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Peckham Road Corp. v. Ulster County

Supreme Court, Appellate Division, Third Department, New York - July 23, 2026 - N.Y.S.3d - 2026 WL 2117353 - 2026 N.Y. Slip Op. 04541

Highway construction contractor filed petition bringing hybrid proceeding under article 78 and action for declaratory judgment against county, challenging local law that required contractors bidding on public construction contracts to participate in registered apprenticeship programs, alleging law was preempted by state and federal law and that law's requirements were arbitrary and capricious.

The Supreme Court, Ulster County rendered judgment in favor of county, and dismissed petition. Contractor appealed.

The Supreme Court, Appellate Division held that:

- Law was not conflict preempted by statute that required municipalities to award public contracts to lowest responsible bidder;
- Law was not conflict preempted by statute that authorized governmental entities to require contractors to maintain apprenticeship agreements approved by the Commissioner of Labor;
- Law was not field preempted;
- Law was not preempted by federal law under the Employee Retirement Income Security Act (ERISA);
- Law was not preempted by federal law under the National Labor Relations Act (NLRA); and
- Law's graduation requirements bore rational relationship to legitimate governmental purpose, thus, law was not arbitrary and capricious.

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