



THE NEW YORK STATE PUBLIC EMPLOYEES FEDERATION TESTIMONY

Transportation Joint Legislative Budget Hearing
2025-2026 Executive Budget Proposal
February 6, 2025
Testimony by Wayne Spence

Good afternoon Chairpersons Krueger, Weinstein, Cooney, Magnarelli and other honorable members of the Legislature. My name is Wayne Spence and I am the president of the 54,000-member strong New York State Public Employees Federation (PEF). I want to thank you for the opportunity to speak to you about Governor Hochul's 2025-26 Executive Budget as it relates to transportation. Our union is composed of professional, scientific and technical experts who provide critical services to the residents and taxpayers of New York State. PEF represents over 3,600 employees at the Department of Transportation.

2025-26 Executive Budget Proposals:

A. Part Q – Make Permanent and Expand the Workzone Speed Camera Program

PEF supports two key elements of the 2025-26 Executive Budget Article VII language relating to transportation. The first is Part Q of the Transportation, Economic Development and Environmental Conservation bill (S.3008/A. 3008), dealing with worker safety. This part would make the Automated Work Zone Speed Enforcement (AWZSE) program permanent. This program has been in effect for the last few years and has helped to keep our highway workers, along the Thruway and other roadways, safer. Highway agencies have used a public awareness campaign to ensure motorists know that speeding in work zones would be monitored by cameras and tickets could be issued without a law enforcement officer on site. This campaign, along with tickets being issued to violators, has begun to change the habits of drivers in work zones. Under this Executive proposal, the authority to implement AWZSE would be extended to the Triborough Bridge and Tunnel Authority and the NYS Bridge Authority. Worker safety, for PEF members and all other public employees working on highway construction projects, is of the utmost concern for the union and why we believe this program should be expanded and made permanent.

PEF BUDGET REQUEST:

SUPPORT TED Part Q to keep our highway workers safe.

B. Part R – Enhanced Transportation Worker Protections

Another portion of the Article VII bill that would improve worker safety is Part R. Specifically, this part would expand the penal law and vehicle and traffic law by expanding the assault protections for Motor Vehicle License Examiners, Motor Vehicle Representatives, Highway Workers, Motor Carrier Investigators and Motor Vehicle Inspectors. It would increase the severity of the penalty for attacking any of these workers to assault in the second degree.

An assault is an assault -- the state of New York cannot sit by and allow assaults on highway workers, motor carrier investigators and motor vehicle inspectors to be treated differently than assaults committed against their counterparts in other transportation-related job titles, including train operators, ticket inspectors, conductors, signalpersons, bus operators, station agents, station cleaners, terminal cleaners, station customer assistants; any worker related to train, subway or bus transportation, city marshals, school crossing guards, traffic enforcement officers, traffic enforcement agents, sanitation enforcement agents, New York city sanitation workers, public health sanitarians, New York city public health sanitarians, registered nurses, licensed practical nurses, emergency medical service paramedics, or emergency medical service technicians.

The state of New York needs to demonstrate that assaults against highway workers or various motor vehicle employees will not be tolerated and that individuals convicted of such assaults will be penalized appropriately.

While this proposal is a good start, PEF believes that all its members deserve the protection that is being considered for the workers above. We encourage you to consider including the language contained in A.3282 (Bronson) into the final budget agreement. This bill would include all public employees, state and local, under the enhanced protection from assaults. This bill makes sense as it would not differentiate between any workers but include them all together by making an attack on any one of them assault in the second degree.

PEF BUDGET REQUEST:

SUPPORT TED Part R and expand it to cover all public employees (A.3282)

C. PPGG Part Y – Infrastructure Investment Act Expansion

One area of the Transportation Article VII bill PEF vehemently opposes is the continued expansion of the state’s design-build program (Part Y). PEF has opposed this alternative construction delivery system since it was first incorporated into law in 2012. The concept of design-build is supposed to make projects more efficient by having the same entity design and build the work. Unfortunately, there are numerous problems with design-build. As we have seen with the Mario M. Cuomo Bridge and other design-build projects, having them completed quickly with a single entity providing the entire scope of service does not always produce the best results.

This year’s proposal would implement the latest trend in design-build called, “construction manager as constructor (CMAC).” This new proposal would have the same entity design and act as a general contractor for the project. It is supposed to create financial stability for state agencies as the contracts contain a maximum cost, meaning that the contractor becomes responsible for any overages. However, we know that the contractors will still factor in overages to their bids, so we doubt any savings will be realized. The contractor also directly hires subcontractors, who may not meet the qualifications for work with the state or perform work up to standard.

In addition, the Governor is proposing to expand the entities that are authorized to use design-build to now include SUNY and the CUNY Construction Fund. PEF opposes this expansion.

We believe that the only change that should be made to the program is to incorporate the language from S. 5664/A.4720 (2024) that would require a public employee or

employees to be on sight of a design-build project and to sign off on the completed portions of the project to ensure they meet the standards of the contract.

PEF BUDGET REQUEST:

OPPOSE PPGG Part Y and only amend it to have state employees oversee and inspect the work done by private contractors

D. Spending Billions on Private Consultants

PEF continues to be concerned with the state's over-reliance on the use of high-cost private consultants. While the Governor is proposing to reduce the consulting budget by around 5%, there is still more than \$1.4 billion for consultants in the state's budget -- the equivalent of over 10,000 employees. The agency with the most consultants is the Department of Transportation. DOT expects to spend just under \$233 million in 2025-26 for consultants. Having what equates to 1,456 consultant staff, that means each one is paid just over \$160,000. PEF believes that instead of continuing the practice of using private groups, the state should fill the hundreds of vacant positions at DOT, which would be a more cost-effective option.

PEF BUDGET REQUEST:

Stop the Overuse of Costly Consultants and In-Source State Work to State Employees

E. Inability to Fill State Vacancies

One way to increase the likelihood of filling some of the vacancies at DOT and all state agencies is to fix Tier 6. While you made some progress over the last few years by reducing the vesting period and going back to three years to calculate the final average salary, more needs to be done. Chief among them is reducing the contribution rate back to 3% for employees and allowing for retirement at 55 with 30 years of service.

PEF BUDGET REQUEST:

Fix Tier 6 to Attract and Retain Talent for the State Workforce

Thank you for the opportunity to share our concerns with you. We look forward to working with you to ensure that the final budget provides state agencies with the resources they need to help improve the lives of all New Yorkers.

Respectfully submitted,

Wayne Spence

President, New York State Public Employees Federation