

CONSTRUCTION NEWS



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Lawmakers Deliver on Pledge to Boost Funding For Transportation in FY2026 State Budget

ALBANY—This year’s grinding state budget battle was near-his-toric in the making, requiring ex-tensions for 38 days past the April 1 new fiscal year—the latest it has been in 15 years. But what this new budget clearly wasn’t—at \$254 bil-lion—was a dollar short in most ma-jor categories like education, safe-ty, cost of living adjustments and transportation.

In the weeks leading up to the fiscal plan signed on May 8-9, Gov. Kathy Hochul and the Legislature promised to adequately fund high-way, bridge and mass transit needs, and their pledge held. She hailed the FY2026 Enacted Budget that contains the biggest capital invest-ment in New York’s transportation history.

Topline Accomplishments

The enacted budget includes a ful-ly funded Metropolitan Transporta-tion Authority’s (MTA) program of



Widespread commitment from regional lawmakers succeeded in adding hundreds of millions of dollars to the FY2026 state budget to fix roads and bridges. The new budget also fully funds the MTA’s multi-year capital plan to improve and repair the regional mass transit system.

\$68.4 billion in FY2025-29 Capital Plan. As part of this funding pro-gram, some \$6 billion will be allo-cated to the Long Island Rail Road

and Metro-North Railroad, respec-tively, as well as increase resiliency against flooding and protect the Hudson Line against severe weather.

With widespread support from regional lawmakers to add hun-dreds of millions of dollars to the FY2026 state budget to fix roads and bridges—and adjust for esca-lating project costs caused by pun-ishing inflation since 2022—Gov. Kathy Hochul added the promised funding level of \$800 million. The increase will help restore the pur-chasing power for NYSDOT’s core highway and bridge construction projects to address rising construc-tion costs and ensure that current projects remain on track.

The Construction Industry Coun-cil of Westchester & Hudson Val-ley, Inc., applauded the governor and legislators for the significant increase in road repair funding in-cluded in the newly adopted state budget, which also adds an extra \$50 million for the Consolidated

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Construction Could Begin in August

Westchester Joint Water Works Enters into PLA On \$200M Filtration Project That’s Out to Bid

By JOHN JORDAN

HARRISON, NY—The final resolution of water quality is-sues and litigation surrounding a variety of remedial proposals that have dogged Westches-ter Joint Water Works and its customers for nearly three de-cades is at hand.

After securing title earli-er this year on property for-merly owned by Westchester County adjacent to Westches-ter County Airport at 4441 Purchase St. in Harrison,

WJWW has completed site clearing work (performed by ELQ Industries of New Ro-chelle) on the 5.7-acre site. A public benefit corporation, WJWW put out to bid on April 21 the contract to build the 80,000-square-foot Rye Lake Water Filtration Plant. Late last month, WJWW entered into a Project Labor Agree-ment with the building trades on the three-story filtra-tion plant project (two stories above ground, one-story be-

low grade) that has an overall estimated cost of more than \$200 million. The filtration plant’s footprint totals 37,360 square feet (nearly one-acre).

Paul Kutzy, manager and CEO of WJWW, said the award of the general construction contract is expected in July and a Notice to Proceed an-ticipated to be granted by Au-gust. In an exclusive interview with CONSTRUCTION NEWS, Mr. Kutzy touted the benefits of the PLA in connection with the project. “The PLA will al-low WJWW to complete con-struction of the plant more effectively and more efficient-ly, resulting in an estimated construction cost savings of at least \$7 million, offsetting the estimated \$175 million in to-tal construction cost,” he said.

Construction of the Water Filtration Plant will reduce turbidity found in Rye Lake

to aid in the water disinfec-tion process, will remove wa-terborne pathogens, and will remove naturally occurring organic matter that contrib-ute to the formation of dis-infection byproducts, such as haloacetic acids (HAA5); and is necessary to comply with U.S. Environmental Pro-tection Agency (USEPA) and New York State Department of Health (NYSDOH) safe drinking water regulations.

Mr. Kutzy, who has been with WJWW since October 2017, noted that the PLA with the building trades also provides project certainty. “Given the Consent Decree that WJWW is under with the United States Department of Justice, the PLA is even more important to ensure a timely completion of the plant (by 2029) in compliance with the Consent Decree,” he said,

adding that negotiations on crafting a PLA came after the conclusion of a feasibility study. Mr. Kutzy noted that the PLA will also serve to stream-line coordination between the four major contractors (general, plumbing, electrical and HVAC) because there will be just one prime contrac-tor who will be bound by the

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White Plains Hospital, Union Building Trades Sign PLA on \$750 Million Expansion Project

WHITE PLAINS—City and county officials joined White Plains Hospital and Montefiore executives to take part in a groundbreaking ceremony on May 5 for the hospital’s latest 500,000-square-foot expansion project that when completed will nearly double the size of the existing facility on East Post Road here.

The \$750-million project will double the existing hospital’s emergency department and nearly double the facility’s inpatient beds when it opens in 2028. Construction Manager Suffolk Construction has signed a Project Labor Agreement with the Building and Construction Trades Council of Westchester & Putnam



A rendering of White Plains Hospital once the expansion project is completed in 2028.

Counties, Inc. The designer expansion project is architectural firm Payette. The project, which will cost an estimated \$750 million, will be financed

through a combination of a \$500-million Dormitory Authority of the State of New York bond, philanthropy and equity from operating expenses.


White Plains Hospital President/CEO Susan Fox said, “Today is a very exciting day in the history of White Plains Hospital...We are laying the foundation for a future hospital that will ensure we will continue to provide the highest-quality care for generations to come.”

Features of the new 10-story building, which will connect with the existing hospital on the main floor, Emergency Department and Operating Room levels, include:

- A total of 240 additional, private, single-bedded inpatient rooms, 144 of which will open in 2028, ultimately increasing the hospital’s total number of licensed inpatient beds from 292 to 436.
- A dedicated operating room floor with space for 10 additional state-of-the-art ORs equipped with the latest technology to support the increasingly complex care the hospital provides.
- A new Emergency Department that will more than double the size of its current ED space. The new Emergency Department will include a dedicated driveway for drop-off and entering the facility, as well as expanded ambulance bays. The new emergency department is being constructed to meet increasing patient demand: more than 90,000 patient visits are expected by the end of 2025, making White Plains Hospital’s emergency department the busiest in the county, hospital officials stated.

Over the past decade, White Plains Hospital has added and expanded its advanced care offerings including comprehensive cancer care, advanced cardiac services, and life-saving neurosciences. “Demand for our services continues to grow, which is why this expansion is so important,” said William S. Null, chairman of White Plains Hospital’s Board of Directors. Since 2015, the hospital’s inpatient volume has grown by 50%, Emergency Department volume by 80% and operating room volume by more than 80%.

The ceremony included Montefiore Medicine President/CEO Dr. Philip Ozuah, Westchester County Executive Ken Jenkins, White Plains Mayor Tom Roach and more than 100 community members and employees. ■



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MTA Congestion Tolling Revenue Hitting Targets

ALBANY—With the New York State budget now approved, the focus has turned to the mechanisms to advance the Metropolitan Transportation Authority’s \$68.4 billion 2025-2029 Capital Plan.

A key component discussed was a “modest” increase in the payroll mobility tax, according to comments made in an Op-Ed in *amNewYork* on May 3. MTA Chair/CEO Janno Lieber said, “With a budget deal now reached in Albany, the MTA’s not wasting any time getting to work delivering the new \$68.4 billion 2025-2029 Capital Plan. Gov. Kathy Hochul says it will be funded in full, and that promise has allowed us to kickstart projects like new subway signals on portions

of the A and C lines, the next phase of work on the Grand Central Train shed that supports Metro-North service, and accessibility and station improvements on the Long Island Rail Road.”

Mr. Lieber also committed to moving forward on the \$5.5-billion Interborough Express project that will create new public transit between Brooklyn and Queens, provide better transit connections among communities from Bay Ridge to Jackson Heights. The IBX would also improve access to up to 17 subway lines, dozens of bus routes, and the Long Island Rail Road.

However, Gov. Hochul did not specify what the payroll mobility increase will be and when it will go into effect, *amNewYork* reports.



“We’re making modest adjustments to the payroll mobility tax to protect small businesses while ensuring large corporations contribute their share,” she said. “Small businesses across the New York City region will

actually see their tax burden reduced by half while larger employers, whose workforce heavily relies on mass transit, will see some small increases.”

The governor stressed the state’s intent to fully fund

the MTA capital plan that will help reduce subway crime and fare evasion.

A key revenue producer for the MTA is the recently launched congestion pricing. According to MTA data released on April 28, the controversial tolling program brought in \$159 million in the first quarter of this year, just below the \$160-million estimate and is on track to reach the MTA’s \$500-million revenue threshold for the year.

While the federal government continues its call to kill congestion pricing, a court ruling in that case will not likely be handed down until October at the earliest. In the interim, the MTA has vowed to continue collecting congestion pricing toll revenue. ■

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Congestion Pricing and Mass Transit Create an Effective Public Alliance

SAN JOSE, CA—A new study from the Mineta Transportation Institute outlines the symbiotic relationship between highway tolling and transit, and how each program needs the other. Transportation panelists examined the idea recently. In essence, public transit is an essential partner of congestion pricing programs, with one almost certainly supporting the other.

To move a congestion pricing proposal forward, “You must have serious congestion, and you must have good transit,” said former New York City Traffic Commissioner Sam Schwartz at a panel discussion on the New York City congestion pricing program earlier this year. The event was organized by the Massachusetts Institute of Technology (MIT) Mobility Initiative. Mr. Schwartz, popularly named “Gridlock Sam,” is also the CEO of Sam Schwartz Pedestrian Traffic Management Services, a consulting firm.

A recent report by the Mineta Transportation Institute at San Jose State University in California concluded roadway tolling—a form of congestion pricing—can serve the dual purpose of reducing traffic congestion and supporting transit options, if the programs are

structured properly.

“Maximizing the impact of toll revenue investments requires prioritizing high-quality transit options that are fast, frequent, convenient and safe—ultimately making them competitive with driving alone,” reads the report, “Using Toll Revenues for Transit: It Can and Should be Done,” released in April.

In Virginia, high-occupancy vehicle lanes on major interstate corridors like I-95 and I-66 were converted to high-occupancy toll lanes, and a portion of the toll revenues was re-invested into transit projects. Since 2017, more than \$150 million in toll revenues has been invested into 32 projects throughout the Northern Virginia region, according to the study. This includes \$5.1 million in operating costs for a new commuter bus route, and the purchase of six buses for the service.

In the California Bay Area, tolls collected from the famed Golden Gate Bridge have been helping to support the region’s ferry and Golden Gate Transit bus system since the early 1970s, the report said. Tolls generally subsidize about 50% of the bridge’s transit costs, which include 150 buses

and seven ferries.

But perhaps no other tolling operation is being more closely watched than the New York City congestion pricing program, which charges drivers to enter Manhattan below 60th Street. The plan went into effect Jan. 5, leading to 60,000 fewer cars a day in the congestion pricing zone, a 10% drop, said Will Carry, assistant commissioner for policy at the New York City Department of Transportation.

“This is quite a good result,” Mr. Carry said in comments on the MIT panel.

The program has seen its share of opposition from across the tri-state region, delaying its implementation and prompting New York Gov. Kathy Hochul to step in to renegotiate rates and other issues. The initiative has also drawn the ire of President Donald Trump, who has attempted to revoke its federal approval.

Despite these headwinds, congestion pricing is accomplishing what it sets out to do: reduce traffic, speed up travel times for buses and other vehicles, and generate funding for the Metropolitan Transportation Authority, which operates the

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Attorney's Column

Court Buries Contractor's Claim Over Lack of Contractual Notice

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

We have written on numerous occasions about how a construction contract is meant to define the relationship between the parties, and that absent a provision that violates public policy—such as pay-if-paid, pre-emptive lien waivers, indemnification of a party for its own negligence and more—the contract will be strictly enforced as written. The provision of these contracts seems to be invoked mostly for extra, additional, or even delay compensation. In the recent

showed us the importance of strict compliance with these contractual notice of claim provisions. **Background** In October of 2008, Trocom Construction Corp. signed a contract with the City of New York for Trocom to perform the reconstruction of a portion of Fulton Street in Lower Manhattan in connection with the Fulton Transit Center project. The contract contained a provision requiring Trocom to provide the city's engineer with a notice of

first incurred damages, and to provide an additional notice with updated details every 30 days thereafter. The contract allowed Trocom to seek an extension of these deadlines but warned that "on failure of (Trocom) to fully comply with the foregoing provisions, such claims shall be deemed waived and no right to recover on such claims shall exist." The contract contained similar provisions for other claims, such as unpaid change orders. During the project, Tro-



Thomas Welby, P.E., ESQ.



Gregory J. Spaun, ESQ.

The city conceded that there were discussions, but argued that the complaints of "general delay," without specifics, were woefully inadequate to apprise the city of the details of the claims, or substitute for contractual notice.

case of *Trocom Construction Corp. v City of New York*, an appellate court yet again claim for any claimed delay impacts within 45 days of the date on which Trocom com encountered numerous delays and was required to perform sig-

nificant additional work above and beyond its original scope. When these claims went unpaid, Trocom commenced a lawsuit against the city, seeking to recover \$829,998.82 in unpaid change orders and \$1,275,400. in delay damages, amongst other damages.

After discovery, the city moved for summary judgment dismissing Trocom's lawsuit, alleging that Trocom failed to provide the city with the contractually required notice. While Trocom was constrained to admit that it did not strictly comply with these requirements, it argued that voluminous email correspondence, in person discussions at project meetings, and "thousands of pages of documents (provided) to the Comptroller" adequately advised the city of the details of Trocom's claims. The city conceded that there were discussions, but argued that the complaints of "general delay," without specifics, were woefully inadequate to apprise the city of the details of the claims, or substitute for contractual notice.

Decision

The motion court granted the city's motion, finding that the complaints of general delay, without specifics, were not sufficient, and that it was incumbent on Trocom to "show that a particular delay actually delayed the completion of the project and did not run concurrently with independently caused delays." The court held that Trocom made no such showing and failed to produce documents in response to the Comptroller's request. The court further held that even if Trocom's

documents did provide specifics, the city was nevertheless entitled to strict compliance with the contractual notice provisions.

Trocom appealed, arguing that the city was unreasonable and unduly burdensome with its document demands. The appellate court affirmed, finding that Trocom had failed to comply with the contractual conditions, and had failed to raise any issue of fact as to whether it was hindered or prevented from complying with the contractual requirements by the city's bad faith, negligence or misconduct.

Comment

Trocom is one in a long series of reminders that in most circumstances, contractual conditions precedent will be strictly enforced. Here a \$3.5-million lawsuit ended up dismissed for a simple failure to follow contractual formalities. (Contractors should know that requirements to give notice of a claim may also come from statutes, city charters, or elsewhere, in addition to those found in the contract.) While Trocom's claims here ended up buried in the graveyard of inadequate notice, this did not need to happen.

It goes without saying that contractors would be well advised to follow such contractual conditions precedent to the letter so that you are not in the position of having to later argue, like Trocom, that cobbled together correspondence constitutes the notice required by the contract. Often, and unfortunately, by the time the contractor rec-

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Route 17 Expansion Project on Track With Improvements, DOT Tells Forum

By JOHN JORDAN

CHESTER, NY—The New York State Department of Transportation held a well-attended public open house on May 6 here at the Chester Senior Center to discuss proposed changes to area interchanges (exits 126, 127 and 128) on Route 17 as part of the \$1-billion “NYS Route 17 Mobility & Access Improvements Project,” popularly called the Route 17 expansion project.

NYSDOT officials and project consultants discussed the current proposals involving Exit 126 (Route 94-Chester), Exit 127 (Greycourt Road to Sugar Loaf and Warwick) and Exit 128 (Oxford Depot, Craigville Road-County Route 51).

NYSDOT Project Manager Mark Kruk, P.E., explained the scoping report proposes to improve the Exit 126 Chester exit by creating a “Single Point Urban Interchange” that would feature one traffic light for both eastbound and westbound ramps instead of the existing two traffic lights. The plan also calls for additional ramp capacity and



The Open House presented by the NYSDOT on May 6 in Chester, NY discussed proposals to expand and improve sections of the busy Route 17 roadway in the area of Exits 126, 127 and 128 in Orange County.

other improvements to all ramps, he noted.

The proposal calls for the closure and relocation of the eastbound entrance and westbound exit ramps of Exit 127 to Exit 128, which currently only features an exit in the westbound direction. The proposed plan would add a westbound entrance ramp and entrance and exit ramps in the eastbound direction

to make Exit 128 a full interchange in both directions off Route 17.

Mr. Kruk explained that Exit 127 does not have significant traffic. Another factor in its proposed closure is that as NYSDOT seeks to convert Route 17 to federal Interstate 86, the closure of Exit 127 would put Exits 126 and 128 in compliance with federal highways standard

goals that call for exits being separated by approximately three miles.

While the proposal calls for the closure of Exit 127, he added that NYSDOT would make improvements to the Kings Highway and Lehigh Avenue intersection nearby. The plans involving the exits at 126, 127 and 128 will also enhance safety on and off Route 17 in the Chester/Monroe section of the highway.

He characterized the proposed interchange work at Exits 126 and 128 as extensive and would each cost “tens of millions of dollars.”

Mr. Kruk said that other interchange closures currently being proposed are Exit 114 (Wurtsboro) and Exit 129 (Museum Village Road in Monroe). The proposal to close Exit 114 in Sullivan County has prompted some criticism from area residents and businesses.

He pointed out that the plans being discussed are proposals and not final. Specifically, he offered some hope to those opposed to the Exit 114 closure when he told CONSTRUCTION NEWS: “To be clear, for Exit 114 we are still looking at options, potentially a partial interchange or a full interchange and we continue to have those conversations with the Federal Highway Administration.”

The Route 17 project is currently in the draft environmental impact (DEIS) stage. Mr. Kruk said the NYS Route 17 Mobility & Access Improvements Project remains on schedule and that NYSDOT is expected to release the draft environmental impact statement this summer with a public hearing on the DEIS slated for this fall, which will be followed by a 45-day

DEIS comment period.

The plan would then be subject for further review by NYSDOT with the issuance of a final environmental impact statement (FEIS) and a Record of Decision by the Federal Highway Administration rendered in the winter of 2026. By the end of 2026, NYSDOT expects to put out to bid the first of three large projects in connection with the Route 17 expansion. Mr. Kruk said that the three Design-Build project bids would likely be staggered. The bid on the first project would potentially coincide with the scheduled completion of the final phase of the Exit 122 improvement effort currently being undertaken by ECCO III Enterprises of Yonkers, NY. Work recently began on the \$67.8-million project at Crystal Run Road in the Town of Wallkill, NY.

Last September, NYSDOT released a scoping report that noted three options would be evaluated going forward, including a “No Build” option.

One alternative being studied would retain State Route 17’s existing two-lane mainline layout throughout most of the corridor while adding interchange auxiliary lanes between Exit 130 and Exit 130A and new collector-distributor (C-D) service roads from Exit 120 to Exit 122 and from Exit 122A to Exit 124. State officials explained that a C-D road separates freeway-through traffic from other vehicles that are exiting or entering the freeway and helps keep weaving and lane-changing vehicles away from high-speed traffic on the mainline freeway. The cost of that option was pegged at \$1,302,000.00 in the scoping report.




A second alternative being considered calls for the construction of a third travel lane from Exit 120 (State Route 211) to Exit 130A (U.S. Route 6) in addition to new auxiliary lanes and C-D roads. The cost of that project was estimated at \$1,412,500.00, according to the scoping report.

Mr. Kruk said the project cost estimates for both options in the scoping report include planned interchange improvements and Intelligent Transportation System (ITS) upgrades.

New York Gov. Kathy Hochul has previously committed \$1 billion in funding for the Route 17 expansion project. ■


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ARTBA Sees Decline in Worker Fatalities, Injuries on Highway, Bridge Projects

WASHINGTON—The highway and bridge sector is making measured progress in reducing worker deaths and injuries compared to the broader construction industry, according to an analysis of U.S. Bureau of Labor Statistics data released April 23 that coincided with National Work Zone Awareness Week.

The analysis, conducted by the American Road & Transportation Builders Association (ARTBA), showed that between 2011 and 2023 (the most recent years available), fatal injuries in the Highway, Street,

and Bridge (HSB) sector declined 15%, while fatal injuries for the rest of the construction sector jumped 41%. Non-fatal injuries and illness for the HSB sector also declined, with the number of cases per 1,000 workers decreasing 46%.

“These numbers demonstrate that public and private sectors efforts to help improve jobsite safety through training and public awareness are having a positive impact,” said ARTBA Senior Vice President of Safety & Education Brad Sant.

While the number of deaths

among workers is still unacceptably high—88 in 2023 alone—Mr. Sant believes the downward trend reflects the collaborative spirit between public agencies, industry organizations, and transportation design and construction firms to address safety risks and hazards.

As examples, Sant cited the many organizations working together to promote NWZAW, along with resources provided via the National Work Zone Safety Information Clearinghouse, which offers free online training and public awareness tools.

The Clearinghouse, a three-decade partnership between ARTBA and the Federal Highway Administration, is the world’s largest online information source on roadway construction zone safety issues.

Last year alone, the Clearinghouse provided free safety courses to 3,000 workers and distributed over 8,000 safety-related documents to key stakeholders. “To continue reducing worker fatalities and injuries, we need to keep doing what we are doing—and do more of it,” Mr. Sant added. ■

Congestion Pricing and Mass Transit Continued from P. 4

region’s subway and bus network.

New York’s experience with congestion pricing so far “shows that it works, shows that it produces dramatic benefits that are quite widespread,” added Michael Replogle, former deputy commissioner for policy at the New York City Department of Transportation, at the MIT panel.

These results are almost certainly being eyed by other regions exploring congestion pricing concepts. In California’s Bay Area, the Metropolitan Transportation Commission has

been exploring the idea of freeway tolling as a measure to discourage driving, and fund transit and other transportation improvements.

However, even though transit is a worthy cause to be supported by the tolls, it’s best to not focus on the money, said Matt Daus, partner and chair of the Transportation Practice Group at the law firm Windels Marx and former chair of the New York City Taxi and Limousine Commission.

“We should not be calling it ‘congestion pricing.’ I think, we should

have called it ‘Move New York,’ or something like that,” Mr. Daus said during the panel. The narrative around programs like these, he said, “should be about metrics to reduce congestion.”

When setting up the rates and other policies around congestion pricing — or highway tolling — officials should look for an amount that’s going to discourage people from driving, and exempt taxis, ride-hailing, buses and other vehicles, Mr. Daus added.

“Put the environment first,” he said.

“And have the money be second.”

That said, transit is an essential piece of any system that places a disincentive on driving, Mr. Daus stressed.

“You can’t legitimately tell people to get out of their cars if you don’t have a public transit system that’s safe, affordable and works on time,” he concluded. ■

About the report and author: Reprint courtesy Government Technology by Skip Descant who writes about smart cities, the Internet of Things, transportation and other areas. He lives in Yreka, CA.

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Westchester Joint Water Works Continued from P.1

terms of the PLA. The feasibility study was conducted by Hill International and was released in January 2025. The study recommended WJWW enter into a PLA on the filtration plant project.

The PLA will be signed by the winning GC bidder and then subsequently by WJWW. The building trades have already signed off on the PLA, Mr. Kutzy said.

The construction of a filtration plant project to address the issues has been delayed for a number of reasons, including litigation. WJWW sought a number of remedies when water quality concerns were raised in the 1990s. In 2004 when the goal could not be accomplished to the satisfaction of New York State, WJWW was ordered by the court to construct a plant. Following the issuance of the court's order, WJWW eventually decided the construction of a water filtration plant was the best option and purchased approximately 13.5 acres of land in the Town of Harrison adjacent to Westchester County Airport on which to build. WJWW completed the water filtration project design and received approvals



From left, Jeff Loughlin and Ed Cooke of the Westchester/Putnam Building Trades Council, Paul Kutzy of Westchester Joint Water Works and Westchester County Executive Ken Jenkins.

from the New York State Department of Health. Shovels hit the ground in 2006, but litigation and permitting issues blocked the project, for which the Town/Village of Harrison Planning Board was the Lead Agency.

Later WJWW switched gears and moved forward with a plan to engage in a land swap with Westchester County and was named Lead Agency under SEQR in January 2020. Last June, West-

chester Joint Water Works entered into a consent decree with the U.S. Environmental Protection Agency and the New York State Department of Health that allows it to proceed with the construction of Rye Lake water filtration plant on the new site in Harrison. The Westchester County Board of Legislators approved the land swap deal in April of last year and WJWW took title of the property in January 2025.

Mr. Kutzy told CONSTRUCTION NEWS that all litigation seeking to stop the project has ended and that WJWW is in compliance with the Consent Decree. Mr. Kutzy credited the administration of former Westchester County Executive George Latimer and current CE Ken Jenkins with facilitating the land swap that was key to the filtration plant's approval and development.

Westchester County Executive Jenkins said, "Access to safe, clean drinking water is a fundamental right and today, Westchester County proudly stands with the WJWW as they just entered a Project Labor Agreement with the Building and Construction Trades Council of Westchester and Putnam Counties, ahead of construction of the water filtration plant at Rye Lake expected to begin this summer."

He added, "This project is critical to protecting the health of up to 100,000 residents and ensuring compliance with vital state and federal water quality standards. The PLA will allow WJWW to complete construction of the plant more effectively and efficiently. This investment will ensure that our residents continue to have access to safe, clean drinking water for generations to come. Protecting our water supply is essential to protecting public health, and this agreement represents a major step forward in our commitment to safeguarding this vital resource."

Jeff Loughlin, president of the Building & Construction Trades Council of Westchester & Putnam Counties, said, "This project is about more than construction—it's about protecting public health and ensuring clean, safe water for gener-

ations to come. Our skilled union workforce is proud to be part of this vital effort, bringing the expertise and commitment needed to get the job done right. The Project Labor Agreement not only guarantees high-quality work, it also creates well-paying, life-sustaining jobs for the men and women who will build this plant from the ground up."

Edward Cooke, vice president of the Building & Construction Trades Council of Westchester & Putnam Counties, added that the Rye Lake Water Filtration Plant project will employ approximately 150 members of the building trades during construction. He added, "We are going to honor Westchester Joint Water Works' request for training. We are going to work with WJWW to get apprentices from the community and the schools and try to bring them in to careers in the crafts."

According to the bid documents, the plant will be a 30-million-gallons-per-day, dissolved air flotation/filtration (DAFF) plant. The new water treatment facilities will consist of a main process building, a sanitary pump station, an electrical substation and generators.

A mandatory pre-bid conference was held on Monday, May 5 at the headquarters of Westchester Joint Water Works in Mamaroneck.

Established in 1927, WJWW supplies drinking water to some 60,000 water customers in Harrison, Mamaroneck and portions of Rye and New Rochelle. It also indirectly supplies drinking water to another 60,000 residents in the Village of Larchmont, the City of Rye, the Village of Rye Brook and the Village of Port Chester. ■

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Financial Management

Building Resilience Helps Firms Prepare For Tariffs’ Potential Risks, Uncertainties?

By PHILLIP ROSS, CPA, CGMA, PARTNER

Construction companies are now contending with new disruptive forces of shifting trade policies, price volatility and other risks that are the result of new and increased tariffs on imported construction materials. Though no one can predict the next round of tariffs or

conditions. Companies should start by identifying which materials in their procurement mix are most likely to be affected by tariffs. They should take a close look at the origin and pricing of a firm’s core materials, especially steel, aluminum and electri-

Use this insight to run basic scenario planning models: best- and worst-case material price increases and assess how your margins, cash flow and delivery schedules could be impacted. Think of this as a risk filter: Where would the pain points be and how would

in today’s rates and offer a hedge against future volatility.

When feasible, firms can also mitigate tariff risk by purchasing key materials in advance, especially if they’re aware of potential cost increases on the horizon. This “buy and hold” approach requires adequate storage facilities and comes with a cost as well, but it can offer price protection and reduce exposure to sudden spikes.

However, pricing strategy extends beyond procurement. It’s equally important to revisit how you approach bids and contracts. Can your pricing absorb short-term increases, or are you exposing your firm to margin erosion? Build in reasonable contingencies to account for potential cost fluctuations and disclose that possibility clearly to the client. Early transparency helps to potentially minimize disputes and fosters greater trust.

Also, consider what’s included in your client contracts, subcontractor contracts and vendor agreements. Work with legal counsel to assess if your contracts allow for price adjustments or renegotiations in the event of unexpected increases due to tariffs. This should also apply to any new contracts in the pipeline, not just adjustments to current agreements. Clarifying these terms in advance could save costs and stress (and legal bills) down the line.

Tariffs and trade policies can shift quickly, sometimes with little warning. Construction leaders should monitor trade developments regularly and pay attention to new proposals or regulatory actions that could affect key building materials. Industry associations can be powerful allies



here, offering updates, policy analysis and collective advocacy on behalf of the construction sector.

Internally, having a clear understanding of how regulatory changes might impact your bottom line can guide more agile decision-making. Firms should evaluate how potential tariff shifts could affect project economics before they become reality. At the end of the day, construction companies can’t control global trade policy, but they can control how prepared they are to respond. That preparation starts with understanding material exposure, adapting your bidding and contract practices, knowing what is included in your contracts and staying closely connected to supply chain and policy developments.

In a world where pricing and policy can change overnight, resilience isn’t built reactively—it’s designed into the way your business plans, negotiates and operates. Don’t wait for tariffs to make headlines again. Prepare now, so that when the unexpected arrives, you’re already ahead of it.

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. ■

When feasible, firms can mitigate tariff risk by purchasing key materials in advance, especially if they’re aware of potential cost increases on the horizon.

when they’ll hit, contractors can take strategic steps now to mitigate their impact.

Preparation is key: By evaluating material sourcing, rethinking contract contingencies and staying informed on regulatory developments, construction firms may be better equipped to deal with unpredictable market

cal components. Collaborate with your estimating and purchasing teams to determine how much of your current and upcoming projects depend on imported goods or price-sensitive materials. This can help you anticipate which parts of your pipeline are at the greatest risk if costs suddenly spike.

your team respond?

Diversifying your supplier relationships is another essential step. Firms should look into sourcing materials from domestic or non-tariffed regions and not rely too heavily on any single vendor. Where possible, consider long-term pricing agreements that can lock



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Abigail Kirsch at Tappan Hill Mansion
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NY State Sues U.S. DOT for ‘Illegally’ Cutting Funds to Build EV Charging Facilities

NEW YORK—New York Attorney General Letitia James and a coalition of 16 other attorneys general filed a lawsuit on May 5 against the United States Department of Transportation and DOT Secretary Sean Duffy for illegally cutting off critical funding to support states’ plans to build a nationwide electric vehicle charging network.

On Jan. 29, President Trump signed an Executive Order calling for the elimination of the federal government’s nonexistent “electric vehicle mandate.” As a result, the Federal Highway Administration (FHWA) revoked funding allocated by Congress for state plans to build out a network of electric vehicle charging stations. AG James and the coalition argue that the administration’s moves to freeze billions of dollars in federal funds to support electric vehicle infrastructure are illegal and will contribute to more dangerous pollution.

AG James and the coa-

lition are seeking a court order ruling that these actions are unlawful and unconstitutional, and ordering DOT to stop taking steps to withhold electric vehicle infrastructure funds.

Infrastructure Investment and Jobs Act (IIJA), Congress created the National Electric Vehicle Infrastructure (NEVI) Formula Program and appropriated \$5 billion to be distributed to states that submitted plans

adoption of electric vehicles, which will help reduce pollution that causes smog and health problems like cancer and asthma and contributes to devastating climate change.

On Jan. 29, the president

Hudson Valley. The current funding freeze also jeopardizes proposals for more electric vehicle charging station development in New York City, the Hudson Valley, and on Long Island.

AG James and the coalition argue that the administration’s attacks on electric vehicle infrastructure are plainly illegal. Congress explicitly appropriated funds for the NEVI program, and FHWA provided no legitimate explanation for revoking its approval of states’ plans. The administration has no authority to withhold funds appropriated by Congress for a specific program just because the president disagrees with the underlying policy. AG James and the coalition assert that the administration’s actions violate the Administrative Procedure Act and the U.S. Constitution.

With this lawsuit, AG James and the coalition are seeking a court order declaring the Trump administration’s actions unlawful and unconstitutional, and stopping the implementation of the directive in the Executive Order to withhold NEVI Formula Program funds.

In addition to New York State, joining in filing the lawsuit are the attorneys general of Arizona, California, Colorado, Delaware, Hawaii, Illinois, Maryland, Minnesota, New Jersey, New Mexico, Oregon, Rhode Island, Washington, Wisconsin, Vermont and the District of Columbia. ■

New York has been awarded more than \$175 million in federal funds from the National Electric Vehicle Infrastructure program, with \$120 million currently being withheld by the Trump administration.

“The administration’s illegal action is a roadblock to New York’s progress to build electric vehicle infrastructure and attack the climate change crisis,” said AG James. “It is disappointing that the president would decimate this bipartisan legislation and jeopardize a dozen electric vehicle projects across New York.”

As part of the bipartisan

to FHWA for building electric vehicle charging infrastructure. As AG James and the coalition assert in the lawsuit, the funding is mandatory. By law, any state that has submitted an approved plan must receive its share of NEVI funds, and in total, FHWA has already approved more than 150 plans. This infrastructure is necessary to encourage the widespread

signed an Executive Order mandating all federal agencies immediately withhold funds from the IIJA and Inflation Reduction Act (IRA), including funds for electric vehicle charging stations made available through the NEVI program. Following the order, FHWA retroactively revoked all prior approvals of state electric vehicle charging infrastructure plans and unilaterally froze all NEVI funding to the states.

New York has been awarded more than \$175 million in federal funds from the NEVI program, with \$120 million currently being withheld by the Trump administration. NEVI funds in New York have already supported the construction of 11 charging stations throughout the state, with 12 more currently in development, including in New York City, Western New York, and the



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Attorney’s Column

Continued from P. 6

ognizes that it is up against a deadline to submit a notice of claim, that deadline may have already passed. Your project people must learn to recognize the actions and correspondence from the Owner that trigger the Notice stopwatch. Further, never be afraid of being accused of starting a “letter war.” Like Tessio in the Godfather, sophisticated contractors will realize that it’s only business, and there are diplomatic and businesslike ways to do so. In that regard, contractors should examine their con-

tracts with experienced construction counsel so that they can—at the outset of, or during the progress of the job—have a checklist of what to submit when a claim arises, and the deadline for doing so. ■

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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Ken Jenkins
Westchester County Executive



Richard Juliano, IOM, CAE
ARTBA General Counsel



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Gregory J. Spaun, Esq.
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Westchester to Spend \$385M on County Projects, Execs Told at CIC-BCA Membership Meeting

By **JOHN JORDAN**

WHITE PLAINS—More than 125 executives with the Hudson Valley’s construction and building trades attended the 2025 spring membership meeting of the Construction Industry Council of Westchester & Hudson Valley and the Building Contractors Association of Westchester & The Mid-Hudson Region, which was held at the Sonesta White Plains Downtown hotel here on April 23.

A highlight of the evening was a welcoming speech from Westchester County Executive Ken Jenkins, who a short time later gave his first State of the County Address across town at the Westchester County Office Building. Mr. Jenkins told the CIC/BCA gathering that the county has earmarked \$385 million for its capital budget in 2025.

“No matter the chaos and other things

that are happening at other levels, we are going to continue to move forward on the investments we have already decided on,” Mr. Jenkins said. “So, there is no challenge for us to make sure \$385 million gets out on the street.”

Mr. Jenkins discussed the ongoing Glen Island Bridge project in New Rochelle as well as work at Rye Playland. He noted that the county has spent approximately \$150 million at Playland so far with more work to come for the building trades.

Mr. Jenkins vowed that the amusement park will open for the season after its controversial contract discord with Standard Amusements but at the session could not provide a specific opening date. He also explained new proposed apprenticeship legislation and modified responsible bidder language that he recently signed into law.

On May 7, he announced that Rye

Playland would be open on Memorial Day weekend. In an effort to make the park more accessible and welcoming for all, parking at Playland will be reduced to \$10, and admission to the park will be completely free for Memorial Day Weekend.

Mr. Jenkins said, “As we work through this 2025 season, Playland will be totally free Memorial Day weekend for people to enjoy. We all love Playland—it’s a part of all of us—and we need it to be a part of our summer.”

The CIC/BCA featured meeting speaker, Richard Juliano, IOM, CAE, the general counsel of the American Road & Transportation Builders Association (ARTBA) in Washington D.C., discussed the evolving initiatives being advanced by the Trump administration, including tariffs and their impacts on the economy and the construction industry.

Mr. Juliano said that ARTBA’s concern is how will those (tariffs) eventually affect project costs. “Specifically, we would like to see the Federal Highway Administration make federal dollars available to defray some of those costs.”

The session also included a tag-team presentation on three new state laws involving wage theft, contractor registration and “piggybacking” of public contracts, presented by Thomas H. Welby, Esq., and Gregory J. Spaun, Esq., of the law firm Welby, Brady & Greenblatt, LLP.

Sponsors of the CIC/BCA Spring 2025 meeting were: Advance Testing Company, Inc., American Global LLC, Byram Concrete & Supply, LLC, EP George Inc., Laborers Local 60, NYS Laborers LECET, Operating Engineers Local 137, RCA Asphalt, LLC, Welby, Brady & Greenblatt, LLP. ■



From left, CIC Board member John Chrysogelos, Jr., of Yonkers Contracting Co. and Westchester County Executive Ken Jenkins.



From left, Charles Luccarelli and Adriane Casterella of RCA Asphalt with CIC Board member Brandon Ciccone of Ben Ciccone, Inc.



From left, John Hunter of Alliant Construction Services and CIC Board member Peter A. Mazzari of Danella Construction of NY, Inc.



CIC Executive Director John Cooney, Jr.

New York City Update

Office-to-Residential Conversions In Midtown Manhattan Heating Up

NEW YORK—New York City is entering a new era of office-to-residential conversions, according to a new report by commercial brokerage firm CBRE. Conversions in Midtown Manhattan are taking place at an unprecedented rate as developers acquire underperforming assets in the primary business district as well as in peripheral areas.

The report noted that the conversion trend is not limited to Midtown either. The pipeline for office-to-residential conversions in the coming years will involve projects from Battery Park to Central Park.

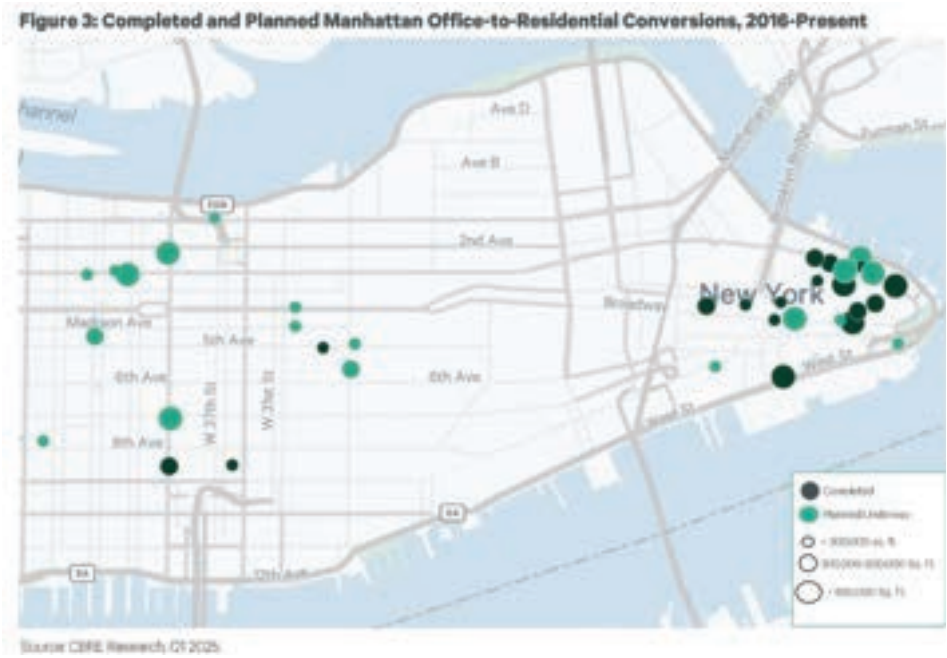
With about 8.3 million sq/ft of office-to-residential conversions currently planned or actively being converted, New York City compares favorably to national markets in terms of volume, CBRE officials stated.

Manhattan’s supply of properties undergoing conversions have a median age of 68 years, with 60% of the

square footage located in Midtown, according to the CBRE report. More than 50% of the square footage currently being converted in Manhattan was built after 1961.

“While office-to-residential conversions will not fix Manhattan’s oversupply of office space, adapting some of the older product will certainly help in making the remaining office space more attractive,” said CBRE’s Doug Middleton. “In addition, it will provide a boost in the city’s dire shortage of residential housing and inject thousands of new residents in areas traditionally reserved for office use.”

An analysis by CBRE found that if every conversion currently underway, proposed or rumored to take place as of the fourth quarter of 2024 was completed, it would remove 16.5 million sq/ft of existing office stock and 3.5 million sq/ft of available space, resulting in a 200-basis-point



drop in the Manhattan office availability rate of 18.0%.

“Manhattan’s office-to-residential conversions represent a steady transformation of revitalizing urban spaces while addressing housing needs,” said Mr. Middleton. “These conversions enhance neighborhood vibrancy as well as increase the competitiveness of remaining office assets.” ■

NYC Construction Jobsite Injuries Fall to 9-Year Low in 2024, Down 30%

NEW YORK – New York City Mayor Eric Adams and New York City Department of Buildings Commissioner Jimmy Oddo released DOB’s annual New York City Construction Safety Report on April 25. The report noted that construction worker injuries dropped by 30% in 2024 compared to 2023, while construction-related incidents in the city fell by 24%.

With these positive trends toward safer construction sites, worker injuries reached a nine-year low and construction-related incidents reached a 10-year low; additionally, worker fatalities (7) remained at a 10-year low, city officials stated.

The progress in worker safety follows multiple initiatives by DOB to protect New Yorkers working on

construction sites, including new oversight mandates for construction superintendents, new licensing requirements for operators of smaller crane devices, new technology to help track work site safety compliance.

In 2024, DOB also conducted 416,290 total field inspections—the most inspections of building construction sites since the department began tracking the critical data-point. The report also underscored the ongoing strength of the building construction industry, with initial permits for new building projects increasing by more than 24% in 2024 compared to 2023.

Data in the report showed that more than 98% of work sites did not report a single incident or injury in

2024. While incidents are exceedingly rare, the data shows that they can occur on work sites of any size and in every neighborhood across the city.

Construction-related incidents fell from 841 in 2023 to 638 in 2024, a 24% decrease year-over-year, while construction-related injuries fell from 692 in 2023 to 482 in 2024, a 30% decrease year-over-year. The report also draws specific attention to seven fatal construction worker incidents that occurred on building construction sites in 2024. While deaths on building construction sites have trended down in recent years, DOB remains committed to implementing new safety measures and driving fatality numbers as close to zero as possible, city officials stated.

In 2025, DOB will establish a new enforcement unit to utilize this data and proactively inspect potentially dangerous buildings. The new unit, which was created with legislation from the New York City Council and \$5 million from the Adams administration, will use predictive analytics to identify derelict buildings and unsafe contractors, prioritizing them for inspection to keep New Yorkers safe.


“This report is a clear sign that New York City’s construction industry is moving in the right direction. Builders, contractors, and skilled workers across the five boroughs are embracing a culture of safety, and it’s literally saving lives,” said New York Building Congress President & CEO Carlo A. Scissura, Esq. ■



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The construction industry has one of the highest suicide rates of any industry. In 2020, the rate of suicide among workers in general industry was 9.5 per 100,000. In construction, the rate was 45 per 100,000, almost five times higher. Approximately 5,000 construction workers die by suicide each year. hopelivesnysliuna.com

IBM to Invest \$150B in Advanced Tech, \$30B in R&D in U.S. Over Next 5 Years

ARMONK, NY—To keep up with the Microsofts and Googles of the world, IBM announced plans on Mon., April 28, to invest \$150 billion in America over the next five years to accelerate its role in computing on the world stage. The massive investment includes spending more than \$30 billion in research and development to advance and continue IBM’s American manufacturing of mainframe and quantum computers.

“Technology doesn’t just build the future—it defines it,” said Arvind Krishna, IBM chairman, president and chief executive officer. “We have been focused on American jobs and manufacturing since our founding 114 years ago, and with this investment and manufacturing commitment we are ensuring that IBM remains the epicenter of the world’s most advanced computing and AI capabilities.”

While the Armonk, NY-based company did not add specifics on its planned investment or the locations where those capital funds will be spent, the company in its announcement highlighted its Poughkeepsie, NY operations where it manufactures cutting-edge mainframes. More than 70% of the entire world’s transactions by value run through the IBM mainframes that are manufactured in America.

IBM also operates the world’s largest fleet of quantum computer systems, and will continue to de-



From left, Arvind Krishna, IBM chairman, president and CEO, and President Biden in October 2022 at an event at IBM’s Poughkeepsie, NY plant. IBM announced then that it was planning to spend \$20 billion in the Hudson Valley over the coming decade. FILE PHOTO

sign, build and assemble quantum computers in America. Quantum computing represents one of the biggest technology platform shifts and economic opportunities in decades, and it is expected to solve problems that today’s conventional computers cannot solve.

“Enabling these solutions will not only help us better understand the fundamentals of how the world works but are projected to transform American competitiveness,

jobs, and national security,” IBM said in the statement. IBM’s Quantum Network provides access to IBM’s quantum systems for nearly 300 Fortune 500 companies, academic institutions, national laboratories, and startups and is accessed by more than 600,000 active users.

New York State is attracting billions of dollars in high tech investment. For example, Micron is investing \$100 billion over the next 20-plus years to construct a semi-

conductor manufacturing campus in Onondaga County, NY. Construction has begun on Micron’s campus located in the Syracuse suburb of Clay, NY. During a visit to the IBM Poughkeepsie campus in October 2022, President Joe Biden touted the CHIPS and Science Act’s impact on IBM’s recent decision to invest \$20 billion across the Hudson Valley region over the next 10 years. IBM stated at the time that its investment will be centered on advancing its R&D and manufacturing of semiconductors, mainframe technology, artificial intelligence and quantum computing.

Last week, IBM reported its first quarter revenues exceeded expectations. IBM posted revenue of \$14.5 billion and gross profit margin up 170 basis points or 55.2% higher.

“We exceeded expectations for revenue, profitability and free cash flow in the quarter, led by strength across our software portfolio.” Mr. Krishna said. “There continues to be strong demand for generative AI, and our book of business stands at more than \$6 billion inception-to-date, up more than \$1 billion in the quarter. We remain bullish on the long-term growth opportunities for technology and the global economy. While the macroeconomic environment is fluid, based on what we know today, we are maintaining our full-year expectations for revenue growth and free cash flow.” ■

Rockland County Housing Forum Tackles High Costs, Explores Affordability Pathways

By JOHN JORDAN

POMONA, NY—The complex issues facing the residential housing market in Rockland County drew hundreds of major stakeholders on April 25 to develop strategies with goals to overcome some of those obstacles in the years ahead.

The Third Annual Rockland County Housing Forum, held at the county’s Fire Training Center in Pomona, heard developers, state and county housing agency officials, and planning and legal experts present their views during a nearly full-day program of panel discussions and presentations. Among the topics were:

- Fair Housing
- Lead Hazard Remediation
- New York State Rental Registry
- Adaptive Reuse of Underutilized Spaces
- Brownfields
- Federal/State Housing Initiatives
- Update of Rockland County’s Comprehensive Plan.

Rockland County Executive Ed Day stated, “There is no doubt that Rockland County faces housing challenges that impact a wide range of residents—

from teachers and first responders to seniors and working families—we also see tremendous opportunities.” He called for stakeholders to explore innovative, sustainable solutions that ensure everyone has access to safe, affordable housing and can build strong community connections.

Chief of Staff to County Executive Day John Lyon opened the forum on housing, which he said has become “more urgent, more complex and even more essential. To say we face a crisis is a bit of an understatement.”

Earlier this year, Rockland County announced four winners of funding from its Housing Action Loan Opportunity (HALO) program involving up to \$13.5 million in loans. Mr. Lyon also reported that Rockland County will soon issue a Request for Proposals for the redevelopment of the Sain Building, which was used for county government operations, into a mixed-use property that will feature workforce housing. The Sain Building has been vacant since 2017.

This year’s forum featured a keynote speech from Commissioner/CEO Visnauskas of New York State Homes



RuthAnne Visnauskas, A NYS Housing Official

and Community Renewal (HCR), who noted that her department has provided assistance for a total of about 350 units in Rockland County in recent times. However, state assistance has only helped build 14 new units in the county. She added the county has a good pipeline of projects that will be eligible for state funding assistance.

Comprehensive Plan Sessions

Rockland County announced that it will host a four in-person public workshops to gather community input for “Envision Rockland,” the Countywide Comprehensive Plan update. The workshops’ locations and dates are:

Palisades Mall
1000 Palisades Center Drive
4th Floor – Adler Community Room
West Nyack, NY 10994
Wed., May 21, 6:30-8:30 pm

Patriot Hills Senior & Community Center
19 Clubhouse Lane
Stony Point, NY 10980
Wed., May 28, 6:30-8:30 pm

Rockland County Fire Training Center
35 Firemen’s Memorial Drive
Pomona, NY 10970
Thurs., May 29, 6:30-8:30 pm

St. Thomas Aquinas College
Romano Student Alumni Center
125 Route 340
Sparkill, NY 10976 ■

Lawmakers Deliver Continued from P.1

Local Street and Highway Improvement Program known as CHIPS.

CIC Executive Director John Cooney, Jr., said, “In a challenging financial year, it is particularly gratifying that the governor and legislators recognized the need for additional funding that keeps pace with inflation and enables us to engage in a robust road repair program. This significant commitment will allow us to make real progress in improving the safety and reliability of our infrastructure throughout the Hudson Valley.

Mr. Cooney also thanked Senate Majority Leader Andrea Stewart-Cousins and the entire Hudson Valley state legislative delegation for their leadership and unwavering support.

“This landmark investment comes at a critical time for the region, particularly within the NYSDOT Region 8 of the Lower Hudson Valley, which faces the most challenging road conditions in the entire state,” he added. “The increased allocations directly address the

dramatic inflationary pressures that have significantly impacted the cost of road projects.”

The adopted budget earmarks a total of \$3.4 billion for the CORE program, representing a substantial 37% increase over the previous year. This additional funding will enable the state DOT to complete crucial projects outlined in its current five-year plan, which is now in its fourth year.

The CHIPS program will receive a total of \$648 million, an 8.4% increase from the prior year. This boost in funding for local roads will have a tangible impact on communities throughout the seven counties of the Mid-Hudson region. For example, a community like Ossining is projected to see an 8% to 9% increase in state funding for vital local road repairs.

In addition to improving road conditions for residents and businesses, the trade association emphasized that this increased funding will create and sustain vital jobs within

the construction industry throughout the region.

FY2025-2026 State Budget Investing in State and Local Roads and Bridges

The FY26 Enacted Budget includes nearly \$7 billion for the fourth year of the record \$34.3 billion, five-year NYSDOT Capital Plan. The budget also includes:

- \$1.4 billion in each of FY2026 and 2027 to support local roads and bridges;
- \$648 million for the Consolidated Local Street and Highway Improvement Program (CHIPS), which represents a \$50 million year-to-year increase;
- \$140 million for the State Touring Routes Program;
- \$100 million for the Pave Our Potholes Program.
- As mentioned, an additional \$800 million to restore purchasing power for NYSDOT’s core highway and bridge construction projects to address rising construction costs and ensure that current projects remain on track.

Hudson Valley Rail Service Upgrades

The budget includes a \$25-million investment to plan, evaluate and design a set of Hudson Valley rail capital improvements between New York City and Poughkeepsie that aim to increase capacity, reduce delays and shorten the potential travel times by up to 15 minutes each way for certain trips. Another goal is to shorten the “super-express” Metro-North Hudson Line trips from Dutchess County to less than 90 minutes.

Other improvements sought will be projects such as a second track at Spuyten Duyvil in The Bronx, interlocking, signaling and trackwork at Croton Harmon in Westchester and capacity improvements at Poughkeepsie Yard.

In addition, the MTA will execute a signaling redesign near Yonkers and climate resilience investments in the most vulnerable and highest ridership segments of the Hudson Line.

To further enhance transit options west of the Hudson River, the state is committing \$1 million to perform a tran-

sit analysis of opportunities to expand and maximize the impact of rail service and improve commuter transit to New York City and other key regional destinations.

Investing in Mass Transit

The FY26 Enacted Budget will add more than \$1 billion for Upstate, Downstate and special capital projects in other parts of the state. These include:

- \$349 million, up \$16 million, for Upstate transit systems;
- \$589 million, up \$37 million, for Downstate transit systems;
- \$220 million for non-MTA transit system support in capital funding;
- \$26 million in capital appropriations to the Niagara Frontier Transportation Authority (NFTA) for infrastructure and resiliency improvements.

Budget Note: As is customary, budget officials said that the top line number of \$254 billion does not include an additional approximately \$7 billion to pay off the state’s unemployment insurance debt. ■



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REGIONAL BID ALERT

NYSDOT Region 8

Bid Letting Date: May 22, 2025
New York State Department of Transportation
Contract Management
50 Wolf Road, 1st Floor, Suite 1CM
Albany, NY 12232

Contract: D265496
PIN# 881434

Project Description: Dutchess, Putnam Cos., sidewalks and ramps improvement - various locations.

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

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

Bid Letting Date: May 22, 2025
New York State Department of Transportation
Contract Management
50 Wolf Road, 1st Floor, Suite 1CM
Albany, NY 12232

Contract: D265499
PIN# 881581

Project Description: Dutchess Co., guiderail rehabilitation - I-84, Towns of Fishkill & East Fishkill.

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

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

Bid Letting Date: June 5, 2025
New York State Department of Transportation
Contract Management
50 Wolf Road, 1st Floor, Suite 1CM
Albany, NY 12232

Contract: D265509
PIN# SRCD25

Project Description: Bronx, Columbia, Dutchess, Kings, Nassau, New York, Orange, Putnam, Queens, Richmond, Rockland, Suffolk, Ulster, Westchester Cos., sign requirements contract downstate - Regions 8, 10 & 11, various locations. No plans.

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

Goals: MBE: 5.00%, WBE: 10.00%, SDVOB: 6.00%

Westchester County DPW

Bid Due Date: May 21, 2025
Contract: 23-526

Title: Roof Replacement, Westchester County Center, 198 Central Ave., White Plains, NY.

Description: This contract includes all of the labor, materials and equipment necessary to replace the roof at Westchester County Center in White Plains, NY. The roof replacements will include the installation of sheeting, insulation, flashing, and associated work.

Bid Estimate Range: \$8.5 million to \$9.0 million.

Mandatory Pre-Bid Inspection: Held April 28, 2025. MANDATORY attendance was required. Bids will be rejected from contractors not in attendance at this meeting, or those who failed to sign the attendance sheet.

Contact: Adam Kaplinski, 914-995-3991.

New York State Dormitory Authority

Bid Due Date: June 4, 2025

Title: City University of New York, Queens College, Rosenthal and Razran Elevator Modernization and Hazmat Abatement

Contract: CR6 General Construction

Project# 3631609999

Sealed bids for the above Work located at CUNY Queens College – Razran Hall, 66-40 Kissena Blvd. Flushing, Queens, NY 11367 and Rosenthal Library, 65-76 Kissena Blvd, Flushing, Queens, NY 11367 will be received by DASNY at its office located at 515 Broadway, Albany, NY 12207. Each bid must be identified, on the outside of the envelope, with the name and address of the bidder and designated a bid for the Project titled above. When a sealed bid is placed inside another delivery jacket, the bid delivery jacket must be clearly marked on the outside “BID ENCLOSED” and “ATTENTION: CONSTRUCTION CONTRACTS – LIANNE ALCANTARA.” DASNY will not be responsible for receipt of bids which do not comply with these instructions.

The Dormitory Authority of the State of New York (“DASNY”) has determined that its interest in obtaining the best work at the lowest possible price, preventing favoritism, fraud and corruption, and other considerations such as the impact of delay, the possibility of cost savings advantages and any local history of labor unrest are best met by use of a Project Labor Agreement (“PLA”) on this project. The successful low bidder, as a condition of being awarded this Contract, will be required to execute the PLA described in the Information for Bidders and included in the Contract Documents. See Section 18.0 of the Information for Bidders of the Contract Documents for additional information. All subcontractors of every tier will be required to agree to be bound by the PLA.

All bid openings will be made available for viewing live via Zoom at www.zoom.us. To enter the meeting, select “Join a Meeting” then enter Meeting Id 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 June 4, 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: Esteban Flores, Sr Field Representative, 65-30 Kissena Boulevard, Flushing, NY 11367-1592, (518) 461-4153, EFlores@DASNY.org (the Owner’s Representative) and DASNY at ccontracts@dasny.org. Contacts made to other DASNY personnel regarding this procurement may disqualify the prospective bidder and affect future procurements with governmental entities in the State of New York. For more information pursuant to this law, refer to DASNY’s website; <http://www.dasny.org> or the OGS website; <http://www.ogs.state.ny.us>.

Bid Due Date: June 5, 2025

Title: City University of New York, College of Staten Island, Main Pump House Rehabilitation and Associated Asbestos Abatement

Contract: CR 12 General Construction

Project# 3788709999

Sealed bids for the above Work located at College of Staten Island, 2800 Victory Boulevard, Staten Island, NY 10314 will be received by DASNY at its office located at 515 Broadway, Albany, NY 12207. Each bid must be identified, on the outside of the envelope, with the name and address of the bidder and

designated a bid for the Project titled above. When a sealed bid is placed inside another delivery jacket, the bid delivery jacket must be clearly marked on the outside “BID ENCLOSED” and “ATTENTION: CONSTRUCTION CONTRACTS – LIANNE ALCANTARA.” DASNY will not be responsible for receipt of bids which do not comply with these instructions.

The Dormitory Authority of the State of New York (“DASNY”) has determined that its interest in obtaining the best work at the lowest possible price, preventing favoritism, fraud and corruption, and other considerations such as the impact of delay, the possibility of cost savings advantages and any local history of labor unrest are best met by use of a Project Labor Agreement (“PLA”) on this Project. The successful low bidder, as a condition of being awarded this Contract, will be required to execute the PLA described in the Information for Bidders and included in the Contract Documents. See Section 18.0 of the Information for Bidders of the Contract Documents for additional information. All subcontractors of every tier will be required to agree to be bound by the PLA.

All bid openings will be made available for viewing live via Zoom at www.zoom.us. To enter the meeting, select “Join a Meeting” then enter Meeting Id 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 p.m. local time on June 5, 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>.

For more information pursuant to this law, refer to DASNY’s website; <http://www.dasny.org> or the OGS website; <http://www.ogs.state.ny.us>.

A Pre-Bid Meeting was scheduled on April 17, 2025, at 1:00 PM at College of Staten Island, DASNY Trailer at Building 2M, Staten Island, New York 10314. Contact Kevin Leavy at 518-322-2926. All prospective bidders are strongly encouraged to attend.

The plan holders list and a list of interested subcontractors and material suppliers may be viewed at DASNY’s website: <http://www.dasny.org>.

Bid Due Date: June 12, 2025

Title: Office of Mental Health, Brooklyn Children’s Psychiatric Center, Boiler Replacement and Temporary Boiler Installation Project

Contract: CR10 General Construction

Project# 3677809999

Sealed bids for the above work located at Brooklyn Children PC, 1819 Bergen St, Brooklyn, NY 11233, 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 – TRACEY MEYER.” DASNY will not be responsible for receipt of bids which do not comply with these instructions.

The Dormitory Authority of the State of New York (“DASNY”) has determined that its interest in obtaining the best work at the lowest possible price, preventing favoritism, fraud and corruption, and other considerations such as the impact of delay, the possibility of cost savings advantages and any local history of labor unrest are best met by use of a Project Labor Agreement (“PLA”) on this Project.

All bid openings will be made available for viewing live via Zoom at www.zoom.us. To enter the meeting, select “Join a Meeting” then enter Meeting Id 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 p.m. local time on June 12, 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>. For more information pursuant to this law, refer to DASNY’s website; <http://www.dasny.org> or the OGS website; <http://www.ogs.state.ny.us>.

A Pre-Bid Meeting was scheduled on May 15, 2025, at 10:00 a.m. at 1819 Bergen Street, Brooklyn, NY 11233. Contact Mark Igel at 518-641-2781. All prospective bidders are strongly encouraged to attend.

Bid Due Date: June 18, 2025

Title: City University of New York, Brooklyn College, IT Fiber Optic Replacement and Associated Asbestos Abatement

Contract: CR16 General Construction

Project# 3633009999

Sealed bids for the above Work located at Brooklyn College, 2900 Bedford Avenue, Brooklyn NY 11210, 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 SAAR.” DASNY will not be responsible for receipt of bids which do not comply with these instructions.

The Dormitory Authority of the State of New York (“DASNY”) has determined that its interest in obtaining the best work at the lowest possible price, preventing favoritism, fraud and corruption, and other considerations such as the impact of delay, the possibility of cost savings advantages and any local history of labor unrest are best met by use of a Project Labor Agreement (“PLA”) on this Project. The successful low bidder, as a condition of being awarded this Contract, will be required to execute the PLA described in the Information for Bidders and included in the Contract Documents. See Section 18.0 of the Information for Bidders of the Contract Documents for additional information. All subcontractors of every tier will be required to agree to be bound by the PLA.

All bid openings will be made available for viewing live via Zoom at www.zoom.us. To enter the meeting, select “Join a Meeting” then enter Meeting Id 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 June 18, 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>.

For more information pursuant to this law, refer to DASNY’s website; <http://www.dasny.org> or the OGS website; <http://www.ogs.state.ny.us>.

A Pre-Bid Meeting was scheduled on May 29, 2025, at 10:00 a.m. at Brooklyn College, DASNY Field Office, 6 Campus Rd, Brooklyn, New York 11210. Contact Jason Wiatr at 929-355-5990. All prospective bidders are strongly encouraged to attend.

The plan holders list and a list of interested subcontractors and material suppliers may be viewed at DASNY’s website: <http://www.dasny.org>.

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

Safety Watch

Failure to Keep Trench Edges Clear From Hazards Draws OSHA Citation

By COSTAS CYPRUS, ESQ.

The perils of cave-in or trench collapses are well-documented in this *Safety Watch* series, given the large number of workers who have died from such instances. Construction companies must ensure that all proper safety precautions are taken during excavation activities, including the use of proper shoring or use of trench boxes.

Relatedly, companies must

also ensure that equipment and spoil piles are placed at a safe distance from the

away—to prevent collapse/ cave-ins of trench walls and avoid materials and equip-

The recent decision in *Secretary of Labor v. Montroy Development LLC* affirms the

Following the CSHO’s inspection, OSHA issued various citations against Montroy for improper cave-in protections and for failing to have adequate protection from materials or equipment for workers in excavations.

edges of any excavated trenches—at least two feet

ment from falling in and striking workers.

need to keep trench edges clear at worksites. This



matter did not involve an accident or anonymous call regarding unsafe practices. Rather, it originated through OSHA’s national emphasis program (NEP) to address the hazards of excavations that can lead to “high fatality” situations. OSHA’s NEPs are temporary programs focused on specific and particular workplace hazards and high-hazard industries, which sets forth that OSHA’s Compliance Safety and Health Officers (CSHOs) shall initiate inspections under a NEP as to Trenching and Excavation, whenever they observe an open trench or an open excavation, regardless if a violation is readily observed.

On May 8, 2023, a CSHO was driving by a worksite in Camillus, NY and noticed an excavation site where a person appeared to be standing on the edge of the excavation speaking with someone in the excavation. The CSHO parked her vehicle and began her investigation by taking video recordings, photographs and measurements at the excavation. She also interviewed individuals at the site, including the owner of Montroy Development, LLC, David Montroy—who was the individual initially observed standing at the edge of the excavation—along with a Montroy worker who had been in the excavation and another individual observed in the excavation.

The CSHO observed the lack of adequate protective systems (no shoring or trench box). The excavated materials did not consist of stable rock, and Mr. Montroy admitted not knowing the soil type. In fact, the soil included aggregate, supporting that it was of a loose type or classification.

The excavation site also

Please Turn to Page 20



MHACY
Municipal Housing Authority
for the City of Yonkers

RFP 2025-04: General Construction, Electrical Upgrades at Palisade Towers

The Municipal Housing Authority for the City of Yonkers is soliciting bids from qualified general contractors and electrical contractors. The Project will upgrade the electrical infrastructure across eight residential buildings to support full electrification, replacing a failed gas system that previously serviced the site. The scope includes installation of new secondary feeders, panel upgrades, and conduit runs to accommodate electric domestic hot water, heating, and cooking systems. Contractors will be responsible for completing all electrical work necessary to prepare the property for new HVAC and DHW systems to be installed under a separate contract. This bid is for the electrical scope only.

Access the forms:
www.mhacy.org/rfp-2025-04-general-construction-electrical-upgrades-at-palisade-towers

Safety Watch Continued from P.19

had various spoil piles consisting of the excavated materials. One of these spoil piles was right at the excavation's upper edge, between the path of egress from the excavation and the CAT excavator, and one could not distinguish the separation from the spoil pile and the excavation's beginning. The excavator was at the edge of the spoil pile and parked at a slight angle to the excavation's rim, with a portion

of its tread appearing over the upper part of the excavation.

Given the observed dangers, the CSHO did not enter the excavation but rather assessed the excavation's depth by placing a stud board across the excavation and using a measuring tape suspended from a rod to determine the distance between the ledge and the bottom of the stud board, measuring a depth of at

least five feet, which was also confirmed by her other observations.

From the CSHO's inspection, OSHA issued various citations against Montroy: for improper cave-in protections and for failing to have adequate protection from materials or equipment for workers in excavations. Under the applicable federal safety regulation, equipment and materials, including excavated mate-

rials that can "pose a hazard for falling or rolling into an excavation..." must be placed "at least two feet (.61 m) from the edge of excavations, or by use of retaining devices...or by a combination for both if necessary."

The Citation alleged that Montroy violated this safety standard by not protecting employees from excavated materials and the excavator's tread, protruding over the edge, also constituted a

struck-by hazard for workers such as falling or rolling-into the excavation.

Montroy contested the citations. After a hearing, the Administrative Law Judge found that photographic and video evidence confirmed that materials and equipment were within two feet of the excavation even if the CSHO acknowledged that she did not physically take measurements of the distance (as it was unsafe to do so at that time).

The excavator and spoil pile were along the upper edge of the excavation and that there was no "discernible distance" between the excavator's tread and the top of the excavation, while the end of spoil pile aligned with the excavation's edge. Montroy's attempts to rebut and refute this evidence were found unavailing. Although Montroy's employee claimed that while the CSHO was investigating, he had measured the distance between the excavator and the excavator's edge, showing a distance of approximately five feet, he then corrected his prior statement to allege that it was 28 inches. However, even this revision lacked any corroborating photographic evidence, while the CSHO's testimony and her photographs showed there was no distinction between the excavation edge and excavator tread and her testimony was found to be more credible. Similarly, the ALJ found both the CSHO's testimony and her photographic evidence more credible, showing no distinction between the spoil pile and the excavation edge. Moreover, the violative condition was "readily apparent" to the individual that had the authority to abate the hazards. Consequently, the ALJ affirmed the citation against Montroy. ■

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.*



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LOW BIDS

Paleen, Northbrook, Grace, Morano Brothers, Harrison & Burrowes Win NYSDOT Projects

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

Paleen Construction Corp. of Somers, NY was the lowest of three bidders at \$2,000,000.00 for culvert job order contract (JOC) at various locations in Columbia, Dutchess, Orange, Putnam and Ulster counties.

Paleen Construction Corp. of Somers, NY was the lowest of six bidders at \$2,094,135.19 for resurfacing - Route 312, west of Metro North Railroad to Route 22 in the Town of Southeast in Putnam County.

Northbrook Contracting Corp. of Peekskill, NY was the lowest of six bidders at \$5,665,000.00 for culvert replacements at various locations in Orange and Ulster counties.

Harrison & Burrowes Bridge Constructors, Inc. of Glenmont, NY was the lowest of three bidders at \$16,375,163.75 for bridge rehabilitation at various locations, in Rockland and Westchester counties.

Grace Industries Inc. of Melville, NY was the lowest of six bidders at \$36,623,550.00 for concrete pavement repair at various locations in Westchester County.

Morano Brothers Corp. of Croton-on-Hudson, NY was the lowest of six bidders at \$2,044,227.50 for pavement resurfacing on Route 134 in the towns of North Castle and Ossining in Westchester County. ■

Grace Industries, Metropolitan Win Westchester DPW Work

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

Grace Industries, LLC of Melville, NY was the lowest of three bidders at \$15,070,380.00 for runway 16/34, shoulders and edge lighting rehabilitation at the Westchester County Airport in the towns of Harrison and North Castle and Village of Rye Brook, NY.

Metropolitan Construction Corp. of Hicksville, NY was the lowest of five bidders at \$1,658,443.21 for exterior renovation and repairs at 112 East Post Road in White Plains, NY. ■

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What's New & Who's News

NYSDOT Region 8's Lance MacMillan Moves On...

New York State Department of Transportation Commissioner Marie Therese Dominguez joined dozens of colleagues on May 1 to celebrate retiring Hudson Valley DOT Regional Director Lance MacMillan who stepped away in April after nearly 32 years of public service with DOT.

He said transition to retirement is always bittersweet but he exits this chapter “with a deep appreciation of the incredibly talented people who have crossed my path throughout my career,” he said. “Thank you to all who have supported and challenged me along the way.” ■



NYSDOT Commissioner Marie Therese Dominguez with retiring Hudson Valley Regional Director Lance MacMillan.

Photo Credit/HEATHER PILLSWORTH

NYS Bridge Authority Opens Summer Internship Program

HIGHLAND, NY—The New York State Bridge Authority (NYSBA) Summer Internship is a 12-week, full-time, paid program that offers opportunities for motivated and high-potential individuals interested in building a career at the public transportation authority. Applicants gain meaningful work experience during the program and gain exposure to real-world projects and experts in the field.

Interns are paid \$20 per hour and must be 18 years of age, have a valid driver's license, pass a drug screening and physical exam at orientation. The program also offers a Career Awareness component every other Friday to build cross-functional expertise and to allow time to develop functional, technical and leadership competencies. In addition to the day-to-day exposure to projects

and skills at NYSBA, interns will have the opportunity to meet with senior leadership from many different departments. To maximize interns' learning, the program provides both job experience and hands-on classroom instruction. Scheduled workshops are incorporated into the workday to increase career awareness in the transportation industry in addition to focusing on building

leadership, communication skills and time management. **What it All Means** Those completing the 12-week program will have valuable insight into career paths available at NYSBA and other local industries through hands-on exposure. The program also teaches the soft skills of discipline and socialization and working as a team on a full-time basis. Internships also pro-

vide insights into career goals as participants discover what they enjoy doing and what they're good at. "Completing the Summer Internship Program prepares individuals for their next career move with a direct line to potential NYSBA job opportunities," according to the Bridge Authority. For more NYSBA information, go to www.nysba.ny.gov/summer-internship-program. ■

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