

## MTA Completes Tunnel Rehab 3 Months Early, \$100M Under Budget, ConstructionDive, ft. Erik Ortmann

*Erik Ortmann, partner and vice chair of the KD Construction Law practice group, was quoted in an article written by Kim Slowey for ConstructionDive - May 1, 2020.*

*In January 2019, Gov. Cuomo brought on consultants from the engineering departments at Columbia University and Cornell University with the goal of finding a more efficient way to tackle the tunnel rehab. This effort resulted in the integration of construction techniques used around the world but never before executed on a project in the United States.*

*The USDOT could end up using a similar solution for the Hudson River tunnel project. During her Feb. 27 testimony before the House Appropriations Subcommittee on Transportation, Housing and Urban Development, and Related Agencies regarding President Donald Trump's fiscal year 2021 budget request, Transportation Secretary Elaine Chao told lawmakers that the department had already started working with Amtrak on a plan to rehab the tunnel instead of building new ones in the short term.*

*At current estimates, building new tunnels and then restoring the existing tubes, also damaged during Sandy, would cost approximately \$11.3 billion. The Trump administration has refused to fund the massive capital project, even though New York and New Jersey lawmakers maintain that they had struck a deal with officials in the Obama administration that would see the federal government pay for half.*

*Last year the MTA made major changes to its construction operations in an effort to streamline capital project bureaucracy and to appease lawmakers and the general public that it could execute its \$51 billion capital plan in a more prudent way.*

*However, according to attorney Erik Ortmann, vice-chair of the construction law practice at Kaufman Dolowich Voluck LLP in New York, it might be a little too soon to chalk up the success of the Canarsie project to the MTA's internal changes.*

*"Every project is not going to have the same components, so you can't say it will happen with all projects," he said. "[Foye's statement] does not account for some of the exceptional aspects of this project."*

*But if Foye was referencing the agency's willingness to reach out in new ways, Ortmann said, that could be a harbinger of things to come. For example, the MTA, when faced with a potential design change, typically would bring in an engineer from the private sector to consult on the project. In the case of the Canarsie tunnel, and at Cuomo's urging, the authority was able to tap into the academic community for help with a solution.*

*So, for right now he said, the MTA still has to prove the efficacy of its new policies and administrative changes.*

*"But they're headed in the right direction," Ortmann said.*