

State of Vermont

House of Representatives



Montpelier, Vermont

Joint House Resolution

J.R.H. 40

Joint resolution in opposition to the adoption of a project labor agreement for the construction of the new Lake Champlain Bridge

Offered by: Representatives O'Donnell of Vernon, Acinapura of Brandon, Adams of Hartland, Ainsworth of Royalton, Baker of West Rutland, Branagan of Georgia, Canfield of Fair Haven, Crawford of Burke, Devereux of Mount Holly, Dickinson of St. Albans Town, Donaghy of Poultney, Donahue of Northfield, Fagan of Rutland City, Higley of Lowell, Hubert of Milton, Koch of Barre Town, Komline of Dorset, Krawczyk of Bennington, Larocque of Barnet, Lawrence of Lyndon, Lewis of Derby, Marcotte of Coventry, McAllister of Highgate, McFaun of Barre Town, McNeil of Rutland Town, Morley of Barton, Morrissey of Bennington, Myers of Essex, Pearce of Richford, Peaslee of Guildhall, Perley of Enosburg, Reis of St. Johnsbury, Savage of Swanton, Shaw of Pittsford, Turner of Milton and Winters of Williamstown

Whereas, with the recent demolition of the 80-plus-year-old bridge that crossed Lake Champlain between Chimney Point, Vermont, and Crown Point, New York, construction on a new bridge at the same location is scheduled to start later this year, and

Whereas, in accordance with 48 CFR § 536.271, a project labor agreement (PLA) is “an agreement between the contractor, subcontractors, and the union(s) representing workers. Under a PLA, the contractor and subcontractors on a project and the unions(s) agree on terms and conditions of employment for the project,” and

Whereas, these agreements are permitted, in accordance with 29 U.S.C. § 158(f), to be adopted for major federal construction projects such as the new Lake Champlain Bridge, and

Whereas, on February 6, 2009, the Obama Administration issued Executive Order 13502 reversing Executive Orders 13202 and 13208 of the Bush Administration that had halted the use of these agreements on federal construction projects, and

Whereas, the Federal Highway Administration and the New York State Department of Transportation are studying the implementation of a PLA for the new Lake Champlain Bridge, and

Whereas, the Vermont Congressional Delegation has written a letter of support to Federal Highway Administration (FHWA) Administrator Victor Mendez in favor of project labor agreements and the adoption of the New York prevailing wage should a PLA be implemented, and

Whereas, according to a letter that the Associated General Contractors of Vermont (AGC/VT), which represents more than 150 commercial construction firms in the state, sent to the FHWA administrator in response to the delegation's letter, only five percent of Vermont's contractors are unionized, and

Whereas, the AGC/VT stated in its letter that the imposition of a PLA on the Lake Champlain Bridge "would force a firm to change its labor policy or practice in order to compete for or to perform work" on the bridge which will be one of the largest transportation public works projects ever conducted in Vermont, and

Whereas, the AGC/VT letter further stated that imposition of a PLA would "drive up costs, create delays, lead to job disputes, and disrupt local collective bargaining," and that many of its members will refuse to bid on the bridge project should a PLA be imposed due to the severe restrictions it would place on their firms, and

Whereas, the PLA, according to the AGC/VT, "would intentionally eliminate the ability for any Vermont contractor to receive fair and equitable access to bid on the project . . . and mitigate the potential for truly competitive bidding," and

Whereas, with respect to the issue of prevailing wages, the AGC/VT has noted that New York prevailing wages can be adopted without the imposition of a PLA and that all wages paid for work on the Lake Champlain Bridge, as a major federal project, must follow minimum wage standards, and

Whereas, in order that no technically qualified Vermont contractor is disadvantaged in the Lake Champlain Bridge construction bidding process, a PLA must not be imposed on this historic public transportation project, now therefore be it

Resolved by the Senate and House of Representatives:

That the General Assembly expresses its strong opposition to the imposition of a project labor agreement for the Lake Champlain Bridge, and be it further

Resolved: That the Secretary of State be directed to send a copy of this resolution to Federal Highway Administration Administrator Victor Mendez, Acting New York State Transportation Commissioner Stanley Gee, Vermont Agency of Transportation Secretary David Dill, and the Vermont Congressional Delegation.