



## **Overview of The American Council of Engineering Companies of New York's 2008 legislative priorities**

January 18, 2008 - Spotlights

The American Council of Engineering Companies of New York (ACEC New York) represents 240 engineering firms within the state of New York. The council's goal is to advocate in New York State for consulting engineers and to enhance the image and business practices of consulting engineering companies. Bolton-St. John's represents ACEC New York before the New York State Senate and the New York State Assembly as well as the Executive Branch of Government, the governor's office. For the upcoming 2008 Legislative Session we have three priorities.

### Increased

#### infrastructure funding

ACEC New York supports increased funding for our state's infrastructure. This begins with state funding for our 40,000 highway lane miles and 7,500 bridges. Capital appropriations provide funding for construction and reconstruction projects on state highways and bridges. These key assets must be kept up to high standards and are essential to economic development statewide. Activities such as highway maintenance, snow and ice removal, highway and bridge design and construction inspection are essential to maintaining these assets.

Capital appropriations are also needed to support 70 locally operated public transportation systems which includes the largest transportation authority in the U.S., the Metropolitan Transportation Authority; four upstate regional transportation authorities and the other county sponsored transit systems. These systems provide bus, subway, light rail and commuter rail services, as well as para transit services designed to meet the needs of physically challenged people as required by the federal Americans with Disabilities Act.

Additional capital appropriations are needed to maintain our local government highway and bridge construction as well as rail and airport programs.

These capital appropriations are massive in terms of billions of dollars but these dollars are crucial to the future of the citizens of New York State. The state's infrastructure is an economic catalyst that also supports our quality of life.

### Design Professional

#### Service Corporation

ACEC New York supports S. 930 - A / A. 2060, a bill sponsored in the Assembly by assemblyman Canestrari and in the Senate by Senator LaValle. This piece of legislation was passed by the New York Senate but failed to pass the Assembly. Our goal in 2008 is passage in both houses and signed into law by the governor. This legislation authorizes a new type of professional service corporation to be known as a design professional service corporation which permits the

incorporation of design professional service corporations in which a non-professional may own a non-majority (less than 25%) of shares and hold less than 25% of director and officer positions. Under current law professional service corporations in New York State restrict ownership to design professionals licensed pursuant to the education law. These professions include professional engineering, architecture, landscape architecture and land surveying.

This bill will permit design firms the flexibility of offering an ownership interest in the corporation to non-licensees via the design professional service corporation. However, the requirement that majority ownership remains with design professionals assures that public health and safety remain paramount. Design professional service corporations will be subject to the licensing authority of the board of regents, including the powers of suspension and revocation.

New York's competitiveness both nationally and internationally will be enhanced by virtue of the liberalization of its corporate practice regarding engineering and other professional design services. Design professional service corporations will be able to attract and retain key personal by affording them an opportunity to share an equity position in the corporation.

#### Extension of QBS

ACEC New York supports S. 2162 / A. 5933, a bill sponsored in the Senate by Senator Robach and in the Assembly by Assemblyman Schimminger. This bill expands the use of Qualifications-Based Selection (QBS) to all public authorities and public benefit corporations created pursuant to the laws of New York State. In 1980 New York State passed section 136-a of the State Finance law codifying a QBS process that had been used in the state for many years. Under this law public agencies were obligated to procure design services using QBS but authorities were exempt because they do not report to the Governor as agencies do. This bill extends QBS to include the authorities.

Everyone benefits from QBS-the community, the agency, the contractor and the taxpayer. QBS has been in place for 30 years on the federal level and for over 20 years in New York State and has been used to select engineers for design of some of the nation's public works including New York projects such as the Verranzo Narrows Bridge, New York City water supply system ad the New York State highway system.

As we embark on 2008 we will work to achieve these legislative prioritiesâ€”increased infrastructure funding, incorporation of design professional service corporations and QBS.

Bill McCarthy is a lobbyist with Bolton-St. Johns, Albany, N.Y., a firm that represents ACEC New York.