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# CONSTRUCTION NEWS



Vol. 41 No. 2

MARCH 2025

\$1.50

## Call to Add \$250M to CHIPS

# Coalition Finds a Partner in Gov. Hochul With Proposal to Add \$800M to NYSDOT

BY JOHN JORDAN

ELMSFORD, NY —A coalition led by the Construction Industry Council of Westchester & Hudson Valley and local construction trade unions is demanding state lawmakers allocate more funds for the repair and maintenance of the Hudson Valley’s crumbling and pothole-filled state roadways.

The coalition held a Hudson Valley Road Funding Rally last month at the Teamsters Local 456 Union Hall in Elmsford. Coalition leaders thanked Gov. Kathy Hochul for her Executive Budget proposal to increase the NYSDOT Capital plan by \$800 million, which will help the NYSDOT restore the buying power for its core program eroded by unprecedented construction materials inflation. The increased funding will help improve road and bridge conditions across



**Coalition Rallies for Roads:** Management, organized labor and public officials in support of more funding for transportation improvements. From left, Glenn Pacchiana of Thalle Industries, Edward Cooke of the Westchester Putnam Building Trades, Assemblymembers MaryJane Shimsky and Chris Burdick, John Cooney Jr. of the Construction Industry Council, Louis Picani of Teamsters Local 456 and James Sasso of Operating Engineers Local 137.

New York State and also improve conditions in Region 8, which has historically been underfunded.

Fueled by rallying cries of “Talk is

cheap, tires are expensive,” the coalition asked the Hudson Valley New York State Assembly and New York State Senate delegation to include an

increase of \$250 million in funding for the NYSDOT local roads program called CHIPS in their respective One

**Please Turn to Page 22**

# Industry’s Workforce of the Future Will Require Advanced Skills and Training, More Recruitment

NAPLES, FL—With the arrival of the new construction season fast approaching, company executives and union officials from New York’s downstate region convened late last month at the Ritz-Carlton Naples to discuss industry prospects and prepare for the challenges facing the contracting community and organized labor in 2025 and beyond.

Leading the discussions and presentations on Wed., Feb. 26, was an in-depth presentation by John Cooney,

Jr., executive director of the Construction Industry Council, a co-organizer of the Hudson Valley Construction Industry Partnership Mid-Winter Meeting. His topic—An Aging and Shrinking Construction Workforce for the Future: Is This an Opportunity or a Threat?—examined the key drivers of the current state of the industry, where more than 25% of today’s workforce is between the ages of 55 to 65 years old, he reported.

“Our workforce has never

been this old throughout history,” he told more than 160 attendees at the HVCIP conference. “Baby Boomers are aging in the workforce and are exiting the workforce in record numbers.”

Nationwide, the construction industry needs nearly half a million more workers with trades skills and experience to deliver in-demand projects in the next few years. In New York State alone, which has among the most extensive, heavily used transportation infrastructure in the world, the projected needs all levels of government face to procure construction services are also historic.

At the State Department of Transportation alone—an entity that the HVCIP membership works closely with—the jobs in-demand are diverse and require advanced

skills and training to deliver complex design, construction, traffic engineering, facilities and structures as well as transportation maintenance.

Factors compounding the construction labor shortage are the cyclical nature of the economy, where demand rises and falls. For now, demand in many sectors that the organized sector of the construction marketplace HVCIP labor unions serve (mainly public works, schools and institutional) is robust. Other sectors, however, including office and retail, are relatively reduced.

Another factor is that the U.S. has not stressed until only recently the education and training of enough blue-collar workers for jobs in construction and manufacturing, it was noted.

“At the same time, the de-

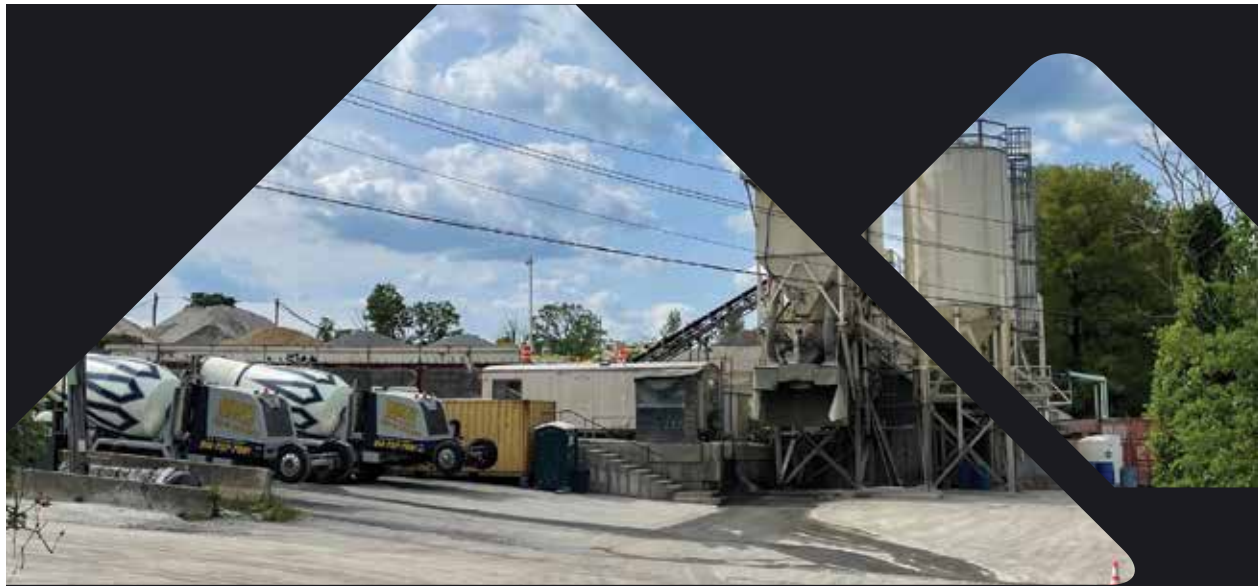
mand for construction services is increasing due to the age of the nation’s infrastructure,” Mr. Cooney explained.

Organized labor is also joining the union contracting community to broaden its outreach to constituents that have not historically been drawn to the Building Trades for employment. Pat

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## New York City Update

# Riders Alliance, Sierra Club Look to Join MTA Suit to Save Congestion Pricing

NEW YORK—In the battle to save or scuttle New York City’s congestion pricing, two organizations backing the controversial tolling program have lodged new complaints against the federal government’s attempt to rescind its prior approvals.

On March 4, the Riders Alliance and the Sierra Club filed a new legal complaint against the Trump Administration’s Department of Transportation (DOT) for attempting to end New York City’s long-awaited Congestion Pricing program, which

### Congestion Relief – Financial Results

#### Congestion relief revenue & expenses

Revenue	\$48.6 million
Expenses	
Operating Costs	\$9.1 million
Mitigation Accrual	\$2.0 million

**Net operating revenue \$37.5 million**

- Covers January 5 – January 31, 2025 (27 days)
- Sets aside monies for mitigation commitments
- Issued \$900 million in debt for system infrastructure costs and initial capital projects

**On track to collect \$500 million in net revenue for the first full year**

**The MTA in late February released data on revenue raised by the congestion pricing program which beat estimates.**

was launched less than two months ago. The legal complaint charges the Trump administration made serious legal mistakes in its rush to deprive New Yorkers of the benefits of Congestion Pricing, and that these mistakes suggest that the administration is acting pretextually. The Riders Alliance and Sierra Club are being represented in the litigation by Earthjustice.

The groups filed to join the MTA’s lawsuit in the U.S. District Court for the Southern District of New York as interveners, raising two new claims. While the MTA’s lawsuit focuses on the Trump administration’s unlawful reneging on the agreement authorizing congestion pricing, the new lawsuit focuses on the flawed legal basis that Secretary of Transportation Sean Duffy put forward in his letter.

In its first month of operation, the first-in-the-nation program has raised \$48.6 million in month-one and stands to raise billions for improvements on New York City’s aging subway and bus systems that serves approximately five million people daily. Reports show the program has significantly reduced traffic and congestion, decreased travel times, while improving speeds for buses and emergency vehicles.

On Feb. 19, 2025, U.S. Transportation Secretary Sean Duffy sent a letter to New York Governor Kathy Hochul purporting to “terminate” the agreement authorizing the Congestion Pricing program. Sec. Duffy claimed that he had discovered an unwritten restriction in federal law, a secret loophole establishing that the Congestion Pricing Program had never been lawfully authorized to begin with.

As the Riders Alliance and Sierra Club lawsuit contend, Sec. Duffy’s claims are directly contradicted by the record. The letter states that federal law has never contemplated “cordon pricing” as a permissible congestion pricing strategy, except where toll-free options are available to drivers. In fact, cordon pricing

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*ELEC825 is the labor management fund of Operating Engineers Local 825*

# Orange County Gets New FAST NY Grant For Studies at Roseton Power Plant Site

BY JOHN JORDAN

NEWBURGH—New York State announced last month that \$32.6 million had been awarded to improve seven locations under the Focused Attraction of Shovel-Ready Tracts New York grant program, including one project in Orange County. The Orange County Industrial Development Agency was awarded a \$500,000-grant in connection with a pre-development project at the Roseton power plant site in the Town of Newburgh.

The FAST NY funding will foster the advancement of environmental studies of the Roseton power plant site, including a Generic Environmental Impact Statement and State Environ-

mental Quality Review, plus engineering and site design.

The approximately 30-acre site of an operating gas-fired power plant provides unique assets, including direct access to existing power transmission, rail, heavy infrastructure, and existing maritime infrastructure with direct access to the Hudson River. The potential development opportunities will focus on targeting offshore wind supply chain companies, state officials noted.

The latest funding followed grants awarded last October totaling \$320,000 by the New York State Energy and Research Development Authority in connection with possible future



The Roseton energy plant in the Town of Newburgh.

development opportunities at the Roseton and adjacent approximately 130-acre Danskammer energy plant properties in the Town of Newburgh.

The Orange County Partnership in Goshen spearheaded the collaborative effort in securing the latest \$500,000 state grant, while the Orange County IDA submitted the application to the state. Orange County officials hailed the grant as an-

other achievement in efforts to position Orange County as a premier location for high-tech manufacturing.

Orange County IDA Executive Director Bill Fioravanti said, "We are proud to have teamed up with the Orange County Partnership on this important initiative. This FAST NY award will help further our efforts to bring new shovel-ready sites online."

Last October, the New

York State Energy Research and Development Authority awarded \$320,000 in grants to the Town of Newburgh for the Roseton and Danskammer sites as part of the Just Transition Site Reuse Planning Program.

Each site was awarded \$160,000 toward redevelopment planning including site reuse feasibility, workforce development strategy,

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## CONSTRUCTION NEWS



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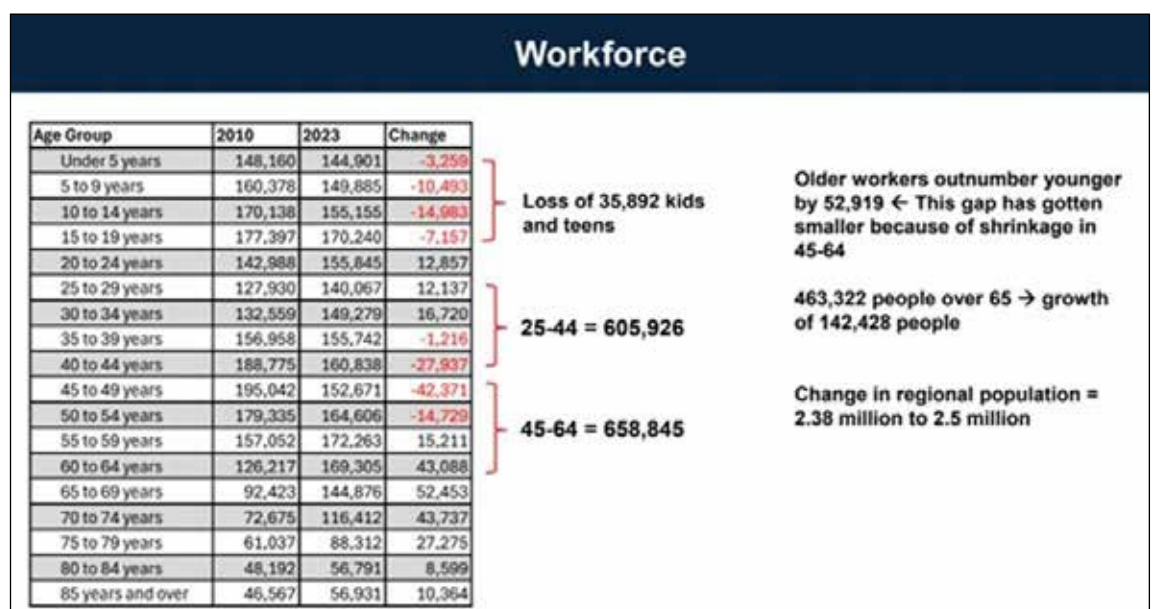


## Workforce Continued from P. 1

Purcell of LECET followed with a presentation that showcased the Laborers' efforts to recruit more high school students into the labor ranks.

tations for students with an active interest and parents.

"We will need to increase our outreach to the parents of these high school students to



He laid out the education trust's multi-timed approach to build awareness and understanding of the opportunities that await young recruits. He said steps include early engagement in the school year, with presentations made in the fall with a focus on all building trades unions. A second appeal during the winter months focuses on a presentation specific to LIUNA apprenticeship. Come spring, there are after-school presen-

educate them to the advantages of a career in the trades," he said. "We must broaden our efforts to increase the number of women and minorities to the construction trades."

Together labor and management have the skill, the scale, and the structure to make this effort a success, Mr. Purcell added. "A career in the construction trades offers a world of opportunities." ■

# International Union of Operating Engineers Local 137



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## Attorney's Column

# Court Rejects 'Piggybacking' Contracts For Public Works, Requiring New Bid

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

A section of the General Municipal Law requires that with several narrow exceptions, any contract for public work more than \$35,000 must be sent out for public bid. To project against fraud or collusion, the exceptions are narrow and relate to emergency work or a demonstrated need for standardization.

Among these narrow exceptions in Section 103 is one contained in Paragraph 16 of the statute which pro-

vides that, notwithstanding the general provisions of the statute, a municipal entity may "make purchases of apparatus, materials, equipment or supplies, or to contract for services related

to the installation, maintenance or repair of apparatus, materials, equipment, and supplies" by "piggybacking" onto a "contract let by the United States of America or any agency thereof, any state or any other political subdivision or district therein," provided that such contract has, itself, been publicly bid consistent with the statute.

out submitting them to a full public bidding process.

### Background

In December of 2022, the district's voters approved a bond to finance various improvements at the district's schools. This project was to be carried out in six phases over five years. In July of 2023, instead of using the bidding process set forth in the General Municipal Law, the district entered into a "piggyback" contract with The Interlocal Purchasing



Thomas H. Welby, P.E., ESQ.



Gregory J. Spaun, ESQ.

***The court held that the legislature specifically excluded such projects when it drafted the piggybacking exception, and the contract here was improperly let.***

vides that, notwithstanding the general provisions of the statute, a municipal entity may "make purchases of apparatus, materials, equipment or supplies, or to contract for services related

tory language permitting piggybacking for services related to the installation of equipment could not be read so broadly as to effectively permit the letting of public works contracts with-

System (TIPS) to undertake phase one of the project (replacing a sewer line and installing a new parking lot at the high school) for \$2.5 million. TIPS was created by the State of Texas and has

grown into a national clearing house to match municipalities around the U.S. to contractors who have joined the program.

Once subscribed to TIPS, a municipality submits its project specifications, and the TIPS system matches the municipality with a contractor who can handle the project. Once the match is made, the parties negotiate the agreement, which incorporates the pricing provided by the TIPS contractor. Here, TIPS matched the district with Smith Site Development LLC.

The district was pleased with Smith's work on phase one, and it inquired of its CM whether it believed that Smith could handle phase two of the Project (extensive HVAC renovations at one of the elementary schools for \$8.9 million). The CM indicated its belief that Smith could handle the work, and the district began negotiating with Smith, through TIPS, to perform Phase Two. The district ultimately awarded the contract to Smith.

In response, several local contractors commenced an Article 78 proceeding to declare Smith's contract void, arguing that the piggybacking arrangement violated state law in numerous respects, including the failure to solicit public bids, the failure to let separate contracts for the Wicks Law trades, and the failure to mandate bonds.

In response, the district argued that piggybacking was not only permitted but encouraged by Section 103(16) of the General Municipal Law, and that both the district and the TIPS system complied with the requirements set forth in that statute.

### Decision

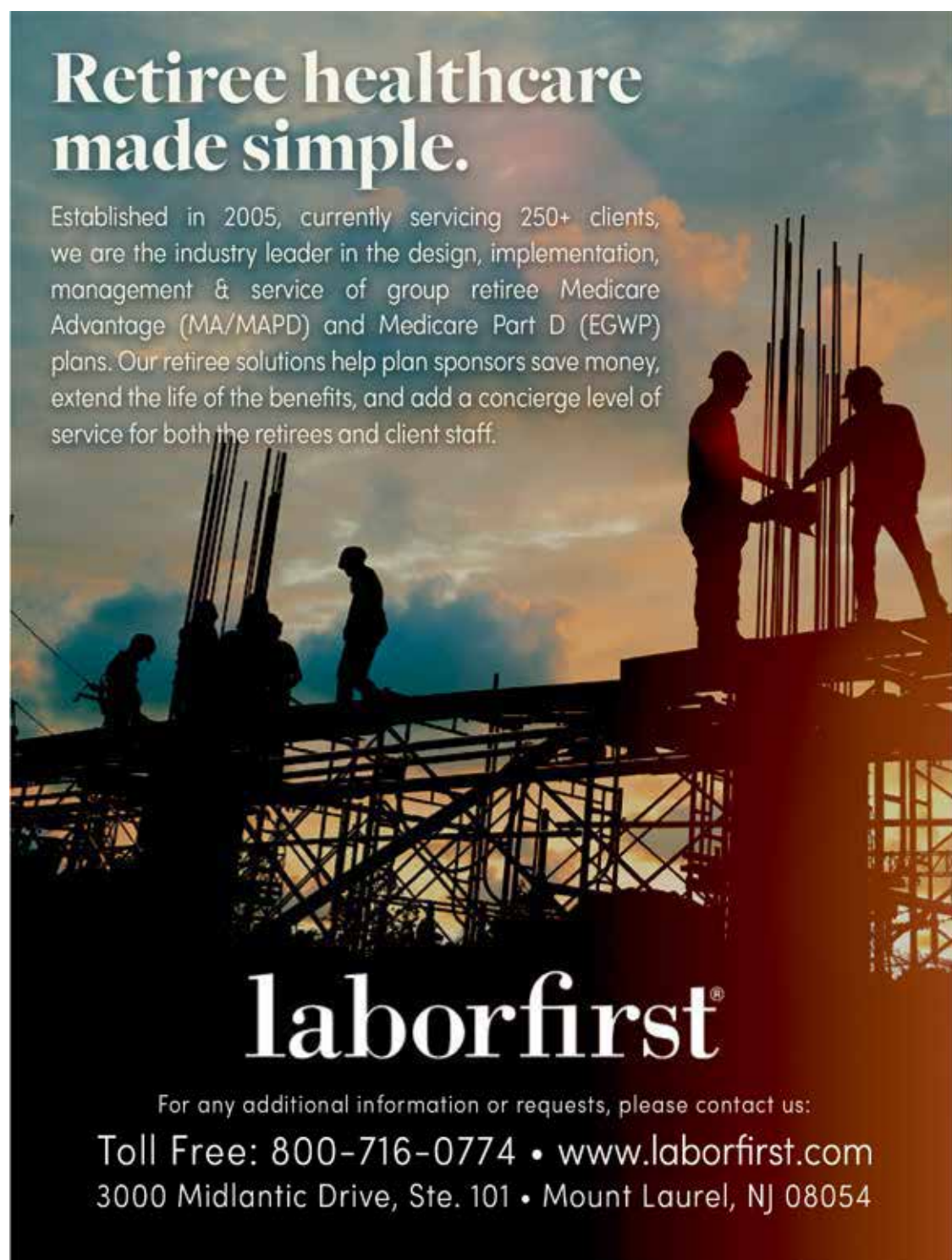
The court granted the local contractors' petition. In doing so, the court conceded that it was hampered by the statute's failure to define "public work contracts" or "public works projects," but was ultimately able to use definitions from other related statutes, and held that such meant "construction or repair projects undertaken by municipalities on their infrastructure that are subject to the competitive bidding process." With that definition, the court held that the piggybacking exception applies to the "purchase of specific classes of things, namely apparatus, materials, equipment and supplies, as well as service contracts related to those specific things" (emphasis original), and not to public works, public works contracts, or public works projects.

Accordingly, the court held that the legislature specifically excluded such projects when it drafted the piggybacking exception, and the contract here was improperly let.

As to the remedy, although the petitioners had sought disgorgement of the funds paid on the contract, the court declined to grant that draconian relief, holding that such would not be in the public interest. In doing so, the court noted that there were no allegations that the project was being performed inefficiently, or in a manner injurious to the taxpayers, and the district was not malfeasant in letting the contract to Smith. Accordingly, the court permitted Smith to complete its work, but enjoined the district

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## Albany Update

# New York State Senate Advance Legislation On Workplace Protections, Wage Theft Crimes

ALBANY--A group of New York State lawmakers are advancing legislation that aims to enhance workplace protections and combat wage theft, it was announced this week. The package of legislation from Senate Democrats includes measures that would:

- Prohibit employers from delivering coercive severance ultimatums to employees and former employees reviewing severance agreements and provides employees with ample time to review such agreements.

- Amend the Workers' Compensation Law (WCL) to increase short-term disability benefits provided in the form of Temporary Disability Insurance (TDI) weekly cash benefits and expands disability and paid family leave coverage.

- Create grounds to allow wage theft victims to seek attachment of employers' assets during court action pendency, and amend the business corporation law and the limited liability company law to streamline procedures allowing employees to hold

shareholders and owners personally liable for wage theft.

- Require employers of domestic workers to provide annual paid sick leave to such workers.

- Expand protections for employee payroll funds by establishing the crime of the misappropriation of payroll funds.

- Bolster employee protections against wage theft by clarifying that all bonuses and other forms of employment remuneration that are not purely discretionary count as wages.

- Authorize the state commissioner of labor to issue a stop-work order for employers that have misclassified their employees or that have misrepresented to insurance companies their employee count.

"New York's workforce is the engine that drives our economy, and they deserve fair wages, safe working conditions, and strong protections." "This legislative package cracks down on bad actors who take advantage of workers with little consequence, marking another

step forward in the fight against wage theft and workplace exploitation," state Senate Majority Leader Andrea Stewart-Cousins said.

The New York State Department of Labor reported in a budget hearing in late February that the state wage theft causes workers to lose \$3 billion combined each year, said New York State Sen. Jessica Ramos, who serves as chair of the Senate Committee on Labor. "That is missing from our streets, that is money missing from our local economy," she said. ■

# AG, Multistate Coalition Secure Court Order To Block Fed Funding Freeze on Grants, Loans

NEW YORK – New York State Attorney General Letitia James, leading a coalition of 22 other attorneys general, won a preliminary injunction on March 6 against the Trump administration to block its illegal policy that would freeze

funding for essential federal agency grants, loans and other financial assistance programs.

Judge John J. McConnell of the U.S. District Court for the District of Rhode Island granted the preliminary injunction after AG James and the coalition

sued the Trump administration to stop the funding freeze.

"The Trump administration's illegal funding freeze jeopardized law enforcement funding, essential health care and childcare services, and other critical programs that

millions of Americans rely on," said AG James. "I led a coalition of attorneys general in suing to stop this reckless policy and defend the essential funding that our communities count on. Today we secured another court order to block the administration's funding freeze while our lawsuit progresses. The power of the purse belongs to Congress—not the President. I will continue to fight to uphold our laws and protect the vital funding and programs that New Yorkers need."

The administration's funding freeze policy, issued through an array of actions, including a Jan. 27 memorandum from the Office of Management and Budget (OMB), illegally withheld trillions of dollars in federal funds for states and other entities like nonprofit organizations and community health centers. The policy caused immediate chaos and uncertainty for millions of Americans who rely on state programs that receive these federal funds. In New York and multiple other states, states could not access Medicaid dollars.

AG James and the coalition sued the administration over the freeze on Jan. 28, and on Jan. 31, the court granted the attorneys general's request for a temporary restraining order (TRO) blocking the freeze's implementation until further order from the court.

On Feb. 7, Ms. James and the coalition filed motions for enforcement and a preliminary injunction to stop the illegal




freeze and preserve federal funding that families, communities, and states rely on. On Feb. 8, the court granted the motion for enforcement, ordering the administration to immediately comply with the TRO and stop freezing federal funds. On Feb. 28, AG James and the coalition filed a second motion for enforcement seeking to stop the Trump administration from freezing hundreds of millions of dollars in grants to the states from the Federal Emergency Management Agency (FEMA).

On March 6, the U.S. District Court for the District of Rhode Island granted AG James and the coalition's request for a preliminary injunction, halting the implementation of the administration's policy. The court concluded that the states had demonstrated a high likelihood of success on their claims that the actions making up the funding freeze policy were unlawful. The court also required the administration to provide evidence of their compliance with regard to unfreezing FEMA funds by March 14 and to alert all agencies about the court's order.

The lawsuit is led by AG James and the attorneys general of California, Illinois, Massachusetts, New Jersey, and Rhode Island. Joining the lawsuit are the attorneys general of Arizona, Colorado, Connecticut, Delaware, Hawaii, Maine, Maryland, Michigan, Minnesota, Nevada, New Mexico, North Carolina, Oregon, Vermont, Washington, Wisconsin, and the District of Columbia. ■


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# \$80M for Climate Resiliency Grants From DEC To Help Reduce Coastal, Inland Flooding

ALBANY—New York State officials announced recently a total of \$80 million in new grant funding will be available to communities across New York State for climate resiliency projects.

The grants, funded through the \$4.2-billion Clean Water, Clean Air and Green Jobs Environmental Bond Act of 2022, will support nature-based and green infrastructure projects designed to reduce flood risk and enhance community resilience to extreme weather.

The \$80 million now available from the Environmental Bond Act is designed to help communities statewide take the necessary steps to protect flood-prone areas, safeguard infrastructure, ensure the safety of their homes, businesses and critical infrastructure in the face of increasingly devastating storms and other extreme weather emergencies.

The funding will be distributed through three new grant programs.

#### Resilient Watersheds Grant Pro-



gram: \$45 million will be made available through DEC, building on the success of the Resilient NY program.

**Coastal Rehabilitation and Resilience Projects Program:** \$20 million will be made available through the Department of State for coastal communities. The program prioritizes projects using nature-based solutions to

enhance community resilience while also delivering environmental, economic and social benefits.

**Inland Flooding and Local Waterfront Revitalization Implementation Projects Program:** \$15 million will be made available through DOS for implementation projects that improve waterfront and watershed re-

siliency and reduce climate impacts, particularly flooding.

Applications for all three funding opportunities can be submitted through the Consolidated Funding Application (CFA) portal at <https://apps.cio.ny.gov/apps/cfa/>. Applications are due by 4:00 p.m. on Fri., June 6, 2025. ■

## Attorney's Column Continued from P. 6

from using TIPS (or a similar system) to bypass the requirement of public bidding to award future public works contracts.

#### Comment

In a case of clear first impression, the court here limited the use of the piggybacking scheme to, essentially, "plug-and-play" things that only need minor

work to install and get running. If it involves anything more, it is classified as a public works project that must be sent out to bid.

The public bidding process, particularly when combined with the Wicks Law, which requires the letting of separate contracts for general construction, plumbing, electrical and HVAC, can

be cumbersome given the scope of the work. However, the countervailing considerations of bidding for maximum competition along with reducing the opportunity for collusion and the maintenance of bonding requirements won the day here.

If a contractor believes that it has lost out on public work through the use of piggy-

backing or some other alternative procurement scheme, the contractor would be advised to consult with experienced construction counsel to determine a remedy.

*Editor's Note:* At press time, there is still time for the district or Smith, as the aggrieved contractor, to file an appeal. If there is such an appeal, we will publish and

distribute a bulletin and updates. ■

**About the authors:** *Thomas H. Welby, Esq., P.E., is General Counsel to the CIC and BCA, and is the founder/Senior Counsel of Welby, Brady & Greenblatt, LLP. Gregory J. Spaun, Esq., is General Counsel to the Queens and Bronx Building Association and a partner with the firm.*

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# NYS Bridge Authority Begins Public Hearings On Bear Mountain Bridge Redecking Project

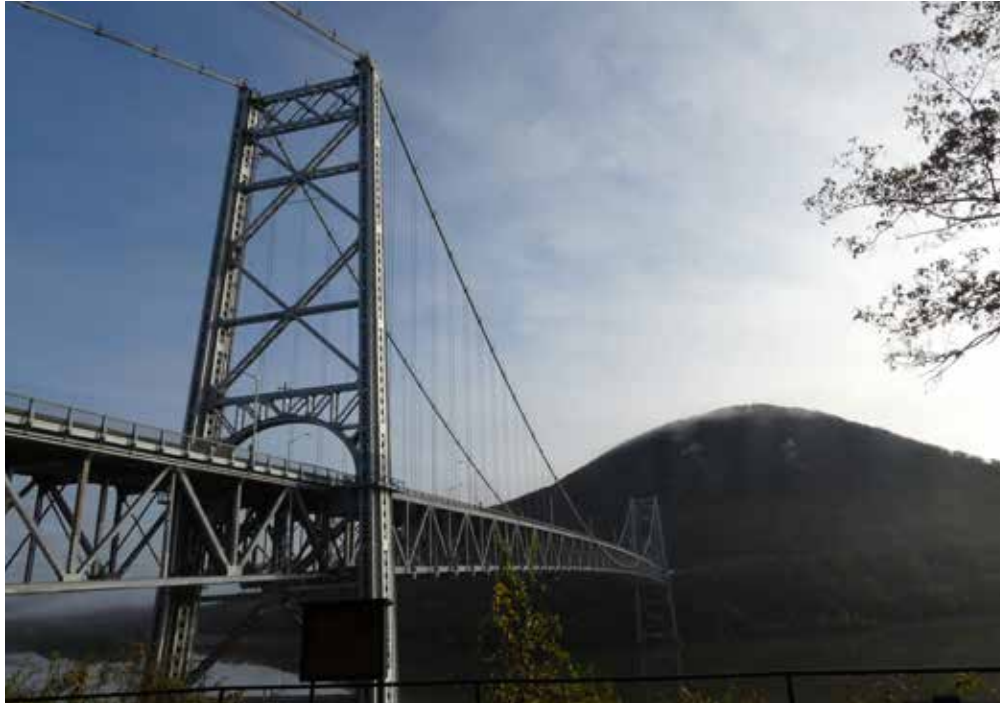
By JOHN JORDAN

FORT MONTGOMERY, NY—The New York State Bridge Authority has recently launched the public engagement process on a plan to redeck the storied Bear Mountain Bridge here.

The first in-person public meeting on the planned redecking of the 101-year-old span, which was announced on Feb. 28, was on Thurs., March 13, from 6 p.m. to 8 p.m. at the Desmond-Fish Public Library in Garrison, NY.

A spokesman for the New York State Bridge Authority told CONSTRUCTION NEWS that the initial amount budgeted for the project as part of its capital program is \$62.1 million. However, more specific budget projections are expected to be released in the coming months once designs are finalized. Final budget costs will include funds earmarked for design, construction and inspection as well as the cost for other planned bridge enhancements. These include sidewalk widening, tower overlooks and climb-deterrent fencing.

The overall length of the Bear Mountain Bridge deck totals 2,255 feet. As a comparison, the recent



The Bear Mountain Bridge was last redecked nearly 50 years ago.

deck replacement project for the Newburgh-Beacon Bridge north span (which is 5,000 feet longer) cost \$95 million.

The overall public engagement process will include future in-person and virtual meetings, along with progress updates on the project website and a dedicated project email address.

The Bear Mountain Bridge, which

opened in 1924, last had a deck replacement in 1976. Bridge Authority officials stated that concrete decks typically last between 30-50 years, depending on wear and tear experienced on a bridge.

In addition to the deck replacement, a few ancillary projects are being considered as part of the larger project, such as the widening of the

bridge's sidewalks to make them compliant with ADA (Americans with Disabilities Act) and improved drainage systems. Other enhancements being evaluated include anti-climb fencing and barriers that meet modern standards for height and safety. Additionally, options for new overlooks will be evaluated at the towers to provide pedestrians a safe and accessible space to enjoy the scenic views.

The bridge will remain open during construction, but will require a reduction in lane widths and traffic management systems put in place to minimize disruption.

The New York State Bridge Authority, which is managing the project, expects preliminary designs to be completed this summer and final design by the end of this year. The authority is aiming for construction to begin in the spring of 2026 with completion projected for the winter of 2027. The New York State Bridge Authority operates the Bear Mountain, Newburgh-Beacon, Mid-Hudson, Kingston-Rhinecliff and Rip Van Winkle Bridges. It also owns and maintains the structure of the Walkway Over the Hudson pedestrian bridge. ■

## Bridge Authority Adopts New Strategic Plan

The New York State Bridge Authority released on March 3 its new Strategic Plan for 2025-2029 entitled: "A Bridge to the Future." The Strategic Plan, adopted by its Board of Commissioners in January, includes NYSBA's mission, vision and core values as well as strategic goals and objectives to guide its operational efforts for the next five years.

NYSBA Executive Director Dr. Mino Alcantara said, "This Strategic Plan comes as NYSBA begins its 93rd year of building upon our legacy of maintaining the Hudson Valley's most crucial pieces of infrastructure and also as we continue to showcase the spirit of service that everyone in our 'NYSBA family' embodies every single day. This plan will serve as a strong blueprint for success over the next five years."

NYSBA Board of Commissioners Chair Joan McDonald added, "The Board of Commissioners is pleased with the exceptional work done by the staff on this Strategic Plan. We look forward to seeing these initiatives implemented in the years ahead so that the authority can continue growing and thriving."

Development of the plan was the result of a collaborative process over the past year, incorporating input from all departments and with outreach to every NYSBA employee. Among the highlights of the report are a revised Mission Statement and new Vision Statement. There are also Goals and Objectives for the authority to achieve over the next five years, touching upon the following areas: Safety; Overall Excellence; Infrastructure Integri-

ty; Diversity, Equity and Inclusion; Service; Fiscal Responsibility and Innovation.

Dr. Alcantara stated in the Strategic Plan: "Beyond all-electronic tolling, we are embracing a more sustainable future by increasing the energy efficiency of all our buildings, meeting New York State Gov. Kathy Hochul's green energy decarbonization annual goals and transitioning our fleet to zero emission. In addition, our newly added security team is collaborating with our local and state police in helping us better manage bridge incidents and coordinate with first responders."

Since its formation as a New York State public benefit corporation in 1932, the Bridge Authority has had a singular focus on maintaining the

Hudson River bridge crossings between the Bear Mountain and Rip Van Winkle bridges. With its transition to a cashless all-electronic tolling (AET) system between 2021-22, the authority has transitioned into a new sustainable era utilizing innovative technologies with smart traffic management systems, streamlined logistics, real-time tracking, and automation. NYSBA states that it remains committed to safety, customer-driven operations, and overall excellence for the communities it serves.

Formation of the Strategic Plan was done in collaboration with the New York State Thruway Authority Department of Strategic Management. The Strategic Plan is available at the authority's website: <https://nysba.ny.gov/> ■

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## LOW BIDS

# NYSDOT Awards Eight Contracts For Work in Hudson Valley/ NYC

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

**Tully Construction Company Inc.** of Flushing, NY was the lowest of five bidders at \$8,818,653.30 for pavement preservation at various locations in Queens.

**JR Cruz Corp.** of Holmdel, NJ was the lowest of five bidders at \$9,364,279.45 for culvert rehab and replacements at various locations in Orange and Rockland counties.

**Argenio Brothers Inc.** of New Windsor, NY was the lowest of five bidders at \$30,322,380. for various rehabilitations/improvements and culvert replacements along various locations on NYS Routes 94 and 17A in Orange County.

**A. Colarusso & Son Inc.** of Hudson, NY was the lowest of seven bidders at \$3,989,878. for PMI paving on Route 52 in the Town of Kent in Putnam County.

**C.A.C. Industries Inc.** of Long Island City, NY was the lowest of six bidders at \$11,821,948.19 for culvert replacements at various locations in Putnam and Westchester counties.

**Sun Up Construction Corp.** of Wappingers Falls, NY was the lowest of three bidders at \$8,495,270. for pavement ADA safety improvements at various locations in Orange and Ulster counties.

**Callanan Industries Inc.** of Albany, NY was the lowest of seven bidders at \$9,674,744.35 for pavement resurfacing along Route 17 from Sullivan County line to Route 302 in Orange County.

**MetroExpress Services Inc.** of Brooklyn, NY was the lowest of four bidders at \$420,119. for biennial graffiti removal at various locations in Columbia, Dutchess, Orange, Putnam, Rockland, Ulster and Westchester counties. ■

# Icon Contracting Group Wins Pumping Station Roof Work

WHITE PLAINS—The Westchester County Department of Public Works reported recently that **Icon Contracting Group** of West Harrison, NY was the lowest of 11 bidders at \$6,500,960. for the roof replacement

program at the Blind Brook Water Resource Recovery Facility, Mamaroneck Water Resource Recovery Facility and North Yonkers Pumping Station in Rye, Mamaroneck and Yonkers, NY. ■

## Roseton Continued from P. 4

and market analysis tied to clean technology.

The grant funding for the various studies does not indicate plant closures; instead it provides resources for proactive strategic planning, Orange County Partnership officials noted. The NYSERDA grant announcement was built on an earlier allocation of nearly \$4 million in federal funding to the Educational and Cultural Trust Fund of the Electrical Industry. These funds will support the establishment of a Global Wind Organization (GWO) onshore and offshore wind safety training facility in Newburgh, aimed at preparing New Yorkers for careers in the growing clean energy sector.

The Orange County Partnership has been focused on supporting emerging sectors, including the offshore wind manufacturing supply chain. The funding will enable detailed planning efforts to reposition these sites, with a focus on attracting offshore wind supply chain manufacturers and clean energy.

Conor Eckert, senior development officer and VP of the Orange County Partnership, stressed that the owners of the Roseton and Danskammer power plants—Castleton Commodities (CCI) and Danskammer Energy LLC respectively—have not put their properties on the market for sale or filed plans for any developments.

In March 2024, a proposed project to locate a multi-building advanced manufacturing complex at the Aden Brook Commerce Park in Montgomery was one of seven winners of a FAST NY grant award geared to providing funding for shovel-ready projects. The Aden Brook Commerce Park, through the Orange County Industrial Development Agency and with the assistance of the Orange County Partnership, secured a \$462,500 FAST NY grant to help with the advancement of the SEQRA process and help to cover costs related to engineering and site design.

The site, when developed, will target the advanced manufacturing industry sector, with a particular focus on life science, the semi-conductor supply chain, clean-tech, and value-added assembly. This site is approximately four miles from I-84, in an industrial corridor that includes Medline Industries, and is adjacent to the Orange County Airport. ■



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# 2025 Hudson Valley Construction Industry Partnership ANNUAL MID-WINTER MEETING

*The Ritz-Carlton, Naples, Florida  
February 25 - March 1, 2025*

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# MID-WINTER MEETING

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175 Members and Guests Convene to Discuss Management & Labor Concerns, Contracting Challenges, Labor Relations, Public Works and Private Development Programs.



Elisa and Fred Sciliano of LeChase Construction Services.



Christine and Chris McCracken of Advance Testing.



From left, Stephanie and guest speaker Justin Hogan of the public affairs consultancy firm Featherstonhaugh et al, with Gary Metcalf of Thalle Industries and Steve Reich of Laborers L.U. 754.



From left, Todd Helfrich of the Eastern Contractors Association, Jeff Destefano (retired) owner of Hudson Valley Bridge, Don Fane of Callanan Industries and Jerry Argenio of Argenio Brothers.



From left, Carols Gonzales, Anthony Ascencao, Jay Fragoso and Mike Cruz of Laborers L.U. 60, Beth Cheverie of NYS Laborers LECET and Danny Juechter of Hunter Financial.



Dominick and Chris Montesano, Anna Vega and Zoha Zuhair of Montesano Bros., Inc.



From left, CIC Board Members Jeff Manganello and CIC Chairman George Pacchiana (seated), Mike Keahon and Joe Perrone of Thalle Industries.



From left, Dean Tamborri of Laborers L.U. 17 and David Carlucci of his namesake political consulting firm.



From left, Rick DeNicola, Cody Cammarata and Jason Newman of J. Fletcher Creamer & Sons.



Guest presenters Gina Sullivan and Daniel Ortega of Operating Engineers L.U. 825, and Pat Purcell of NYS Laborers LECET.



From left, Todd Diorio of HVBTC, William Banfield of North Atlantic States Council of Carpenters, Yvette Pena-O'Sullivan of LIUNA, Marina O'Donnell of IUOE and Dan Bianco of LIUNA.

## Financial Management

# Industry M&A: What Succession Plan Is Right for Your Construction Business?

By PHILLIP ROSS, CPA, CGMA, PARTNER

For construction firm owners contemplating the future, mergers and acquisitions within the sector represent a strategic succession planning option. An industry M&A can provide immediate liquidity and can maximize valuation by attracting strategic buyers

ity with experienced operators. It also allows owners to capitalize on favorable market conditions and exit with a structured transition plan, reducing long-term operational risk. However, the process is complex, time-consuming, and can take years to execute prop-

sale value.

Selling or merging a construction business requires careful planning to maximize valuation, ensure business continuity and secure long-term stability for employees and clients. Success depends on early preparation, sound financial man-

financial picture. Buyers scrutinize a company's revenue trends, profitability, working capital, equity and cash flow. Having a financial statement, preferably prepared by an accounting firm, is critical. By analyzing their company's statements, they can identify areas to improve in, plan to strengthen their balance sheet and enhance profitability and making them more valuable to a potential buyer.

Buyers assess several key factors when evaluating a construction firm. A well-documented backlog signals revenue stability, while strong client relationships and a history of repeat business increase market appeal. Market position and specialization also play a role, as firms with niche expertise in specialized areas or geographies potentially command higher valuations. Risk management and safety records are equally important, as buyers evaluate safety compliance and legal liabilities. Additionally, firms with well-structured leadership teams capable of operating independently are more attractive in the market.

### **Structuring a Seamless Transition: Leadership, Deal Terms, and Long-Term Planning**

A transition plan must demonstrate leadership continuity beyond the current owners. Buyers want assurance that the business can run effectively post-sale. Investing in training and mentorship, delegating key responsibilities, and securing long-term commitments from critical employees can ease the transition. Buyers may look to secure employment contracts with key employees as part of a deal, especially in regard to senior leaders within a firm. Ensuring these leaders are kept happy during the transition period is essential for an uninterrupted continuation of business operations. Depending on the structure of the transaction, owners may have the opportunity to continue working in an advisory or leadership role post-sale, ensuring a smoother transition and



preserving business relationships.

Deal structure has significant tax implications. Owners must weigh the benefits of a stock sale versus an asset sale, considering factors such as purchase price allocations and tax strategies like Qualified Small Business Stock exclusions. Entity type also plays a role, impacting tax treatment and transaction structuring. Some deals involve earnouts, where a portion of the sale price is contingent on future company performance, aligning seller and buyer interests. Additionally, owners can explore partial sales instead of full buyouts, retaining equity while bringing in new investment. This approach can allow gradual transition while maintaining some control over the business. Protecting family members involved in the business is another key consideration, as structuring agreements to retain their roles or provide financial security can be part of the negotiation process.

Selling a business is a multi-step process that requires patience and preparation. The first stage is assembling financial records, legal documents and marketing materials, including a comprehensive deal "book" that provides buyers with necessary financial and other information. This book should incorporate a company's overarching value proposition, with selected financial, market niches and expertise, company leadership and other company/potential deal structure information. Once preparation is complete, sellers must engage potential buyers confidentially.

***Owners can explore partial sales instead of full buyouts, retaining equity while bringing in new investment. This approach can allow gradual transition while maintaining some control over the business.***

willing to pay a premium for synergies.

Unlike internal succession, which may involve leadership gaps or financing challenges, an M&A ensures business continu-

erly. Owners may lose control over business decisions post-sale, especially in a full buyout. Additionally, earnouts or contingent payments can create uncertainty in realizing the full

agement, advice and strategic deal structuring.

### **Setting Up for Success: Determining Business Value and Worth Driver**

The first step in the process is evaluating the firm's



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# **International Brotherhood of Teamsters Local 456**

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## Safety Watch

# Fall Protection Rope Lines Must Be Reachable By Employees Working From Heights Above 6'

By COSTAS CYPRUS, ESQ.

Among the most-cited violations by OSHA following work-site inspections in construction are those related to fall protection failures. Fall protection must be provided to all employees working at or near edges with a drop of six feet or more either by a guard-rail system, safety net system or other fall arrest system.

The recent decision in *Secretary of Labor v. Trinity Solar*

require a fall arrest system. Other safety standards still apply but were not cited.

### Background

Trinity Solar LLC began as a small HVAC company that transitioned to a residential-only solar panel installation company operating in multiple states, including New York and New Jersey. The company employs more than 3,000 workers. In October

which was 22 feet in height, and the lower roof which was 12 feet in height. Trinity had two teams working at this site, one team worked on the upper roof and the other team worked on the lower roof.

Angel Camacho was the team lead/foreman for the "main crew." Four workers worked on the upper roof, two on either side of the ridge line, while two workers worked on

systems (PFAS) while working. These consisted of a body harness, a lanyard/lifeline, clips/connectors and, in some instances, a "shock pack."

A lanyard would connect from the anchorage point on the roof to the body harness worn by the worker. The lanyard connected to the body harness by a clip. Two types of lanyards were utilized here, a Y-lanyard used as work-positioning device, which attached to the front of the body harness at the waist, and a shock absorbing lanyard, which attached to the back of the body harness. The shock pack was used as a fall arrest device because it would absorb the impact if a worker fell six feet. Critical to the proper function of the PFAS is ensuring that the lanyard is connected to the anchor in the roof.

Here, on the first day of the project, Mr. Camacho and another worker installed the anchors on the roof. Pursuant to company policy, the anchors would not be moved or removed until final project completion. Trinity utilized the "first man up technique," which in effect means that the first person on the roof is in charge of putting down the anchors and connecting all the lines for use. Mr. Camacho would connect the workers' personal rope lines, and they would remain on the roof all day. Mr. Camacho would take the lines down at the end of the day and return them to the workers. The rope lines were not left in place overnight although the anchors remained in place for the duration of the project. At issue here were the clips attached to the lifelines on the upper roof and lower roof as depicted in certain marked photographs. These clips would attach to a worker's harness, with one being the clip connecting the work positioning lanyard and the other connecting to the shock pack.

On Oct. 4, 2022, work began at 8 a.m. and the workers worked on the two roofs without incident. The decedent worker had been working on the upper roof. The team broke for lunch and at some point, after lunch, the decedent fell. No one saw him on any roof surface before the fall nor did they know where he was just prior to the fall.



He was wearing his harness, but it was not connected to an anchored rope line. Tragically, he succumbed to his injuries.

OSHA was called to the scene and an officer arrived 40 minutes after the incident. The OSHA officer took pictures at the site from street-level, only, and did not take any measurements. Following the inspection and subsequent interviews, OSHA cited Trinity for failing to utilize any means of fall protection during the process of entry and exit from the roof.

Although the Secretary of Labor was alleging that the decedent fell "while stepping on the roof," during the hearing and subsequent evidentiary findings the judge determined that it was unclear where the decedent was at the time he fell, whether he fell while climbing the ladder or from the rooftop itself. Moreover, Trinity's employees consistently testified that the rope lines were "reachable" by the worker as they climbed the ladder to comply with Trinity's safety policy.

### Decision

Based on the credible evidence submitted, the Judge found that it was more likely that an anchored rope line was reachable by the Trinity worker from the ladder when they attempted to enter onto the roof. The Secretary's assertions that the rope lines were too far away for the worker to connect without leaving the ladder, leading him to access the upper roof without being tied off, failed and the citation was dismissed. ■

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

***Although the Secretary of Labor was alleging that the decedent fell "while stepping on the roof," during the hearing and subsequent evidentiary findings the Judge determined that it was unclear where the decedent was at the time he fell—whether he fell while climbing the ladder or from the rooftop itself.***

LLC reemphasizes this point arising from a work-site fatality—although this case dealt possibly with the transitional activity of ascending/descending a portable ladder for which OSHA standards do not

2022, Trinity had contracted to install panels on a two-story family home in South Orange, NJ. The multi-day project involved installing panels on two separate roofs of the residence, the upper roof,

the lower roof. They would access each roof using two designated ladders, the "large" ladder to get to the upper roof and another ladder to reach the lower roof. Trinity's workers wore personal fall-arrest



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# REGIONAL BID ALERT

## NYS DOT

### Region 8

#### Bid Letting Date: March 20, 2025

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

Contract: D265410  
PIN# 881749

Project Description: Columbia, Dutchess, Orange, Putnam, Ulster Cos., culvert job order contract (joc) - various locations., no plans.

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

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

#### Bid Letting Date: March 20, 2025

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

Contract: D265471  
PIN# 805813

Project Description: Putnam Co., resurfacing - Route 312, West of Metro North Railroad to Route 22, Town of Southeast.

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

Goals: MBE: 7.00%, WBE: 11.00%, SDVOB: 6.00%

#### Bid Letting Date: March 27, 2025

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

Contract: D265440  
PIN# 8LC211

Project Description: Orange, Ulster Cos., culvert replacements - various locations.

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

Goals: DBE: 6.00%

#### Bid Letting Date: March 27, 2025

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

Contract: D265472  
PIN# 881556

Project Description: Westchester Co., concrete pavement repair - various locations, PLA candidate.

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

Goals: DBE: 10.00%

#### Bid Letting Date: March 27, 2025

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

Contract: D265445  
PIN# 881369

Project Description: Rockland, Westchester Cos., bridge rehabilitation - various locations.

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

Goals: DBE: 10.00%

## Region 9

#### Bid Letting Date: March 20, 2025

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

Contract: D265473  
PIN# 980766

Project Description: Chenango, Delaware, Otsego Cos., bridge painting - various locations.

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

Goals: DBE: 6.00%

#### Bid Letting Date: March 27, 2025

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

Contract: D265446  
PIN# 935852

Project Description: Schoharie Co., I-88 resurfacing & joint repairs - Village and Town of Richmondville.

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

Goals: DBE: 6.00%

## Region 10

#### Bid Letting Date: March 27, 2025

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

Contract: D265362  
PIN# 081068

Project Description: Nassau, Suffolk Cos., drainage - clean/repair/replace, various locations.

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

Goals: DBE: 10.00%

#### Bid Letting Date: March 27, 2025

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

Contract: D265401  
PIN# 081062

Project Description: Suffolk Co., drainage improvements - various locations, Town of Islip.

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

Goals: DBE: 10.00%

#### Bid Letting Date: April 10, 2025

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

Contract: D265428  
PIN# 081066

Project Description: Suffolk Co., bridge improvements - Routes CR 19, 906A, NY 110 & 454, Towns of Brookhaven, Huntington, Islip & Smithtown.

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

Goals: DBE: 9.00%

## Region 11

#### Bid Letting Date: March 20, 2025

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

Contract: D265420  
PIN# XM2449

Project Description: Richmond Co., pavement preservation: concrete - best value - NY Route 440, City of New York., best value procurement, building/vertical construction, PLA candidate.

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

Goals: MBE: 7.00%, WBE: 11.00%, SDVOB: 6.00%

#### Bid Letting Date: March 26, 2025

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

Contract: D265361  
PIN# X73152

Project Description: Queens Co., best value - bridge rehab - Brooklyn - Queens Expressway Viaduct over Laurel Hill Blvd, Between 47th and 58th Street., pre-bid meeting, best value procurement, PLA candidate.

Bid Deposit: 5% of Bid (~ \$7,500,000.00)

Goals: DBE: 10.00%

## New York State Dormitory Authority

### Proposal Due Date: April 2, 2025

Title: City University of New York, Kingsborough Community College, Part I: KBCC T7 Bldg. - Roof Replacement & Associated Asbestos Abatement; Part II: KBCC T4 Bldg. - Installation of Free-Standing Railing System

Contract: CR7 - General Construction

Project# 3822709999

Sealed bids for the above Work located at Kingsborough Community College, 2131 Oriental Blvd and 2111 Oriental Blvd, Brooklyn, NY 11235 will be received by DASNY at its office located at 515 Broadway, Albany, NY 12207. Each bid must be identified, on the outside of the envelope, with the name and address of the bidder and designated a bid for the Project titled above. When a sealed bid is placed inside another delivery jacket, the bid delivery jacket must be clearly marked on the outside "BID ENCLOSED" and "ATTENTION: CONSTRUCTION CONTRACTS - MOLLY GRUSS." DASNY will not be responsible for receipt of bids which do not comply with these instructions.

All individuals who plan to attend pre-bid meetings or bid openings in person will be required to present government-issued picture identification to building security officials and obtain a visitors pass prior to attending the bid opening.

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

All bid openings will be made available for viewing live via Zoom at [www.zoom.us](http://www.zoom.us). To enter the meeting, select "Join a Meeting" then enter Meeting Id 550 592 4065, Password 730959. Individuals are strongly encouraged to utilize this public viewing option as an alternative to in person attendance at bid openings.

Only those bids in the hands of DASNY, available to be read at 2:00 PM local time on April 2, 2025, will be considered. Bids shall be publicly opened and read aloud. Bid results can be viewed at DASNY's website; <http://www.dasny.org>.

In accordance with State Finance Law § 139-j and § 139-k, this solicitation includes and imposes certain restrictions on communications between DASNY personnel and a prospective bidder during the procurement process. Designated staff for this solicitation is: Sharda Del Rio, Project Manager, Kingsborough Community College, 2001 Oriental Boulevard Arts & Sciences Bldg - Rm S141, Brooklyn, NY 11235, (646) 734-2928, [SDelrio@DASNY.org](mailto:SDelrio@DASNY.org) (the Owner's Representative) and DASNY at [ccontracts@dasny.org](mailto:ccontracts@dasny.org). Contacts made to other DASNY personnel regarding this procurement may disqualify the prospective bidder and affect future procurements with governmental entities in the State of New York. For more information pursuant to this law, refer to DASNY's website; <http://www.dasny.org> or the OGS website; <http://www.ogs.state.ny.us>.

A Pre-Bid Meeting is scheduled on March 11, 2025, at 10:00AM located at Kingsborough Community College, Building T7, 2001 Oriental Blvd, NY 11235. Contact Joseph Umberto at (518) 971-0149 or [jumberto@dasny.org](mailto:jumberto@dasny.org). All prospective bidders are strongly encouraged to attend.

A complete set of Contract Documents may be viewed and/or purchased online from Camelot Print and Copy Centers. Only those Contract Documents obtained in this manner will enable a prospective bidder to be identified as an official plan holder of record. DASNY takes no responsibility for the completeness of Contract Documents obtained from other sources. Contract Documents obtained from other sources may not be accurate or may not contain addenda that may have been issued. In addition, prospective bidders are advised that the Contract Documents for this Project contain new "GENERAL CONDITIONS for CONSTRUCTION" dated June 17, 2021, that contain significant revisions from those documents previously contained in DASNY's Contract Documents. Prospective bidders are further advised to review applicable sections of these General Conditions for any potential impact on their bid price prior to submittal of the bid. The plan holders list and a list of interested subcontractors and material suppliers may be viewed at DASNY's website: <http://www.dasny.org>. For Bid Opportunities and other DASNY related news, follow us on Twitter @NYS\_DASNY and Facebook <https://www.facebook.com/pages/DASNY-Dormitor-Authority-of-the-State-of-New-York/307274192739368>.

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

## Congestion Pricing

Continued from P. 3

has for decades been recognized by the Federal Highway Administration as a form of congestion pricing, and it authorized cordon pricing projects more than twenty years ago. The inescapable inference is that Sec. Duffy landed on a convenient legal pretext so that the administration could do what it really wanted: “terminate” congestion pricing as fast as possible. But as the lawsuit explains, in its haste the administration made serious mistakes that doom its effort.

“After a decade of organizing, everyday New Yorkers won congestion relief and we’ll defend it with everything we have,” said Riders Alliance Executive Director Betsy Plum. “After working closely with Governor Kathy Hochul, the MTA and US DOT to start the program, a vengeful federal government now leaves us no choice but to go to court. We’re filing today’s case because congestion relief is saving us time on buses, fixing our aging subways, and improving our health. We can’t afford to go back. There is no way to make traffic gridlock great again.”

“New Yorkers have the right to improve the environment where they live while making much-needed improvements to the city’s public transportation system. After two months of operation, it’s clear that congestion pricing is succeeding: traffic is moving faster, vehicle pollution is down, and the added revenue is allowing the MTA to make essential improvements to the transit system. We have every intention of keeping it, and we are ready to defend it.” – Sierra Club New York City Group Transportation Chair Wayne Arden.

The Congestion Pricing program went live in NYC’s Central Business District on January 5, 2025, where early economic data shows improvements in markers like Broadway attendance and retail sales which reports show have been \$900 million higher in January 2025 compared to the same period last year. Additionally, with less vehicles on the road, air quality improvements follow. Traffic fumes are responsible for more than 1,000 premature deaths in the city annually and are linked to illnesses like asthma and heart disease.

During a previous New York State-based legal challenge, Earthjustice and clients reached a settlement with New York State and the Metropolitan Transportation Authority (MTA)/Triborough to enact the program after an “indefinite pause” placed by NY Gov. Hochul. ■

# Congestion Relief Toll Revenues Exceed Projections for January: MTA

NEW YORK—Less than a week after President Trump and USDOT Secretary Sean Duffy revoked the federal government’s approval of New York City’s controversial tolling program, the Metropolitan Transportation Authority released data confirming that congestion pricing is raising revenues above expectations.

On Feb. 24, the MTA released revenue numbers generated from the first three weeks of the Congestion Relief Zone. Since the first-in-the-nation program began on Sunday, Jan. 5, through Friday, Jan. 31, tolls from the CRZ generated \$48.66 million in revenue with a net \$37.5 million putting the program on track to generate the \$500 million that the MTA initially projected. Published reports had the MTA expecting approximately \$40 million from the tolling program.

A total of \$48.66 million was generated from the tolling program, 22% of which comes from taxis and for-hire vehicles (\$10.6 million), 68% comes from passenger vehicles, 9% from trucks, and 1% from buses and motorcycles. 85% of non-taxi and for-hire vehicles revenue was generated from passenger vehicles and 15% from trucks, buses, and motorcycles. 95% of revenue was generated during peaking tolling hours. Expenses from the program including operating camera infrastructure and customer service amounted to \$9.1 million and another \$2 million for mitigation efforts totaling \$11.1 million. This result-

ed in a net surplus of \$37.5 million, MTA officials stated.

“With an initial performance in line with projections, we can confidently move forward with projects that rely on funds from the Congestion Relief Zone,” said MTA Chief Financial Officer Kevin Willens. “We look forward to seeing similar results in the coming months.”

“We are on track for the projected \$500 million in net revenue—especially as we get into warmer months when traffic will increase, which provides confidence in the forecast,” said MTA Co-Chief Financial Officer Jai Patel. “All indicators show the program is reducing traffic but also projecting the revenue to be on target for what we had in 4,000 pages of studies and what we were looking at in the fall.”

The revenue generated from the CRZ funds projects in the 2020 - 2024 Capital Program including making more stations accessible including Hollis and Forest Hills Long Island Rail Road stations, installing modern signaling on the Fulton St. line in Brooklyn and Liberty Avenue in Queens on the A and C lines, new rolling stock including 44 new dual-mode LIRR locomotives, zero-emission buses, extending the Second Ave Subway into East Harlem, and more.

The MTA filed suit against the USDOT’s reversal and stressed that congestion pricing will remain in place during the litigation.

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## What's New & Who's News

# CEO Maureen Halahan to Retire from Orange County Partnership; Conor Eckert Advances

By JOHN JORDAN

GOSHEN—Maureen Halahan, a true icon in the economic development field in the Hudson Valley, is retiring in June as the highly affable and effective leader of the Orange County Partnership. She helped to transform the county's economy for nearly a quarter century into a diverse, vibrant center of commerce.

OCP announced on March 3 Ms. Halahan's pending retirement as President and Chief Executive Officer and also reported that its Board of Directors had voted to appoint Conor Eckert, the current senior vice president, as the incoming president and CEO.

Business and political leaders praised Ms. Halahan's work since 2002 and hailed Mr. Eckert's appointment. Ms. Halahan joined the Orange County Partnership in 2001 as Director of Business Attraction and took over from the retiring Ann Barber

as the leader of the organization the following year. She is the longest serving economic development specialist in the Hudson Valley.

Orange County Executive Steve Neuhaus said, "I have worked closely with both Maureen and Conor throughout my administration. Maureen's leadership has had a profound impact on Orange County, and I have no doubt that Conor will continue that tradition of excellence."

Ms. Halahan's leadership has been a driving force over the past two decades in the significant economic growth that has occurred in Orange and the entire Hudson Valley. During her tenure, she was instrumental in securing and supporting major development projects, including Legoland New York, Amazon, Tesla, Pratt & Whitney, Medline Industries, and President Container Group, among others.

These projects have led to the creation of thousands of jobs, the development of critical infrastructure, and billions of dollars in private investment.

In addition to her work at OCP, she has served on the Mid-Hudson Regional Economic Development Council for more than 13 years, providing guidance and support for business growth and regional collaboration.

Mr. Eckert has been with OCP for three years, most recently serving as senior vice president. During his tenure, he has focused on positioning Orange as a hub for advanced manufacturing and developing shovel-ready sites to attract high-quality projects. His work has led to significant investments in the region, including projects with Poly Craft Industries, Kedem/Royal Wine and Cardinal Healthcare.

His leadership was also



Maureen Halahan



Conor Eckert

pivotal in securing key funding for the development of shovel-ready tech sites through the FAST New York initiative. He came to the Partnership after serving almost two years as the Executive Director of the Town of Montgomery Industrial Development Agency and Director of Economic Development for the Town of Montgomery. He was responsible for the business attraction, retention and expansion efforts in the Town of Montgomery, managing a growing project

portfolio of more than \$200 million. He also managed the public and community affairs and operations of the IDA.

OCP is a private not-for-profit office of economic development that serves as the external marketing agency for business development in the county. In the past five years, the team has assisted with the attraction and/or expansion of 99 companies. These transactions have generated \$902,446,000 in capital investment and created 3,146 new jobs. ■

## Hudson Valley, NYC Planners Form Partnership

POUGHKEEPSIE, NY—Hudson Valley Pattern for Progress and the New York City Department of City Planning (DCP) announced on Feb. 28 a new partnership to explore regional connections between New York City and the Hudson Valley on economic development, tourism, agriculture and other key issues.

The partnership will include biannual meetings between Pattern for Progress and New York City officials, including discussions of how to build on the robust economic ties and transit connections between the regions and how to support jobs in life science, tech, food, and film production, among other industries.

The partnership was first announced on Tues., Feb. 25 at a Pattern event at Marist University with DCP Director Dan Garodnick, exploring opportunities for collaboration between the Hudson Valley and New York City.

"I am grateful that New York City has agreed to collaborate with the Hudson Valley to discuss a wide range of opportunities and actions that will benefit

our regions," Pattern CEO Adam Bosch said. "Pattern will coordinate routine dis-

will aim for specific actions on business attraction and growth, tourism, food sys-

thank Dan Garodnick and his team at DCP for bringing the city's government agen-

Hudson Valley are deeply intertwined, from our housing market to transportation infrastructure to supply chain and more. When New York succeeds, the region succeeds, and vice versa," said Mr. Garodnick who also serves as chair of the New York City Planning Commission. "That's why this ongoing partnership is such an exciting opportunity to coordinate our planning efforts and further grow the largest regional economy in the western hemisphere."

The partnership formally began with a discussion between DCP, Pattern, and the planning commissioners from several Hudson Valley counties following the Pattern event. The discussion identified several topics on which the Hudson Valley and New York City will collaborate, including economic development, tourism, agriculture, and other key issues. Planners also explored potential action items that might be pursued. For future discussions, Pattern and DCP will bring together economic



**From left, Hudson Valley Pattern for Progress CEO Adam Bosch and New York City Planning Director Dan Garodnick recently announced a regional collaboration to explore new partnerships on economic development, transit and food systems.**

cussions for civic and business leaders to connect with their peers in New York City. These collaborations

tems, housing, transit, and other topics that stitch together the Hudson Valley and New York City. I want to

cies and nonprofits into this active collaboration between our regions."

"New York City and the

Please Turn to Page 21

## NYC Planners Form Partnership

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development experts, tourism bureaus, farmers and food-system operators, and other stakeholders who would benefit from planning across both regions.

Pattern's Bosch related that the two regions are going to explore partnerships related to the 2026 FIFA World Cup, which is expected to bring hundreds of thousands of interna-

tional visitors to the greater New York area. This will require a regional approach to lodging, transit, events management, etc., he noted.

New York City and the Hudson Valley have strong economic connections. The two regions include more than 267,000 commuters, and account for more than half the jobs and nearly 40% of the housing per-

mits in the greater metro area. Several planning efforts have recently pointed toward the need to develop inter-regional strategies that strengthen and develop these connections, Pattern for Progress officials stated.

For example, the city's "New New York" action plan challenges its leaders to "develop regional strategies that foster mutually

beneficial connections between New York City and the surrounding region." The latest comprehensive economic development strategy for the Mid-Hudson Region, published by Empire State Development in 2024, also articulates this goal. The ESD report stated: "Frequent communication between regional leaders and elected and appointed

officials from New York City should be encouraged to explore the development and expansion of markets for goods that are made in the Mid-Hudson region."

Pattern will provide regular updates to Hudson Valley civic leaders about the regional discussions with New York City, including action items that are identified throughout the year. ■

## CEO Outlook Mixed: Survey

LOUDONVILLE, NY—A recently released survey of more than 500 CEOs across upstate New York reveals a cautious but improving outlook for the state's economic future. Business leaders express increased confidence in economic conditions over the next three to five years, with technology, manufacturing, tourism, education, and medical sectors expected to drive growth. However, concerns about taxation, regulatory burdens, workforce availability, and inflationary pressures continue to weigh on decision-making.

The survey, conducted by

the Siena College Research Institute (SCRI) in partnership with UHY and the Hudson Valley Economic Development Corp., interviewed CEOs in industries such as service, manufacturing, nonprofit, engineering and construction, retail, food and beverage, wholesale/distribution, financial services, healthcare, technology, and tourism.

"While there is a slight increase in optimism among CEOs since last year, the overarching theme continues to be one of concern for the fragility of our economy and the uncertain business climate. The survey results

confirm the sentiment that New York is increasingly unaffordable, and our elected leaders are doing little to address this or create a better business climate. We hope that the legislature and policy makers will be responsive to the employers and job creators in their districts and reverse the cycle of enacting policies that negatively impact our state's workforce and economy," said Heather Mulligan, president and CEO of The Business Council of New York State.

The following are some of the noteworthy trends from the survey:

- According to the Siena College Research Institute's latest Business Leader Confidence Index, CEO confidence has rebounded significantly, reaching its highest level since 2018—rising to 78.8 from 60.8 in last year's survey. This index is based on four questions, and an index score of 100 represents a breakeven point at which optimism and pessimism are balanced. The dramatic increase is based largely on the future index, which measures the CEO confidence outlook on state and industry conditions over the coming year and stands at 92.5.

- A total of 17% of CEOs believe New York State's economy has improved over the past year, while 53% say conditions have worsened. This marks a slight improvement from last year when 59% saw worsening conditions. When assessing their own industry, 16% report better conditions, while 50% (down from 61%) say conditions have worsened.

- 31% of CEOs expect economic conditions to improve throughout 2025, a 13-point increase from last year. However, 35% anticipate further economic deterioration. ■



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## Coalition

Continued from P. 1

House Budget proposals. The increased funding need for CHIPS is driven by the same construction materials cost inflation experienced by the NYSDOT core program.

“While we have work to do to ensure the Hudson Valley receives its fair share of this proposal, increasing the overall investment is a great first step,” said CIC Executive Director John Cooney, Jr. Speaking on behalf of more than 400 contractors, suppliers and aligned labor unions, Mr. Cooney also urged the New York State Senate and Assembly to “follow the governor’s lead by including this funding in their one-house budget proposals.” He said, “The CIC stands ready to work with state leaders to ensure this funding becomes a reality and delivers meaningful improvements for all New Yorkers.”

NYSDOT Region 8 has had the worst road and bridge conditions in New York State for more than 10 years. Region 8 also has the most highway lane miles (5,963) and the most bridges (1,143) of any Region, yet on average Region 8 ranks third in terms of funding. Region 8 includes 13 cities, 75 villages and 107 towns in Westchester, Ulster, Rockland, Putnam, Orange, Dutchess, and Columbia counties.

According to TRIP, a Washington, DC-based national transportation research non-profit, roads and bridges that are deteriorated, congested and lack some desirable safety features cost New York motorists a total of \$38 billion statewide annually due to higher vehicle operating costs, traffic crashes and congestion-related delays.

Attending the rally with Mr. Cooney were representatives from Teamsters L.U. 456, Laborers L.U. 60, 235, 754 and 17, Operating Engineers L.U. 137 and 825, Carpenters L.U. 279. Also present were New York State assemblymembers Chris Burdick and MaryJane Shimsky.

Highlights of the event included insightful comments from key stakeholders:

**CIC Executive Director John Cooney, Jr.:** “I need to thank the governor for the proposed \$800-million increase in her Executive Budget proposal for the NYSDOT core program. The governor’s proposed increase helps NYSDOT restore the original buying power of NYSDOT’s Five-Year Capital Plan that has been eroded by unprecedented construction material cost inflation. Further, thanks to the governor, her Executive Budget calls for the New York State Automated Speed Zone Enforcement to become permanent and expanded to the New York State Triborough Bridge and New York State Bridge Authority.”

**New York State Assemblymember Chris Burdick (D-93 AD):** “You would think that the first thing people (his constituents) would complain about are their taxes. The first thing that people complain about is the roads. What are you doing to fix the roads? People don’t know if it is a state road, a local road or a county road, they just want the roads fixed.”

**New York State Assemblymember MaryJane Shimsky (D-92 AD):** “Our local governments need the (\$250 million) CHIPS increase. There is no question about it... We know that there is a lot going on in Washington right now and that can end up affecting finances in New York State in a lot of bad ways. People are going to be looking at each other and trying to prioritize. We need to keep roads on the priority list... In order to catch up with more than a decade of neglect of our roads, we are going to need sustained investment.”

**Louis Picani, President and Principal Officer of Teamsters Local 456:** “This (increased road funding) is so important to our members and affects all our constituents in our area and it is so vital that we continue fighting. It always has and always will be an issue for us. We are not going to stop here.”

**Edward Cooke, Vice President, Building and Construction Trades Council of Westchester & Putnam Counties:** “Talk is cheap, tires are expensive. That’s the reality. What we do on these roads every day—our great DOT workers and our professional contractors—is we patch them. There is a better way. We need to get down to the proper substrate. We need to reformat these roads so they last. Throwing money after money after money on roads that are insufficient and bridges that are insufficient won’t work in Westchester County.” ■

# Highway Superintendent Groups Press Lawmakers for More Road Funding

ALBANY—Statewide organizations representing county and town highway superintendents have recently staged events calling on state lawmakers to ramp up highway and bridge funding.

Locally, on Feb. 28, highway superintendents from Orange County gathered at the Cornwall Highway Department to advocate for additional state funding, according to *Mid-Hudson News*. The news conference also included representatives from the New York State Association of Town Superintendents of Highways, the Orange County Highway Superintendents Association and others.

Tom Gschwind, Cornwall Highway superintendent, said the superintendents are looking for additional funds from the state’s Consolidated Highway Improvement Program (CHIPS). Mr. Gschwind is president of the Orange County Association of Highway Superintendents and serves on the board of the New York State Association of Town Superintendents of Highways.

Mr. Gschwind said highway superintendents are also seeking funds from the State Touring Route Program and Extreme Weather Recovery Program for county and town roads. Those funds are now allocated for state roads.

A press conference was held upstate on Feb. 28 that featured a coalition of state, county and local officials, as well as the New York State Association of Town Superintendents of Highways, that called

for additional funding for state road projects. The group is calling on Gov. Hochul and state legislative leaders to increase the CHIPS base level funding by \$250 million to a total of \$848 million.

Matt Mustico, Town of Elmira Highway Superintendent and current President of the New York State Association of Town Superintendents of Highways, Inc., said, “Local highway departments work tirelessly to maintain and improve our infrastructure despite rising costs, aging systems, and extreme weather challenges. Together with NYSCHSA (New York State County Highway Superintendents Association) our members are requesting the commitment of state leaders to prioritize infrastructure investment with a \$250 million increase to CHIPS in the 2025-26 Enacted Budget. Strong infrastructure is the backbone of economic growth, public safety, and quality of life for all residents across New York State.”

NYSCHSA held a press briefing on Feb. 27 and staged its highly impactful “2025 Advocacy Day” in Albany on March 4-5 along with the New York State Association of Town Superintendents of Highways. The program entitled “Local Roads Are Essential” attracted approximately 700 highway superintendents and public works officials who lobbied state lawmakers on their legislative priorities that included a call for a \$250-million increase in CHIPS funding.

## Financial Management

Continued from P. 14

Negotiating favorable deal terms is key. A Letter of Intent should be negotiated thoroughly because it sets the framework for the final agreement. This includes payment structures and contingencies, which are essential before entering the due diligence phase during which financial records, contracts, compliance documents and employment agreements are reviewed and disclosed. Finally, closing the deal requires finalizing agreements and executing the transition plan to ensure operational stability.

### Common Pitfalls and How to Avoid Them

Many business owners overestimate their company’s value or wait too long to prepare for a sale. Ideally, planning should begin at a minimum of three years in advance. Having the right advisors—M&A specialists, legal counsel and financial professionals—is crucial to avoiding costly missteps. Also, a cultural and operational fit with the buyer is essential to maintaining business continuity and employee retention.

Selling a business or merging with another industry player isn’t just a financial decision, it’s an emotional one. Owners must be ready to transition, and that includes being prepared to walk away if an offer isn’t good enough.

Selling a construction firm as part of an exit strategy requires strategic foresight and disciplined preparation. By strengthening financials, assembling a leadership transition plan, engaging advisors early and carefully structuring the deal, owners can maximize value while ensuring a smooth transition. A well-prepared sale or merger can allow business owners to secure their legacy, protect their employees and receive fair value for the business they worked so long to build.

**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). ■



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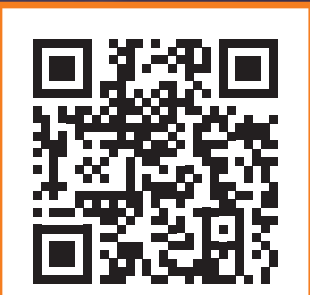
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