

**February 15, 2017**  
**The FAIR Committee**  
Carley J. Hill, Chairwoman

Thank you to the honorable members of our legislature for hearing the testimony of the FAIR Committee today. We are a Western New York based organization with a 35 year history of voicing the concerns of labor, suppliers, engineers and the contracting community. We advocate for needs-based allocation of infrastructure funding, primarily for the road, bridge and transportation systems of our community. As the chairwoman of the organization, as well as an employee of a heavy highway construction firm I come to ask for your help and leadership with the concerns facing our industry.

**I will focus on 5 main points**

**Unfunded Mandates**

**Safety Deficiencies**

**Electronic Toll Collection**

**Capital Cuts- Affects on Labor**

**The State and The Nation**

**UNFUNDED MANDATES**

In NYS we have one of the highest M/WBE goal ambitions in the country. The pressure this program puts on the agencies, as well as the entire contracting community to achieve these goals is unrealistic and outdated.

This program has been active for 30 years, we have been waiting for a disparity study that has yet to be released on the results of the program. We are beginning to wonder- what's the hold up? I am routinely told by certified firms that they cannot bid our projects as the work is out of their scope or they are already over committed. I am regularly informed by agencies that they are fearful of audits, that if we can't get to the goal they will be held accountable with some form or another of liquidated damages or a withdrawal of funding. I have to remind them- paving mainline highways is not like renovating post offices and the risk is entirely on the contractor. It took our company 65 years to earn the reputation we have with the public and agencies. To create true Opportunity, we recommend allowing firms to participate in a certified mentoring and education program designed to improve the abilities of up and coming generations at managing a business, keeping grade in the field, upholding traffic control methods. This could have great impact, is definitely needed and would be a forward-thinking, alternative approach to instituting and attaining the goals of the M/WBE program.

**SAFETY DEFICIENCIES**

Safety improvements are vital to all motorists in WNY, we are especially concerned with the lack of funding for the upgrade of Route 219. Just last month, a mother and her 3 boys were in a two car accident when another vehicle ran the stop sign at the absolutely deficient and poorly designed 219/ Peters Rd exchange. This mother has been in critical condition for 5 weeks with over 15 fractured bones, serious head injuries and her children are suffering from whiplash and conclusive damages. If you haven't experienced it yourself, let me describe it for you. This incomplete, slapdash intersection forces all traffic-commercial, heavy truck, tourists visiting the regional destinations, buses- to make a non-intuitive transition from highway driving to rural road maneuvering. This cluster point puts rural motorists, Amish families well as heavy truck traffic into a position of navigating swift reductions in speed on the highway, to a hard right, then another hard left. There have been multiple accidents along this sorely outdated trade and tourism corridor. The FAIR Committee urges the legislature to demand the DOT follow through on their financial commitment to the EIS and do something about this before someone is killed. A properly funded, phased upgrade is our recommendation.

**ELECTRONIC TOLL COLLECTION**

Although the 21st century system of electronic toll collection has been embraced in cities and countries around the world from Brazil, London, Rome, Milan, Australia, Singapore to Pakistan and France it has yet to happen in New York State. Other states which have evolved include, but are not limited to New Jersey, Pennsylvania, Delaware, California, Florida, Texas- 80% , 1.4m drivers in Illinois alone utilize these systems. It mitigates congestion, creates job opportunities in technology positions and provides efficiencies for trade and trucking

that are sorely needed. How many people are sitting here with a smart phone in their pocket? The thought that this modernization of our transportation system threatens our privacy is completely unsubstantiated in the society we live in. We are constantly transponding our locations, our opinions, even who we are with. The privacy concerns are outdated alternative facts- between e-Cash and modern cryptography methods, all the consumer protections we could need are available.

#### **CAPITAL CUTS- AFFECTS ON LABOR AND THE ECONOMY**

But, thoughts of cutting the NYSTA's Capital Program to establish high speed electronic toll collection are very real, foolhardy and misguided. This unfunded ambition will have an especially devastating affect on labor in WNY. Due to the stagnant DOT program and our highly degraded thruway lane miles, Region 5 is counting on the Capital program of the NYSTA to keep our workforce and economy going. For your reference- a \$60m dollar Capital program cut will eliminate 200,000 tradesman and trucking hours from the region with no replacement. This wouldn't even include off site suppliers, Management, support staff, inspectors, food services, fuel deliveries, the list of economic drivers from these capital projects goes on. If Capital program cuts are allowed to happen, the leadership will be closing the door on 200 jobs sorely needed in the horizontal construction field of WNY. We would like to highlight- High speed toll construction is largely done by out of state technology firms and does not address the lane reconstruction nor bridge improvements that are so needed. These lane mile and overpass improvements have been committed to by the board of the NYSTA and our community expects them to honor these commitments. We are asking the leadership to face reality, stop passing the buck onto the citizens with increased idle times and wear and tear on their vehicles. Do not gut our workforce, do not put off addressing the safety risks that increase with each passing year living in a program of preventative maintenance versus funding the true reconstruction of an aged system.

We are tired of sound bites and camera ready moments that fade and dim with the truth of inaction, restrictive bureaucratic red tape and the lack of real delivery. The BRIDGE NY program is burying the locals with administrative redundancies as well as unnecessary legislative approvals in the post-selection delivery phase. Issues with getting DOT agreement approvals, budget, design, ROW and construction agreements in place will delay and drag this program out, threatening its ability to actually deliver on the promise of jobs and improvements to our infrastructure. We respectfully ask the legislature and the DOT to take the shackles off of the locals by reducing these overarching and controlling measures. Trust the people who you selected, or we fear everyone will be looking at 2 years of a program that has nothing to show for all the pomp and circumstance that went into announcing it.

#### **THE STATE AND THE NATION**

My final comments are with regard to the significant concerns we have with the deep divisions between the State and the Nation. Specifically out in Western New York, I am referring to the great Seneca Nation.

Someone here needs to put on their big boy pants and get through this wall of Us vs Them. Such a level of maturity and cooperation does not appear to be forth coming from the leadership any time soon. Bridges have been closed for years, the thruway is deteriorating beyond belief and the economy of this furthest region of NYS is stagnating. We employ many tradespeople from the Nation, we look forward to working with them as a stakeholder and are frustrated by the inability of our appointed and elected officials to find a path through this challenging course. This is doing severe damage to the western edge of the states trade corridor, and all the investment that has been made from points east and west of the territories will suffer along with it. Our collective progress is the key to our growth, we beseech you to look within your own strengths and bring that to the table, respect the voice of others without losing your own and show us how leadership, vision and cooperation works.

In WNY, this system is failing us and we are struggling in the heavy highway industry to stay afloat, much less grow. It is so uninspiring and disappointing to see the potential and our history as the greatest State in the Nation squandered. I don't know what to say when our employees ask why there aren't more hours, or how will we keep the pensions alive or should they get that new car, make that home improvement this year? You don't repair the first and second floor of your home without fixing the stairs and let me tell you- the treads on the stairs are worn out and already people are falling through the cracks.