. Sign up in advance; contact [info@cicnys.org](mailto:info@cicnys.org)



[cicbca.org](http://cicbca.org)

Construction Industry Council - Building Contractors Association  
629 White Plains Road, Tarrytown, NY - 914-631-6070 [cicbca.org](http://cicbca.org)

# NEW YEAR, SAME PARTNERSHIP!

BEST WISHES FOR CONTINUED SUCCESS IN 2025!

LiUNA!

# Laborers

SINCE 1903

