“May the force be with you”

Inside the NCPD MCSU: Inspectors and protectors.
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Inside:
Operation Hard Hat
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Sgt. Michael O’Connor
Commanding Officer,
Nassau County Police Department
Motor Safety Carrier Unit
For nearly 30 years, Castellano, Korenberg & Co. has specialized in providing tax and accounting services to the real estate and construction industry. We help our clients achieve success by providing technical expertise, customized business solutions, and personalized attention.

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BETWEEN THE LINES: LICAs Executive Director Marc Herbst addresses the dangers of construction work and what some are doing to “Secure our Safety”

NEWS & VIEWS: Consultant Desmond Ryan shares his thoughts on the Commission’s report addressing Campaign Finance and Electoral Reform.

LEGAL: James Finn of Rivkin Radler discusses the finer points of indemnification contracts and what you better be sure you’re really getting it right.

ENGINEERING: Learn about new LICAs member Hayduk Engineering & the extensive capabilities of this Service-Disabled Veteran Owned Small Business.

ACCOUNTING: Daniel Castellano of Castellano, Korenberg & Co. CPA’s shares some important tips on year-end tax planning for contractors.

NOT-FOR-PROFIT: AAA is both a key ally on the road and a powerful advocate in the fight to fix & fund our region’s transportation infrastructure.

COVER STORY: Be sure to read about this “force for good” in our cover story with Sgt. Michael O’Connor of Nassau County’s Motor Carrier Safety Unit.

Q&A COMMANDER’S CLIPS: Gain a little more insight—and perhaps have a good laugh—at a few clips from our cover man, Sgt. O’Connor of the MCSU.

OPERATION HARDHAT: Read how the Dept. of Transportation is teaming up with State Police to focus on protecting highway & emergency workers.

POLITICAL PERSPECTIVES: Suffolk County DA Tom Sini discusses his office’s efforts to combat crime, increasing safety & leveling the playing field.

UNION: Suffolk County Highway Patrol (like their Nassau Co. colleagues) discusses their efforts and cooperation with DOT to help keep motorists safe.

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Long Island ROAD WARRIORS is the official magazine of the Long Island Contractors’ Association, Inc. (LICA). LICA represents the interests of the region’s premier heavy construction general contractors, subcontractors, suppliers and industry supporters. Focused primarily in the transportation infrastructure construction industry such as highways, bridges, rail, sewers and other public works, LICAs member companies play a significant role within Long Island’s Nassau and Suffolk Counties. The economic impact of the industry contributes $4 billion to the area’s local gross regional product.

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From A to Z
We’ve Got You Covered.
Developers to contractors, AVZ has your back.
Securing Our Safety

While the heavy construction industry focuses on the proper construction and maintenance of our roads, rails, bridges and other infrastructure, there is another critical component that must be a focus on every project... worker safety. In addition to the standard precautions and protections utilized on-site such as: hard hats, reflective gear, harnesses, safety cones, crash barriers, caution lights and warning signs, there are additional plans—and people—which contribute to keeping our workers safe in construction zones.

Work zone traffic control must not only provide a safe area for workers to operate within the roadway, but it must do so while facilitating the safe and orderly flow of what can often be heavy traffic including: local motorists, truck drivers, bicyclists and pedestrians. As most contractors know, great attention is placed on the maintenance and protection of traffic (MPT) for public works contracts. Every MPT plan must be specially tailored to address the specific conditions at the actual work sites.

Despite a well-formulated and perfectly executed MPT plan, there is still a grave and sometimes deadly, danger on the road... motorists. Drunk, distracted and impaired drivers, whether under the influence of alcohol, narcotics or their cell phones, are always a threat on our highways. In 2017, there were three worker fatalities in New York highway work zones. Nationally, worker fatalities numbered 132, far too many hard-working men and women who showed up for work yet didn’t make it back home at the end of the day (or night).

Night work, being particularly dangerous, often calls for the assistance of our State Police and/or Nassau and Suffolk County's finest. Sadly, too many motorists will ignore construction warning signs. However, the flashing lights of a police car will often raise driver awareness and help reduce speed. Their noticeable presence and assistance is invaluable to our industry.

Behind the scenes, there are others in blue who also work to help keep the travelling public and construction workers safe—the Nassau County Police Department (NCPD) Motor Carrier Safety Unit (MCSU). By inspecting vehicles and their operators for compliance with important safety regulations, including safe braking and mechanical operation as well as proper load securement, they too play an important role in providing a safe environment for our industry’s workers.

This edition of Long Island Road Warriors is pleased to highlight this group of “safety guardians” known as the MCSU, led by Commanding Officer Sergeant Michael O’Connor. We hope you enjoy the information he shares and appreciate the contribution his unit makes for the safety of everyone who lives and travels on Long Island during this holiday season and every day of the year. Enjoy!

Sincerely,

Marc Herbst
Executive Director
Long Island Contractors’ Association
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Indemnity Contracts: You got this, right?
by James R. Finn, Associate - Rivkin Radler General Liability Practice Group

The rising number of construction projects on Long Island and in New York City has resulted in a substantial increase in new construction jobs over the past few years. The New York State Office of the State Comptroller reports that the construction industry added 91,600 construction positions over the last eight years, which has resulted in approximately 30% more construction jobs than the state had in 2010. New York State currently has the fourth-largest construction industry in the nation, surpassed only by California, Texas and Florida – three states with larger populations than New York. Unfortunately with increased construction, New York City has seen an increase in construction-related injuries and fatalities of more than 12% in one year between 2017 and 2018.

While the construction surge is certainly favorable to the building industry, the corresponding increase in claims for construction-related injuries and deaths means that there is a significantly greater chance that contractors will face exposure for personal injury claims of injured workers at a job site. It is more important than ever for general contractors and other companies hiring subcontractors to protect themselves from liability for construction accidents and to shift responsibility for these accidents to the party that caused them. This shift is called indemnification, which is the legal term for the transfer of risk from one party to another. In the context of construction agreements, indemnity provisions can serve to contractually require a subcontractor or sub-subcontractor to defend and indemnify another party for claims relating to its negligence or the negligence of its employees. The discussions concerning these provisions ideally should occur at the planning stage of the project when the project’s scope is being defined.

It is not uncommon, however, for a subcontractor to be hired to perform work while the contract terms are still being negotiated. In fact, important completion deadlines sometimes result in a subcontractor beginning work before the contractual terms of the relationship have been fully negotiated and accepted by the parties. These situations should be avoided at all costs, since they can lead to disastrous results.

For example, I recently handled a personal injury claim where a subcontractor was hired to perform work on a rushed basis, because of an imminent completion deadline. Due to the pressure to complete the project on time, the terms of the contract were not negotiated before work began and the written contract was not sent to the subcontractor until the second day of the project. Unfortunately, one of the subcontractor’s employees was seriously injured on the very first day of work, when his foot was run over by a construction vehicle operated by his coworker.

The injured worker received Workers’ Compensation benefits through his employer’s policy, but he also filed a lawsuit against the general contractor who hired his employer and the owner of the premises based on an alleged violation of New York Labor Law Statutes. The exclusive remedy provision of Workers’ Compensation Law § 11 prohibited the injured worker from filing a direct claim for his injuries asserted against his employer. When the injured worker’s employer was advised that the owner and general contractor were being sued, the employer denied having any obligation to defend and indemnify the general contractor or owner, since the contract terms had not been negotiated and accepted by the subcontractor before the accident. As such, the general contractor and owner were left facing potential statutory liability for the worker’s injuries, despite the fact that the incident was caused by the alleged negligence of the subcontractor’s employee. This example illustrates the importance of negotiating all contract terms and obtaining a fully executed contract before any work begins.

With regard to indemnification agreements, an ounce of prevention can be worth infinitely more than a pound of cure. Unsigned or unartfully drafted agreements can potentially leave a contractor open to direct exposure, even when the accident or incident was solely caused by a subcontractor’s negligence. It is in a contractor’s best interest to develop clear and defined construction agreements that adequately discuss the indemnification obligations of any subcontractor it retains, and to ensure that fully executed contracts are obtained before any work begins.
Equipment

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- Crushers
- Dozers
- Haul Trucks
  - Rigid & Articulated
- Excavators
- Graders
- Ground Engaging Tools
- Hydraulic Tools & Attachments
- Material Handlers
- Milling Machines
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Hayduk Engineering: Then & Now

In 1984, Stephen G. Hayduk, PE entered private practice, drawing on his years of experience in the field of consulting engineering in the private and municipal sector. Originally formed as a sole proprietorship, Hayduk Engineering was soon incorporated as a professional corporation under the laws of the State of New York governing professional practice.

Over the course of the next few years, Hayduk Engineering was molded into a close-knit organization of engineers and technicians which won the respect of its clients, its colleagues in the professions, and regulatory agencies throughout Long Island and New York State, and nearby states. In March 1992, as a result of the reputation of the firm and of its principal, newly elected County Executive Robert Gaffney appointed Mr. Hayduk as the Commissioner of the Suffolk County Department of Public Works. Out of necessity, Mr. Hayduk closed the consulting firm for the next five years, to concentrate on the diverse and important tasks required of him during his tenure as Commissioner of this 900-employee department.

Although his position as Commissioner was professionally gratifying and rewarding, Mr. Hayduk decided to return to the private sector in 1997. For the next few years he operated Hayduk Engineering as a sole proprietorship once again, until early 2002, when he reorganized the firm as a professional limited liability company, Hayduk Engineering, LLC. Since its inception, Hayduk Engineering has been a multi-faceted firm whose diversified staff, who possess special skills and talents, work in a team approach to its assignments and projects.

Today, Hayduk Engineering effectively coordinates its engineering team to provide high quality, cost effective service to its clients. As a closely held firm, all projects are personally managed and overseen by Mr. Hayduk, the sole officer of the company, providing the hands-on individual attention required to properly execute each assignment. Since its inception in 1984, Hayduk Engineering has steadily grown from a one-person consulting engineering firm, to a firm of over 20 professional, technical and administrative personnel.

Beyond technical expertise, to which extent the firm is a recognized leader in the region, Hayduk Engineering prides itself in client service, attention to special needs, and communications. Whether managing a project similar to numerous others or breaking new ground with an innovative design or investigative study, this personal touch is a trademark for which Hayduk Engineering is known. The firm’s noteworthy reputation is built upon this solid foundation of technical capability and personal service.

Twelve years ago, Mr. Hayduk had the good fortune to initiate the expansion of the practice in a meaningful way, with the addition of his son Stephen A. Hayduk, IE to the staff. Over the ensuing years the team of both senior and junior Hayduks has jointly developed our firm into what it is today and is committed to progressing it into the future.

In December 2015, Hayduk Engineering received its certification from the State of New York as a Service-Disabled Veteran-Owned Business. Hayduk Engineering is also federally certified as a Service-Disabled Veteran-Owned Small Business (SDVOSB).

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- Structural Engineering
- Construction Inspection & Administration
- Sanitary Engineering
- Site Planning
- Environmental Engineering
- Mechanical and Electrical Engineering

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- Van Wyck Expressway/JFK Access Improvements
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Effective tax planning for contractors centers around the ability to show a greater net worth on the contractor’s year end financial statement than on it’s tax return. The key to accomplishing this is to be able to accelerate deductions or defer income on the tax return. Therefore, year end tax planning coincides with a company’s profit planning for it’s year end financial statement. The financial statement is a major determinant in increasing bonding programs and banking credit lines so a healthy financial statement with a reasonable tolerance for taxes is the key ingredient.

Some ways to accomplish this are as follows:

**Choice of Tax Method:**
The Tax Cuts and Jobs Act (“TCJA”) increased the revenue threshold for utilization of the cash basis method for taxes to $25 million. A successful, sustainable construction business is ultimately about cash management. The cash basis method provides the contractor tax deferral and therefore the cheapest form of financing for their company.

**Section 199A Deduction**
“TCJA” introduced the “QBI” (Section 199A) deduction for specified businesses, including contractors. The 2018 filing season was our first chance to see how this new deduction would benefit our contractor clientele. Overall, the 20 percent qualified business income (“QBI”) deduction provided significant tax relief for eligible business owners. While planning ahead for the upcoming tax season, wage levels for the business can have a big effect on the “QBI” deduction since Section 199A is limited to 50% of W-2 wages.

**Fixed Asset Planning**
Two fixed asset planning strategies – Section 179 expensing and bonus depreciation – became even more valuable for business owners after tax reform. The Section 179 small business asset allowable expense limit increased to $1 million, with phase-out thresholds raised to $2.5 million. The definition of qualified property for commercial property was expanded to include roofs, HVAC and fire alarm systems. Bonus depreciation doubled to 100% and was expanded to include used assets, beginning with assets acquired and placed in service after 2017.

**Research and Development**
If you answer yes to any of the questions below, a construction company may be eligible for the research and development (“R&D”) tax credit, a dollar for dollar reduction against taxes currently owed or previously paid in the prior three years.

Does your company:
- Develop new, improved or more reliable concepts, products, processes, techniques, or formulas?
- Develop and/or implement new materials, technology or processes to improve project or internal efficiencies?
- Design for LEED/Green initiatives?
- Apply for patents?
- Conduct environmental testing?
- Test new technologies or products?

The R&D tax credit is available to businesses of all sizes, not just major corporations with research labs, and many contractors are eligible, with an expansive list of activities that qualify for the credit.

Daniel A. Castellano, CPA, Managing Partner of Castellano, Korenberg & Co., CPA’s, P.C. specializes in strategic planning and tax planning for closely-held construction companies and their executives. He also possesses practical experience in surety and banking enhancement, mergers and acquisitions and financial negotiations. Dan has authored numerous articles and is a frequent lecturer of construction accounting and taxation to bonding companies and banks.
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AAA is a not-for-profit Federation of motor clubs serving more than 60 million members in North America. For over one hundred years, AAA has been dedicated to promoting safe mobility through education, advocacy and research. This remains a key part of our mission today.

While AAA is engaged on a variety of issues ranging from travel and tourism, to automotive engineering and emerging vehicle technology, one of our core advocacy issues has always been transportation infrastructure funding.

Next year will be a critical year on this front in both Washington, D.C. and at the state Capitol in Albany. That is because the Federal long-term surface transportation fund program expires in September of 2020. And at the State level, New York State DOT’s next five-year capital plan for road, bridge and non-MTA transit funding will have to be renewed by lawmakers in Albany.

This will not be an easy challenge for our elected officials. Indeed, the most significant factor contributing to the state of disrepair and overwhelming backlog of surface transportation projects is insufficient and unsustainable funds, at both the state and federal levels. AAA believes strongly in enacting long-term funding strategies to address these deficiencies in order to improve driver safety, and mobility and continue to modernize our transportation systems.

Some of our key priorities include:

• Increasing the Federal gas tax, a tax that has remained unchanged since 1999, provided that the additional funds generated are spent on transportation improvements that ease congestion and increase safety and are not diverted to unrelated programs.

• Continued evaluation of alternative funding solutions including road usage charge (RVC) programs to establish whether there is an appropriate successor to fuel taxes for the longer term. Such evaluations are necessary due to lower projected gas tax revenue as vehicles become more energy efficient.

• And finally, AAA conducts comprehensive ongoing examination of tolling proposals proposed by tolling authorities in New York State and traditionally opposes toll increases that direct funds, from non-transportation related projects. On that front we are keenly awaiting plans to fund New York State Thruway capital projects, post 2020 when the system wide “toll freeze” sunsets.

AAA applauds LICA’s leadership and dedication to improving our state’s infrastructure and its advocacy for effective and sustainable funding. LICA’s leadership has consistently utilized its voice and influence with elected officials to draw attention to the Long Island’s regions dire infrastructure needs, as well as calling for real solutions to address those issues.

AAA’s 60 million members depend on quality roads, bridges and transit systems that your members re-build and improve for their daily needs. We look forward to working alongside LICA’s leadership to achieve our shared goals in Washington and Albany in 2020.
Shortly after I finished my interview with Sgt. Michael O’Connor, Commanding Officer of the Nassau County Police Department (NCPD) Motor Carrier Safety Unit (MCSU), I happened to catch a preview of the next big Star Wars epic. Sparked by the preview (or the interview)—or both—I immediately recall the saga’s most famous line… “May the force be with you.” And although the “force” which Obi-Wan Kenobi referred to is something far less tangible than the MCSU, the power to do good is something they both share.

FROM BUILDER TO PROTECTOR

Sgt. O’Connor didn’t immediately see a future for himself in law enforcement. Prior to joining the force, Michael, one of six siblings, had a successful career in home construction. But destiny eventually prevailed as the youngest O’Connor decided to follow in the footsteps of his grandfather and two older brothers before him. Excelling at his new profession, Michael soon became Sgt. O’Connor and worked his way into supervisory positions in the Third Precinct and Highway Patrol Bureau before being named Commanding Officer of the Motor Carrier Safety Unit in 2017.

SO MANY TRUCKS, SO LITTLE TIME

As an Island with no major commercial rail or seaport distribution centers, nearly all of Long Island’s goods must be imported/exported by commercial motor vehicles. With such a large number of trucks on our highways, the job of inspecting them can be daunting, but the NCPD Motor Carrier Safety Unit, led by Sgt. Michael O’Connor, is up to the task.

The unit’s primary function, familiar to many in our industry, is to inspect vehicles that meet specific criteria which I’ll simplify as certain buses, most trucks and tractor trailers, as well as vehicles transporting hazardous materials. During the typical inspection (known as NASI Level 1) officers will check for proper licensing, operating authority, registration, insurance and mechanical operation.

This year alone (2019), the MCSU conducted more than 2,300 truck inspections, resulting in 291 operators being taken out-of-service and 1,262 vehicles being placed out-of-service due to a non-functioning critical safety item. These statistics indicate that an astonishing 60% of trucks inspected have at least one critical safety item violation and clearly illustrate why the MCSU is so vital. Although, contrary to some opinion, inspection for violations is not about meeting quotas or generating revenue. It’s all about safety of the traveling public. Just ask Sgt. O’Connor and his fellow MCSU officers.

In 2012, Nassau County alone had 13 fatal accidents involving commercial motor vehicles. To improve safety and reduce the number of accidents and fatalities, the MCSU is now as committed to education as it is to enforcement. Instead of simply issuing summons’, MCSU officers strive to educate drivers about potential hazards and inform them on proper procedures, maintenance and requirements. They believe their efforts, together with the members of NCPD Highway Patrol, will encourage operators and owners to be more diligent and proactive, resulting in fewer safety violations in the future.
IT STARTS AT THE TOP
Sgt. O’Connor proudly notes that the number of commercial motor vehicle fatalities in Nassau County for 2019 is down to just four, although that is still four too many. In addition to the good work of his unit and all the Highway Patrol officers, O’Connor credits much of the MCSU’s success to the vision and support of NCPD’s leadership under Commissioner Patrick Ryder, Deputy Commissioner Kevin Smith, Chief of Department Stephen Palmer and their staff in the Chief of Patrols Office (including Chief of Patrol Kevin Canavan, Assistant Chief Kenneth Lack and Deputy Chief Kenneth Mullane, along with Lieutenant Michael Franco, the Highway Patrol Bureau’s Commanding Officer).

According to O’Connor, it is their collective vision that has led the department to take a proactive stance for both enforcement and education. Their support has also provided his unit with the tools they need to be more effective, enabling them implement important safety measures in hopes of eventually reducing the fatality number to zero.

...O’Connor credits much of the MCSU’s success to the vision and support of NCPD’s leadership...

MORE THAN MEETS THE EYE
As it turns out, the seemingly simple “mechanical operation” portion of the inspection process, is not so simple after all. While observing a recent inspection in the field, Sgt. O’Connor rattled off a litany of items which MCSU officers are trained to identify and evaluate. In a matter of seconds, O’Connor quickly assessed the vehicle and began pointing out tell-tale signs indicating probable violations: Low tires and a concave trailer bed, a likely indication it’s overweight; the haphazard stacking and insufficient strapping of materials on the bed, making it a definite safety hazard; uncovered loose sand and gravel, a certain danger to any driver following behind (and a perfect recipe for a new windshield). The longer he looked, the more violations he found—now too many and too complex for me to follow.

Thinking I would ask an easier question, I inquired as to who is responsible for violations related to the truck’s contents. Sgt. O’Connor then explained how they must often sift through multiple layers of paperwork and a number of questions to determine the proper responsible party. Is the operator merely a paid driver for a company that leases the truck, but the materials inside the container are owned by another company? Or is it an independent delivery person, in a rented vehicle, transporting goods that belong to Amazon? The multitude of possible scenarios makes for a variety of different answers.

Between the number of potential violations and the amount of technical and mechanical knowledge needed, I see why MCSU officers are required to complete a full month of federally regulated training. Often, they are in joint training sessions with others from around the state. On occasion, they may also travel to another academy out-of-state to learn alongside colleagues who face similar challenges in order to share their collective knowledge.

THE GOOD, THE BAD AND THE UNINTENTIONAL
While the majority of operators understand and appreciate the importance of MCSU’s presence on our highways (despite the occasional summons), there are some owners/operators who disregard safety and purposefully attempt to cheat the system. Whether deemed too burdensome or too costly, these “bad operators/owners” put everyone in danger.

In addition to proper load securement, one of the most common and most dangerous problems the MCSU encounters is brake-related violations. Due to the high cost of brake replacement on large commercial vehicles, some owners will tamper with the braking system to lessen usage, thereby extending the life of the brake pads. Worse yet, some will attempt to completely disconnect the braking system of the rear trailer, leaving only the front cab braking system in place. Even a civilian motorist realizes that a cab’s brakes are no match for the forward motion of a trailer carrying ten tons of material. The potential for death and damage by an unstoppable tractor trailer is just one of the many reasons why the MCSU is on the job.

Luckily, real “bad guys” are more the exception rather than the rule according to O’Connor. However, he notes that an unintentional oversight by a “good” operator can be just as deadly as the deliberate actions of someone with bad intent.

WORKING TOGETHER
In a concerted effort to keep the traveling public safe, MCSU works cooperatively with other law enforcement organizations including the Suffolk County Police Department and New York State Troopers. They also work hand-in-hand with New York State Department of Transportation (NYSDOT) who officially regulates the L.I.E. weigh station near Exit 48. In addition to the weigh station location, MCSU will also deploy officers on other thoroughfares throughout Nassau to conduct periodic targeted enforcements during peak accident times.

Together, these organizations also play a major role in keeping Long Island construction crews safe in inherently dangerous highway work zones. Interaction between NYSDOT and MCSU often begins early in the design phase, when the contractor presents plans for a project. These plans are then reviewed by DOT and MSCU to determine the amount of police assistance needed to ensure sufficient protection. While many drivers ignore the yellow warning lights of a work zone, the presence of a police car with its flashing red and blue lights often garners attention— and gains compliance—to reduce speed.

continued on next page
The high incidence of distracted driving combined with excessive speed makes for a dangerous and sometimes deadly combination. And night work, as we all know, can prove even more hazardous for our crews and those who try to protect them, as evidenced by the deaths of two Highway Patrol officers a few years back.

Sgt. O’Connor also credits the implementation and use of new safety equipment such as impact attenuators with helping to reduce construction worker injuries, but notes that simple basics such as a high visibility vest or jacket for workers, officers or even a stranded motorist, can mean the difference between life and death... one more reason why MCSU is laser-focused on safety education. Getting home to his family each evening is the most important thing for Sgt. O’Connor and he wants to ensure that everyone else can do the same. Protecting the people, passengers and property of Long Island is what the MCSU strives to do daily.

So, at the end of the day, whether you’re a typical driver, a highway construction worker or a commercial vehicle operator, my closing sentiment is the same... “May the force be with you.”
In a joint state-wide effort to ensure the safety of the men and women in our work zones (as well as emergency workers on our roads), New York State Police recently teamed up with the Department of Transportation for a targeted enforcement campaign dubbed “Operation Hardhat”. The program takes aim at those motorists who drive recklessly through work zones, endangering lives of all involved.

As part of this program (taking place in various locations throughout the state) State Troopers dress as highway workers and position themselves within active construction and maintenance work zone areas where they monitor drivers for speed and compliance with other related regulations such as the Move Over law.

In early November, State Police Troop L rolled out “Operation Hardhat” on Long Island and set up shop on a portion of one of the busiest sections of roads in the state—the Southern State Parkway near exit 13 in Valley Stream. Within just a 4-hour period, a total of 102 tickets were issued for a variety of moving violations including:

- 15 Move Over
- 7 Speed
- 1 DWI
- 8 Cell Phone
- 2 Seatbelts
- 6 Fail to obey traffic control device

The high number of violations, in such a short period of time, clearly indicates the need for the continued education. We must continue to raise awareness for work zone safety, while also employing innovative enforcement techniques such as “Operation Hardhat.” We applaud the DOT and law enforcement for their ongoing efforts to protect workers.
It is my firm belief that each and every time a criminal commits a crime, cheats a worker, skirts an environmental law, or steals from the taxpayer, it is not only the public and individual victims who are hurt – it is you. Criminals who operate in legitimate markets create an unfair advantage over those businesses like yours who do the right thing and play by the rules.

That is why my Office is aggressively addressing a host of crimes that impact your business, including environmental crime.

This year my Office, in collaboration with the New York State DEC and Suffolk County Police Department, brought the largest ever illegal dumping case in New York State’s history, filing a 130-count indictment against 30 individuals and nine corporations, all of whom have already pled guilty. The ringleader was sentenced to 2-4 years in state prison. That sends a message – that crime does not pay in Suffolk County.

It also levels the playing field, by eliminating the unfair competitive advantage that unscrupulous companies obtain when they violate the law.

My Office also understands that its primary mission is to make Suffolk County as safe as possible to live, work and raise a family. That is why we are focused on aggressively addressing the opioid epidemic, eradicating violent street gangs, and confronting the horrors of human trafficking.

In collaboration with our law enforcement partners, we drove crime down in Suffolk County to another historic low in 2018, and will do so again in 2019.

Sincerely,

Timothy D. Sini
Suffolk County District Attorney
The Suffolk County Highway Patrol Bureau works hand in hand with the Department of Transportation serving a vital purpose on Suffolk County roads: to make them safer. This is no easy task, as Long Island roadways were built during a time when our population was vastly smaller—and households shared just one car. Long Island’s infrastructure has grown from potato fields to the robust economy that houses manufacturing, financial and medical headquarters and residences that are transforming the region from suburban to more populated exurbs filled with an increasing number of multi-family housing. These changes have created a complex and dangerous situation on our roadways.

Enter the Highway Patrol to keep a vigilant eye over the drivers who break laws (excessive speeding, driving while intoxicated, distracted driving) that may cause motor vehicle crashes. They are the first on the scene to a 9-1-1 call on local and federal highways. When the roadways are under construction (an increasing reality due to the rise in population and cars on the roads), the dangers become more significant. Road crew construction units are often at the mercy of the driving public, trusting that motorists follow the laws enough so that signs and barriers are heeded.

During construction projects, Highway Patrol officers can be found on the site along with the Department of Transportation (DOT). According to Suffolk County PBA Trustee (Headquarters East) and Highway Patrol Officer John Hnat, construction zones can be particularly dangerous for DOT workers. “The public slows down when they see our red white and blue lights, not as much for the yellow construction lights,” he told Road Warriors. “Therefore, we do all we can to support the DOT workers; and we rely on their support as well.”

Both the Highway Patrol Bureau and the Department of Transportation’s construction zone enforcement unit have suffered job-related injuries to their respective departments. “We all picked up additional hours this year because one or two DOT workers were hit upstate in the midst of doing their work. We too have had officers rear ended on the LIE during road closures,” Officer Hnat said. “We now have at least two officers on site with DOT workers at all times.”

The collaboration between the Highway Patrol and the Department of Transportation is not limited to construction zones. The partnership also serves both to clear up motor vehicle accidents and to prevent them. When there is a major accident on the road, the Highway Patrol will call in the DOT to bring in attenuators to clear the roadway and free up traffic flow. If Highway notices potholes in the roads that are causing flat tires and driver distress, they will call in the DOT to repair them. “With the winter coming up and many roads already in need of repair, they help us prevent accidents,” said Officer Hnat.

As Long Island’s roads acclimate to the new reality of our population and rising infrastructure, strategic partnerships between these agencies ensure that they remain a safe byway between where we have been and where we are all headed.
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The most controversial component of the report revolves around cross-endorsements or fusion voting, which was not addressed by the Commission. To many, this was a tremendous mistake. Here in New York, minority party endorsements are a classic case of the tail wagging the dog, and it has had a profound impact on candidate selection as well as the outcome of many elections. In numerous local races, once a candidate has the endorsement of both a major and a minor party, traditionally they have a lock on the November election and, in many instances, they run unopposed. Fusion voting here on Long Island has all but eliminated competition in the judicial contests, thereby guaranteeing no organized opposition. So in this instance, all the Commission did, regarding fusion voting, was put lipstick on a pig.

When it comes to securing a spot on the ballot statewide, the Commission made it harder. Today in New York, a candidate for governor must obtain 50,000 votes to certify their party. This is where minor parties will cross-endorse a major party candidate, thus ensuring their position on the ballot. The Commission recommended that party candidates for U.S. President and Governor must now receive at least 230,000 votes (or 2% of the total votes cast in the state) for ballot position. In the last series of statewide races, only the Democratic, Republican & Conservative Parties were able to achieve that mark. In addition, if you want to form a statewide political party, the number of petition signatures needed would increase from 15,000 to 45,000. To many political observers, these changes are all geared toward stopping the Working Families Party (WFP) from becoming a statewide electoral powerhouse. Governor Andrew Cuomo has not been endorsed by the WFP in the last two elections and they have used their party platform to promote an extremely aggressive agenda.

At this stage of the game, it is difficult to say what will happen to the Independent, Green and Libertarian Parties in future statewide campaigns. The plan, in essence, will become law in late December, but both the Conservative and Working Family Parties have already filed lawsuits with regard to the Commission’s report and the plan. However, a key legal clause, which protects a new bill from future challenges, was left out of the final report. Known as a “severability clause”—this language provides that if one part of a statute is struck down by the courts, the rest of the bill remains intact. Only time will tell if there are to be any other court challenges to this extremely controversial report.

If money is the mother’s milk of politics, then this plan will never keep big donor nor corporate contributions out of the process. Many advocacy groups feel that the public finance component of the plan does not go far enough while several business groups feel that using taxpayer dollars to fund political campaigns is just a waste of public money. And, in the end, Albany will do what Albany has always done best...

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