



NEW YORK STATE SENATOR

Brad Hoylman-Sigal

New York Daily News: Time to pry open the Port Authority

BRAD HOYLMAN-SIGAL March 21, 2014

By Brad Hoylman, Gordon Johnson, and Amy Paulin

As Sunshine Week — a national initiative to promote open and transparent government — draws to a close, subpoenas are flying while federal prosecutors seek records from the Port Authority of New York and New Jersey as part of the ever-expanding Bridgegate investigation. The recent flurry of activity from the U.S. Attorneys' offices in New Jersey and New York and a joint committee of the New Jersey Legislature underlines the inherent struggle to obtain records from the Port Authority.

In short, the Port Authority, despite being run entirely on public money, has systematically shielded itself from public scrutiny over the decades. We pay for its operations with our tolls and fares, then watch as almost all of its decisions are made behind closed doors.

It wasn't supposed to be that way. In fact, the founding 1921 compact between New York and New Jersey creating the authority stated that "secrecy in public affairs undermines the faith of the public in government and the public's effectiveness in fulfilling its role in a democratic society."

These words are surprising not only in light of recent events, but also because of the fact the Port Authority has always acted as a secretive city-state within the midst of the largest

metropolitan area in the world. As Jameson W. Doig argues in “Empire on the Hudson,” his seminal history of the Port Authority, the intention of generations of its leaders was to insulate the agency from standard government accountability to give it the power to get things done.

Within that protective cloak, it did get a lot done: building and operating two public transit systems, three bus terminals, five airports, five marine terminals and six bridges and tunnels in the New York metropolitan area of over 17 million residents and commuters.

Still, for all of its far-reaching impact, most Americans would never have heard about the Port Authority had it not been for Bridgegate. Even those familiar with the Port Authority may be surprised to learn that at \$8.2 billion, its annual budget is the same size as that of Rhode Island — and larger than those of 11 other states.

They may also be surprised to know that the Port Authority isn’t subject to the same freedom of information laws that apply to New York and New Jersey state and local governments, including New York City.

For decades, the public, press and lawmakers of New York and New Jersey have struggled to get timely and responsive information from the Port Authority, often without success. What’s made their efforts challenging, to say the least, is that the Port Authority alone decides what information to share with the public, without judicial or legislative oversight.

By serving as its own judge and jury, the Port Authority has unfettered power to stymie and block legitimate requests for government records from the press and public.

A group of legislators on both sides of the Hudson are trying to change that. We’ve introduced legislation in both legislatures that would subject the Port Authority to the public access requirements of New York’s Freedom of Information Law and New Jersey’s

Open Public Records Act.

This legislation would address a gap in the law that is long overdue and ensure that the public has the same right to information from the Port Authority as it does from any other state agency or public authority.

No longer should it be possible for the Port Authority to ignore, postpone or deny inconvenient or politically sensitive requests for information, without a judicial remedy for the public or press.

Opening up the Port Authority's records to the standards of public review required of all other levels of government is a logical and necessary first step towards restoring the public's faith in this colossal agency. With it, we honor the founding principles of the Port Authority and perhaps prevent the next Bridgegate.

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